

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Thursday, 27th July, 1995**

The House met at 2.30 pm.

*[Mr. Speaker in the Chair]*

## PRAYER

## PAPERS LAID

The following papers were laid on the Table:-

Annual Report and Accounts of the Kenya National Museums for the year ended 30th June, 1985 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of the Kenya National Museums for the year ended 30th June, 1990 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of the Kenya National Museums for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Health  
(Mr. Mutiso) on behalf of the Minister  
for Home Affairs and National Heritage)*

Annual Report and Accounts of the Nursing Council of Kenya for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations).

Annual report of the National Hospital Insurance Fund for the year ended 30th June, 1987 and the Certificate thereon by the Auditor-General (Corporations)

*(By the Assistant Minister for Health (Mr. Mutiso)  
on behalf of the Minister for Health)*

Annual Report and Accounts of Rural Electrification Schemes for the year ended 30th June, 1991 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Rural Electrification Schemes for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Rural Electrification Schemes for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Health  
(Mr. Mutiso) on behalf of the  
Minister for Energy)*

## ORAL ANSWERS TO QUESTIONS

*Question No.598*

### SHOOTING INCIDENT AT KIRASHA

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

- (a) whether he is aware of a shooting incident at Kirasha in Kinale Location, where two people were seriously injured by administrative policemen on 17.4.1995; and
- (b) if the answer to (a) above in the affirmative, what disciplinary action he intends to take

against policemen who shoot innocent people.

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

(a) I am aware that the two people were injured by a regular policeman and not by an administration policeman, after they attacked the policeman and an assistant chief in a bid to rescue a suspect. Indeed, they helped the suspect to escape while still handcuffed.

(b) Arising from my reply to part (a) above, this part of the Question does not arise.

**Mr. Gitonga:** Mr. Speaker, Sir, this answer is very absurd and it tends to mislead the House as about the cause of this incident.

Mr. Speaker, Sir, the police accompanying the assistant chief went to the victims with a view to evicting a peasant from the land which he was given and allocated to him by President Moi as early as 1988. Would the Assistant Minister confirm or deny that the reason why the people almost rioted was as a result of this eviction which the assistant chief and the police wanted to carry out on an Easter Monday?

**Mr. Sunkuli:** Mr. Speaker, Sir, the hon. Member is right to say that the issue surrounding this case was a dispute over land, but my information does not indicate that there was any intended eviction. There was an intention to settle a land dispute between parties.

**Mr. Raila:** Mr. Speaker, Sir, the incidents of police shooting innocent people are really on the increase, and we have talked too much about them in this House. Only this week in Kisii, a traffic police officer shot at a matatu for failing to stop and actually caused the death of a very innocent passenger in that matatu. What steps is the Ministry taking to curb this careless shooting of innocent people by the Police Force? What other steps is the Ministry taking against the police who are responsible for spilling blood of innocent Kenyans?

**Mr. Sunkuli:** Mr. Speaker, Sir, it is not true that shooting of innocent citizens by the police is on the increase. Hon. Raila has taken an isolated case into point. I would like to say that the police in this country have firm instructions not to shoot innocent citizens. They know it and any policeman who shoots an innocent person is subject to the laws of this country. A number of policemen who have done this in the past have ended up in court and we want to urge policemen to be very responsible as they have been; and not to use their guns carelessly.

**Mr. Wamae:** Mr. Speaker, Sir, would the Assistant Minister agree that it is necessary to disarm administration policemen because they have been misusing the guns and they have been used by the Provincial Administration to harass wananchi, including Mathira where they are being used to settle land disputes, which is not their responsibility?

**Mr. Sunkuli:** Mr. Speaker, Sir, just because one or two Administration Policemen have made a mistake does not call for the disarming of the entire force.

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

**Mr. Speaker:** Order! Hon. Members, the Chair would like to advise that during Question Time, let us make it Question Time and ask supplementary questions. Unless there is breach of order in the House, I do not want any Member to take a shortcut in asking a question by intervening on a point of order.

**Mr. Raila:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that the police are not in the habit of shooting innocent citizens when everyday, there are reports in the newspapers about policemen having shot people and saying that these are bandits who have been wanted and planting some arms or ammunition on those people to prove that these people are bandits?

**Mr. Speaker:** That is actually a supplementary question.

**Mr. Gitonga:** Mr. Speaker, Sir, the question of land grabbing in Kinale is a very serious one and, even in today's newspaper, it is reported that the DO was informing the new DC that this problem is getting out of control. Could the Assistant Minister assure this House that the police and the Provincial Administration are not the right people to arbitrate in land disputes?

Mr. Speaker, Sir, in fact, a lot of people have been evicted from the land which they were allocated by His Excellency the President. The former DC was responsible for carrying this out. Would the Assistant Minister instruct the new DC to investigate this particular case and the land question as a whole and report the outcome to this House?

**Mr. Sunkuli:** Mr. Speaker, Sir, I will investigate the matters relating to the eviction of a few people from that particular land that the hon. Member is talking about. Once I have made my findings, I will instruct the DC accordingly. However, I want to correct the hon. Member that, in fact, I did not say that the police were going to arbitrate.

I wanted to say that the Assistant Chief of Kamai Sub-location was going to arbitrate on the land dispute and the police were merely escorting him.

**Mr. Gitonga:** Mr. Speaker, Sir, ---

**Mr. Speaker:** Who has given you the Floor, Mr. Gitonga? I will respect your white hair! Proceed!

**Mr. Gitonga:** A Mr. Njoroge Njuiri was evicted from his own land through the help of the Assistant Chief and the police. Could the Assistant Minister inform this House that after the investigations, Mr. Philip Njoroge Njuiri will go back to his land?

**Mr. Sunkuli:** Mr. Speaker, Sir, I know that the dispute involved Mr. Francis Wainaina Kinyanjui and one Philip Njoroge. Maybe, that is the man the hon. Member is calling Njoroge Njuiri.

Mr. Speaker, Sir, I will investigate what exactly happened, but I cannot say that Mr. Njoroge will go back to that piece of land because I do not know to whom the land actually belongs. There is a dispute on the land and I cannot tell whether it was Mr. Njoroge's.

**Mr. Speaker:** Next Question, Mr. Obwocha!

*Question No.403*

HARASSMENT OF RESIDENTS

*(Dr. Kituyi and Mr. Obure stood up)*

**Mr. Speaker:** Order! Both of you are undecided. Hon. Ferdinand Obure was undecided whether to stand or not to stand up and, so was hon. Dr. Kituyi. Therefore, until both of you make up your minds, we will move on to the next Question.

*Question No.219*

CAUSE OF MR. KAMAU'S DEATH

**Bishop Kimani** asked a Minister of State, Office of the President:-

- (a) what caused the death of Mr. John Mwangi Kamau, Personal Number 394611, a former employee of the National Youth Service; and,
- (b) when the wife of the deceased will be paid her late husband's benefits.

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

(a) Mr. John Mwangi Kamau died of asphyxia due to manual strangulation.

(b) Since the deceased disappeared from his duty with a total of Kshs2.1 million, his wife will not be paid her late husband's benefit which have been withheld to offset part of the money her deceased husband misappropriated.

**Bishop Kimani:** Mr. Speaker, Sir, first, I would like to complain because I do not have the answer that the Assistant Minister has just read out. The answer he has given is completely misleading to this House because Mr. John Mwangi Kamau was a clerical officer with the National Youth Service. On the Sunday of 31st October, 1993, around 4.00 p.m., two officers came to his house and told him that he was being called by his superiors at the office. When he went there, he never returned. Two weeks later, he was found at Masinga Dam, having been strangled to death. In fact, the body was rotting and it was taken to the mortuary. Could the Assistant Minister tell this House whether these officers who called him from his House to which he never returned have been arrested? On the previous day, Mr. John Kamau was to pay salaries to the officers---

**Mr. Speaker:** Order! Bishop Kimani, can you put your question?

*(Consultations)*

Order! The Bishop is asking a question and I can hardly hear him. I believe the Assistant Minister is having difficulty in following what the Bishop is saying.

**Bishop Kimani:** I can see that the Assistant Minister has misled this House. Can he tell us whether the people who killed Mr. John Kamau have been arrested? This is because on 31st October, he was called by---

**Mr. Speaker:** Order! Order, Bishop! If you know all that, you should not ask. Can he answer your question now?

**Mr. Sunkuli:** Mr. Speaker, Sir, as I have said, my findings are that the deceased died of asphyxia due to strangulation. The deceased was a cashier working at the Nyayo Bus Service Corporation and he disappeared on

the 1st of November, 1993 with Kshs2.1 million belonging to the Corporation. The matter was reported to Kasarani Police Station and the police opened a "Theft By Servant" file on the 2nd of November, 1993. Later on, his body was found at Masinga Dam on the 11th of November, 1993 without a single cent and, his neck was bruised with a rope around it. The Kithimani Police, Yatta, took the body to the City Mortuary, Nairobi, for postmortem. The postmortem was held on the 16th of November, 1993 and it revealed that the deceased died of asphyxia as a result of manual strangulation. The police in Kithimani have, therefore, opened an inquest File No.25 of 1993 and the case will come up for hearing at a public inquest. If the hon. Member or any member of the public has any evidence about the circumstances that led to the death of the deceased, they are welcome to give evidence on the 15th of August, 1995 before the Yatta resident magistrate.

**Bishop Kimani:** Mr. Speaker, Sir, it is interesting to hear about this Kshs2.1 million, and that the officer was found dead. The Assistant Minister did not mention why the deceased's wife has not been paid his pension. Where is the money?

**Mr. Sunkuli:** Mr. Speaker, Sir, I said that the amount of the pension is less than the amount of money that the deceased stole. So, we have withheld the amount of the pension in order to offset part of the money that the deceased misappropriated.

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

**Mr. Speaker:** Order! I have already said this is Question time.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, I would like to ask the Assistant Minister how he knows that this particular person stole that money. Is it not that somebody stole the money and strangled him to implicate a dead man?

**Mr. Sunkuli:** Mr. Speaker, Sir, the money belonging to the Nyayo Bus Service Corporation was being held by the deceased. He was the cashier.

**Bishop Kimani:** On a point of order, Mr. Speaker Sir. The Assistant Minister is misleading this House. How could Mr. Mwangi steal KShs.2.5 million and later on hang and throw himself into Masinga Dam? The information that the family got is that the officer was summoned from his house on Sunday 31st October, 1993 by two of his superiors and he never returned back. Two weeks later, his body was found in Masinga Dam. Is the Assistant Minister being honest by telling this House that the officer stole. How can you steal and hang yourself?

**Mr. Sunkuli:** Mr. Speaker, Sir, the kind of evidence that the hon. Member is giving in this House will be very relevant on the 15th August, 1995, during the hearing of the public inquest.

*Question No. 437*

INCREASE ON PENSIONS

**Mr. Mathenge** on behalf of **Mr. Michuki** asked to the Minister for Finance:

- (a) the progress he has made in the fulfilment of his undertaking as per his answer to Parliamentary Question No.117 raised during the last Session; and,
- (b) when pensioners can expect to receive enhanced pensions following completion of the actuarial study he then promised would be started soon.

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

(a) My Ministry has already taken up with the Attorney General the matter of amending the Pensions (Increase) Act, Cap. 190, to give effect to the proposed increases in pensions, and a Bill to that effect is in the process of being prepared for introduction to this House.

(b) Pensioners can expect to receive enhanced pensions as soon as the proposed Pensions (Increase) Amendment) Bill has been passed by the House.

**Mr. Mathenge:** Mr. Speaker, Sir, a question like this was asked here in 1993 and the Minister gave more or less a similar answer. Can he be more specific today and give us a definite date as to when the Bill will be brought to this House to be deliberated upon and what percentage is intended to be given as increase?

**Mr. Koech:** Mr. Speaker, Sir, so much has been done and I believe that when we come back from recess, the Bill will be brought to the House.

**Mr. Mathenge:** Mr. Speaker, Sir, the Assistant Minister has evaded the issue; he has been dilly dallying since 1993. Can we have a definite answer this year?

**Mr. Koech:** Mr. Speaker, Sir, I do not know what the hon. Member wants as I have said that after the recess, the Bill will be brought to this House. Maybe, he will be able to challenge me after the next recess.

*Question No. 388*

## NUMBER OF COMMUTER TRAINS

**Mr. Kamuyu** asked the Minister for Transport and Communications:-

- (a) how many commuter trains are operating within Nairobi to serve the following residential areas: Dagoretti, Kibera, Githurai and Embakasi;
- (b) what are the scheduled departure times between 6.00 a.m. and 9.00 p.m. every day, including week-ends; and,
- (c) what are the charges for each area.

**The Minister for Transport and Communications** (Mr. Otieno): Mr. Speaker, Sir, I beg to reply.

(a) The Kenya Railways operates two commuter trains services within Nairobi and serve the residential areas of Dagoretti, Satellite, Kibera, Line Saba, Kahawa, Githurai, Njiru, Kasarani, Dandora, Umoja, Buru-Buru and Makadara.

(b) Departure schedules are as follows:

(i) NAIROBI - KAHAWA ROUTE		(MONDAY - FRIDAY)	
Depart Kahawa	0620 Hours		
Arrive Nairobi	0730 "	Depart Nairobi	1730 "
Arrive Kahawa	1830 "		
(ii) NAIROBI - DAGORETTI ROUTE (MONDAY -FRIDAY)			
Depart Dagoretti	0630 Hours		
Arrive Nairobi	0712 "		
Depart Nairobi	1800 "		
Arrive Dagoretti	1841 "		

In the evening, the Kisumu bound train takes over the services of the commuter train. There is no commuter service for the Embakasi estate.

The commuter train is used exclusively by workers and school children and it, therefore, does not run during week-ends.

(c) The charges are as follows:-

	<u>KShs.</u>
Nairobi - Dagoretti	13.00
Nairobi - Satellite	10.00
Nairobi - Kibera	8.00
Nairobi - Line Saba	8.00
Nairobi - Kahawa	13.00
Nairobi - Githurai	13.00
Nairobi - Njiru	13.00
Nairobi - Dandora	10.00
Nairobi - Umoja	10.00
Nairobi - Makadara	8.00
Makadara - Dandora	10.00

**Mr. Ruhii:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Let Mr. Kamuyu finish his Question, then Mr. Ruhii.

*(Mr. Ruhii kept on standing)*

**Mr. Ruhii:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Is there fire in the House?

**Mr. Ruhii:** No, Mr. Speaker, Sir, but---

**Mr. Speaker:** Mr. Kamuyu then proceed.

**Mr. Kamuyu:** Mr. Speaker, Sir, whereas I thank the hon. Minister very much for this effort in answering this Question, you must realise that of one, the major problems in this city is transport. Two commuter trains only are very few to serve this big city. Can the Minister tell us the capacity of these two trains and when

he can be able to increase more commuter trains at least to four so that it can meet the requirements of the people as these two trains are extremely congested both in the morning and evening?

**Mr. Otieno:** Mr. Speaker, Sir, I am aware that the commuter service is inadequate and not only that, it is a loss making service which has to be subsidised by Treasury if the Kenya Railways Corporation is going to continue operating it. Increasing the number of services would mean increasing that subsidy.

Mr. Speaker, Sir, I am also aware that the mass transit system for Nairobi is grossly inadequate, but service transport has been a privatised business all along and we are talking a number of investors if we can be able to attract addition investments to be able to assist the passenger transport within the city. I will check with the Kenya Railways Corporation if it is possible to increase the commuter services.

**Mr. Ruhii:** On a point of information, Mr. Speaker, Sir. In the Minister's answer he said that there are no commuter trains to Embakasi. Umoja, Dandora and Njiru and in Embakasi Constituency and if the hon. Minister does not mind, during the coming recess, could he get two tickets so that I take him along that route and show him that these areas are in Embakasi?

*(Laughter)*

**Mr. Kamuyu:** Whereas as I continue to thank the hon. Minister, particularly that he is going to consult the Kenya Railways Corporation to see whether they can increase the commuter trains. Meanwhile due to congestion, can his Ministry increase the coaches to the existing ones. The coaches parked at the railway station can be put into use so that more people can be ferried to and from their places of work?

**Mr. Otieno:** Mr. Speaker, Sir, as I mentioned, the commuter service is a loss making service line, for now we are now using the lower capacity locomotives. Increasing the number of coaches would mean taking the heavier locomotives which are in very high demand on the main lines. There maybe difficulties in that area, but I will check.

**Mr. J. N. Mungai:** Mr. Speaker, Sir, in view of the fact the hon. Minister has quite admitted that he is going to call upon some investors to come and invest in the commuter business, can he consider exempting duty on all commuter vehicles coming into this country so that the Matatu Industry, a sector that has employed very many people can be able to purchase better vehicles? Also at the same time, can the Minister consider reducing the fares paid by the commuters?

**Mr. Otieno:** Mr. Speaker, Sir, the Minister for Finance is aware of the need to keep any duty on passenger vehicle chassis as low as possible and the hon. Member can raise that with him. As to encouraging matatus, it is getting evidence that the matatus will not be able to cope with the city transit passenger service requirements and the higher the number of matatus the bigger the congestion and chaos in the city transport system. But you can talk to the Minister for Finance.

*Question No. 628*

SUB-DIVISION OF FOREST LAND

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

(a) whether it is correct that the Government is sub-dividing forest land in Trans-Nzoia District; and

(b) if the answer to "a" above is in the affirmative, what the purpose of such sub-division is and who the beneficiaries are.

**The Minister for Environment and Natural Resources (Mr. Sambu):** Mr. Speaker, Sir, I beg to reply:-

(a) It is not correct that the Government is sub-dividing forest land in Trans-Nzoia District. However, I am aware of a recent exchange of land between the Forestry Department and Agricultural Development Corporation involving Kitalale Forest in Trans-Nzoia District and Oljororai ADC Farm in Nakuru District respectively.

(b) The purpose for the exchange was to enable the Agricultural Development Corporation to expand its Maize Seed Production capacity, while Oljororai ADC Farm will be taken over by the Forest Department for afforestation. The exchange was found to be sound for the two ecological zones in terms of food production and environmental conservation.

**Mr. Kapten:** Mr. Speaker, Sir, the answer given by the Minister is absurd and I wish I could say it

contains a lot of lies.

**Mr. Speaker:** Order! What did you say?

**Mr. Kapten:** Mr. Speaker, Sir, I said I wish.

**Mr. Speaker:** Order! Whether you wish it or not, you cannot wish anything unparliamentary to happen here. So, can you withdraw the wish as well?

*(Laughter)*

**Mr. Kapten:** Mr. Speaker, Sir, I withdraw my wish and the word "lie".

Mr. Speaker, Sir, I come from Kitale and I am quite aware that Kitalale Forest is being sub-divided and right now people are being settled. So, it is not right for the Minister to say that the forest land is not being sub-divided. If it is true as claimed that the land has been exchanged because of seed production, why have ADC Farms Chepchoina, Japata and Chorim been sub-divided and given to people instead of seeds being planted on those farms?

**Mr. Sambu:** Mr. Speaker, Sir, I cannot answer for ADC which, is corporation under a different Ministry. With due respect, the hon. Member comes from Kitale, but I also happen to control the affairs of Kitalale Forest and I know it is not being sub-divided.

**Mr. Mak'Onyango:** Mr. Speaker, Sir, not too long ago, there was an official *Kenya Gazette* in which the Minister published the Ministry's intention and move to reduce some of the formally forest land into settlement. Is the Minister not misleading the House when he says that indeed, what the questioner said here is not correct, because he himself knows that about 11 formally forests in catchment areas have since been degazetted?

**Mr. Sambu:** Mr. Speaker, Sir, the question was specific about Kitalale Forest and I do not know what other forest the hon. Member is talking about.

**Dr. Kituyi:** Mr. Speaker, Sir, the hon. Minister who is a prominent saw miller knows the quality of Mt. Elgon Teak. On the bases of that knowledge, this hon. Minister is supposed to also know that the ADC Oljororai Farm cannot be used for growing Elgon Teak. Granted ADC disposal of farms in Trans-Nzoia is none of his business, but why does he make it his business to destroy a forest of Elgon Teak from growing maize to inherit a farm that cannot grow Elgon Teak?

**Mr. Sambu:** Mr. Speaker, Sir, I have never seen any Elgon Teak in Kitalale Forest.

**Mr. Kapten:** Huo sio ukweli? (inaudible)

**Mr. Sambu:** Wacha kunitusi mhe. Kapten! Wewe!

*(Laughter)*

**Mr. Speaker:** Order! Order hon. Members! I think I have said before and I will say it again. Let us not personalise issues and always let us have courtesy to each other. Proceed Mr. Kapten!

**Mr. Kapten:** Mr. Speaker, Sir, can the hon. Minister assure this House that Kitalale Forest is not going to be sub-divided and given to individuals?

**Mr. Sambu:** Mr. Speaker, Sir, I cannot give that assurance.

**Dr. Lwali-Oyondi:** Mr. Speaker, Sir, is the Minister also aware that Sururu Forest, Molo Forest and so on, are also being sub-divided into 5 acre plots and thereby interfering with the water catchment systems in that area?

**Mr. Sambu:** Mr. Speaker, Sir, I am not aware for there are no forests called 'so on'.

**Mr. Kapten:** Mr. Speaker, Sir, unfortunately I think I have to be personal here. Can the hon. Minister assure this House that he is not a beneficiary of any of the forest land in Trans-Nzoia District, because I know he is?

**Mr. Sambu:** Mr. Speaker, Sir, I challenge him to produce documents here showing that hon. John Sambu is a beneficiary of any forest land in Trans-Nzoia District.

**Mr. Speaker:** Next Question, Mr. Kinyua Mbui!

*Question No. 571*

EXPANSION OF COFFEE SOCIETIES

**Mr. Mbui** asked the Minister for Co-operative Development:-

(a) whether he is aware that the refusal by the Commissioner of Co-operatives to approve the

budgets of Ngariarua Coffee Farmers Society and Kirinyaga District Co-operative Union is hindering the expansion and construction of coffee societies in Kirinyaga District; and

(b) what action he is taking to have the Commissioner approve the said budgets.

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

(a) I would like to tell the hon. Member that it is not true that the budgets of Ngariarua Coffee Farmers Society and Kirinyaga District Co-operative Union were not approved. They were approved on 22nd November, 1994 and 7th November, 1994 respectively by the Commissioner of Co-operative Development.

**Mr. Mbui:** Mr. Speaker, Sir, as far as I know the Annual General Meeting approved the installation of radio calls, roofing of the union house and construction of water tanks for the coffee factory. If the Minister is aware that the budget was approved, can he give a go ahead to the Ngariarua Coffee Farmers Society and Kirinyaga District Co-operative Union and do the construction and ensure that the Commissioner for Co-operative will not interfere with these people when they carry out this business?

**Mr. Munyi:** Mr. Speaker, Sir, since the approval has been given, they can go ahead and continue with the construction.

**Mr. Nyagah:** Mr. Speaker, Sir, the members of the unions and the societies are elected by the people. The unions are autonomous. Can the Minister disassociate the Commissioner for Co-operatives from running the affairs of the unions in that the Co-operative Act requires that anything above KShs.100,000, the Commissioner will approve and in this particular case the Commissioner and the two chairmen of the societies do not agree?

Mr. Speaker, Sir, would the Ministry consider removing the authority of the Commissioner to approve anything above KShs.100,000 for its work because it slows down all societies and unions in this country?

**Mr. Munyi:** Mr. Speaker, Sir, unless the Act is amended and as far as the Government is, the Government is there to protect the interests of the co-operators and we shall stand by that.

**Mr. Murungi:** Mr. Speaker, Sir, I really pity the Minister. Although the Minister is very huge, in fact, under the Act, he has very little power. Can the Minister assure this House that he is going to amend the Co-operative Society's Act which gives the Commissioner of Co-operatives more powers than the Minister so that he can answer hon. Member's questions and implement them?

**Mr. Munyi:** Mr. Speaker, Sir, we are in the process of changing the Act. When it is ready, I will ask him to make his comments.

**Mr. P.N. Ndwigwa:** Mr. Speaker, Sir, this particular society is not unique. This is just about what is happening in the Co-operative movement in this country and the reason is because of corruption which has permitted the Ministry of Co-operative Development.

Is the Minister aware that to have some of these budgets approved by the office of the Commissioner of Co-operatives, those chairmen are being asked to give "*kitu kidogo*" (TKK) in his office? When is the Minister going to be the Minister for Co-operative Development? He does not seem to know what happens in his Ministry.

**Mr. Munyi:** Mr. Speaker, Sir, I know more than what he knows and that is why I am a Minister and I know how to exercise my powers.

#### *Question No. 573*

#### REPAIRS TO NDARAGWA ROADS

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

(a) what plans the Minister has to gravel Mailo Nne-Sukubo-Kirima Road which is in a pathetic condition,

(b) what plans he has to tarmac Ol-Joro-Orok-Merangine Road.

**The Minister for Public Works and Housing** (Prof. Ng'eno): Mr. Speaker, Sir, I beg to reply.

(a) Although the Mailo-Subuko-Kirima Road which is officially (D388) is important to the local community, it has not been made top priority by the Nyandarua District Development Committee. The Ministry will look into it once the District Development Committee (DDC) takes the necessary action. However, in the meantime, it will be graded in the current Financial Year to keep it motorable. The roads included in Nyandarua DDC plan for gravelling in 1994/95 on priority basis included the following:-

1. Ol-Joro-Orok - Merangine Road C83 which is 20 Kilometers long.
2. Ol-Kalou-Ndondori Road C69 Which is 23 kilometres long.
3. Engineer-Kirima Road D393 which is 17.7 kilometres long.



(b) The Ol-Joro-Orok-Merangine road is not the top priority for tarmacking in Nyandarua. As I have just said, it is top priority for gravelling. The road was, however, graded in October, 1994 while some sections of the same road totalling three kilometres were gravel spot patched in May and June, 1995 at a cost of Kshs. 300,000. The top priority for tarmacking is Njabini, Engineer, Ndunyu Njeru-Ol Kalou and Ndundori Road.

**Mr. Gichuki:** Mr. Speaker, Sir, on part "a" of the Question this Ministry is notorious for referring the hon. Members to the DDCs. Whereas Members of Parliament are Members of these DDCs, it is common knowledge that not all that is passed in these DDC is put into action. As we are talking, the said road, Mailo Nne-Subuko-Kirima Road, is almost impassable and unless you have a four-wheel drive vehicle, you cannot pass it. The area is quite rich in the production of milk, horticultural farming and this road requires to be gravelled and not to be graded. Right now there is a lot of rain and it is almost impassable. In any case the said prioritized roads, I do not think anything has been done on them. On part "b" of the Question that asks a question on Ol-Joro-Orok - Merangine Road, for the information of the Minister when I worked in the Civil Service, the Road was prioritized in 1972 for tarmacking all the way from Lanet to Ol-Joro-Orok. This road is the shortest route from Nakuru when you are going to Nyeri through Nyahururu. It is even shorter than even travelling through the Subukia route.

The Minister has said that---

**Mr. Speaker:** Mr. Mwangi, that is now becoming a Motion. You are now moving a Motion without giving notice!

**Mr. Gichuki:** Mr. Speaker, Sir, the answer was quite long. The Minister has said that some section of the road totalling about three kilometres have been gravelled and spot patched. I doubt this because I use the road almost every weekend. On the basis of that, can the Minister tell this House actually what he is going to do on Mailo Nne-Subuko-Kirima Road to ensure that it is gravelled because we do not want it graded? He should also tell us when he is going to have the Ol-Joro-Orok-Merangine Road tarmacked. I do not want him to refer me to the DDC because we know what DDCs are there for.

**Prof. Ng'eno:** Mr. Speaker, Sir, first of all, let me say that the reason why I do bring up this question of DDCs quite frequently is that the only way the Government can identify which roads deserve to be tarmacked or gravelled is through the prioritization at the local district level. I must say that even after the district has prioritized and given top priority to a road it does not mean that automatically that road will be considered. There are so many roads in the country that need to be tarmacked and the resources are not enough. There is no way we are going to consider a road unless the District Development Committee has made it a priority and the DDC is the place where Members of Parliament also take part in and they can put in their word.

Secondly, because the hon. Member asked what I am going to do since what I have said here is not actually happening, I want to assure the hon. Member that I will be visiting places. I want them to be available because immediately or at least one or two weeks after going for recess, I am going to tour a number of places in Central Province including Nyandarua and I will see for myself whether these things are happening or not and if they are not happening, I will deal with the matter on the spot.

**Mr. Mbui:** Mr. Speaker, Sir, can the Minister tell the House which roads have been graded and tarmacked and are his priority within that district?

**Prof. Nge'no:** Mr. Speaker, Sir, the roads that have been prioritized for grading and gravelling are Ol-Joro-Orok - Merangine, Ol-Kalou- Ndundori, Engineer - Kirima Roads.

**Dr. Kituyi:** Arising from the Minister's original reply, I have had occasion to speak to this hon. Minister and reminded him that a DDC is an informal gathering of civil servants which is not provided for by any Act of this Parliament. It has no *locus standi* to be the one that is setting the agenda in this country. Why does the Minister consider the informal meeting of civil servants the determinant of public priority when hon. Members and councillors are much more directly stake holders in local priorities?

**Prof. Nge'no:** May I remind the hon. Member that some of the districts such as Busia were there for a long time before they were even made legal, but they continued to function as districts. The fact that DDCs are there is a fact of life and we have to deal with them even though in his own opinion they may not exist. He is a Member of these DDCs.

**Mr. Speaker:** Address the Chair.

**Pro. Ng'eno:** I am addressing the Chair, Mr. Speaker, Sir.

**Mr. Gichuki:** Mr. Speaker, Sir, on part (b) the Minister has said that a section covering 3km Ol-Joro-Orok-Merangine Road has been graded at a cost of Kshs.300,000. I use that road every weekend and nothing like that has been done even now when there is a lot of rain. Is the Minister, therefore, in order to cheat this House that grading has been done?

**Mr. Speaker:** Order! Order! I am sorry that word cannot be heard in this House and you must take it back and swallow. Will you withdraw that word?

**Mr. Gichuki:** Mr. Speaker, Sir, I will withdraw the wording "cheating" and replace it with "misleading". Is the Minister, therefore, in order to mislead this House that partial patching has been done on Ol-Joro-Orok-Merangine Road, whereas it is not true? I am the Member for that area.

**Prof. Ng'eno:** Mr. Speaker, Sir, the hon. Member is an hon. Member, I am here also as an hon. Member and the two hon. Members are asking questions although I have said that the answer I am giving is supplied to me by my field officers---

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

**Mr. Speaker:** Order, Mr. Gatabaki, it is still Question Time.

**Prof. Ng'eno:** Mr. Speaker, Sir, I am dealing with a point of order. So I am saying that this information is supplied to me and if there is something wrong with it as I have said will be touring this area within the next two weeks and if I discover that this information is not correct, I will use a whip and make sure that the things are taken care of.

**Mr. Speaker:** Very well, next Question. Mr. Obure.

*Question No.595*

REPAIRS TO BAMACHOGE ROADS

**Mr. Obure** asked the Minister for Public Works and Housing, given that a lot of tea leaves, coffee, bananas and sugarcane produce cannot be transported to the market due to impassable roads during rainy season, what steps the Ministry is taking to tarmac Mogonya-Kenyanya-Magenche Road.

**The Minister for Public Works and Housing** (Prof. Ng'eno): Mr. Speaker, Sir, I beg to reply.

The correct name of the road in question is Mogonga-Kenyanya-Magenche, which is not included in the 1994/96 Kisii District Development Plan for tarmacking, but it passes through high potential agricultural zone and is periodically maintained to keep it motorable. For instance, in 1993/94 some Kshs.48,000 was spent to gravel patch and grade the entire 18km length. Again in May, 1995 some Kshs.48,000 was provided by the District Tea Committee to repeat the exercise and works were done by the Ministry. The section between Mogonga and Kenyanya was gravel-patched again this month of July, 1995. The Ministry has no immediate plans to tarmac this road because it has not been approved by the local District Development Committee, but it shall however, be continually maintained to good motorable standard.

**Mr. Obure:** Mr. Speaker, Sir, the said road, Mogonga-Kenyanya-Megenche is the main road that transpasses Bomachoge Constituency. This Road was maintained last in 1972 when I was just about to finish my high school education. To date, the road is impassable. When the President visited the area last time, his motorcade got stuck and we were forced to push the vehicle. The President thereby authorised the roads to be maintained. Now the question is; why did they not complete maintaining the road from Mogonga-Kenyanya-Magenche, but instead maintained Mogonga-Kenyanya?

**Prof. Ng'eno:** Mr. Speaker, Sir, the hon. Member is very lucky because that area has just been upgraded into a district and I am therefore going to try the best I can to repair that road because it is now leading to the district headquarters. So the Member should be happy that although money has not been provided for, we will look for whatever money we can get in order to repair it because it is now in the new district priority road list.

**Mr. Anyona:** Mr. Speaker, Sir, I know that this Question is about a particular Road, but the truth of the matter that is, there is hardly a passable road in Kisii and Nyamira and the new district. These are just names of districts without roads or anything else. Can the Minister tell us what he is going to do about the state of roads in the whole of Kisii? It is not a matter of asking about one road, they are not there.

**Prof. Ng'eno:** Mr. Speaker, Sir, I know the problem with hon. Anyona is not about every bit of road. He has been concerned with Kisii-Chemosit Road, and he may be happy to hear that I have been pursuing that matter now to make sure that Kisii-Chemosit Road is completed towards the end of this year. He should be happy with that.

**Mr. Manoti:** Mr. Speaker, Sir, arising from the answer given by the Minister for Public Works and Housing, that the Mogonga-Kenyanya-Magenche Road is not in the 1994/95 budget, which funds are in the budget for tarmacking in Kisii District?

**Prof. Ng'eno:** Mr. Speaker, Sir, in Keroka-Nyangusu road has been prioritised by Kisii DDC for

tarmacking.

**Mr. Speaker:** Very well. Do you still want to follow, Mr. Obure?

**Mr. Obure:** Mr. Speaker, Sir, our nation is losing a lot of revenue from tea, sugarcane, bananas and this City is missing a lot of food which is rotting in the farms because of impassable roads. Now that the Minister has agreed that the Keroka-Nyagusu road is a priority, and that section of the district has been upgraded to a new district, will he make sure that he maintains roads so as to ferry food stuffs to the City to feed the whole nation?

**Prof. Ng'eno:** Mr. Speaker, Sir, I will make sure.

**Mr. Speaker:** Very well, next Question. Mr. Murungi.

*Question No.501*

#### IMPLEMENTATION OF CONSTITUTION'S SECTION

**Mr. Murungi** asked the Attorney-General what steps he has taken to implement Section 84(5)(b) of the Kenya Constitution.

**The Attorney-General** (Mr. Wako): Mr. Speaker, Sir, at my request, and after consultations with my learned friend who is an hon. Member of this House, he has agreed that the Question can be deferred.

**Mr. Speaker:** What are you saying? Are you requesting the House to agree the Question to be deferred?

**The Attorney-General:** Mr. Speaker, Sir, I am just informing the House that at my request after consulting my learned friend, we have agreed that the Question can be deferred.

**Mr. Speaker:** Well, that is okay, what is your reaction, Mr. Murungi? Order, what is it?

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir, we at the back did not hear what the Attorney-General was trying to communicate. We are not hearing him. What is wrong with that microphone that he is using?

**Mr. Speaker:** What is your reaction, Mr. Murungi?

**Mr. Murungi:** Mr. Speaker, Sir, it is true that I had a chat with my learned friend the Attorney-General in the morning, and we agreed that he would make a request for deferment of my question.

**Mr. Speaker:** That is what he is doing, and I am asking whether you have agreed?

**Mr. Murungi:** Mr. Speaker, Sir, yes and I gave him my professional undertaking.

**Mr. Speaker:** Very well.

**Mr. Nyagah:** On a point of order Mr. Speaker, Sir. We are told that we can only have 15 Questions on the Order Paper on any given day. But as a result of what is happening now, I have lost my two Questions that ought to have been put on the Order Paper. Is there any right for two people to reach at a private treaty regarding a Question that is already on the Order Paper when in fact the Question is the property of the House?

**Mr. Speaker:** Order! I think this is not the first time neither will it be the last; that an hon. Member who has asked a Question will have reached some form of an agreement with the Minister concerned that due time, be given for the better reply to that Question. I think it is in the interest of the House that we keep that avenue open. I do not think there is anything outrageously out of order when a Member concedes to a request by another hon. Member, either to defer a Question for further consideration, or to bring even forward if that is possible. So, I think that is totally in order and the Question, is therefore, deferred.

*(Question deferred)*

**Mr. Shikuku:** Mr. Speaker, Sir, I am very grateful for your explanation. We never heard what the Attorney-General said. I was also under the same impression; that it was just a treaty between the Minister and the Questioner. We did not hear what the Attorney-General said, but since you have now explained everything to us, we are very happy.

**Mr. Speaker:** Very well. Mr. Mwaura's Question.

*Question No.459*

#### MAGISTRATE FOR KIGUMO COURTS

**Mr. Mwaura** asked the Attorney-General when he will post a permanent Magistrate to serve

Kigumo Law Courts.

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

A magistrate will be posted to the Kigumo Law Court on a permanent basis as soon as the renovations to the Court Building and the residential accommodation for the magistrate have been completed.

The renovations are to commence on 15th August, 1995 and will be completed by the end of September, 1995.

**Mr. Mwaura:** Mr. Speaker, Sir, is the Attorney-General aware that because of the absence of a permanent Magistrate in Kigumo there are very many cases pending before that Court and this is forcing the people of Kigumo to travel to Murang'a? Could the Attorney-General assure this House that action will be taken to rectify the situation and that the renovation works he has mentioned will be completed by the end of September this year?

**Mr. Wako:** Mr. Speaker, Sir, my "yes" is "yes" and my "nay" is "nay."

**Mr. Mwaura:** Mr. Speaker, Sir, I would like to inform the Attorney-General that in view of the absence of a Magistrate, some criminals who have been arrested by the police in that area have appeared before "Kangaroo Courts" set up by the police themselves and after taking bribes from some people the police have released the same criminals?

**Mr. Wako:** Mr. Speaker, Sir, I am not aware that there are any "Kangaroo Courts" in Kenya. What I am aware of is that there has been an upsurge of criminal cases in the Kigumo area hence necessitating a posting of a Magistrate in Kigumo. We are taking action as we have indicated to ensure that the residential house is in order and the law courts are also in order. If I may inform the hon. Member, in fact, a magistrate has already been identified to take charge.

**Mr. Manoti:** Mr. Speaker, Sir, could the Attorney-General tell us how many people are in remand awaiting judgement?

**Hon. Members:** Where? Repeat your question.

**Mr. Manoti:** Mr. Speaker, Sir, I will repeat my question so that the Attorney-General can give me an answer. Could he tell the House how many people are in remand awaiting judgement.

**Hon. Member:** Where?

**Mr. Manoti:** In Kenya!

**Mr. Wako:** Mr. Speaker, Sir, I cannot really answer that question; as to how many people are in remand awaiting judgement.

**Mr. Mwaura:** Mr. Speaker, Sir, could the Attorney-General consider allowing Kigumo people to house the Magistrate if the residential house will not be ready by the end of September? We can provide an alternative house if the Government house is not ready by that time.

**Mr. Wako:** Mr. Speaker, Sir, provided that the accommodation is suitable, we shall definitely take up that offer.

**Mr. Speaker:** We will now go back to Mr. Obwocha's Question.

**Dr. Kituyi:** Mr. Speaker, Sir, before I ask this Question on behalf of Mr. Obwocha, I wish to apologise to the House for the delay in asking the Question.

#### *Question No.403*

#### HARASSMENT OF RESIDENTS

**Dr. Kituyi,** on behalf of **Mr. Obwocha,** asked the Minister of State, Office of the President:-

(a) whether he is aware that the Chief of Kiabonyoru Sub-location in North Mugirango is harassing residents of the area;

(b) whether he is further aware that the said Chief arrested Mr. Thomas Arasa Achanga and confiscated his cattle vide the District Commissioner's letter Ref. No.ST.1/8/VOL.II/41 of 18th October, 1994; and

(c) if the answers to "a" and "b" above are in the affirmative, what action he is intending to take against the chief and compensate the said farmer.

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

(a) The Chief is not harassing the residents as claimed but he is performing his official duties to the satisfaction of my office.

(b) Mr. Thomas Arasa Achanga was not arrested, but was summoned to the Chief's office where he had

been accused by his brother, Mr. Peter Achanga and somebody else called Mr. Tom Ombui for a breach of contract to pay Kshs5,000 to the two persons after he had bought a cow from them.

(c) Arising from my replies to "a" and "b" above my office does not intend to take any action against the said Chief.

**Dr. Kituyi:** Mr. Speaker, Sir, this Question was first raised last week and hon. Obwocha presented copies of letters, one from the District Commissioner and another one from the local OCS to the Chief demanding that the Chief surrenders the cow that he has impounded illegally. The Minister then undertook to find an appropriate reply. Why is he now coming back with the same erroneous reply that he had last week when he had promised to bring a better reply?

**Mr. Kalweo:** With your permission, Mr. Speaker, Sir, I would like to give supplementary information so that the Members can understand this issue. Somebody called Mr. Arasa Achanga bought a cow from his brother and somebody else called Mr. Ombui. The cow cost about Kshs8,000. On the material day, he only managed to pay Kshs3,000 remaining with a balance of Kshs5,000. For quite some time they waited for him to pay the balance but instead of paying cash, Mr. Arasa decided to give the two persons another cow. When the cow was taken to the two men, they rejected it on the grounds that it was too small and so it was returned. Mr. Arasa decided to go and accuse the Chief before the District Commissioner. The DC took action believing that the Chief had actually confiscated somebody's cow. We proceeded to arbitrate this matter and I have been on this case since this morning. All we can do is to advise the people concerned to take their dispute to court.

**Mr. Anyona:** First of all, Mr. Speaker, Sir, there is a problem with this Question. In part "a" it is asking "whether the Minister is aware that the Chief of Kiabonyoru Sub-location---" I thought that a chief is in charge of a location and not a sub-location. But the point is that if we are talking about the Chief of North Mugirango, and apparently this is an assistant chief, there have been many

Questions in this House about the notoriety of this Chief. There is an outcry in the whole of the old Kisii District again about the brutality of chiefs and assistant chiefs. Are we to understand that this Minister has, in fact, authorised these chiefs to harass the people in which case the people will be entitled to defend themselves?

**Mrs. Ndeti:** Mr. Speaker, Sir, the whole country is up in arms against chiefs and assistant chiefs. Since Kenyans have suffered at the hands of these people, can the Minister tell this House when the chiefs and assistant chiefs are appointed whether the Government does take it upon itself to train them on code of ethics and mode of discipline? Instead, of giving them administration policemen and the chief's code, they are left to give people a lot of problems. Can the Minister tell us exactly how the Government intends to train them on how to deal with their subjects.

**Mr. Kalweo:** Mr. Speaker, Sir, the Government has district development centres where chiefs and assistant chiefs go for refresher courses and training needs. However, the Government is planning to have even better training for all administrative officers; chiefs, sub chiefs, district officers and so on.

## QUESTIONS BY PRIVATE NOTICE

### COLLECTION OF SHOW FUNDS

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

(a) Is the Minister aware that Kitui Central residents are being forced to pay Kshs.2000.00 per sub-location, in aid of the forthcoming Kitui Harambee Agricultural Show?

(b) If the answer to "a" above is in the affirmative, what is the amount that is supposed to be paid by each person?

(c) how much money has, so far, been collected?

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

(a) No I am not aware.

(b) Harambee fund raising is a voluntary exercise and wananchi are free to contribute an amount of money one is willing to give.

(c) So far, a total of Kshs.29,000.00 has been collected towards the Kitui Harambee Show.

**Mrs. Ngilu:** Mr. Speaker, Sir, now that the Assistant Minister is aware that it has become a daily exercise in my constituency for administration to do this, is he aware that the district commissioner's office and the heads of department collect funds every now and then? This is an exercise that has been going on, and every time Government officials in Kitui District get broke, they know their sources of income. Should we take that

this is an illegalised method of collecting funds from my people? Unless, this stops forthwith, I have no alternative other than to tell my people to arm and defend themselves. Could the Assistant Minister assure me this will stop or else---

**Mr. Sunkuli:** Mr. Speaker, Sir, I was planning to begin my answer by terming her 'the gracious lady' but I can see she is proposing to do ungracious act.

The hon. Member should know that the present collections that are going on in Kitui for the Agricultural Show, have so far, fetched Kshs.29,000.00 having been sanctioned by her own people. Her own people of central division met on 5th July, 1995, while the residents of Chuluni location met on 21st and unanimously decided that they should raise money for the Kitui Agricultural Show.

**Mr. Shikuku:** On a point of order, Speaker, Sir. Arising from this contradictory reply by the Assistant Minister that firstly, he was not aware; and secondly, that her people met and made a decision. Can he tell us when he became aware? When did he become aware?

**Mr. Sunkuli:** Mr. Speaker, Sir, the hon. Member for Butere whose opinion about Harambee is very well known, did not listen to me because I said that in answer to part "a" of the Question that "Is the Minister aware that the Kitui residents are being forced?" I said that I am not aware that they are being forced.

**Mrs. Asiyu:** Mr. Speaker, Sir, agricultural shows are very important because they make farmers aware of the latest methods of farming and so on. Can the Government set aside special funds for every district agricultural show so that it does not bother the people?

**Mr. Sunkuli:** Mr. Speaker, Sir, the hon. Member is no doubt aware that some of agricultural shows are sponsored by the Agricultural Society of Kenya. In this age of liberalisation we also allow other people who form their alone society like Harambee Agricultural Shows to have their other options.

**Mrs. Ngilu:** Mr. Speaker, Sir, the Assistant Minister has said that leaders met on the 5th July, 1995, to decide on how much money should be contributed. Who were these people since I am a leader in Kitui Central and I was not invited?

**Mr. Sunkuli:** Mr. Speaker, Sir, I hope you will protect us so that the hon. Member does not drag her own internal politics of her constituency here because she does not go home very frequently and so she cannot have been invited.

**Mrs. Ngilu:** Mr. Speaker, Sir, that is an insulting language because I am in my constituency every week-end for three days from Friday to Monday. I do not remember receiving a letter so that we could discuss this issue. However, I am aware a lot of times "thieves" in my constituency meet and organise this kind of illegal collection of funds. Now, I would like to know who were those leaders who met?

**Mr. Sunkuli:** Mr. Speaker, Sir, is it not absurd for the hon. Member of the Democratic Party to call her political opponents "thieves" If she does not agree with other leaders in the district, why does she call them thieves?

**Speaker:** Order! Order! I will not have any of this. I will now move to the next Question. Hon. Members must at all time address the issue.

#### DEATHS OF SCHOOL CHILDREN

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

(a) Is the Minister aware that some school children from Nyosia Primary School were killed and many others injured during the recent Presidential tour of Kisii District?

(b) Under what circumstances were the children killed and injured?

(c) Will the Government pay compensation to the families of the dead and injured children?

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

(a) What I am aware of is that 25 primary school pupils were injured by a motor vehicle along Kisii/Keroka road.

(b) On 13.07.95 at about 10.00 a.m. a motor vehicle No.KAC 162A, Mitsubishi Canter lorry lost control along Kisii/Keroka road and veered off the road crushing into a group of school pupils who were standing alongside the road.

(c) Since the vehicle involved does not belong to the Government, and bearing in mind that the owner of the vehicle has a case pending in court in respect of this accident, the issue of compensation does not, therefore, arise at this stage.

**Mr. Anyona:** Mr. Speaker, Sir, really this answer is intended to hide the truth behind this Question.

In part "a", I have asked whether the Minister is aware that children died and others were injured and in his reply he said no. Now, he has said that he is aware that children died and others were injured. In any case, he is talking about 25 children who were injured along the roadside as the President was passing by. Children are supposed to be in schools, what were they doing by the road side and why where was it exactly?

**Mr. ole Sunkuli:** Mr. Speaker, Sir, the spot was along the Kisii-Keroka road just after Kehumbu and the students were there no doubt, because there must have been a great event in Kisii on that day.

**Mr. Shikuku:** Mr. Speaker, can the Assistant Minister be honest to himself and this House and answer the questions put to him? When did this happen, was it not during the school time, and what were the children doing on the road? Can he admit that this is the usual thing that happens and many children have lost their lives and time because when the President comes around all schools must close down and that affects greatly the performance of children in schools?

**Mr. ole Sunkuli:** Mr. Speaker, Sir, hon. Anyona had asked specifically about this particular accident and I have already told him that I am aware that, that accident took place.

**Mr. Kiliku:** Bw. Spika, mtindo huu ni lazima ukome. Wakati Rais alipokuja Mombasa, watoto wa Mombasa pamoja na wafanyakazi wa Jua Kali walisimama kando ya barabara kuanzia saa mbili hadi saa kumi na moja wakati Rais alipofika. Watoto wengi walizirai, wengine wapakata maradhi na kadhalika. Ni sheria gani ambayo inawalazimisha watu hawa kutumia watoto kama watumwa katika nchi ambayo iko huru?

**Mr. ole Sunkuli:** Bw. Spika, ningependa kusahihisha kwamba hakuna mtoto aliyekufa huko Kisii siku hiyo. Lakini ningependa kujibu swali la mhe. Kiliku kwa sababu---

**Mr. Speaker:** You had better continue in English!

**Mr. ole Sunkuli:** But I want to say that when students, as a school, voluntarily decide to go and wait for their President, in this democratic country, we cannot legislate either against or in favour of any such acts.

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

**Mr. Speaker:** Order! I have already guided the House that during Question Time, let us give hon. Members a chance to ask supplementary questions unless, of course, there is a major breach of order in the House.

**Dr. Otieno-Kopiyo:** Mr. Speaker, Sir, now that it is an established occupation of school children to meet His Excellency the President and knowing the poor condition under which most of the school vehicles are kept, could the Office of the President be decent enough to ensure, at least, to insure them and, put them in vehicles that transport them safely and ensure that there is enough traffic control so that they do not get injured? I am starting from the promise that it is being done anyway even though he denies it.

**Mr. ole Sunkuli:** Mr. Speaker, Sir, the hon. Member is asking a totally different type of question that does not arise from these circumstances. The children of this country love their President and that is why they come to see him.

*(Applause)*

**Mr. Speaker:** Mr. Kiliku's Question by Private Notice.

#### SACKING OF COMPANY STAFF

**Mr. Kiliku:** Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that Messrs Dolomite Construction Company Ltd. of P.O. Box 92196, Mombasa, (Moi International Airport), in June, 1995, sacked 52 employees without giving them notice?

(b) Why has this company ignored the letter of the District Labour Officer, Mombasa, dated 14th June, 1995?

(c) Will the Minister take the necessary action to have these employees re-instated/paid full terminal benefits?

**The Assistant Minister for Labour (Mr. Ali):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) The company adhered to the letter by the District Labour Officer, Mombasa.

(c) As of now, all the employees have already been paid their terminal benefits.

**Mr. Kiliku:** Mr. Speaker, Sir, these employees were sacked without notice last month and when I left Mombasa they had not been paid their terminal benefits. When were they paid?

**Mr. Ali:** Mr. Speaker, Sir, they were paid their terminal benefits between 16th and 21st June, 1995.

**Mr. Kiliku:** On a point of order, Mr. Speaker, Sir. When were they paid, the exact date?

**Mr. Ali:** Mr. Speaker, Sir, they were paid between 16th and 21st June, 1995.

**Mr. Shikuku:** Mr. Speaker, Sir, arising out of that answer of "between" this date and the other, can he not tell us the exact and precise date when they were paid so that we can check from the records in the office? Can he be specific?

**Mr. Ali:** Mr. Speaker, Sir, these employees number 52. So, they did not go at once for payment, but on different dates.

**Mr. Speaker:** Very well. Next Question, Mr. Wetangula.

#### RESEALING OF MAU SUMMIT ROAD

**Mr. Wetangula:** Mr. Speaker, Sir, I beg to ask the Minister for Public Works and Housing the following Question by Private Notice.

(a) Which company recently resealed the Mau Summit/Timboroa Road?

(b) How much money was the said company paid?

(c) Is the Minister satisfied with the work done on the same road by the said company?

**The Minister for Public Works and Housing** (Prof. Ng'eno): Mr. Speaker, Sir, I beg to reply.

(a) The Mau Summit/Timboroa Road which was recently resealed was done by H.Z. and Company Limited.

(b) The Company has already been paid KSh.41,474,899.80---

**Mr. Murungi:** On a point of order, Mr. Speaker, Sir. Having looked at this Question, it does not appear to be a proper Question by Private Notice. It is not a question of matter of life and death. In fact, there is no urgency about it. So, it can wait on the "queue" like other Questions.

**Mr. Speaker:** Order, Mr. Murungi! When did you become the Speaker? You are completely out of order!

*(Applause)*

**Mr. Murungi:** But I am just seeking your guidance?

**Mr. Speaker:** Order! Now that it is there, it is with the consent of the Speaker! Proceed, Mr. Minister and louder!

**The Minister for Public Works and Housing** (Prof. Ng'eno): Yes, Mr. Speaker, Sir.

(b) The Company has already been paid KSh.41,474,899.80.

(c) Yes, I am satisfied with the standard and quality of the work done by the contractor. However, after the completion of the work, some defects in form of depressions, potholes and general failure have occurred on some sections of the road. This is to be expected on the work of this magnitude and that is why there are contractual clauses to cover such defects. In view of that, Sir, the Ministry has instructed the contractor to carry out the necessary remedial works in accordance with the terms and conditions of contract.

**Mr. Wetangula:** Mr. Speaker, Sir, anybody who uses this road will realise that the work that was done compared to the amount of money quoted to have been paid amounts to a total fraud. This road is being washed away by light rains. Can the Minister tell this House what action he is going to take against this company for breach of contract? This country is wasting a lot of money, which could be used to construct new roads, on repairing roads. Recently, I used the Nairobi/Mombasa Road and saw a road between the turn-off to Machakos---

**Mr. Speaker:** Now, Mr. Wetangula, I am sorry to say that you have to go to the Question before the House!

**Mr. Wetangula:** Mr. Speaker, Sir, what action will the Minister take against companies that are fleecing money from the Government in the guise of repairing roads when they go and do a shoddy job?

**Prof. Ng'eno:** Mr. Speaker, Sir, it is not true that companies fleece the country. In fact, this particular company is doing such a fantastic job; it is the only indigenous company in this country and it is doing a good job.

This road has a few potholes, but this happens in so many other roads. We have told the company to re-do the road and they are going to do it until we are satisfied. Right now we have retained some money and this money will not be released to the company until the work is done to the satisfaction of the Ministry. I am going to ensure that the company does a high standard job according to the terms of the contract.

**Mr. Munyasia:** Mr. Speaker, Sir, the Minister says he is satisfied with the work done by this company,



however, is he aware that this company completed repairing this road only early this year? If already there are so many potholes on it, what is it that satisfies him about the work of this company?

**Prof. Ng'eno:** Mr. Speaker, Sir, it is not true that the whole road is full of potholes: there are potholes here and there. But the standard of the engineering work that was done by the company makes me satisfied and that is why we paid the contractor. However, as I have said, we have asked the contractor to go back and re-seal the few potholes on the road to make it of the highest standard.

**Mr. Shidiye:** Mr. Speaker, Sir, cases of contractors in this country getting money and misusing it have become very frequent. The Minister is still misleading the House. He is saying that he is satisfied with the work and at the same time he says the work has not been completed because there are potholes even though he has paid the money. Could he tell the House how much money he has for this project? Is it enough to complete work on this road so that it can be used?

**Prof. Ng'eno:** Mr. Speaker, Sir, this road was to be done with Kshs66 million, but this contractor did it for Kshs41 million, thereby saving the country more than Kshs20 million. So, to say that money is being fleeced is, in fact, amounts to untruth.

**Dr. Kituyi:** Mr. Speaker, Sir, it is unfair for a Minister to tell this House that just because somebody asked for less than was otherwise bidden for, we should be happy regardless of the quality of the product. Be that as it may, what does the hon. Minister mean in answer to part (a) of the Question when he says "Yes, I am satisfied" and then he says "I will not release the remaining money until I am satisfied"? Does he mean that he is not satisfied or he is satisfied?

**Prof. Ng'eno:** Mr. Speaker, Sir, the question was "Is the Minister satisfied with the work done on the same road?", and I said I am, because we only pay after the Minister is satisfied. But there is a requirement that after the road work is completed some money must be retained for at least one year to ensure that maintenance work is done during that period of one year. This happens because it is known that even when the work has been done to the highest standards possible, it is possible for the kind of thing the hon. Member has raised to happen.

## MINISTERIAL STATEMENT

### INCITEMENT OF UNIVERSITY STUDENTS BY MPS

**The Minister for Education** (Mr. Kamotho): Mr. Speaker, Sir, following a statement yesterday by the hon. Wamalwa, the Leader of the Official Opposition Party, I have the following to say.

On 26.7.95 at about 11 a.m. Members of Parliament led by the hon. Wamalwa, the Leader of the Opposition, sneaked their way to halls of residence of the University of Nairobi. They started with Hall 11 and later went to Hall 9 where they were surveying damages to doors and properties. Hon. Wamalwa later addressed the students outside Hall 9. In his speech, hon. Wamalwa decried the damages caused to property and injuries to students, allegedly by the police. He incited the students that they were going to see the Vice-Chancellor. He also told the students that he would move a Motion in this House on the riots at the Campus that afternoon. They then went through the tunnel on State House Road, but changed their minds and decided not go to see the Vice-Chancellor. They entered vehicles and drove off to Parliament. In the afternoon about 16 students attended Parliament, but we noted, or we learned, that they were mostly second and fourth year students.

The claim, therefore, by the Opposition hon. Members, led by hon. Wamalwa, was highly exaggerated, misleading, alarmist and, to say the least, malicious and full of falsehoods. They made a blunder to gate crash into the University of Nairobi to incite students in the halls of residence. I take this opportunity to thank the majority of university students in our public universities for the exemplary manner in which they handled the restructuring of financing of university education. Students and parents alike realise the economic realities of today. The package approved by the Government is an all-round improvement on the previous system.

It is the Opposition Members of Parliament who have constantly called for reforms and at the same time asked donors not to give money to this country. That is practising double standards. I submit, therefore, that it is the Opposition who are responsible for the uncalled for violence by the few university students. The Government has no doubt whatsoever that the unregistered Safina Party and their cohorts in hon. Wamalwa's party, who were at one time or other students or lecturers in the same university, are responsible for the confusion in Nairobi and Egerton universities.

I also wish to restate once again that there was only one student who was admitted at Kenyatta National Hospital. He was released after treatment. The others received slight injuries and they were treated and released. Otherwise, the whole situation is now back to normal in all our public universities and I call upon the hon.

Members of the Opposition to stop using universities to try and gain an additional political mileage.

*(Mr. Wamalwa stood up)*

**Mr. Speaker:** I will give one chance to Mr. Wamalwa.

**Mr. Wamalwa:** Mr. Speaker, Sir, having heard the vitriolic gibberish from the Minister for Education, he has not addressed the issues I raised. I wanted a Ministerial Statement on police brutality at the university, destruction of college property, doors and windows broken by the police. I wanted a statement on an open university where people can go and deliver lectures. Of course, he has avoided all issues of substance and gone on to regurgitate the usual garbage in this House.

**Mr. Speaker:** Order! I am sorry, I must bring you to order, Mr. Wamalwa. There must be order in this House. Members do not speak garbage, do they? You must withdraw that, Mr. Wamalwa.

**Mr. Wamalwa:** Mr. Speaker, Sir, I am perfectly willing to withdraw if the Minister would also tone down the language he used.

**Mr. Speaker:** Order! I think you should do your bit. If you have any complaint, you can then make it. I think that is the best way. Two wrongs never make a right!

**Mr. Ogur:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Mr. Wamalwa is on the Floor.

**Mr. Ogur:** They are both wrong!

*(Laughter)*

**Mr. Speaker:** Order! Can we let Mr. Wamalwa finish up?

**Mr. Wamalwa:** Mr. Speaker, Sir, because we stand on higher moral ground, I will withdraw the unfortunate adjectives that I have heaped upon the Minister, but still demand that the Minister addresses the issues that I raised in my statement.

**Mr. Speaker:** Very well! My advice to the House is that it serves us better if we will make all our addresses in accordance with the Standing Orders, without being abusive or imputing any ulterior motive on the conduct of any other Members.

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir. You said two wrongs do not make a right. Indeed, I agree with you. However, the hon. Minister did, as a matter of fact, impute improper motives on the Members of Parliament who visited the University by saying that they went there to incite. Can we accept that? We are hon. Members.

**Mr. Speaker:** Order! I would like to know from the hon. Minister whether, as a matter of fact, he said that the hon. Members went there for any other than honourable motives.

**The Minister for Education (Mr. Kamotho):** Mr. Speaker, Sir, I said that the hon. Members sneaked into the university because they did not seek any permission from the Vice-Chancellor to go to the university.

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

**Mr. Speaker:** Order! I suppose we are very soon running out of time. I have two hon. Members to listen to. First, let us have Mr. Ojode. Make it very short because we are already out of time.

## POINTS OF ORDER

### BRIBERY CLAIMS BY POLICE IN NDHIWA

**Mr. Ojode:** I rise on a point of order demanding a Ministerial Statement because of the harassment and intimidation being practised by some of the police officers and Administration Policemen who are stationed in Ndhiwa. These officers run to each and every village asking for bribes under the pretext of raiding illegal brewers of *chang'aa*. I know some victims, who I have talked to. The same police officers are colluding with Public Health Officers in Ndhiwa---

**Mr. Speaker:** Order! Mr. Ojode, will you make your point?

**Mr. Ojode:** Mr. Speaker, Sir, I would need a Ministerial Statement on this, so that this practice is stopped immediately.

**Mr. Speaker:** Very well! If hon. Members look on the Order Paper, they will see that there is a Motion of Adjournment which allows Members to ventilate on anything in their constituencies which they would

like to be addressed by the Government. As it is, you are now demanding a Ministerial Statement. Supposing the Motion is carried, where will you get it from?

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

**Mr. Speaker:** Order! I think I will give a special chance to Mr. Murungi because he had asked to lay some document on the Table.

**Mr. P.N. Ndwiga:** You should also give me a chance!

*(Laughter)*

**Mr. Speaker:** Order! I owe it to no Member to actually do that. I think, hon. Ndwiga, you better understand how to deal with the Chair. Mr. Murungi, you have the Floor.

#### TABLING OF A REPORT ON CORRUPTION

**Mr. Murungi:** In my contribution on the Motion on the Public Investments Committee Report, I referred to the research study on the nature and extent of corruption in this country conducted in Nairobi and Machakos District. Since my contribution, I have received a lot of beating from my neighbours, the Kambas. I would like to take this opportunity to assure our good neighbours, the Kambas, that I really have nothing against them. In fact, I love them very much and I was merely referring to the findings of this Report which, very briefly, states that all sectors of the Kenyan society are permeated with corruption---

**Mr. Speaker:** I thought you were tabling the document.

**Mr. Murungi:** I am tabling the document. The Report says that 93.7 per cent of the rich and the powerful in Kenya are corrupt. I wish to lay on the Table a Report called "The Anatomy of Corruption: Legal, Political and Socio-economical Perspectives", prepared by Prof. Kibwana.

*(Mr. Murungi laid the Report on the Table)*

**Mr. Speaker:** Next Order!

#### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Speaker Left the Chair]*

#### IN THE COMMITTEE

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

#### THE ARBITRATION BILL

*(Clauses 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,  
18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,  
33,34,35,36,37,38,39,40,41 and 42 agreed to)*

*(Title agreed to)*

*(Schedule agreed to)*

*(Clause 1 agreed to)*

**The Attorney-General (Mr. Wako):** Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Arbitration Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Mr. Speaker in the Chair]*

## REPORT AND THIRD READING

### THE ARBITRATION BILL

**Mr. Wetangula:** Mr. Speaker, Sir, I beg to report that a Committee of the whole has considered The Arbitration Bill, and approved the same without amendment.

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

**The Minister for Health** (Mr. Angatia) seconded.

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

Speaker, Sir, I beg to move that the Arbitration Bill, be now read a Third Time.

**Mr. Shikuku:** Bw. Spika, nataka Bunge hili lijue kwamba hii Arbitration Bill ambayo tulizungumza juu yake na inaenda kuwa sheria sasa na, italeta mabadaliko kwa sababu tumeipitisha kwa haraka pengine kutoka kwa makosa yetu kwa sababu wengi wetu hawakuwa katika Bunge hili kuzungumza zaidi juu ya Mswada huu. Lakini ijulikane kwamba sisi ambao tunaitunga sheria tunahitajika kuangalia kila Mswada unaopita kakita Bunge hili kwa sababu matokeo yake huja ikaumiza wale tunaowakilisha hapa.

Ni matumaini kwamba Mswada hata ingawa Mkuu wa Sheria alituambia kwamba utahusu international business na local businessmen, atuletee Mswada kuhusu local arbitration ya kuangalia vitu kama clashes na habari ya mashamba hapa. Pengine hiyo itasaidia wananchi zaidi. Tungetaka atuletee Mswada wa kuangalia mahitaji ya raia wadogo ambao wananyanyaswa au mashamba yao yakinyakuliwa na hawana fedha ya kwenda kortini kwa sababu High Court fees ziko juu sana kwa mtu wa kawaida.

Kwa hayo machache, Mswada na uendelee.

**Mr. Speaker:** Mr. Attorney-General, would you like to comment?

**The Attorney-General** (Mr. Wako): Mr. Speaker, Sir, points taken. In fact, I did assure the House that we are considering bringing to this House amendments to the Act which may set up what may be called the small claims court or reconciliation boards *etcetera* so that those matters can be expeditiously be dealt with in a very cheap way which is cost effective..

Mr. Speaker, Sir, I beg to move.

*(Question proposed)*

*(Question put and agreed to)*

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

## MOTION

### ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

**The Vice-President and Minister for Planning and National Planning** (Prof. Saitoti): Mr. Speaker, Sir, I beg to move

THAT, this House do not adjourn until Tuesday, 3rd October, 1995.

Mr. Speaker, Sir, as this is traditional about this time I am moving this Motion of adjournment which, if approved by the hon. House, should be able to give all of us time to be able to go and work with members of our

constituencies taking into account that we do have a dual responsibility, to transact the business in this House, but even much more important to keep in touch with the members of our constituencies and perhaps, even much more important to see the implementation of those projects or programmes for which we did vote the money here.

The House is being adjourned after substantial business has been transacted by this hon. House. Perhaps the most business that has been transacted by this House is none other than the passing of the Budget. I want to commend all the hon. Members for all of us agreeing to pass the Budget so that the wananchi can receive the services. While on this issue of public expenditure, let me remind the hon. Members that the monies which we have approved here to be spent for the purpose of service of wananchi comprised essentially or largely of the monies generated internally. But there is also an element of money that is donor money.

Let us always bear in mind when some of us go out and urge the donors not to give money to Kenya, we are actually defeating and contradicting what we have actually passed here. It does not make sense for anyone of us to really go and say that money should not come to this country because wananchi want the services. I have never heard of any single hon. Member who stands here and says that he does not want his people to be given water or houses. In fact, it is the other way round. It makes a great deal of contradiction that some of us go about urging the donors not to provide assistance. I think we must agree, and I wish that as we go now out to wananchi, to us resolve one thing, namely that there are matters that are above partisan politics. There are issues of national interest and those are the ones that each and every one of us should be committed to. One of them, I believe, is peace and stability of this nation. This issue should never at any time devolve to partisan issues. I have never myself heard of any people who go out and say that our people should not receive resources. Let us do the best we can.

Mr. Speaker, Sir, there is another issue that I want to bring here related to peace and stability. Enemy number one today I believe in this country is unemployment. We do have a large number of youth in this country.

We must do everything possible to get employment for all of them and I want to say here once again and emphatically that, it is not just the job of the Government; it is something that affects all of us in the Opposition and Government. We must be united to explore the ways in which our own people can be given jobs. There are no jobs which are going to be created in an atmosphere of chaos. We want to create an enabling environment so that investments can follow in. I want to thank His Excellency the President, who has done a lot in matters of urging a number of investors to come into this country.

Mr. Speaker, Sir, there is another thing that I want to say here. When I look on the Opposition side I can count at least three if not more former colleagues of mine at the University of Nairobi. I think what we should do, those of us who know the university, is to ensure that each and every university has got an Act and that there are administrators there who are supposed to run the show. Let us allow them to address the issues there. I want to commend the majority of the university students who have refused to be incited. We have had our education; let us do everything possible for the other students to have their education.

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

**The Minister for Labour and Manpower Development** (Mr. Masinde): Mr. Speaker, Sir, in seconding this Motion, I am sure nearly, all if not all, hon. Members, have worked very hard with extra energy and they definitely need a bit of change. Change being as good as a rest, they should go and meet their constituents and discuss on the programmes and the development of the individual areas.

Mr. Speaker, Sir, I want to take this opportunity to thank all my fellow hon. Members for the efforts they have put in during this sitting which is ending in contributing to the debates here meaningfully, logically and with seriousness they all deserve. However, we are all hon. Members and we do not have to caution and call for people to call us honourable. We should be honourable by deed, action, behaviour and our own way of thinking.

Mr. Speaker, Sir, I have in mind a fresh incident which took place yesterday concerning one hon. Member in this House. That sort of action is not honourable and does us no good as hon. Members of this House.

As hon. Members of this House we have to show by action that we are honourable, not only in this House, but outside the House, in our own constituencies and in whatever we do. We hope, we are going to let the people judge whether we deserve that title or not.

Mr. Speaker, Sir, I would also like to mention here that we as hon. Members of the House, should be able to look at certain situations very carefully and with careful judgement of what is going on.

Mr. Speaker, Sir, a casual look at one of the newspapers today, would show as if the Leader of the Opposition was actually leading a demonstration of the University Students in the streets. He was also showing a "V" sign which is Ford-(K) symbol. I hope he realises that those students also belong to various political parties and not only Ford-(K). As the Leader of the Opposition, he should have gone there to address the students, probably listen to their problems and tell them that they will look at the problems together with the Government. But to demonstrate, as it appeared in the newspapers, as if he was inciting students.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Wamalwa:** Thank you Mr. Speaker, Sir, for giving me this opportunity to contribute on the Motion of the Adjournment. I really had no wish to re-visit the university's affair this afternoon, but it is amazing to hear the Deputy Leader of Government Business accuse me of having raised a "V" sign as if that is something terrible. A "V" sign is a registered greeting of my party; it is registered with the Registrar of Societies and he usually did not expect me to raise one finger. Did he?

*(Laughter)*

Mr. Speaker, Sir, we did not sneak into the university or whatever as alleged here; we went in broad daylight in very good faith to see what had happened and if there was anything we could do to help to do so. We did not go there to incite the students; we went after the facts. I do not know of any law in this country that requires a Member of Parliament to get permission before he visits a university or any other institute of higher learning. So, we exercised our right of free movement and we went to find out the facts for ourselves.

Mr. Speaker, Sir, we talked to the authorities who are there. We sought a meeting with the Vice-Chancellor and he was shy to meet us. He said he would meet us at the Halls of Residence, we went over there, we met the Medical Officer of Health at the Campus who took us to the Sick Bay where we saw the students and he kept assuring us the Vice-Chancellor was going to come. He did not show up. In the end we decided to look at the various halls of residence where the police raided students and clobbered them and we came here to draw the matter to the attention of this House and the whole nation. Because we do believe what happened at the university is a matter of national importance. So, we did not go there as inciters or people who went to cause trouble; we went to see for ourselves. As the Minister has pointed out about some newspaper reports, quite often they are exaggerated. We were also shocked to see the report in the newspaper and that is why we decided to go and find out the truth for ourselves.

Mr. Speaker, Sir, I did ask the Minister to make a statement on the state of affairs at the university, because I would like to see the public universities in this country go back to what they used to be as real areas of exchange and interplay of ideas. We regard the universities as headquarters of reason in this country and any attempt to institutionalise violence at the headquarters of reason must be resisted by all men and women of good faith.

*(Applause)*

Mr. Speaker, Sir, we would like to see these public universities being as open as universities elsewhere in the world where politicians, Members of Parliament can go and give lectures; where they can go and take part in debate just like it happens all over the world. We do not know why the Government finds it necessary to over-protect our students. We are sure and confident that the students of the University of Nairobi, Kenyatta University, Moi University and, Egerton University are qualified to be in those universities, because their intellect is mature and they can tell what is wheat from the chaff; they will know who is talking of rubbish and who is talking about facts. I do not know why the Government should take it upon itself to decide who should speak to the students and who should not.

Mr. Speaker, Sir, we want free and open universities in this country where ideas are exchanged freely without anybody restraining anybody.

I would also like to talk about the security situation in this country. Today, on the front page of the *"East African Standard"* there was a report about people who were killed in Tana River. I think this country must do something about that.

With that, I beg to support.

**The Minister for foreign Affairs and International Co-operations** (Mr. Musyoka): Thank you, Mr. Speaker, Sir. I take the Floor to support this Motion of Adjournment and to congratulate the Leader of Government Business for ably moving the Motion. Now that the Leader of the Opposition has challenged me to say something about the universities, the only thing that comes to mind is that I believe that it is normal practice for people to be invited to go and give public lectures to the university students. To the best of my knowledge, and I have just checked with the Minister for Education, that practice is still on, but why not wait and be able to receive an invitation. So, for one to allege that our universities are not open is to say the least misleading.

I also want to very briefly take this opportunity to thank and congratulate His Excellency the President who in his wisdom has seen it expedient to establish a national committee dealing with human rights issue. I believe this is a very positive move which should find support not just from the Government side, but from the Opposition as well and from all Kenyans of good will. I know that there might be those who feel that the cords that have been feeding their very existence are by the stroke of the pen been eliminated but I think that they should also find courage in supporting this very broad step by His Excellency the President. His assurance that this Committee will be non-partisan is, indeed, very reassuring and I believe the terms of reference will be such as to make Kenyans truly uphold this very important creation.

I wanted, indeed, to underscore my concern over what has been happening as I have been travelling around in my capacity as the Minister in charge of foreign affairs. I do know for a fact that there has been a lot of misrepresentation by Members representing Non-Governmental organisations. A lot of them very ill advised about their own country and they think, amazingly that when they lie about Kenya, their own motherland that people---

**Mr. Speaker:** Order! Order, Minister! You must withdraw that word. It is not used on the Floor of this House.

**The Minister for foreign Affairs and International Co-operation (Mr. Musyoka):** Mr. Speaker, Sir, I do apologise very sincerely and withdraw the word "lie" because it is unparliamentary and seek to proceed because I believe I was on a very important trail. Basically, when people leave their country and go out to world capitals and say unpalatable things - I think that word is parliamentary - about their own countries they believe that foreigners take them seriously. I want to confirm that at the end of the day, nobody takes them seriously. As proof of this fact I want to say that every attempt was made to discredit the visit and the consultations taking place in Paris and of course they came to grips with the facts and we all know that.

I want to take this opportunity to congratulate the Minister for Finance and the Minister in the Office of the President who led a delegation to Paris for a job well done.

It is a known fact that people went to incredible lengths to try and send faxes to Paris. I do not know whether these people believe that Paris is to them heaven or what. I also want to thank the international community. I want, indeed, to sincerely thank the international community and say that development partners were able to bluff them off because it is amazing that people would want to have donors withhold aid for their own country. They forget for a moment that we are talking about for instance health services and so on. If you can imagine a pregnant mother who is not able to have a decent delivery in a hospital because some of my friends in the Opposition would rather send faxes and say, "withhold donor assistance". I want to say that I do, of course, appreciate the embarrassment and the frustrations on their part, but I want to say that the international community is solidly with this Government. The intentional community knows---

With those remarks, I support.

**Mr. Kibaki:** Thank you, Mr. Speaker, Sir. We do not have to worry about international communities. They know all the facts that they should know and so there is no need for us to argue about them. They know the facts about Kenya and they know the abuse of human rights in this nation. So, as we go on this recess, instead of wasting a lot of time with appointments of committees on human rights, what is required of Kenya Government is action. Some action is required. For instance, action that we can do as hon. Members during this recess what the Leader of the Government Business was talking about; move freely to talk to constituents and associate with them and listen to them. Why is the Government pretending it respects human rights when it cannot allow Members of Parliament to move freely inside their own country? No one will believe you. It your action that will show. During this recess if you really want to be taken seriously in the appointment of committees *etcetera* allow Members of Parliament and every Kenyan the freedom of association and freedom of movement to be able to do the things they want to do. That action will speak louder than all the words you can say wherever you are. As it is now, only Kanu Members of Parliament can go round the country doing their work. The other parties are not getting the freedom which we should get and we must have that.

We are talking about stability, peace *etcetera*. Justice is the foundation of peace. You cannot have peace without justice even if you cry tears. If you do not have justice you will not have peace. So, there is no point in pretending that by suppressing your citizens you are going to have peace. Peace of the dead or whatever kind of people. Peace will come from justice. Allow us to enjoy the freedom for which Kenyans fought. It is tragic to be treated like we are in a colony. We are misusing the Civil Service. I have had an occasion now four times to see civil servants, administration police being misused.

Mr. Speaker, Sir, you can imagine 30 policemen, in their anti-riot gear being requested, to follow a Member of Parliament for two days,! They themselves felt very embarrassed. They had not been told what to do. They were only hanging around being a laughing stock to children. They were very embarrassed. Our money

should be put to better use than being used in that kind of way. What we are asking during this period that we be allowed the freedom which is ours; it is not a question of begging; it is our right.

Mr. Speaker, Sir, we represent farmers and we want our farmers to be paid. They have not been paid for their milk for seven months. They have not been paid for their sugar-cane; they have not been paid for the rice they have produced. They have not been paid for their maize. We are talking about economic recovery and economic recovery must start with the farmer. If the farmer is not paid, we are not going to get any economic recovery. In any case, how is the farmer going to continue producing? How is he going to buy animal feeds for his livestock when he has not been paid for seven months? These things are not going to help.

Mr. Speaker, Sir, we want the Kenya Government to appoint the Secretary-General to the Secretariat at Arusha. The East African Community, whose revival we were promised by the three Heads of States is being expected by everybody. The excuses given by the Minister for Foreign Affairs and International Co-operation and by everybody else are absolutely ridiculous. We need the Secretariat to become operational; let the trade flow, let people move freely within East Africa. Any other petty quarrels between some individuals can go on in one corner somewhere. It is known that there is a petty quarrel between certain individuals. That should not stop development which we are looking for in this nation.

On education, the most important thing is that we want this loan scheme to become a public matter; open and transparent so that the poor will get loans. We do not want corruption to enter that corner because corruption now permeates everywhere.

I beg to support.

**Mr. Biwott:** Thank you, Mr. Speaker, Sir. I rise to support this Motion because it is time we went back to our constituencies to meet the people who brought us to this House. They were our real employers and we need to collaborate with them in carrying out the activities that go on in the country. This recess will enable those who have been sitting here to go back to their constituencies to see the people who elected them and know the problems that exist on the ground.

On universities, it is true that universities are institutions of higher learning. It is true that the university is the place where you get all the elite; where you get intellectuals and people who reason and use their own brains. The university is not a place where people go to throw stones. It is not a place where agitators should go and influence the students to riot and stone cars on the roads. We are all parents and as parents we should be educating our children to behave nicely, decently, to be responsible and to prepare themselves for the future. We should not misuse university students. It is wrong for our colleagues to go to the university and appear to be sympathising with the students. That gives the students the wrong impression; that leaders are condoning what the students are doing. Leaders should educate university students and tell them the right things.

Mr. Speaker, Sir, there is a mental problem afflicting some people, especially our friends across; where if something is not suitable to them it is wrong. That, something can only be right if it suits their interests; there is no justice if they are losing, but there is justice if they win regardless. I think that attitude has to cease so that Kenyans can look at the future of this country in the right perspective.

Mr. Speaker, Sir, peace is the thing that we want. This is because peace, stability and justice are the very foundation of development. But justice cannot be realised through wishful thinking or imagination that other people must work for you to achieve that thing. It is a natural thing that is easily identifiable.

An hon. Member has complained about harassment. But last time when he complained about harassment in Nyandarua, we were told by the hon. Member from that area that it was not the police, but it was the youth wingers. So, maybe this time the police made sure the youth wingers did not harass that hon. Member. It should be ensured that peace and tranquillity prevails so that the hon. Members can move freely and peacefully. If that was the case, I do not think there would be any problem. But it is necessary that we should all be mindful about other people's welfare as His Excellency the President tells.

On this note, I would like to congratulate His Excellency the President for setting up a Human Rights Commission where all those with complaints can take them. Since this Commission will be impartial, I am quite sure that those with problems will get a hearing and their problems will be attended to and things will be rectified.

It is our wish that every Kenyan should be free to move about in the country without any problems.

What we must not do is to look at everything from the dark side. We should look at things positively and not negatively.

**Mr. Shikuku:** Thank you very much, Mr. Speaker, Sir.

I wish to support this Motion as usual. But whenever the Leader of Government Business stands up in this House he tells us to go back to the people. Yes, we go back to the people, but we are not allowed to meet the people. Members are not even allowed to be greeted by their people when they go back to their constituencies. Why are we going back if you cannot be allowed to greet our own constituents? If I stop anywhere in this



Republic, you will see people coming to greet me. When people gather around you to greet you, the chief comes and tells you "Huu mkutano hauna leseni; ondoka hapa." You do not greet people and tell them "Go away." When people come around you, the next thing you see is the chief, the administration police asking the people to disperse as if they were beating you or you were beating them. This is the way this Government behaves and they would like the world to think that they are very democratic. They are not democratic. The international community is no longer stupid. The world is not the big world we used to know. The world is too small now. Anybody anywhere can know what is happening everywhere on this globe.

Let this Government be brave enough. We are going home and we should be allowed to meet our constituents, they ask questions and we reply to them. But this idea of chasing around Members of the Opposition like antelopes or impalas must stop forthwith.

Mr. Speaker, Sir, we fought for the Independence of this country and many of the people who are chasing us around were either at school or eating potatoes with their mummies in the kitchens. But today they have got powers to chase us around and they have no respect even for those who fought for the Independence of this country. It is a shame for somebody like myself and many others who participated in the freedom fight and brought Uhuru to this country to continue being harassed by policemen who do not know where this Uhuru came from. This should be a curse to those people who are doing that. Mr. Speaker, Sir, we who fought for Independence want the freedom to move to any place of this Republic and speak wherever you want to. But today, that is not so. We are even under bondage more than we used to be during the colonial days.

Secondly, Mr. Speaker, Sir, the issue that we must accept is that this country does not belong to KANU nor the Opposition, but to Kenyans who sacrificed their lives to get this Uhuru. Therefore, the question of saying it is only this Parliament that can look at or review the Constitution of this Republic is very misleading. I speak as one of those who participated in the Constitution of this country. We consulted everybody and it is the work of everybody. It is not the work of Parliament alone. Parliament is only supposed to come and pass that Constitution. But the negotiations and views being taken throughout the whole country should be done outside this Parliament. It is a monopoly of this Parliament to make a Constitution. For those who do not know, I want to educate them on that.

Mr. Speaker, Sir, the Constitution of this country must be reviewed. It should be the top priority and not any other KAMATUSA, GEMA and so on. No! We want to discuss the Constitution that will take care of all the people of this Republic and not tribes. That should be a priority and His Excellency the President is very busy, but I am sure he will be reminded of what he said during the New Year Message. Those countries that are willing to give us lawyers to come and help us to look at our Constitution are already asking when they will come.

They have already identified the people to come and our Government is quiet about it again. What is all this? Let us all look at the Constitution. Let nobody think that he can call for snap elections before we review the Constitution, if he wants peace. Peace can never come until we have justice. But to talk about peace without justice is a waste of time.

Thank you, Sir.

**The Minister for Co-operative Development** (Mr. Munyi): Thank you very much, Mr. Speaker, Sir, for having given me this opportunity to say something on this very important Motion on Adjournment.

First of all, we as hon. Members of Parliament and also as Kenyans should be very patriotic to ourselves. It is very bad for Kenyans to move from here to foreign countries and start talking ill of their country. The international community understands Kenyans very well and know that Kenyans want peace. Now, if something happens here, where were those people who are now talking and wanting to sympathise with others when there were problems in Kenya? Nobody from the Opposition came out to help. For instance, in Nairobi, when everybody was in the City and nobody could think of how we could help the commuters in Nairobi until when His Excellency the President came forward and brought the Nyayo Buses.

Mr. Speaker, Sir, when Opposition Members are talking of things that are happening here, why do they not tell the world that Kenya is a country that needs peace? Peace can only come when we create a peaceful atmosphere in our own homes. Why do they not do? It was very shameful during the Paris meeting when some people wrote memoranda and many documents full of lies to try and mislead the world---

**Mr. Gitonga:** On a point of order, Sir. Is the Minister in order to imply that some "lies" were written and sent to Paris meeting by Opposition Members? Is the word "lie" Parliamentary?

**The Temporary Deputy Speaker** (Mr. Wetangula): No, withdraw the use of the word "lie".

**The Minister for Co-operative Development** (Mr. Munyi): Okay, I withdraw the word "lie" and use the word "misleading". But documents were sent to Paris telling the world about things that do not exist in Kenya. They were opposed to the donor countries giving air to our country. In fact, they misled them and that misleading did not hold any water at all.

They should also understand that the Committee that was appointed by His Excellency the President under your chairmanship because you have demonstrated, as Speaker, that you know legal matters and have also done a lot, that is human rights. We can show human rights to other countries and that is what Kenya is going to do under your chairmanship. We are going to show the world that human rights is being done very well in Kenya.

Policemen are also human beings, if there are mistakes being done by them, just like is the case in any other country, but they are very good. In fact, it is better than any other in Africa! I would like to invite hon. Members visit other countries like Ghana, Nigeria, Uganda and so on and compare those countries with our country. There is no peace in those countries. But in Kenya, the Kenya Police Force is doing a very good job.

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

**Mr. Orendo:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. After that "interesting speech" by hon. Kamwithi Muniy, I will also try and make a few remarks.

First and foremost, Sir, I find myself in a position that I must say something about universities, having been a university student leader at one time. In the first 15 years of this country's Independence, it was common practice at the university for politicians and even diplomats to go to the university and address the students on matters of public interest and even of international interest. I remember at one time when both the Israel and the Egyptian Ambassadors shared a platform at the university to argue out their separate cases in the Middle East conflict.

So, what should be done at the universities is that we must encourage dialogue. We must make sure that this Government tries to understand the problem at the university and be able to talk to the university student as adults because the university is a "melting pot of ideas". So, if we try to run away from that fact, we will continue to have a lot of problems at our public universities.

Secondly, Mr. Temporary Deputy Speaker, Sir with tremendous respect for you, I want to say one or two things about the committee that has been recently appointed by His Excellency the President on Human Rights. What defeats me is that a Government in power, when it appoints a committee, it should have a legal status. It should have powers, for example, to carry out inquiries, to make it possible for people to appear before it and to give evidence on matters which are before it. But the Human Rights Committee which has been appointed by the Government, I do not know whether it is KANU committee or a Government committee, we do not know its legal status. We do not know what powers the President has exercised to appoint that Committee because if it was under the Commission of Inquiries Act, then we would know what its powers are. So, the bottom line for this country is that we must go back to the roots because of the problems that we have in this country and that is to sit down as Kenyans, because we are sailing in the same boat, to talk about this country's Constitution. Whether KANU likes it or not, on the basis of the fundamental principle of one person one vote, this Government is a minority Government. You are a minority Government.

*(Laughter)*

You cannot deny the fact that only 35 per cent of Kenyans voted for KANU and, so you are not a majority Government; you are a minority Government. For that reason---

**The Assistant Minister for Health** (Mr. Mutiso): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. Temporary Deputy Speaker** (Mr. Wetangula): Mr. Mutiso, I will allow you to rise on a point of order, but I want to discourage points of order as much as possible because every Member is entitled to only five minutes, so it had better be a point of order.

**The Assistant Minister for Health** (Mr. Mutiso): Mr. Speaker, Sir, I have a lot of respect to the hon. Member---

**Mr. Temporary Deputy Speaker** (Mr. Wetangula): What is your point of order?

**The Assistant Minister for Health** (Mr. Mutiso): Mr. Temporary Deputy Speaker, my point of order is: Is the hon. Member in order to mislead this House, and the country as a whole, that the KANU Government is a minority Government? We have the majority seats in this House. Can he substantiate that?

**Mr. Orendo:** Mr. Temporary Deputy Speaker, Sir, hon. Mutiso did not understand me. If we are serious about the fundamental question of one person one vote, then KANU Government is a minority Government. You have a constitutional impasse that more than 65 per cent Kenyans voted for the Opposition and now they are in the Opposition. We must find ways and means of correcting this anomaly and this can only be by way of Constitutional conventional talks.

Mr. Temporary Deputy Speaker, Sir, the time that we could go to Lancaster is gone. We are sailing in the same boat. We either sink together or we go ahead together. This problem will affect KANU as much as it will affect us.

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

**Mr. Rotino:** Thank you Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, this issue is very important for us to know that when we go and meet our constituents, there are problems. I appeal to all hon. Members to appear before the Odongo Omamo Commission so that we can give out our grievances. It is very important that we appear before this Commission.

We are also going to meet our people knowing that our farmers have not been paid. National Cereals and Produce Board have not paid farmers up to this time; they owe the farmers Shs.2.2 billion. Farmers would like to know what the Government has done to ensure that they are paid. It would be important that we have answers to this. I am appealing to the Ministry of Agriculture, Marketing and Livestock Development to be able to address this issue.

I know that there are problems that make us always to ask questions about the behaviour of chiefs and other administration officers. This is a prevalent problem in all consistencies, but the National Committee on Human Rights has been formed to be able to allow us to air our grievances, so that our problems can be addressed.

Such problems include human rights problems that are persisting in our communities. I would like to join the rest in saying that this Committee has come in at the right time or at a time when we want it so that we need to air our views. I know the Chairman of that Committee is an able lawyer or a person who is experienced enough to be able to take care of the problems. It is not good to say that it is going to be a whitewash or a cover-up. This committee is a right forum for both KANU and Opposition to air their views.

Mr. Temporary Deputy Speaker, Sir, there are many of our young men who are unemployed. There are many of our people who are on the streets looking for employment. The Government should be able to have a policy or strategy to ensure that the graduates from the universities and middle colleges are given employment. What sort of plans does the Government have to provide employment to these graduates? It is very important that we get a policy guideline from the Ministries concerned. When we have graduates from agricultural training colleges tarmacking, what can we say? It is time that the Government came up with a good policy to cater for unemployed people.

When we talk about constitutional rights or changing of the Constitution and so on. We should realise that the Constitution is not only meant for the Opposition hon. Members. The Opposition Members are calling upon the amendment of the Constitution and also give conditions. For instance, they said that they will not participate in the forthcoming general elections without the Constitution being amended. Every community should be represented in constitutional reform committees. There should be a forum to discuss the Constitution and every community must be represented because it is not the Opposition Members who are going to talk about the change of the Constitution alone, but all of us.

Mr. Temporary Deputy Speaker, Sir, let me now talk about Turkwel Gorge Project, where we produce power. It is capable of producing 106 megawatts. Out of these, people of the area are not even getting an iota of the electricity. In my constituency, there is no electricity, and yet we produce electricity. Can the Minister consider giving electricity to people of West Pokot.

With those few remarks, I beg to support.

**Mr. Mutahi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this very important Motion.

What surprises me is that in Mukurweini Constituency, and Nyeri district as a whole, there is very little that is allocated for development. In Mukurweini we have Nyayo Wards, which were completed about five years ago, but which up to date have never been opened. There is also Road D470 in Mukurweini Constituency whose tarmacking was approved in this House in 1988, but upto now it has never been tarmacked. When we go back home I do not know what we are going to tell our constituents.

There is also a problem with education. Most of the Mukurweini students are at home for lack of school fees. Parents are unable to meet the required school fees for secondary schools and universities. About two months ago, we held a Harambee and raised about Kshs1.5 million for school bursaries. However, for Mukurweini students to attend secondary schools and universities more than Kshs15 million is required. We are asking this Government to at least give constituencies or districts a little money from what they have contributed to the Government. We are not getting anything out of the taxes we pay to the Government. People can have confidence in the Government only if it can give priority to development in the constituencies. I have talked about co-operatives. I have told hon. Munyi about corruption in the co-operative societies in my constituency. Over kshs2 million was stolen from Mukurweini Coffee Co-operative Society. I went to the Minister's Office and

told him the problems we have. He then told me that he was going to take action against the officials concerned. To date it is about one year and no action has been taken. About two months ago, I went to the Minister and told him that coffee bags were bought at Kshs90 though the bags were delivered at Kshs130 a bag. In the process more than Kshs1.5 million was misappropriated by the chairman, vice chairman and the secretary of this society, but no action has been taken against them. The Ministry itself has not paid farmers for milk delivered from March to June, 1995. So, we are requesting the President, who appointed hon. Munyi as a Minister, to drop him from his ministerial post and give it to another capable Minister because this Ministry is a very important one to the masses.

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, as we discuss this Motion for Adjournment, we should reflect on what has happened during the time we have been in here. I would like to appeal to my colleagues during the coming recess to concentrate on preaching peace and helping the people who elected us. They can do so through Harambees and other activities.

**An Hon. Member:** Your colleagues in the Opposition have no money!

**The Minister for Information and Broadcasting** (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I am told that my colleagues in the Opposition have no money, but you do not need money for Harambee: You only need to get people together and the job will be done.

Now, there is one important step that this country has taken. I would like to congratulate the President for announcing that a human rights committee will be formed and also for appointing the chairman to it. One thing that is very important is that the Government has shown that it is very clear on the issues that affect wananchi. That is why the committee to be appointed is a welcome move. All Kenyans, regardless of their stations in life, should be able to support this move. One thing that those who have opposed this committee should bear in mind is that during the transition period to the multi-party era, a lot of human rights groups were formed. But some of the them were formed for personal gains. Ideas are welcome, but we should not oppose the proposed committee for the sake of it.

Another area that I would like to touch on very briefly is the question of changing the Constitution. While we appreciate the right for every Kenyan to air their views, one cardinal point that should be borne in mind by everybody is that Members of Parliament are representatives of the people. This means that group interests can be put across by their representatives in the process of reviewing the Constitution. So, it is not necessary for us to have a constitutional conference to review of our Constitution. Hon. Members can give ideas here and debate them before amending certain sections in the Constitution that they feel need to be amended.

One very misleading statement made here by hon. Orenge is that KANU Government is by a minority. Our Constitution provides that the leader of the party that wins majority votes forms the Government. You cannot add up votes cast for Ford(K), Ford(A) and DP and then say they had the majority votes. Each party had its own votes, and it is KANU which had the majority votes. We talk about a minority Government in situations of a coalition government. We do not have a provision in our Constitution for a coalition government and, therefore, you cannot talk of a minority Government. So, I will say that this is something that is misleading.

Finally, I would like to say that Kenya has a free Press freedom. Press freedom is enjoyed in this country. The journalists in this country have enjoyed that freedom and we will continue to provide and offer an atmosphere so that journalists can practice freely.

With those few remarks, I beg to support.

**Mr. Ruhii:** Mr. Temporary Deputy Speaker, Sir, I rise without a stool, and I hope that every Member in this House will be able to hear me.

Around Jogoo Road, there is a land which measures eight acres and it is occupied by *Jua Kali* artisans. Yesterday, police in riot gear stood guard the whole day because over 2,000 *Jua Kali* artisans had been threatened with eviction by the NCKK. I wish to appeal to the Minister for Technical Training and Technology, Dr. Onyonka, who is in this House, to intervene in this matter and ensure that these artisans are not evicted. If possible, he should find a way of persuading the NCKK to sell this eight-acre piece of land to *Jua Kali* artisans. I am aware that the Government recognises the importance of *Jua Kali* artisans in our economy since they have said so, both outside and inside this House. I feel very strongly about this because these *Jua Kali* artisans produce high quality goods like furniture. I am sure some of you have got furniture in your houses which came from that area. They also make some motor vehicle body parts and even coffins for those who "kick the bucket". I would like to appeal to the Minister who is here to intervene on this matter.

Secondly, if I may come nearer home, Embakasi residents are suffering without bitterness. The complete infrastructure of Embakasi Constituency is crumbling at a very fast rate. We have a drainage system and street lights which are faulty, roads, especially, those leading to Kayole Estate are impassable. I am sure that within any time now, the Kenya Bus Service Company may discontinue its services to those areas and this may cause a

lot of suffering to my people. I would like appeal to the Minister for Local Government to ensure that the roads leading to Kayole and Umoja are repaired and are in good condition so that my people do not suffer. I have also about 12,000 squatters in Embakasi. These squatters are in Mukuru, Savannah, Kayole and Soweto. I would like to appeal to the Ministry of Local Government, in conjunction with the Ministry of Lands and Settlement, to find suitable land to settle my squatters in this area.

Finally, I would like to mention something to do with the current discussions or peace talks between KAMATUSA and Kikuyus. I would like to wish these people godspeed, but they can rest assured that their days are numbered. The reason is this: Unless they involve members of all tribes, members of the clergy, leaders from the Muslim community and leaders who are reputable and creditable, they are bound to fail. This country does not belong to the Kalenjins and the Kikuyus. It belongs to all tribes and, therefore, I would like to appeal to those who are involved in these talks to ensure that they involve each and every one of us in this land. Unless they do so, they are bound to fail. I am telling you that this is a bad omen. I am going to pray day and night that you fail in your talks unless you involve all tribes. We have to be national in our outlook.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to talk about the constitutional review. It is an important item on the agenda of the Opposition. We are not competent to carry out a constitutional review in this House without going back to the electorate.

I support the Motion.

**The Assistant Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I would like to say that the hon. Members are now going to perform the other part of their duty. I believe that an hon. Member has duties in this House and also outside this House, whether he is in the Government or not. A number of the hon. Members are going to have Harambees and these are very important functions of an hon. Member. In Kenya, it is absolutely important to believe in Harambee if you have to be respected by the wananchi of this country. The Government has the policy that whoever applies for a licence to hold his meeting within the requisite time will be given the licence. We are aware that there are a number of hon. Members who are making publicity out of not being given licences when, in fact, they know very well

that they have not applied for those licences. I want to encourage the hon. Members that whoever wants to be given a licence for his meeting should apply for the licence within the requisite time because the Government is going to give you the licence. However, if, of course, as we know, a number of hon. Members have no other agenda outside this House other than making a farce in the Press, we are not to blame for any hon. Member who decides to create a story of his own outside this House that he has applied for a licence to meet and he has not been given that licence. We know that the Opposition has its own agenda. One hon. Member once stood here and said that the agenda of the Opposition is to paint the Government black. We know that in advancement of this agenda of painting the Government black even when the Government is spotlessly clean, a number of hon. Members will resort to telling untruths.

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

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! I ruled that because every hon. Member is entitled to only five minutes and this is not a guided debate, I shall not entertain points of order.

**The Assistant Minister of State, Office of the President (Mr. Sunkuli):** Mr. Temporary Deputy Speaker, Sir, we know that, currently, there is a new ploy; people are starting to talk about the Constitution. I want to say the following; that the basis of this House is the Constitution and we have been elected because we believe in representative democracy. If we did not believe in representative democracy, today, we would be having 24 million Kenyans represented in this House. No matter what you want to do in this country, you must use representatives, even if it is a convention, and the method of electing these Members into this House is very vigorous. If this House which has been elected democratically has failed, then it means that representative democracy is not a good thing at all because there can never be another body which is more competent than Parliament.

Mr. Temporary Deputy Speaker, Sir, these people know that they can go to Korogocho and tell the people there that there is something called the Constitution. Since they know that the people do not understand what they are talking about, they are going to use tribalism, to excite people and use the Safina methods of inciting and getting money from foreigners in order to utilise this. We will not allow the citizens of this country to be---

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

**The Temporary Deputy Speaker (Mr. Wetangula):** Dr. Lwali-Oyondi, out of order.

**The Assistant Minister, Office of the President (Mr. Sunkuli):** I am talking about Dr. Leakey because hon. Muite is a very insignificant person in Safina. The real persons in Safina are the foreigners and we would

not like to disturb our learned friend here.

When we talk about democracy, it is---

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir---

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, when we talk about democracy, it is outrageous for an hon. Member to stand up in this House and call a constitutionally elected Government a minority Government.

**The Temporary Deputy Speaker** (Mr. Wetangula): Mr. Shikuku, what is itching you?

**Mr. Shikuku:** Mr. Temporary Deputy Speaker, Sir, I know a number of procedures. In view of your ruling, does that give the hon. Member an opportunity to insinuate improper motives on other hon. Members? Should we just keep quiet because of the five minute rule? The hon. Member speaking here---

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, he has got his time to say all his bit, but the quality of the Kenyan population must be recognised. We have 42 tribes and we must recognise that KANU is the only party that represents all those tribes. They are the majority in all aspects.

*(Applause)*

**An hon. Member:** Tell them!

*(Mrs. Wanjiru was applauded as she walked towards the microphone)*

**Ms. Wanjiru:** Thank you, Mr. Temporary Deputy Speaker, Sir---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Order, hon. Members! Order Mrs. Wanjiru! There is no hon. Member in this House with a better right to speak than any other. Every hon. Member is entitled to the right to speak.

*(Applause)*

**Ms. Wanjiru:** Thank you, Mr. Temporary Deputy Speaker, Sir---

**Mr. P.N. Ndwiga:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Ndwiga. You are out of order!

**Ms. Wanjiru:** Thank you, Mr. Temporary Deputy Speaker, Sir for giving me this chance to air my views as we proceed on recess. As I have always said, I came here with a mission to deliver the messages that God gives me to deliver to this nation.

**An hon. Member:** Tell us!

*(Applause)*

**Ms. Wanjiru:** Mr. Temporary Deputy Speaker, Sir, as I talk, I know that those people who are incited by Satan will make a lot of noise. I would kindly request them to leave if they do not want to listen to me.

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

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Shikuku. Order, Mrs. Wanjiru. I just ruled that this is not a guided debate. Unless the hon. Member is infringing on the rules of the House---

**Hon Members:** Yes, she has!

**The Temporary Deputy Speaker** (Mr. Wetangula): I am not going to entertain points of order. Hon. Shikuku, what is it?

**Mr. Shikuku:** On a point of order, Mr. Temporary Deputy Speaker, Sir. First of all, the hon. Member has said that "men are making noise", although she knows that we do not make noise here. Secondly, she says that "those people who are making noise belong to Satan".

**Hon. Members:** Yes!

**Mr. Shikuku:** Is that quite in order?

*(Loud consultations)*

**Ms. Wanjiru:** Mr. Temporary Deputy Speaker, Sir, I want to inform this House and everybody else at large that three weeks ago, the hon. Member who has just interrupted me insulted God so much that he has even killed his spirit and so he is just a lifeless body.

*(Laughter)*

I want to elaborate a little bit on this issue.

**An hon. Member:** Mr. Shikuku!

**Ms. Wanjiru:** I want to inform the hon. Members that God wants to exalt this nation as his own. Constantly in the afternoons, he places his chair just out here, but you do not see him because you have run short of vision. As a result of that, when you are talking, he is just listening and judges you as you talk.

I have now the following messages to deliver---

**Hon. Members:** Ah!

**Ms. Wanjiru:** God has said that the Safina party should not be registered because---

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Wetangula): Order! Order, hon. Members! Hon. Mrs. Wanjiru normally listens to each and every one of you in silence. Can you also reciprocate to her?

**Ms. Wanjiru:** Mr. Temporary Deputy Speaker, Sir, I have the following message to deliver. God is against Safina because Dr. Leakey wants to colonise us once again. As we go for recess he has arranged to cause chaos in the country. He wants to cause chaos, burn Government houses, offices and so on.

Mr. Temporary Deputy Speaker, Sir, we cannot allow this to happen and I am asking Kenyans to pray so that Dr. Leakey and his friends can leave us in peace. They can go.

*(Applause)*

The other point that I would like to mention is that there is a church called Africa Calvary Church, which is operating in my constituency which should be de-registered because it is against the spirit of God and it is also negating against God's Holy Spirit's work.

Mr. Temporary Deputy Speaker, Sir, I would also like to warn hon. Kibaki to keep out of my Constituency.

*(Laughter)*

I would like him to keep out of my constituency because that is not the only area that has got people from all districts of Central Province. We have similar people living in Kinangop, Kipipiri and also in Ndaragwa. We are all intertwined there and we are living in peace and we do not want his interference.

Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Loud consultations)*

**Mr. Mumba:** Ahsante sana, Bw. Naibu Spika wa Muda kwa kunipa nafasi hii na mimi niunge mkono Hoja hii ya kufunga kikao hiki cha Bunge. Najua watu wamefurahishwa sana na hotuba iliyopita, lakini ningeomba na mimi wanipatie nafasi kidogo ili ni---

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We cannot hear the hon. Member who is speaking because there is too much consultation going on in here.

**Mr. Mumba:** Ahsante, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii nami kuchangia Hoja. Najua tumefurahishwa, hasa wale wote ambao wanamwamini Mungu. Kwanza nataka kutoa pongezi zangu kwa Mtukufu Rais kwa kuunda hii Kamati kuhusu Haki za binadamu. Najua taifa hili limekuwa likizungumziwa huko nje kuhusu haki za binadamu. Kwa hivyo tuna bahati kubwa katika Kenya kwa kupatiwa Kamati ya kuangalia mambo ambayo tunaona na macho yetu wenyewe. Neno hili limekuwa likiangaliwa na

macho ya wageni, lakini hivi sasa sisi Wakenya tutaweza kuangalia mambo ya haki ya binadamu tukitumia macho ya Kenya wala si ya wageni kama vile taifa hili lilivyokuwa likiangaliwa.

Mambo hayo ni sawa kabisa kuwa na Kamati ya kuangalia mambo ya hali za binadamu. Lakini ikiwa hayo yote yatafanywa, basi sisi watu wa Pwani tungetaka tuongee. Kuna jambo moja ambalo tunazungumzia kila siku hapa Bunge kuhusu haki ya mambo ya ardhi ya watu wa Pwani. Pengine Kamati hiyo haitashughulika na mambo hayo, lakini sisi kama watu wa Pwani tunataka Serikali iangalie haki zetu za ardhi. Ni jana tu hapa tulipokuwa tunazungumza kuhusa ekari 700 ambazo zilipewa mtu binafsi pahali ambapo pana maskwota. Tulizungumza juu ya habari za Peter Njuguna aliyepewa ekari 700. Ni kesi nyingi za aina hii ambazo ziko huko Pwani. Watu kupewa sehemu za ardhi ambamo wananchi wanaishi, na wananchi hao wanaambiwa waondoke. Hizi pia ni haki za binadamu na, pengine hazitaangaliwa na Kamati ambayo inaongozwa na aliye Kitini.

Bw. Naibu wa Spika wa Muda, tukizungumza mambo ya ardhi kuna ufidadi kweli unaoendelea. Mnamo mwaka wa 1986 kuna sehemu inaitwayo Roka Location ambako title deeds zilipewa wageni. Wizara ikaona kweli kumetokea makosa, ikaamua kwamba title deeds zile zisimamishwe na zikasimamiswa. Ikawa kutachunguzwa ni kwa njia gani haki itatendeka na kuwapa watu wa Kilifi title deeds zao. Title deeds hizo zimekaliwa toka hapo. Na hivi ninavyozungumza hapa kuna njama za kisiri katika Wizara hii ya kutoa title deeds zile kwa wale wageni. Wageni kwa Roka Location si wageni wa Kenya, aaa!

Bw. Naibu Spika wa Muda, naomba Serikali na Wizara ziliangalie jambo hili kwa sababu sehemu hizo ziko mawakilisho yangu na nina hakika mhe. Badawy naye atazungumza kuhusu sehemu zake. Kuna sehemu yangu ya Mandeteni ambayo tunaiimba juu yake kila siku kwa sababu title deeds tunataka zipewe wananchi wenyewe lakini mpaka sasa Wizara hiyo hajafanya hivyo.

Bw. Naibu Spika wa Muda mambo ya ardhi tutaendelea kuzungumzia mpaka sijui lini.

Kwa hayo, naunga mkono, Hoja hii.

**Mr. Busolo:** Mr. Temporary Deputy Speaker, Sir, the Motion of Adjournment offers us a moment to reflect on our local aspects as representatives of the people.

Mr. Temporary Deputy Speaker, Sir, in the first instant, I would like to speak about two problems in my constituency---

*(Loud consultations)*

**Mr. Temporary Deputy Speaker** (Mr. Wetangula): Order! Can we have some silence? Hon. Ogur and Biwott order!

**Mr. Busolo:** Mr. Temporary Deputy Speaker, Sir, I would like to raise some issues to do with my local aspect as constituency representative for Webuye. I represent people who do a lot of sugarcane farming, they are outgrowers to a company known as Nzoia Sugar Company. Most of these farmers have not been paid their dues. The company owes the farmers a lot of money and I take this opportunity to urge the Ministry of Agriculture, Livestock and Marketing Development, to look into the plight of these farmers. The money that they are paid enables them to buy food, pay school fees and produce more sugarcane.

Secondly, Mr. Temporary Deputy Speaker, Sir, there are rumours that this company may be privatised. If that is going to be the case, this company in its nucleus estate owns around 6,000 hectares and if that was to be done, we would like the privatisation to be done in a transparent manner so that the outgrowers can also benefit.

Mr. Temporary Deputy Speaker, Sir, I also represent people who inhabit an area with a huge factory that manufactures paper. This factory is known as Pan African Paper Mill of East Africa. In this factory workers complain a lot about labour.

*(Loud Consultation)*

**Mr. Shikuku:** On a point of order Mr. Temporary Deputy Speaker. Can you bring the House to order? We cannot hear the hon. Member.

**The. Temporary Deputy Speaker** (Mr. Wetangula): Order hon. Members! Can we have your consultations done in low tones?

**Mr. Busolo:** Mr. Temporary Deputy Speaker, Sir, Pan Africa Paper Mill of East Africa has a lot of problems which the workers complain of. The first one has to do with job categorisation. Workers in the factory complain that the factory has not been classified or categorised and as a result, the workers do not know which job groups they belong to. Consequently, they are paid very minimal salaries.



Mr. Temporary Deputy Speaker, Sir, there is also the question of salaries paid to expatriates who work in the factory. The salaries paid to expatriates are much higher than the ones paid to the locals. We urge the Ministry of Labour and Manpower Development to look into this matter.

Mr. Temporary Deputy Speaker, Sir, there is also the question of the casual employees of the factory. In that factory there is unnecessary long period of employing casuals to the detriment of their benefits like National Social Security Fund, National Hospital Insurance Fund etc. Those two problems at the local level need to be looked into.

Mr. Temporary Deputy Speaker, Sir, on the national matters, there is the question of the Human Rights Commission which has been formed. I would like to thank you as the Chairman of the that Commission hoping that in your capacity as the Chairman, you will use that position to also include on the Committee very competent fellows from all political parties and not necessarily from one party. As a colleague who comes from Bungoma District I commend you for having been appointed as the Chairman.

Secondly, Mr. Temporary Deputy Speaker, Sir, there is the issue of prisoners which I would like the Minister for Home Affairs and National Heritage to look into. Since Independence prisoners are paid ten cents per day. I am requesting the Minister to look into that and to ensure that their salaries be increased because they make very nice things which we buy. In fact, I do not think it is the task of the Government to take care of the prisoners. Prisoners should be given to church organisations to look after them so that the Government can avoid problems in the future.

Mr. Temporary Deputy Speaker, there is also the issue of the Constitution. Many people have talked about the Constitution. I think it is a national matter. I am not going to say more about it but, I urge the Government side to try its best to bring about the matter to the national level.

Thank you very much, Mr. Temporary Deputy Speaker, Sir.

**Mr. Badawy:** Asante sana Bw. Naibu wa Spika wa Muda. Mimi nimesemima kuunga mkono Hoja hii ambayo imetiliwa mkazo na Kiongozi wa shughuli za Serikali na Naibu wake kwa kutukumbusha na kusisitiza kwamba hii ni nafasi ya kurundi nyumbani tukaonane na watu wetu. Hilo ni shauri nzuri sana na ndiyo wajibu wa kila Mbunge ambaye amechaguliwa na wananchi apate nafasi aende aonane nao. Lakini wengine pengine wamejitayarisha kwenda kuonana nao wakifikiria kwamba watashangiliwa kwa sababu wamekuwa wakizungumza juu ya mambo makubwa hasa zile zinaitwa 'high politics'---. Sisi watu wa Kilifi, na wa Pwani kwa jumla, tumeweza kuchangia mawazo hayo makubwa ya 'high politics, lakini tunaona kwa sababu watu wetu tayari wako pre-occupied na matatizo ya siku kwa siku kule kwetu twaona ni muhimu zaidi tuyazungumzie hayo.

Bw. Naibu Spika wa Muda, hivi tukizungumza, mimi naenda zangu Malindi kuonana na wananchi huko Jilore Location and Chakama Locations ambazo zimekabiliwa na njaa kwa sababu mavuno ya mahindi hayakupatikana. Mahindi yaliharibika hali yako karibu kuvunwa kwa sababu kulikosekana mvua. Ingawa tulisaidiwa katika kipindi kilichopeta mwaka jana wakati wa upungufu wa chakula, lakini kulikuwa na tatizo la usafirishaji wa chakula kutoka Kilifi District Headquarters.

Bw. Naibu Spika wa Muda, ningeomba Waziri anayehusika ahakikishe kwamba kile chakula cha misaada ambacho tumehakikishiwa kwamba kiko kwa wingi kipelekwe katika lokesheni hizo mbili za Chakama na Jilore.

Ikiwa tunajitayarisha kwenda nyumbani ninajua kwamba nitakabiliwa na wavuvi, wale ambao wako katika Marine National Park katika shida zao za siku kwa siku. Tumekuwa tukiomba usaidizi. Hata siku nyingine nilisema hapa kwamba kwa vile matatizo ya uvuvi yalivyozidi kwa sababu ya uvuvi unaofanywa na wavuvi wa kigeni uvuvi wa watu wetu umepungua sana. Hii ni kutokana na sababu kwamba nyavu zao zinakatwa kila siku. Ni sikitiko kwamba mpaka sasa hakujapatikana patrol boats za polisi au za Fisheries Department na ule ulinzi ambao tunapatiwa na manowari za Jeshi la Wanamaji hautoshi. Nikiendelea kusema, tunasikitika kuona kwamba leseni za wale wananchi ambao wako katika Marine National Parks wanaofanya kazi ya boats na za kubebea watalii kila siku zinapanda. Tumekuwa tukipiga kelele na hata tukadhaminiwa na kuaahidiwa kwamba baada ya kuundwa Tume Maalum yaani Task Force ya kuchunguza mambo ya kupatia wageni leseni jambo hili litachunguzwa. Task Force hii ilifanya uchunguzi wake lakini masikitiko ni kwamba ningependa kumwambia Waziri aliyehusika kwamba mpaka dakika hii wafanyabiashara wananchi wa Malindi wamekuwa wakingojea matokeo ya Tume hii ili kuwapa haki wao ya kufanya biashara zile ambazo zaweza kufanywa na wananchi wenyewe bila kuingiliwa na wageni.

Siku nyingine hapa kuna Mbunge aliyesema eti kwamba Wataliano wamekwenda kule Malindi. Ningependa kulihakikishia Bunge hili kwamba Wataliano hawatatoka Malindi kwa sababu wanafanya kazi ambazo hawawezi kuyafanya kwao Utaliano. Hawa watu wameingilia biashara zote Malindi. Wao ndiyo building contractors, wenye boats, car hire services, travel agents na kazi zote ambazo wakati Uhuru ulipoingia zilikuwa zinafanywa na wananchi. Leo hizi kazi zinafanywa na wageni. Kwa hivyo, naisihi

Wizara inayohusika itupatie matokeo ya ile Tume ambayo iliongozwa na Bw. Sharawe aliyekuwa Katibu wa Kudumu wa Wizara ya Utalii na Mbuga za Wanyama wa Pori.

Ninarudi nyumbani nikijua kwamba maskwota wanateswa katika ardhi za watu binafsi. Hivi ninavyozungumza hata maskwota ambao wako katika ardhi ya Manispaa ya Malindi inayoitwa M3 wamepewa ilani ya kuondoka hapo. Ardhi ambayo ilikuwa imetengwa kama Squatter Upgrading Scheme imevamiwa na watu wakubwa wakiwemo maofisa wakuu wa baraza, madiwani waliokuwako zamani katika baraza lililopita na hata maofisa wengi sana katika Wizara ya Serikali za Mitaa. Badala ya kuwa Squatter Upgrading Scheme sasa maskwota wameambiwa waondoke hapo. Matatizo yanayokabiliwa na maskwota katika zile ardhi za watu binafsi, ningeomba kwamba ile Task Force nyingine iliyoundwa kuangalia tatizo la maskwota katika Mkoa wa Pwani itupatie suluhisho. Kwa muda ambapo bado ingali ikiendelea na kazi yake hiyo, tungeomba matatizo ya skwota kusukumwa sukumwa yakome mpaka tupate suluhisho.

Kwa hayo naunga mkono turudi nyumbani tukawatumikie wananchi.

**Mrs. Ngilu:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to make a very brief contribution in supporting this Motion on Adjournment. While I supporting, I would like to state that, there are a few things that should be looked into and especially for our own purposes. Although Members of Parliament are set and ready to go to their constituencies and serve their constituents, there are a few things that need to be put in place for Members of Parliament to serve them effectively. This has to start right from this Parliament. The buildings and offices used by Parliamentarians lack some of the facilities that are necessary for proper services to be given. For example, there are no offices. About ten sets of telephones are meant to be used by about 200 Members of Parliament excluding Ministers and Assistant Ministers. They are not enough. Members of staff who serve Members of Parliament are also very few. Most of the desks that we use here have broken down not to mention that the cutlery in the dining room where we eat, is not adequate.

When we go to our constituencies we also have no offices and members of staff to help us serve our constituents. Worse still, Members of Parliament cannot work effectively under trees. Most Members of Parliament have to meet their constituents under trees and if not, in their families sitting rooms.

I do remember last year when 15 Members of Parliament went out of this country to visit various Parliaments in Europe one of them being Britain. We also visited America and Canada. We did visit different Parliaments. What we saw is nothing compared with what we have in this House. I keep on wondering why in the first place somebody spent so much money to let Members of Parliament see what kind of facilities a Member of Parliament should have in other countries if they cannot be provided here. Now we are going on adjournment to go and really work under the same conditions.

I want to turn back to my constituency. While appreciating the fact that we are all going out to serve our constituencies my constituency is one of those that do not have the necessary facilities. I do not know how I am going to serve my constituency because just recently you all read in the Press how I can hardly visit my area including schools. For me to only deliver desks to pupils who are in needy, sitting and working on the floors already the Provincial Administration has sent people to come and stop me from doing that. You have never seen anything like this. Boys can comfortably sit on the floor and write, but girls have got to lie on their stomachs so that they can write.

**Hon. Members:** Ahaa!

**Mrs. Ngilu:** I am saying so and it is the truth. You are most welcome to see what I am saying. I am not sure whether this--

**An hon. Member:** Mr. Kamotho, where are you?

**The Temporary Deputy Speaker** (Mr. Wetangula): Order, hon. Members!

**Mrs. Ngilu:** I am not sure whether this is something that is coming from the Ministry of Education Headquarters, from the Minister himself or whether it is something that was said by Kanu leaders right from the beginning when I became a Member of Parliament for Kitui Central, when they vowed to frustrate me and to make my work very difficult in the constituency. They have surely carried out their vows to the letter. However, we are getting on well and as difficult as it is my people are still supporting me.

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

*[Mr. Speaker resumed the Chair]*

It is not only difficult for me to visit the schools, but it is also difficult to visit churches, women groups and heads of departments. For me to go and see the state of dispensaries and hospitals is a nightmare. Everywhere I go in the constituency I have an Administration Policeman following me and you know the kind of Administration Policemen we are having today. You never know. They might decide to shoot me because they have gone "bananas". I do not know what has happened to the Administration Police Force.

I beg to support.

**The Minister for Culture and Social Services** (Mrs. Mwendwa): Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion and also balance the gender equation in this House.

Mr. Speaker, Sir, before we meet next time, a big delegation of women from this country have gone to Beijing and come back. We are preparing to go to Beijing and meet women from other parts of the world. Women all over the world are preparing themselves for the Beijing Conference. During that conference women from all over the world are going to exchange views. However, I would like to assure this House that when we come back we shall not come to sit on men. We will come back to work with our menfolk. We need all the support that our menfolk can give us because the Government does not have a lot of money. There very many ladies who would like to attend the Beijing Conference for Women. Since I have been put in charge of the Ministry that is responsible for the affairs of women in this country, I want to say that we would like to take ladies from every corner of this country to Beijing so that we can show men that the women of this country can work together regardless of where one comes from. I am actually appealing to hon. Members to assist. This is because soon I will be organising a big Harambee to raise money to help those ladies who might not have the money to pay for the trip to Beijing. We do not want to leave them behind and just take those who are able to pay for the trip.

Mr. Speaker, Sir, I appeal to my fellow ladies that we should go to Beijing as ambassadors of this country. We must beat our men in doing what is right and good. I do not look forward to a situation where go there and start washing our dirty linen in public. We should not go to wash our dirty linen in Beijing. We should wash our dirty linen right here. We know our men and they know us better.

**Hon. Members:** Yea! Yea!

**The Minister for Culture and Social Services** (Mrs. Mwendwa): We should not go and talk to Westerners about our problems because they do not understand how we live with our families. They only advice that they are likely to give to us is that if our husbands are not good we should divorce them. Most of the advice they will give may not be African. I think we are better than they are. We might be poor but we are still very human. Nobody should be willing to allow his or her mother go and die in a old people's home. In this country and in Africa at large women do not boast of having as many as four or six husbands. We like to keep our families intact. In that respect I think we are better than they are. We have more to teach them than they have to teach us. I am not saying everything in Africa is good. There are many things that need to be changed, but we will change them here at home. We do not want to change them outside the country.

Mr. Speaker, Sir, let me touch on the universities. Some of us have attended local and overseas universities. Some of us who are mothers get really very concerned when students, because of disturbances at the university, take up to six or eight years to graduate. Some of these students come from very poor families. By the time they go to universities all the kukus in their families will have been sold. Parents are forced to sell whatever they have, including their land, to educate their children. I think we should leave the students alone.

With those few remarks, I beg to support.

**Mr. Farah:** Thank you very much, Mr. Speaker, Sir.

I notice a measure of excitement on the part of a Minister in the Government because the donor community is happy with the Government's performance. I also notice that there has been a lot of efforts on the part of the Opposition to tell the donor community how bad the Government is. It is a shame on both sides. You should be happy if your own people are happy with the way you are governing them and not the donor community; not somebody in Paris or in London. The Minister should carry out an opinion poll in the country on the way the economy is being managed and on the political reforms that are being carried out and on the social reforms that are currently taking place. That is what should impress the Government and not what is being said by the donor community. You have not decolonised your own minds; you are slaves of your consciences and your consciences are rotten. You are still under some form of colonialism.

Mr. Speaker, Sir, I read on the front pages of the local dailies today that the unregistered "Safina" party intends to cause chaos in the country and that it intends to use the hawkers, touts, Kenyan Somalis and Muslims. What about the hawkers and touts who are muslims? The moment one becomes a muslim then he has no right of choice in politics. If he is a student he is referred to as a muslim fundamentalist; as if the name muslim is an offence. This is discrimination and that is too bad. We have democracy and there is no going back. There are

eight million people and they know what the Government thinks about them and they will put that point across come the next general elections.

Mr. Speaker, Sir, some time back, I said in this House that if we condone the killing of our people we are going to develop a culture that will not be confined only to the people who are suffering at that particular time; it will spread to the rest of the country. Those days I used to talk about the rampant killing by the security forces of people in my province. Now, I must commend the Government for having controlled that problem to a great extent. I commend the Government for that. But that culture of killing is still with us. Engineers are getting killed by trigger-happy policemen. Innocent businessmen are getting killed; churchmen are getting killed. When a Somali is killed, people say "It is a Somali after all." When a Kikuyu is killed people say "It is a Kikuyu" and the same goes for every tribe in this country. What we need to do is to have good governance and civil culture that we will leave behind for posterity.

Mr. Speaker, Sir, when a person like me participates in the establishment of "Safina" he is branded as a muslim fundamentalist. When colleagues like hon. Muite and Maoka Maore do the same thing some people say they are ambitious and misguided. "Safina" is a party that is multi-ethnic and multi-everything. It is the future of this country and we will continue---

**Hon. Members:** Shame! Shame!

**Mr. Farah:** We will continue pushing for that agenda to a logical conclusion, but we are not going to throw this country into chaos. If the Government wants to kill its own people because of "Safina---" We have not seen the pamphlets the Commissioner of Police has been talking about. If anybody from the other side of the House has seen them, let him tell us. It is only the Commissioner of Police who has seen those leaflets. So, it is a Government machination to oppress certain sections of the Kenyan people for having taken their political choice and for exercise their freedom of association which is enshrined in the Constitution. Let us appreciate this country for the sake of the future generations and not for small political expedencies. Everybody will go. Where are the leaders?

With those remarks, I support the Motion.

**Mr. Fallana:** Thank you very much, Mr. Speaker, Sir.

First and foremost, I would like to make an appeal to the Front Bench of the Government, the Ministers. We are going on a long recess for two months. This is a very good opportunity for the Ministers to tour the country, district by district, if not constituency by constituency. I do not have to teach Ministers their work; they know it very well. But they should not confine themselves to constituencies only. They are well above that. They should portray a national image. Instead of them coming here asking us for Votes and funds for their Ministries without making any follow-ups to see whether the roads are done or not, for a change, why do they not move to the countryside, visit sites, see projects so that when they come back and Members ask Questions, they will know what Members are talking about.

Mr. Speaker, Sir, if His Excellency the President can tirelessly go round the whole country, night and day, who are the Ministers not to do likewise, if they are "following the Nyayo", as they claim? Why do they not want to go to the constituencies following the example of His Excellency the President? So, please, Ministers, for once, wake up and go round the countryside!

*(Applause)*

Mr. Speaker, Sir, I would also like to take this opportunity to thank His Excellency the President for the orders about the KPR (Kenya Police Reserve) guns. We have seen so many times the President giving directives on issues, but then somewhere, the implementing arm of the Government just relaxes.

Mr. Speaker, Sir, when we talk of guns, it is a matter of life and death. It is security. The withdrawal of KPR guns reduces the number of illegal guns in the country because there are a lot of guns identical to the KPR 303 guns. In fact, a home-guard KPR in his tattered clothes will not be any different from a bandit with the same type of gun which is normally smuggled from Somalia, Ethiopia and the neighbouring country. So, where there are regular police services. The KPR guns, as it has clearly been stated by His Excellency the President, are not useful or necessary at all. Therefore, the order to withdraw them should be implemented very fast or with immediate effect.

Finally, Mr. Speaker, Sir, let me come to the National Cereals and Produce Board (NCPB). There is a lot of confusion about the buying and selling of maize in the country. There is a lot of talk about the price of maize to the farmers that it has dropped. We hear figures like KSh.830.00, KSh.730.00 or even KSh.600.00 per bag. Farmers are having it rough. I do not know where these figures came from because I have enquired from the depot, but there is nothing.

There are "strange circulars" from somewhere telling the NCPB not to accept maize from farmers. The Minister is just laughing. I would like him to come out clearly, if there is no such circular, because I can hear him denying it. So, let the maize that is so hard-produced by farmers be rewarded. Let the NCPB buy it. But when farmers take it to the depots, they are told: "Oh, bei imepunguka!" That is very demoralising to the farmers. Let it go on air that there are no such circulars and let the farmers' maize be bought.

With those few remarks, Sir, I beg to support.

**Mr. Raila:** Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion on Adjournment.

Out there in the slums of Kibera, which is the biggest slum South of Sahara, we are suffering from an epidemic which is very strange. Over the month of July, 13 people have died in Kibera from a disease which is very strange. The symptoms of the disease are basically the swelling of armpits, writhing of the body followed by death.

Mr. Speaker, Sir, I am trying to draw the attention of the Ministry of Health to this serious epidemic which, if not controlled, could spread to other parts of this City in the sun.

Mr. Speaker, Sir, I would like to talk about the subject of reconciliation. Contrary to the beliefs elsewhere, we on this side of the House, or some of us, are not opposed to the on-going talks or the so-called "GEMA-KAMATUSA Talks". In fact, we support and encourage them. We are saying that these are just symptoms of a problem and that there is a much more serious problem that we should really look into. This is the problem of national reconciliation.

Mr. Speaker, Sir, if we want to heal the wounds of the past and be able to lay a basis for proper national reconciliation, then we need to do what South Africans have done: To come up with "Truth and Reconciliation Commission" established by an Act of Parliament because we have to know what is involved in that reconciliation, or what the elements of reconciliation are, if we are going to talk about amnesty, gross violations of human rights, liberation and so on, then we need to look at the problem very comprehensively. Why, for example, when we are talking about clashes, were they started, by whom, what purpose were they serving and so on? Because, if we cannot establish those facts, then we will be discussing the surface of the problem without going deep into it. We must know why.

Hon. Shariff Nassir the other day said, if you insult Moi, there are tribal clashes; if you stop insulting Moi, no tribal clashes. Well, what constitutes an insult, if that is the cause of the tribal clashes? There is a danger of recurrence of these problems unless we go much deeper into them.

Mr. Speaker, Sir, when we are talking, we should also know who is talking to who because we do not want to be treated to a kind of a charade of a Hitler negotiating with Ben Gurion about the holocaust. This is not just hypothetical, it would also be highly hypocritical.

So, we really need to know who is involved in all this before we sit down and talk. However, we are telling the Government that we, on this side are prepared. Involve the political parties. Why do you not call the leaders of FORD Kenya, FORD Asili, DP and KANU? Let us sit and reason together and find out what the problem is, then we will be able to tell you.

Mr. Speaker, Sir, we do not need to go to Paris to be told about violation of human rights in this country. We know it. We know the problem. Why is the Government shying away from solving the problem? Why does the Government have to go to Paris to be told by donors that; "oh, you are not allowing your Opposition parties to operate freely; you have refused to free the air-waves, you are monopolising them, you are not carrying out your parastatal reforms properly"? Why do we have to go to foreigners to do it? We do not actually talk to these foreigners. They are represented here. All the donor governments have their representatives in this country. They read newspapers in this country, they talk to politicians in this country. We do not have to send faxes and telexes to Paris to inform them of what is happening in this country. This Government ought to address the issues rather than to wait to be told by foreigners what has to be done.

I want to emphasize the other point that this is a minority Government; 35 per cent of the votes earned 100 seats while 65 per cent of the votes earned only 88 seats. This is because of the jerry meandering that has been going on in this country all this other time. If we were to really respect the principle of one man, one vote, the gentlemen sitting on the other side of the House would be on this other side!

Thank you, Mr. Speaker, Sir.

*(Question put and agreed to)*

**ADJOURNMENT**

**Mr. Speaker:** Hon. Members, it is now time for the Adjournment of the House, and therefore, the House is adjourned until Tuesday, 3rd October, 1995 at 2.30 p.m.

The House rose at 6.30 p.m.