

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 23rd April, 1996

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Member:-
Kirima Gerishon Kamau

NOTICE OF MOTION

ESTABLISHMENT OF AN INDEPENDENT ELECTORAL COMMISSION

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-
THAT, noting that the present provisions of the Constitution have not secured the establishment of a truly independent Electoral Commission, and aware that the present Electoral Commission was appointed before the election of the multi-party Parliament, recognising that the legitimacy of the Electoral Commission depends on the confidence accorded to it by all political parties and the public, and aware that the pattern and basis of establishing electoral boundaries have to be fair and just, this House resolves that the Constitution and electoral laws be reviewed and accordingly amended to establish an independent Electoral Commission acceptable to all parties with a view to ensuring free and fair elections.

ORAL ANSWERS TO QUESTIONS

Question No. 011

PROJECTS APPROVAL BY NAIROBI DDC

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

- (a) how many projects were approved and undertaken by the Nairobi District Development Committee during the period of 1992, 1993, 1994, and 1995;
- (b) which are the specific projects and of these, how many were undertaken in Dagoretti during the same period; and,
- (c) how much money has been spent, so far, on implementation of these projects in Nairobi as a whole and in Dagoretti in particular.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) Nairobi District Development Committee (DDC), last met on 23rd September, 1991, approved and undertook the implementation of 12 projects between 1992 and 1995.
- (b) The specific projects, of which six are in Dagoretti, are as follows:-
 - (i) The funding of Dagoretti High School Micro-Project to improve its physical facilities.
 - (ii) Establishment of a District Officer's office along Waiyaki Way.
 - (iii) Reallocation of a Hindu/Sikh crematorium to a new site at Langata and convert the present site to Jua Kali sheds.
 - (iv) Processing and funding rural enterprise funds to small traders
 - (v) Construction of a police post at Mutuini.

- (vi) The provision of Presidential Bursary Fund to each division per year.
- (vii) Recarpeting of Kinyanjui Road.
- (viii) Murraming of Kabiria Road.
- (ix) Murraming of Wagania Road.
- (x) Renovation of primary schools.
- (xi) Construction of public toilets,

refuse collection centres, water kiosks and open drainage in Kangemi and Kawangware.

- (xii) Construction of Gichagi Primary School

(c) A total of over Kshs 39,777,254.50 has been spent on these projects and Kshs 20,620,000.00 of this amount was spent in Dagoretti Constituency between the period in question.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, as you can see from that answer, the Nairobi DDC has not met for five years. It met last on 23rd September, 1991. The DDC of Nairobi is technically dead. I would be very short of saying that the Assistant Minister is lying because in 1991, when this DDC last met they could not have approved projects of 1992, 1993, 1994 and 1995 in advance. So, clearly, he is misleading this House and the nation. Can he tell us, very honestly, whether he is serious in his answer? For sure, there has been no recarpeting at all on any of the great roads and Kshs 20 million and Kshs 39 million has not been spent on any project. In any case, in 1991, projects for 1995 could not have been approved. Can he go back and give us an honest answer because this is totally untrue? He should also tell us when the Nairobi DDC is going to meet next.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I have given an answer that to my information is correct. My information is that the projects which were approved in 1991 have now been completed and I have instructed the Provincial Commissioner, Nairobi, to convene the DDC as soon as possible.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, can the Assistant Minister just answer me in a very simple way. What does the phrase "as soon as possible" mean? Can he be specific. When is the Nairobi DDC going to meet?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, as I said, I have issued instructions to the Provincial Commissioner to convene the DDC as soon as possible, but because the hon. Member wants a specific time, I can assure him that the DDC will meet before the next Budget.

Mr. Raila: Mr. Deputy Speaker, Sir, I have written several letters to the Provincial Commissioner asking him to convene the Nairobi DDC. He does not even have courtesy to reply to my letters. The last time it met was in 1991. Is it not true that as a result of the General Elections of 1993, most seats in Nairobi were won by the Opposition and that is the reason why the Government has seen it fit to use the Provincial Administration to the exclusion of elected leaders to carry out development in Nairobi? Is it also not true that as a result of this, the Provincial Administration is being used to embezzle public funds which are meant to be used for development projects in Nairobi and also being used to grab land in Nairobi like, for example, Langata at the present moment?

Mr. Sunkuli: That is not true because, even in Nyanza where all the seats went to the Opposition, the DDC still meets. Indeed, in the hon. Member's father's own constituency of Bondo, the Government started a water project. The Government has a policy of ensuring that all areas in Kenya are developed without regard to the parties that are involved.

Mr. Raila: Mr. Deputy Speaker, Sir, can the Assistant Minister tell this House why it has not been possible to convene a meeting of the DDC in Nairobi for the last five years?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, my joy is that all the projects which were approved by the last DDC have now been completed. I think it is the right time to convene the next meeting so that the next projects can be approved.

Mr. Kamuyu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by giving us a very, very flimsy reason as to why the DDC has not met for the last five years? The actual truth is that 95 per cent of the City of Nairobi is in the Opposition. That is why they fear to convene a meeting of the DDC.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I have said that even in an area like Central Province where all the Members of Parliament are not in KANU, the DDCs meet. So, the argument brought by the hon. Member is not a good one.

Question No. 049

SACKING OF CORPORAL OWUOR

Mr. Mak'Onyango asked the Minister of State, Office of the President:-

- (a) what led to the sacking of Mr. Clement A. Owour, a police corporal No.59930, from the Police Force; and,
- (b) why Mr. Owour has not been paid his terminal benefits.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The ex-police constable and not Corporal Clement Argwings Owour was removed from the Police Force because he sought employment in a political party without the consent or knowledge of the Commissioner of Police, contrary to the Kenya Police Act and the Force's Standing Orders.

(b) The delay in paying Mr. Owour's terminal benefits has been caused by his failure to avail the following requisite documents.

- (i) The kits clearance certificate.
- (ii) The Government liability clearance certificate.

Once he avails these certificates, his case will be forwarded to the Treasury for his payment to be processed.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, arising from that unfortunate answer, can the Assistant Minister tell this House, when did it become a crime to seek employment in the Opposition or in any political party?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, it has never become an offence to seek employment in an opposition party. The only thing is that if you are a member of a Police Force then you must be aware that Cap 84 of the Laws of Kenya, demands that once you take other employment, you must leave the Force.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, since the Assistant Minister has said that one can seek other employment elsewhere, why did the Government, in this case, not wait until after Mr. Owour had taken up the other employment with the political party before sacking him?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, we waited until Mr. Owour became a security officer of FORD(K) party and then sacked him.

Mr. Mak'Onyango: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that Mr. Owour became a security officer with FORD(K)? Can he substantiate that allegation that Mr. Owour became a security officer with FORD(K)?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, on 1st of August, 1994, Mr. Owour took up that employment and we sacked him on 30th November, 1994.

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. I am the Second Vice-Chairman of FORD(K) and I can assure this House that Mr. Clement Argwings Owour never sought any employment with FORD(K), and he was never considered for the job as we do not have this post in FORD(K) at all. The proper reason for his removal is that he refused to obey an illegal command from his superiors. Can the Assistant Minister confirm or deny that?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, it is very clear that, that is not true because even the hon. Member does not say what the illegal command was. There was no illegal command and the hon. Member has his question in such a way that, he has shown that Mr. Owour became the security guard for the Secretary-General of FORD(K).

Mr. Aluoch: Can the Assistant Minister confirm or deny that the sacking of Mr. Owour because he was looking for employment elsewhere, confirms that members of the Police Force are poorly paid and that is why there is corruption everywhere even on the roads?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the Police Force is paid according to the rules which are generally approved, and every Kenyan is at liberty to look for greener pastures within the country.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, in a democratic country like Kenya, individuals are supposed to enjoy freedom, even that of the right to seek employment where he or she wishes. Can the Assistant Minister tell this House, since the question of one applying for a job is a personal matter and in view of the fact that the guy must have made it a secret as much as possible, how did the Government discover that he had applied for a job in a political party?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the Government has many ways of learning how things happen in Kenya. The hon. Member should also allow us to use our different methods of learning things about our own Police Force.

EQUIPMENTS FOR MATERNITY WARDS

Mr. Ojode asked the Minister for Health when he will construct and equip maternity wards at Ombo and Pala Health Centres in West and South Kabuoch Locations.

The Assistant Minister for Health (Mr. Criticos): Mr. Deputy Speaker, Sir, I beg to reply.

We have broken this Question into two because there are two dispensaries, and I wish to give a complete answer for each individual dispensary.

(a) Ombo is a dispensary facility according to the health sector policy and there is no provision for in-patients or maternity delivery services in dispensary facilities. Consequently, my Ministry has no immediate plans for constructing maternity wards in Ombo Dispensary.

(b) On Pala Health Centre, my Ministry had started constructing a maternity wing in April, 1989, but, the constructor abandoned the project site in December, 1989, when the project was 75 per cent complete. A contract has since been determined and my Ministry is soliciting funds to complete the project. A total provision of K£80,000 has been made for the year 1997/98 and 1998/99, approved and forward budget proposals.

Mr. Ojode: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister, is he aware that Ombo is the only dispensary within West Kabuoch location. There is no any other hospital within Ombo area. The community has done about 50 per cent of the project through Harambee basis. We are only requesting for the provision of maternity facilities. Mr. Deputy Speaker, Sir, up to today---

Mr. Deputy Speaker: What is your question, hon. Ojode?

Mr. Ojode: There are two questions here, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You, ask your question. You cannot take five minutes to ask a question. If I cut you short, then you will start complaining of being cut short.

Mr. Ojode: Mr. Deputy Speaker, Sir, as of today, this hospital has been constructed up to the foundation level. So, the statement that the project have been done up to 75 per cent is misleading. I am not aware if the project is in his constituency or in my constituency.

There is a lot of money, as you are aware, and which has been squandered through a series of scandals like that of Goldenberg and so on, and by people like Pattni and Somaia. I am only asking for the provision of equipment and other maternity services. Could the Assistant Minister consider equipping the maternity wings at Ombo and Pala dispensaries?

Mr. Criticos: Mr. Deputy Speaker, Sir, we made it very clear that there are no funds for improvement of that dispensary. As for Pala Health Centre, we cannot equip something that the hon. Member has already suggested he does not even think it is 75 per cent complete. So, I cannot put any equipment in something, which is not complete, as the hon. Member is asking us to do.

Mr. Raila: Mr. Deputy Speaker, Sir, the hon. Member for Ndhiwa has said that Pala Health Centre is constructed only to the foundation level, but the Assistant Minister is saying that 75 per cent construction work has been done. Which is which? Can the Assistant Minister tell the House why he thinks construction up to foundation level is equivalent to 75 per cent of the total construction work?

Mr. Criticos: Mr. Deputy Speaker, Sir, this information has come from my officers. Obviously we trust what our officers tell us. In the mean time, we are also told that we need K£80,000 to complete the project. So, 75 per cent of the work has been done. But the most important thing is that we need K£80,000 to complete the project, from whichever stage it is right now.

Mr. Mak'Onyango: Mr. Deputy Speaker, Sir, the Assistant Minister has said that they are not at all considering this Ombo Health Centre for provision of maternity facilities. Can he tell the House what criteria they use in determining which health centre, or facility, is to be provided with maternity facilities?

Mr. Criticos: Mr. Deputy Speaker, Sir, we are all very conversant with the district development committee (DDC) meetings. It is the DDCs which prioritise projects of a particular area. This project has not been made a priority by the DDC. However, as we do sympathise with wananchi's problems, we in the Ministry would like to build more health centres and maternity wings. But when we do not have the money, we are at a loss as to what to do.

Mr. Kamuyu: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister seems to be misleading this House, in that he is not very clear cut in his answer. Since Ombo and Pala areas have women who occasionally get pregnant, where are they supposed to go and deliver? The Government is completely oblivious of the fact that it has a duty to make sure that there are maternity wards in these particular areas where men are very active!

Mr. Criticos: Mr. Deputy Speaker, Sir, the hon. Member's question is a very good one. The pregnant

women should go to the nearest hospitals.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House by saying that the women should go to the nearest hospitals! Which hospital is the nearest? We do not have any hospital there and that is why I am asking this Question.

Mr. Criticos: Mr. Deputy Speaker, Sir, I am not aware of which is the nearest hospital, but they should go to whichever is the nearest health facility.

Question No. 010

IRREGULAR LAND ALLOCATION

Mr. Mbui asked the Minister for Local Government:-

(a) whether he is aware that as a result of irregular land allocation between 1980 and 1992 Kerugoya/Kutus Municipality has neither space for hawkers at Kerugoya Market nor a site for sewage disposal; and

(b) what action he will take to provide sites for these facilities.

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

(a) I am not aware.

(b) The council is looking into the possibility of assisting hawkers and also acquiring land for a new site for sewage disposal.

Mr. Mbui: Mr. Deputy Speaker, Sir, I very much sympathise with the Assistant Minister. While I do not want to say that he is ignorant, I think he looks ignorant of his Ministry. It is a well known fact that in 1993 the Provincial Commissioner (PC), Central Province, formed a task force to look into irregularities of land distribution in that particular municipality. The task force found that a former Minister, Mr. Njiru, had about 34 acres of land in that area. That means that he had grabbed 34 acres of land, but the Assistant Minister is saying that he is not aware of irregular land allocation. Can the Assistant Minister authorise Kerugoya/Kutus Municipality to repossess that land so that it may have room for hawkers and sewage disposal?

Dr. Wameyo: Mr. Deputy Speaker, Sir, it is not possible that I am ignorant. But even if Mr. Njiru has four or 100 acres of land, what evidence is there to show that he acquired it irregularly?

Mr. Muite: Mr. Deputy Speaker, Sir, the hon. Assistant Minister says that he is not aware of irregular land allocation. But is he, at least, aware that this answer which he is giving to this House today on a very serious Question about land grabbing will one day be used against him when he appears before a truth commission, which will be appointed by the Opposition when it takes over the Government, to set aside all these illegal allocations of land?

Dr. Wameyo: Mr. Deputy Speaker, Sir, even if I will appear before the commission the fact remains that it is not me who allocates land.

Mr. Ndicho: Mr. Deputy Speaker, Sir, we are very much amazed by the Assistant Minister's answer. A person, no other than the President of this country, has on several occasions expressed his concern over grabbing of public utility plots in urban centres. Despite the President saying that this practice is still going on in all urban centres, including Thika Municipality. Can the Assistant Minister, as a matter of policy, issue a directive from his Ministry on land allocation so as to enhance what the President has already said about the issue of land grabbing? If he does this, the sewage and hawker's sites will stop being grabbed and land which has been taken away will be given to its rightful owners.

Dr. Wameyo: Mr. Deputy Speaker, Sir, the Question is about Kerugoya/Kutus Municipality. If it is shown that a particular piece of land has been grabbed or allocated irregularly, we will deal with the matter.

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

Mr. Deputy Speaker: Mr. Ndicho, you know I agree that your question about Thika Municipality is not relevant.

Mr. Nyagah: Mr. Deputy Speaker, Sir, you must agree with me that this Assistant Minister is very arrogant in giving his answers, and he does not prepare well for his Questions

Mr. Deputy Speaker: I do not agree with you!

Mr. Nyagah: Is the Assistant Minister aware that last year the PC, Central Province, nullified plots allocation in Kerugoya/Kutus Municipality as a result of illegal land deals? As a result of lack of sewage facilities in that municipality, many people in Kirinyaga are dying of typhoid. They are at the mercy of those who were allocated land illegally. Would the Assistant Minister confirm the PC's nullification of illegal land allocations, so

that the sewage system can be put in place?

Dr. Wameyo: Mr. Deputy Speaker, Sir, I am not aware of that. But if information about any pieces of land that have been allocated irregularly is brought to us, we will take action.

Mr. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. I would like the guidance of this House. It is common knowledge that the Provincial Administration, through the Provincial Commissioner (PC), nullified the land allocation in Kerugoya. How do I then inform the Government about an incident that took place? Would you, Sir, tell us the action that should be taken on people like these ones?

An. hon. Member: Nothing!

Mr. Deputy Speaker: Will you respond to that hon. Abdi?

Dr. Wameyo: Mr. Deputy Speaker, Sir, I am not "people like these", I am the hon. Member of Parliament for Mumias.

Mr. Deputy Speaker: Last one, hon. Mbui.

Mr. Mbui: Mr. Deputy Speaker, Sir, it is wrong for the Assistant Minister to take us around the clock. I have clearly stated here that the PC is aware of this irregular allocation and he is part and parcel of the Government. Can the Ministry now allow the municipality to acquire that land through official gazettement?

Dr. Wameyo: Mr. Deputy Speaker, Sir, I can assure the hon. Member that I am going to find out who the PC dealt with and if it is found to be true, we will take action.

Question 053

SERVICING OF ESTATE TOILETS

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

Question 066

POLLUTION BY PAN-AFRICAN PAPER MILLS

Mr. Busolo asked the Minister for Environment and Natural Resources what measures are in place to safeguard the residents of Webuye Town and its environs from the pollution and effluent emitted from the Pan-African Paper Mills.

The Assistant Minister for Environment and Natural Resources (Mr. Abdi). Mr. Speaker, I beg to reply.

My Ministry is aware of the pollution potential of the Pan Paper Mills and a number of measures have been taken already while others are under way.

(1) At the inception, the company was directed to construct waste water treatment facilities and to install air pollution control devices. These facilities and devices are in place.

(2) The paper mill waste water quality is analyzed for various parameters and the results are sent quarterly to the Ministry of Land Reclamation, Regional and Water Development and the National Environment Secretariat for monitoring purposes to ensure that the effluent quality is within safe limits.

(3) Posting of a District Environment Protection Officer to Bungoma to co-ordinate environment conservation measures within the district, including Pan Paper Mills at Webuye.

(4) Lake Victoria Environment Management Programme (LVEMP) has been established to clean up the lake and its catchment, and to clean up industrial effluent and manage the lake ecosystem. LVEMP has undertaken studies on environment issues in the lake basin and developed effluent treatment projects with Pan paper Mills. These projects will commence in the next financial year 1996/97.

(5) The National Environment Action Plan (NEAP) process is addressing the issue of environmental standards with a view to having an institutional framework which would enforce compliance with those standards.

Mr. Busolo: Mr. Deputy Speaker, Sir, I appreciate the answer by the Ministry. However, there are some contradictions in the answer in the sense that if those measures are in place, how come the Government has left to Pan Paper itself to ensure that its environmental safeguard measures are in place? The Government should establish things like laboratories in the area for testing the water contents and carrying out industrial hygiene surveys so that we can protect the workers. How come the safety measures are left to Pan Paper itself instead of the Government monitoring what is going on there?

Mr. Abdi: Mr. Deputy Speaker, Sir, the devices are already there and the facilities have been provided. If the hon. Member is not aware, I think he should re-check his facts again.

Mr. Busolo: Mr. Deputy Speaker, Sir, I come from that area and what I know is that this is a pollutant factory and there is no doubt about it. The houses in the area have been cracking and the vegetation has changed colour and now it is white. The people working in the factory, particularly men in the caustic section are growing increasingly impotent. How come that there are no enough studies that have been carried out? He should tell us the studies that have been carried out instead of telling us that measures have been taken. The National Environmental Action Plan that he is talking about is still in the process stage, it is not yet in place and this factory has been there since 1974. Before 1974 there used to be crocodiles in River Nzoia, but right now, there are no crocodiles and no fish in the river. Sometime back, Mumias Sugar Factory wanted to get some water from River Nzoia, but even after applying the highest standard in treating water, they could not clean the effluent water emitted from Webuye Paper Mills. Can the Assistant Minister give us a better answer than the one he has given?

Mr. Abdi: Mr. Deputy Speaker, Sir, I am not aware of the problems hon. Busolo is explaining. But I can assure him that I will investigate and bring the proper answer.

Mr. Wetangula: The Assistant Minister has enumerated a series of what he calls measures being taken to control pollution from Pan African Paper Mills. We all know that before such a factory is set up, its impact on the environment of any area where it is to be placed has to be studied and taken care of. Is the Assistant Minister telling us that no such studies were undertaken before Pan African Paper Mills was set up? Why should they undertake studies 24 years after the factory started and having done so much damage to the environment both within Webuye and Western Kenya?

An. hon. Member: Mr. Abdi, just say that you do not know Webuye.

Mr. Abdi: Mr. Deputy Speaker, Sir, the Pan African Paper Mills at Webuye commenced operations in 1974. I do not come from that area, but I know that action has already been taken. For the benefit of the hon. Member, I will carry out investigations again and bring a proper answer.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir. I wonder whether the Assistant Minister is aware that the same issue---

(Several hon. Members stood up on points of order)

Mr. Deputy Speaker: Order! What is going on here?

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

Mr. Deputy Speaker: Well, I have given hon. Sifuna a chance to raise a point of order. What is it, Mr. Farah?

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Ndilinge to assault and bully hon. Ngilu?

(Loud consultations)

Mr. Kamuyu: He is a bull!

Mr. Deputy Speaker: Order!

(Hon. Ngilu stood up)

Mrs. Ngilu: On a point of order, Mr. Deputy Speaker, Sir. In fact, I want to make a correction here that there was no assault. But what I would like you to help this hon. Member---

An hon. Member: He is the bull of Auckland!

Mr. Deputy Speaker: Hon. Member

Mrs. Ngilu: The hon. Member should go back to his seat. What he is telling me is not of interest to me.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Ndilinge, if the hon. gracious lady does not want to hear what you are telling her, will you, please, be kind enough and do as requested?

(Several hon. Members on their feet)

Order! Order! And now we move on with hon. Sifuna's point of order on a more serious note.

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

Mr. Deputy Speaker: Order! Order! Hon. Ngilu, I am not interested to hear what you have been telling the other hon. Member privately. Please, sit down!

(Several hon. Members on their feet)

Order! I am glad to note that there are two hon. gentlemen between the two hon. Members. Now, I would want us to end all jokes there.

(Applause)

Mr. Sifuna: Mr. Deputy speaker, Sir, my point of order is whether the Assistant Minister is aware that the issue of pollution at Webuye was raised in this House in 1980 and the Government promised that it was going to do something to stop it? And the same answer which the Government gave in 1980 is the same answer which the Assistant Minister is giving today, 1996. Can the Assistant Minister tell us why the same answer which was given in 1980 is the same answer which the Assistant Minister is giving us today?

Mr. Abdi: Mr. Deputy Speaker, Sir, I am not aware of an answer given in 1980. I am aware of this answer I am giving now!

Mr. Deputy Speaker: Next Question, hon. Sifuna.

Mr. Sifuna: Mr. Deputy Temporary Speaker, Sir, before I ask my Question, I would like to welcome hon. Kirima, who got only 1 per cent of the total votes cast.

Question No.071

TARMACKING OF ROAD

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

- (a) if he is aware that the Bungoma-Sangalo-Nabacha-Kakamega Road has not been tarmacked, despite recommendation by the Bungoma District Development Committee;
- (b) if he is further aware that the road is full of pot-holes rendering it impassable; and,
- (c) when the Government will tarmac or gravel the road to make it passable.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Sifuna to refer to hon. Kirima as "one-per cent-vote-MP"?

Mr. Deputy Speaker: Order, hon. Members.

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

- (a) Yes, I am aware that the road is not tarmacked.
- (b) I am also aware that the road has potholes in some sections, but it is passable with some difficulties especially during the rain season.
- (c) There are no plans to gravel or tarmac the road in question, but heavy grading of the sections that fall in Kakamega District will commence once the weather allows. The whole road will be gravelled from 1st November, 1996.

Mr. Sifuna: Mr. Deputy Speaker, before I ask the supplementary question, I would like to seek guidance from the Chair. This Question came last week, and the Assistant Minister told us that he was not satisfied with this answer and today the same Assistant Minister is giving us the same answer which he could have given last week. What do we do with these type of Assistant Ministers who only take this House for granted?

Mr. Deputy Speaker: Order, hon. Sifuna! If the Assistant Minister feels that the answer is not satisfactory and on going back to consult with his staff he gets the right picture, he may end up being satisfied by the same answer and take that one as the position. Ask your supplementary question?

Mr. Sifuna: Mr. Deputy Speaker, Sir, in 1980, we brought this Motion of tarmacking this road from Bungoma to Kakamega and at that time there were no DDCs at all. The Parliament passed this Motion. Could we then be told why from 1980 up to now, 16 years later, the Government has not tarmacked this road when in the actual sense the House accepted to tarmac this road?

Col. Kiluta: Mr. Deputy Speaker, Sir, the reason why this road was not tarmacked and if it is not going to be tarmacked, the onus rests squarely on the hon. Member of Parliament. When we asked the DDC to give us their priority on the roads to be tarmacked, they gave us two roads excluding that particular road. The programme 1994-96 does not even include that road for tarmacking. They gave us Namwela-Kapsokwony which is 32 kilometres and Manyanja-Sirisia which is 12 kilometres.

Mr. Muluya: On a point of order, Mr. Deputy Speaker, Sir. You have heard what hon. Questioner has said, that in this House there was a Motion in 1980 which passed that this road should be tarmacked. Is the Assistant Minister in order to come and tell this House that the DDC is the one which is more important than this House? Can this Assistant Minister be told that any matter that has been passed by this House should not necessarily go back to the DDCs otherwise we should allow the DC and his DDCs to be able to come here and debate matters and rank them according to their priorities?

Col. Kiluta: Mr. Deputy Speaker, Sir, I agree with the hon. Member that the House passed that Motion in 1980 that, that road should be tarmacked but the people of Bungoma came up with their own priority and demanded that we tarmac those two roads and we listened to the wishes of the people.

Mr. Sifuna: Mr. Deputy Speaker, Sir, I do not understand what the hon. Assistant Minister is telling this House. In 1980, the Motion to tarmac this road was passed, the DDCs were established in 1984. Could we be told why from 1980 to 1984 the Government did not tarmac this road? Now, he is telling us to go back to the people and I am speaking on behalf of the people. Could the Assistant Minister do something about it?

Col. Kiluta: Mr. Deputy Speaker, Sir, as I said it was passed that the road be tarmacked, but when they gave their priority that road was not included.

Mr. Deputy Speaker: Next Question, hon. Muite.

Question No.027

REPAIRS TO ROAD

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

- (a) if he is aware that the Mai-Mahiu-Maasai-Mara road is in a deplorable and pathetic state; and,
- (b) if the answer to "a" above is in the affirmative, and given the importance of tourism as a foreign exchange earner, what urgent measures the Government is taking to re-carpet this road, being the only gateway to Maasai-Mara game reserve.

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

(a) I am aware that Mai-Mahiu-Narok-Maasai-Mara road is in deplorable and pathetic state.

(b) The Government has already awarded a contract for the rehabilitation of the road at a cost of Kshs350 million.

Mr. Muite: Mr. Deputy Speaker, Sir, this road has been in this condition for the last ten years without any hon. Member from that area asking this Question. But the Nairobi-Magadi road, the maintenance of which has been contracted out to the Magadi Soda company, is in excellent condition throughout. Will the Ministry consider contracting out responsibility for the maintenance of this road to Narok County Council which collects a lot of money from tourists and they can do a good job? I believe this would be better instead of the road being allowed to be in such a situation whereas the bulk of that money which is collected every year, ends up in the pockets of a senior politician from that district.

Col. Kiluta: Mr. Deputy Speaker, Sir, I am not aware that the money ends up in people's pockets. What I am aware of is that this road does not belong to the County Council. So, if it is your wish that we down-grade it---- I have not finished!

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. I never said that the road belongs to the County Council. I am asking whether the Ministry can consider contracting out the maintenance of the road to the County Council.

Col. Kiluta: Mr. Deputy Speaker, Sir, I do not know why the hon. Member is very keen on giving it to a particular individual, unless they have got a deal. What we normally do is that we advertise for the contractors to bid. We cannot award a contract to a special body to carry out maintenance without competition.

Mr. Orenge: Mr. Deputy Speaker, Sir, I remember, when the Assistant Minister was a Back-bencher, he used to ask a lot questions about the state of roads in Masinga Constituency. Instead of the roads being

repaired, he was made an Assistant Minister. Since the Member for the area where this road is situated is hon. ole Ntimama and there is no vacancy in the Office of the Presidency or the Vice-Presidency for him to be promoted, can the Assistant Minister assure this House that, as a result of that contract which has been awarded, the road will be done? Can he also tell us when this road will be done? When will it be completed?

Col. Kiluta: Mr. Deputy Speaker, Sir, I have already said that the contract was awarded and the contractor is on site. If the hon. Member was keen, he would have probably got the answer right. However, if he has got other differences with hon. ole Ntimama, I can referee that one outside this House.

Mr. Anyona: Mr. Speaker, Sir, for those of us who come from the southern part of Nyanza, this road is very important to us. Not only has this road not been done for the last 10 years, as the Questions says, but, in fact, there was supposed to be an extension of that road from Narok through Bomet to Sotik, to link up with other parts of Nyanza, all through to Kilgoris. Can this Assistant Minister tell us what happened to that idea? Was it abandoned? What happened to the money that was set aside for it?

Col. Kiluta: Mr. Deputy Speaker, Sir, the contract for this particular road being mentioned by the hon. Member has already been awarded. The contractor should be on site soon.

Mrs. Ngilu: Thank you, Mr. Deputy Speaker, Sir. This is a very important road, especially, where tourism is concerned. The Assistant Minister should actually get this road tarmacked using some of the funds that they are spending on trivialities. Can the Assistant Minister assure the House that, for the sake of tourism in this country, this road will be tarmacked? Could he also tell us who the contractor is?

I also want to mention something that should be pointed out at this point in time. When I was sitting here with hon. Ndilinge, he was just asking me when I am defecting next. I would like to make this very clear. He said, and I will say it now, that my colleague has been made an Assistant Minister. I congratulate her, but this is---

Hon. Members: On a point of order! On a point of order!

Mr. Deputy Speaker: Order! Order! Hon. Assistant Minister, you just answer the question.

Col. Kiluta: Mr. Deputy Speaker, Sir, I really sympathise with the Gracious Lady. She did not listen to my earlier answer because she was very busy with hon. Ndilinge. What I said is that the contract was awarded to---

(Laughter)

Mr. Deputy Speaker: Order! Order! Next Question!

Question No.058

FINANCIAL POSITION OF KGGCU

Mr. J.N. Mungai asked the Minister for Co-operative Development:-

(a) if he is aware that the Kenya Grain Growers Co-operative Union (KGGCU) (recently renamed KFA) Molo petrol station has not had any fuel for more than three months, hence affecting the local farmers and other customers seriously;

(b) what the financial position of the KGGCU (KFA) was as at 31st October, 1995; and,

(c) what the fate of the shareholders of this organisation, who paid substantial amount of money during its inception, is.

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

(a) Yes, I am aware that the KGGCU (recently renamed KFA) Molo petrol station has not had fuel for the last three months. This was mainly due to financial constraints.

(b) The financial position of KFA as at 31st October, 1995 was Kshs1.2 billion.

(c) I want to tell the hon. Member that the shareholders of this organisation are assured of their payment. I can give this assurance because I know that their interests are well protected.

Mr. Mulusya: On a point of Order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Mungai!

Mr. Mulusya: Mr. Deputy Speaker, Sir, I am on a point of order!

Mr. Deputy Speaker: Order, Mulusya! I have given the Floor to hon. Mungai!

Mr. Mulusya: I am on a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order, hon. Mulusya! You do not know why hon. Mungai is standing. Mr.

Mungai has the Floor.

Mr. J.N. Mungai: Mr. Deputy Speaker, Sir, although the Minister appears to be giving misleading answers to this Question in the first instance, let me build the question I want to ask. The KFA is one organisation that has misused the farmers very much and yet this nation's farmers have their accounts there. This time, the farmers went for three months without fuel. This means that they were late in catching up with the season. They did not plant in time. My interest is mainly that, they were late in planting because they did not have the fuel and they could not get fuel from anywhere else because their accounts were in KFA. Can the Minister tell the House whether the farmers who were late to plant and, as a result, suffered a crop failure, will be compensated by the KFA?

Mr. Munyi: Mr. Deputy Speaker, Sir, they will not be given any compensation. I have already accepted that the KFA has got a problem. We have already directed that action should be taken by the KFA to try and improve the financial know-how of the organisation.

Mr. Nyanja: Thank you, Mr. Deputy Speaker, Sir. I must thank you because this is a good one. If you listened to the Minister, he talked about this organization having Kshs1.2 billion. In the earlier answer given to part (a) of the Question, the reason given by the Minister was "financial problems". There has been no petrol or diesel for the farmers in this region. What happened to the money for which the initial deposit of petrol was sold? Either there is money, in which case, we will not talk about financial problems, or we have the fuel. This Minister is misleading the House. He thinks we are all fools and we cannot take this one. Either there is money or there is fuel.

Mr. Deputy Speaker: What is your question?

Mr. Nyanja: What happened to the original fuel? Can you answer the question intelligently?

Mr. Munyi: Mr. Deputy Speaker, Sir, like any other organisation, the KFA has had financial problems. That is what I have already said. The farmers were not paid at that time.

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir. I am very disappointed with what the Minister is trying to tell us. We know that even as of now, if you go to KGGCU shops all over the country, they have empty shelves. Nothing can be found there. The Minister has just said that he cannot pay compensation to the farmers. Is the KFA, therefore, in order to refuse to pay the farmers compensation for a loss occasioned by its own failure? The KFA did not fore-warn the farmers that they were going to have some financial constraints in order for the farmers to make new arrangements with other organisations to supply the necessary fuel?

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

Mr. Deputy Speaker: The Minister is responding to a point of order!

Mr. Munyi: Mr. Deputy Speaker, Sir, hon. Njenga Mungai is aware that like any other organization KFA has problems but we have been trying to improve that organisation.

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

Mr. Deputy Speaker: Hon. Dr. Otieno-Kopiyo!

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, let us clarify one issue. The Kshs1 1.2 billion that is supposed to be in the KFA books, is that a debit or a credit because last time we heard about it, it did not have any money? The KFA did not have fuel because they did not have any money. Are you saying that they have a credit of Kshs1.2 billion or that they are in the red by Kshs1.2 billion? Please clarify that.

Mr. Munyi: Mr. Deputy Speaker, Sir, the Kshs1.2 billion represents the assets of KFA.

(Laughter)

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

Mr. Deputy Speaker: Hon. Mulusya.

Mr. Mulusya: Mr. Deputy Speaker, Sir, I stand on a very serious point of order. This is a case where the Chair can rule whether the Minister knows what he is doing or what he is answering or he does not know. Either he is ignorant or he is there by deceit. The answer he has given, if I may read it, says:-
"The financial position of KGGCU---"

Mr. Deputy Speaker: Hon. Mulusya, we have not asked for that answer.

Mr. Mulusya: Mr. Deputy Speaker, Sir, let me read it:-

"The financial position of KGGCU, as at 31st October, 1995, was not sound. This was because the current liabilities exceeded the current assets. The current liabilities totalled to Kshs1.2 billion, while the current assets totalled to Kshs538.1 million."

Mr. Deputy Speaker, Sir, is the Minister in order to mislead this House that Kshs 1.2 billion is assets for

KGGCU?

Mr. Deputy Speaker: Is that answer of today?

Mr. Munyi: Mr. Deputy Speaker, Sir, Kshs1.2 billion I have already said, represents the liabilities of KGGCU.

(Laughter)

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

Mr. Deputy Speaker: Order! Order! Mr. Minister, to be very fair, I think you owe the House a revisit of that Question with a new answer. Next order!

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: On this Question?

Mr. J.N. Mungai: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: No. It is over and I have made my ruling on that.

Next Order.

POINT OF ORDER

PAYMENTS TO FARMERS OF MAKOMBOKI TEA FACTORY

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): Mr. Deputy Speaker, Sir, when this House was dealing with Question No.030, the hon. Kamuyu put forward a supplementary question seeking a breakdown of the finances and payments to the farmers with regard Makomboki Tea Factory. In this connection I wish to Table a list of a complete breakdown of the disbursements, income of Makomboki Tea Factory. It contains a lot of details and I would prefer to Table the list for the hon. Members to read for themselves. Thank you, Mr. Deputy Speaker.

(Hon. Nyachae laid the list on the Table)

Mr. Deputy Speaker: Next Order!

The Minister for Education (Mr. Kamotho): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Order, Mr. Minister!

The Minister for Education (Mr. Kamotho): I promised to issue a Statement--

Mr. Deputy Speaker: Well, you should have alerted the Chair in advance and that is the practice here. Is it another answer or a Statement?

The Minister for Education (Mr. Kamotho): It is a Ministerial Statement.

Mr. Deputy Speaker: Had it been requested on the Floor of the House?

The Minister for Education (Mr. Kamotho): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Okay, but in future I would want you to alert the Chair in advance.

MINISTERIAL STATEMENT

DISBURSEMENT OF UNIVERSITY LOANS

The Minister for Education (Mr. Kamotho): Mr. Deputy Speaker, Sir, two weeks ago hon. Anyona asked me to issue a Ministerial Statement to state how many university students have not been given loans in the five national public universities in the current academic year. Secondly, he wanted me to state how many university students have not reported or have been sent away on account of fees. Thirdly, to state what steps I am taking to ensure that these and other students get loans.

Mr. Deputy Speaker, Sir, first, this House recalls that on 21st December, 1995, I issued a comprehensive fees guidelines to all public secondary schools in the country resulting from a national fees survey. Consequently, public boarding and day schools were to charge Kshs13,500 and Kshs5,000 respectively. In addition, I allowed development levy of not more than Kshs2,000 per year per parent. These guidelines were to be effective from January, 1996.

Secondly, on 10th January, 1996, I yet issued another statement as a follow-up to my earlier guidelines

and emphasized the importance of adhering to the fees structure. In this latter statement, I clarified that no parent would be forced to pay any additional charges beyond the stipulated fees guidelines. However, those able parents, and well-wishers, who are willing to support schools' development are welcome to do so voluntarily.

Mr. Deputy Speaker, Sir, in both of my pronouncements, I directed all field officers, and District Education Boards (DEB) of which Members of Parliament are members, to ensure that fees guidelines were fully implemented. I have given further instructions that full reports be submitted to my desk by mid-May. These reports would reveal any case of flouting of fees guidelines by institutions. If the above fees implementation report reveals any cases of flouting of the fees guidelines, nobody would be spared because I have already given a firm warning.

Mr. Deputy Speaker, Sir, the number of university students who have not been given loans in the five national universities in the current academic year is 2,810 out of 36,116 loan applicants. No student was sent away because of failing to pay university fees. However, 874 students did not report to their universities where they had been offered admission and this only affects three universities. One, in Kenyatta University, six students did not report and the others are Egerton and Moi Universities. Otherwise, as far as the University of Nairobi, Maseno University College and Jomo Kenyatta University of Agriculture and Technology (JKUAT) are concerned, there is no problem.

My Ministry, through the Higher Education Loans Board, has endeavoured to assist all students with proven cases of financial constraints and we will continue to do so. In this connection, I wish to assure this House that the Higher Education Loans Board is ready to reconsider a second appeal by any of the 2,810 students who have so far failed to convince the Board that they deserve to get a loan particularly if the students have no proof such as death of a guardian or any other adversity.

Mr. Deputy Speaker, Sir, I would also like to inform this House that in 1995/96 Financial Year, my Ministry has already released Kshs3,000,020 to the Higher Education Loans Board to be given as bursaries to the very needy university students. I would like to assure this House that admissions of students who have not been registered so far were merely deferred by the various universities to the next academic year subject to a student submitting an application for admission.

Mr. Deputy Speaker, Sir, finally, all the universities have set up active departments responsible for assisting genuinely needy students to get sponsorships from private bodies. I would, therefore, like to thank Rattansi Education Trust Fund, in particular, which is currently the leading donor in this respect, and to request other donors to join it in assisting students who cannot top up their fees for university education.

Mr. Deputy Speaker, Sir, I would also like to add and inform this august House that some of the students who have not accepted admissions to our public universities have chosen to go overseas for their further education. Others have chosen to join the local private universities. So the problem is not as alarming as the media would like to make Kenyans believe.

Thank you Mr. Deputy Speaker, Sir.

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

Mr. Deputy Speaker: Who had asked for the Statement last time?

Hon. Members: It is hon. Anyona.

Mr. Anyona: Mr. Deputy Speaker, Sir I am grateful for that Statement from the Minister. Nevertheless I would like to seek the following clarifications. On the first part of the Statement that is the fees guidelines, now, it is quite clear that a lot of schools, as of now, have defied the Minister and I do not know why he conveniently decided that the deadline should be mid-May for the submission of those returns. It is quite clear that many schools have defied this directive. Now, can the Minister clarify what role the Parents Teachers Associations have in determining fees? I am asking for that clarification because many of these schools, and I have given him an example of one school where they say that it is the PTA that has determined the fees, seem to have defied his fees guidelines.

Mr. Deputy Speaker, Sir, as far as I know the PTAs are illegal and non-existent. They are not in the Education Act. What authority do they have to impose unacceptable fees on parents in defiance of the Ministry of Education and the Government? Can he answer that question? Secondly, can he tell us the criteria on which the schools base their fees structures? I am an old boy of Alliance High School and that was one of the cheapest schools for any poor child in Kenya to go to. I am currently a parent at Alliance High School and I have its fees note here. I have given the Minister a copy and there are nomenclatures here which my son does not understand and which I do not also understand. Why should I pay fees that I do not understand? Can the Minister kindly tell us what is the meaning of RES which is Kshs7,220 and what is the meaning of BMI which is Kshs2,835?

Mr. Deputy Speaker: Points of orders are not occasions for debates. So I think you better be very brief

if there is something you want to seek clarification about.

Mr. Anyona: Mr. Deputy Speaker, Sir, this is not a normal point of order. I was seeking clarification following the Statement he made and I am raising issues here which require clarification.

Mr. Deputy Speaker: You have to be very brief. Raising points of orders on Ministerial Statements is not an opportunity for debate.

Mr. Anyona: Mr. Deputy Speaker, Sir, let me say this: I have given this note to the Minister and he knows what I am talking about. Can he clarify on the first part of my request? Can he also assure this House, and the nation of Kenya, that if schools open on 2nd of May and if there is any school that is demanding fees beyond the limit that he has set like this school is doing, the parents will not be obliged to pay? Secondly, can he tell us how come that university students have failed to get loans when this Parliament enacted a law to enable all Kenyan students to get education because it appears that the Minister has left this matter to the Boards? Can he tell us whether he has complied with Section 37 of the Act which requires him to make regulations controlling the manner in which the Boards operates because at the moment they are making capricious decisions which are harmful to our children?

Thank you Mr. Deputy Speaker, Sir.

The Minister for Education (Mr. Kamotho): Mr. Deputy Speaker, Sir, I stated very clearly in my Statement that I am waiting for a thorough report from across the country by the 15th of May. I am aware that some of the schools like the school hon. Anyona has referred to of which he says that he is an old student and he is now a parent are charging higher fees.

Mr. Deputy Speaker, Sir, I stated when I was issuing the guidelines in December, that if parents of a particular school meet and decide to pay even Kshs1 million per student in order to keep their students at the level that they want to keep them, who am I under privatisation, liberalisation and democratisation of education to stop that? The parents have a right to pay what they want for their own children and therefore we should not use one or two schools as a measure of other schools throughout the country. It is stated very clearly in that fee guideline that it was a decision by the PTA and hon. Anyona must have been there. If he was not there, then the majority of the parents were there and they decided on the higher fees.

Mr. Deputy Speaker: Next Order.

BILLS

Second reading

THE KENYA INSTITUTE OF ADMINISTRATION BILL

*(The Minister of State, Office of the
President (Mr. Kones) on 11.4.96)*

(Resumption of Debate interrupted on 18.4.96)

Mr. Deputy Speaker: Hon. Orenge was on the Floor last time.

Mr. Orenge: Mr. Deputy Speaker, Sir, thank you again. My contribution on this Bill today relates very much to clause 4 of the Bill. Clause 4(a) of the Bill reads:-

"The functions of the Institute shall be to provide training which will be designed to promote national development and standards of competence and integrity in the Public Service".

Mr. Deputy Speaker, Sir, if you look at Clause 5(1) of this Bill you will note that amongst the bodies of persons so represented in the Council to be established under Clause 5 (1) is the Permanent Secretary for the time being in charge of the Provincial Administration and there will also be the Permanent Secretary for the time being in charge of the Directorate of Personnel Management. I do believe that these two Permanent Secretaries fall under the Office of the President.

Mr. Deputy Speaker, Sir, the issue of training in the Public Service or of the Public Service or civil servants is an important issue.

Mr. Temporary Deputy Speaker, Sir, I do hope that once the Bill passes through this House, the Public Service or rather the Government will engage itself in a rigorous re-training programme to ensure that civil servants or the Public Service in general, is in tune with the changes that have occurred in this country since 1992.

Mr. Temporary Deputy Speaker, Sir, the Kenya Institute of Administration, can only be successful in

whatever it is going to do if this Government or the Public Service can develop a governing principle or an ethos on the basis of which it carries out its operations and functions. The truth of the matter is that the present Civil Service has been operating under one-party rule for the last 26 years. From 1966, the Civil Service was operating on the basis of a one-party system. My appeal is that, once this Bill passes through, the Kenya Institute of Administration will engage itself in a rigorous re-training programme for civil servants.

The reasons why I say so are the following. For example; under part three of the Constitution, there is a Judicial Service Commission which is supposed to manage the lower echelons of the Judiciary, particularly the appointments into the Judiciary. Also the Constitution gives the resident power to appoint judges, but it is very specific because, it says:-

"The President shall appoint judges in accordance with the advice of the Judicial Service Commission."

Mr. Temporary Deputy Speaker, Sir, my experience many times before, has been that a tribal delegation would go to see the President and suggest that one of their own should be made a judge and the next day you find that a particular person is made a judge.

However much training is given to that individual or to that judge, unless he was appointed on the basis of competence, there is no way that, that particular judge is going to administer justice in accordance with the law or in accordance with the Constitution. These institutions which are set up in the Constitution and in other laws, are very important and I believe that our civil servants should know that they exist if they want to manage the affairs of this country in accordance with the law.

Mr. Temporary Deputy Speaker, Sir, the other example that I wanted to give as is follows: Many of the laws that are in place now, including the Societies Act, the Public Order Act, were enacted during the colonial period and they were enacted because the Colonial Government wanted to restrict the political activity of Kenyans generally and the political parties that arose. These laws are still in place side by side with the Constitution that gives every individual, for example, the freedom of assembly. When you go and approach a District Commissioner for a licence to hold a meeting, many times they will be oblivious of the fact that the Constitution guarantees that right, and instead use the Public Order Act in order to frustrate the enjoyment of fundamental rights as stated in the Constitution. I think civil servants must be told, and particularly the Provincial Administration, that the Public Order Act is not supreme. It is the Constitution which is supreme and every time you deny somebody the right to hold a public meeting, you are violating the Constitution and this should not take place at this time when we have multi-partyism and since the amendment of Section 2(a) of the Constitution.

Mr. Temporary Deputy Speaker, Sir, also you would find that the Provincial Administration particularly, chiefs and District Officers, are involved in punishing people before they are taken before a court of law. For example, in my own Constituency, in Ukwala Division or Ugunja Division, many people are arrested and caned by District Officers or chiefs before they are taken to court. Or they are held in custody for more than a week before they are taken to court. The Provincial Administration must know that they are not allowed to mete out punishment unless a court of law of competent jurisdiction has passed judgement and convicted an offender and laid out the form of punishment that should be meted out to the offender. This would require that, in the Civil Service we should not have double standards. For example, in 1981, or rather 1982, there were many people who were arrested within the Armed Forces for engaging in an attempted coup and many of them lost employment and up to now, many of them cannot find employment. But you would find a particular individual, because of his "connection" and this particular individual was convicted in 1982 for an offence related to the attempted coup and served a sentence in Kamiti and Naivasha Prisons for 6 months and eventually when he got out he was appointed as a DC. He is a senior DC when other people from other areas cannot find employment. This is double standards and I would invite the Minister who is here, to look into the records of the DC for Mombasa District who was convicted of an offence related to the attempted coup and tell us whether this is not a question of double standards. Because, I know a lot of people who cannot find employment to date because they were accused in engagement in the 1982 attempted coup and we do not want these double standards in the Public Service.

Mr. Temporary Deputy Speaker, Sir, the Lord says in the Bible that, "He is the King of Kings." That is a political statement and when an Archbishop or Bishop makes comments about the affairs of this country, he should not be punished or rebuked for it. The Minister in charge of Internal Security should tell us whether the District Security Committee is a legal entity. It was shameful for this Government to call upon a bishop to appear before a district security committee which in any case as far as I know, the District Security Committee---

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether the Member contributing is informed that, this matter has already come to a stop. I do not know why he is bringing it up again.

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I am saying that it is wrong to call upon a bishop to

appear before a body that does not exist in law. As far as I am concerned, a lot of these District Security Committees (DSCs) consists of an unholy alliance between KANU, the Provincial Administration and the police.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that Members of KANU are in the District Security Committees? I want to put it very clear here, that no politician is a member of any District Security Committee in the country.

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I am speaking from experience. I have had instances where I have appeared before DSCs, and you find that KANU Chairmen, some of them are even illiterate, they have no knowledge of what the law is, who sit with the police and the Provincial Administration in DSCs. This is wrong and if you are going to call upon any Kenyan or an Archbishop to appear before a DSC, this Government should make sure that they have a basis for making such a summon.

The Assistant Minister for Commerce and Industry (Mr. Galgalo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could Mr. Orenge be specific? He has said that he has had instances where he had appeared before the DSC members who sit with illiterate KANU officials. Could he tell us who these illiterate KANU officials were who were in the DSC?

Dr. Lwali-Oyondi: The late Chotara!

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I am being told that one of them was Mr. Chotara in Nakuru---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Orenge! It was meant to be your personal experience that you are being challenged on, not what Dr. Lwali-Oyondi thinks.

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I have appeared before a DSC in Siaya and I did not want to mention names here for a particular reason. But I can assure you that between the years 1979 to 1983, if you look at the records of those committees, although they do not keep any minutes as far as I am concerned, you will find that KANU men were playing a very prominent role in these security committees. So, I am telling this Government that there is no basis upon which a KANU operative or official should become a member of a DSC.

The Assistant Minister for Commerce and Industry (Mr. Galgalo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Since Mr. Orenge has not been able to substantiate what he had said, he has categorically stated that there was an illiterate KANU official who was sitting in the DSC, could he withdraw that allegation?

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Orenge, what is so difficult about giving the name of a KANU official before whom you appeared?

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I do not want to expose his illiteracy to this Parliament.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it not really misleading, for hon. Orenge to make allegations that he cannot substantiate? I want to say that the reason why he cannot give the name, is because there is no security committee in this country in which a KANU official or any politician sits. At any rate, he is also misleading this House to say that if any Bishop has security information, he cannot be called upon to give it. He can be called to give it to the security committee so that this country can be more secure.

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I do not want this point really to be belaboured. Even last year, when I was being accused of mentioning those who killed Dr. Ouko, and I was told to appear before a District Committee in Kisumu, there was a KANU official who was sitting together in the DSC while I was being interrogated. I asked the District Special Branch---

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is very serious. Could the hon. Member then give the names of the persons who sat in the security committees, because as far as I am concerned, members of any given security committee are known, unless somebody appears there to give certain evidence as an individual and not as a member of any security committee? So, would he please, withdraw or just prove his allegation beyond reasonable doubt?

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Orenge, I do not think that their demand is unfair. If you appeared before a KANU Chairman in a district security committee, I cannot see why you cannot name the person.

Mr. Orenge: The reason why I do not want to withdraw, is because last year I had a very terrible experience. Hon. Mak'Onyango was one of my colleagues who secured my release and when I was speaking before the DSC, I demanded that they introduce to me those who were interrogating me in Kisumu, over the murder of Dr. Ouko. They could only introduce the Special Branch Officer and the District CID boss, but they refused to introduce to me somebody they told me was a KANU official and when I had written my statement, which is

available with the hon. Minister here, I asked the official to--

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could you save this House from the twisting of issues which does not really lead us anywhere at all? Could he withdraw, because he does not know what he is telling us? The reason why I pursuing this issue is that I would like to know who that KANU official was.

Mr. Orendo: Mr. Temporary Deputy Speaker, Sir, I am not saying that hon. Kalweo is illiterate, but he close to, otherwise---

The Minister of State, Officer of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could he withdraw? It is not a joking matter, otherwise we are wasting the time of this august House.

Mr. Orendo: Mr. Temporary Deputy Speaker, Sir, I am trying to tell you that last year, I appeared before the DSC in Kisumu, and there was one person who was introduced to me as a KANU official who was wearing a KANU badge. In fact, that is one of the reasons why I did not want him to be in that meeting.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. This should not be a matter between hon. Orendo and the Minister of State, Office of the President. This is a matter that involves the welfare of all Kenyans. Those of us who have suffered in this process feel very strongly that we should not play around. Hon. Orendo has made a statement, that the security committees are not legal entities, and yet these are the committees that deal with the lives of Kenyans. Can we be told, once and for all, so that Kenyans know where their fate lies, whether, these are indeed legal or they are not legal? And secondly, I think that if hon. Orendo was brought before a KANU Chairman, we would like to know who that KANU Chairman is, so that Kenyans know him for that he is. Why can he not tell us who this person was?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, hon. Orendo has said that there was a KANU official, and I know that in a place where many people are FORD(K), he ought to be able to identify who the KANU bosses are in Siaya, but other than that, he is not in order to say that the DSCs are not legal. What we are describing here is an administrative arm. It is part of the Executive. The PC is a legally existing body, the police boss is a legally existing body, the Special Branch man is legally existing body and the combination of all of them is legal.

The Temporary Deputy Speaker (Mr. Wetangula): I think the issue here is very simple. Hon. Orendo said that he appeared before a security committee where there was an illiterate KANU man. He went on to contradict himself that the man he is calling a KANU member was not introduced to him. One wonders how he knew that the man was illiterate if he was not even introduced to him? And as far as I am concerned, I cannot ask him to withdraw remarks aimed at nobody because he has not named anybody. So, you carry on.

Mr. Orendo: Thank you very much, Mr. Temporary Deputy Speaker, Sir. My friends...

The Temporary Deputy Speaker (Mr. Wetangula): That matter is closed, hon. Orendo.

Mr. Orendo: But you know they get jittery over these matters and I am glad that I did not aim at anyone of them but at the people who interviewed me. But the point I was going to make, which hon. Anyona has brought out quite clearly, is that it should be known by all Kenyans that any time you are being called upon to appear before a DSC, it is not a legal entity. It cannot summon anybody or compel somebody to appear before it unless there is a court order or some authority under the law that requires somebody to appear before a DSC. This was possible during a one-party era because people were not conscious of their rights, but in this era of multi-partyism, Kenyans should know that if a PC summons you to appear before him in his office, without a legal basis, you are in order to defy that PC. The Catholic Bishop in Nakuru was a humble man. That is why he appeared before the DSC. But if it was me, unless I am taken there by force, I will never appear before an illegal body of people who do not know what they are doing.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, is it in order for hon. Orendo to mislead this House and the public at large, that district officers and provincial officers have no power to summon somebody in their offices while he knows very well that under the Chiefs Act, they are free to order anyone including a Member of Parliament to appear before them, and that is the Chiefs Order which is a legal entity?

Mr. Orendo: Mr. Temporary Deputy Speaker, Sir, for a man of his height who does not know the difference between a chief and a District Commissioner (DC), I will excuse him. But I am talking about a Provincial Commissioner (PC) and a DC. They have no authority to compel somebody to appear before their officers.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Orendo, what has that got to do with Mr. Kariuki's height? You are just insulting him for nothing.

(Laughter)

I cannot find any other reasonable explanation as to why hon. Kariuki would not know the difference between a PC and a chief or a DC and a chief.

Mr. Kariuki: Mr. Temporary Deputy Speaker, Sir, I think hon. Orenge is trying to confuse us even further. We know the difference between PCs, DOs and chiefs. The law that is applied when hon. Orenge is asked to report to the DC's office is the Chiefs Order Act and that is what PCs use.

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I am saying that it is illegal and I cannot respect hon. Kariuki's views about this because he was at one time in charge of the Provincial Administration and he knows what he did to many Kenyans. So many Kenyans suffered in detention because of illegal orders of detention which were---

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): Mr. Temporary Deputy Speaker, Sir, I think hon. Orenge, although a lawyer, needs to appreciate the fact that under the Chiefs Authority Act there is a clear section which states quite clearly that an administrative officer can direct the chief to summon anybody to the administrative officer's office. That is one point. The other point is that security committee of whatever type whether district or provincial has the PC as the chairman, but the majority of the people sitting on that committee including the secretary who should do the summoning, are police officers and he can use the Police Act to summon anyone to the security committee.

Mr. Orenge: But Mr. Temporary Deputy Speaker, Sir, if hon. Nyachae has half knowledge of law I cannot help him. What I am talking about is the district security committee. Nobody has ever stood here and read any section of the law to show this country or this House that it is indeed a legal entity. It has no powers stated in any statutes and when they sit down as a district security committee, it sits like a superfluous body because it has no functions. It has no powers which are stated under the law and this matter should be brought out clearly because a lot of people have suffered under DCs and PCs who wish to summon anyone in their offices with intentions to harass and intimidate innocent Kenyans. I would be quite happy if hon. Nyachae could point any law, the Laws of Kenya are here, to show me which law says that there shall be a district security committee and what powers it has.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker. I was actually trying to get the relevant Act which is Cap. 84. Hon. Nyachae has clearly stated that the powers which are used are the powers of the individual sitting in the district security committee which in particular include the power of the police to summon anybody under Cap.84 to give information which is security relevant. I think hon. Orenge is out of order to say that we are acting with an illegal entity when we, in fact, dealing with individuals who have been bestowed with powers to deal with security and that is important. They are not sitting as a legal body in terms of the law, but they are sitting in terms of legally constituted offices of the provincial commissioner or the officer in charge of security and the officer in charge of security intelligence.

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, I think there is an important point here. We are educating each other and this is important for our own education and for the country.

The Temporary Deputy Speaker (Mr. Wetangula): What clause are we now dealing with in those arguments?

Mr. Orenge: Mr. Temporary Deputy Speaker, Sir, the Ministers did not know the fact that the district security committee is not a legal entity and they need to know that. The public servants who are going to be trained in accordance with the provisions of this Bill must know that there are things that they must not do as civil servants. I am saying that in the training programme, in training civil servants, this should be pointed out because a lot of people assume that a DC has the basis to summon you. I am not denying that under the Police Act you can be summoned under form P22. A police officer can summon you, but that is under the Police Act. But a DC or a district security committee, as an entity, does not have those powers and a lot of times those who appear before---

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is not correct to say or to tell this House that the district security committee has no legal entity. It has the legal entity under the Police Act. Under the Police Act there is a provision where the Minister can draw regulations and many years ago, under the same Act, a security charter was established under those regulations. A security charter is not meant for public consumption and regulations are not for this House. A Minister is empowered to draw regulations and they were drawn and those regulations are legal documents which created the security charter. Therefore, there is a security charter just as you have another regulation on the use of firearms. These are things which have not been brought to this House, but they do exist. Therefore, we must not mislead the public that when they are summoned by the security committee, they should

disobey it because they will be disobeying regulations established under an Act of Parliament.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, the Police Act is here. These statutes are kept here so that if we have got controversy on the Floor of this House, we can resolve them. Hon. Sunkuli has looked at the Police Act, Cap. 84, and I have the justification to say that I have a fair knowledge of what the Police Act says. There is nothing in the Police Act that gives provision for a district security committee--- And if you are talking about colonial regulations, I know you are a son of a former colonial chief. So, it is quite easy you found---

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): On a point of order, Mr. Temporary Deputy Speaker, Sir. If my father was fortunate to be a colonial chief, that was okay. Hon. Orengo should talk about me having been a Provincial Commissioner and having used the security charter which I understand very well. Therefore, the question of talking about regulations which were drawn during the colonial days should not arise. Hon. Orengo himself must admit that, as a lawyer of the High Court, some of the sections that he quotes in court in litigation are colonial. Therefore, he is part and parcel of the system where I am also part and parcel and I have always been. Thank you.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, let me respond to hon. Nyachae's claims. I am aware that there were Statutes which were enacted by the colonial Parliament which are still in operation, including the Societies Act. That is why you can oppress political parties because you are using colonial Statutes. There is the Public Order Act which was enacted during the colonial period. It is here with us. But what hon. Nyachae is talking about does not exist in the present Statute books and it is not part of the laws of Kenya. The only reasonable explanation that I can give is that he must have found the papers from his father, which were useful to him when he was the Provincial Commissioner and the Chief Secretary. He should understand that post of Chief Secretary was abolished. It was abolished because instead of him using the present laws, most of the time hon. Nyachae was going back to his fathers archives so that he could terrorise Kenyans.

Mr. Kariuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. I like the way the hon. Member is going around the issue. Is it really in order for the hon. Member to continue misleading this House in our legal books the security committees are not legal entities? We agree that it is a fact because it is not described anywhere in the law books. But, is it really in order for the hon. Member who has the knowledge on prosecution and other related matters to tell the public that if they are summoned to appear before a PC or DC they can defy those summons? The hon. Member knows very well that according to the Chief's Act and the Police Act, people should appear before security committee. Could he really clarify that one and forget about the legal entity and also the mumbling that we are hearing here?

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I am grateful to hon. Kariuki's honesty and admission. I would have been happier if in the previous Parliament when we were here together, he had been more candid with the former Attorney-General, many people would not have ended in detention. But what I am saying is that under the Police Act, a police officer can summon an individual to appear before a police officer. I agree with that. I have been summoned by the police many times and I have complied. I have even gone without being summoned, when I think I have information to give to the police which is of a security nature. But what I am saying is that a PC and a DC do not have those powers. He has to use a police officer. But he should be straightforward and say that the person or persons are required to appear before a police officer.

There is no Act which says that a police officer can summon you to appear before a PC or a DC. That is not there. He can only summon you to appear before him as a police officer. That is the law. I am saying this because this Government is full of old guards, who were trained during the old colonial times.

Mr. Anyona: On a point of information, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt hon. Orengo, but I think he is dealing with a matter of great gravity to this nation. It is a question which involves the rights of Kenyans. We have had statements in this House this afternoon. Hon. Orengo has contended that security committees are not legal entities. As far as I know, because I have been a victim of these things, I have appeared before security committees in the basement and on the 24th Floor of Nyayo House, Kisii and elsewhere, and at no single moment have I ever been told under what law I was being asked to appear before those committees. On the other side, we have had statements from hon. Kalweo, hon. Sunkuli and hon. Nyachae---

The Temporary Deputy Speaker (Mr. Wetangula): We did not have any Statements. We had arguments.

Mr. Anyona: Well, I am not referring to Ministerial Statements, but statements of what they consider to be facts. Those are Ministers of this Government. We also had an argument from hon. G.G. Kariuki who was a very powerful Minister once upon a time, but not any more. I think Kenyans need to know some of these things. Here is a case where a very senior Bishop who was also, once a upon a time, was asked to come and talk to us in

Naivasha when we were in prison. Kenyans do not know that, but those are facts.

Today, I think Kenyans must be told whether the security committees are legal entities or not. This is because if it is not, then it has no right to summon any Kenyan leave alone the Bishop. If it is, we want to know where its authority, power, legitimacy arise from. If not, we are calling for real and genuine civil disobedience, leave alone this nonsense that we have been hearing here.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I think it is in order to bring this to an end because hon. Orengo is a very renown lawyer who has been arguing in court over this matter. But, you are not the judge today, Mr. Temporary Deputy Speaker, Sir. What I would kindly like to state is that I will issue a statement on the legal position of the district security committees as viewed by the Government. This is because we know that it is a legal body even if it is not acting judiciously.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Orengo, can we take that undertaking from the Assistant Minister?

Mr. Orengo: No. Mr. Temporary Deputy Speaker, Sir, I have allowed hon. Sunkuli to comment on this matter. But I will say that---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Orengo, you have raised a lot of points that have generated a lot of interest. The Assistant Minister is saying that he will issue a comprehensive statement on the legality, or, otherwise, of district security committees. If he can tell us when, I think that is a very fair undertaking.

Mr. Orengo: No. Mr. Temporary Deputy Speaker, Sir, if the district security committees have ever been legal bodies, they should be at the finger tips of the Minister in charge of internal security. The two of them have been here. If they need two or three days to go and dig into the law books, then it shows that they do not know what they are doing.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Orengo: No, no, no. I am replying to a point of order.

The Assistant Minister, Office of the President (Mr. Sunkuli): Is it in order for hon. Orengo to continue talking as if we are in a court of law? Unless we deal with it as a Parliamentary matter in which the Minister will give a statement on the argument of hon. Orengo, we will never arrive at a conclusion because he is making arguments which ought to be made in a constitutional court.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, at the end of this debate, the Assistant Minister will reply to what I am saying. That is why we are making these comments. Just to show that the Ministers on the other side of the House do not know what they are talking about, Under Section 65, of the Act the Minister is not allowed to make just any regulations. The law states which regulations he can make. For example, since these provisions are not very long, I shall read them out.

"The Minister may make regulations not in consistent with the provisions of this Act. He can make regulations:-

(a) affecting the forms of certificates of appointment and other forms to be used under this Act;"

That has nothing to do with the district security committee.

"(b) the disposal according to law of personal property of deceased subordinate officers;

(c) the conditions under which the police may be provided for private purposes;

(d) the establishment, operation and administration of police staff association;

(e) the definition of disciplinary matters;

(f) for enabling the Commissioner to remove from any police officer other than a gazetted officer, the powers, privileges and benefits vested in him as a police officer where the Commissioner considers it necessary in the interests of the force to do so;

(g) the enlistment, promotion, leave, resignation, release, dismissal and re-engagement of reserve police officers;

(h) the pay and allowances of reserve police officers, and

(i) the establishment of store for arms and ammunition.

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

[The Temporary Deputy Speaker

(Mr. Kariuki) took the Chair

That is what there is in the Police Act. The Minister can only make regulations affecting those areas. But hon. Nyachae cannot go into a statute made in the colonial times, which he picks up from his father's granary, and say it is the law of this land. That cannot be and will never be.

The Minister for Agriculture, Livestock Development and Marketing (Mr. Nyachae): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member right in insinuating that I have been referring to regulations obtained from my late father's granary? Can he substantiate that my father had a granary where regulations that I have been referring to are kept? He called my father a colonial chief, but chiefs have never held the positions of District Officers; nor have they ever been members of the district or provincial security committees, about which we are having a debate here right now. To bring in the issue of the role of my late father as a chief is a very unfair insinuation and an insult to me. If the hon. Member has any personal feelings about the issue, he should not drag my late father's name into it. I would prefer that he insinuates anything against me in any manner he wants and I will respond to it; but he should not refer to my late father, who died 26 years ago. If he does this, my late father will turn around in his grave due to the statement.

The Temporary Deputy Speaker (Mr. Kariuki): Mr. Orengo, do you have any evidence that hon. Nyachae was left with some documents by his father before he died?

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I will respond to the point of order, but I shall not mention his father again. I know he was a respectable chief. The only thing that I would say is that if he turns in his grave, my ancestors will also turn in their graves. We do not want to wake up all those ancestors, because we may have a serious war that we cannot contain.

The Temporary Deputy Speaker (Mr. Kariuki): Mr. Orengo, will you now stick to the Bill?

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, all that I am saying has relevance to the Bill. This Bill talks about training and I am saying that if we have a public service that is not trained on certain fundamental principles of governance, then we are in for serious trouble.

Mr. Farah: On a point of information, Mr. Temporary Deputy Speaker, Sir. With all due respect to the dead, my father happened to be a friend of the late Chief Musa Nyandusi and I know that he was an excellent guy. We should not mention his name.

It is true that the district or provincial security committee is a superfluous organ. A very respectable Member of this House told me privately, that they declared a state of emergency in Garissa District in 1980 that was responsible for the deaths of over 300 people. Hon. Kariuki, who was a Minister at that time, was not consulted. He himself told me that in confidence and I have no reason not to believe him. The same district security committee was in 1984, responsible for the deaths of hundreds of people in Wajir District in the Wagala massacre.

The Assistant Minister, Office of the President (Mr. Sunkuli): Do you have evidence of that?

Mr. Farah: You were a young boy in school at that time and everybody knows that. And those people are turning in their graves.

So far, the debate has shown that the district and provincial security committees are not legal. A respected Minister of State in the Office of the President in charge of Provincial Administration has said that the order did not have a legal basis. On the strength of that, it is just right that we investigate these incidents so that all those who were affected in Wajir, Garissa and Mandera Districts, as a result of the illegal actions taken by those Committees, are compensated.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Apart from the unfair remarks by hon. Farah, in which he called me a boy, and also addressing me directly, which I think was out of order, was he in order to make statements here which he cannot substantiate? Can he substantiate that the deaths he is referring to had anything to do with the district security committee in terms of the fact that it caused them?

Mr. Farah: That is primarily why I am telling you that you are very young and you do not know your work! The Minister himself did admit that those deaths were caused at the behest of the provincial---

The Temporary Deputy Speaker (Mr. Kariuki): Order, Mr. Farah! Address the Chair!

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, what I am saying is on record. You know it because you were a Minister at that time. The Provincial Security Committee sat down in Garissa under the chairmanship of former Provincial Commissioner (PC), Mr. Kaaria, and declared a state of emergency in Garissa. It unleashed on the people the army, the police and the Administration Police. If he does not remember that, then I have no reason not to doubt his age!

The other thing is that in 1984 the Government admitted the deaths of 57 people, but in actual fact we know that hundreds died at Wagala. When we take account of those who died from gun wounds, the total number of deaths was 2,000. Those deaths occurred as a result of the orders of the district and provincial security committees. That is a fact. I am saying that an illegal body ordered the deaths of all those people. Or, as a result of their order or resolution, we lost in excess of 2,400 people.

The Temporary Deputy Speaker (Mr. Kariuki): Continue, Mr. Orengo.

Mr. Orengo: Unfortunately, they got away with it. Time is running out but they will never really get away with it because the time will come.

I am happy about these interjections and points of order. I think that it has now been borne out that district security committees are not bodies which, are defined or known in law. Therefore, when a Provincial Commissioner (PC) or District Commissioner (DC) presides over a security committee--

The Temporary Deputy Speaker (Mr. Kariuki): Mr. Orengo, I think we have dealt with that before.

Mr. Orengo: I am just summarising. Do not be worried with what I am saying. Since you are now sitting on the Chair, I would understand why you are worried.

The Temporary Deputy Speaker (Mr. Kariuki): No, the Chair is never worried.

Mr. Orengo: Now that you are on the Chair--- **The Temporary Deputy Speaker** (Mr. Kariuki): Mr. Orengo, you are---

Mr. Orengo: But now that you are sitting on the Chair.

Mr. Kiliku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to have a clarification because you were one of those who raised the points of order on this issue, but now you have taken up the Chair. Should we expect any fairness from the Chair?

(Applause)

The Temporary Deputy Speaker (Mr. Kariuki): Hon. Kiliku you are right. When the Speaker was on the Chair, I was not the Speaker. It is now that you can refer to me as Speaker and I will be fair as much as possible.

Mr. Orengo: Thank you very much, hon. Kiliku. I was just summarising that this has been borne out with facts. I have read out the Police Act and I would have been very happy if the hon. Members of the Front Bench, could read the Chief's Act and explain to me on what basis they were making these allegations. It is on this account that I am asking those, who are charged with law enforcement, which includes police officers and Provincial Administration to think of people's rights and freedom before they make any statements or before they make any orders. It is even more serious when you are doing it on a Bishop. I made a statement earlier on that when God himself says "He is the King of Kings" that is a political statement. He is the "King of Kings", and you are asking a Bishop to appear before a "king of swords". You may be condemned without knowing and I think we should be grateful to our churchmen for what they have done, the humility they have had to correct whatever is going on wrong in this Government. Part of the reason has been really the abuse of power.

I would also hope that one of the governing principles that are going to be used in the process of training, under Clause 4, which provides for the functions of the Kenya Institute of Administration (KIA), is that those in the Judiciary, particularly, are told that the era when they were intimidated and harassed by the Executive is over. They should act on their own free will when they sit over judgement between Kenyans or between Kenyans and their Government, they should have no fears. After all, they have security of tenure. But because of the manner in which sometimes Judges are appointed in this country, they cannot act as free agents.

I am quite confident in saying that some Judges actually, have not been appointed on the basis set out in the Constitution or the Adjudicature Act. Many Judges are appointed after lobbying, and delegations going to see the President. I think this is not part of institution building that we want since the Judiciary is the pillar of justice and democracy. Even you who are sitting on the other side---

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has just said that there are some Judges who have been appointed after a delegation has gone to see the authorities. It is a very serious allegation and I have not heard of it. Could he substantiate?

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, there was one time when Merus went to see the President in Nakuru and said that the Merus do not have a Judge. The next day, a Meru was appointed a Judge. Also recently, the Tesos made such a delegation---

(Hon. Sunkuli stood up)

The Temporary Deputy Speaker (Mr. Kariuki): Hon. Sunkuli, he is in on a point of order.

An. hon. Member: Whom do you think you are?

The Assistant Minister, Office of the President (Mr. Sunkuli): He is discussing a Judge.

Mr. Orengo: No, I am not discussing a Judge. I am merely substantiating. I am just saying that Judges sometimes are not appointed on the basis of merit.

There was a time when the Judicial Service Commission would look at the performance of a Magistrate. For instance, it would look at how he wrote his judgements, how his judgements have fared on appeal before consideration was given to appoint him as a judge of the High Court. These days that is gone. All that you need to do is to talk to the right people, the "god-fathers" and the next day somebody is made a Judge. This has affected the performance of the Judiciary and I have no fears in saying so. I hope that the same problem will not go into the Court of Appeal. I commend the Court of Appeal for the time being because it has been doing a good job. We have Judges who have been very courageous, very strong, who even when their offices were being bugged they stood up and said "no, it can never be done". When at one time a Commission had been dissolved, and they were told to write a report after that Commission had been dissolved, they said, "no, we cannot write a report", on the basis of the law. Those were truly Judges who can sit over the affairs of men and determine issues that arise in conflicts or in disputes. So, all these things need to be considered when we think of **[Mr. Orengo]** a Bill of this nature that is going to provide for training. There maybe those people who think that I am not talking within the Bill, but it says that the training courses are designed to promote standards of competence and integrity of the public service. That is the purpose of the training that we want. But that training cannot be successful if the law under which we are operating or the environment under which we are operating cannot facilitate these public servants to get the required knowledge or the qualifications that they need in the performance of their duties. Once that is done, we can truly say that we are building our institutions, not institutions which are going to act at the whims of men, but institutions which are going to act in accordance with the law and justice.

I think that the public service is very, very important in areas of development, as again mentioned in that Clause and it can only do so if we have men of integrity or those who do not abuse the laws of this land. I would ask the hon. Assistant Minister, hon. Sunkuli, who is here and hon. Kones---I do not know whose portfolio this matter falls under because sometimes it is confusing. However, now that hon. Kones is here---

The Minister of State, Office of the President (Mr. Kones): Say what you want to say!

Mr. Orengo: I will say what I want to say. Hon. Sunkuli was pointing at you to indicate that I should address you through the Speaker.

You should tell the Provincial Administration---

The Temporary Deputy Speaker (Mr. Kariuki): Please, address the Chair!

Mr. Orengo: Although I am not looking at the Chair, but I am speaking through the Chair.

The Temporary Deputy Speaker (Mr. Kariuki): You should speak through the Chair.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I am speaking through the Chair.

The Temporary Deputy Speaker (Mr. Kariuki): Thank you.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, the Minister should tell the District Commissioners (DCs) that the freedom of assembly is an important right. Any time somebody makes an application that he wants to hold a public meeting, as I emphasised earlier, he should look at the Constitution first, as the supreme law of the land. He should not look at the Public Order Act. That Public Order Act is a Colonial Statute and we in the Opposition have suffered now for nearly two-three years because the DCs and the PCs have not come to terms with the changes that have occurred since 1992. There is no use giving somebody a licence to hold a public meeting on a Friday morning when he is supposed to hold that rally on a Saturday morning. Under the provision of the Public Order Act, you cannot advertise a public meeting until you have received a permit or a license to hold a meeting, and there is no way a person can advertise a public meeting within a period of 24 hours or less, and have members of the public attending that meeting. We need an intervention here, and it can only arise if the public servants understand the laws of this land and the supremacy of the Constitution.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. There is a very important point which is part of the confusion that reigns in this country. Hon. Orengo is asking the Minister of State, Office of the President who moved this Bill, to tell the District Commissioners that they must not flout the Constitution and the law. We do, indeed, when that message is conveyed--- But who, in fact, is the Minister in charge of Provincial Administration? Is it hon. Kones, hon. Kalweo, hon. Sunkuli? Who is he? We do not even know? Can we be told so that we know who is responsible for this matter and why the whole thing is so

confusing and Kenyans do not know who rules them?

The Minister of State, Office of the President (Mr. Kones): Mr. Temporary Deputy Speaker, I think, it is only fair to ask---

The Temporary Deputy Speaker (Mr. Kariuki): Are you standing on a point of order or what?

The Minister of State, Office of the President (Mr. Kones): Yes, Mr. Temporary Deputy Speaker, Sir.

I think, it is only fair to tell this House that the Minister of State, Office of the President, who is myself, moved this Bill on KIA. Therefore, all the issues that pertains to this Bill I will answer them and anything else after, I do not think we need to know.

Mr. Orengo: Thank you, hon. Kones.

Mr. Temporary Deputy Speaker, Sir, then there is issue of the Public Service Commission. The Public Service Commission under previous administration, was very important institution for the employment of public servants, for maintaining discipline and good order within the public service and so on.

One of the moments that I have been very proud of hon. Nyachae is one time when I was in a meeting in which hon. Nyachae was attending and people were questioning the authority of the Controller and Auditor-General. Somebody raised a question as to why does the Controller and Auditor-General say things and nothing happens to him? Why can he not be fired? I think it was very courageous of him at that time because we had only one party, and he stood up somewhere within the precincts of his House and said that he was afraid that the Controller and Auditor-General has security of tenure and there is nothing one can do about it. And I think at that time, he was acting as a good civil servant, he made sure that we understood what the law was saying. I must say so it was a lot of courage because those were the days of one party and he stood up in those circumstances and say those things was not easy although he was a very big man in the Government. But, I am afraid, three months after he made that statement a Constitutional Amendment Bill was brought in this House to ensure that the Judges, the Controller and Auditor-General no longer enjoyed the security of tenure and it is because of convenience of that moment that somebody wanted to remove the security of tenure of Judges and the Controller and Auditor-General.

Now, we must, as politicians, respect powers which are given to public servants. Politicians should not interfere in the administration of justice and similarly should not interfere in areas where public servants have been given responsibility under specific statutes to administer.

I would have liked to have said this if the Attorney-General was here because many times under his Office which involves registration of political parties, registration of births and deaths, there is the registrar of trade unions and so on. Many times one finds that civil servants are not left alone to make a decision on the basis of the evidence and the facts before them. Many times, they have to wait to what the politicians are saying.

In the area of Public Service Commission, I think trouble started when the Public Service Commission became a toothless bull-dog, appointments to the Public Service were now based on who one knew in the Government and not on the basis of merit. I hope that when the training is offered to civil servants at KIA, the senior civil servants will know their powers, they will elect to exercise their powers without fear or favour from any quarter or any authority.

I, therefore, with those few remarks, beg to support this Bill.

Mr. J.D. Lotodo: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on this important Bill.

Administration service is a very important art that is as old as mankind because each society or community has its ways of running its affairs.

First of all, I would like to thank the Minister for bringing this Bill which is, of course, long overdue since we know that administration as a department is very important one in the running of activities of this society. As it has been stated like the functions of the Institute shall be "to provide training, consultancy and research service on commercial basis which are designed to promote national development and standards of competency and integrity in the public service, state corporations and Local Government." Part "b", to conduct examination and award diplomas and other forms of suitable awards to the successful candidate. Part "c", to all such other things as appears to be necessary, desirable, expedient for the proper discharge of these functions under this Act.

We know very well that the public service in this country does a very important work, but we call upon the civil servants who are working in particular Ministries to put up their best efforts to ensure that proper services are delivered to this country. More important is that should we be determined to run the affairs of this country as per the administration then everything will run smoothly. We have the case of Public Service Commission which is doing a very good job because previously each Ministry was recruiting its own personnel and there was

no channel where you could know how many people were employed in that particular Ministry. All the Permanent Secretaries or those who were in authority could employ as much as they could. But right now, we have a channel which, of course, all those who are absorbed observed from each Ministry have to get the PIN number. This has streamlined the services rendered because previously even those who had retired and those who had died were still earning their salaries. This was really a terrible thing. But now because of this new system there is check and balances to ensure that each and every person who is employed is really known and qualified to do the work.

As has been said, the Provincial Administration is doing a very important job, but it is unfortunate that our brothers in the Opposition are saying that when they come to power they will do away with Provincial Administration. But, I know the name could not be Provincial Administration. I know when they said that they are not going to work under the Provincial Administration, but I know they will bring in another name, of course, which will substitute the very name of Provincial Administration. I know there is no Government in the whole world that will run without a system.

One of the aspects that I want to touch on is the appointment of chiefs and assistant chiefs. Previously, the appointment of chiefs was determined by the local community. I support the fact that when chiefs or assistant chiefs are being appointed, they should be appointed through queue-voting system because, in most cases, when these interviews are done, you can get somebody becoming a chief of an area where he does not come from. In such cases, the type of services provided by such a person leave a lot to be desired. One other aspect that I want to touch on is the violence instigated by some of the parties in this society. We know that being violent or performing an act that is detrimental to other people's welfare is bad. We know that the Provincial Administration is doing its best to make sure that everybody enjoys their rights. I have a particular case in mind. Recently, at the All Saints Cathedral, one person was killed through an act of hooliganism. This is just due to lawlessness. It is because people are not trying to follow the laid down rules. Every society has its rules, depending on where you come from, but we are guided by the laws of this land. That is why, when you say that you do not want the chiefs or the Provincial Administration, then that is wrong. This is because we must have a way of curbing crimes like car-jacking and robbery in this country. We know that the Provincial Administration is doing a very important job.

Mr. Temporary Deputy Speaker, Sir, I would like to touch on an issue which one of my friends talked about. We know, of course, that the Judiciary is doing its work and nobody is interfering with it, the way some hon. Members are trying to insinuate. If you steal somebody's property and then you are taken to court, you are judged accordingly.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker. Is the hon. speaker on the Floor right now in order to mislead this House by saying that judges are not interfered with when the judges themselves have said it publicly, that they are interfered with? Is he in order to mislead the House?

Mr. J.D. Lotodo: Mr. Temporary Deputy Speaker, Sir, I know hon. Lwali-Oyondi is getting itchy over an issue which he well knows. He knows very well that the Judiciary in this country is independent. We know that the Executive does not interfere in any way with the work of the Judiciary. Therefore, what my friend is trying to tell me is that he believes everything that is written in the papers, which may not be entirely true. The people who write those papers are human beings and, sometimes, they may lie. What I know is that the Executive arm of the Government operates within the laid down regulations. When we talk of the tenure of office of the judges and so forth, there is no person who can tamper with what is laid down in the rules. That is a fact and we do not want anybody to insinuate that the Judiciary is part of the ruling party, KANU, as has been claimed by some Members of the Opposition.

Mr. Temporary Deputy Speaker, Sir, one of the striking features that I want to commend about this Bill is the training aspect of our personnel. It is important that most of the officers who work in other departments, and not just administration, be given administrative skills. That is required so that they can run their departments effectively. I know that the KIA is an old institution which, of course, has trained very many people who are now civil servants. Some of them have retired and I know that they are going to do a good job in training our youth who will be leaders of tomorrow, so that they can run the affairs of this country in a more effective way.

With those few remarks, I beg to support.

Mr. Gitau: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute on this Bill. First and foremost, this House has deliberated seriously on the issue of KIA. KIA is known to be a very important institution and has produced very important men in our administration. However, as of now, this debate could be useless if the Kenya Government is not prepared to reform the Constitution to ensure that there is independence of the Judiciary, the Legislature and the Administration arm. This is because we may train our administrators but they have no opportunity to practise what they have been taught at KIA. As

long there is continued interference with the administration by the ruling party, be it KANU, FORD(A), DP or whatever party that may be ruling at a particular time, then the trained people will not be able to carry out what they have learnt at KIA.

One of the clauses of the KIA Bill states that the President will appoint the Chairman and the members of the Council will be appointed by the Minister. I would like to say one thing about this. In this country, history has taught us one thing, since the inception of multi-partyism. Instead of appointing men of integrity, we have been re-cycling men of doubtful character from one institution to another. We have been re-cycling corrupt people. For example, an officer who is a parastatal head messes up a particular institution like the post office, the KCC, the Central Bank and so forth. Instead of such an officer being sacked, sent home or demoted, he is appointed to head another parastatal. I would like to appeal to the Government and the Minister concerned that when it comes to picking the people who will be heading KIA, we go for men and women of integrity; men who are not tainted and who have not been accused of looting or grabbing. Otherwise, the revenue that will be earned from the commercial services offered by the institution will end up in the pockets of individuals who have got the habit of grabbing whatever comes their way.

Mr. Temporary Deputy Speaker, Sir, at the moment, some of the provincial heads have not gone through KIA. Some of them have not received any form of training. Most of these people have been appointed on political grounds, while others have been appointed through favouritism or on tribal basis. It is very important that when this institution is fully formed, we should ensure that the present stock of provincial heads, starting with Permanent Secretaries, down to the PCs, DCs, DOs and Chiefs, are retrained so that they learn how administration should be done or carried out.

This is a matter of serious concern because on several occasions, we have heard the Provincial Administration embarrassing Ministers, the people they are administering and they have gone to the extent of even embarrassing the Head of State by issuing irresponsible statements without knowing what they should do as administrators.

Mr. Temporary Deputy Speaker, Sir, at this particular juncture, I should not fail to say that recently we had a national shame in Gatundu, which was brought about by the Provincial Administration and perpetrated further by top Government officials. Here, I am talking of a situation where a certain Permanent Secretary, allowed activities to take place which ended up being a national shame by embarrassing the President. Had this Permanent Secretary from Gatundu, particularly, the DC from Thika District and the DO from Gatundu Division, received proper training, or had they not been forced by the KANU Government to bootlick the wrong people to over-please the President, they would not have embarrassed the Head of State by making him an elder of a clan. This was really shameful because the Head of State did not deserve that mistreatment and shame that he went through at Gatundu Stadium. Historically, the Head of State had been made a Kikuyu elder on the same ground and there was no point in repeating a similar thing which fell short of the Kikuyu culture. It was an insult and a mockery of the Kikuyu culture, and it should never be repeated.

Mr. Chebelyon: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member speaking in order to implicate the name of the President in his contributions? Is he in order?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, when we are in this House, we should not only look at what is happening today and what happened yesterday. We should ensure that a similar thing will not be repeated to a Head of State, or to "Bw. Maziwa" if he becomes President tomorrow. I would hate to see him being treated that way.

Mr. Sumbeiywo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member for Gatundu to imply that hon. Chebelyon is Bw. "Maziwa" when we know very well that he is hon. Chebelyon, MP, elected by people of Konoin?

(Laughter)

The Temporary Deputy Speaker (Mr. Kariuki): He is totally out of order.

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, maybe, I was out of order, but it is sometime extremely difficult to know some of these people who never appear to belong to this House, but now I know that he is hon. Chebelyon.

Mr. Temporary Deputy Speaker, Sir---

The Assistant Minister for Lands and Settlement (Mr. Kaino): On a point of order, Mr. Temporary Deputy Speaker, Sir. What the hon. Member is saying about His Excellency the President in this House is really very disturbing. Does he know that His Excellency the President is in-charge of the entire Republic and is he

further aware that even the late President was made a Kalenjin elder? Were those elders wrong? As a President, he is actually above all cultures. It is almost a ridicule to His Excellency the President.

Mr. Mutere: *(inaudible)*

The Temporary Deputy Speaker (Mr. Kariuki): Hon. Kamuiru, would you, please, keep off the name of the President from the debate?

Mr. Gitau: Mr. Temporary Deputy Speaker, Sir, I have not mentioned the name of the President, but I was only talking about the procedure which ought to have been followed. There is nothing wrong in making somebody an elder, or a *Mumbui*, but the procedure making a mockery of a tribal or a clan culture where certain untrained administrators go beyond, overboard to please certain individuals for their personal gains should be discouraged. That is why this has to come here because these people need thorough training so that they are updated. This country, and particularly this Parliament, should be held responsible for whatever will happen in future. Whatever will happen in the next century, most of us in this Seventh Parliament we will be held responsible because of poor governance, which is perpetuated by poorly trained administrators. We have developed a culture of liars that unless you fail to tell the truth to the community, you will not get what you want.

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

[Mr. Deputy Speaker resumed the Chair]

Mr. Deputy Speaker, Sir, we have developed a culture of protecting both physically and spiritually. We have also developed a culture of producing murderers in this country.

Mr. Chebelyon: On a point of order, Mr. Deputy Speaker, Sir. Is the term "liar" a Parliamentary language or not? Is he in order to use that unparliamentary language?

Hon. Members: Let him withdraw that!

Mr. Gitau: As far as I am concerned the word "liar" unless you are calling somebody a liar, is an English word and it depends on where some of these people received their English education.

Mr. Chebelyon: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member for Gatundu to use the word "liar" which is unparliamentary language?

Mr. Gitau: Mr. Deputy Speaker, Sir, I do not think you gave him a chance to rise on a point of order. Did you? He was not given a chance to rise on a point of order.

Mr. Deputy Speaker, Sir, it depends on the context---

Mr. Deputy Speaker: Order! Order! If it was used against an hon. Member of the House, it would definitely be unparliamentary. Even so, I would want to appeal to hon. Members, at all times, to try and use a civil language as much as possible even if they are not talking about specific Members of the House. Proceed, Mr. Gitau.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member talked about the Member for Kikuyu and I would like to tell him---

Mr. Deputy Speaker: Order! Order, hon. Muite! I see, I am sure he stands corrected.

Mr. Chebelyon: Mr. Deputy, Speaker, Sir, I know that hon. Kamuiru Gitau is the Member for Gatundu and not the Member for Kikuyu.

Mr. Gitau: Mr. Deputy Speaker, Sir, it appears it was out of ignorance for somebody who claims to be the supporter of KANU which was started by the late President Mzee Jomo Kenyatta not to recognise the person in the shoes of the person who steered this country to greatness until they start demolishing the institutions which ---

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir, is it in order for the hon. Member to mislead the House by saying that KANU was started by the late Jomo Kenyatta?

Mr. Gitau: Mr. Deputy Speaker, Sir, I meant to say that he was the head of KANU before the current President, but KANU was started by others.

Mr. Shikuku: On a point of information, Mr. Deputy, Speaker, Sir. I would like to inform my colleague, and I thank him for giving me this opportunity to do so, that KANU was never founded by the late Mzee Jomo Kenyatta nor was KAU. KANU was founded by other leaders and the first Chairman of KANU was none less that the late James Gichuru who later on left the seat, for the late President Mzee Jomo Kenyatta. Kenyatta never founded any organisation in this nation.

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

Mr. Gitau: Mr. Deputy Speaker, Sir, I do not want to invite any more points of orders, but the position

remains the same.

Mr. Deputy Speaker: I hope it is a serious point of order, Mr. Rotino. What is it?

Mr. Rotino: Mr. Deputy Speaker, Sir, is the hon. Member in order to portray the President of this nation as Kalenjii President?

An hon. Member: Who said that?

Mr. Rotino: Mr. Deputy Speaker, Sir, he said that. He said that President Jomo Kenyatta was our first President before the present Kalenjii President who is the President of this nation. Is he in order?

Mr. Gitau: Mr. Deputy Speaker, Sir, the problem with some hon. Members here is that they do not listen because they pass through bars when coming to this place. It is very annoying. I have not said that President Moi is a President of the Kalenjins. He is the President of this Republic. Jomo Kenyatta was the President of this Republic and I said that I am the Member of Parliament, where Jomo Kenyatta used to be the Member of Parliament just like Baringo Central will be tomorrow when President Moi is no more.

I was talking on the culture that has been perpetuated by the untrained administrators. I said these administrators require re-training, particularly the present stock, which has assumed a culture of protecting liars, killers, murderers and demolishers of established institutions. That is what I was saying before I was interrupted. They have formed a culture of producing looters and grabbers who grab public property.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to use words imputing that the civil servants are liars, killers and murderers also? Even if they are not trained, surely they cannot be murderers. Can he substantiate those allegations by mentioning one civil servant who is a murderer or he withdraws that statement? He is imputing improper motives on the Civil Service, which is wrong.

Mr. Gitau: Mr. Deputy Speaker, Sir, unless it is mandatory for me to substantiate, I think it is not necessary because this is obvious and we can name names.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. If the hon. Member has completed his contribution he should sit down, otherwise, Mr. Speaker is mandated to make him substantiate his allegations because he is saying that civil servants are murderers just because they have not been trained. Can he substantiate by mentioning one civil servant who is a murderer or one institution which has been demolished?

Mr. Deputy Speaker: Order! Order! While reminding Members that it is always good to use moderate language and that Members make serious allegations of fact, they must be ready to substantiate. I think there are times when the right to free speech and criticism gives Members freedom to say certain general statements which really are not substantiable, or they are not amendable to substantiation, in terms of proof and so long as he has not mentioned any names, we do not prejudice to my earlier appeal to him to try and use moderate language. I think it is not proper for me to tell him to substantiate or withdraw but hon. Gitau try to be moderate and not to provoke Members on the other side.

Mr. Gitau: Mr. Deputy Speaker, Sir, I was probably misunderstood because I was talking about a culture and not any particular person. I was talking about the culture made of all those things that I have mentioned there before.

When we, Kenyans, listen to the contributions of Ministers and Members of Parliament, we learn quite often Kenyans are promised developments. These developments are supposed to be supervised by the administrators. The administrators, who are properly trained should ensure that they follow up the promises made by the Government, politicians and those made by the Head of State, otherwise, when we are promised of good roads, hospitals, medicine by no other than the Head of State, we expect the administrators to follow it up with the relevant Ministers, otherwise, if this is not done it is a reflection of poor governance.

This is a reflection of unfulfilled promises by the Government of the day, by keeping the subject hoping all the time that heavens will come down. We were promised of manna which will never come. We have areas where the Government has promised, through the top politicians, to construct roads that have never been constructed. Who are we to blame? Are we going to blame the Permanent Secretaries? Are we going to blame the administration or who are we going to blame? This is a reflection of poor governance and if we de-link the legislature from the administration, the administrators will feel independent, and brave enough to ensure that whatever is promised is actually carried out. We have a cancer in this country and particularly in this City and the coming up towns.

Mr. Deputy Speaker, Sir, the administration has failed to ensure that our streets are not littered with street urchins. Since we started having street boys, the administration, or the Government, has failed to address itself to the issue of street boys and girls. These street boys and girls, after sniffing glue, they snatch watches, handbags and do all sorts of messes. The Government must ensure that our society is ridden of this social menace. We would like to know who is to blame, because, once these street boys are not properly taken care of by

the Government, they end up being murderers and bank robbers. They practise all sorts of bad things that are happening in our society and this is a culture which should be looked into by the Government.

In connection with the KIA, I believe that KIA should not only train administrators, but should also train men and women who will be able to deal with any social menace in our midst like the street urchins. It is a shame when we see these children roaming the streets while at the same time the Kenya Government is spending millions of shillings conducting bye-elections whereas, if there were no bye-elections, such money could be spent in rehabilitating these street boys.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. As much as I hate to interrupt the hon. Member on the Floor, I think he is now digressing from the Bill. Would I, therefore, be in order to move that the Mover be called upon to reply?

(Question, that the Mover be now called upon to reply, put and agreed to)

Mr. Mathenge: On a point of order, Mr. Deputy Speaker, Sir. I trained at the Kenya Institute of Administration, I had my bit to contribute to this Bill because I feel concerned about it, and I have been trying to catch the Speaker's eye with no success.

Mr. Deputy Speaker: Order! Order, Mr. Mathenge! I must state that an old graduate of the Kenya Institute of Administration surely should have an opportunity to contribute. However, I think the matter has been debated for over two weeks or about two weeks. The Question has been put, and that is why, obviously, there will never be a time when every Member will have contributed.

Mr. Mathenge: But I have been here for many days!

Mr. Deputy Speaker: I am really sorry for you, but the best I could do in the circumstances was to put the question to a vote. It was your democratic decision. Next time, you will get a chance!

The Minister of State, Office of the President (Mr. Kones): Thank you, Mr. Deputy Speaker, Sir. I also sympathise with the hon. Member. I would have loved very much to listen to his Bill contribution on this because of his long experience.

However, I would like to thank Members for the very overwhelming support they have given to this Bill. The Bill has been debated, a lot of good views have been given and I think there is no doubt that after listening to hon. Members from both sides of the House, that there is real need for the Institute to have a capacity to train more and offer better training. I would like to thank Members for the way they have approached this Bill. I thank them for their openness in contributing to this Bill. There are certain criticisms they have made, which I believe were genuine. I believe that such views should be included in the Bill and I would be very glad to have them included.

I know, quite a lot probably has been said, which may not necessarily have anything to do with this Bill. But simply because it was also a chance for Members to express their views on certain issues, they have done it and we have listened to them very keenly. Unfortunately, there is a limitation within this Bill; that we may not include other things. But where it is possible, even if it is probable we will not include it here in writing but, this has been taken into consideration very seriously and it will be looked into. Mr. Deputy Speaker, Sir, when I moved the Bill, I pointed out that, there is need for KIA to be autonomous so that it is able to solicit its own funds. This will also enable KIA to train more, hire better qualified staff and cope with the ever-increasing need for good training. I am so happy that at least this issue has received a lot of support from the Members.

A lot has been said about the District Commissioners. The truth is that, a lot of them need a lot of training. Training probably once is not enough. What we see sometimes is that, there should be refresher courses probably once even after one year or two. As circumstances change, as things develop, as more democracy comes in, we need to train people to cope up with that.

There is nothing wrong with training these DCs and DOs, but even now, with the little training they have, we will ask Members to co-operate with them. Sometimes if you think that there is something that you think they do not know, please avail it to them, share your knowledge with them so that you do not condemn them wholesale. Sometimes, they also need some information and some co-operation because they are also human beings. It is not every DC who does bad things with consent of the Government. Sometimes they are also acting out of ignorance.

So, instead of condemning the whole system of the Government, we should all have goodwill towards the Government. We realise that sometimes they do certain things and claim that they are acting on orders from "higher authorities". There is nothing like "higher authorities". When a DC is dealing with issues within his own

district, he should deal with them himself without any referring to "higher authorities". This is a cover up. This is where they hide, and we do not want to hear about this. A DC must be able to explain to you why he is denying you a licence. He should not be referring you to "higher authorities". This must be taken seriously by the DCs, so that they do not just refuse to do certain things and refer to "higher authorities". This damages the image of the Government because nobody tells them to say that. So, if they have been saying that, I would like to ask them to stop saying that, so that they deal with cases their own powers.

Mr. Ndicho: On a point information, Mr. Deputy Speaker, Sir.

The Minister of State, Office of the President (Mr. Kones): I do not need your information. I know what you want to inform me about and I do not need it. We would like everybody to give some co-operation to the DCs, and I think they will give us good service. Let us not be so hostile to them. If you think you have something to share with them, and they become a bit hostile, probably you should give them time to think about it.

Mr. J.N. Mungai: On a point of order Mr. Deputy Speaker, Sir. My point of order is very simple. We all know that most of us have gone for licences for public rallies and we have been denied. Here the Minister categorically says that Dcs have their own discretion to judge whether to give or not to give licences. Several times they have totally refused, citing security matters. Would I be in order, since the Minister has said that no DC should deny us licences, to ask the Minister whether we can walk to his office and tell him to instruct the Dcs that, that is not the policy of the Government and that the policy of the Government in the new era of multi-party democracy is to make sure that everybody enjoys the freedom of association?

The Minister of State, Office of the President (Mr. Kones): Mr. Deputy Speaker, Sir, the hon. Member has just helped me, in fact, to explain what I was trying to say. What I have said is that, the DC in a district does not have to refer him to anybody and therefore, you need not even come to my office. He has to explain to you, what he refers to as insecurity. Tell them there is no insecurity. Talk about that insecurity in that area, so that they understand that there is no insecurity. But even then, if hon. Mungai will come to my office and tell me that the DC, Nakuru has denied him a licence to address a public rally, on security matters, I will still have to talk to that DC to find out exactly what insecurity matters those are.

Mr. Ndicho: On point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: He is responding to a point of order! There is no point of order on a point of order and you know that, Mr. Ndicho!

The Minister of State, Office of the President (Mr. Kones): Mr. Deputy Speaker, as I had said, it is not the Government's policy to deny Members of the Opposition public rally licences. Let it not be taken as a Government policy because it is not. It is the discretion of that DC and yourselves. So, that is why I am saying that you should be able to sort it out there. I hope that the DCs have received this message.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. What the Minister is telling us is very important, but we are getting confused as to whether what he is saying here will correctly be effected in the field. So, would I be in order to ask the Minister to send a circular to all Dcs in this country, and bring us some copies here, so that when they do not effect what the Minister is saying, we can produce that circular and tell him that this is what the Minister said?

The Minister of State, Office of the President (Mr. Kones): Mr. Deputy Speaker, I am not saying anything new. I am only elaborating on what is supposed to be happening. There is nothing new that I am saying. I have said that it is not Government policy for any DC to refuse Members of the Opposition or even the Government to address public rallies. It is not Government policy. It is their policy and it is their duty to make sure that whenever they issue a licence, there is enough security in that public rally. If they feel that there is not enough security, they have the right to stop it. So, what I saying here does not overrule that. What I am saying is that they must be able to explain under what conditions and circumstances they are cancelling that licence. That is all. Sometimes they over-do it, and that is why they need training. We are dealing with 57 Dcs, and not all of them will operate the same, at any given time. But for them to be able to operate within certain limitations, we would like them to be trained and retrained on all the time. Some of the Dcs have been in the field for only one year or less, or even one week and you do not expect them to be angels and to start operating so perfectly and so quickly. That is why they need training. So, if you can bear with us, let us pass this Bill and then start retraining these DCs immediately. We hope there will be better management of public affairs.

I would like to go into certain specifics on the issues of what the Members felt should have been included in the Clauses. Before I do that, it is not only DCs who need training. We also need training ourselves as Members of Parliament. We are all Members of Parliament in this House. Whether you are a Minister or not, the fact remains that you are a Member of Parliament. It is not only DCs, we also need to train DOs, accountants, auditors, Permanent Secretaries and the people who work within the Civil Service. We need to train hon. Muite, for

example. What we need to do is, at least to have a very effective and efficient Civil Service. There are Civil Service reforms that have been going on. The idea is to reduce the Civil Service, so that we remain with a smaller Civil Service. But there is no sense in reducing the Civil Service to a smaller one, if that smaller one is still inefficient. So, we should not narrow this down to the DCs; we should be talking about everybody, because there is no sense in having a very well trained DCs, if all his lieutenants working have no training whatsoever. So, we should not narrow it down to DCs, everybody should benefit from KIA. In the past, public servants who were going to manage public affairs used to go to KIA, but now we have very limited resources to be enable KIA to cope with that and we hope that when this Bill goes through this will be dealt with.

When on specifics, hon. Member, hon. Anyang'-Nyong'o and hon. Paul Muite, hon. Wetangula, hon. Mwiraria, hon. Dr. Onyonka, hon. Sunkuli among others. Wanted the Bill to include the private sector as one of its targeted basics, besides the Civil Service, the parastatal sector and the local authorities. This is acceptable and Clause 4(a) will be amended to include these sectors. So, that will be taken care of. The Clause will also specify that KIA trains both local and foreign students as recommended during the debate. We are saying that we will train also people from within and without, so that there is some exchange of ideas. So, we do not want to do an in-house thing, we can also include other people from outside, say for example, from East African Co-operation, from Uganda, from Tanzania and also from some other countries outside the region. So, that at least there is going to be a lot of interaction.

Hon. Dr. Lwali-Oyondi, hon. Muite and hon. Wetangula also suggested that Clause 5(a)(1)(g) should be amended to specify the representation in the councils of the non-public service personnel to be drawn from professional bodies and groups. Here again, this recommendation is acceptable so that we have members from the professional bodies, actually, sitting in that council. This is because that was an oversight and we still feel it is quite acceptable; we need professionals to be part of this Council.

Hon. Ndicho suggested that Members of Parliament should be appointed in the Council. That is under Clause 5(1)(g). We feel that this is going to be a big load to the Council. Already there are five members from the Government and if we included one more, they would be six and that will probably outnumber the other members of the Committee. In any case, we do not want that Member to be compromised. I think this is an institution which all Members here have taken very seriously. If we are going to put one Member from this House, chances are that things will be done in the name of one the hon. Members being present in the meeting. We would like this House to be totally exonerated from this so that the only the Minister can stand up if there is anything going wrong, of course, the chairman can be dealt with by the President. If we have an hon. Member in the Council, we feel that it might not augur quite well. So, I feel that this was a good suggestion but on a serious consideration, I thought it was not actually necessary, but I thank you for that contribution. I can see the concern. The concern is that, so that at least you can check things quickly and maybe stope them from happening but I do not think that is the best way of doing it because once you are in that Council you are part of it and things could happen and somebody else could blame it on you. He could easily say, "Hon. Ndicho who was present when this ugly legislation was passed". We feel that it not necessary.

Another thing is that, if there was going to be Member of Parliament appointed to this Board, it would be a Member from the KANU side and I am sure that hon. Muite would not like it. So for fairness to both sides of the House, Opposition and KANU, we will leave it out because this is the body that we will want to train people who are not biased about the way they run the public affairs of this country. If hon. Njenga Mungai is appointed to the Council you can be sure that he will do things the Opposition way, of course, and this is normal. So we do not want this and I hope this is acceptable by both sides of the House. Let us leave it to be a body that can actually train civil servants who are going to be non-partisan at all. The Minister has got to be oversee the running of the Institute and that is why he is a Minister. I hope that is acceptable.

From both sides of the House, there was a view expressed that in future this place should be used as a forum for politicians including hon. Members to meet and discuss issues. This is acceptable. We hope that Members of Parliament will one day want to go there to exchange views. One time we did this in one of the hotels. I think in future we do not need to go to a hotel. We will simply say, "Members from the Republic of this country will meet in KIA for five days to deliberate on issues." We can also get resource persons to talk to us. I think that also develops that cooperation that we need as our President said last time. There has to be cooperation within the House. So in future, I hope this Institute will be used. It has been used before. I remember sometimes in 1977 there was a meeting of all Members of Parliament at KIA and there was an issue which they were addressing; "The Kenya We Want", and there was a lot of deliberation and support from the Members. We would like this to happen in future.

Hon. Wetangula pointed out the need to revise Clause 4(c) on the issue of members of Council ceasing to be members. He suggested that the Clause should read, "A person convicted of an offence like felony is not

entitled to be a member of the Council". That also is acceptable. Hon. Wetangula sought an amendment to Clause 8(2)(a) to make the director or the chairman a mandatory signatory to the Institute's common seal. This is also acceptable and it will be incorporated in the amendment: "... so that the Chairman and the Director are mandatory appointments". However, the Clause here is saying that any other member can do this or that. We do not want to hear about any other member. It has to be the Chairman and the Director so that the Director does not start side-lining the Chairman and operating with other members. I think that is quite important.

Mr. Deputy Speaker, Sir, all hon. Members who contributed to this Bill pointed out that the Institute's curriculum should include the integration of certain values among the trainees. Such values as positive attitudes, modesty, tolerance, patriotism, commitment to work and work ethics. These will definitely be part of the training. The Principal of KIA who is seated with us here today has heard this very clearly. This must be included in the training programme and no hon. Members will be going and coming out of that place before these issues are addressed. We would like to see hon. Members coming out of this place with patriotism. Actually, what we want is patriotism. People should actually be patriotic to their own country. We also need tolerance. Certain people are not tolerant at all. There are some people who cannot sit there for five minutes doing the same thing. I think they should be tolerant so that when hon. Members of Parliament go to see the DC, for example, the DC should be ready to give them audience. Let them explain their problems. But certain people have no tolerance and patience and they want to be on the move. So, we would like people to have these virtues.

Mr. Deputy Speaker, Sir, other hon. Members like hon. Kiraitu Murungi, hon. Shikuku, hon. Kiliku and others queried Clause 9 (1) which seek to allow the Director on consulting with the Chairman, to engage temporary employees. They wondered why the Institute should engage temporary workers instead of offering them permanent employment.

Mr. Deputy Speaker, Sir, this issue was a bit confusing. But if you read further again, it says that the Director will also be empowered to employ permanent employees. The only issue that we are trying to separate in here, when we are talking of temporary and permanent employees is that the Director will have powers to hire lecturers on a daily or weekly basis to address the participant on a particular specific issue. After that is done and the trainees have finished their training, the lecturers can go back to their places of work. What we are saying is that we would like a situation whereby the Council under a Chairman having power to hire temporary part-time lecturers so that they are not tied to a certain number of lecturers. Probably, we could hire somebody from Uganda, United Kingdom or South Africa, who is a very good resource person in administration. We would like to be able to have that person lecturing on part-time basis and leave when the training is finished. So, that is the issue. We are not saying that everybody else will be temporary. That is not the case. Certain people will be permanent employees, but that does not mean we cannot hire part-time lecturers.

For example, I believe that certain lecturers from Nairobi, Egerton and Moi Universities can also be part-time lecturers at KIA for a moment when there is a training courses going on and we feel we need their expertise. Therefore, this is why the Clause was put there, so that it does not tie the hands of KIA management.

Mr. Deputy Speaker, Sir, there is another issue which was raised by hon. Kiliku. It is about Clause 12 (5) which specifies the time period within which the Minister will be required to table the audited accounts of KIA. I would like to say that as of now, it is very difficult to give the specific time. But it will just be like any other public institution. There should be regular accounts tabled in this House so that hon. Members can peruse and look through them. Of course also, the Institute's accounts will be discussed by the Public Investments Committee.

The Minister of State, Office of the President (Mr. Kones):

So, it is not going to be totally autonomous, because it will still be a Government institution.

Mr. Temporary Deputy Speaker, Sir, hon. Anyang'-Nyong'o suggested that Clause 4 should be expanded to include additional functions of the Institute, such as to improve management in the public service, to instil through training a culture of decency, honesty and hard work; transparency and accountability, among others. This goes without saying and that is why we are training officers.

We would like to see highly transparent people working within this Government. We would like to have people who are totally accountable and not fellows who simply say: "I have received orders from above", when there is nothing like that. We do not want people who talk about directives. If they talk about a directive, they should table a document from that higher authority, which has been signed.

People must be able to make decisions. If they say "no" they must be able to support their "no"; if they say "yes" they must be able to support their "yes". We do not want people who hide under the wings of a higher authority. So, we want people who are able to make decisions and who are honest in their decision making.

I would like hon. Members to take me very seriously here. They can be sure that the seriousness they are seeing in me will be transformed--- This is a serious issue and, as a Government, when we say that we are

serious, we mean it. When I talk of people being decision makers, that is what I mean. I am not going to have a district commissioner (DC) in my district, who cannot make a decision. That is what should be happening all over the country.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Much as the Minister is trying to convince us of what should be happening, it is true from past experience that some of the administrators feel intimidated.

There was a case where a district officer (DO) sacked a headmaster because the headmaster had received building materials from an Opposition Member of Parliament. It is the President himself who reinstated this headmaster in his job. This brings some confusion and the DO or DC will wonder whether his independent decision will get him penalised, embarrassed or sacked.

The Minister should put what he is saying in writing and give it to the DOs and DCs. In this way these officers can feel protected. We can also feel that there is freedom in the country.

Mr. Deputy Speaker: Order, Mr. Ndicho! That is not a point of order!

Mr. J.N. Mungai: On a point order, Mr. Deputy Speaker, Sir. We quite agree with what the hon. Minister is theoretically telling us here in the House. But we have often heard Government Ministers threaten civil Servant that--

(Hon. Opere was reading a newspaper)

Mr. Deputy Speaker: Order, Mr. Opere! It is out of order to read newspapers in the Chamber.

Mr. J.N. Mungai: We have heard Government Ministers threaten civil servants by telling them that if they are to survive in the service they have to serve the Government of the day. That far, we agree with them. But they have gone further and told us that if the civil servants do not support KANU their areas will not be developed.

Would I be in order to demand from the hon. Minister to tell this House what he intends to do to stop Government Ministers from threatening civil servants? Whatever he is telling us here is a sheer right, but it will never happen. He himself, as a Government Minister, has been heard saying it. Can he retract his words here? Can he say here that whatever he has said out there must not be followed and that he will never say it again?

The Minister of State, Office of the President (Kones): Mr. Deputy Speaker, Sir, it looks as if hon. Mungai is threatening me. What we are saying is that here is what we would like to see happening in the field. We are legislators, and once we pass a legislation in this House, it must be followed to the letter and that is the seriousness it takes.

When we tell civil servants to work with the Government of the day and obey the Government of today, there is nothing in that. If hon. Mungai was in power today, he would say the same.

Mr. J.N. Mungai: I will never!

The Minister of State, Office of the President (Mr. Kones): Mr. Deputy Speaker, Sir, I am not too sure whether he will say the same thing because he might even say worse things than that. There can only be one Government and one Civil Service at any one given time. We cannot, as Government of today tell civil servants "you have to be loyal to the Government of the day and also be loyal to the Opposition". No, we cannot say that because then we would be confusing them.

Mr. Deputy Speaker, Sir, that is why there is an Opposition. You are not the Government and those are the prices of being in the Opposition. That is the reward given to the hon. Members in the Opposition. There is nobody in this Government today who says there is no development in the Opposition areas. For example, in Molo, where hon. Mungai comes from, a lot of development today is being undertaken by the Government.

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir. What is---

Mr. Deputy Speaker: Order! Order! I think hon. Mungai has let the cat out of the bag a little early, and I do not think I think that will be genuine point of order.

The Minister of State, Office of the President (Mr. Kones): Mr. Deputy Speaker, Sir, at least we have addressed that issue and so I will continue. When we say that members who are going to serve the public must be accountable, hard working and able to make decisions, we mean just that and they should be able to do that.

Hon. Prof. Anyang'-Nyong'o suggested that Clause 5(g) should be amended to provide for the representation in the Council of the State Universities and research institutions. The recommendation is in accordance with the suggestion made earlier by other hon. Members with regard to the representation in the Council of professionals. So, therefore, all I am saying here is that, that suggestion is acceptable. It is suggested under Clause 6.1 (e) that the Bill should be amended to read as follows:

"That the Council will receive, on behalf of the Institute's grants-in-aid, gifts, donations, fees, subscription or other monies, in accordance with the State Corporations Act."

That recommendation is acceptable and it will be included.

Other issues raised by hon. Members will be addressed as appropriate as operational issues when KIA Bill is enacted. I wish to point out that the Government will take all the issues raised seriously and ensure that KIA continues to be an institution where highly trained personnel, who will manage the affairs of this country will come from.

Probably certain issues from individual hon. Members have not been addressed, but these were general views that hon. Members were making. As I said, we have taken all these very seriously and we have taken notes.

Mr. Shikuku: Are you moving amendments!

The Minister of State, Office of the President (Mr. Kones): Mr. Deputy Speaker, Sir, hon. Shikuku has just come in and he wants me to repeat what I had said earlier.

Mr. Shikuku: Are you seeking amendments?

The Minister of State, Office of the President (Mr. Kones): Mr. Deputy Speaker, Sir, I think it is unkind for hon. Shikuku to try and harass me whether or not I am moving amendments. In fact, I have referred to the proposed amendments including the one he suggested or proposed, but he was not here to listen. I have been very generous with hon. Members were because I wanted this Bill to receive the support of every hon. Member. I have taken care of all the proposed amendments, but I cannot go back to them. I can see him later on.

Mr. Deputy Speaker, Sir, all in all, this Bill has received a lot of goodwill. There is need for training in this country. When hon. Orenge talked about training the DCs and so on, I think there is need for training. We can see from the hon. Members' contributions that there is real need for training in this country.

If this Bill is passed, I hope, it is not going to be the end of good contributions and advice from the Floor of the House. If anything is still effectively being done to consider all the contributions by hon. Members. I would still receive any recommendations from the hon. Members because we would like to see this institution functioning.

Hon. Members of Parliament who think that at one stage, they have something to raise or talk about this institution, I think, the Principal to the Institute once in a while will invite hon. Members to address certain participants in that Institution. I think that is going to be helpful.

(Applause)

We would like this Institution to be open to all Kenyans. One time, we maybe in the Opposition and the other time we may not be in the Opposition. Some hon. Members from Opposition side have crossed over to this side and we expect many of them will cross over in the future. So, what we are talking about is that there is no "permanency", but the permanent thing is that we have a permanent Government, country and people. But parties and alliances will shift. We would like to see an efficient Civil Service. That is the only time we can say we are moving forward.

I have taken these issues very seriously and I hope when this Bill is passed, we will also have donors, NGOs, well-wishers including the hon. Members, coming in support with the financial requirements of this institution. We hope that within a short time after this Bill is passed, we will start seeing those buildings that were constructed and stalled for the last five years something will start happening about them. We will have many Members going through that institution for training and within a short time we will have, at least, some fruits coming out of this pick.

Mr. Deputy Speaker, Sir, as I said, this is not the end. If somebody feels very strongly that there should be another Clause to be added, then we will discuss about it and make sure that it is included in the amendment.

With those few, remarks, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Mr. Deputy Speaker: Next order.

Second Reading

THE PHYSICAL PLANNERS REGISTRATION BILL

The Minister for Lands and Settlement (Gen. Mulinge): Mr. Deputy Speaker, Sir, I would like to take this opportunity to move the Physical Planners Registration Bill to be an Act of Parliament.

As the hon. Members are aware---

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. Did I hear the hon. Minister say that this Bill should be an Act of Parliament? It cannot be an Act of Parliament until we pass it and assented to.

The Minister for Lands and Settlement (Mr. Mulinge): Mr. Deputy Speaker, Sir, I said it will become an Act of Parliament after it has been passed. As the hon. Members may be aware, the Physical Planner, unlike the professional colleagues like Engineers, Architects, Land Surveyors and Valuers, only to mention a few, this professional body had been operating without any Act of Parliament which they could use to guide them in their profession. As a result, their work had been partly abused by those who have no licence, those who are not competent in doing the work for a long time. They have no control because of lack of protection by the law. As it is today, and I think everybody has seen it even surveyors have taken over part of the physical planners' work purely because there is no law which could guide them. They have no registration and nobody can protect them when their work is interfered with. It is for that reason that it is important that hon. Members support this Bill so that these professionals can supervise their work. As it is today, and it has happened in several places particularly here in Nairobi, there are some buildings that have been put up in places where they should not be and this has happened because there had been no control. This Bill, if passed, will give control to a body or a board selected by the Government to register those who are qualified as physical planners. They will be required to produce their qualifications, a certificate from an institution from which they had been, to show that they know the work. If that happens, it will prevent the interference that is occurring today from those who are not qualified.

Mr. Deputy Speaker, Sir, when this body is formed, it will be required to have the following; First to register all persons qualified to be physical planners in Kenya. Two, to ensure that high professional standards and ethics are maintained by all practising physical planners. Three, to regulate the conduct and discipline of registered members who fail to meet the qualification standards and the requirements as provided by the Bill. This is very important and if this Bill goes through, it will not only assist those professionals who are physical planners, it will assist nearly everybody in Kenya because, town planning would be controlled and any new institutions. As you know, we are still growing population-wise and our town are extending.

Then it will be those professionals who have got qualifications, who would be able to plan everything within that town. Today, not only in Nairobi, but even in the other towns, you will find buildings mushrooming from a place which had not been surveyed or planned by anybody. We have had a case whereby some buildings have fallen causing accidents. This Bill, if it goes through it will reduce such accidents from happening. It will also make sure that proper planning which will make towns look decent will be put in place. Therefore, I would urge all hon. Members here to support the Bill because it will assist the country, our children and all our people.

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

(Loud consultations)

Mr. Deputy Speaker: Order! Who is seconding?

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Deputy Speaker, Sir, I rise to second this very important Bill that has been very ably moved by the Minister for Lands and Settlement.

Mr. Deputy Speaker, Sir, in doing so, I would like to declare my interest first by stating that I am a former Director of Physical of Planning in this country, and, therefore, I know something about physical planning and about the need to regulate the profession of physical planners. I would like to say on the outset that physical planning as a profession is relatively new in this country. Indeed, until about Independence time, we had hardly any Kenyan physical planners. We probably had only one or two expatriate physical planners, who were advisers to the Commissioner of Lands in the administration of Government Land and Trust Land in this country. It was only after Independence, particularly on the advent of rapid urbanization, that it became apparent that we needed these breed of people called physical planners to assist us in regulating, harnessing and to control the development of those towns that we began to train physical planners and I was probably one of the very first products of that

rapid training programme.

However, we did make rapid progress and in addition to those of us who were trained abroad, we introduced a course at the University of Nairobi to train our own physical planners and the majority of those who are engaged in this profession at the moment, were locally trained and they are doing a good job.

We did make an important impact in the profession all the same and currently we have a Commonwealth body that brings together all the physical planners from within the Commonwealth. We were able to learn fairly quickly and to tap from experience elsewhere and we also did make a contribution. Those of us who were the very early products of training in this new area of physical planning made an impact. I can proudly say that I was probably the first African President of the Commonwealth Association of Planners because of the impact we made in those early days between 1974 and 1978.

Mr. Deputy Speaker, Sir, because of the rapid increase in the number of physical planners, it has become necessary that we define who can be called a physical planner and be able to come up with a register of those who are qualified and who can practice as physical planners and hence the need for this particular Bill.

Mr. Deputy Speaker, Sir, it is important that we are able to register physical planners. To register them will ensure that, (a) are able to define who is a physical planner. I did point out in the recent past, that a few people have masqueraded as physical planners. Some of them are from other reputable professions like quantity surveying and some engineers who feel that in addition to their own professions they have a tag on physical planning and they get away with it because we have not defined it. However, we have also had unqualified people who go around in towns parcelling plots and being able to indicate to everybody that this is the way this town should grow; this is the way your land can be sub-divided. Because we are now increasingly dealing with private land, we are going to get many more of these private masqueraders who are going to dupe unsuspecting Kenyans and tell them that they are going to sub-divide their land and seek for a change of user when in fact they are not doing the correct job. It is, therefore, important that we regulate who gets registered as a physical planner. That is one of the important aspects of this Bill.

Mr. Deputy Speaker, Sir, the other aspect is that we should discipline ourselves as physical planners because to be registered as one, this also goes with some discipline that you have a code of conduct by which you are able to operate to be able to know that if you side-step or go beyond the bounds of those rules and regulations, then you shall be punished. It happens with other professions like the Law Society of Kenya and others and we want to be seen and to be known as a reputable profession so that we can also have a discipline amongst ourselves and that we have a code of conduct that we are able to follow as a profession.

Mr. Deputy Speaker, Sir, I shall have more to say next time.

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, the House stands adjourned until tomorrow, Wednesday 24th April, 1996, at 9 a.m.

The House rose at 6.30 p.m.