

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th November, 1995

The House met at 9.00 a.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 694

MURDER OF HEADMASTER

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

(a) what steps the Government has taken against the Administration Policeman who robbed and murdered the Headmaster of Kiroone Primary School, Mr. Julius Mbae, at Mikumbune Market on the 2nd day of June, 1995,

(b) what steps the Government has taken against the two administration policemen attached to Abogeta Chief's Camp, who viciously attacked and injured Mr. Kimathi Samson at Kionyo Market on 1st June, 1995; and

(c) whether given the rampant violence and lawlessness by administration policemen the Government can disband this force and re-integrate it into Regular Police Force.

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

(a) APC Boniface Mutitu, P/No. 97134436, was arrested and charged with the murder of Julius Mbae, Vide CR No. 464/148/95. However, he fell ill and died on 13th September, 1995 in Meru Remand Prison before the case was completed.

(b) Anthony Kimathi and not Samson Kimathi and five others were arrested and charged in court for creating disturbance in Abogeta Chief's Camp by threatening to beat the two APs and burn the camp. Their case will come up for hearing on 17th November, 1995.

(c) The allegations made by the hon. Member are too generalised. The administration police and Kenya Police Forces were created by separate Acts of Parliament that spelt out clearly their specific functions including the extent of development. Arising from that, therefore, the Government cannot disband the Administration Police Force or merge it with the Kenya Regular Police Force.

Mr. Murungi: Mr. Speaker, Sir, the two incidents in parts "a" and "b" of the Question took place in bars in South Imenti Constituency. The APs were armed when they engaged in these bar brawls. In the case referred to in "b", the AP was arrested by wananchi and taken to the police station.

Mr. Speaker: By the way Mr. Murungi, since the case is before the court, maybe you would wish to give that evidence in court, but for now, can you deal with "c" because "a" and "b" are *sub judice*.

Mr. Murungi: Mr. Speaker, Sir, in fact, by the time this Question was asked the cases were not in court but---

Mr. Speaker: Continue with part "c" now.

Mr. Murungi: Let me deal with part "c" of the Question.

Mr. Speaker, Sir, the APs who are really the colonial askari kangas are known in this country for indiscipline and lawlessness. The cases I am talking about here took place in bars and the APs were armed. In the incident mentioned in part "b", the APs were arrested by wananchi and handed over to the police.

Mr. Speaker: You are going back to what I told you to avoid.

Mr. Murungi: Mr. Speaker, Sir, given the fact that the APs in this country are a colonial relic who are merely used to enforce village dictatorship by the chiefs, could the Assistant Minister consider absorbing them into Regular Police Force so that they can be better supervised so that these cases of lawlessness, like the one which brought out the employees of Kenya Power and Lighting Company in the streets of Nairobi in a demonstration, are

stopped?

Mr. Sunkuli: Mr. Speaker, Sir, the hon. Member will appreciate that nobody would like an undisciplined Force and the Government makes some effort all the time to ensure that the Administrative Police officers are disciplined and operate civilly in their conduct of their duties. We should not get one or two incidents or even three or four incidents and use them as a basis to argue, as the hon. Member has done. Surely, what the hon. Member should tell the Government to do when cases of indiscipline arises is that those particular officers be appropriately punished. We usually do that. When they commit offenses that are written in our Penal Code, they are punished like any other Kenyan and when we cannot take them to court and they become cases of indiscipline, we do discipline them.

Mr. Speaker: Again all hon. Members are advised to only ask questions in relation to part "c". Mr. Maore, ask your question.

Mr. Maore: Mr. Speaker, Sir, without saying much, can the Assistant Minister shed some light in this House as regards an armed uniformed person holding guns in the left hand and a bottle of beer in the right hand. Given the fact that we have had a case where an hon. Member of Parliament has been killed by an Administration Policeman who was drunk sometimes back in Kitui in the 1980's, can the Assistant Minister give a policy guideline where armed men go to bars and start boozing with a gun in one hand and a bottle of beer in the other hand?

Mr. Sunkuli: Mr. Speaker, Sir, I am not aware of an hon. Member of Parliament who was killed by an Administrative Police officer.

Mr. Speaker: Yes, indeed, there was.

Mr. Sunkuli: I did not understand his Question.

Mr. Speaker: Is it your policy that a uniformed person holds a gun with his left hand and a bottle of beer with the right hand?

Mr. Sunkuli: Mr. Speaker, Sir, when a police officer or an Administrative Police officer or anybody who belongs to the disciplined forces in the Republic of Kenya is armed, he should not drink. It is not the policy of the Government to encourage people who are drinking to be armed and let us make it very clear here that whenever we have discovered that an Administrative Police officer was holding a gun in a bar he will automatically be disciplined.

Mr. Speaker: Next Question. Mr. Nyagah.

Question No.607

ALLOCATION OF TEA ZONES

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

(a) since Nyayo Tea Zones in Mount Kenya forest, particularly in Embu District, have been neglected for a long time and production has continually gone down, whether the Government would consider allocating these tea zone areas to local wananchi from three constituencies in Embu District who are landless; and

(b) whether he could explain as to why Nyayo Tea Zones have failed, yet privately owned small scale farms have continued to prosper.

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

(a) The Nyayo Tea Zones around Mt. Kenya Forest have neither been neglected nor has the tea leaf production declined as claimed. The Government does not intend to allocate the Tea Zones to individuals as doing so would compromise one to the original objectives of creating the physical tea belts buffer zones between the forests designated for protection and the local wananchi.

(b) As indicated above, the Nyayo Tea Zones have not failed, but are on course to achieve their intended objectives of protecting the forests and earning some foreign exchange.

Mr. Nyagah: Mr. Speaker, Sir, I think the Assistant Minister ought to take a tour and see the Nyayo Tea Zones. These have been a sham. We come from Nyayo tea growing areas and the whole area. Since the Assistant Minister reckons that they have achieved the objective of the Nyayo Tea Zones and that they have earned enough foreign exchange, how much has Nyayo Tea Zones been able to make since inception?

Mr. Sunkuli: From 1989/90 financial year to 1994/95 financial year, the tea leaf output and its corresponding revenue earned indicated that there has been an improved output in Mt. Kenya Nyayo Tea Zones. For instance, in 1989/90, 247,890 kilograms of tea leaf were picked and revenue earned was Kshs2,231,010. In 1991, 379,079 kilograms of tea were picked and the revenue increased to Kshs3,790,000. In 1991, 228,000 kilograms were picked and the revenue was Kshs2, 282,000. In 1992, 202,665 kilograms were picked and the

revenue was Kshs3,039,975. In 1993, 256---

Mr. Nyagah: On a point of order, Mr. Speaker, Sir. I do not want to know about revenues. Given the fact that other bordering estates can produce much more than what he is now reading out to us, could the Assistant Minister give us the profit that Nyayo Tea Zones have made since inception?

Mr. Sunkuli: Mr. Speaker, Sir, I do not have the figures right now, but I just wanted to say [**Mr. Sunkuli**] that the reasons why the Nyayo Tea Zones have not been doing as well as the others, have been discovered and part of the reason was the working capital. We now have injected money into the Nyayo Tea Zones and there has been an improvement especially within the Mt. Kenya side where the Italian Government has assisted us and I think there will be even better improvements this year.

Mr. Murungi: Mr. Speaker, Sir, I attended Tea Cess Committee in Meru about four weeks ago and the committee had visited the Nyayo Tea Zones in Meru district. The Tea Zones' Committee recommended that the Nyayo Tea Zones be sub-divided into 1,000 trees and allocated to small-scale tea farmers because they have been overgrown by bush, no tea picking was being done; there was no weeding; no fertilisers were being spread in the areas and there was absolutely no production. They were not asking that the land be given to the farmers for free; they were requesting that the land be leased to small-scale farmers. Instead of allocating the land for free, could the Assistant Minister consider sub-dividing the Nyayo Tea Zone and leasing it to small-scale farmers so that the Government can make revenue out of it and that the bush which has outgrown them is cleared and the production increased?

Mr. Sunkuli: No, Mr. Speaker, Sir. The Government is going to make profit without doing that. We must always keep in mind the fact that the Nyayo Tea Zones were principally started as an environmental project to protect our forests from being invaded and that is being achieved.

Dr. Kituyi: Mr. Speaker, Sir, to all persons who have any idea about environment, there is no difference in soil retention or water catchment by tea bushes whether they are owned by the Office of the President or by a small peasant farmer. It is known that this country has had the most successful expansion of small scale tea production in the whole world. It is also known that the Office of the President is not the best organisation for running tea estates. Considering that this Government is committed to liberalisation, why does it find it prudent that the Office of the President should be competing with a Mr. Njehu or a Mr. Chepkemboi to grow tea?

Mr. Sunkuli: Mr. Speaker, Sir, the Office of the President is well suited to protect the environment of this country.

Mr. Speaker: Next Question.

Question No.806

DDC PROJECTS IN MOMBASA

Mr. Speaker: Prof. Mzee not here yet? Next Question, Mr. Mutahi.

Question No.442

PAYMENT OF DEATH GRATUITY

Mr. Speaker: Mr. Mutahi also not here? Next Question, Mr. Nthenge.

Question No.871

COLLECTION OF SERVICE CHARGE

Mr. Speaker: Mr. Nthenge is not here also? Next Question, Mr. Alouch.

Question No.770

COMPLETION OF WATER PROJECT

Mr. Aluoch asked the Minister for Land Reclamation, Regional and Water Development when he will design and start construction of Phase II of Rongo Water Supply to serve the remaining parts of Central, South East and West Kamagambo locations.

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

My Ministry completed the designs for Rongo Water Supply and undertook the following works at a total cost of Kshs2 million during the 1994/95 Financial Year:-

- (a) Installation of two high lift pumps;
- (b) Installation of two low lift pumps;
- (c) Installation of a larger Transformer with a capacity of 200 KVA; and
- (d) Provision of additional 31 PVC pipes.

Mr. Speaker, Sir, while my Ministry looks for additional funding to complete the project estimated at Kshs13.8 million, I would like the hon. Member to mobilise his constituents to meet part of the project costs and also to prioritize the project in his local DDC.

I note with appreciation that the hon. Member personally provided pipes to my engineers thereby enabling the extension to services to his homestead but a communal approach would yield greater results.

Mr. Aluoch: I would like to make a correction to this reply, especially the last part. Water piping to my home was completed in 1983 and what I provided were 10 pipes to repair a vandalised section of the line, but not to provide a new extension. Out of this Kshs13.8 million you are talking about, how much do you want the community to raise?

Mr. Mokku: Mr. Speaker, Sir, if the hon. Member has provided those pipes to his people, well and good. The Ministry has already spent KShs.2 million and I have asked the hon. Member to adopt cost-sharing method. Any amount the hon. Member can raise would be appreciated, while the Ministry is also looking for funding to do the remaining part. So, we do not limit the amount of money the community can raise.

Mr. Ojode: Mr. Speaker, Sir, the Assistant Minister is not answering the question put to him by the hon. Member. Moi Institute of Technology, Rakwaro and Kondero Bara Secondary Schools, are suffering because of non-availability of water. Could the Assistant Minister tell us how much money has been allocated in this Financial Year for the completion of this project and when will these institutions get water?

Mr. Mokku: Mr. Speaker, Sir, I think the hon. Member might not have been listening to me carefully. I told him that during the 1994/95 Financial Year, the Kenya Government spent Kshs. 2 million and the remaining amount--

Mr. Ojode: Mr. Speaker, Sir, on a point of order.

Mr. Speaker: I am sorry, no! Continue, Mr. Mokku.

Mr. Mokku: Mr. Speaker, Sir, Kshs. 2 million was allocated and spent and we are looking for more funding to complete the whole project.

Mr. Speaker: The last Question, Mr. Polo!

Mr. Aluoch: Mr. Speaker, Sir, I am very disappointed with the answers I am getting from the Assistant Minister, because Kshs. 13.8 million, even, if, it is an estimated amount is peanuts compared to what is being spent in other areas of Kenya. Why are you not designing a proper water scheme and fund it completely, like other projects are being funded, or are you doing this because this is an Opposition area?

*(Mr. Alouch was booed by the
Government side)*

Mr. Mokku: Mr. Speaker, Sir, the area is not being discriminated against as the hon. Member is alleging because it is an Opposition area. The Government gives equal funding to all projects regardless of what Party the area belongs. The remaining amount was estimated to be Kshs. 13.8 million. That was the designed estimated amount. If the project will cost more than that, more funding will be given, but as of now, that is the amount needed for that project.

Mr. Speaker: Mr. Kaptan, Question No. 823!

Question No. 823

POWER SUPPLY IN KWANZA

Mr. Kaptan asked the Minister for Energy, when the Ministry will supply electricity to Endebes, Chepchoina, Kimondo and Kolongolo trading centres in kwanza Division of Trans Nzoia District.

The Assistant Minister for Energy (Mr. Marita): Mr. Speaker, Sir, I beg to reply:-

Endebes, Chepchoina, Kimondo and Kolongolo Trading Centres, in Kwanza Division, have been given high priority by the Trans Nzoia, District Development Committee (DDC) and will be supplied with electricity as

soon as the Ministry secures funds for the projects.

Mr. Kapten: Mr. Speaker, Sir, in places like Endebes and Kolongolo Trading Centres, there are some areas which are less than a kilometre away from these trading centres which have been supplied with electricity. How much is the Government looking for to supply power to these trading centres and I say so because these are security areas, as there are so many bandits who are killing people and many people have applied for power and yet the Government is not doing anything? How much money are you looking for to supply these places with electricity power?

Mr. Marita: Mr. Speaker, Sir, Trans Nzoia District has not been ignored at all for the supply of electricity power. We have done some jobs around the district and in this particular project we have estimated to spend Kshs.26.5 million and as soon as this money is available we will start this project and the hon. Member will be satisfied.

Dr. Oburu: Mr. Speaker, Sir, could the Assistant Minister, tell this House the exact policy regarding dissemination of funds for the Rural Electrification Programme, because we know there are people who have been told there are no funds, but when they make political move and approach some powers, suddenly, funds appear and they get electricity. Could we know exactly whether there are some funds set aside for political allocation of electricity and there are some funds which are properly in the budget for this programme?

Mr. Marita: Mr. Speaker, Sir, I am not aware of what the hon. Member is saying because we are dealing with the whole country equally. There are no areas which we allocate funds and others which we do not allocate funds.

Mr. Speaker: Final question, Mr. Kapten!

Mr. Kapten: Mr. Speaker, Sir, can the Assistant Minister tell this House why certain well placed individuals in this area have been supplied with electricity and yet the majority of the people who have applied in the trading centres and institutions such as schools have not been given power despite their applications?

Mr. Marita: Mr. Speaker, Sir, that was done when money was available but this project is estimated to cost Kshs. 26.5 million. When the project is completed people around that area will get electricity even---

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

Mr. Speaker: Order! What is it Mr. Kapten?

Mr. Kapten: Mr. Speaker, Sir, my question was. Why were certain high placed individuals supplied with electricity power as opposed to the majority of the people and institutions?

Mr. Marita: Mr. Speaker, Sir, any individual who have money can be supplied with electricity power, but when we are dealing with Rural Electrification Programme, we supply public places and people around those places.

Mr. Speaker: Next Question, Mr. Katana Ndzai!

Question No. 695

PAYMENT OF WILDLIFE COMPENSATION

Mr. Ndzai asked the Minister for Tourism and Wildlife when the following complainants, who were injured, and dependants of those killed will be compensated as recommended by the District Wildlife Compensation Committee, Kilifi, on 21st April, 1994, Minute No. 3/94: Messrs Mfano K. Randu, KShs. 30,000; Arolyne A. Chengo, KShs. 15,000; Kahindi Mwarogo, KShs.30,000; A.V. Nzimba, KShs. 15,000; Daniel Mbura, KShs.30,000; Nyevu Konde, KShs. 15,000; and Nyevu K. Kaingu, KShs.15,000.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Speaker, Sir, I beg to reply:-

There is budgetary provision to pay compensation during the current Financial Year for death and injury for those cases which were approved by the Kilifi District Wildlife Compensation Committee on 21st April, 1994 vide Minute No.3/94. I would, indeed, like to confirm that compensation has since been paid in respect of the following cases:-

Carolyne A. Chengo - KShs. 15,000

Mfano K. Randu - Kshs. 30,000

Rehema A Zimba - KShs.14,100.

The rest of the other named persons will be compensated before the end of the current Financial Year.

Mr. Ndzai: Mr. Speaker, Sir, can the Assistant Minister tell this House the cheque numbers and the date when these cheques were sent to Kilifi for compensation?

Mr. Kisiero: Mr. Speaker, Sir, I did not come with actual numbers of cheques, but hon. Member is always free to come to our office and we look into that.

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

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

Mr. Ndzai: Mr. Speaker, Sir, my point of order is that the rest of these people were paid. If they were paid, of course, cheques were written and sent to Kilifi and I wanted to know the numbers of cheques.

Mr. Kisiero: Mr. Speaker, Sir, I could bring the number of cheques if the hon. Member wishes.

Hon. Members: When?

Mr. Kisiero: Next Tuesday.

Mr. Speaker: Order!

Mr. Maore: Mr. Speaker, Sir, given the high volume of revenue which this Government collects from tourist industry, can the Assistant Minister give a specific time frame when there is an intention to increase the compensation of the a life of an African. Should it be Kshs.30,000 because we are Africans?

Mr. Kisiero: Mr. Speaker, Sir, we have said over and over again that currently compensation is fixed at the rate of Kshs.30,000 for life lost, but following the decision by this House to have the matter reconsidered this issue is still being reconsidered by the Ministry, and the Government as a whole.

Mr. Speaker: Final question, Mr. Ndzai.

Mr. Ndzai: Mr. Speaker, Sir, can the Assistant Minister assure this House that the rest of complainants will be paid before the end of the current Financial Year?

Mr. Kisiero: Yes, Mr. Speaker, Sir, I give the assurance.

Mr. Speaker: Mr. Shikuku's Question.

Question No.603

TARMACKING OF SIGALAGALA ROAD

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

Question No.902

BEIJING WOMEN CONFERENCE

Mr. Gatabaki asked the

[**Mr. Gatabaki**]

Minister for Culture and Social Services whether she could tell the House the criteria used to choose women delegates sponsored by the Kenya Government to attend the 4th United Nations conference on Women in Beijing, China, and how much the Government spent for the entire official delegation.

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

The women delegates sponsored by the Kenyan Government to attend the 4th United Nations conference on Women held in Beijing, China, were nominated from the districts by the districts leaders both in urban and rural areas. The Government spent exactly Kshs.17,607,422.53.

Mr. Speaker: Mr. Gatabaki, I thought for a while that you are not interested any more!

(Laughter)

Mr. Gatabaki: Mr. Speaker, Sir, I am very disappointed by the answer given by the Minister. This demonstrates how notorious and disrespectful the Government is. The choice of women delegates included not only KANU bosses' wives including those of Ministers but also women from KANU areas who included the wives of Ministers Kamotho, Lotodo, Kalonzo, and Mudavadi. This is a case of misuse of public funds. This is a case of---

(Loud consultations)

Mr. Speaker: Order! Gatabaki Order! Everybody! We would like to hear the hon. Member. The Minister is trying to follow the question from the Hon. Member, but since we cannot hear him can, we have him heard?

Mr. Gatabaki: Mr. Speaker, Sir, the question is: On what basis can the Minister justify taking the wives of Cabinet Ministers, including her own hair-dresser, to Beijing to discuss about the women issues which are so fundamental?

(Applause)

Mrs. Mwendwa: Mr. Speaker, Sir, I would to answer the hon. Member, but there is one part of his question that I did not understand on the question of taking Minister's wives, there were three wives. They were selected from their own districts. I had nothing to do with them and in any case, if the wife of the President of America and other Ministers' wives attended the conference, what is wrong with Kenyans having three Ministers' wives attending the conference?

(Applause)

Mr. Gatabaki: On a point of order, Sir.

Mr. Speaker, Sir, let him sit down. I have not finished answering him. You asked a question and I want to give you an answer. I--

(Loud consultation)

Mr. Speaker: Order! In the same vein as I said that hon. Gatabaki will be heard in silence, the Minister will also be heard in silence. Proceed.

Mrs. Mwendwa: Mr. Speaker, Sir, the question of political parties or KANU women did not arise, I was responsible as a Minister and I did include ladies from the Opposition by choice. Mrs. Phoebe Asiyu was a member of the Government delegation and she was my chief advisor. That is one.

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

Mr. Speaker: Out of order.

Order! Order! There is no pain in hearing a contrary view. Proceed.

Mrs. Mwendwa: Thank you, Mr. Speaker, Sir. I did even take my hair-dressers with me because I had to look like a Minister anyway, outside Kenyan. I had to look like one!

Mr. Gatabaki: Mr. Speaker, Sir---

Mr. Speaker: Order! Will you, Mr. Gatabaki, sit down! You are entitled to an answer even if you do not agree with it. Proceed, Minister.

Mrs. Mwendwa: Mr. Speaker, Sir, I did include very carefully, in fact, ladies from other parties. I had even the wife of the Ford(A) Chairman in Kitui. She was there!

Mr. Speaker, Sir, they will have to accept that took ladies from the Opposition to that conference and yet they are not satisfied!

Hon Members: Why?

Mrs. Mwendwa: Mr. Speaker, Sir, I know you are not satisfied, but finally, I want to tell the hon. Members that by nomination I had 80 ladies from the Opposition and if you want the names I have got them here.

(Applause)

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

Mr. Speaker: I will give this chance to Mr. Ndicho.

Mr. Ndicho: Thank you, Mr. Speaker, Sir.

(Loud consultations)

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Can you protect me, Mr. Speaker, Sir?

Mr. Speaker: Order! Order! Those who think that the hon. Member for Juja has no right to be heard are absolutely wrong. Proceed.

Mr. Ndicho: Mr. Speaker, Sir, my question to the Minister, is this: She said that women delegates were selected at district levels by leaders and the provincial administration. I remember very well, I participated in that process and I recommended two ladies; one called Miss Ruth Wacera and Miss Jecinta Wanjiru from Thika. But when they went to the University where the selection was being done and the time they mentioned that they came from Thika, they were totally rejected. Can the Minister tell us why these two ladies were rejected simply

because they came from an Opposition area?

Mrs. Mwendwa: Mr. Speaker, Sir, what he is saying is correct because if I went by the nomination by hon. Members of the Parliament, they would have given me first and foremost the names of their girl friends.

(Laughter)

Mr. Speaker: Order! Order, I have given the Floor to hon. Shikuku.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I have been listening to the hon. Minister, but do you agree with her last statement?

Hon. Members: Yes!

Mr. Speaker,: Order! Order, hon. Members! That may be very interesting, but nevertheless there is an hon. Member on the Floor on a point of order. Can we hear what it is all about?

Proceed, Mr. Shikuku!

Mr. Shikuku: Mr. Speaker, Sir, you heard her say very clearly that she rejected the ladies from Thika on the assumption that hon. Members would not recommend anybody else, but this girlfriends. Do you not find that innuendo very provoking and could she substantiate that she has no boyfriend?

(Laughter)

Mrs. Mwendwa: Mr. Speaker, Sir, I did not say that the ones brought by the hon. Member from Thika district were his girlfriends. I only said that I could not go by the recommendations of the hon. Members of Parliament because if I did so they would in fact--- If you ask me to substantiate, I surely will substantiate.

Mr. Gatabaki: Thank you, Mr. Speaker, Sir, for allowing me to ask a supplementary question. The feelings of the Kenyans were that, if the hon. Minister was serious, she could have sponsored the hon. Members of Parliament who are women for the simple reason that it is the women leaders who would come and implement the decisions taken in Beijing. Why did she not sponsor the Opposition Members of Parliament to attend a Women's conference? In particular, hon. Asiyo was not sponsored by the Government.

Mrs. Mwendwa: Mr. Speaker, Sir, this was not a Conference for Members of Parliament from the whole world; it was for a Women's Conference and we were taking representatives of women of Kenya. As a matter of fact, we took more women from the countryside than from towns.

Mrs. Asiyo: On a point of order, Mr. Speaker, Sir. I am informed that my named has been mentioned. It is true I was on the Kenyan official delegation, but my trip was not funded by the Kenya Government. Prior to my being nominated by the Kenya Government as a member of the official delegation my trip had already been funded by the Embassy of the Netherlands.

Hon. Members: Shame!

Mrs. Mwendwa: Mr. Speaker, Sir, that is in order because in the Government delegation there were some ladies who were sponsored by donors including Government officials. So, the point I was making is this: This was a women's conference and I was to take women representing the Kenyan women and this country is not represented by the six or so hon. Members of Parliament and I think that two hon. Members of Parliament out of a number of 170 was a good representation.

Mr. Farah: Mr. Speaker, Sir, I thank the hon. Minister for her eloquence. But my question is: Given the fact that she has said that the women were selected at the district level, is she aware that the Chairlady of Maendeleo ya Wanawake in Garissa was selected at that level, but did not go? In her place, two illiterate women, who could not even understand English were selected. The story had it that when Mrs. Grace Ogot said she did not have a Memorandum from North Eastern Province, due to the mere fact that they heard the word North Eastern Province, they went clapping wildly because they thought she had said something good about the province.

(Laughter)

Those are the women who were replaced through the influence from big people in here. Can she confirm or deny it?

Mrs. Mwendwa: Mr. Speaker, Sir, first of all I disagree with that. Secondly, I am even ashamed that you can call women illiterate. We were not going to a university meeting and the majority of Kenyan women are illiterate and they are

our mothers, sisters and they represent this country. I was not going to take academicians to China took a cross section of women because that is the way we are.

(Applause)

We had illiterate women, teachers and nurses and even professors. We had to have a cross section of Kenyan women. With regard to the question of the district Maendeleo ya Wanawake representative *etcetera* that was not my business. It was the leaders who chose the women who were to go. In my list I had some women from Maendeleo ya Wanawake, but we were not going to take all members of Maendeleo ya Wanawake from every district as it was not a Maendeleo ya Wanawake meeting.

(Applause)

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

Mr. Speaker: Order! Order, Mr. Farah! Can we now leave Beijing and come back here? For the second time, Prof. Mzee's Question!

Question No.806

DDC PROJECTS IN MOMBASA

Mr. Speaker: Is Prof. Mzee still not here?

(Question dropped)

(Prof. Anyang'-Nyong'o stood up)

Mr. Speaker: Why are you agitated, Prof. Anyang'- Nyong'o'?

Prof. Anyang'-Nyong'o': Mr. Speaker, Sir, I thank the Gracious Lady for her answers, but then hon. Members are anxious about who went to Beijing. Could the Gracious Lady table the list of the participants on the Table?

An hon. Member: That is a different question.

Mr. Speaker: Mrs. Mwendwa, what are your reactions?

Mrs. Mwendwa: Mr. Speaker, Sir, the composition of the list of participants was not the question.

(Applause)

Question No.442

PAYMENT OF DEATH GRATUITY

Mr. Speaker: Is Mr. Mutahi still not here?

(Question dropped)

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members. I had already said we are now back to Kenya. Can we now listen to Questions?

Question No. 871

COLLECTION OF SERVICE CHARGE

Mr. Speaker: Mr. Nthenge is still not here as well?

(Question dropped)

Mr. Shikuku: Mr. Speaker, Sir, I beg to apologise for coming late as I had to see a doctor about my voice. This is my main tool and it is out of order.

Nevertheless, I beg to ask Question No. 603.

Question No. 603

TARMACKING OF SIGALAGALA ROAD

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

(a) whether he is aware that Sigalagala-Butere Road was recommended for tarmacking by the Kakamega District Development Committee many years ago; and

(b) if the answer to "a" above is in the affirmative, when this Road will be tarmacked as per the Kakamega District Development Committee's recommendations.

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

(a) I am aware that Kakamega District Development Committee recommended the tarmacking of Sigalagala-Butere road in 1989 during their DDC meeting. However, it was not high on their priority list because it was ranked fourth among other district priorities.

(b) There are no immediate plans to tarmac the road in question because it is not a top priority in the current DDC plan while other top priority roads have not been completed. Also both the existing and estimated traffic flow along the road in question does not justify its tarmacking at the moment.

Mr. Shikuku: Mr. Speaker, Sir, arising from that absurd reply as I am a member of the DDC, is the hon. Assistant Minister aware that the period he has mentioned here (1989-1993) was not the first time the recommendation was made? The recommendation was first made way back in the 1980s. I do not know who is giving this newly appointed Assistant Minister untruths which will get him into trouble in the long run.

Is he aware that this road goes to Sitandi Kisa to Musalaba and this road was recommended at the same time, way back in 1970s and 1980s on the basis of the traffic flow? How does he know from Nairobi office how much traffic is there more than Hon. Members of the DDC who recommended for its tarmacking?

Col. Kiluta: Mr. Speaker, Sir, I have yet to come across such an ungrateful Member of Parliament as hon. Shikuku. This is because his first priority was Mumias/Maioni Road which has been funded to the tune of Kshs643,237,713/-. His second priority was Ekeru/Ebuyonga Road which was allocated Kshs30,500,000/-.

The third priority was Stand-Kisa/Khumusalaba Road which was allocated Kshs682,021,129.25. If you look at these figures and the number of districts we have in the country, you will realise that the people of Kakamega District have had more than their share of the national cake.

Mr. Shikuku: Mr. Speaker, Sir, when the Assistant Minister says that hon. Shikuku should be grateful that statement is out of place because hon. Shikuku is only a representative of the people. Is he aware that this road was also supposed to be done during the Ikolomani by-election? As a matter of fact, the Ministry's employees took some equipment there so as to influence Ikolomani voters by making them believe that this road was about to be tarmacked. However, after the by-election those fellows disappeared to where I do not know. Is he aware that this road has been, and still is, a top priority? If he wants the minutes which prioritised it I will show them to him. This road has for a long time been on the priority list along with Stand-Kisa/Khumusalaba Road. Why has it not been done now that the hon. Member for Ikolomani defected from Ford(A) to Kanu hoping that it would be tarmacked?

Col. Kiluta: Mr. Speaker, Sir, I am not aware that the Ministry's officers took there the things he is referring to. But what I am aware of is that traffic flow on that road does not warrant its tarmacking at the moment. Traffic flow on that road at the moment is 263 vehicles while the minimum number of vehicles required on any road to qualify for tarmacking is 300 vehicles. However, we have set aside some - if that makes his heart beat slow down - Kshs225,385/- to maintain the same road.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, arising from the Assistant Minister's first answer and the last supplementary answer he has given regarding how to measure priority in tarmacking roads, is he not aware that when a road is not tarmacked this is also a function in reducing the traffic that rolls on it? A much more important thing is to realise the economic significance of both Sigalagala and Butere trading centres in determining whether or not to join them with a tarmac road.

Col. Kiluta: Mr. Speaker, Sir, I am aware of that and I know that once a road is tarmacked it attracts more traffic. So, the hon. Member is right. But then, there are other considerations that we have to bear in mind before we tarmac a road.

QUESTIONS BY PRIVATE NOTICE

BANDITRY MENACE IN MUTOMO

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

- (a) Is the Minister aware that all banditry attacks in Mutomo Constituency (Mutha and Kanziko Locations) occur during the rainy season, when the roads in the Constituency are impassable?
- (b) Can the Minister send security personnel urgently to patrol this area to avoid further attacks?
- (c) What plans does the Minister have to eradicate this banditry menace once and for all?

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

- (a) Yes, I am aware.
- (b) Regular patrols are already being carried out in the area with a view of curbing the menace.
- (c) The Government has plans of establishing more police posts and improving infrastructure, roads included, in Mutomo Constituency and other bandit prone areas to help curb bandit attacks in future.

Mr. Muoki: Mr. Speaker, Sir, while the answer from the Assistant Minister is very convincing I would like to inform him that I was in the constituency and visited these two locations and I saw that there was nothing taking place on the ground. In fact, farmers are not planting because they are afraid of these bandits. So, can he confirm whether something is being done or whether he is just assuming that something will be done? If something is not being done, when will patrols be undertaken to check the insecurity?

Mr. Sunkuli: Mr. Speaker, Sir, in addition to the regular patrols we are also going to ensure that as many police stations as, possible to curb the banditry menace in that area are established. I request the hon. Member to bear with us, but we will put that into place.

Prof. Ouma: Mr. Speaker, Sir, the question of banditry has been with us for the last 30 years. Hon. Sunkuli is known to answer Questions from the base and not from the top and I would like him to answer this question fundamentally. Banditry is likely to affect the development of this country badly for the next 30 years and more unless something substantial and fundamental is done. For 30 years we have had the policemen going there and yet there have been no prescriptions on how to eradicate this menace! If these policemen have failed, what assurance does the Assistant Minister have that this time the few extra policemen will work? Can he tell this House what the Government is planning to do as a fundamental step to eradicate banditry from the face of North-Eastern and Eastern Provinces once and for all?

Mr. Sunkuli: Mr. Speaker, Sir, most of what I have is, of course, security information, but I want to assure the hon. Member that it is not just the regular policemen whom we are using now. Actually, we are dealing with the situation in a combined operation, which even includes other armed forces. We are dealing with it as a Government and not just as a police issue. Joint operations have become successful now. The question of fundamentality is of course---

Prof. Ouma: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Overruled. Yes, Mr. Shidie.

Mr. Shidie: Mr. Speaker, Sir, if I recall well, a Motion was passed in this House to establish anti-banditry squads. The Assistant Minister is telling the House that regular policemen have been sent there. But the hon. Questioner, who comes from the area, has confirmed that nothing is being done on the ground. Could the Assistant Minister take this matter very seriously because it involves the lives of human beings and livestock? Could he confirm or deny whether he has established these anti-banditry squads to help Kenyans who have been made poor by these banditry activities?

Mr. Sunkuli: That is exactly what I said a few days ago. I also said a few minutes ago that if the hon. Member from Mutomo can bear with us, he will soon see a squad of the joint forces comprising the Police and Military forces in Mutomo to deal with that situation.

Mr. Farah: Mr. Speaker, Sir, I appreciate the concern---

Mr. Speaker: Order! Order! Order everybody! Order, Mr. Farah. Can hon. Members hear this Question. Please proceed!

Mr. Farah: Mr. Speaker, Sir, I appreciate the concern of the Assistant Minister to create this joint

forces and joint operations. But does he know that a joint operation that is created once cannot not solve anything because a man who is a bandit and who has a gun on one side, can put that same gun in the bush somewhere, and walk like an ordinary person? Instead, an information gathering system should be established by that particular force, which should be mobile to gather all the information on banditry activities there. If they do that, then they can solve the problem of banditry in North-Eastern and some parts of Eastern Province. It has been tried during the colonial times in what used to be called the tribal policemen, and they did a wonderful job. Can you do the same now?

Mr. Sunkuli: Mr. Speaker, Sir, we have certainly learnt from the mistakes noted on previous operations, and we are going to improve on that.

Mr. Speaker: Final Question, Mr. Muoki?

Mr. Muoki: Mr. Speaker, Sir, in my area and other arid areas, I would like to inform the Assistant Minister that the security personnel have no transport. The police and the district officer's vehicles are not mobile, and when these bandits attack, we have no vehicles to pursue them. Can the Assistant Minister assure this House that after this joint patrol, there will be permanent security in place to make sure that there are no future banditry attacks?

Mr. Sunkuli: Mr. Speaker, Sir, for the last six months, the Government has been acquiring vehicles and communication materials, and we have focused on this banditry areas. We will look into the particular situation at Mutomo to ensure that this is supplied to them also. There is the other problem of roads, and the Government is constructing major roads, like the road to Tana River. Although it does not go through Mutomo, but at least there will be proximity to a good road.

MOTEL IN RIVERSIDE ESTATE

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

(a) Is the Minister aware that a Motel has been opened in the middle of Riverside Estate of Nairobi South "B"?

(b) If the answer to "a" above is in the affirmative, what action is the Minister taking against its operations, since it has proved to be a public nuisance to the residents?

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

(a) Yes, I am aware.

[The Assistant Minister for Local Government]

(b) Notice has been given to the proprietors to stop their illegal activities and remove the said unauthorised structures.

Mr. Mutere: Mr. Speaker, Sir, will the Assistant Minister tell the House, why the City Building Inspectorate, did not stop the structures during their construction, or prevent them from being constructed, now that he is talking about notices being given? Why did they fail to stop it in advance?

Dr. Wameyo: Mr. Speaker, Sir, they were not aware.

(Laughter)

Mr. Kamuyu: Mr. Speaker, Sir, this obviously tells you how careless the Ministry can become in issuing out licences today, and after only a few weeks again, cancelling them again because they have inefficient officials who are always not aware. In the whole of Nairobi, this is not the only case. There are many other motels, bars, lodging, night clubs right in the middle of residential areas. Can the Assistant Minister now go back, and issue a directive that all of them, not just this one, will have licences reversed and cancelled so that there can be peace in the residential areas?

Dr. Wameyo: Mr. Speaker, Sir, I will investigate and take the necessary action.

Mr. Icharia: Mr. Speaker, Sir, all the constructions that take place in Nairobi have to be approved by the various departments of the council. Before construction, the plans have to move from the MOH, engineers, planning, roads, and to all the departments. Is the Assistant Minister in order to say that he was not aware that such a construction was taking place, when the plans are moved from one department to the other and approved? What is the policy on this matter? Can the Assistant Minister clarify the matter instead of saying that they were not aware that this construction was taking place, when they had already approved the plans?

Dr. Wameyo: Mr. Speaker, Sir, where the individual concerned follows instructions, he brings plans

and they are approved accordingly. But where he goes ahead and does it without the plans being approved, and one is not aware, the Minister may be not aware that the building is going on, if it is done overnight.

Mr. Gitau: Mr. Speaker, Sir, can the Assistant Minister assure the House that an order has actually been given because quite often we have been promised that action is going to be taken, and for us to make sure that the action is going to be taken on this particular case, he would need to Table the cancellation order of the licence of that motel for the House to see?

Dr. Wameyo: Mr. Speaker, Sir, I have already stated that I would wish to plead with the hon. Member to wait and see if action has not been taken.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, the Assistant Minister has said that he was not aware that a the construction of large building like the one in Nairobi South "B" was going on, and whatever was taking place was not known to him. This shows that the civil servants, or his executives in the City Hall are not quite efficient. What steps is the Assistant Minister taking to make sure that those who are supposed to inspect these areas and have not done so, and as a result, we have had a motel whose construction you are not aware of. What steps is he going to take against these fellows. Is he going to sack them, so that there is a bit of efficiency?

Dr. Wameyo: Mr. Speaker, Sir, action will be taken against them according to regulations.

POINTS OF ORDER

UNSATISFACTORY REPLY TO QUESTION NO.376

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

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

Mr. Kamuyu: Mr. Speaker, Sir, you will recall that Question No. 376 which I asked hon. Makau last week regarding the processing of 19 television and 23 radio applications. Your ruling on the matter was like this and I quote:

"Mr. Makau, please send the pleading to the Chair, and the Chair will decide whether or not you are right. We will defer the Question now, until I have seen the pleadings"

Mr. Speaker, Sir, I am anxious to know whether the pleadings have reached you so that if it is necessary, then I can see you over Standing Order No. 18, so that I can put a Motion about this particular matter.

Mr. Speaker: I have not seen the pleadings. I would like you to remind me about this issue, when Mr. Makau is here.

OUTBREAK OF DYSENTERY IN NYAMBENE

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

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

Mr. Maore: Mr. Speaker, Sir, I rise on a point of order to demand a Ministerial Statement from the Minister for Health over the Press reports over the week-end and the facts that I got the ground [**Mr. Maore**] on the validity of the story about the outbreak of dysentery in the Northern part of Nyambene. I wish to request a comprehensive report over the action the Government has taken so far, and what they intend to do in the future, bearing in mind that the words of the MOH that there has been a complete breakdown of public health services, and also the fact that specific areas were mentioned, that is Kangeta, Mutuate, Antubetwe, Kiongo and Muutine, all in Nyambene district.

Mr. Speaker, Sir, we need a comprehensive report on what the Government is doing about this?

Mr. Speaker: Is there anybody from the Ministry of Health? Is there anybody who wishes to respond? They will respond in due course.

Mr. Speaker: Next Order!

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. The Minister might not have heard what you were talking about.

Mr. Speaker: Well, I assume every hon. Member hears what goes on in the House. He will respond in due time. Prof. Anyang'-Nyong'o was on the Floor. Is he here now? Prof. Anyang'-Nyong'o, you have five minutes.

MOTION

FRESH POPULATION CENSUS

THAT, in view of the great concern by a cross section of the people and institutions on the latest population census held in 1989 and, given the importance of accurate data for planning and development, this House urges the Government to carry out population census as soon as it is practicable.

(Mr. Ogeka on 8.11.95)

*(Resumption of debate on the Motion
as amended interrupted on 8.11.95)*

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, when the House rose last Wednesday, I was contributing to this Motion on population and the need for a proper population census. The point I was making is that we are not only interested in population census for its sake, but we are interested in population census for proper planning purposes because there are other types of censuses that, I suppose, the Central Bureau of Statistics should take. These include census on industrial production and commercial census, in general. Unless we have a proper population census, it will be very difficult to make proper use of these other types of censuses which are important in economic planning. However, much more important is the need for proper census taking regarding urban planning. We are fast becoming an urban community and our urban centres are not properly planned. You can just see what is happening in Nairobi. Whenever it rains, all the roads are flooded and, whenever anybody who thinks he has money wants to put up a house, they put up those houses anywhere. It is a shame when you go to Umoja, and see what is happening in an area which was meant for single housing development projects for middle and low cost income houses. It is now full of *gorofas*, sky-scrapers and what have you. This makes it very difficult for the City Council to plan for sewerage and water systems.

If there was a proper census and we were to engage ourselves in proper urban planning, one of the most immediate things we should be doing is to plan for urban renewal and doing away with the uncontrolled slum development in Nairobi. In this regard, I would like to say that the National Social Security Fund (NSSF) should invest its money in urban renewal. The current trend where the NSSF is buying up shares in the Housing Finance Company of Kenya (HFCK) and its almost becoming a majority shareholder in the HFCK is dangerous because, the NSSF should not control the HFCK, especially, if our plan is to use the HFCK as a client of the NSSF in urban renewal.

Mr. Speaker: Prof. Anyang'-Nyong'o, what Motion are you debating?

Prof. Anyang'-Nyong'o: I am talking about census. Just wait a minute, Mr. Speaker, Sir. I am making my point very soon.

Mr. Speaker: What has it got to do with the NSSF?

Prof. Anyang'-Nyong'o: It has to do with urban renewal and investing money in urban renewal. The NSSF cannot do that unless there are proper figures it is dealing with in urban renewal.

Mr. Speaker: Prof. Anyang'-Nyong'o, you are guided to stick to the Motion which is about census.

Prof. Anyang'-Nyong'o: I am coming to that, Mr. Speaker, Sir.

Mr. Speaker, Sir, first, I am very concerned that our urban population is increasing without planning. Secondly, I am very concerned that we do not have proper census of how many people are in the urban areas and where they live so that the Nairobi City Council and the Government can plan for proper amenities. Thirdly, we do not have proper census of those sectors of the urban areas which are under slum dwelling. Were I to ask the **[Prof. Anyang'-Nyong'o]**

Minister today to state how many people live in Kibera or how many slums exist in Kibera, he would not be able to say because these structures come up every night without planning. It is making the work of the Ministry of planning and National Development very difficult and, hence, if we are going to know how many people we are planning for, these two things must be co-ordinated. We must have a census of urban planning, a census of industrial production and a census of commercial activities. We must also have a census of housing development.

The Ministry of Planning and National Development cannot plan properly for the urban areas unless there are proper censuses of all these activities.

The NSSF is not going to invest properly in urban renewal unless it is dealing with figures which are

reliable, hence the point I was making, that if the NSSF is making a projection for urban renewal and it is trying to do that by taking over the HFCK, it is a wrong procedure because the HFCK should be the client of NSSF in urban renewal.

Mr. Speaker: Order! Order, Prof. Anyang'-Nyong'o! That is absolutely irrelevant to the debate. Now, will you stick to the debate? That is a warning now.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I am sticking to the debate. I am saying that we need proper urban planning with proper censuses taken of all these things, including commercial and financial activities. I am sorry that people do not seem to be understanding what I am saying, but it is important to this Motion.

The Minister for Labour and Manpower Development (Mr. Masinde): Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion.

The Motion as amended is important. It is a good exercise. We should have population census periodically since it is important to know the population of a country because this helps the Government to plan for education, health and provision of water and other services. These also includes infrastructure like roads, bridges and other amenities that are needed by the mwananchi. Carrying out a country-wide population census is a very expensive affair. However, I would like to make certain suggestions which might make the census, in fact, not expensive at all.

Because of closer administration, many large districts have been split up into smaller manageable districts. Even large locations have been split into smaller locations and more sub-locations have been created. Instead of waiting for the 10 year period to carry out a country-wide population census, a lot could be done on a monthly basis. We have Assistant Chiefs who have got people called *Ligurus* or *Mukasa*, while other areas have got their own names for the village elders who help the assistant chiefs to manage sub-locations. Some of these village elders look after about 30 families and so on. It should be easy for the Government to use these village elders and assistant chiefs to carry out local population census once per month. Periodically, an assistant chief should count all the people that he oversees and have those results registered with the census officer at the district headquarters. On a weekly or even monthly basis, the elders should be able to report how many children have been born or how many deaths have occurred within that area, because they are bound to know all these facts. All these elders attend burials nearly every time the community loses a member. So, they should be able to take up the names of the dead, add up the numbers and the names of those who have been born at no cost whatsoever, and report this to their Assistants Chiefs who in turn would report directly to the District Registration Office once a month. When eventually the head office or the Ministry wants these figures, these figures should be submitted immediately. When the census time comes, let us say after every ten years, each district should be aware almost of the exact number of the people in the district well ahead of the national census itself. This can be done at no cost; no extra cost whatsoever because at the moment we have a lot of Assistant Chiefs. They are already drawing their salaries. So, we do not have to get enumerators in these areas meanwhile. I know the Ministry concerned carries out periodical estimates for development purposes, but some of them can be very faulty. I have for example, in my constituency where census indicated in 1989 that they had about 105,000 people in one Location. They are still showing the same on the programme for 1994/96. Obviously this cannot be right because there are more people being born than those dying. This particular area I am referring to in my constituency does not have too many vehicles where we can claim that many have died as a result of road accidents.

Mr. Speaker, Sir, I think, this could be done. I definitely support the Motion as amended and hope that what I have just said and if that continues or if it is carried out, we can be sure of the number of people per location, per district throughout the country, at any given time and especially now when we have a lot of information being stored into computers. We would be able to get any number of the population for a particular area by just pressing a button of the computer. It is also important that the census should not be just for the sake of getting the number of people; and as a result of this, when we know that many of these districts have got the number of people required, we assume that other Ministries will take up the matter and begin using this census to translate the needs of the people in particular areas as per the census received so that we do not have to crowd perhaps too many health centres in a place where the census showed that they have already have more than enough; so that we can also plan for the schools, so that the schools are properly planned to take care of the number of the children who are originating in that particular area without having to build too many schools perhaps in a particular area just for prestige purposes and not because of the number of the pupils that are going to be taken up in those schools.

Mr. Speaker, Sir, with those few remarks, I beg to support the Motion as amended.

Prof. Ouma: Thank you Mr. Speaker, Sir. Professional and objective management of any population is essential for the planning of sustainable development of that people. I do not need to repeat here again that the

1989 population census was very unprofessional. Therefore, some of the things which have developed out of it are not in the interest of this country. The sooner we have a new population census, the better it will be for the people of this country. For example, to manage a population or in other words to know its size, its character, its composition, its demands and to be able to foretell or to forecast what it will do and what are its needs in future; there is what is called the population pyramid character. Kenya's population today cannot be ascertained because the type of things which went into that population census were very unprofessional. We do not know the character of Kenya's population today. What is more, ever since 1948, we have been having a population census every ten years. As a result, demographers, the students of population, have been studying how the character is shaping out of Kenya's population. Every country has got its own characteristics of population. But I must say that those of us who have something to do with population in their studies are amazed at the sort of things which are shown in the so called character of Kenya's population today. One is not even sure of the growth rate because if you study population over 50 years roughly now since 1948 when the first census was taken, one should be convinced that this is the character of the population rate. We cannot even know what the family planning activities have done to shape the character of the population of this country because of the mess done in 1989.

Mr. Speaker, Sir, I think, everybody who loves this country regardless of his party in this House, should support the fact that we need to characterise the demographic map of this country. For example, right now, we cannot even know the national population differential from one place to another. We cannot characterise, for example, the growth of population in Turkana District versus Garissa District. Both of these are dryland areas. We cannot, therefore, extrapolate from these figures what the future figures shall be and, therefore, be able to tell or to plan for in advance what kind of services to supply in 20 years from now, or what kind of goods to supply them with, how much food, how much shelter.

Mr. Speaker, Sir, it is very sad that there is a missing link in Kenya's continuing growth of education in manpower management. I am very surprised that the Minister for Labour and Manpower Development unfortunately has bolted out. I am very surprised that the Minister for Labour and Manpower Development is saying that he would reduce the cost for population census by having Chiefs and Assistant Chiefs supply the information. The Minister should be knowledgeable that to plan manpower for the future, you need even to know the rate of education growth, the grade of health deterioration and health growth. He should know that we need to know the age groups. How will a semi-literate or an illiterate Assistant Chief and his elder in the village be able to tell this to the computer? We need something professional. And to get Kenya out of the mess into which we put through unprofessional management of the census of last time, we need to start very early and to get the Population Institute in Nairobi, for example, help the Ministry concerned to ensure that we take proper measure, not to have another debacle like last time. Mr. Speaker, Sir, in the future we shall not only need manpower planning in terms of manpower as a resource, we shall also need to supply that manpower of the population with the services and the goods they need.

All these need to be planned ahead of time. The only way to have to have sustainable development for a people is to know, how many those people will be, the character of the population they form and what they shall need in the future. We must avoid solving problems by crisis; like we have been talking a short while back about banditry. Banditry has become a permanent and an endemic crisis in this country. If we do not resolve these population problems and the missing link in the knowledge of the population of this country, then we will have introduced a new form of mis-management, underdevelopment and we cannot know what we need in future.

Mr. Speaker, Sir, on the issue of urban and rural growth, it is known that in the Third World there is a very fast rural-urban migration. People are moving from the countryside to the urban areas; but they do not move equally to all urban areas. It is only proper population census which can tell us, for example, that the change in Garissa from one year to another is different from the change in Homa Bay from one year to another. We do not plan equally in the same way for all urban areas because the growth of population in urban areas is compounded. There is the resident birth rate and there is the influx from the outside and, therefore, it is a very compounded situation and we shall not know how to solve that problem until we have got proper population censuses which will enable the specialists to decipher one character from another, one contribution from another, and one factor from another. We shall continue to have urban mess if do not know how the urban mass is increasing. We shall continue to have poor rural planing until we know how many people we have there. This is one of those Motions on which one does not need to speak at great length. We only need to stress that, if we have made a mistake, we should correct the mistake as soon as possible. If we made a mistake in 1989, we should not wait until 1999. Let us correct the mistake so that we approach the new century with figures worth relying on. If we do not have enough manpower, reliable enough to manage the population census, this is one of those areas where you could ask for foreign aid, for other people to help to manage it properly next time. I do not need speak more. Sustainable development needs sustainable management. Sustainable management depends on sustainable and

authentic figures. The last population census was a total mess; a professional morass. As a result, we need to correct that mistake quickly.

With those few remarks, I totally support this Motion.

(Mr. Speaker left the Chair)

*(The Temporary Deputy Speaker
(Mr. Ndotto) took the Chair)*

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Nakushukuru Bw. Naibu Spika wa muda kwa kunipatia nafasi hii.

Yangu nikusema mwenye kuileta Hoja hii alifanya vizuri sana. Lakini, kuna wakati wa kufanya kila kitu. Wakati tulionao sasa katika Kenya ni kutazama taabu tulizonazo. Mambo ya kuhesabu watu yatafanyika wakati wake ukifika. Lakini taabu za watoto wa vyuo vikuu na shule za upili ni jambo ambalo viongozi wapaswa kuliangalia na kujua jinzi ya kusaidia. Kama viongozi, tunajua kuna watu waliofiwa na baba zao, kuna watoto mayatima, hawana baba wala mama na wao ni Wakenya. Tufanyi nini? Yafaa wenzangu wafikirie namna ya kuwasaidia hawa watu. Tuna taabu. Shule za sekondari ni chache. Katika hizo pesa kwanza, tufikirie kuwajengea watoto shule za upili na tuweze kuwasaidia. Tuna taabu nyingi ambazo ninataka kuwafahamisha wenzangu ili wawe katika---

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Nassir, you have just about ten minutes. So, you had better say what you want to say within the next ten minutes. You have just about ten minutes remaining!

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Basi, nia yangu, ni kusema kwamba hili ni jambo linalofaa kufanywa likini kwa wakati wake. Sasa kuna mambo mengi ambao sisi viongozi tunapaswa kuyaangalia. Kuna taabu za kazi, shule, watoto watakokwenda vyuo vikuu na hawana pesa. Nafikiri hawa watu waliotuchagua sisi hawakutuchagua kutafuta tu ni mambo gani mabaya na gani ni mazuri au mambo gani yafaa yafanywe kwanza. Nia yangu ni kusema, kama tuna mambo mengi zaidi, yafaa tufikirie wananchi wetu wa Kenya. Hili ni jambo ambalo litakuja kwa wakati wake. Maana yake tukijua hesabu ya watu kwa leo, na ikiwa mwenendo wa watu wengine ni ule wa kuto saidiana na kuzungumza zaidi, na kuwaambia wafadhili wasitupatie pesa za kutusaidia, hili si jambo litalotuokoa. Litakalotuokao sisi ni viongozi kuwa na imani kuwasaidia maskini. Ikiwa hana nyumba, yapaswa tuone ni kwa njia gani tutamtafutia nyumba maskini aliyetupatia kura. Ikiwa ni biashara ya faa tujue ni njia gani itakayomwezesha maskini kuanzisha. Hayo yakutafuta hesabu ya watu yatakuja kwa wakati wake. Hii ndiyo sababu nikasema tuna kazi nyingi ya kufanya kabala ya kufikiria mambo ya hesabu. Hii ni kwa sababu tukijua hiyo hesabu, hatutakuwa na la kufanya ikiwa mtindo wetu leo za kuzungumza tu; kutoa habari nyingi tu na makosa mengi bila kutenda. Ni kama vile Waislamu wanasema, "Mtume alifanya." Mtume amefanya kweli lakini wewe umefanya nini? Kwa hivyo, jambo muhimu ni kwamba watu wetu wanataka msaada. Wakenya wana taabu. Wanataka msaada wetu. Kila kiongozi afikirie ni jambo gani ambalo laweza kuwasaidia hawa watu waliotufugia kura; yaani watu wa Kenya wote. Haja zao ni sisi viongozi kuwasaidia wao. Yafaa tushirikiane kwa njia ya Harambee na kuwapa wananchi msaada na wale wale waliobarikiwa na Mungu kuwa na biashara, wasiwasumbue wenzao kwa mambo ya siasa tu. Kama mimi nina biashara na simuonyeshi mwenzangu njia ya kufanya biashara na nina muonyesha njia ya siasa tu; siku moja watagundua kwamba sisi tunawadanganya sana na itakuwa taabu. Naunga mkono Hoja hii lakini ningependa mambo yafanyike kwa wakati wake. Kitu ninachokitaka sasa hivi ni kuangalia shida ya watoto wa vyuo vikuu hasa wale mayatima. Tuugane, ijapokuwa si kwa njia ya kutangaza, mimi nitafanya katika tarehe 25/11/1995. Wale watu hodari wa kusema nataka waje Mombasa. Tena, ninawasaidia wa FORD, DP na kila chama ili waende wakasome kwa sababu elimu si jambo la siasa. Ni kitu cha kuwasaidia watoto wetu kama Bw. Orenge ambaye sasa ni wakili. Tuna mambo mengi ya kufanya. Hospitali ni machache. Tusaidiane kwa kujenga zahanati. Nimesema hakuna nafasi za kutosha za kazi. Tuwatafutie njia za biashara kupitia vyama vya ushirika.

Mimi nasema, atasema mpaka lini? Mpaka kaburini kwake pia atasema tu! Nia kubwa ni kuwasaidia watu. Kwa hivyo, mimi yangu si mengi, lakini nasema yako ya kwanza yafanywe, halafu mengine baadaye.

Kwa hayo machache, naunga Hoja hii mkono.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ahsante sana. Hili jambo la hesabu ya watu hi muhimu. Maendeleo yote kunategemea hesabu ya watu. Hata kuhusu familia yako, Bw. Naibu Spika wa Muda, inakubidi kufanya mpango kulingana na idadi ya watoto ulio nao. Sisi tunasukumwa tu, tunaenda, hatuna hesabu kamili. Mungu ana kazi kulinda wananchi duniani, lakini nina hakika anafanya kazi sana nchini Kenya, kwa sababu hatuna mipango. Hivi sasa tunaambiwa kwamba, juzi tulikuwa na ile sensa iliyotolewa halafu hata wenyewe

tukaona aibu, tukairudisha. Ile ya 1989 ni mbovu lakini ni afadhali. Lakini ukweli ni kwamba, hatujafanya mpango kamili. Ukweli huu, hata sasa hivi tunapozungumza habari ya wilaya kugawanywa, wilaya ni ya watu sio ya wanyama.

Bw. Naibu Spika wa Muda, inafaa wingi wa watu ndio iwe kipimo cha kugawanya wilaya hizi, na ukubwa wake. Lakini, juzi tunashukuru Serikali iliyeana wilaya ile ambayo sasa itaitwa Malava. Na kuna nyingine kama, Wilaya ya Kakamega iliyo na watu wengi sana, hakuna wilaya yoyote iliyo na wingi wa watu kushinda Wilaya ya Kakamega. Na ilikuwa ikiongoza ikifuatwa na Wilaya ya Machakos na Kiambu. Na mpaka wa leo, wale watu wa Kakamega ni wengi sana, ambapo huko hata kujisaidia haja ndogo barabarani huwezi, kwa sababu, kila mahali watu wako. Kuna wingi wa watu. Ajabu, wingi huo hauoni ni kitu, wingi wa watu wa Wilaya ya Kakamega huoni kama ni kitu. Hiyo wilaya bado inatakikana kugawanywa, kwa mfano, tulisema tarafa ya Khwisero, tarafa ya Butere, tarafa ya Mumias na tarafa ya Matingu, wao ni zaidi ya watu 600,000. Hawapati wilaya, hawajapewa mpaka sasa. Sioni ni vibaya, eti watu wa Teso wamepewa, lakini, ukienda Teso au Sabot, ni mitaa miwili na wamepata wilaya. Kuria ambayo iko na mitaa mitatu wanayoita wilaya. Na sisi tuna vijiji---

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Jambo la nidhamu, Bw. Naibu Spika wa muda. Mwenzangu ana haki kusema kwamba Wilaya ya Mount Elgon ina mitaa miwili na hali tuna mitaa minane?

Mr. Shikuku: Bw. Naibu Spika wa muda, ikiwa nane anaweza kusema haki iko wapi, ikiwa katika tarafa za Butere, Khwisero, Mumias na Matungu, zina mitaa ishirini na tatu. Anaweza kutuambia, hata kama anajua hesabu, nane zinapata, na ishirini na tatu hazipati? Tunataka wingi wa watu, chakula kipeanwe kulingana na idadi ya watu ambayo inapewa chakula sawa. Hata kwa wilaya na sehemu tunawakilisha Bungeni, wengine hapa wanawakilisha watu karibu 40,000 na wengine tunawakilisha 250,000, lakini mshahara wetu ni Kshs 10,000, kwa Mbunge yeyote bila kujali idadi ya watu unaowakilisha. Haki iko wapi? Tunataka hesabu ikiwezekana ifanywe kabla ya uchaguzi ujao. Hata kugawanywa kwa sehemu za kuwakilishwa Mhe. Bungeni kufuatane na watu sio wanyama na miti.

Naunga mkono.

The Temporary Deputy Speaker (Mr. Ndotto): It is now time for the Mover to reply.

Mr. Ogeka: Thank you very much, Mr. Temporary Deputy speaker, Sir. In replying to this Motion, first and foremost, I wish to register my appreciation to the Ministry concerned, for having reacted to the Motion to assure the concerned wananchi, that this august House is not totally silent for their expression. I think, this is most appropriate and should continuously be the order of the day.

My biggest concern is to confirm the correctness of the population census in 1989 and it has been confirmed beyond doubt that it was not in the best interests as could have been desired by the Government. Being a basis on which our development plan will be based, it was, therefore, most appropriate to call upon the various concerned parties to look into the corrective measures and this is sincerely the best way any citizen could show his patriotism. The best way in which the concerned privileged minority could react in response to the silent majority---

Mr. Temporary Deputy Speaker, sir, the real aim of putting up this Motion, basically, is with regard to effective planning. I wish to assure this House and the nation, at large, that failing to plan is planning to fail. A best plan is based on accurate data. A good manager must know his stock level. A good manager in knowing the stock should be able to know his strength and weaknesses. It, therefore, goes without saying, that if we really want to rescue and develop this country effectively, the Ministry of Planning and Development must be seen as a priority and be given the emphasis which lately we do not seem to be giving.

Truly, a good manager must manage the future, to be able to manage the future, you must be able to know your stock and resources. The 1989 population census revealed not only the population we have, but the housing. No doubt, good houses worth occupying in this country is not more than 25 per cent, in which case 75 per cent of the Kenyan population, in terms of habitat, are still occupying houses which are below the international standards. What a better measure of knowing the quality of life in a community other in having an accurate data?

By and large, politics should be having the beginning and end, but, it should not be a total monopoly in determining areas that should objectively look up the universal survival of our people. I, therefore, put it right that, the professionals that were empowered to look at the data area in this country should be left alone. And not only in the data area, when we come to other various basic requirements ranging from education, health, economy and otherwise.

Reacting further, particularly to what my friend the Minister for Labour and Manpower Development has stated, truly accurate data is important. But data should be fresh and up to date. A historical data will serve no purpose, if it is already too late. It is, therefore, important for the Ministry of Planning and National Development to have a continuous information data centre. I wish to propose to this august House that information data centre at

district level should be a priority, in terms of population, human resource, natural resources and the technocrats. Can we go back to our constituencies in terms of a day to day monitoring and very quickly come up with population increase in terms of birth, technical-know-how, the artisans of each craft? How many do we have in terms of plumbers, masons, and various other trades? In that form, we shall never go wrong in utilizing the available resources that we have. I, therefore, wish to propose this idea, particularly to the Ministry, the idle structure in terms of Government staff, the Civil Service, in the political priorities the Opposition do put it in what I totally agree with that our Civil Service needs to be restructured, not in terms of the political parties. I think we should be able to deploy to the optimum the available manpower we have in the Civil Service. In restructuring it, we should be able, right from the sub-location level, as my dear brother, the Minister for Labour and Manpower Development, does put it, be able to engage the assistant chiefs more competently. There is no reason why they should not bring up to date information on births, deaths, marriages, training on those who have completed their education so that whenever I want some information I just go to the district level. Actually, the district development officer who should be co-ordinating the stock level of our resources should be able to touch a button and tell me: "Mbunge for Muhoroni, in the year 1996, you will be having so many children of five year old age; and according to the number of schools that I have, I will require so many vacancies". So, I either double my intake in standard one or increase the number of schools that I have.

Indeed, the priority of developing countries is in planning and if there was an area that needed donor funding, it is the planning division. The globe has become a village. Communication in terms of information has become a priority. While in the past economics were based on land, capital and entrepreneur, the role information does in terms of development can never be disputed. It is, therefore, most appropriate that accuracy, speed and freshness of data in education, economy, health and so on is a matter that, if all of us can get at finger-tip, we would be defeating any barrier and availing the development programme in the most needy areas.

Mr. Temporary Deputy Speaker, Sir, the essence of this Motion was not fault finding. I was quite clear in my mind that an accurate data would be a major priority of concern for the goodness of all of us. If 1989 was wrong, we would be wrong to wait up to 1999 to carry another one without remedial measures; remedial measures in terms of either analysis or some kind of evaluation to be able to correct the error that we made. I am, therefore, not pushing our nation that has meagre resources for luxurious activities to carry out a census when there may not be need for it. But I am basing my argument on the correctness and accuracy that we should be able to contain the situation in future.

With those remarks, I sincerely thank the House and respond to the Motion. Thank you.

(Question of the Motion as amended, put and agreed to)

Resolved accordingly:
FRESH POPULATION CENSUS

THAT, in view of the great concern by a cross section of the people and institutions on the latest population census held in 1989 and, given the importance of accurate data for planning and development, this House urges the Government to carry out population census as soon as it is practicable.

MOTION

AMENDMENT TO LAND ACTS

Mr. Nyagah: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, in view of the numerous and irregular plot allocations being carried out across the country, this House calls upon the Government to amend the Government Land Act (Cap 280) Part III Section 9 and the Trust Land Act (Cap 288) Part VIII Section 53 so as to allow all direct land allocations be done by elected committees comprising Members of Parliament, councillors, local leaders, such as elders and members of the clergy, and the District Physical Planners and the local District Commissioners, be ex-officials of the Land Allocation Committees, and further that the Chairman of the District Land Allocations be an elected post carried out by local committees at the district level.

Now, the spirit in which I move this Motion is in good faith. I look forward to Members of this august

House giving it the total support that is necessary. About a year ago, I gave notice of this intended Motion, but very unfortunately until today, I have not been able to do so because of yet another Bill that was brought in under the Government Land Act which to-date, after First Reading, has not been brought to this House.

After careful consideration and hearing views from various Members, both in Government and in the Opposition, of the outcry from their own respective constituencies and districts, I felt it was necessary to bring this Motion. If approved, the haphazard and dubious allocations that have been done in the past will be something that will be historical.

I have a list of many names that I can table here. It will be an embarrassment for me to Table some of the names of some of us who sit in this House, but that is not the intention. We want to say let the past be gone, let us forge ahead. Maybe in another few years, this country will not have any land to allocate to the needy. But that notwithstanding, I will cite cases of areas where land has been grabbed, but I have no intention of coming up with names, unless challenged to do so.

Secondly, when I was supposed to bring this Motion, some few months ago, it was fought hard, so that I do not move the Motion. The intention of moving my Motion is not to curtail the powers, special powers of His Excellency, the President, as enshrined in the Constitution and in the Act in part III, section 3 of Land Act (Cap 280). That is not what I am moving my Motion on. My main interest is to ensure that the powers of the Commissioner of Lands, are trimmed down. He has immense powers, with the stroke of a pen, he can sell this country. The question we should be asking ourselves as the representatives of the people, is for how long we, the elected Members of Parliament, will not participate in ensuring that our own districts, we can participate in the allocation of the land? This will be an acid test to see those of us in this House, who mean well to the people that we represent, and it is also my sincere hope that when the Government comes with this Land (Amended) Act, 1994, they will look through it, scrutinise it and give us a good deal. For instance, we do not need to duplicate State Allocation Committees and District Land Allocation Committees. One committee is good enough, and we do not need one that reports to another as it is intended in the Bill that was first brought to this House some five months ago or so.

Mr Temporary Deputy Speaker, Sir, the other thing I am taking, as a matter of great concern, is the involvement of the local District Commissioners heading the District Land Allocation Committees, and in cases of provincial capital, then, we have the Provincial Commissioner (PC). This Government should think of reducing the burden created for the District Commissioners. Here we have the DC, who is the direct representative of the President, and at the same time, we are reducing him to the level of a councillor, who sits along with the councillors and makes those decisions and yet he has a Government to takes care of. In case he gets any instructions from the Commissioner of Lands, he has no otherwise, but to pass what the Government interests are.

One wonders as to why the Government continues to create positions of nominated councillors within the councils, yet the people have made a decision as to their representative that they want to represent them in the various councils, and, then, the Government comes up with its one-third representation. The Government should think, and re-think the purpose of these representatives that they bring in. As I said, I urge and appeal to the Government to see whether this is not something that is going to be history. I have made my own mind.

In my own mind, it is very clear that the Government interests ought to be taken and hence, I have brought in the person in the calibre of a District Physical Planner, and a District Commissioner, who will, then, represent the interests of the State. But having done so, the local Member of Parliament of the area should have the right to sit in that allocation committee. First of all, he has his own integrity to defend. He also needs votes from his electorate, come the next election and bearing all that in mind, this, we in KANU and in the Opposition would be heard in these committees that are crucial.

Mr Temporary Deputy Speaker, Sir, I would also like to suggest that the Ministry of Lands and Settlements, to take care of the interests of the Commissioner, should present an officer to become the Secretary of the District Land Allocation and that will take care of what my friend, the Assistant Minister, is worried about the intention of this Motion. Let us bring in clergymen, whether we like it or not, every Sunday, we go to church and the people we listen to, to give us the word of God, are the people who cloth, the Chief Kadhis, the Bishops, the Cardinal, Archbishop, the Fathers and the Reverend. Those people ought to be brought in to determine the destiny of where this country is going to go to. In places like Meru, we still have very strong groups called the *Njuri-Ncheke*, and the word is final, they are respected. Each one of us comes from a community, we respect the *wazee* back home. It is high time we thought of how to incorporate the elders into these committees.

If I may cite the present situation of allocation of land by citing the various Constitutions that I am looking at for amendment, then, my colleagues, including Ministers like hon. Kamotho, will agree with me that they have no cause, but to support this Motion. People at home are listening and crying because they have no utilities, the public utilities have gone, and who are the guilty? It is the big men! Some of us are sitting in this

House, and, therefore, they already know and I want to see whether they want to endorse the continued depriving of the common man. It is a tragedy that this whole saga by Kenyans, is being acted upon like mercenaries. Let us reason out, we are not on transit, we are not in transit in this manner. All the ones who have been allocated this land, most of them did not deserve to be allocated land because they were for speculative purposes only. Citing an example, if we drive between here and the airport, all you see, is godowns on either side. Those parcels of land were allocated to able men of African origin, but eventually all of them or most of them have been sold either to foreigners or Indians who are able to put up such things. Why should we let this happen? As we sit and talk and deliberate about this Motion, ADC farms are being dished out as though they were a birthday cake being given out by the host. It is a great shame and a sham to this country. But what is left for the Government to improve on, is right now being given out.

If you go to Kajiado you will see that five acre plots are being given out to very prominent people. If you go to Kabete the same thing is happening with the ADC farms. Livestock holding grounds in Athi River are being given out. We read about it every day in the Press. Tekonyoike in Kajiado is a recent case of what is happening and with all these happenings, I am yet to see who on the Government side is going to support the illegalities that I am talking about. This must be something that all Kenyans should detest. The Potato Research Farm in Tigoni, Limuru, has been given out to prominent people, some of them headmistresses. Government buildings have been condemned under the pretext that they are inhabitable, yet people continue to live in them. When I was going through a list I have here with me, I detected more than a 100 buildings in this country have been given out to prominent people sitting in the Opposition. I am glad to say that my Chairman is not one of them. Many people who sit in front of me looking at me have been given these buildings for very little values. The Government should advertise those buildings. We have seen cases in Kileleshwa where civil servants have been thrown out of buildings and the Government has no shame in seeing allottees throwing away servants of the people, servants of the Government and the Government is not able to house these people. The Ministry should look at the possibilities of putting up buildings for its people.

One of the most famous land scandals in this country was the Masongaleni land scandal. The Kamba politicians then that sat here made a lot of noise only to find out that the person who was in the middle of the scandal was the Provincial Administration. In fact, I hear that some of them are trying to get back to this House through Nyatike by-election. People who allocate themselves huge chunks of land are now seeking support from the same people they deprived of land. The Mwea Trust Land is a case very dear to my heart where today we are trying to resettle people into five acre plots. In the whole exercise we are hoping to take charge and care of 30,000 families yet we have 17 able-bodied men and women who were allocated in excess of 50 acres each and most of them have been sold out. Why should this be happening?

When we appeal to the Government to ensure that the Nyayo Tea Zone areas which are not doing well be allocated to the very landless people, they come up with excuses of how well the Nyayo Tea Zones are doing yet they are not able to prove - my good friends - how much profit they have made. They will never be able to make a profit leave alone throwing away an agronomist who said that within the Nyayo Tea Zones, the forest areas, especially in Kinale, tea will never do well. Replace that famous agronomist that you sacked. He will be of great use to the Nyayo Tea Zones.

Market centres in the area I come from have all gone. Let me tell this Government that even the plots we used to bury our people in have all gone. Retrieve those plots that have been taken away. Let us start from a good slate. There has been no planning and buildings have been put up haphazardly. The calibre of councillors that we have are responsible for the mess that is there and specifically within the County Council of Embu. I have talked about this and I do not need to go any further than that. Within my own municipality, prominent people some of them in the Armed Forces, some of them chief executives of the Government parastatals have been allocated the Trust Land. They have been allocated five acres within a very small municipality of Embu. Mr. Minister, if you have any shame you should take back those parcels of land. I hope I will not be provoked otherwise I will shame the same people who are provoking me. We should listen to this and get into what we are trying to say with an open mind. I will listen to all the contributions that will be made and during my response, I will know what to say.

If you look at Cap. 288 Section 53, it is explicit on how land should be allocated. The Commissioner of Land does not follow the right procedures in land allocation and it is with this in mind that I am asking that the group as stipulated in that Motion should come in so that all the procedures as detailed here which I do not need to read out, are followed. Lastly, I would like to say that the road reserves in Nairobi and Uhuru Phase I were recently given out to KANU people during the Mathare By-election and garages have been put up there. There has been one death in the last one year. Do something about it so that they do not obscure the families that have lived there from the early 1970's. School plots in Milimani and Umoja, City Park plots, City Hall Annex, Shell PB,

Com-Craft House, City Market, Public toilets, Ngara, Voi and Embu have all gone.

With those few words, I beg to move and request hon. Obwocha to second the Motion.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I rise to support this very important Motion which hon. Nyagah has very ably moved.

I will start by requesting the Minister to, indeed, support this Motion as a prerequisite to his bringing the Land Repeal Bill in this House.

The Motion as it states is touching on three major areas, but I would like to start with the last one of the Chairman of the District Land Allocation Committees being elected. The hon. Nyagah has said and given a list of many scandals about plot allocations in this county. I would like to start with one in Nyamira, Nyansiongo Settlement Scheme. In Nyansiongo, a small township, the DC for Nyamira has irregularly allocated land to many prominent people including his own relatives without due consideration to the residents of the area. I am happy that the councillors in Nyamira Country Council whether in KANU or in the Opposition have stood together in rejecting what the DC for Nyamira has done in Nyansiongo and the Minister should take up that issue and nullify the Nyansiongo plot allocations immediately.

I would also like to say something about Kisii Town. I have here Minutes of 4th September, 1995, of the District Development Committee chaired by the DC, Harry Wamubeyi.

Mr. Temporary Deputy Speaker, Sir, this is on the plot of Ndaraja Mbili pre-primary school, where the District Development Committee, agreed that the plots which were adjacent and those who were in the school should remain the property of the school and yet the councillors in Kisii Municipal Council went ahead and grabbed these plots.

Mr. Temporary Deputy Speaker, Sir, I can see the Assistant Minister looking aside when this is a very serious matter. How can school plots be allocated to individuals? I mean, if they are greedy they should look for plots elsewhere. Indeed, it is an issue to be tackled and I hope that the Minister will take up these issue because it is very serious that this school is being denied a chance to develop. As you know Kisii is an area where the population has grown beyond proportions, we do not have enough land and, indeed, this school should get its due share from this plot.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that the question of land grabbing in this country have gone out of proportion. In the Kitale KARI Research Station, the former District Commissioner, Mr. Mogaka, who was transferred from Trans Nzoia District, allocated a senior Army officer that KARI land and when the Major-General, went to the Research Station, he found that, indeed, he had been allocated the Research Station land. He went to President Moi, and said: "Thank you, your Excellency, for giving me land, but I do not want a Research Station. Please can you give me some other piece of land".

Mr. Temporary Deputy Speaker, Sir, I think Kenya is drifting. People are permanently camping in the Ministry of Lands and Settlement offices here looking for land, chasing title deeds, to get money and I do not know to do what. We are in an era, I would call, Sodom and Gomora, where things are very bad that land is being taken left and right.

Mr. Temporary Deputy Speaker, Sir, I do not wish to table a report here, but this is a report given to us which states that from 1963, and the most notorious portion is 1985-1995, individuals, civil servants, Ministers including Vice-Presidents have been given land and plots which belong to Government. Government houses have been allocated to individuals with impunity.

Dr. Otieno-Kopiyo: On a point of order Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Dr. Otieno-Kopiyo, is it a point of order?

Dr. Otieno-Kopiyo: Of course, Mr. Temporary Deputy Speaker, Sir. I know what I am talking about.

The Temporary Deputy Speaker (Mr. Ndotto): Okay, go ahead.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, the hon. Member, is quoting from a document which is very juicy because he is naming names and positions. We would like him to table it. Is he in order to quote---

The Temporary Deputy Speaker (Mr. Ndotto): You are out of order, Dr. Otieno-Kopiyo---

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, I am in order.

The Temporary Deputy Speaker (Mr. Ndotto): You are out of order, Dr. Otieno-Kopiyo.

Dr. Otieno-Kopiyo: You are protecting him---

The Temporary Deputy Speaker (Mr. Ndotto): It is for him to decided whether to table it or not.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, the real reason why I do not wish to table this document, is because, it is a public document in our Library and it emanates from the Public Accounts Committee where individuals have been allocated, pieces of land measuring two acres and given to a Permanent Secretary at a value of KShs.440,000!

An hon. Member: In Nairobi?

Mr. Obwocha: Yes, Upperhill, Kileleshwa area, in Nairobi.

The Assistant Minister, Office of the President (Mr. Sunkuli): That is a lot of money.

Mr. Obwocha: I can here the small Minister in the Office of the President, saying that, that is a lot of money.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order hon. Obwocha!

(Laughter)

There is no small Minister in this House. Can you withdraw those remarks and then proceed?

(Laughter)

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, when I talk about the small Minister, I mean the Assistant Minister; he is a bit smaller than the Minister.

The Temporary Deputy Speaker (Mr. Ndotto): No! No! Use the right title withdraw and then proceed!

(Laughter)

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I wish to withdraw and proceed.

Mr. Temporary Deputy Speaker, Sir, all I am saying is, that the plot allocations in this country, have been done illegally and we are requesting the Ministry of Lands and Settlement that they repeal those Sections of the Laws which the hon. Mover has requested, so, that the Chairmen of Land Allocation Committees can be separated from the District Commissioners, because the District Commissioners have, indeed, done things that no man or woman in this country can stand up and justify for the welfare of the future generation. As all these things we are dealing with are for the future.

Mr. Temporary Deputy Speaker, Sir, there is a Co-operative Society in Borabu called Ekerubo Farmers Co-operative Society, where members have been looking or requesting for the issue of the title deed and the Minister, up to now, has not been given this title deed, according to the plan that was given by the physical planners. I am requesting the Minister to look into this. The old *Wazees* has approached us to find out what is happening because they want to use this title deed as collateral to borrow money from banks.

Mr. Temporary Deputy Speaker, Sir, lastly, is my pet topic. The Jua Kali plots in Nyamira, that were grabbed by a former KANU, Chairman, in Nakuru should be returned to the Nyamira people, because we want to develop these Jua Kali plots for the future of our people and Jua Kali sector in Nyamira.

Mr. Temporary Deputy Speaker, Sir, since I know that most of our colleagues would like to contribute to this very important Motion, I wish to end by requesting the Minister to support this Motion as a pre-requisite to his bringing the Bill here, so that we can support it, to remove these irregular allocations. You stand accused that the future generation, will look at you very unkindly, if you do not reverse these things. The future government of the joint Opposition is going to rectify the messes that you have done.

With those very many remarks, Mr. Temporary Deputy Speaker, Sir, I beg to second this Motion.

(Applause)

(Question proposed)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, there is a definite need to look into the land laws of this country. I must say I agree with that. There are a number of amendments that should be carried out in our land laws, but unfortunately, I do not agree that this particular Motion should be supported. I do not think that the spirit of this Motion is representative of what the people of this country actually want in terms of amendment of its land laws.

I always like to say this and I would like to say it again. Unfortunately, the hon. Member has stated here clearly in his Motion that he is not just addressing the Government land, but he is also addressing the Trust Land.

If you look at the Geography of Kenya, the only thing that I think we need to discuss, as a nation, is trust land, because we are talking about the business of the majority of Kenyans. I am always very surprised when hon. Members spend a lot of time arguing about Government Land which any way is very little land compared to the

Trust Land. I know the hon. Member who is not a lawyer, may not understand the concept of ownership of land in the same hon. Orengo would probably do. He knows that Government owns its land and the question should be who owns the Trust land. I think there is no mention of this in the Motion absolutely.

Mr. Nyagah: On a point of order, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): There is a point of order, hon. Sunkuli.

Mr. Nyagah: Mr. Temporary Deputy Speaker, Sir, I am sure you must have heard what the Assistant Minister has said. You do not need to be a lawyer to understand the laws of this country, all you need to be is to be an educated man of which I am.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I never like deferring with hon. Members, so I wish to proceed and say that there should be an address given to the question of Trust Land. We from Maasailand have been trying and we have been crying everywhere in this House and outside this House, to make our hon. Members understand that we have a problem in Maasailand. But all the time, we try to talk about this, they bring us back to the town. They bring us back to discuss the Government land which, eventually, whether it is the present Government or their imaginary Government, does not affect the majority of the Maasai people. Being a representative of some of the Maasai people, it is also important that the hon. Members should have a feeling for our people. I know as hon. Orengo is sitting here, fortunately, he lost the case---

Dr. Otieno-Kopiyo: What is he talking about?

The Assistant Minister, Office of the President (Mr. Sunkuli): Hon. Orengo represented clients who were robbing the Maasai people of land called Masurura. I want to say that Masurura is still Trust Land up to now.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Yes, Dr. Otieno-Kopiyo.

Dr. Otieno-Kopiyo: Mr. Deputy Temporary Speaker, Sir, according to our Standing Orders, the Assistant Minister cannot do what he is trying to do, unless he brings a substantive Motion to discuss hon. Orengo's conduct.

The Assistant Minister, Office of the President (Mr. Sunkuli): I am not discussing Orengo?

Dr. Otieno-Kopiyo: No, you are!

The Temporary Deputy Speaker (Mr. Ndotto): I am sorry, I did not get what the Assistant Minister said. What did you say, hon. Sunkuli?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy, Speaker, Sir, let me rephrase the sentence: There is a piece of land in Trans Mara called Masurura which is Trust land. This land belongs to Maasai and it is inhabited by the Maasai people. During the life time of one Permanent Secretary, who is not alive, this land was allocated to people who have never seen Trans Mara. My people went to court against this particular matter and the case is now finalised. The lawyer who was stood on the opposite side was hon. Orengo.

Up to date, the Ministry of Lands and Settlement has not rectified the situation and has not given the land back to the Masaai people. It is a pity that we can stand and say that we are men of principle---

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

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Sunkuli.

Mr. Orengo: Mr. Temporary Deputy Speaker, Sir, I rise on a point of order because the hon. Assistant Minister is misleading the House. The case he is talking about it is still before the High Court; it has not been finalised. The most important thing that he should get straight---

Mr. Temporary Deputy Speaker (Mr. Ndotto): What is your point of order, hon. Orengo?

Mr. Orengo: The matter is before the court and he should not make reference to that case. It is *sub judice* and I know what I am talking about. He has never appeared for anybody in court; he has just been a very useless magistrate.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Temporary Speaker, Sir, I will table before this House next week the certified copy of the judgement to show you that the case has already been finalised and it [**The Assistant Minister, Office of the President**] was decided against those illegal owners of the land that is supposed to be Masaailand.

I want to say this because it is important that we must be able to be men of principles and that majority of the Members of the Opposition---

Mr. Orengo: You do not understand what you are talking about!

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Hon. Orengo, may I request you to

allow the Assistant Minister to proceed with his contribution.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, that is why I am telling you that if we for the time being postpone discussing Government land and start discussing the land that belong to the wananchi, you will discover that the so-called men of principles have no principles at all. They themselves are participating systematically in the denial of the rights of our people. I am talking about this because it is always being said that there exists irregularities because KANU is in power. I want to say that irregularities will exist even when that imaginary Government would ever lead this country. In fact, there would be glaring irregularity because they have systematically ensured that the rights of certain people are obliterated in the name of population. I wish I had a chance to contribute on the population census Motion. This is because they are talking about election all the time of officers, election of this and so on. They are saying that because the Masaai people are in minority that their rights cannot be discussed in this Parliament. We will continue talking about Masaai's rights because they elected us to represent them. We want to discuss Trust Land. We do not want to discuss Government land because that does not demonstrate the majority interest in this country. This has not been demonstrated at all. At any rate what is the contents here that would protect the common man in this particular Motion. Who is the clergy? Who is the man of cloth? Whom does he represent?

When it comes to the questions of the MPs, I have already demonstrated that some of the hon. Members who actually call themselves defendant of human rights are, in fact, violators of those human rights. There are, in fact, sympathizers of those who are violating our human rights.

This Motion does not state the type of the quality of the men who should be in those representative Boards. Irregularity is not a KANU problem; it is a human problem and human beings are on the Opposition side as well as on the Government side. There is absolutely nothing wrong with law, if we were to implement it properly.

Mr. Temporary Deputy Speaker, Sir, I want to emphasize this point because it is absolutely important. What I want hon. Members, for instance, hon. Dr. Kituyi who I know is knowledgeable about trust land and the Group Land Representative Act is to sympathize and talk about the amendment to the Group Land Representative Act because that is what need to be amended, not the Government Lands Act. We want to address what the wananchi want. When you stand here and discuss about the Government Land Act, the man, for instance, from Karachonyo does not know what you are talking about because you have not discussed the particular law that touches on him. We need to discuss how we can make the group representatives more democratic. We need to explain to them how they differ from trust land because Trust Land is a field which is being held in trust for them by another body? What are their rights vis-a-vis that body. That is the kind of thing that we would like to discuss because I know it is very easy to discuss Nairobi until this Parliament expires, yet you do not make a trip to the rural areas. Maybe where you come from this land problems no longer exists. I do not want to discuss anything else, but to bring the plight of the people I represent before this House and we are going to continue doing it until the day that this Parliament can also stand up and say, "yes, let us discuss about Maasailand". Hon. Members should stop bringing issues that do not necessarily affect our people.

I want to urge the hon. Members to reject this Motion without giving it a second thought.

An hon. Member: No!

Mr. Omino: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion.

Mr. Temporary Deputy Speaker, Sir, we who represent urban centres represent areas, for example, where industries ought to be established. There is not a single urban centre in this country where there is still free industrial land. If you want to put up an industry in Nairobi, you will have to go to some Indian, who bought that land from a KANU operative who got that land free. It defeats logic for this same Government to continuously say that we want to industrialise and we want our people to invest, when the first thing you need to invest is industrial land which is not there. I am an hon. Member of Parliament for Kisumu town and I have applied for land there and there is not even a single plot for me to put an industry in Kisumu. Now I am supposed to buy it from hon. Oyondi because he was gifted for having voted for KANU. Much as we sympathise with areas which are still predominantly Trust Land, that does not stop us from arguing out a case for areas which are not Trust Land. Take, for example, Nairobi where Government land has been given to individuals who has then proceeded to sell it to NSSF. The biggest seller of land has been the Government while the biggest buyer has been the Government. You then ask yourself: how then do you want Kenyans who this same Government exalts everyday to invest in their country to come forward and invest when you have deprived them of plain playing fields as far as land allocation is concerned?

This Motion urges us to set up these Committees as elective bodies. Why are we saying so? If they are elected at grass root level, they have a direct responsibility to those people at the grass root level. These hon.

Ministers who are dishing out land have been elected, but they are so far removed from reality; they are so far removed from grass root level that they no longer care. If they care, they have decided that since they will be rigged into Parliament, it does not matter whether they hurt their voters or not. This Motion, looked at objectively, is seeking to set right the mechanism for allocation of land. I sympathise with hon. Sunkuli, the Maasai and their plight, but it is quite simple, he is an Assistant Minister of the Government, and all he has to do---

Hon. Members: Dume! Dume!

Mr. Omino: Mr. Temporary Deputy Speaker, Sir, we are discussing land---All hon. Sunkuli has to do is to persuade his colleagues in the Ministry of Lands and Settlement to bring in an amendment and I for one, will support it because I know the injustices that have been done to those people. I have an office in town and everyday I see a stream of Maasais selling their land and really it is because the adjudication had been done without them being properly sensitised as to their rights, rights of their children and their grandchildren. That is another issue.

Before us is a Motion that seeks to set District Allocation Committee on an elective basis and that is what we need really to debate.

I am supporting this Motion because land is an emotive issue and it does not matter whether Government land is one, two or three acres; it belongs to all of us and we want it distributed equitably for purposes which wananchi recognise and appreciate. But when you take a situation where even DDCs now dish out land, DC, on his own, dishes out land, a PC on his own, dishes out land and the Minister dishes out even more land. We have got anarchy.

Hon. Member: Neye. Ineno?

Mr. Omino: Mr. Temporary Deputy Speaker, Sir, can you protect me from these hon. Members?

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Omino do not listen to them, proceed.

Mr. Omino: Mr. Temporary Deputy Speaker, Sir, my ears have no shutters. If the matter they are discussing could come up for debate, it would be a very interesting issue.

Why elect these representatives? You elect because you know that if you do not do right you will be accountable to your electors and at the district level, and at lower levels, wananchi now are sensitised and they know their rights. Thanks to multi-partyism. Before that era, a Chief or even a DO could dish out private land and there was nothing you could do about it. Now we are saying that these people should be empowered to decide who will dish out that land. After all Government is not made up of a couple of fat-bellied gentlemen sitting in carpeted offices with secretaries knitting from morning till evening. No, it belongs to the people and the people want to take a decision as to what happens to their land. Give them that right. This is what this Motion is seeking and anybody in his right senses should support it. I cannot understand an elected official or an elected Member of Parliament arguing against the institution of an elected body. You have been elected to this Parliament, but when another body is being set which is to be elected you are against it. That is contradiction. I can understand nominated hon. Members opposing this Motion because they were elected by only one vote, but those elected by wananchi, are duty bound to support this Motion.

The Assistant Minister for Energy (Mr. Nang'ole): On a point of information, Mr. Temporary Deputy Speaker, Sir,

Mr. Omino: Mr. Temporary Deputy Speaker, Sir, I do not need to be informed at this point and time because I have got all the information I need to argue my case.

The Mover and the Seconder were eloquent in stating the case. Like them, I urge this House to support this Motion. It is not anti-anybody; it is only removing powers from appointees of the Ministry. It is neither pro-Opposition nor pro-Government, but pro-the people, who elected us to come to this House. We must support anything that they need..

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

The Assistant Minister for Lands and Settlement (Mr. Keino): Thank you very much, Mr. Temporary Deputy, Sir, for giving me this time to respond to this Motion on behalf of the Ministry Lands and Settlement.

I rise to oppose this Motion because the Ministry is preparing a Bill to be introduced in this House next year. We see this Motion to be a duplication of what we are doing. We are not interested in doing things piece meal. The entire Bill will be discussed in this House by hon. Members.

I wish to congratulate the hon. Member, who has brought this Motion because it will enable the Ministry to get a lot of very important points. I have been sitting down here and noting very important points made by the hon. Members from both the Government and Opposition sides of the House.

This Motion touches on two very sensitive areas. One is the removal of powers of the Commissioner of Lands, especially in respect of allocation of Trust Land and other lands. The Ministry has said from the

beginning that the District Land Allocation Committees (DLACs) are the ones that originate land allocations. The Chairmen of these Committees are District Commissioners (DCs) and members are Members of Parliament, Councillors, District Land Officers and District Physical Planning Officers. It is this Committee which recommends allocation of land to the Ministry. So, the Ministry does not operate in the districts, although hon. Members think the Ministry gives directives as to who should be given land.

In the case of Trust Land the Commissioner of Lands receives names of proposed allottees from the DLACs then approves them and sends them back to the DLACs.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Dr. Lwali-Oyondi, if you could just allow him to put a case for the Government, I will give you time to say what you want to say.

Dr. Lwali-Oyondi: I am on a point of order!

The Temporary Deputy Speaker (Mr. Ndotto): Is it a burning one?

Dr. Lwali-Oyondi: Yes it is.

The Temporary Deputy Speaker (Mr. Ndotto): Okay; go on.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has just stated here that councillors are represented in the DLACs. Is it in order for him to mislead the House when the opposite is exactly what is happening?

The Assistant Minister for Lands and Settlement (Mr. Keino): Mr. Temporary Deputy Speaker, Sir, I am not misleading the House. I am saying that councils are represented by their Chairmen. The Mover of this Motion is suggesting that Members of Parliament be members of DLACs, but this will be discussed next year when the Bill I have mentioned is brought in the House and we are asking hon. Members to support it.

Already hon. Members are members of the District Development Committee (DDC) which is a very important organ in the district. I suggest that hon. Members can also make a proposal through the DDC that they would like to have one Member of Parliament to represent his colleagues in the DLACs. The law does not oppose this.

We are saying that hon. Members' claims that Trust Land is allocated by the Ministry are untrue, malicious and do not hold any water. This is because the Commissioner of Lands gives allotment letters only on the recommendations of the DLACs. So, the important point is that he follows the wishes originating from the districts and what the DLACs reject will not be accepted at the Ministry's Headquarters.

Mr. Nyagah: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not want to interrupt the Assistant Minister, but is in order to mislead this House that the Commissioner of Lands only gives land to people after approval by the DLACs whereas we have very many cases in Embu District that I can prove never went through the Embu DLAC and that they were directly handled by the Commissioner of Lands? One case is where a five-acre piece of land in Embu was given to a Kanu member who is in the Armed Forces.

The Assistant Minister for Lands and settlement (Mr. Keino): Mr. Temporary Deputy Speaker, Sir, the Ministry of Lands and Settlement has received a lot of accusations and counter-accusations, all of which are malicious. If the hon. Member is serious about what he has said let him state exactly the land he is referring to. It is true that we cannot rule out some irregularities in Embu District. However, if there were many irregularities we would have received many Questions on them.

We have heard a lot of accusations that the Ministry has grabbed toilets, school compounds, markets and bus stages. But these are malicious and destructive statements. We want any hon. Member who has the truth about these statements to come up and we shall prove them wrong and make them swallow their malicious statements. I am defending the Ministry strongly because we only allocate land on the recommendation from the DALCs.

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

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Members, I think we should minimise points of order because in most cases what you are raising are points of argument. The best thing is for you to try and catch the eye of the Chair so that you can advance your argument. The Assistant Minister has only 10 minutes to contribute and if we subject him to these points of order, he will not say anything. Similarly, if you are subjected to so many points of order, you will not say anything and at the end we will not be able to argue your case. I think we better allow him to argue his case.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Overruled, Dr. Otieno-Kopiyo; sit down. Proceed, Mr. Keino.

The Assistant Minister for Lands and Settlement (Mr. Keino): Mr. Temporary Deputy Speaker, Sir,

hon. Members will recall the Government Lands (Amendment) Bill which was published and tabled in this House in November last year with the aim of amending and updating the present Government Lands Act, Cap 280. However, there were a lot of attacks and campaigns outside against it. In fact, I am surprised that this Motion was brought here because the campaigns outside against that Bill were so much that the Ministry decided to first hold consultations with the Attorney-General's Office, after which the Bill will be brought here. Hon. Members will decide on various things when the Bill is brought here. We have noted the very important points from hon. Members. The hon. Member who has introduced this Motion here also brought here another Motion last year which we discussed. So, the points we gathered from these two Motions will be incorporated in the Bill which will come here next year. So, hon. Members should wait for that Bill and when it comes to this House we would like---

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to seek your guidance as to whether the Assistant Minister is not totally out of order by anticipating a Bill which is not yet before the House and debating it extensively. He should either support or oppose the Motion before the House.

The Assistant Minister for Lands and Settlement (Mr. Keino): Mr. Temporary Deputy Speaker, Sir, I have said I am here as the representative of the Ministry and that I am opposing the Motion. I am only taking down points from different hon. Members.

Now, if we scrutinise the names of applicants for land we will find that everybody desires to get land. Even hon. Members from both the Government and Opposition sides desire to have land.

In fact, I am surprised to see this. Most of these things are just due to jealousy. It is jealousy because if we go to check the records of the Ministry of Lands, all these Members, both in the Opposition and the Government side, have land. So, they should not worry about who is given land. Allocations must continue, but according to the regulations and procedures stated in law.

Mr. Nyanja: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is very serious. I do not know whether you heard what the hon. Member has just stated, that hon. Members on the Opposition side as well as those on the Government side have land.

An hon. Member: Do you not have land?

Mr. Nyanja: We have, but what we are talking about here is the corruptly acquired land. He should not, through the Chair, mislead the nation and this august House.

The Temporary Deputy Speaker (Mr. Ndoto): What is your point of order?

Mr. Nyanja: Is it in order for the hon. Member to say that we all have land, whereas, we know that, yes, genuinely, we have it, but we did not acquire it through corrupt means?

The Assistant Minister for Lands and Settlement (Mr. Kaino): Mr. Temporary Deputy Speaker, Sir, we have said here that the Commissioner of Lands deals with all the allocations of land, according to the regulations laid down in the Lands Act. Hon Nyanja has said that he has land which he acquired genuinely. It is proper that he, and other Members of the Opposition got their land genuinely. Even Members of the Government got their land genuinely. Nobody got land corruptly. Everybody acquired land according to the procedures. What we are saying is that anybody who thinks that there was land which was allocated irregularly had better come up with such a specific case, instead of saying that the Government side is allocating land irregularly, without specifying any particular case. How many toilets have you specified here as having been allocated by local authorities? You have only made general condemnations that local authorities allocate toilets without giving any specific case. We have said that let them bring whatever they have here and they will swallow the bitterness of the malicious statements they make. If we want to build this nation, let us speak the truth. We should not condemn the Government just because we are in the Opposition, or condemn the Opposition just because we are in the Government. Let us speak the truth. If there is something wrong in a given Ministry, let us speak the truth properly and clearly. In that way, we will be building it up instead of destroying it.

However, my Ministry will not accept general condemnation. We reject it and we are annoyed about it because it is very shameful. They want to a shame the Government through the Ministry of Lands and Settlement, and this is not proper. Let somebody come up with a specific case which can actually be checked and rectified. We cannot rule out the fact that there are some corrupt officers. Even in this House, there are hon. Members on both sides who are bad. That is the way human beings are.

About 99 per cent of the land which is allocated by the Commissioner of Lands is allocated regularly. There is no irregularity at all. If an hon. Member wishes to be allocated land, he has to apply through the DDC and he will be considered along with other applicants. The only problem with Members of Parliament, especially those in the Opposition, is that they would like to be considered directly, without passing through the normal channels. They should pass through the DDC, and the District Land Allocation Committees which have been set

up by the Ministry in the districts. If the Bill on land ownership comes here next year, I want all Members of Parliament to support it. They are suggesting that a Member of Parliament must be a Member of the District Land Allocation Committee. They can say that here when we shall be debating that Bill. If it is approved, the Ministry will do as this House desires, and if this House desires that one Member of Parliament be allowed to sit in the District Land Allocation Committee, then that is the way it shall be.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal that we be affair. Let us ensure that this country, including our schools, is protected properly. Probably, those who are chasing school land are from the Opposition, and that is why when they are being denied this land, they say land is being grabbed. They do not even say which land is being grabbed. With these few remarks, I oppose the Motion.

Mr. Ndicho: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say something about this all important Motion concerning the allocation of land in this country. We know very well that we have had numerous Questions from the Opposition side concerning the allocation of land in this country. I fully support this Motion by hon. Nyagah. The core of this issue and, what the hon. Member is asking is that Members of Parliament who are elected by the people and the councillors who are also elected by the people be in the District Land Allocation Committee, which has been given the mandate to allocate public land, be it Government or Trust land. I think that is the most important issue. This is the issue that the Minister should listen to very carefully. We are not asking too much; we are only asking that when there is allocation of land, the area Member of Parliament and councillor should be included in the land allocation committee so that they can represent the interests of the people who elected him.

The Kenya Government has been modelled on the West Minister style of democracy. We all know that in the West, there is nobody who can be given any public post if he is not an elected person. They value the issue of election very much. So, I am in full support of the fact that, since the Kenya Government is based on the West Minister model, we should also allow Members of Parliament to sit in that Committee. As we are standing here today, there are a lot of complaints. Before I proceed, let me say this: I am asking the Government of President Moi to be careful about the issue of land allocation. In Nigeria, the Government of Shehu Shagari was overthrown by the military because of the issue of illegal allocation of land. When Gen. Buhari took over from Shehu Shagari through a coup, the first thing he did was to nullify all the illegal land allocations. Even the people who had built castles and 20 storey buildings on illegally acquired land were required to give that land back to the public, to whom it belonged. We do not want a repeat of that exercise in this country when the Opposition takes over. However, I can guarantee you that once we take over, I would like to be put in charge of repossessing what was taken illegally by this Government.

I am asking, in very good faith, that President Moi should not allow the people in his Government to grab public land using the Government's name, thus, soiling the name of his Government. It is important to learn from others what has happened. As we are standing here today, in Thika District, three acres of the 10 acre plot on which the DC's residence stands have already been hived off, along the Thika river. Now, a project is under way to allocate those plots and issue allotment letters to the people concerned. If I was in the District Land Allocation Committee in Thika, I would not have allowed that to happen. But as we are standing here now, that is what is happening, through the assistance of the current District Physical Planner in Thika and the immediate former DC. He allowed people to come and hive off part of his own residence. These are the pains which we are undergoing when asking this House to pass this Motion to allow Members of Parliament and all the elected people to be in the plot allocation committee, so that we take care of that which pertains to the public.

I wish to thank most sincerely the current District Commissioner of Kiambu, Mr. Wilson Chepkwony. I read in today's paper about a case where President Moi gave some land at Kinari to the former District Commissioner, Mr. Samuel Oreta. Instead of the DC giving out the land to the deserving cases, he grabbed the land. So, what the DC said yesterday at Kinari is highly commendable. This should be emulated by other DC's all over this country. The DC in Kiambu said yesterday that those plots should go to the deserving cases. If the hon. Members for that area, hon. Nyanja and hon. Gitonga were in that allocation committee, Mr. Oreta could not have grabbed all that land. Now another DC is coming to repeat the exercise and now allocates the same land of the people who are meant to receive it.

Over 80 per cent of all land that has been allocated in Kiambu for the last five years, was given to less than five people. These are Mr. Oreta, Mr. Kanyingi and others. Right now, a forest called Anima is now being sub-divided and an individual has grabbed 500 plots for himself. He is now dishing them out to the people he wants. If the Member of Parliament of that area, hon. Icharia, was in that Committee, he could definitely not have allowed one individual to take 500 plots. This is all this Motion is all about. You know very well the intention of the President is not to injure anybody. We understand him so well. But he is let down by the KANU hawks and some people in this Government. I have the audacity to say that even in KANU, the only person who

has KANU at heart, if it is dissected and KANU ingredients examined, you will find that it is only one man in this country called President Moi. Everybody else in that party is an opportunist. Everybody else in that Government is an opportunist.

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

Mr. Temporary Deputy Speaker (Mr. Leshore): What is it, Mr. Sankori?

Mr. Sankori: Mr. Temporary Deputy Speaker, Sir, is it in order for a Member from the Opposition to grade KANU as if he has that right? You have no right of grading us.

Mr. Ndicho. Mr. Temporary Deputy Speaker, Sir, I wish to ignore that with the contempt it deserves. All I am saying is this: We should ensure that the people we represent get a fair share of the resources that we have in this country. That is what we are asking for. The Minister talked about land being allocated fairly, while he knows very well that what he is saying is not true. The Commissioner of Lands has already given 89.9 per cent of the land through regular means. In fact, I want to say it is in the reverse. It is the other way round. 99 per cent of that land has been given irregularly and illegally. I have got no time and I want to finish my point. I am just asking the Ministry to ensure that what has been allocated is fairly given to the people.

The Assistant Minister for Lands and Settlement (Mr. Kaino): On a point of order Mr. Temporary Deputy Speaker Sir, I do not have to wish to interrupt the hon. Member but is he in order to say that the Commissioner of Lands gives 99.9 per cent of the land illegally?

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

Mr. G.G. Kariuki: I would wish to contribute to this Motion---

Mr. Orengo: On a point of order Mr. Temporary Deputy Speaker Sir. Is hon. Kariuki in order to speak from the dispatch box? The Speaker made a ruling. There was a time when the "Bull of Auckland" or rather hon. Biwott tried to make a speech from here and he was told to move the Back Bench. Is he in order to speak from the Dispatch Box?

Hon. Members: Go to the Back Bench!

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Proceed hon. G.G. Kariuki.

Mr. G.G. Kariuki: Despite the question raised by the hon. MPs, I think we are justified to speak from anywhere.

The Temporary Deputy Speaker (Mr. Ndotto): I have already ruled on that. Can you proceed?

Mr. G.G. Kariuki: The purpose and intention of this Motion is very good and I think the hon. Members agree with me that the intention of this Motion and content and everything in it is quite in order. The only thing that we need to ask ourselves is whether the existing machinery cannot be improved without necessarily amending the---

Dr. Kituyi: On a point of order Mr. Temporary Deputy Speaker Sir.

The Temporary Deputy Speaker (Mr. Ndotto): I hope you are not raising the issue I have ruled on. Are you?

Dr. Kituyi: Considering that the view of the Government has been amply expressed in this matter and other alternative views have already come out, will I be in order to move that the Mover be now called upon to reply?

(Applause)

The Temporary Deputy Speaker (Mr. Ndotto): We cannot do that. Proceed Mr. Kariuki.

Mr. G.G. Kariuki: If the hon. Members are going to behave the way they are behaving, we can also behave the same way from this end and make sure that none of them speaks; if that is their attitude and tactics because we understand those tactics. Since I stood here, they have not allowed me to say a word just because they deliberately want me not to speak. What I am trying to ask here is whether the existing machinery is not competent to deal with this matter of land allocation. If we are looking for an elected person to a member of this Committee, the chairmen of county councils all over the country, the majority of them, are elected people and therefore they are capable of representing the people and the MPs here. We have to give credit for what has happened. Since 1963 when we got our Independence, a lot has been done and when the hon. Members talk here, it is as if nothing has ever happened. They should give credit to the Government and particularly to the Commissioner of Lands who has worked so hard to make sure that land management is maintained. I am very grateful to the Member who moved this Motion because from the word go he said he was not there to scandalize anybody and his intentions were good. Therefore, we need to re-examine our law. The idea of amending the Act is also good because I think the Government had intended to amend this Act sometime back, but

it was not amended. The chapter which deals with land allocations has nothing wrong in it. I was the Minister for Lands, and I had to do with the allocation of land. The allocation procedure is very, very good and it is very important that we follow the existing procedure, because, if at all the land allocation can only be deemed to be allocated in the best way possible, just because we have Members of Parliament in the Committee, that is not going to help us here. We can ask the DDC, if the hon. Members want to become members of this committees they can do so, because through the District Allocation Committee, they have all the powers to nominate any person they want in that Committee. But because we want to come here with a motive and the intention of scandalising others, this Motion with all the good intentions, will unfortunately be opposed and be rejected by this Government because its intention has been messed up and we are not going to accept it, as it is.

If the Commissioner of Lands has given land to anyone in this country, that land becomes allocated fairly and legally because, whether the land is allocated or received or acquired through corruptive means, as some hon. Member indicated here, the allocation becomes official when it is allocated by the Commissioner and a signed letter of allocation by the Commissioner or on behalf of the Commissioner of Lands.

Mr. Temporary Deputy Speaker, this is true in that, the Commissioner of Lands has allocated land according to the advice of the local people and he still has the power in dealing with Government land, to give direct allocation. This is what we must tell the country not to appear like the Commissioner of Lands has not been doing any work except messing up with land. This is not true. The Commissioner of Lands and the Ministry should be given credit because, everyone of us wants a piece of land. Everyone of us in this country knows, if you acquire a piece of land it will automatically become yours. It is just like acquiring money from the bank and that is why you see a lot of confusion in trying to acquire land from this Ministry.

Now, Mr. Temporary Deputy Speaker, Sir, we know there are areas which need to be looked at. The Government should try, as much as possible, to advertise the land which is going to be allocated, so that the ordinary people can be given an opportunity to apply and also to ballot, if possible. Now, there is a contradiction here, when we are talking about elected committee - committee to be elected - we have the chairman of the County Council, who I think, they are all elected by the people. Councillors have been accused of allocating land to themselves and these councillors are elected by the people. They are being accused of allocating land to themselves. At the same time, we want another body to be elected and that body will be very dependent, will not allocate land to themselves. There is no truth, this is nothing, but a contradiction. Already, we have people there who are elected by the people and if the Members of Parliament, if I may repeat, want to become members of this Committee, they have all the rights to become members through their DDC.

Mr. Temporary Deputy Speaker, Sir, individuals, as we are complaining here will continue to be allocated with land and that is the job of the Government whether the Opposition likes it or not.

Even if a Member of the Opposition wants land, he will have to apply to the Government to get that particular land and those who got the land, they cannot stand here and tell us how they got the land. Once we apply for land through the Commissioner of Lands and we are allocated a piece of land, that allocation becomes official. That is why I am saying the Ministry of Lands and Settlement needs to be given credit because of the work they have done, 99 per cent as the hon. Members said here, but maybe there is one or two cases of irregularities or 10, 20 or 30 per cent. This happens and it will continue to happen even when hon. "Olengo" will attempt to become---

Mr. Orengo: On a point of order, Mr Temporary Deputy Speaker, Sir. I am offended when hon. G. G. Kariuki calls my name "Olengo!" I have never been known by such a name and at his age he should know the difference between "r" and "l".

(Laughter)

Mr. Kariuki: Mr Temporary Deputy Speaker, Sir, the hon. Member is right in saying what he is saying.

Mr Temporary Deputy Speaker, Sir, I beg to oppose the Motion.

Mr. Mulusya: Thank you, Mr Temporary Deputy Speaker, Sir, for giving me this opportunity.

What surprises me is that the Minister who has replied to this Motion seems not to understand what takes place in his Ministry. He is either completely misinformed or ignorant of what is

[Mr. Mulusya]

happening because the procedure and what has been happening, and what should happen, is completely different. The procedure is that land must be advertised and the committee sits down to look at all the applications and after they have looked at the applications, that is when they will shortlist those who qualify. Also, there must be some conditions which must be put and which they have to look into.

Mr Temporary Deputy Speaker, Sir, what has been happening is that they advertise, but they ignore the question of who is able to develop that land, who is a deserving case and who is not. What they do is on the basis of, you come from where, and you know who, how close you are to the Minister or to State House or to the other party.

(Applause)

Mr. Temporary Deputy Speaker, Sir, it is a situation whereby now, it is not the person who is capable of developing that land, who is being allocated land. It is rather a question of, who has a buyer ready to buy that land from him and that is what is happening. Land is being allocated purely on speculative basis which should not be the case.

The Ministry of Lands and Settlement from the Ministry headquarters, they have no capacity to know what is happening at the district level and the locational level. The person who is supposed to be able to know that is the local leader, the councillor, the local Member of Parliament. We have cases where land is being allocated by the Government today, and the following day, it is being bought by parastatals at an exorbitant amount of money. We have this case like in the case of NSSF. Why can the NSSF not be allocated that land directly by the Government? Why should it be buying the one at more than double the price? Why is it not getting into a case like Mogoko at Athi River, just next here? Where is land which is worth more than Kshs.300 million? Where do you find land worth more than Kshs.300 million, where there is no development, and there is nothing therein?

ADJOURNMENT

The Temporary Deputy Speaker (Mr Ndotto): Order! Order! It is now time to interrupt the Business of the House. Accordingly, the House is adjourned until this afternoon at 2.30 p.m.

The House Rose at 12.30 p.m.