

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 7th November, 1995

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.353

THE DEATH OF MR. OYALA

Rev. Ommani asked the Minister of State, Office of the President:-

- (a) whether he is aware that Mr. Julius Mafutu Oyala, ID/No.0331218/63, was shot dead on 18th May, 1991, while on duty as a Police Officer in Mandera, North Eastern Province;
- (b) whether is he further aware that the culprit has not been prosecuted and that the family of the deceased has not been paid compensation nor the benefits of the deceased; and,
- (c) whether he would take the necessary steps and ensure that the deceased's relatives get their dues.

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

- (a) Yes, I am aware.
- (b) What I am aware of is that an inquest was ordered and it will be heard in Mandera's magistrate court on 13th November, 1995.

Rev. Ommani: Mr. Speaker, Sir, the deceased was a man who came from a very poor family; the father was left with the widow of the deceased and until now, they have not been compensated. Would the Assistant Minister consider in any way possible and as the mater of urgency, to compensate the family?

Mr. Sunkuli: Mr. Speaker, Sir, as soon as the magistrate has finalised the inquest, the Office of the President will consider on the basis of the findings that particular request made by the hon. Member.

Mr. Nthenge: Mr. Speaker, Sir, could the Assistant Minister hurry up a matter since he has been informed by the hon. Member that, that man was the sole bread earner in the family, and the family has been suffering and reduced to begging?

Mr. Sunkuli: Mr. Speaker, Sir, the only thing I would say in that connection is that I would also be very happy if the magistrate in Mandera hurried up the matter.

Mr. Magwaga: Mr. Speaker, Sir, the Assistant Minister is misleading the House. There are certain payments like for three months salary, which has not been paid to his dependants and which does not require the ruling of magistrate. Could he hurry up the payment of these salaries, while compensation issues are being looked into?

Mr. Sunkuli: Mr. Speaker, Sir, if there is any other matter that does not touch on compensation, I would be prepared to look into it if the hon. Member would come to see me and that one would be hurried up.

Mr. Speaker: Next Question.

Question No.802

SUB-DIVISION OF KWANZA

Mr. Moiben asked the Minister of State, Office the President, when will Kwanza Division be sub-divided into two divisions as recommended by the Trans Nzoia District Development Committee.

The Assistant Minister Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I have not brought the written answer, but I hope the hon. Member will take this answer. The Sub-Division of Kwanza Division into

two was not recommended by the Trans Nzoia DDC. What the Trans Nzoia DDC recommended was the sub-division of the location into two locations and that particular matter is being looked into.

If the hon. Member wishes the Division divided into two, he can have it channelled through the DDC, but the sub-divisions of the location have been effected.

Mr. Moiben: Mr. Speaker, Sir, I am wondering about the answer given by the Assistant Minister because the division has already been divided into. I am very grateful, for what has been done although the Assistant Minister is not aware of the division.

Mr. Speaker: Can I hear what you are saying, hon. Moiben?

Mr. Moiben: Mr. Speaker, Sir, the Assistant Minister has said that the location has been divided into two, but I was talking about the Division. This Question was filed last year, but on the ground, we now has two Divisions and I am most grateful to the Assistant Minister for that.

Mr. Leshore: Point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Leshore: My point of order, is that the Assistant Minister has given a false answer because the hon. Member has given different information. Could the Assistant Minister tell us the truth because the hon. Member is saying that he has already got two divisions while the Assistant Minister is telling us something different?

Mr. Speaker: Are you sure, hon. Sunkuli---

Mr. Moiben: Mr. Speaker, Sir---

Mr. Speaker: Order, what did you want to say hon. Moiben?

Mr. Moiben: Mr. Speaker, Sir, I wanted to say that I am most satisfied with the answer given by the Assistant Minister.

Mr. Speaker: Order! When you ask a Question, it ceases to be yours and it becomes the property of the House. May I further urge that hon. Members who just want to bring questions for formality are discouraged by the Chair from doing so.

Did you want to say something, Mr. Sunkuli?

Mr. Sunkuli: Mr. Speaker, Sir, I would like to clarify the position because the answer I had as of this morning, was that the division that had taken place was of the location and not the division. But I want to say that, that answer has been up-dated that, in fact, the division was divided into Kwanza and Kapkoi divisions sometime this year.

Mr. Speaker: Well, I thank you for informing the House correctly, but in future, Ministers should bring correct answers here!

(Applause)

Next Question.

Question No.825

PROVISION OF PUMPING UNITS

Mr. Farah asked the Minister for Land Reclamation, Regional and Water Development:-

(a) whether he is aware that Gurufa, Shanta-abag and Kumahumato in Garissa District do not have stand-by borehole pumping units; and,

(b) what measures he has taken to provide stand-by pumping units in these areas.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Speaker, Sir, I beg to reply:

(a) I am aware that Gurufa, Shanta-abag and Kumahumato boreholes in Garissa District do not have stand-by generators at the moment.

(b) Following installation of new generators in three boreholes, the ageing generators amongst others, were brought to Messrs Gailey and Roberts in Nairobi for repairs by the funding agency Messrs European Union Kenya at a contractual cost of KShs2,780,261. This amount has now been fully paid and the said funding agency is making arrangements to return the repaired generators to their respective boreholes to be on stand-by.

Mr. Farah: Mr. Speaker, Sir, for the last two years, we did not have stand-by generators in this locational headquarters and in one case, a division headquarters. A stand-by generator is needed because if there is a breakdown on the existing one, then we are talking about putting the lives of human beings and livestock in danger. Could the Assistant Minister, tell us, now that he has said that they have been repaired and the money

has been paid, where they are delaying and when they are going to be taken to the places where they are needed?

Mr. Ligale: Mr. Speaker, Sir, I have just confirmed that the payment was made only the other day and the generators will be sent to Garissa as soon as possible.

Mr. Shidie: Mr. Speaker, Sir, the distance between one borehole and another is more than 100 kilometres, and as the hon. Members has said, the lives of human beings are in danger. The Assistant Minister said that the generators are being repaired and they will be taken there.

Mr. Speaker, Sir, could he be candid enough and tell us when those generators are going to be taken to Gurufa, Shanta-abag and Kumahumato in Garissa District?

Mr. Ligale: Mr. Speaker, Sir, I have just confirmed that as soon as transport arrangements are finalised, they will be sent there.

Mr. Arte: Mr. Speaker, Sir, the hon. Minister for Land Reclamation, Regional and Water Development is on record as having said that before 1997, people of Garissa District will have tapped water everywhere and if, not then the people will reconsider their stand whether to be in KANU or otherwise: Is their stand still the same and are they going to give us the water?

(Applause from the Opposition)

Mr. Ligale: Mr. Speaker, Sir, I am not aware of that statement.

Mr. Farah: On a point of order Mr. Speaker, Sir. My point of order is; notwithstanding the answer, I am talking about the lives of livestock and human beings and having one pumping unit in each of these boreholes and if they breakdown, we lose thousands of cattle. Can the Assistant Minister tell us when these generators will be there, because I have been hearing that for two years now? For two solid years, I have been hearing; "they will be brought back, they are being repaired". When will they be there, two weeks, one month, tell us?

Mr. Ligale: Mr. Speaker, Sir, if two years was a statement to do with their being repaired, that was a different story. Now, I have confirmed that they have been repaired, they have been paid for and they will be delivered.

Mr. Speaker: Question No. 870, Mr. Ferdinard Obure!

Question No. 870

PAYMENT OF FINAL DUES

Mr. Obure asked the Minister for Labour and Manpower Development:-

- (a) whether he is aware that Mr. James Moitui, ID/No.6922036/69, worked for East African Fine Spinners Limited, PF/No. 5086, and was subsequently terminated with benefits as per recommendation of the Ministry of Labour and Manpower Development Ref. ML/IR/7/8/93; and
- (b) when the complainant will be paid his final dues.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I beg to reply:-

(a) Yes I am aware.

(b) East African Fine Spinners Limited, was placed under receivership on 3rd January, 1994. Therefore, Mr. James Moitui's terminal benefits are considered to be unsecured credits.

Mr. Obure: Mr. Speaker, Sir, many Kenyans have suffered in their own country. They are mistreated, used to perform services and finally terminated, either with benefits or without. This time round Mr. James Moitui worked for this company and way back, he was told that his services had been terminated with benefits. Now that this company has gone under receivership, would the Minister ask the caretaker to pay Mr. Moitui's benefits?

Mr. Speaker: By the way Mr. Obure, terminated means killed.

(Laughter)

Anyway, Mr. Minister, would you like to respond to that?

Mr. Masinde: Mr. Speaker, Sir, it is true that Mr. Moitui's services were terminated before the company went under receivership. He was actually dismissed, and the case was referred to my office in January, 1993. I set up an investigator who gave me the recommendations which I communicated to the company but before the company took any action, it went under receivership and the circumstances changed.

Mr. Obwocha: Mr. Speaker, Sir, now that the Minister has accepted that East African Fine Spinners Limited is under receivership, could he update this House, how far they have gone with the liquidation?

Mr. Masinde: Mr. Speaker, Sir, I do not think it is the business of the Ministry of Labour and Manpower Development to find out how companies under receivership are liquidated.

Mr. Speaker: Mr. Robert Mungai!

Question No. 631

SHORTAGE OF HOSPITAL SUPPLIES

Mr. R. Mungai asked the Minister for Health:-

(a) whether he is aware that Thika District Hospital has an acute shortage of drugs, surgical equipment including gloves, syringes, and such other minor, but essential supplies, that the hospital is now operating as a simple clinic or surgery; and

(b) if the answer to "a" above is in the affirmative, what urgent measures the Ministry is taking to rectify the situation.

The Assistant Minister for Health (Mr. Criticos): Mr. Speaker, Sir, I would like to apologise to the House because the answer which I have received here, I feel that it is inaccurate to give to the hon. Member. Therefore, I request the House to allow me to come with a proper answer on Thursday this week, if you would allow me.

(Question deferred)

Mr. Speaker: Question No. 822, Mr. Kapten!

Mr. R. Mungai: Mr. Speaker, Sir, I have a written answer here.

Mr. Speaker: Order Mr. R. Mungai! The Assistant Minister says that the answer he has given you, he is not satisfied with it. I am sure you are interested in a proper answer. Question No. 822, Mr. Kapten!

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

Mr. Speaker: What is it?

Mr. Ndicho: Mr. Speaker, Sir, we are getting confused here because this Question was asked very many months ago: Is the Assistant Minister in order to say that this answer is not adequate when people are dying?

Mr. Speaker: Order Mr. Ndicho! I think you are taking us back unnecessarily. Just a few minutes ago, I urged Ministers to bring correct answers to the House and this is what the Assistant Minister is seeking to do. Question No. 822, Mr. Kapten!

Question No. 822

CONSTRUCTION OF POWER DAM

Mr. Kapten not here! We will leave this Question until the end. Question No. 790, Mr. Kamuiru Gitau!

Question No. 790

REFUSAL OF CO-OPERATIVE MEETING

Mr. Speaker: Mr. Gitau's Question is deferred until next week.

(Question deferred)

Question No.376, Mr. Kamuyu!

Mr. Kamuyu: Mr. Speaker, Sir, can I be protected from hon Members who are preventing me from approaching the microphone?

Mr. Speaker: From?

Question No. 376

ISSUANCE OF TV AND RADIO LICENCES

Mr. Kamuyu asked the Minister for Information and Broadcasting:-

- (a) how many Radio and Television licences have been issued in Kenya between 1st July, 1988 and 31st December, 1994; and
- (b) how many licence applications are still pending with the Ministry.

(Laughter)

The Minister for Information and Broadcasting (Mr. Makau): Mr. Speaker, Sir, I beg to reply.

(a) No licences for radio broadcasting have been processed between 1st July, 1988 to 31st December, 1994. However, two Television Broadcasting stations and a Cable Television station received the necessary Government authorization to commence transmission and relay programmes, respectively.

(b) As regards the second part of the Question, I hasten to point out that quite a number of applications are still pending. However, further comment on this matter might prejudice what is before court.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Could the hon. Minister answer the Question put to him? "How many" cannot be answered by "a number of". Specifics of numbers is there in the meaning of the English language.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Speaker, Sir, I have stated very clearly that there is a case in court---

An. hon. Member: What number?

The Minister for Information and Broadcasting (Mr. Makau): I will give you the number. Regarding the point of order, question, I would like to inform the House that my Ministry is a respondent in High Court Miscellaneous Suit No. 519---

Mr. Muite: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Minister to evade answering this Question? Quite clearly, telling this House how many licences have been issued is not discussing the merits or demerits of any case which is involved and, therefore, is not caught by the *sub judice* rule. Could you order the hon. Minister to answer the Question as put? How many licences have been issued?

Mr. Speaker: Orde! Order everybody! Mr. Makau, if your Ministry has been sued for refusing to disclose how many applications you have, then that is *sub judice*.

(Applause)

The Minister for Information and Broadcasting (Mr. Makau): Mr. Speaker, Sir, I was coming to explain the prejudice that I am talking about. I would like to inform the hon. Members who are anxious to know how many applications that have been received. So far, we have received 19 applications for television and 23 licences for radio.

Mr. Speaker: Very well! Mr. Kamuyu, but do not go to the merits of the matter that he is complaining is *sub judice*.

Mr. Kamuyu: Mr. Speaker, Sir, the *sub judice* matter which he has given as Suit No. 519 is not going to be touched in this House. However, I am grateful the hon. Minister has told this House about applications for 19 Television and 23 Radio licences. Could the hon. Minister give us the names of those applicants?

Mr. Makau: Mr. Speaker, Sir, I have just said that I cannot disclose that because currently, the case that is before court and whose number I have given here, does not allow me to discuss the names of the applications, as it involves getting to the contents of what is under dispute.

Mr. Kamuyu: On a point of order, Mr. Speaker, Sir. It is quite apparent from your ruling that when we take out what is *sub judice*, which is Suit No.519, you will realise that apart from the number of applicants as 19 licences for television and 23 licences for radio, I need guidance from the Chair---

(Hon. Member consulted loudly)

Mr. Speaker: Order! There are Members at the corner there who cannot allow me to concentrate. Could you hon. Members there consult quietly?

Mr. Kamuyu: Thank you, Mr. Speaker, Sir for telling them to consult quietly. I rise to seek guidance from the Chair, regarding the fact that the hon. Minister has specifically answered about the 19 applications for

television and 23 for radio licences. That part of the Question is already answered and since none of these is *sub judice*, could he proceed to tell us each application and the applicants. We are completely avoiding anything that is in court. May I seek your guidance?

An hon. Member: Avoid Kangwana's!

Hon. Members: Tell us, Mr. Makau!

Mr. Speaker: Mr. Makau---

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

Mr. Speaker: Order! Order, hon. Members. Any hon. Member who will now disrupt the proceedings of this House will have to go out and give us a chance to proceed.

Mr. Makau, is giving the names *sub judice*?

Mr. Makau: Mr. Speaker, Sir, it does because the Suit number that I have referred to belongs to one of the applicants, who is asking for a Court Order---

(Loud consultations)

Mr. Speaker: Order! Could I hear the hon. Minister? Proceed, hon. Makau.

Mr. Makau: Mr. Speaker, Sir, the case I have referred to belongs to one of the applicants, who is seeking an order to compel the Ministry to take some actions. I will not give the details, because giving the names of all the applicants means divulging the name of the applicant who has already sued the Ministry.

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! Mr. Makau, please send the pleadings to the Chair and then the Chair will decide whether or not you are right. We will defer that Question now until I have seen the pleadings.

(Question deferred)

Question No. 907

SETTLEMENT OF FOREST SQUATTERS

Mr. Mwiraria asked the Minister for Environment and Natural Resources:-

(a) whether he is aware that there are about three thousand (3,000) families settled in the Mount Kenya Forest around Karuri area of Timau Division;

(a) if he is further aware that those people have been settled in this area for about ten years; and,

(c) if the answers to the above questions are in the affirmative, when he does propose to settle those people permanently either in the area where they are living or elsewhere.

Mr. Speaker: Anybody from the Ministry of Environment and Natural Resources to answer Mr. Mwiraria's Question?

Hon. Members: He is not here!

Mr. Speaker: Mr. Kapten, for the second time.

Question No. 822

CONSTRUCTION OF POWER DAM

(Question dropped)

Mr. Speaker: Mr. Mwiraria, ask your Question a second time.

(Question No. 907)

SETTLEMENT OF FOREST SQUATTERS Natural Resources:-

(a) whether he is aware that there are about three thousand (3,000) families settled in the Mount Kenya Forest around Karuri area of Timau Division;

(b) if he is further aware that these people have been settled in this area for about ten years; and,

(c) if the answers to the above questions are in the affirmative, when he does propose to settle these people permanently either in the area they are living or elsewhere.

Mr. Speaker: Anybody from the Ministry of Environment and Natural Resources?

Hon. Members: He is there! He has come back.

Mr. Speaker: Yes, Mr. Sambu, we were waiting for you very anxiously.

The Minister for Environment and Natural Resources (Mr. Sambu): Mr. Speaker, Sir, I am just on time to answer Question No. 907.

Mr. Speaker: Very well, proceed!

The Minister for Environment and Natural Resources (Mr. Sambu): Mr. Speaker, Sir, I apologise for coming in late. However, I beg to reply.

(a) Yes, I am aware, but the number of families who were allowed temporary residence by the Government were 821 and not 3,000.

(b) I am also aware that these people have been living in the area for about 10 years.

(c) The Government is exploring the possibilities of settling them permanently in a suitable area.

An hon. Member: Where?

Mr. Mwiraria: Mr. Speaker, Sir, I would like to thank my friend, the hon. Minister for Environment and Natural Resources for a frank and honest answer and I would only like to ask one supplementary question at this stage. That is: Since the hon. Minister is aware that only 821 families were temporarily allowed to live in the forests more than 10 years ago, and given the fact that today, that number has more than tripled, could he implement part "c" of his answer as a matter of urgency to avoid getting more and more families in the forest which will become a burden in future and if so, how soon?

I do not want to know where they will be settled, but I will be very happy to know how soon the settlement can be done.

Mr. Sambu: Mr. Speaker, Sir, the exercise of sorting out the original families from those who moved in later has to be carried out. As soon the exercise of sorting them out is over, the actual resettlement will begin.

Mr. Murungi: Mr. Speaker, Sir, could the Minister give us some details of where resettlement will take a place? Has the farm been identified, or what possibilities has the Government considered so far?

Mr. Sambu: Mr. Speaker, Sir, the settlement will take place in an area around Mount Kenya, mainly in place which should not be part of the actual forested area.

Prof. Ouma: Mr. Speaker, Sir, the Minister himself has just said that the people living there will be resettled in an area where they will not affect the water resources. For 10 years people have been living temporarily at the source of very many rivers in Kenya, yet we have the Ministry of Environment and Natural Resources, whose duty it is to ensure that the water sources of this country are protected. Could the Minister tell the House why they procrastinated in settling these people in the right place and, thereby saving the forest and the water resources?

Mr. Speaker: Prof. Ouma, I do not know whether your friend, Mr. Mwiraria likes your question. But, anyway, Mr. Sambu, would you like to answer?

(Mr. Sambu remained seated)

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. Is the Minister in order to decline to respond to Prof. Ouma's point of order?

Mr. Speaker: It was actually a question and not a point of order.

Mr. Sambu: Mr. Speaker, Sir, I said that they will be settled in a place where they will not affect the water catchments. It is a question of resettling these people as well as conserving our water catchment areas. That is why I said they will be settled in a place where they will not affect water catchment areas.

Prof. Ouma: On a point of order, Mr. Speaker, Sir. We ask that we be given the correct information so that we know what is going on. I asked only a simple question. It is important to protect water sources so as to facilitate people's development tomorrow. I only asked: Why did the Government delay in resettling these people in the right place so that the source of many rivers did not get spoiled?

Mr. Speaker: Prof. Ouma, as you have proved to yourself, that is not a point of order, but a question.

Mr. Badawy's Question.

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

Mr. Speaker: Order, Mr. Mungai! We have left that Question.

QUESTIONS BY PRIVATE NOTICE

SHOOTING OF MR. NDURYA

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

(a) Is the Minister aware that Mr. Alex Nganyawa Ndurya was shot dead by security officers on 26.10.95 at Muyeye Village, Malindi Constituency, and two other people, Messrs Kaingu Yaa and Jacob Safari, were seriously injured?

(b) If the answer to (a) above is in the affirmative, what circumstances led to the shooting of the above people and what action has been taken against the security officers involved?

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

(a) Yes, I am aware.

(b) The shooting occurred on 26.10.95 when the police were suppressing a riot. Malindi Inquest No. 1 of 1995 is pending under investigations and appropriate action will be taken immediately the inquest is finalised.

Mr. Badawy: Mr. Speaker, Sir, the Assistant Minister is misleading this House when he alleges that there was a riot on that material day. In fact, the residents of the area were merely putting up a very peaceful resistance against attempted eviction by Malindi Municipal chief officers in collaboration with the administrators. In any case, if the alleged riot took place, what were the people rioting against and what were the casualties? What other damage was caused on that day?

Mr. Sunkuli: Mr. Speaker, Sir, my information is that, in fact, there was a riot and the police were reacting to that. But whether the hon. Member's observations are right or not that is now beyond me because the matter is before a magistrate. I think discussing what exactly happened would be *sub judice*. **An hon. Member:** What is the file number?

Mr. Sunkuli: It is Inquest No. 1 of 1995 in Malindi.

Mr. Mumba: Mr. Speaker, Sir, I think it is within the ability of the responsible Ministry to have investigated this matter and arrested the culprits by now. I am sure that the police officer concerned is known. The shooting was done without provocation---

Mr. Speaker: Mr. Mumba, you have heard there is an inquest into this matter which is pending!

Mr. Mumba: Mr. Speaker, Sir, my point is that I do not think there is any need for an inquest file to be opened because this case is very clear. The police officer concerned should have been arrested immediately after the shooting because it was done without provocation! Could the Assistant Minister explain why they chose to open an inquest file instead of effecting an immediate arrest of the police officer concerned?

Mr. Sunkuli: Mr. Speaker, Sir, after investigations, the file was submitted to the Attorney-General who recommended that this matter be presented before a magistrate in form of an inquest.

Mr. Orengo: Mr. Speaker, Sir, there must be something wrong with the training of police officers in quelling either what is termed as a riot or any public tumult. Could the Assistant Minister assure this House that police officers are going to be trained to know how to shoot in the air instead of shooting people dead? There are too many cases of people being shot dead? Could they not be taught how to shoot in the air instead of shooting people?

(Loud consultations in the Chamber)

Mr. Sunkuli: Mr. Speaker, Sir, I am not too sure whether I got the hon. Member's question because there are very loud consultations here!

Mr. Speaker: Order! Order! You are quite right, Mr. Sunkuli. This has given me some anxious moments this afternoon! We are unable to transact business in here! Would Hon. Members who are not interested in following the proceedings of this House kindly leave this Chamber?

Mr. Orengo, what was your question?

Mr. Orengo: Mr. Speaker, Sir, my question was this: Over the last few months there have been so many instances of people being shot dead by the police, either because of being suspected of having committed

crimes or because there was the so called "an illegal meeting". Could police officers be taught to shoot in the air instead of shooting people dead? I think they need to take some lessons on how to shoot in the air!

Mr. Sunkuli: Mr. Speaker, Sir, the police are taught to shoot in the air. All that I can say is that they should actually try to avoid shooting directly at people. They should at all times try to apprehend the culprits in as much peaceful manner as possible. Of course, where it is not possible to do this, hon. Members will appreciate that the police must use as much force as is necessary to arrest the situation.

Mr. Badawy: Mr. Speaker, Sir, can the Assistant Minister in the meanwhile, as his inquest continues, instruct his District Officer, or any other Provincial Administration officer for that matter, to **[Mr. Badawy]** stop interfering with the process of evicting squatters in that particular area in conformity with the agreement on this particular plot that leaders reached in Malindi on 7.7.95?

Mr. Sunkuli: Yes, Mr. Speaker, Sir, I will do exactly that. What has actually happened is that a committee comprising of senior people has been put in place, and I think that the District Officer will not interfere with that matter.

Mr Speaker: Mr. Gichuki's Question.

PAYMENT OF INSURANCE STAFF

Mr. Gichuki: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that employees of the Kenya National Assurance Company Limited have not been paid their salaries for the last three months?

(b) In view of the serious financial difficulties facing these employees, what urgent steps is the Minister taking to ensure that they (employees) are paid their dues?

(c) What tangible measures is the Minister taking to improve the financial position of this company?

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I beg to reply.

With regard to parts (a) and (b), it is not true that employees of the Kenya National Assurance Company Limited (KNAC) have not been paid their salaries for the last three months. I can confirm that the company has paid salaries up to date and at no time has any salary been paid late.

(c) I am aware of the problems facing the KNAC and the Minister for Finance issued a statement to that effect on the 24th of October, 1995. In that statement, the Minister announced that the Government has commissioned M/s Coopers and Lybrand, Certified Public Accountants and M/s R. Watson and Son, Actuaries, to carry out an indepth investigation into the financial affairs of the company and suggest remedies necessary to re-establish KNAC as a viable Insurance Underwriter.

Mr. Gichuki: Mr. Speaker, Sir, the KNAC is the biggest insurance company in this country. In view of the answer of the Assistant Minister to parts "a" and "b", that he has paid the salaries up to date, so far so good. However, as for part "c", we are aware that today, if you have a cheque given by the KNAC, it is hardly honoured by the banks.

The Assistant Minister tells us that he has appointed M/s Coopers and Lybrand to investigate the financial affairs of the company, but from our experience, we have had many commissions---

Mr. Speaker: Order, Mr. Gichuki. This is Question time, not debating time. Could you put your question?

Mr. Gichuki: I am building it up, Mr. Speaker, Sir.

Mr. Speaker: I am sorry, we do not have the time to build foundations.

Mr. Gichuki: What assurance or confidence will the Assistant Minister give the citizens of this country and the customers of KNAC that their money is in safe hands and that, in future, their cheques and payments will be honoured? The situation, as it is today, is bad.

Mr. Keah: Mr. Speaker, Sir, that question is so long that I do not exactly know what the hon. Member was saying. Could he repeat it?

Mr. Speaker: In essence, what he is asking is: What steps are you taking to ensure that the liquidity of that company is respected, so that its cheques are not refused by banks?

Mr. Keah: Mr. Speaker, Sir, the steps being taken are precisely what I have just answered.

Mr. Mathenge: Thank you, Mr. Speaker, Sir. Could the Assistant Minister admit or deny that the inability of the KNAC to meet its obligations is as a result of embezzlement of the company's funds by the managers?

Mr. Keah: Mr. Speaker, Sir, I am not aware of the allegation he is making because, if I was aware,

those managers would have been taken to court.

Dr. Kituyi: Mr. Speaker, Sir, arising from the latest reply by the Assistant Minister, it is public knowledge in this country that all those parastatals and State corporations which have been given management on the basis of political consideration, in total disregard of the performance of the individuals in earlier public life like the current management of the KNAC, are facing very serious problems. This Assistant Minister knows that Mr. Chelashaw did not come with a great record from the National Cereals and Produce Board (NCPB) and, it could be anticipated that his performance would be less than adequate to revive an already crippled parastatal. Why was it necessary that such a person be given the challenge of reviving what was already collapsing?

Mr. Keah: Mr. Speaker, Sir, if the hon. Member is talking about an unfortunate officer who cannot defend himself here, I can tell you point blank that you wait and see. He will deliver the desired results.

Mr. Wamae: Mr. Speaker, Sir, is the hon. Assistant Minister not aware of the many irregularities that go on at KNAC, like buying of properties at inflated prices and so forth, which have [Mr. Wamae] contributed to the destruction of the liquidity of the institution and which, as a result, has caused all the problems which have arisen?

Mr. Keah: Mr. Speaker, Sir, I have just said that I am aware of the problems facing the KNAC. So, I am admitting that there are problems in the company and steps have been taken by the Government to ensure that this institution has been brought into---

Mr. Ndwiga: On a point of order, Mr. Speaker, Sir. The Assistant Minister continues to mislead this House. Is he in order to tell this House that if they had known that the KNAC was insolvent, then they would have taken certain action against the managers, while we know very clearly that this year, the Commissioner of Insurance did not include the KNAC on the list of insurance companies permitted to conduct business? This company continues to steal public money. Even today, their offices in Mombasa have been attached by auctioneers. Is he in order to continue misleading this House?

Mr. Keah: Mr. Speaker, Sir, as we all know, the hon. Member is an insurance broker. Perhaps, he should declare his interests here. Having said that, I would like to assure this House that the KNAC is right now conducting business in the normal manner and the Commissioner of Insurance has not taken away those privileges. That is an assurance I am giving this House.

Mr. Speaker: Next Question, Mr. Raila!

Mr. Gichuki: On a point of order! On a point of order!

Mr. Speaker: Order! Order, Mr. Gichuki! If you persist in not bringing yourself to order, I will bring you to order!

Mr. Gichuki: On a point of order!

Mr. Speaker: Overruled! Order, Mr. Gichuki! We are on another Question now.

INCREASE OF HOUSE RENTS

Mr. Raila: Mr. Speaker, Sir, I would like to ask the Minister for Local Government the following Question by Private Notice:-

(a) Is the Minister aware that the Nairobi City Council is in the process of increasing house rents on its estates by about 300 per cent?

(b) if the answer to "a" above is in the affirmative, could the Minister intervene to stop the Council from imposing the excessive increase on the tenants?

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

I am not aware that the Nairobi City Council is trying to raise rent in the estates by about 300 per cent because the Nairobi City Council has not submitted any official proposals to that effect. If the proposals will be received by the Ministry, we will look into them and take appropriate action.

Mr. Raila: Mr. Speaker, Sir, this is not the first time that the Assistant Minister has said that he is not aware. Last time, when I raised the question of the sale of City Council houses to senior Government officials, including Ministers, they said they were not aware. Now, the Mayor's house has been sold to a Government Minister and the Mayor is forced to live somewhere in Eastlands. Now that the Assistant Minister has been made aware, what action does he intend to take to protect the City Council residents from this exorbitant increase of rent?

Mr. Walji: Mr. Speaker, Sir, when we receive official communication from the Nairobi City Council regarding the increase of house rents and find out that it is true that they want to increase it by 300 per cent, we will make sure that that is not done. We will make sure that the increment is very minimal.

Mr. Kamuyu: Mr. Speaker, Sir, is the Assistant Minister, therefore, confirming to this House, and the nation, that they have no such plans at all in their Ministry of increasing house rents to the people of Nairobi?

Mr. Walji: It seems, Mr. Speaker, Sir, that the hon. Member did not understand my answer. I said very clearly that we have not received any communication from the Nairobi City Council to the effect that they want to increase house rents.

Mr. Raila: Mr. Speaker, Sir, the Assistant Minister says that he will do something and let us hope he will do that. Is the Assistant Minister aware that the Nairobi Mayor was shot at because of living in a very insecure area when Mayor's official residence is occupied by a Government Minister---

Mr. Speaker: Hon. Raila, ask your question.

Mr. Raila: My question is this: What action does the Government intend to take to protect city residents, the mayor included, from the sale of the City Council houses and increase of rents to the city residents, which do not end up in improving services to the residents?

Mr. Speaker: Order! Hon. Walji! You can answer the bit about stopping the increase of rent but you can ignore the sale because it is not part of the Question.

Mr. Walji: Mr. Speaker, Sir, regarding the increase of the rents, I will be the first person to protest against it, especially for the poor people.

Mr. J.N. Mungai: Thank you, Mr. Speaker, Sir, for seeing me at last.

Could the Assistant Minister deny or confirm to this House that the intention of the City Council in increasing house rents to the residents of this City is being prompted by the fact that they have to look for an expensive house for the Mayor and raise funds to pay the rent? Can the Assistant Minister tell this House whether the City Council has not failed in allocating the Mayor's official Residence to a Government Minister instead of the Mayor and after that, increase house rent for the residents of this City, so that they can raise funds to rent a house for the Mayor to the tune of Kshs 55,000 per month as per the report from the daily newspapers?

Mr. Walji: Mr. Speaker, Sir, I do not know where the hon. Member got the story that the City Council is intending to increase house rents so as to buy a house for the Mayor. I said that no rents will be increased by 300 per cent.

Mr. J.N. Mungai: On a point of order, Mr. Speaker, Sir. I did not say that the intended increase of the house rents to the City residents is because the Ministry wants to buy a house for the Mayor. I said that the increase is intended to meet the rent of a very expensive house for the Mayor. The Mayor had his own house and it was allocated to a Government Minister who is in this House.

Mr. Walji: Mr. Speaker, Sir, it is not necessary that we are going to buy an expensive house. A house with four walls is enough for the Mayor's security so long as he is guarded.

ARREST OF MR. RAO

Mr. Shikuku: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:-

(a) Is the Attorney-General aware that the former Deputy Public Prosecutor, a Mr. Sharad Rao, was once charged with a drug related offence?

(b) If the answer to "a" above is in the affirmative, is he further aware that his (the Attorney-General's) predecessor informed this House that Interpol and the Kenya Police had failed to track down Mr. Rao, who was out of the country?

(c) If the answer to "b" above is in the affirmative, could the Attorney-General tell the House why Mr. Rao was not arrested when he appeared years later before the Njonjo Commission of Inquiry and more recently before Chief Magistrate, Nairobi, defending a Mr. Kamlesh Pattni?

The Attorney General (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

(a) The Attorney-General is aware that Mr. Sharad Sadashin Rao together with four other persons (three including Mr. Rao as directors of and two as pharmacists working for Elys Chemical Industries Limited) were on 27th August, 1984, charged with selling drugs not of the nature or quality demanded by the purchasers contrary to the provisions of the Food, Drugs and Chemical Substances Act Cap. 254 of the Laws of Kenya.

(b) I am not aware that the former Attorney-General had informed this House that Interpol and the Kenya Police had failed to track down Mr. Rao who was out of the country.

(c) As the answer to "b" is not in the affirmative, part (c) of the Question does not arise.

Mr. Shikuku: Arising from that reply which is half truth and the rest untruths, could the Attorney-General tell the House why, in the first place, Mr. Sharad Rao and the rest were charged and if they were

charged, what happened to that case?

Mr. Wako: Mr. Speaker, Sir, the plea was taken on 27th August, 1984. Two cases were withdrawn at that stage under Section 204 that is, one against Sharad Rao and the other against Ishamel Casson. I presume it was because they were non-executive directors of the Company. As to the remaining three, the case did proceed to hearing. It was heard by Mary Ang'awa, then Resident Magistrate, and on 7th February, 1985, they were acquitted under Section 210 of the Criminal Procedure Code.

Mr. Ndicho: Mr. Speaker, Sir, could the Attorney-General tell this House, and this nation, why it is that it is only senior people from the Government and in the society in this country who are involved in drug trafficking and none is arrested? It is not the ordinary Kenyan who is involved in this deal. Any case of drug trafficking in this country is connected to senior people in the Government and in the society who have got a lot of money. Could the Attorney-General tell us why double standards---

Mr. Speaker: Order! Order, hon. Ndicho! Mr. Ndicho, you can see the Question we have. I give hon. Members the Floor in the hope that they have read the Question and since you have not, I will give it to Mr. Shikuku.

Mr. Shikuku: Arising from the previous reply, where the Attorney General---

Mr. Ndicho: You are protected!

Mr. Speaker: Order, Mr. Shikuku! Order! Are you saying the Chair is protecting anybody Mr. Ndicho? Are you saying that? Mr. Ndicho, for casting aspersions to the Chair, I consider that gross misconduct and you must leave. You must leave, I am sorry.

(Mr. Ndicho withdrew from the Chamber)

Mr. Shikuku, you were on the Floor.

Mr. Shikuku: Mr. Speaker, Sir, when the Attorney-General was replying to my supplementary question, he did use the word "presume". How

[Mr. Shikuku]

could they presume that Sharad Rao was connected when he was not. How did this presumption come in when he had already been charged along with the other three? What is this presumption he is talking about.

Mr. Wako: Mr. Speaker, Sir, that case came a very long time ago case and the records which are there are very scanty but the case against two of the accused persons was withdrawn and the only inference I can make, and that is why I used the word "presume", was that those two directors were not executive directors but were part-time directors. The case did proceed against the director who was a full-time director of the company and the pharmacists who were full-time employees of the company.

Dr. Kituyi: Mr. Speaker, Sir, I am not satisfied that hon. Shikuku's supplementary question has been properly answered. The AG is supposed to be privy to the grounds and the premises upon which the prosecution acted, instead of speculating that "it could be". Could the Attorney-General tell us what is actually officially, the reason why he was removed from the prosecution in this case?

Mr. Wako: According to the records that I have, the court file is not there; it is a 1984 matter but the scanty record is that the cases against the two were withdrawn under Section 204 of the Criminal Procedure Code.

Mr. Muite: Mr. Speaker, Sir, since the hon. AG says that the records go back to a very long time, would he consider the fresh records concerning all the cases pending against hon. Members on this side of the House and withdraw them? Those records are fresh.

Mr. Wako: Mr. Speaker, Sir, I am not aware of any Member of the House who has been charged with a drug-related offence.

Mr. Speaker: Order! Order, Mr. Mungai. In all fairness, I thought Mr. Muite would ask a supplementary question relating to this Question. I will give the last on to Mr. Shikuku.

Mr. J.N. Mungai: On a point of order, Mr. Speaker, Sir. I think the AG is misleading this House when he says that he is not aware of any Member of the Opposition with cases pending in court, I personally have four cases pending in court since 1992.

Mr. Speaker: Order! Order, Mr. Mungai. What the AG is saying is that he is not aware of any hon. Member charged with a drug-related case. Proceed Mr. Shikuku.

Mr. Shikuku: Mr. Speaker, Sir, is the AG aware, and I am very surprised that he is evading the whole issue, that Sharad Rao, and I was in this country at that time actually did disappear and it was even reported in the local newspapers, only to resurface later during Njonjo's Commission? Could the AG tell us why he was not apprehended at that time having gone underground?

Mr. Wako: Mr. Speaker, Sir, the question relates to what my predecessor said in this House and I have been unable to get any HANSARD record of the allegation put in part (b) of this Question by Private Notice.

Mr. Speaker: Next Order! Mr. Mwiraria.

POINTS OF ORDER

THARAKA IMENTI BORDER DISPUTE

Mr. Mwiraria: Mr. Speaker, Sir, I rise on a point of order to request for a Ministerial Statement from the Office of the President on the weekend's violence arising out of a boundary dispute between the people of North Imenti and the people of Tharaka. The story is carried in today's issue of "The Daily Nation" whereby it reported that more than seven people were injured, several houses burnt and livestock stolen. In addition, it is stated that people of North Imenti are blaming two chiefs from Tharaka for the raid on the people of Kibuline sub-location, Giaki Location of North Imenti. In asking for this Ministerial Statement, I would like to make two additional points. The first one is that the boundaries between the various parts of Meru---

Mr. Speaker: Order! Order! I am sorry, Mr. Mwiraria, you are now overstepping your power. You are making it a debate instead of asking for a Ministerial Statement.

Mr. Mwiraria: Could I say exactly what contained in the Ministerial Statement and skip that point of overstepping?

Mr. Speaker: So long as you do it within the provisions of Standing Order No.69.

Mr. Mwiraria: Mr. Speaker, Sir, I just wanted to say that in recent years, fights have occurred between Tharaka people and Nithi people and also between Nyambene people and now between Tharaka people and North Imenti people. What I would like the Minister to address in his Ministerial Statement is:-

(a) What the Government intends to do since the boundaries between Tharaka and the rest of Meru are clearly known that, they were delineated by the Nchuri-Ncheke council of elders many years ago and that was the authority of boundaries then. What is the Government intending to do to settle this border dispute issue once and for all?

(b) Since Government chiefs have been blamed for instigating the raid, would the Minister in his Statement cover the fact as to whether the chiefs were involved and if so, what action the Government intends to take?

HARASSMENT OF MEMBERS

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

Mr. Speaker: What is it, Mr. Shikuku?

Mr. Shikuku: Mr. Speaker, Sir, mine is in connection with the Statement promised by the Office of the President in connection with harassment of Members of this Parliament. The Minister promised to make a Statement and for the whole of last week he did not. Is it not time he was asked to make that Statement he promised the House?

Mr. Speaker: Any response, Mr. Sunkuli?

The Assistant Minister of State, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, in the first place, in response to hon. Mwiraria's request, a Statement will made with respect to what happened over the weekend. In connection with hon. Shikuku's remarks, the Office of the President will issue that statement on Thursday.

Mr. Speaker: Very well, Next Order!

BILL

First Reading

THE APPROPRIATION BILL

*(Order for First Reading read - Read the First Time -
Ordered to be read the Second Time today)*

Second Reading

THE APPROPRIATION BILL

Mr. Shikuku: On a point of order! When the Clerk read out the Bill, I thought that the Minister in charge of that Bill should have stood up and said "now or tomorrow". I did not see them. They are getting too lazy. Immediately the Clerk finishes---

Mr. Speaker: Did you demand a hearing, Mr. Keah? I am addressing you Mr. Keah, could you reply?

*(Mr. Keah stood up in his place
and bowed to the Chair)*

That is actually the procedure. You either say "now or tomorrow", whatever it is. Anyway, we are on Second Reading and you have the Floor?

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I thank you for this opportunity. First of all, I would like to say that I did bow; but now I beg to move that the Appropriation Bill be now read a Second Time. Hon. Members have had the opportunity to discuss in detail, first, the Vote on Account, then in the Committee of Supply, they were able to debate on the following Votes: Vote No.1 - Office of the president, Vote No.11 - Ministry of Health, Vote No.13 - Ministry of Public Works and Housing, Vote No.20 - Ministry of Land Reclamation, Regional and Water Development, Vote No.23 - Ministry of Commerce and Industry and Vote No.31 Ministry of Education.

Mr. Speaker, Sir, the rest of the Votes were on Thursday, 26th October, 1995, discussed in this House under the Guillotine Procedure in accordance with the provisions of the Standing Order No.142 (7). The purpose of this Bill is, therefore, to seek statutory approval from this House for financial provisions in accordance with section 100 (2) of the Constitution of Kenya. Up to now, Ministries and other Government Departments are running on the Vote on Account which allows the Minister to release half of the net provisions included in the 1995/96 Estimates of Recurrent and Development Expenditure. Once the Bill is passed and given assent by His Excellency the President, I will be able to issue the total sum from the Consolidated Fund to meet Government expenditure. The Appropriation Bill 1995, contains the ambit and the provision for each Vote, including Appropriations-in-Aid. It is a detailed summary of the statutory Estimates contained in the 1995/96 Recurrent and Development Estimates books.

Clause 2 of the Bill provides for the issue, out of the Consolidated Fund, of the sum of K£4,734,052,846 required to meet public expenditure during the financial year ending 30th June,1996. The sum includes the amount authorised by this House on the 21st of June 1995 by Vote on Account under section 101 of the Constitution. This clause also appropriates the money granted to the services and purposes specified in the Schedule which is based on the Estimates of 1995/96 financial year.

Clause 3 makes provision for Appropriations-in-Aid of those services and purposes. The provisions in this Bill are in accordance with the established practice and I would urge the hon. Members to pass the Bill, so that I can release the total voted provisions to the Ministries and Departments for both the Development and Recurrent Expenditure and indeed, for the development of our country. His Excellency the President has signified his consent to this Bill.

With these few remarks I beg to move.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I rise to second the Bill. As the Mover has mentioned, it is true that we discussed the Finance Bill at length in this House.

We even discussed individual Ministry's expenditures as well as those that were Guillotined. It is, therefore, important that the House approves this Bill so that the Minister for Finance is given the authority to give the money to the Ministries concerned to spend. Members of this House have raised various questions related to stalled projects in their constituencies. It is important that when this money is released, I wish to appeal to the Ministries concerned that they should [**The Minister for Labour and Manpower Development**] use the money properly. The money which is set aside for development projects should go to help the stalled projects so that they get completed before new ones are started. For the recurrent expenses, many Ministries have had problems in transport or providing their field officers with vehicles to be able to deliver services to the wananchi. It is important that the field officers are enabled to go to the field and deliver services to wananchi and this can only be done by the Ministries concerned, apportioning and making sure that their officers do not only earn their salaries while sitting in offices but by delivering services to wananchi. I also want to urge the Members from constituencies with stalled projects to prioritize them because too many projects have been started aphaazardly and the money that is going to be voted cannot complete all the outstanding projects. So, they should be prioritized, so that whatever little the Ministries get, they can use it properly.

With those few remarks, I beg to second.

(Question proposed)

Mr. Orengo: Mr. Speaker, Sir, thank you for giving me this opportunity to contribute to this Bill.

I beg to support the Bill but I would like to make the following remarks first. By giving the Treasury authority to issue the sum mentioned in the Bill from the Consolidated Fund, this House is giving this Government the opportunity to govern. Without the money spelt out in this Bill, the Government is not going to be able to carry out its various activities, either in meeting its recurrent expenditure or the development expenditure.

In the past, there has been a lot of waste of Government money due to a lot of corruption. This House does its duty as required by the Constitution to pass Appropriation Bills which have come before this House more or less as a matter of practice. But when this money has been spent and the Public Accounts Committee reviews the manner in which this money has been spent, we normally encounter a situation where a lot of Government money has been embezzled and when the Public Accounts Committee gives its own recommendations, nothing is really done. So, my hope is that, by passing this Bill, the Government is going to make sure that public funds are not misused by the Government or by the public officers and the story is an annual affair. Every year, we are confronted with many cases of corruption which I do not want to enumerate. But the safeguard to all these is good governance. If this Government is prepared to ensure that we have good governance, so that the controls that are put in place either within the Government machinery or allowing Parliament to effectively supervise Government expenditure and activity, then, we will be doing a lot to make sure that this country gets what it deserves. We are providing a lot of money here to maintain the Judiciary and the Attorney-General's office. I would call upon the Attorney-General again, and remind him that, he is the protector and custodian of the law. If the Attorney-General is going to wake up to ensure that we have justice not only in the court, but also in governance, then, I believe that this country can have a great future.

Mr. Speaker, Sir, I am speaking about the office of the Attorney-General because, ever since 1992, there have been various proposals made; that, we need to sit together, as leaders, to think about the future of this country, to make sure that the desired constitutional order that we have been preaching about is brought about through good governance and making sure that we can sit together, as leaders, to effect changes of the laws in this country, to make sure that we really become a multi-party and dynamic society. I would say this; that, if in the life of this Parliament, the Attorney-General, in fact, if before mid-1996, the Attorney-General does not come with firm proposals for a national convention, to ensure that leaders in this country can sit together and dialogue together, to bring about an equal constitutional order, then we will have been a great failure to the people of this country. We are a signatory to the Harare Declaration of 1992, where we agreed with many governments in this world within the Commonwealth, that, we shall observe sound management of our policies and also ensure that there is transparency and accountability in governance.

Mr. Speaker, Sir, it would appear that no sooner had we left Harare in 1992 than we forgot about the declaration that we were party to, at that very meeting of Commonwealth leaders in 1992. In 1997, in fact, this month in November, there is going to be a meeting of heads of States in Auckland, and I think this should serve, as a reminder, that it is high time, that this Government thought seriously about constitutional reforms. This can only be done if the Attorney-General takes the initiative. The constitutional reform is required to give this Government a moral authority within the corridors of the world community, because, it is a great shame that ever since 1948, the Kenya Government finds it difficult to be a signatory to the Convention on the punishment of genocide. Since 1948, this Government lacks the moral courage to say to the rest of the world that, we shall not support any acts of genocide.

Mr. Speaker: Mr. Orengo, what clause?

Mr. Orengo: Mr. Speaker, Sir, I am mentioning these things here because---

Mr. Speaker: Anyway, I gave you a little latitude. I think, you must now come back to the Appropriation Bill.

Mr. Orengo: No, Mr. Speaker, Sir, I opened my remarks that, unless we have good governance, it is no use giving this money to the Government. And, I am calling upon the Attorney-General, to bring about a new constitutional order, and to have the moral courage to make us part and parcel of what the world community has decided in its various fora, so that when we mention these things in this House, nobody is scared and nobody is taken aback. Without good governance, I think, it would not be right to say that we give Government money that is going to be wasted and yet, development or services are not going to be received by the taxpayer. But, in any way, I agree with you that, let me make my contribution to the point.

Mr. Speaker, Sir, I had also something to say about the expenses regarding national days. I am saying this because, many times, the Provincial Administration collects money from members of the public, particularly at district level, and at the divisional level, to fund festivities during national days. Many times, chicken are taken by the Provincial Administration or items - chattels - are taken away by the Provincial Administration from those who fail to give contributions towards the holding of national days festivities. Since there is a provision for this in this Appropriation Bill, I would ask the Minister to ensure that District Commissioners and District Officers do not make it a habit to extort money from the public when there is provision for national days festivities, and that the money which we have voted out and which we have given authority to the Treasury to be spent in this regard, should be so spent without further taxation from the members of the public.

Secondly, Mr. Speaker, Sir, the Central Bank desires protection. There is so much interference with the Central Bank, and this tends to lead to direct borrowing by the Government from the Central Bank. This brings about inflation and increased money supply. I would hope that once we provide this money to meet the Government's commitments from the consolidated fund, it should be so well spent that there would be no necessity to further borrow money from the Central Bank under any guise. Because, the ultimate result is that it leads to further taxation, it leads to inflation and, at the end of the day, it is the taxpayer who pays dearly.

Mr. Speaker, Sir, I would also urge the Ministry of Public Works, that, roads in this country are in a terrible state. Particularly, in my own Constituency in Ugenya, no roads have been done for the last two years. There are some areas which are completely inaccessible. But, one cannot understand why the major roads in this country, like the trunk road from Mombasa up to Kisumu or up to Malaba, whichever sector of it, when you drive along it now, it is having a lot of potholes. A lot of repairs are needed and we wonder where the money which has been voted to the Ministry of Public Works is going to and unless services are provided to the public, there should be no taxation. So, I would urge the Minister in charge of roads to ensure that our roads are well maintained, because, if they are not well maintained, then economic activity in the country cannot take place in the manner required.

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

Mr. Mak'-Onyango: Thank you, Mr. Speaker, for giving me this opportunity to add my voice to those who have spoken before me on this Bill.

In discussing this Bill, Mr. Speaker, I first and foremost want to raise issue with the distribution of industries in the country. This House is here to give the Government money to enable it to render various services to people in this country.

Given the stage in which we have reached in our development today, there are aspects of our national concern that need to be addressed or need to be given greater attention, in terms of how we use public funds. We are concerned with the availing of funds to the Government and it is the mwananchi, the rank and file in this country who, through taxation, enable the Government undertake the many and varied services. In this regard, one wants to raise the question as to whether or not, we are really doing the needful when it comes to enabling the ordinary Kenyans, so that the ordinary Kenyan can do his bit in terms of facilitating the Government. In this regard, I am reminded of what the Minister for Commerce and Industry was saying here the other day, when moving the Vote for his Ministry. He did mention that we are approaching a stage in this country where we have to industrialise in a systematic way so that by the year 2010, Kenya will be one of the newly industrialised countries.

Mr. Speaker, Sir, that is a very encouraging statement. Being so, we would like to see some of this industrialisation implemented in a rational manner, so that every part of this country benefits. I am saying this, because there is inequity in the manner in which the distribution of industries is done in this country. A look at Nairobi, for example, will reveal that in a year, you have something like a thousand or more new factories put up in Nairobi, you move to a place like Athi River, you will indeed be able to see signs of development, there are factories coming up in those places. We would like to see this done in an equitable manner [**Mr. Mak'-Onyango**]

so that every part of this country can benefit. It is important that this is done because part of this country is being impoverished because of the manner in which we allocate or distribute industries. There are some parts of this country where the people are told to travel in large numbers to distant towns in search of employment, but in the process, their areas are disadvantaged. The areas are disadvantaged because these people spend their money where they are working while back home where they come from, those areas suffers in terms of the necessary financial back-up. So, in order to have equitable development there, we must start with equitable distribution of industries, so that people can work closer to their own areas to enable those areas to also develop in a systematic way.

Mr. Speaker, Sir, I also feel bothered by what is happening with some of the projects. In Kisumu, for

example, we have the stalled molasses plant which, to me, promised a great deal for this country in terms of employment opportunities and in terms of enabling the farmer to dispose off his produce and be able to earn something in return. Now, this to me, was one project which should have been given priority, and had it been realised, I am sure, it would have revolutionised the sugar industry because many more people, even if they did not have sugar factories where to take their cane, I am sure, they would be able to deliver their cane at the molasses plant, and in that way, this plant stood to benefit the country. But because of political considerations, here is a project that should have helped this country that has been frustrated and has never taken off. This is a sure way of killing this country and I would like to call on the Government, to do everything possible to ensure that, as and when a decision is made to locate a factory, at least, care should be taken to see to it that the public funds are not wasted, as has happened in this particular case. So, we do want to see some seriousness or proper planning when it comes to some of this capital expenditure. We have a situation where the Government plans and indeed, the necessary monies are provided for, and at the end of the day, instead of seeing the project for which money has been provided realised, we end up with a situation in which projects are left to die a natural death. This is one sure way of trying to kill the economy in this country and, therefore, drawing development back.

I am also concerned, Mr. Speaker, Sir, with certain projects like the Lake Basin Development Authority, in Kisumu. Again here is another project whose headquarters had been planned for, the necessary monies had been provided, but to this very day, the project stands stalled and it has never taken off beyond the foundation. This is hurting the economy, I cannot complete without mentioning the PC's office in Nyanza, we are here providing the monies for the various projects of the Government. The PC's building in Kisumu remains unrealised at this stage having been almost three quarter-way completed. Now it is running to years without it being completed. Public funds have already gone there and one wonders why has the Government not found it necessary to make the necessary provisions for the completion of such project? This can be only because somebody somewhere does not want to see that project completed. Now, this kind of fellow is the enemy of development in this country because Kenya is one entity. The moment you run down one part of it, the rest of the country suffers. So, whatever has been decided to be done, should be done for the good of this country.

Mr. Speaker, on taxation, Kenyans are being heavily taxed. Just the other day we raised the question here, as to why there should be double taxation when it comes to fuel. Somebody had the guts of telling this House that there is no double taxation when indeed, Kenyans are already paying some form of taxation through road maintenance levy. If on top of that, the Kenya Pipeline Company, instead of getting the oil companies pay VAT, then you end up with a situation where you have the oil companies passing that on to the consumers. The passing on to the consumers of the VAT that should be paid by the oil companies, to me this amounts to double taxation and no amount of denial is going to persuade me out of that.

So, Mr. Speaker, I am saying, let us not overtax Kenyans, if we want them to contribute meaningfully to the well-being of this country. So, in order to enable them contribute, they must be facilitated and they are only going to be facilitated, if they are sparing litres, so that they have enough and for other developmental facilities in this country. With those few remarks, I beg to support. **Mr. Maore:** Mr. Speaker, Sir, I rise to contribute in support of the Appropriation Bill.

Mr. Speaker, you recall before this House where we raised the issue of the charging of VAT. Some manufacturers do have the issue of VAT, then the wholesaler and the retailer. We would like it to be streamlined, whereby it should be either at the manufacturing level and end there, and then the Government would not lose revenue. It has happened in many occasions, whereby a lot of small buyers have been colluding with the retailers not to get receipts for services and goods and the Government is loosing revenue and whoever is colluding in that kind of activity may not be feeling very strongly about paying taxes.

There are very many reasons why Kenyans, are in very low spirits when it comes to the issue of paying tax. Even the laws that do exist may not be able to be well spread into the hearts of all Kenyans, that they should be able to pay tax. First, the Government has not been very quick at delivering the services for which it receives taxes and this has broken the morale of Kenyans. For example, the Ministry of Finance should be able to impart morality among Kenyans. May I quote an American Statesman who once told the Americans; "Ask not what your country can do for you but ask what you can do for your country". The current crop of leaders believe in a culture of "eating" whereby people believe that there is enough to eat and this has created a very bad tendency which culminated in late 1980s and early 1990s, whereby there was the issue of political banks which were mere conduits of fleecing the public of a lot of money.

Mr. Speaker Sir, we commend the Ministry of Finance though it was the donor pressure that made them close a lot of those political banks but still, three remain and I am sure naming names of banks in Parliament or in public will compromise their stability. The Minister knows which of the three political banks have not been observing their liquidity ratio and they have been involved in shady deals. A most explicit example is whereby

some banks or one bank was involved in transaction that did trigger the Central Bank to issue Circular No. 30 that was calling upon the banks to state clearly the customers' source of income.

Mr. Speaker Sir, even in other countries of the world, if you walk into a bank for example in America and you want to deposit US\$10,000, before the cashier takes your money, he will have to alert the FBI because if you do not run a retail store or a petrol station, how would you be having all this money in cash. It is prudent for the Ministry of Finance to advise the politicians to leave the Central Bank alone to carry on with its duties. When a Circular is issued to customers to disclose their sources of income, it is not an Opposition agenda. It is an agenda by the Central Bank that there is no money laundering and the drug money or other stolen money does not get into the legitimate system of our financial system.

Mr. Speaker: I think Mr. Maore, you can now reserve whatever else you want to say about the Central Bank to the next Bill because---

Mr. Maore: I will finish Mr. Speaker, Sir, but it is under the Ministry of Finance.

Mr. Speaker: Very well but you know I also understand things. So, proceed!

Mr. Maore: Thank you Mr. Speaker, Sir. Another issue is that traditionally and I do recall among the old men in my community they used to have a big barrel of honey that was used to lace large pieces of meat from the behind of a lamb to preserve it in times of famine. It was a special barrel or item. Now if the guardian of that item would go and remove a piece of meat while hiding and children happen to discover that it was removed even before the famine came up, the following day the old man would know there would be nothing in the barrel. I am using this example, whereby we have the Treasury that will come to this Parliament and ask for £10 when they actually intend to spend £1,000. I want to state the issue of the just concluded financial year whereby the Government came here and asked money for a project that was equivalent of \$88,000 and then went ahead to spend over \$35 million. The Minister for Finance, on September 4th did come out with a statement explaining how the Government had actually raided the Treasury or the Central Bank or wherever they raided to get \$25.2 million and he also admitted that in July, the Ministry or the Government had paid \$10.9 million to S & C Lavian Company for the construction of Eldoret Airport. The contentious issue about the whole process is the involvement of Parliament. The Government knows they have a majority here to pass any funny business they want to pass. I do not understand why the Government would come and ask for \$88,000 and then go and spend \$36.1 million. This is a case whereby the Government is likely to be accused of contempt of Parliament and this has to be observed very carefully, otherwise the country and ourselves will lose confidence in this institution and we will have no other refuge.

Mr. Speaker Sir, another issue is that when the Government is trying to handle the issue of privatisation, it is very wrong to go and start telling Kenyans; "This is the spirit of liberalisation", when we know liberalisation is supposed to be quick, transparent and handled with care. When you go and employ the pre-emption right clause or invoke it and then the parastatals that have been built with our own sweat, taxes and sacrifice will be dished out to foreigners, because they have paid kickbacks to a few people in the transactions, it is wrong. It might be legally okay but it will be wrong one day. We do have a very sorry state whereby when I was trying to peruse *The Daily Nation* Business week for today, I did come across a line that was saying that 2 per cent of the manufacturing sector in Kenya is held by Africans. When Africans do not control 98 per cent of the manufacturing sector, we are literally talking about having the majority of Kenyans for a very long time acting as slaves for those 98 per cent manufacturers in this country of which 70 per cent are recorded as being foreign owned and then 28 per cent is Asian.

Mr. Speaker Sir, we are likely to be boxed into a corner, whereby to protest loudly about the mishandling of the manufacturing sector and when you see every street that you see around is controlled [**Mr. Maore**] by people who do not look or talk like Africans, it is going to create a crisis some day. We are calling upon foreigners to come and invest here and when we call them, we know the foreigners do not control the Ministry of Finance.

[Mr. Speaker left the Chair]

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

Foreigners do not control ICDC, or the loans that we might be able to give to the manufacturing sector. For this reason, we need to be very careful about what we say and about what we do. I have heard for the last several months, people going around in choruses and shouting about foreigners and colonialists and other things.

But the actual mothers and fathers of that colonialism are those men and women who shout loudest about colonialism and foreigners 30 years after Independence while doing nothing about it.

Another issue that we need to take care of, is the Ministry of Public Works and Housing. It is very important that a symbol of people's civilisation is how they handle their lifestyles, or their living standards. If you travel on Kenyan roads, you really pity yourself for being an African. A lot of potholes on our roads are not necessary. The Ministry is supposed to have a regular, 24 hours, seven days a week and 30 days a month maintenance.

When you go out, you will see the chaotic state of many of our rural roads, where we expect the largest number of our population to reside. However, the Ministry usually comes here to say that will be done when money becomes available, but when the petroleum levy money is approved here, nobody hears about that.

The last point of my contribution, is on the same issue of roads. There is a phenomenon on our roads, that does not usually appear anywhere else in the world. This phenomenon involves the bumps that are erected on our highways. I have no idea for what purpose. I have been able to drive from Nairobi to Nakuru and run over two bumps. I have also been able to drive from Nairobi to Maua, a distance of 300 kilometres and run over 60 bumps along the main highway. I do not know who had that fantasy about having bumps in our highways. I have had an experience of driving on some roads in Australia, India, Eastern and Western Europe and in North America, but I have never run over a bump on the highways in all those countries. So, I do not know how the genius mind of the Kenyan engineers got the idea of erecting a barbaric thing called bumps on our highways. You get bumps or speed limits within towns, whereas we have enough police to control the speeding vehicles and charge the owners. If we want to stop the speeding and the carnage on our roads, bumps are not a solution. The bumps have made many vehicles to wear out. A lot of expenses are incurred by importing a lot of spare parts for the cars that are damaged by the bumps. As I had mentioned before, there are no bumps anywhere else in the world, except in "middle" East African countries that have the funniest engineers.

With those few remarks, I thank you, Mr. Temporary Deputy Speaker, Sir.

The Minister for Local Government (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I want to support the Appropriation Bill and commend the Treasury for having produced such a good Budget a few months ago. We have gone through every Vote, scrutinised it, and given the authority to the Ministries to spend money.

It is important to stress on some of the important Votes that we have already passed here, because some of them are more important than others. Although all Ministries have applied for money some are really important.

We are spending a lot of money on our education. It is only important and appropriate that we spend that kind of money to educate our children and to support our educational institutions.

I really do not want to waste much time because I see that we are going through this Bill, probably up to the Committee stage and try and complete the whole business about this Bill today. It is important to speak a little bit about education and some of us have been talking about or speaking about the support of education in the pastoral areas. I have on many occasions, on the Floor of this House, said that we must put more emphasis, which means more money and personnel into the education of the pastoralists and the nomadic communities. Probably, people think that we are singing some songs when we say that pastoralists should be uplifted and assisted so that they can catch up with the rest of the communities of this country.

It is important to bring in a situation or do affirmative action or give preferential treatment to some of these communities. If we do not do that, probably they might never catch up in education, and that is an important thing. By leaving two or three communities with large populations behind, that might not augur well for the nation. It is better that we bring everybody in the same line, position and standards.

It is important to think about primary education, especially boarding schools in some of these pastoral areas. I know there is so much money being spent on education, especially higher education in other places. However, it is important to really keep that money that has been voted as grants for boarding schools in some of those nomadic and pastoral areas to serve that very purpose of assisting, building, equipping, maintaining and probably feeding the children in some of these boarding schools in far away places in the pastoral areas. That is very important, because unless we do that, and some of the hon. Members on both sides of the House, I am sure have seen the kind of situation that these people are facing, in the ASAL areas and the nomadic communities themselves. It can be really disastrous if children do not have a place to be collected and placed in a boarding school, when their parents and families are moving out to go and look for pasture in many of those places.

I would say the same thing with regard to the mobile clinics. Schools and primary health care facilities are very important. If we really want to help, the hon. Minister for Health should set aside sufficient money for buying mobile clinics which would follow and help the pastoralists in the arid areas. This would be very, very helpful, indeed.

Mr Temporary Deputy Speaker, Sir, maybe, the other Vote, the Vote for the Ministry of Public Works and Housing, is supposed to look after our roads, both our feeder roads, secondary and even the important main roads that link the districts headquarters and so forth. I have been talking to my hon. friend, the Minister for Public Works and Housing, because we have a problem in some of our areas like Narok, for example. I have told him that we are occasionally marooned, and right now, we are marooned. We cannot get out into Mulot, or Nairobi, and it is even difficult to get into our Provincial headquarters in Nakuru. When there are rains, we have a problem but the biggest problem is how we have to move our produce which is wheat and barley and we are right now, the number one wheat growing district in this country. Put barley on and you will see that we are really helping to support, improve and develop the economy of this country. As a matter of fact, I think it is important, the petroleum levy which is quite a bit of money should be spread around, and this one, I have also talked to my hon. friend, but I am only putting it on record here on the Floor of the House that we need petroleum levy to be properly used, so that it can help some of these areas to make sure that we do not stop development, and the movement of our produce outside for exports, within our own land, or even outside our own land, so that we can be sure that, because without a road system, or the infrastructure being developed, it can be a very serious problem indeed.

Mr Temporary Deputy Speaker, Sir, I know that my Ministry, the Ministry of Local Government was not debated here, but I want to assure again, the hon Members that the local authorities are very important institutions in this land. They are the ones which empower the people to make their own decisions or to make decisions that affect them. The local authority is geared to be a basis for democracy in this land, and we feel, if we support the local authorities properly, we might be able to build the base of empowering citizens of this country to be able to make decisions that affect their lives and developments at grassroots level. That is the importance of local authorities.

Mr Temporary Deputy Speaker, Sir, I know some people are thinking that when we talk about that, then, some people's heads turn into what they call "*majimbo*," because the word is stinking, but "federalism" does not stink, or to allow people to make their own decisions, does not stink, and I can assure you that we, in the Ministry, will make sure that we allow the local authorities to play their role in running the affairs of this country. We have got a lot of money in the Office of the President which is supposed to help us in many respects, including our armed forces, our security personnel and so on.

Mr Temporary Deputy Speaker, Sir, it is important that we support the process of securing our borders to make sure that, as a country, our armed forces are well trained, and well supplied to be able to protect our borders.

But sometimes, I am amazed because although we have got our own troubles here, it is true that some people, we are supposed to be mature in this House, we are supposed to learn to speak the truth, we are not supposed to bring in matters which will give cheap political populism just because we want to make a point which is normally totally falsehood, it is wrong. I have just answered a statement made by one hon. Member in this House, alleging that in my district of Narok, we have got Rwandese refugees who are being trained to start problems in this country and it was in the papers. It is on security. It is very true that unless we take care of our statements, we are going to bring in problems that will affect our people---

Dr. Lwali-Oyondi: On a point of order, Mr Temporary Deputy Speaker, Sir. I think, you have heard the hon. Member saying that we should not issue statements that are likely to plunge this country into chaos. Is the Minister in order, having known his way of speaking in Kenya ---

The Temporary Deputy Speaker (Mr Ndotto): Put up your point of order.

Dr. Lwali-Oyondi: Yes, it is a point of order.

The Temporary Deputy Speaker (Mr Ndotto): Order! Order! You are going into a point of argument, put up your point of order.

Dr. Lwali-Oyondi: My point of order is this, is the Minister in order to mislead this House [**Dr. Lwali-Oyondi**]

while it is a fact that he is one of the people who issues some of the most inflammatory speeches in Kenya---

The Temporary Deputy Speaker (Mr Ndotto): Order, Dr Lwali-Oyondi! That is not a point of order. Continue hon ole Ntimama.

The Minister for Local Government (Mr ole Ntimama): Thank you, Mr Temporary Deputy Speaker, Sir. What I am saying is that this very statement, is one of the worst and very inciting, and malicious, and a statement with no basis at all was made in the newspapers yesterday, alleging that we are keeping Rwandese mercenaries in Narok. I want to dispute that, and I want to say this is a security matter that we are dealing with.

Mr. Temporary Deputy Speaker, Sir, in this Bill, there is money which we have allocated for the security situation in this country. If we go on perpetrating insecurity, supporting, reactivating insecurity, then, I think, we

are making the greatest mistake, I want to say very frankly that I am saying those people, that person can go to Narok District and look for the mercenaries, and bring them here in Nairobi, and show us the training ground. This is insecurity, and I want to say very frankly that some of these people who were actually trying to make that false allegation, plucking falsehood from thin air, I repeat from thin air, we must be more mature than that, my friend.

Dr. Kituyi: On a point of information. Thank you very much hon. Minister. While one appreciates your concern for security and decorum among leaders, you should lead by example by stopping your "talk of war-like behaviour" from among morans, as a first step, and the presence of refugees from Rwanda who are causing insecurity in this country is not a rumour, we can tell you where in Westlands they are based.

The Minister for Local Government (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I want to say that those people who pretend to be, are the real people. We have been quiet and very peaceful in Narok District. Mr. ole Ntimama has never made another statement that you think is insecure. Any statement---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Mr. Minister, you should confine yourself to the Bill before the House.

Mr. Achieng-Oneko: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Minister who is talking now is the man who has been very much involved in making provocative statements and he has no right whatsoever, to challenge the Members here.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Order! I would request the Members to raise genuine points of order. If you want to contribute, I will give you a chance to contribute. Let us not waste time on points of argument under the disguise of points of order.

The Minister for Local Government (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I am talking about the Office of the President which is looking after the security of this country. We have allocated money for security of this country, for the security forces of this country and I do not think I am out of order to talk a little bit about the security of this country.

The Temporary Deputy Speaker (Mr. Ndotto): Order! I advise you Mr. Minister to address the Chair because you are addressing the hon. Members and they are going to turn you around.

The Minister for Local Government (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I want to say that they must be careful because whatever some of us have been saying in the past, is just for survival. We are not beating anybody because if we did, the Constitution of this country as my friend hon. Orenge was saying about the governance--- Our constitution has got many clauses and one of the clauses says that, and I agree and I support, that anybody can go anywhere and do business anywhere. But that does not give anybody the licence to trample upon and disregard the rights of other people. My last comment here is that; we must control ourselves so that we do not cause the problem that we have already left behind.

Thank you Mr. Temporary Deputy Speaker, Sir. I beg to support this Bill.

Dr. Lwali-Oyondi: Thank you very much Mr. Temporary Deputy Speaker, Sir, for allowing me to say a few words on this Appropriation Bill. First, I have to state that, I support it because we need money for development, and there is no way that one can oppose money that is proposed for development. But we need to look at ourselves and see how we use our money. We are completely in disarray. The Government is in disarray on how it can exploit the resources of this country and make use of them to the benefit of wananchi. The point is this; first, the infrastructure, communications. Talk of communications from any angle; start with roads. We have been appropriating money for maintenance of roads, many of which have been built by foreigners and we were supposed to maintain them. The Ministry came up with the fuel levy and we approved it here. Before that, they had come up with road tolls whose money could not be fully accounted for and now we have the Road Maintenance Levy from the fuel. The results are that we are seeing there was very little happening. Mombasa road has been talked about. We were down there a few days ago with the Minister for Public Works and Housing.

We took the Taita Hills Road - that was on a Friday and Saturday, we were at the Taita Hills Lodge for a conference. On Sunday, of all the days, the Ministry's people came out to work on Sunday because they heard the Minister was there and they patched every pothole on that road and I really wondered how the Ministry could work on a Sunday. So, we found the Taita Hills Road was being patched on a Sunday. That is hypocrisy because the Minister was there and there were many Cabinet Ministers going to attend that particular meeting. At least, ten of them were going to attend that particular conference. The road to Taita Hills Lodge was patched. This is the sort of hypocrisy that I personally do not understand. If the President is going somewhere, there is grading of the road. When there is a by-election somewhere along the line, there is grading and gravelling of the roads and after that they disappear. Where does this money come from? This sort of thing is what we do not understand. I am very sceptical that the petroleum levy money is not being used for what it is supposed to be used. We have a

lot of money. If I consider at the amount of petrol I use personally, and being charged at least Kshs2 per litre whenever I fill my tank which takes about 70 litres; that is about Kshs140 from me alone and you can multiply that by the thousands of cars you see around. That will be a lot of money. We do not know where this money is going. It is high time that we were given a proper tabulation of how this money is coming in and what it is being used for, because we are fed up with these potholes everywhere. We say that this money should be used even in towns because people in the towns use more petrol than even the people who are travelling in the country side. Look at the number of cars that are passing here. If they are paying this Petroleum Levy Fund, then the roads in Nairobi, Mombasa, Kisumu, Nanyuki, Nyeri, Kakamega and all the other towns should be patched up using this Petroleum Levy Fund. We should also have a dual-carriage way. It is a shame that Mombasa-Nairobi, Nairobi-Nakuru Roads are very thin and their shoulders have now been broken, so that when you have to over-take another car, you have to put at least one wheel off the road. At night, quite a few accidents happen because the motor vehicles tend to brush each other. This road which is an international road should be repaired first of all and we should have a dual-carriage way with at least two lanes going to Mombasa and two lanes coming up. And this should continue like it has been done from Limuru up to Makutano. I think, this is the road which goes to Kisumu and the one branches off after Molo Town. There should be a dual-carriage way all the way up to Total Petrol Station, whereby there is one road going to Kisumu and another going to Eldoret. We hope that by reaching that place for the time being, traffic load on the road from Nakuru would be alleviated by the vehicles going to Kisumu and those going to Eldoret. In any case, the Eldoret road has now been relieved by these two roads which are heading for the same part; that one from Eldama Ravine to Eldoret and that one passing through Kabarnet to Eldoret. Therefore, the most important thing at least is that we should reach there for the time being and reduce the accidents that are happening on the road because of an overload of vehicles.

Mr. Temporary Deputy Speaker, Sir, I am not saying anything new concerning Nairobi City because the vehicles are already too many. It is time, we thought of having a metro-system - underground train system because the City is already too big and the roads existing now cannot support the number of vehicles we have. I do not need to mention Langata Road, whereby if one has to go and take a flight from Wilson Airport, there will be a time when one would be likely be late because there is a traffic bottleneck between the Nyayo National Stadium and Wilson airport. Somebody, and I am told that he is one of the hon. Ministers, has put up petrol stations on either side of the road, and therefore, the possibility of making a dual carriageway for Langata Road is going to be very remote, if not very expensive, if we have to compensate for the petrol stations and other permanent infrastructures that have been put up along that Road. It is time, we have proper planning before we do anything.

In Nakuru Town, roads are in the most pathetic condition. The potholes have become so big that in a place like Pondamali, there is an artificial lake on the road. People have to try to by-pass that particular "lake" by balancing on the ridge with their cars. This is a very dangerous thing to do! There are too many potholes on the roads in Nakuru Town and I hope that the Government and the Ministry of Public Works and Housing, should help in alleviating this particular problem.

With regard to water, Mr. Temporary Deputy Speaker, Sir, it is another problem. There are now too many of water-borne diseases such as cholera and typhoid. Many people are dying of those diseases because those people who are supposed to put chlorine into water are not doing so. In Nakuru, where we used to have very clean water source offered to us by the Japanese, that water is not flowing into the Town. Nakuru West, for example, has been having no water for the last four months and now they are fetching water from a river which is polluted by the industrial wastes. Some of the people who have taken a bath in this river have found out that their skins are reacting because of that water. We are asking the Ministry concerned with the Water Pipeline and Development Corporation, to commission this water project that was built by the Japanese Government, so that the people of Nakuru can make use of it because it was meant for them.

On the *Jua Kali* sector, *Jua Kali* sheds have been put up in Nakuru, but they have been staying unused. They were completed but nobody has been using them for very many years. I am wondering what the Ministry of Technical Training and Applied Technology is doing to allocate those *Jua Kali* sheds, so that they are made use of. Money had been given up by the World Bank, the sheds have been put up but I do not know what somebody is waiting for before he can allocate those sheds to wananchi?

Mr. Temporary Deputy Speaker, Sir, another development in Nakuru that is killing people is the arbitrary charges that are imposed on wananchi who involve themselves in hawking. The charges are a little bit too high; they are charging for vegetable hawkers Kshs10 per day, *mitumba* hawkers are charged between Kshs20 to Kshs30 per day and so on. I think these are very high charges. How one can make a profit of Kshs10 on selling vegetables by the roadside, I do not know. That amounts to about Kshs.300 per month which is about Kshs3,600 per year. This is almost equal to the licence that is paid by the big shop-owners.

Mr. Temporary Deputy Speaker, Sir, on education, I would like to say a few things. On primary education, there is a danger because of the poverty that is creeping in. There is a danger that by next year, we are going to have less than 50 per cent of the enrolment that was there in 1992. There is illiteracy creeping in. The KANU Manifesto says that they will give free education. Today, school fees are becoming higher and higher to the detriment of education. Unless we are very careful, we are going to slide back into illiteracy.

Secondary school education is even worse. School fees now range between Kshs20,000 to Kshs30,000 per year. Who can pay that during this time when the economy is so much in doldrums? University education is even worse because parents are being asked to pay Kshs54,000. I am almost certain that even hon. Members of the Parliament with their salaries today cannot afford to pay Kshs54,000 per year. It is time that we have an education levy, whereby there would be levy charged on something, somewhere so that that money is used straightaway to pay for education and we relieve our people because education is very important for the development of this country.

Mr. Temporary Deputy Speaker, Sir, I would also like to say something on Adult Education. There used to be an extra-mural Department of the University of Nairobi which was doing a very good job in providing education very cheaply to the people. For some unknown reasons, that department closed down and there is no more extra-mural education. Very many people had benefited from it. Many people became accountants, some did linguistics and many more got degrees from extra-mural studies which included even literature in education. Without education, we are unlikely to achieve much.

We are unlikely to progress because some people think they can do best with illiterates. They can even tell them that when they flash the fingers sign, it means that they will only have two cows and, therefore, their political Party is very bad. Yes, it is good to talk to your people and gain votes through illiteracy but it is something which will boomerang on them and one day, they will never like it. Sometimes in Nakuru, people came with spears and shields and the District Commissioner could not stand them. He was pushed out of the way, the General Service Unit (GSU) were pushed out of the way and they headed straight for the President and he had no choice but to meet them. This is because of injustice and keeping people very illiterate as well as deceiving them.

Lastly, Mr. Temporary Deputy Speaker, Sir, as I would like as many hon. Members as possible to contribute on this Appropriation Bill, I will now turn to Vote R36 - Ministry of Lands and Settlement. This Ministry has become a nuisance to the country. It is from the Lands Office, that letters of allotment are given to people to give away parts of school fields and to take away the toilets, the public parks and to give away forests land. As I am speaking now, the forest reserves around Mau Narok have been issued to people from elsewhere, in Kericho District instead of the indigenous people around there, the Dorobos or the Ogiek. That is why they came in town and I am sure those who have been issuing forest lands to the detriment of Kenyans will never like the turn of events.

This Ministry of Lands and Settlement ought to know what it is giving. One of these days, it might allocate State House to somebody. It has already allocated all the Government plots and house to individuals. They have already given public lands like Agricultural Development Corporation (ADC) farms and research centres to individuals. Next time, they will give away the lakes because they never care about anything. They might give away lakes, the State House and the main roads and we might have no place to go to. Therefore, this Ministry is completely working in a haphazard manner and whoever is leading it has no idea of how to lead a Ministry. There must be an investigation. There used to be District Land Committees to look into all these things but at the moment, only a little piece of paper is produced and somebody takes over whatever land there is. So, I wish to leave the Floor to my colleagues because I see some of them are getting nervous and they want to contribute.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I wish to support the Bill.

The Assistant Minister for Commerce and Industry (Mr. Osogo): Thank you Mr. Temporary Deputy Speaker, Sir.

I will be very brief in my observations on this Bill and my first remarks are on the Ministry of Finance. I would like the Minister concerned to take note of what I am going to say because it is a new development that I found in my Constituency last week.

Mr. Temporary Deputy Speaker, Sir, the Kenya Revenue Authority which we created in this House, last week went to my Constituency and is demanding some revenue in form of tax from fishermen on the fish obtained by them. It claims that the fish is being imported from Uganda. I would admit that the fish is caught in Uganda, simply because the Kenyan waters of Lake Victoria is so little that we do not get much fish there but if Kenyans go to Uganda and get fish they pay taxes, they register the boats in Uganda, so that they are allowed to fish in those waters and if they bring fish back to Kenya, I do not see why they should pay some taxes on that fish.

Mr. Temporary Deputy Speaker, Sir, I am drawing the attention of the Government on this one because the fishermen have decided that they will be catching fish and take the fish to Uganda processing factories. I need not remind the Minister for Finance, how much foreign currency fish brings to this country and I would like the Minister to tell the Commissioner of Kenya Revenue Authority that what they are trying to do, they are going to spend more money in form of employment and in form of using vehicles and travelling to collect little taxes from those fishermen and in the process, scare away any receipts that would be coming to Kenya.

Mr. Temporary Deputy Speaker, Sir, it was painful, when the fishermen came to see me. Indeed, I am one of the fishermen who is going to be taxed. I talked to those officers and they said that they would be going to the headquarters to consult again. But I do not see why Kenyan fishermen, after coming from fishing, nobody would know that they have fished in Ugandan waters. We might be poaching this fish in Ugandan waters and yet we are being told that we must pay taxes on them. I hope the Minister, I do not see anybody representing him here, but it should be noted that this is a serious matter which should be considered and the little money that they would rather collect from those fishermen and therefore scare them to go and sell the fish in Uganda, depriving Kenyans of fish to eat and fish to process for overseas market, it is going to have serious consequences.

Mr. Temporary Deputy Speaker, Sir, my second point touches on the Ministry of Public Works and Housing. Roads in my Constituency are now impassable and I cannot reach my Constituency by road. I have to walk, but what is most painful is that the people who are living in towns are unable to get home. They are left by public buses 29 kilometres away from their homes because the owners of those buses are claiming that the roads are impassable and they tell them, "you claim to be in a KANU zone and your roads cannot reach there, so you people remain here". Then the people try to look for *mikokoteni* to carry their goods from towns, to their homes which is painful. They looked for their Members of Parliament, who happen to be myself and the hon. Awori and asked us: What are you doing about those roads that are impassable now? So, I am requesting the Minister for Public Works and Housing, that the money he is getting from the petroleum levy, he should go and repair those roads. We cannot deny, as a Government, that we are getting a lot of revenue from fish that is exported from this country and that fish comes from the beaches. The big tracks that are manoeuvring to reach the lake shores to collect fish are finding it difficult to reach there. So, I am asking the Minister for Public Works and Housing to do something about the roads which at the moment, because of the current rains, they are actually impassable.

Lastly, Mr. Temporary Deputy Speaker, Sir, I would like to say something about the Ministry of Land Reclamation, Regional and Water Development. The Minister will remember that, I have been talking to him about the flood control dykes that have broken in several parts and that they need repairs. The Minister refers me to the Lake Basin Development Authority. I have always told the Minister that the Lake Basin Development Authority has no money. The money that we provide to the Lake Basin Development Authority goes to pay salaries of those people working there but do nothing.

Mr. Temporary Deputy Speaker, Sir, the Lake Basin Development Authority is doing nothing in this area and this should be looked into seriously. We forward our problems to the Ministry, we are told that the Lake Basin Authority (LBDA) is there and taking care of us.

We should make good use of the on-going rains. A lot of water is flowing into rivers Nzoia, Yala and Sio from the upper areas like Trans Nzoia, Uasin Gishu and the western part of Kakamega. All this water end up in my constituency. When these rivers are full, they get flooded and as a result, a lot of property is destroyed. So, I am appealing to the Minister for Land Reclamation, Regional and Water Development that he should not refer us to the LBDA because they are "impotent" if I may use that word. The LBDA cannot carry out any development. It over employed people and the money it gets is siphoned by paying the workers and it does not effect any development. I have invited the Minister concerned to visit the Lake Basin area, so that we can request the LBDA officials to show us what development they are carrying out in that area. The Minister will be surprised that the LBDA in reality, since its inception, has done a lot on paper, but nothing on the ground.

With these remarks, Mr Temporary Deputy Speaker, Sir, I do hope that the Minister concerned has taken note of these remarks of mine.

Thank you.

Mr. Mathenge: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to air my views on this Bill.

Looking at the amounts of money that we are required to give authority to, so that it can be spent by the Government, I can see here that this House is being asked to approve K£4,734,000,000. Out of that amount, only K£839 million is earmarked for development. This shows that somehow, the priorities of this Government are inappropriate. If you look at some of the allocations, you will find that the Office of the President is allocated K£77,016,000. The Department of Defence allocation added to the allocation of the OP, comes to a lot of money while agriculture is given only K£149,000,000 against the Department of Defence which is given K£315,000,000

while the Ministry in charge of water is given only K£81 million. If you look at the allocations, you will see that this is a "consumer" Government as it spends most of its revenue, which is collected mostly from tax payers on consumption to sustain a "consumer" Government that only puts a little into the development.

This Government gets a lot of money from coffee, tea and tourism and yet, instead of spending a lot of that money where it is likely to earn more revenue, the Government continues to spend less in the development of those areas where it can generate more revenue.

Of late, there has been very consistent power failures, leading to the closure of factories and rendering people unproductive. These constant power failures do not augur well for the growth of this country.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! I can hardly hear what hon. Mathenge is saying. Could you please consult quietly as I can hardly hear what he is saying.

Continue, hon. Mathenge!

Mr. Mathenge: Mr. Temporary Deputy Speaker, Sir, if the factories from which we expect to create employment for our people and to produce goods to be used for local consumption as well as for export are not enabled to do that, how do we expect those very industries to continue paying revenue to this Government? How do we expect those factories to create employment for our unemployed people?

Turning to the infrastructure of this country, you will notice that there is clear evidence that the infrastructure of this country is not well maintained properly. Most roads in my home district of Nyeri are in shambles. In fact, it is a shame for KANU to come and solicit votes in 1997 if the roads will be in such pathetic state. Definitely, wananchi will ask the KANU Government what it has done to deserve their votes and I am sure that there are many districts with very bad roads which are not being maintained. Yet, the KANU Government boasts of sitting in the seat of affluence when wananchi are suffering under deteriorating living standards.

Of late, many new Supermarkets have been established everywhere in our major towns like Nairobi, Mombasa, *etcetera* to compete with the poor African retailers. The African retailers have been put out of business and many have turned to operating kiosks here and there. Although the African would wish to move forward and open a Supermarket, the poor African cannot make it due to lack of funds. So, the only alternative for him is to open a kiosk and that is why there are so many kiosks almost everywhere. As you are all aware, kiosk operators are always getting in trouble with the authorities all the time.

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Mathenge, are you still on the Bill?

Mr. Mathenge: Yes, Mr. Temporary Deputy Speaker, Sir, I am on the Bill and now, I am talking on Ministries of Commerce and Industry and Local Government.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, Mr. Mathenge. I am afraid--- Mr. Mathenge, sit down. Mr. Mathenge, I do not want to interrupt you, but try to stick to the Bill as much as possible. You are getting out of the Bill.

Mr. Mathenge: Okay, Mr. Temporary Deputy Speaker, Sir. But I am talking about the growing poverty among our people and the affluence of a few at the expense of the majority.

We get a lot of money from VAT, but this "very abominable tax", which is also obstructive---

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Mathenge, can you move nearer to the microphone?

Mr. Mathenge: Yes, Mr. Temporary Deputy Speaker, Sir, I am talking of VAT, which is a very abominable tax and also a very afflictive tax. The money paid by Kenyans on this tax is squandered by the Government. I think this tax should now be collected at the source of manufacturing because as it is now, the collectors enrich themselves, impoverish the taxpayers and defraud the Government of its rightful dues. This tax should be looked into and the method of collecting it should be changed, so that it is collected at the source.

Mr. Temporary Deputy Speaker, Sir, I now want to turn to infrastructure. Roads in coffee and tea growing areas as well as in tourist areas need to be given attention. This is because if they are not given attention the Government will continue to fail to get the right amount of revenue that it should get. If the Government gets little money, it will be failing in its duty to use resources in order to alleviate the poverty of our people. In other words, sooner or later, Government failure to manage the economy might deplete the resources of this country to the detriment of wananchi. We cannot continue paying taxes to sustain a consumer Government. It would be better if, at least, 25 per cent of the total revenue was put into development. As it is now, every year, you see a decrease in the amount of money set aside for development projects.

The Government is a great consumer of resources! It is also the top most controller of the resources. It

should, therefore, use its influence to generate as much revenue as possible and use that revenue to alleviate poverty in the country. It should not just put a few people in the Government to squander what people have laboured to produce. This is shown very clearly in the Controller and Auditor-General's Report, where squandering of public funds is revealed and yet, people who have used Government money illegally have not been taken to court to date. Can we now hope that once we give our approval to this Bill, next year the Controller and Auditor-General will make a Report here and show that the money has been utilised according to what we have agreed to do with it? If we do not get that kind of a Report from the Controller and Auditor-General, we will assume that it is high time the Government, which is very tired, resigned.

Owing to lack of tangible development, many people in the country are beginning to feel tired of the KANU Government. So, the KANU Government has to do something to show that it is worth continuing in office. Rhetoric or just saying that it is trying is not enough. Some people may be trying, but there are many others who are not trying at all. We want to see Government Ministries, or the whole Government, being run in a business-like manner. It should not be run as a luxurious body. It must take a cue from big companies like the British American Tobacco (BAT) Company Ltd and other companies which generate millions of shillings for the Government. The Government should utilise whatever money there is to help our people get employment and also help in development and maintenance of infrastructure in this country.

With those few words, I do not want to continue hammering points because I do not know whether anybody will follow up what we are saying here, or whether it will just end up in the HANSARD.

Thank you, Sir. I beg to support the Bill.

The Assistant Minister, Office of the President (Mr. Manga): Bw. Naibu Spika wa Muda, ninakushukuru sana kwa kunipatia nafasi hii, ili niunge mkono Mswada huu. Mswada huu ni wa maana kwa sababu, kama unavyojua, Serikali haiwezi kufanya kazi bila ya pesa. Ningependa kusema machache kuhusu Wizara ambazo zitazipokoea pesa zitakazoidhinishwa na Mswada huu.

Ningependa kuanzia na Wizara ya Ujenzi na Nyumba. Wizara hii ni ya maana sana katika nchii hii. Tunajua kwamba barabara ni kitu cha maana sana, lakini kumetokea kitu ambacho si cha kawaida. Katika miaka iliyopita, kila wilaya ilikuwa na grader na mashine nyingine za kutengeneza barabara. Siku hizi utaona kwamba wilaya tatu zinatimia grader moja kuu kuu, ambyo inafanya kazi kwa siku mbili na siku ya tatu inaharibika. Unajua tumeingia katika enzi ya teknolojia na kwa hivyo, watu hawawezi kutumia majembe kutengeneza barabara. Kwa hivyo, ningemuomba Waziri wa Ujenzi na Nyumba kununua grader za kutosha kama anataka kufanya kazi nzuri.

Bw. Naibu Spika wa Muda, maintenance Camps zilikuwa za maana na zilipatikana katika kila wilaya. Lakini siku hizi, kambi hizo haziko tena. Ingawa madereva wa grader wanapewa pesa za kununua diseli, wao hutumia nusu ya diseli wanayonunua na nusu ile nyingine wanawauzia wenye mashine za kusaga Mahindi. Kwa hivyo, kazi inayofanyika ni haba na mbaya sana. Tungependa zile maintenance camps zirudishwe na zisimamiwe na wanyapala kama ilivyokuwa zamani. Hii ni kwa sababu wasimamizi hawa wataulizwa kila wakati upotevu wa mafuta unapotokea. Madereva wa grader wakiwa peke yao bila wasimamizi wanauza mafuta na tena wanatengeneza barabara vibaya. Pia dereva wa grader hana ujuzi wa kuitengeneza barabara na hata kuitengeneza mtaro. Nilipokuwa mhandisi katika Wizara hii, tulikuwa na wasimamizi wa kuhakikisha kwamba barabara zilitengenezwa vizuri na kutengenezwa mitaro, ili maji yasiinge kwenye barabara. Siku hizi, barabara zinatengenezwa kwa njia ambayo inayafanya maji kukusanyika barabarani na kuifanya barabara kuwa sawa na mto. Huku ni kupoteza pesa za Serikali. Tungependa utengenezaji wa barabara uangaliwe sana. Inafaa tutambue kwamba wasimamizi na wakaguzi wa barabara waliokuwapo zamani walikuwa wa maana sana. Tungependa warudishwe katika kazi ya utengenezaji barabara na pia maintenance camps zianze kuwako tena.

Jambo lingine ni kuhusu stima, ambayo ni kitu cha maana sana, hasa wakati huu ambapo miradi ya jua kali ni sekta ambayo inatusaidia sana. Tuna vijana wengi ambao hatuwezi kuwapa kazi na wanajisaidia kupitia miradi ya jua kali. Lakini tunajua kwamba bila stima, hatuwezi kuwa na miradi ya jua kali. Ningependa kuongea juu ya Wilaya yangu ya Kuria, ambapo wilaya nzima haina hata taa moja ya stima, baada ya zaidi ya miaka 30 ya Uhuru wetu.

Ningependa kwamba stima itiliwe maanani kusudi isaidie hii sekta ya Jua Kali. Hata hivyo, tunahitaji kuwa na viwanda vidogo vidogo huko mashambani. Hivi viwanda vitapunguza ukosefu wa kazi. Hatuwezi kuwa na viwanda kama hivi kama hakuna stima. Ukianza kutumia "generator", gharama itakuwa ghali sana. Kwa hivyo, tungependa stima iwekwe.

Kwa upande wa elimu, tunajua kwamba elimu inajengwa kulingana na jitihada za wakaguzi wa shule. Unakuta kwamba katika wilaya nzima, kuna gari moja kwa ajili ya shughuli za ukaguzi. Mkaguzi mmoja anategemewa kufikia shule sita au saba kila juma au mwezi. Itakuwa vigumu sana kwa mkaguzi kama huyu kufanya kazi hii. Mara nyingi, afisa kama huyu hana hata baiskeli. Je, atatembea kilomita sita hadi kumi kwa

siku, kutoka shule moja hadi nyingine? Mara nyingi, kile ambacho hutendeka ni kwamba, baada ya kutembea zaidi ya kilomita tano, huyu mkaguzi huwa amechoka na akifika shuleni, ana njaa. Mkuu wa shule anampikia vizuri na hata kumchinjia kuku, na wakati wa kutoa ripoti, huyu mkaguzi anaandika kwamba kila kitu ni kizuri. Kwa hivyo, unaona kwamba ukaguzi umepotea. Ingekuwa vizuri kama tungewawezesha wakaguzi wapate, angalau, baiskeli au pikipiki ili waweze kufikia zile shule, bila kutegemea wakuu wa shule kuwapa nauli ya matatu, kwa sababu mkuu wa shule akishampatia nauli ya gari, hiyo ni kama hongo. Kwa hivyo, atakapokuwa akiandika ripoti yake, atafikiria kwamba kwa vile mkuu wa shule amemkaribisha vizuri, itakuwa vibaya kwake kuandika ripoti mbaya. Hili jambo la kuwawezesha hawa wakaguzi kufanya kazi yao kwa hali ambazo zinafaa ni muhimu sana. Wanastahili kupewa pikipiki ama baiskeli, ili waweze kufikia zile shule na kufanya ukaguzi unaofaa.

Bw. Naibu Spika wa Muda, jambo lingine ambalo kila Mbunge analalamikia ni juu ya usalama. Nataka kusema ya kwamba wilaya ya Kuria ina gari moja tu la polisi, aina ya Mahindra, na hili gari huwa linaharibika kila wakati. Hili ni gari moja tu kwa wilaya moja. Ukiita polisi, itakubidi utafute petroli. Hapa, sisi tunatoa pesa ili zienda kwa wilaya kwa ajili ya utumishi wa polisi. Hizo pesa zitatumikaje kama hakuna magari? Kwa hivyo, jambo ambalo ningependekeza ni kwamba kuwe na magari ya kutosha na petroli pia. Kama kuna gari, petroli haitakosa. Jambo jingine ni juu ya Wizara ya Afya.

An hon. Member: You come from a KANU zone!

The Assistant Minister of State, Office of the President (Mr. Manga): Tunapozungumza hapa, hatusemi juu ya eneo la KANU au eneo lolote linalopendelewa. Hapa tunaongea juu ya rasilimali na namna ya kuzitunza. Kwa hivyo, haya si mambo ya KANU wala Upinzani.

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

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

Kuhusu afya, ningependa kusema kwamba afya ni kitu cha maana sana. Taifa ambalo halina afya si taifa. Tunajua kwamba Wizara ya Afya imejaribu sana, na tunamshukuru Waziri wa Afya kwa kazi yake nzuri, lakini hata hivyo, kunatakiwa mkazo, hasa kuhusu madawa.

Mr. Kiliku: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nimemuona Mhe. Mathenge akiruka hapa, akaenda pale, akarudi tena, akaenda huko. Angerudishwa hapa, kisha aende huko.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Mathenge, did you do that?

Mr. Mathenge: Mr. Temporary Deputy Speaker, Sir, I did, but when I was half-way through, I realised that I had made a mistake, so I went back.

The Assistant Minister of State, Office of the President (Mr. Manga): Nilikuwa ninazungumza kuhusu Wizara ya Afya. Nimesema kwamba hakuna taifa linaloweza kuwa na nguvu ikiwa watu wake hawana afya. Zile pesa ambazo hupitishwa hapa lazima zitumiwe kwa kufanya kazi inayotakikana, hasa kuhusu madawa.

Ninafikiri Waziri yuko hapa na anasikia. Tunamshukuru sana kwa kazi yake. Jambo lingine ni kuhusu Wizara ya kilimo. Wizara ya kilimo imejaribu kufanya kazi nzuri. Ina maafisa wa nyanjani wa kutosha, lakini wana shida pia. Shida waliyonayo ni kwamba hawawezi kuwafikia wakulima. Mtu akienda kutafuta "veterinary officer", afisa huyo anamwambia yeye hana gari, baiskeli wala pikipiki na kwa hivyo, hawezi kufika kwa mkulima. Ikiwa mkulima anahitaji huduma ya afisa kama huyo, itambidi utafute gari ili ampeleke kwake. Kama hauwezi kupata gari, baiskeli au pikipiki, basi hautapata huduma za afisa huyo, na mifugo wako watakufa. Kwa hivyo, wale maafisa wa nyanjani wanahitaji kuwa na njia nzuri ya kusafiri, ili waweze kuwafikia wakulima.

Bw. Naibu Spika wa Muda, katika Wilaya ya Kuria, kuna maafisa wa nyanjani wa kampuni ya BAT. Hawa watu ni wa kampuni.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I ask your indulgence to bring the House to order. The hon. Member is making a very important speech. However, there is so much consultation going on in the House that we can hardly hear him.

The Temporary Deputy Speaker (Mr. Wetangula): Indeed, those hon. Members who are laughing as if this is a market place, you are grossly out of order and you had better go and do it outside.

The Assistant Minister of State, Office of the President (Mr. Manga): Bw. Naibu Spika wa Muda, nilikuwa ninasema kwamba ni lazima maafisa wa kilimo wa nyanjani wapatiwe njia ya kuweza kuwafikia wakulima, ili waweze kufanya kazi yao kama inavyotakikana.

Kwa sababu wakati ni mfupi, kwa hayo machache, ningependa kuunga mkono. Ahsante sana.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Shikuku!

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): On a point of order, Mr. Temporary Deputy Speaker, Sir. Since we have exhaustively discussed this Bill, would I be in order to move that the mover be now called upon to reply?

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Shikuku!

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninakushukuru kwa sababu wengine wetu tumekaa hapa kutoka saa nane. Mhe. Mbunge anasema nimeshazungumza. Mimi sijazungumza.

The Temporary Deputy Speaker (Mr. Wetangula): That subject is closed. Go to the Bill.

Mr. Shikuku: Ahsante, Bw. Naibu Spika wa Muda. Wengine tunachukua kazi tuliotumwa hapa kufanya kwa bidii sana. Ningependa kukuuliza uangalie ukurasa wa 784: Afisi ya Rais. Ninaona hapa wanauliza kiasi cha K£432,818,460. Hizi ni pauni, si shilingi. Ni pauni ambazo zinatakiwa sisi tupitisha, ziende katika wizara ya Afisi ya Rais. Tumechaguliwa kuja hapa kuangalia habari ya fedha, na kupitisha sheria. Ninaona hapa, Idara ya Polisi iko katika Afisi hii. Wale wanaoitwa "Administration Police" wako katika hii Wizara.

Bw. Naibu Spika wa Muda, ninataka kuongea juu ya mambo matatu kuhusu hiyo Wizara. Jambo la kwanza, inajulikana sasa kwamba tunatoa hizi fedha ili zilipe mshahara wa Kamishina wa Polisi. Tungetaka afahamu kwamba hatufurahi na hatutafurahi ikiwa watu wetu watakuwa wanapigwa risasi na kuuawa. Kamishina wa Polisi afahamu kwamba hatufurahi na sisi kama waakilishi wa watu wetu, we are not amused. Mimi nilikuwa katika Wizara hii na ninaongea na uwezo na ujuzi wa Wizara hiyo. Sio kazi ya Polisi kuua, mbali ni kuumiza. Kama mtu anatoroka apigwe risasi mguu lakini sio kuuawa. Siku hizi wanapiga hata kichwa. Risasi ikiingia kichwani, mtu anafariki. Siku hizi polisi hawana kazi. Kazi yao ni kuwasumbua wananchi watukufu bila sababu. Hata Waheshimiwa pia wanasumbuliwa. Juzi, nilihudhuria matanga ya rafiki yangu na kufuatana na mila za Kiluhya nilibeba mahindi, mkate na kadhalika ili kuwapelekea waliofiwa lakini kufika huko, askari polisi aliniambia kwamba siwezi kuingia kwa nyumba. Baada ya kusimama kwa kaburi, si lazima uingie nyumbani ili uonane na mama na watoto? Walikataa siingie na hapa wanataka nipitisha fedha ili waende wapewe mishahara, ili kunizuia kuhudhuria matanga ya rafiki yangu. Polisi hawafanyi kazi siku hizi. Wengi wao huko mashambani hawafanyi kazi. Ukiwapelekea ripoti kwamba kuna matata mahali fulani wanakuuliza ni watu wangapi wamekufa. Tena, wanasema kwamba magari yao hayana petroli lakini ukiwaambia kuna chang'aa, watakuja mbio. Tunawapa hizi fedha lakini tunawaambia kwamba hatufurahishwi na huo mtindo wao. Kazi yao ni kupiga risasi juu sio kuua. Ikiwa ni lazima wapige mtu risasi, lazima wampige miguu halafu wamshike huyo mtu kama alikuwa akikimbia.

(Hon. Obwocha and hon. Dr. Misoi consult loudly)

Pili, ajabu ni kwamba--- Tuko waheshimwa wawili kwa---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Obwocha, you are contributing to the disorder in the house.

Mr. Shikuku: Jambo lingine ni kwamba katika Ofisi hii, utaona kwamba pia kuna Provincial Administration ambao wanataka mshahara.

An hon. Member: Nao pia wanataka kuwa Waheshimiwa Wabunge.

Mr. Shikuku: Bw. Naibu Spika wa Muda, katika Butere, ajabu inaonekana ukiwa unafanya kazi katika Provincial Administration. Hauwezi kushtakiwa. Naibu wa Chifu mmoja, alipiga mama mmoja viboko mpaka akajikojolea na kuhara pia. Mpaka leo huyo Msaidizi wa Chifu bado anafanya kazi huko Bubala. Nilipata P3 forms na hata nikampeleka huyo mama kuzipata lakini huyo naibu wa chifu bado anafanya kazi. Haki iko wapi? Wewe ukipiga mtu unapeleka kortini unafungwa. Assistant Chief akipiga mtu, yuko juu ya sheria kwa vile yuko katika Ofisi ya Rais. Huyo Chifu bado anafanya kazi mpaka leo. Nimepeleka ripoti kwa Mkuu wa Taarafu, Mkuu wa Wilaya na hata nimemuuliza Mkuu wa Sheria amfanyie huyo Chifu mashtaka lakini hakuna lolote linaendelea na huyu mama amechapwa viboko na kile kiboko ni cha ile ngozi ya Kiboko anayeishi kwa maji! Na hapa wanataka pesa hizi zipitishwe, ili huyu naibu wa chifu wa Bubala Kata Ndogo katika Butere Constituency ambaye bado anafanya kazi, apate hizi fedha! Where is the fairness? Where is the justice? Hapa pia, unapata polisi wanataka fedha hizi K£400 milioni na wao hawatoi heshima kwa Waheshimiwa wa Bunge hili. Wanasumbua Wabunge, hasa wale wa Upande wa Upinzani na sisi tumechaguliwa na watu kuwaakilisha. Wengine tunataka tuseme wazi kwamba, we demand respect if it is not coming. Watu wengine kama sisi tulienda kuleta Uhuru na

sasa kitu ninachopewa ni tear gas na mzee kama mimi kupewa tear gas ni jambo ambalo halina maana. Mimi ndio nilileta huo Uhuru. Heshima lazima itolewa kwa watu wengine kama sisi. Kama haitolewi tunauliza itolewa. Waheshimiwa wanayang'anywa kipaaza sauti katika mikutano. This is wrong. This is a political Government. Hii ni Serikali ya siasa na wanasiasa lazima wawe juu. Wale ni Wafanyakazi wa Serikali na kazi yao ni kuhudumia; they are not bosses of the elected representatives of the people.

The Temporary Deputy Speaker (Mr. Wetangula): Which language do you want to use hon. Shikuku?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninakuomba msamaha. Hii taabu ya uzungu imetuingia sana. Wengine wanasikia sana ukisema kwa hiyo lugha. Unajua Waheshimiwa walisoma sana. Serikali hii ni Serikali ya wanasiasa na wanasiasa lazima waheshimiwe. Sasa nitaongea juu ya jambo la tatu na hili ni jambo la National Days and Honours. Serikali hii ikiwa ni Serikali ya siasa, ninaomba kwamba siku za Jomo Kenyatta; Independence Day na Madaraka, sisi kama wanasiasa tupatiwe nafasi ili kutoa hotuba katika mikoa, wilaya, taarafa na lokesheni. Inatakiwa wanasiasa wa KANU, Ford-Asili na Ford-Kenya na watu wa vyama vingine wapate nafasi ya kutoa hotuba. Mimi siendi kusherehekea siku ya Madaraka kwa sababu ninajua Madaraka ilitoka wapi. Mimi ndiye nilileta Madaraka. Sasa ninaenda kuhubiriwa na Mkuu wa Mkoa ambaye amevaa kofia kama ile ya London Bus Conductor! Huyu ndiye atanitolea hotuba. Nani alimchagua? They look like London bus conductors. Ninataka Serikali na sisi wanasiasa hapa tujitolee uwezo wetu kwa sababu katika Serikali hii, tumechaguliwa na sioni kwa nini mtu asiyechaguliwa anachezea aliyechaguliwa. Kama sio hivyo, tuwache maneno ya kuchaguliwa na wafanyakazi wa Serikali waendeshe Serikali na sisi turudi nyumbani. Turudi 1950 huko ambako Wazungu walikuwa wanachagua wale watu wanataka. Ninataka Siku za Madaraka na Kenyatta, wale Waheshimiwa waliochaguliwa waseme. Mtukufu Rais anasema hapa Nairobi. Akitaka kutuma Waziri mmoja aseme huko mkoani au katika wilaya, afanye hivyo na wanasiasa wengine pia vile vile watoe hotuba zao, sio Civil Servants peke yao. Na hata utasikia mfanyakazi anaonya wanasiasa.

(Hon. Nthenge engaged in a prolonged laughter)

This is funny. Mkuu wa Wilaya anaonya Wabunge---

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Nthenge to cause such a big laughter while the hon. Member is making a very serious contribution?

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Nthenge! You know very well that if you want to applaud what your colleague is saying, you thump your feet. You do not laugh and heckle.

(Laughter)

Mr. Shikuku: Ahsante Bw. Naibu Spika wa Muda. Ninasema maneno haya ili tuweze kugeza mwenendo wetu. Mtukufu Rais ndiye nahodha wa hii meli yetu. Akizungumza katika mji mkuu wa nchi hii, nao Mawaziri wake wawe kwa mikoa kutoa hotuba na kama hawawezi, wakubwa wa vyama watoe hotuba. Hiyo ni siku ya siasa.

Pia, kabla sijasahau, wale walioleta Uhuru waheshimiwe na mimi ninajua kuna watu sita ambao walileta uhuru huu. Mimi sikuwa huko lakini I give credit where it is due. Wawili wamekwenda na sasa wamebaki wanne. Kenyatta Day, hawa wananchi ambao wangali hai na ambao tunawajua wapewe viti vya mbele na Mawaziri wakae nyuma yao. Tufanye hivi siku moja tu. Mkikaa nyuma na hawa wazee wakae mbele, hawa Mawaziri watakufa? Pia, ninaona hapa wameandika kwamba hizi fedha zitafanya kazi ya honours and awards. Zitatumiwa kuwatunikia heshima watu. Ajabu ni kwamba kuna vijana hapa ambao wana Elder of the Golden Heart (EGH)---

Mr. Boy: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since we have discussed the issues contained in this Bill during the debate on the Budget Speech and in the Committee of Supply, would I be in order to call upon the Mover to reply?

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

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I thank you for the opportunity to respond to the comments made by hon. Members in respect of this Bill. I want to thank at the outset hon. Members for supporting the Bill and in doing so, I would like to echo once again that Mr.---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! I am sure you want to hear the Assistant Minister's reply. Proceed, hon. Keah.

The Assistant Minister for Finance (Mr. Keah): I would like to thank the hon. Members for their contribution. Indeed, we have listened very attentively, first in debating the Budget Speech and again, in debating the Vote on Account and for third time, during the Committee of Supply when we had opportunity to debate details of what is in this Bill---

The Temporary Deputy Speaker (Mr. Wetangula): You should go to straight to your reply.

The Assistant Minister for Finance (Mr. Keah): I want to thank, particularly, hon. Masinde, hon. Orengo, hon. Ntimama, hon. Maore, Dr. Lwali-Oyondi, hon. Osogo, hon. Mathenge, hon. Manga and now hon. Shikuku for their contributions. The hon. Masinde said these funds should be used for the purposes for which they are voted. I can only concur with that. Hon. Orengo said that we must ensure public funds are not misused.

I can only once again, echo and agree with him entirely and say that there is need for good governance and sound accountability. I agree with that whole heartedly. An hon. Member talked about the National Days expenses and that the administration should stop collecting harambee contributions because the funds are voted for in this Bill.

All I can say is that from practical experience as we know, other than salaries, the chiefs and the DO's have very little by way of a budget and those of us who celebrate in the divisions and locations have to make those harambee contributions so that we can also have some parties. This is on a voluntary basis and contributions on a voluntary basis cannot be stopped. Mr. Osogo talked about the Fish Levy. All I can say is that the Ministry is looking into this taxation of the fishermen who are bringing fish from Uganda in canoes and we will take action on the matter.

Members have talked at length about the Value Added Tax, including the hon. Mathenge talking about the abominable tax. We did debate and discuss the VAT not as to a very abominable tax in this House and it is this august House that passed the VAT which is tax on value added at every step of the process. All I can say is that we are being very diligent indeed in this tax.

Hon. Manga talked about materials misuse by executing officers. I can only urge Ministries to be very vigilant in the usage of the funds that have been voted for. Value must be obtained for the finances that have been given.

The hon. Shikuku complained about the Commissioner of Police and police performance. I can only say that the message has certainly reached them and I am sure the police will do their best to make sure that they administer the laws of this land well on the basis of the budget that we have given them.

Finally, I would like to make some few general remarks on this Bill. All I can say here is to add weight and emphasis on what the hon. Members have said here, that Ministry's officials should take heed of the concerns of hon. Members. This House has voted funds and all we can urge is to make sure those funds have been utilised for development of this country. They should make sure that those funds have been utilised for roads, education, health, water and the purposes for which this Bill has so very clearly annotated in all the pages.

With those remarks, I beg to Move.

(Question put and agreed to)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE APPROPRIATION BILL

*(Clauses 2 and 3 agreed to)**Schedule*

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Chairman, Sir, I beg to move a very slight corrective amendment which [**The Assistant Minister for Finance**] has no consequence in the totals. It was merely a printing error on page 785, Vote R12, where the figure K£56 in the Appropriations-in-Aid appears as K£56,500. That should read K£65,500. There was merely an inter-position of the figures 56,000 instead of 65,000 which was purely a typing error.

(Question of the amendment proposed)

Mr. Shikuku: Mhe. amesema kwamba, tukigeuza tano iwe sita iwe mbele ya tano haitageuza total. Si wajibu wetu sasa kwenda katika Schedule hii. Mimi nina maswali juu ya hii Schedule iliyoko mbele yetu.

The Temporary Chairman (Mr. Ndotto): I do not think we can go item by item. You can raise the questions alright but we cannot go item by item.

Mr. Shikuku: I have got about five questions.

The Temporary Chairman (Mr. Ndotto): Mr. Shikuku, we are first dealing with the amendment. After that, we can go back to the Schedule.

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

Mr. Shikuku: Nina maswali juu ya hiki kiasi cha K£432 milioni. Kuhusu hizi tuzo, nataka kujua kwa nini hawa watu ambao wangali hai waliopigania uhuru hawapewi hizi tuzo za E.G.S. ambazo zinapewa watu wengine ambao hawajafanya lolote kwa Kenya hii?

An hon. Member: Hata mimi pia sijapata.

Mr. Shikuku: Na hujafanya lolote! Katika R04, ningependa kujua kwa nini Wizara ya Mambo ya Kigeni na Ushirikiano wa Kimataifa haiendeshwi vizuri, na pia ni kwa nini hawa wanaona vibaya ikiwa mtu anaenda matanga ya ndugu yake? Sisi tulienda matanga ya watu wetu waliokufa kule Rwanda, tena wale watu ni kama Waluhya, lugha yao naielewa. Kwa nini hawa wanataka hizi pesa na hawako tayari kufanya lolote?

Katika R12 ambapo tumefanya hayo marekebisha, ningependa kujua kutoka Wizara ya Serikali za Wilaya kwa nini mji wa Butere ambao ulipitishwa na Sub-DDC na hata DDC haujapandishwa? Na katika hizi fedha, kuna kiasi gani cha Butere? Jambo hilo lilijadiliwa katika Sub-DDC na DDC. Niliuliza katika Bunge hili na nikaambiwa itafanywa na mpaka leo haijafanywa.

Katika R13 kuna kiasi cha K£186,435,295. Mimi nataka kujua ni barabara ngapi ambazo zitajengwa katika Butere. Wabunge huuliza habari za barabara na sasa tumetoa pesa za barabara. Si kazi ya Mbunge kutengeneza barabara. Wananchi yafaa waelezwe wajue kwamba si kazi ya Mbunge kutengeneza barabara.

An hon. Member: Barabara gani?

Mr. Shikuku: Ni barabara gani katika Butere ambayo imetengenezwa? Yafaa wananchi waelezwe katika Butere na hata katika mawakilisho ya Mhe. Keah kwamba si kazi ya Keah kutengeneza barabara kwa sababu pesa zimetolewa. Hiyo ni kazi ya mtu mwingine.

Swali la mwisho ni kuhusu Wizara ya Habari na Utangazaji. Tunataka kujua ni kwa nini KBC haitangazi kwa Televisheni mazungumzo ya Bunge hili? Ikitangaza inachukua dakika mbili. Na pia ni kwa nini hawatagazi "Leo katika Bunge" wakati wa asubuhi? Ni muziki saa zote! Ni upumbavu ule. Kiasi fulani cha wakati kichukuliwe ili wananchi wajue kinachotendeka katika Bunge lao.

Mwisho, ni habari ya National Assembly. Kuna kiasi cha K£31 milioni ambacho kinaonyeshwa hapa. Lakini nataka kujua kwa nini wafanyakazi wa Bunge hili hawajapewa yale marupurupu ambayo yalipendekezwa na PIC, PAC na pia kwa nini hatujapata wafanyikazi wengine waajiriwe. Kwa nini vifaa havijaongezwa? Wabunge wana shida, hawana makarani na watafiti--- We are working under very difficult conditions in the whole world I think. Kwa nini hizi hazikuongezwa ili Wabunge waweze kuwa Wabunge kweli ambao wana makarani,

ofisi na watafiti wa kuwasaidia katika kazi yao?

The Temporary Deputy Chairman (Mr. Ndotto): Mr. Minister, I do not know whether you are in a position to answer that, because this is calling for a lot of details from the various Ministries which should have been dealt with during the debate, but, then it is your turn. What do you have to say on those questions?

The Assistant Minister for Finance (Mr. Keah): Thank you, Mr. Temporary Deputy Chairman, Sir. All I can say is, that there is an awards committee which deals with the awards, and I am sure the hon. Member, can send his recommendations to the National Awards Committee for consideration.

On R.4, certainly, we do not have any money here for funerals, such as going to Rwanda, and that is not being included in this Bill. That is not a matter for this Bill.

On the other aspect, R.12, Butere town to be a township, I am sure the Minister for Local Government who is here, has heard and will take it up.

On R.13, as to how many roads which are included in here, the details are contained in the detailed Vote Books in the Printed Estimates which we have debated here during the Committee of Supply.

On No. 5, with regard to KBC - the TV - not showing, or not viewing Parliamentary matters, I believe, that was the subject of a Question in this House. But, be it as it may, the hon. Minister, has heard the concerns of the hon. Member, and I am sure that will be given due care.

Finally, with respect to R.29 on the monies for researchers for Members of Parliament and staff, I am sure that is very desirable, but unfortunately, we do not have unlimited funds and we must cut our coats according to our cloth.

(Schedule as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Appropriation Bill, and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORT AND THIRD READING

THE APPROPRIATION BILL

Mr. Ndotto: Mr. Temporary Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered the Appropriation Bill, and approved the same with amendments.

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

The Temporary Deputy Speaker (Mr. Wetangula): Yes, Mr. Shikuku, what is it?

Mr. Shikuku: On a point of order. I do not know if they have realised the laziness in my brothers here. He has moved, somebody has to stand up and second it. They just sit there like crocodiles in the sun?

The Temporary Deputy Speaker (Mr. Wetangula): Order. Hon. Shikuku, there are no crocodiles in this House!

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Appropriation Bill, be now read a Third Time.

Mr. Shikuku: On a point of order. Did you realise that after the Minister moved the Third Reading, there was no informal secondment? I am still drawing your attention, they are getting late. I do not know what to call them, you said crocodiles is out of order. But I do not know what I would call them now.

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

(Question proposed)

Mr. Shikuku: Asante sana, Bw. Naibu Spika wa Muda. Nashukuru kwa kunipa nafasi hii. Kazi tumemaliza, waheshimiwa wa upande huu na waheshimiwa wa upande ule, tumemaliza kazi. Tumepeana fedha ziende zifanye kazi ya barabara, ya dawa, ya kila kitu. Lakini ningependa kuijulisha Serikali hii tukufu, kwamba ni wao watakaolaumiwa ikiwa hizi fedha hazitatumika vizuri. Tunataka fedha hizi ndogo au nyingi zilivyo, zitumiwe kwa manufaa ya watu wetu. Na waheshimiwa wale waliotuchagua wajue kwamba Mbunge hatengenezi barabara, Mbunge hatengenezi hospitali au kununua dawa, ni fedha zao za kodi yao. Kwa hivyo kusema barabara hii ni mbaya Mbunge yuko wapi? Wabunge, mimi sijui kuendesha caterpillar, na ninadhani Waheshimiwa wote hawajui kuendesha trakta hiyo, kwa hivyo, wananchi wajue tumetoa fedha na kama maendeleo hayatapatikana, sio Mbunge! Waulize Serikali, sio Wabunge. Hata yule mwenyekiti wa maendeleo katika wilaya ni DC, sio Mbunge. Katika divisheni, ni DO, sio Mbunge. Kwa hivyo, wasije kuuliza Wabunge, sisi tumemaliza kazi ya kupitisha pesa, na kama kazi haifanywi, sio wajibu wa Mbunge; Mbunge amemaliza kazi yake na kazi sasa imebaki kwa watumishi wa Serikali wakichungwa na manyapara wao ambao ni Mawaziri. Kwa hivyo, kazi kama hii zi ya Wabunge.

Bw. Naibu Spika wa Muda, naunga mkono.

The Assistant Minister for Finance (Mr. Keah): I take this opportunity to thank the hon. Shikuku for the timely reminder, particularly to the implementing officers, the executing officers, through this House that they must be vigilant and they must utilise the funds which this House has voted. I will only add one small thing. I would, in the same vein, ask hon. Members of this august House to assist the Government by attending not only the DDCs but also the Divisional Development Committee meetings, as well as the Locational Development Committee meetings where

[The Assistant Minister for Finance]

at grassroot level, the whole process of capital development in particular starts and when they find things are not happening, may I ask the hon. Members to particularly have dialogue with the respective Ministries so that we can trace where these funds are going and how they being utilised. I would like to ask the hon. Members to be watchdogs of these funds that we have voted through the machinery that has been set up.

With that, I beg to move.

(Question put and agreed to)

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

Second Reading

THE CENTRAL BANK OF KENYA
(AMENDMENT) BILL

*(The Assistant Minister for Finance
Mr. Koech on 2.11.95)*

(Resumption of Debate interrupted on 2.11.95)

The Temporary Deputy Speaker (Mr. Wetangula): Who was on the Floor! Was it hon. Shikuku?

Mr. Shikuku: Bw. Naibu Spika wa Muda, nilikuwa sijamaliza. Tulipokuwa tukizungumza habari ya hiyo restriction au kuondoa kile kitu ambacho kilikuwa kinasumbua, nilikuwa nimefika mahali ambapo nilikumbuka yule Mbunge aliyekuwa anaitwa Bw. Kanja aliponyanyaswa na akafanyiwa makubwa. Lakini wengine walitoa fedha kuliko yeye na hawakufungwa. Naunga mkono na nitaendelea kufanya hivyo mradi hizi fedha zitumiwe vizuri na wale waliopeleka fedha inje, wazirudishe. Waliopeleka fedha nje, tumewasamehe kwa kupitisha huu

Mswada wazirudishe ili zisaidie ujenzi wa taifa hili.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! Hon, Members. Order Chief Whip! The Business of the House is still going on. Proceed!

Mr. Shikuku: Asante Bwana Naibu Spika wa Muda. Unajua washamaliza kazi ya kupiga kura na sasa ni kupiga domo. Mimi nazungumza juu ya hizi fedha zirudishwe sababu "the writing is on the wall" wanavyosema kwa Kiingereza. Maandishi sasa yameshandikwa. Nchi za Magharibi haziko tena tayari kutusaidia. They are not amused. Hawataki tena. Yale matiti tulikuwa tukinyonya, hayana maziwa tena na sasa yanauma na nyinyi na wewe na mimi ambao tumeoa na tuna watoto, tunajua kwamba mama anampenda mtoto sana. Lakini mtoto anaponyonya halafu maziwa yaishe, na mama anasikia uchungu, hupiga mdomo wa mtoto wake. Mambo haya tumeyaona. Na ikiwa mama anapiga mdomo wa mtoto wake kwa sababu amechoka kunyonywa, mataifa ya Magharibi pia yamechoka kunyonywa na sisi. Watu wakubwa wenye masharubu na ndevu na bado wanataka kunyonya, baada ya miaka 32 ya Uhuru? Ajabu ni kwamba sisi tumeshajitawala kwa miaka zaidi ya 32, na bado tunataka msaada na bado tunataka kunyonya. Ukiwa na mtoto ambaye ananyonya na ana miaka 32, ujue ana akili punguani. Ni mtoto kwa mwili lakini hajakomaa kwa ubongo. Bw. Naibu Spika wa Muda, kwa hivyo, tunataka tulinde fedha zetu. Wale walipeleka fedha ng'ambo warudishe. Tunawaomba wahe. Wabunge warudishe pesa hizo, na tunawasamehe kwa kuupitisha huu Mswaada. Lakini kama hawarudishi, tutafanya nini? Hili ndilo swali nataka kumuuliza mhe. Keya na Wizara yake. Watafanya nini? Wale waliopeleka fedha nje na hawataki kurudisha, tutawafanyia nini?

The Minister for Labour and Manpower Development (Mr. Masinde): We do not know them!

Mr. Shikuku: Bw. Naibu Spika wa Muda, mhe. mtukufu Masinde, Waziri wa Wafanyi Kazi anasema hatuwajui. Ningependa ajue kwamba ako katika Serikali. Kuna baadhi ya watu wa huko Bukhaya na Malachi ambao hawajui watakula nini. Kuna wengi ambao hawana hata matumaini ya kupata kazi. Kuna wengi ambao wanakufa. Dawa hawana. Wakienda hospitali hakuna dawa. Na watu wengine wameweka fedha nje, tena kwa mamilioni. Mhe. Masinde anasema hajui. Hata hasomi ripoti ya PAC, aone kwa mfano tumeagiza vitu kutoka ng'ambo na badala ya kupata bilioni nne na pointi saba kutoka kwa Somaia, mali hakuleta na fedha amechukua. Tena yeye ni EBS. Ukiwa mwizi mkubwa, unapata EBS! Ukiwa hujafanya lolote, unapata EGH.

(Laughter)

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): What is it, Mr. Masinde?

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Speaker, Sir, these are the honours of the State. Is it in order, for a hon. Member of this [The Minister for Labour and Manpower Development] House, who contributes to the honours of this State, to go on minimising the honours that are for the whole nation?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ningependa kumjulisha Waziri kwamba, mimi pia nilitunukiwa EBS. Na yule aliyechukua fedha zetu bilioni nne pointi saba, ambaye anaitwa Somaia, alipata EBS, na hali ni mwizi. Kuna wengine ambao wako hapa. Waziri alisema hajui watu hawa ni kina nani. Juzi, mmoja alichukua hapa zaidi ya Kshs100 milioni akapeleka India, kwa sababu alileta ile sinema bila senti, na akafanya mkataba kwamba Kenya isirudishiwe hata ndururu moja. Yeye ni "CBS." Unaona vile wezi wanapata madaraka hayo? Mhe. Mbunge alisema hajui ni kina nani? Mamilioni ya pesa yalichukuliwa na aliyekuwa Naibu wa Waziri wa Serikali hii. Alikuwa anaitwa Jan Mohammed. Alichukua pesa akaenda nazo na hazijarudi. Mhe. Waziri anasema hajui ni kina nani waliochukua hizo fedha.

Bw. Naibu Spika wa Muda, Wizara ya Fedha ina wajibu wa kujua ni nani alipeleka fedha nje; wanajua. Hata watu wengine weusi kama mimi walipeleka. Hilo tu ndilo swali letu. Warudishe kwa sababu tumewaondolea ile hatari iliyokuwa kwao, ati walipeleka bila idhini. Sasa hiyo tumeondoa na sasa warudishe pesa hapa ili watoto wa Bukhaya na Malachi, ambao mhe. Mbunge anasema hajui ni nani walichukua pesa, waweze kupata kazi, waweze kufanya Jua Kali. Ukiangalia zile fedha ambazo zimetoka katika nchi hii, hata zile Kshs14.7 billioni, tulipiga hesabu juzi na tukapata zinaweza kuwasomesha wanafunzi katika vyuo vikuu vyetu vitano kwa miaka minane.

The Temporary Deputy Speaker (Mr. Wetangula): Hon Shikuku, that matter is before your own Committee, PAC. Isn't it?

Mr. Shikuku: Not yet, Mr Temporary Deputy Speaker, Sir. Hatujakaa! Hatujakaa, na sijui kama itakuja na pengine hata mimi nitakuwa nimekufa wakati tutakaa. Kwa hivyo, wacha niseme kabla sijafa, ya Mungu ni mengi na katika hii hali ya usalama wetu wa Kenya, unahesabu tu ukishaona jua ndio ujue umeshaona siku.

Kuna watu wamewekwa hapa, wauaji na ukisema hayo, watu wanafanya maandamano. Kuna wauaji na tunafanya maandamano, hamtaki wauaji washikwe? Basi, ninyi ni wauaji mnaofanya maandamano.**The Assistant Minister for Finance** (Mr Keah): On a point of order, Mr Temporary Deputy Speaker, Sir. It will be extremely helpful if the hon. Member was to concentrate on the Central Bank of Kenya (Amendment) Bill. Could I be in order to request that? Is he in order, in fact, to go outside the Central Bank of Kenya (Amendment) Bill 1995? Is he in order?

The Temporary Deputy Speaker (Mr Wetangula): In fact, I was about to ask hon Shikuku, which clause in the Bill deals with the suspected murderers from Rwanda?

Mr. Shikuku: Mr Temporary Deputy Speaker, Sir, haya yote yamekuja kwa sababu ya fedha ambazo zimepelekwa nje. Lakini wengine wakaniambia mhe. Philip Masinde, ndiye aliyeanza kuuliza hizi fedha tunauliza zirudishwe zitatoka wapi na ni nani alizichukua.

The Temporary Deputy Speaker (Mr Wetangula): He has formally told you he does not know who took the money and I am satisfied that you have told him who took the money. I do not see how suspected criminals from Rwanda have anything to do with it.

Mr. Shikuku: Bw. Naibu Spika wa Muda, asante sana, ninashukuru. Maoni ya mwisho kwa jambo hili, kwa sababu nitawapa wenzangu nafasi ili yule anataka kuzungumza, azungumze, ni hili na nilisema hapo mbeleni, ni kitu gani tutawafanyia wale watakaokataa kurudisha fedha? Mtukufu Rais, amewauliza warudishe na hata Wamarekani wasema rudisheni zenu ndio tulete zetu. Mimi nasema sheria tumeshaachilia mbali, warudishe.

Bw. Naibu Spika wa Muda, je, wasiporudisha, Bw. Waziri atafanya nini ili anaposimama atueleze kwa sababu tumeimba lakini anatakiwa achukue hatua.

Kwa haya machache, ninaunga mkono.

ADJOURNMENT

The Temporary Deputy Speaker (Mr Wetangula): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 8th November, 1995, at 9.00 a.m.

The House Rose at 6.30 p.m.