

**[Mr. Karauri]**

anybody, or that that officer who gave him that answer is not protecting anybody, why does he not accept that the age of this chief be assessed again by a panel of doctors?

**The Assistant Minister, Office of the President (Mr. Ngala):** Mr. Speaker, Sir, I have no interest in this matter as the hon. Member is saying; I am just trying to explain to him the situation that we are in, and telling him that it is something that cannot be reversed at the moment. If it is possible to change the situation by having the age of the chief assessed, then we will try to do it, but if it is not possible to do so, then the situation will continue like that. So, Mr. Speaker, what I want to say is that we will try to see whether the chief can be reassessed again to determine his age, if it is possible.

**Mr. Omido:** On a point of order. Mr. Speaker, the Assistant Minister is making the situation worse by saying "if it is possible". He knows that when there is a dispute on such matters—and we have had many of such cases in the labour movement—it is usual to refer such a dispute to a panel of doctors. Now, Mr. Speaker, the assessment was done in 1963 and the age of the man was found to be 45 years. Since he knows that his age had been assessed, if he went again and took a birth certificate giving false age, is this not in itself sufficient evidence to have the man dismissed for giving a false document to the Government?

*(Applause)*

**An hon. Member:** He should be in jail.

**The Assistant Minister, Office of the President (Mr. Ngala):** Mr. Speaker, Sir, I know there have been situations where a lot of people have tried to reduce their ages, and this will bear witness to what happened during the registration of persons where there were quite a number of cases where people gave different ages. As I have said, although there were all these other assessments which were done, this person could have used that time to give a different age, and this age could have been used to secure the birth certificate. So, that could be the problem that we are facing at this moment. But I am not doubting that there are all these other things that could be done. But I know there could have been a situation whereby during the registration of persons somebody could have taken his age further to determine a different age.

**Mr. Mutiso:** On a point of order. Mr. Speaker, this is a very serious matter where we find a Minister of the Government really being unable to do something and thus putting Government into a shame whereby one particular individual can really continue to harass a community and there is no way where people can be saved from him. Is the Assistant Minister in order to say that they cannot do anything after it has been stated clearly that this man has been harassing people, and also involved in case of murder and the burning of houses and all that? Is the Assistant Minister not trying to put the Government into a very embarrassing situation because it appears that people cannot be protected from one individual?

**Mr. Ngala:** Mr. Speaker, Sir, I am not trying to refuse to accept anything here. I am also not trying to say that what the hon. Member has said is wrong. All that I have said is that we do not have that information. If that information is forthcoming, then we would like to get the information so that we can try to see whether what the hon. Member is trying to say is true or not. Right now we do not know whether what he is saying is true or not true.

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

**Mr. Ngala:** Let me first finish answering that question. I am not trying to embarrass the Government here at all. All that I am doing is to say what I know. However, if the hon. Member has got more details because he is just reporting to me now about this matter, we would like him to provide us with those details. We do not know whether these reports are recorded anywhere so that anybody can make a follow-up about the burning of the houses and about people drowning in the river. So, far we do not know anything about that. The hon. Member is just saying that now here in the House. This is something that we have got to get in writing so that we can make a follow-up because this could be just an allegation or truth. So, far we do not know the truth about this matter. However, what I would like the hon. Member to do in order to assist the people in that area is to give us more detailed information as he has just said and then from there we will pass that information to our officers so that they can make a follow-up so that those people do not continue to live in fear.

**Mr. Karauri:** Mr. Speaker, Sir, we used to have old identity cards before 1979. In these identity cards, it used to be recorded when one was employed. Today when people retire, they cannot get their N.S.S.F. benefits or even gratuities without producing those old identity cards. This particular chief must have obtained an identity card. The Assistant Minister should agree to request the chief to produce the old identity card. In 1979 this chief took another identity card where he indicated his new age knowing very well that his age had been assessed by a doctor in 1963 to be 45 years. At that time he knew that he was of that age or even older. That is why he took another identity card which he used in 1980 to get a birth certificate while knowing very well that his age had been assessed by a doctor earlier on. The Assistant Minister should not seek to get a note or information from me. He should first of all ask himself questions as to why his office has refused to honour the assessment made by the doctor in 1963. Why does the same office, if it does not honour the assessment done by one doctor at that time, not call a panel of doctors to examine this chief? Why should that chief, whom people have been complaining about all the time, be reinstated after being retired and people asked to apply for that position and they had applied? On the 6th of January, 1984, which was the date when the deadline had been put, the chief came back and told people that he had been able to see everybody that he wanted to see and that he was going to stay in office as long as he wanted. Why should the Office of the President

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You can always get such a certificate. Most of these Members took their birth certificates when they were already Members because most of us did not take the certificates when we were born.

I want to submit, Mr. Speaker, that this chief has been bribing his way all the time. I also want to state that anybody in that location who has ever challenged him at a meeting has either had his house burnt down or himself drowning in a river two or three days after. In 1980, somebody who challenged him in the post had his house burnt down and two of his children died in the house. People have been complaining to the district commissioner and to the Criminal Investigation Department about this chief selling their land, people disappearing or dying and their houses being burnt. They would not dare question him in public barazas. Yet, that is the kind of person who is being protected even after he has reached his retirement age.

I would like to ask the Assistant Minister to kindly investigate and go by the records available of the doctor who examined this chief in 1963 and not to let the chief collect money in the form of Harambee donations to bribe people so that he continues working even after he is supposed to retire. I would like the Office of the President to bring here a more valid statement on this issue. If they do not believe that doctor, then they should call a panel of doctors to assess this chief's age again.

Thank you, Mr. Speaker.

**The Assistant Minister, Office of the President (Mr. Ngala):** Mr. Speaker, it is true that I gave a statement yesterday, but the allegations that have been brought forward by the hon. Member are important. We do not think that we have those things in record anywhere. If they are recorded, they would be helpful to the Office of the President, in that they would enable it to carry out the investigations. But Mr. Speaker, Sir, I think when I was replying to a question yesterday, I did say that there was an oversight in this matter, and as a result of that oversight, we are faced with this problem which the hon. Member is informing the House about, and I think it would probably be futile right now to try and go and make other investigations, because what the hon. Member has said, and what we have been saying here in reply, is the same thing. So, I think it is not going to help in any way, because, as I have said, there was an oversight. We agree that there was a mistake that was made, and we just want to assure the House and the Republic that things like this will not be condoned, or will not be repeated.

In this particular case, it has now been realized that it was a mistake, and the Office of the President is going to be more careful about these things. It is true, as I said earlier on, that there was no record in the file, because we have tried to check on this and we have found that there was no record of the age at the initial time when this man called Benjamin was employed. So, this was probably a mistake which was made during the colonial times, and we cannot try to rectify it now, but we want to assure the House that we shall be more careful with regard to these matters in future.

**Mr. Karauri:** On a point of order. Mr. Speaker, I did say that the age of this chief was assessed in 1963. When the then Government found the age of this chief dubious in 1963, it called a doctor to assess his age, and it was found that his age was 45; that was in 1963. If the Office of the President does not accept that assessment which they themselves had ordered in 1963, can they now order for a panel of doctors to assess the age of this chief again, because it is in the interest of the people and the nation?

**The Assistant Minister, Office of the President (Mr. Ngala):** Mr. Speaker, Sir, we cannot do anything. I did say that the chief produced a valid document which is a birth certificate, and it is taken as a valid document, and we are going to go by that. I do not think there will be anything that will be done on this matter.

**Mr. M'Maitisi:** On a point of order, Mr. Speaker. If the record has not been put right in his file, do you not think that the Assistant Minister is trying to avoid having this matter cleared by not really listening to what the hon. Member is saying? If the age of the chief was assessed in 1963, what led them to assess his age in 1963, and why can they not do it now? He is trying to avoid the question. Let it be done so that this matter is made clear. Can the Assistant Minister assure us that there is no bribery and fiddling about with things?

**The Assistant Minister, Office of the President (Mr. Ngala):** Mr. Speaker, Sir, I will not go into the area of bribery or anything like that because I do not know what was done. But I am just explaining what has been happening. As much as I sympathize with the situation, but because of these valid documents which have got to be used, the Office of the President is put in a situation that it cannot neglect these documents because they are valid documents. Somebody may not know how he got them, but they are valid documents, and they have got to be used as valid documents. So, on that point, Mr. Speaker, Sir, I think it would be going astray if one was to try and redress the situation at the moment, because he has valid documents, and they have got to be used as valid documents. So, we cannot change his age now because of these valid documents which are being used for the time being.

**Mr. Karauri:** On a point of order. Mr. Speaker, I can only pity the Assistant Minister. He should not only pity the situation, but that he should pity himself that he does not know how the person who has given him that answer knows the chief. Mr. Speaker, this chief has been carrying finger millet to Nairobi, and I do not know who he gives this finger millet to. As I said, this is for the interest of the people living in that area. Demarcation of land is going to take place in that area, and the chief is known for selling these people's land. They have been crying everyday in the office of the district officer, in the office of the district commissioner and in the Criminal Investigation Department about this chief selling their land, and these people fear that demarcation of land in that area cannot go on properly when that chief is still there. The Assistant Minister does not want to accept another assessment. What is his personal interest? If he knows that he is not protecting

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**Mr. Omido:** On a point of order, Mr. Speaker, the Assistant Minister is making the situation worse by saying "if it is possible". He knows that when there is a dispute on such matters—and we have had many of such cases in the labour movement—it is usual to refer such a dispute to a panel of doctors. Now, Mr. Speaker, the assessment was done in 1963 and the age of the man was found to be 45 years. Since he knows that his age had been assessed, if he went again and took a birth certificate giving false age, is this not in itself sufficient evidence to have the man dismissed for giving a false document to the Government?

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not follow those records including the old identity card and the document which showed the assessment which was carried out by the doctor?

**Mr. Ngala:** Mr. Speaker, Sir, with all due respect with what the hon. Member has just said, I would like to say that what he has said that the chief was supposed to retire sometime, is not true. I did say here before that the chief had no break in his service. I can remember that at one time the hon. Member said that the chief in a public baraza before he retired, said that he was going to retire. We have tried to check whether there was any advertisement to that effect, and we have discovered that there was no such a thing. If some people applied, then they must have applied probably because they had heard the chief himself saying in a public baraza that he was going to retire. It is possible then that on that strength, wananchi themselves took it upon themselves to apply. However, we have tried to investigate and we have found that there is nothing in writing which authorized the office of the district commissioner for the area to say that people could apply and be considered for that post. To add to what the hon. Member has said and to make the matter short because we need more details about the burning of the houses and the killing of the people, if we can get further information we are going to look into the matter again so that we can probably come here and give better information with regard to what he has just said. However, I would like to refute what he has just said that they know more than our office about the advertisement.

**Mr. Karauri:** On a point of order, Mr. Speaker, Sir. The notice appeared outside the notice board in the office of the district commissioner. In fact, the notice was distributed in every location and people were asked to apply for that post and they applied. The deadline for receiving the applications was 6th January, 1984. I know that this House is set to adjourn tomorrow. If that was not the case, then I would have brought those documents later on. The notice was a public thing; it was not something that was hidden. I am prepared to bring those documents here any time.

## MOTION

### PROMOTION OF TEACHERS ON BASIS OF ACADEMIC EXAMINATIONS

THAT, in view of the fact that this country attaches great importance to academic advancement and bearing in mind that teachers play a significant role in promoting this advancement, this House urges the Government to consider reinstating the previous method of promoting teachers from one grade to the next higher grade upon passing the national academic examinations.

(Mr. arap Kirior on 28th November, 1984)

(Resumption of Debate interrupted on 28th November, 1984)

**The Minister for Education, Science and Technology (Prof. Ng'eno):** Mr. Speaker, Sir, when the House rose last time, I was making my contributions on this Motion and my remaining time was plentiful. I would like to continue with my speech.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** On a point of order, Mr. Speaker, Sir. I do not know whether my memory is serving me right, because I thought the hon. Minister had concluded his speech before we adjourned.

**Mr. Speaker:** The information that I have shows that he did not conclude his speech; he still has 15 minutes to go.

**The Minister for Education, Science and Technology (Prof. Ng'eno):** Thank you, Mr. Speaker, Sir.

When I rose to make my contributions some hon. Members felt that, maybe, I should not have made my contributions at that time and perhaps I should have waited until all hon. Members had made their contributions and then reply to the Motion. I am in agreement to a great extent with the hon. Members on that point. It may be true that when a Motion like his one comes into the House, Members of the Front Bench should allow the hon. Members to contribute first to the Motion before replying. However, I did not think I was violating any Standing Order by doing that. My main reason for standing very early and thereby taking the earlier opportunity was because the way the Motion is framed creates some kind of confusion; it gives an impression that the present system of promoting teachers does not take into consideration the academic aspects. The truth of the matter, in fact, is that when we talk about promotion on merit, what we are saying is that first and foremost, one has to pass academic examinations, but unlike in the past when the mere passing of academic examinations was the sole criterion for promoting teachers, we have now added other considerations.

For instance, we have to take into consideration, one's involvement in community activities. We have also to take into consideration, one's impact as a professional in terms of his teaching abilities and so on and so forth. The system of promoting teachers on merit, which we are now using, takes into consideration all those matters which we consider to be in line with the development of education and professionalism on the part of the teacher.

I did concede—I am going to do the same thing now—that in the past—it is true—that system of promoting teachers on merit, might have been misused or abused. We have received complaints even from hon. Members that people have tended to use that system to promote friends, relatives, girl friends and so on. However, I did say that we are moving very fast to correct that kind of situation because in the past we had few supervisory field staff. So the staff might not have been able to really look into the meritorious nature of one teacher over the other. However, now we have as a Ministry provided more supervisory staff. Indeed, we have more inspectors of schools in the field. In fact, I think if you ask every hon. Member about what we are doing, he will be very happy to inform you that today we have one inspector of schools for every 30 schools. Now, we feel that with this change in the number of supervisors we are going to eliminate the abuse of the system of promoting teachers on merit.

I was amused when I heard on the radio that for the first time since I came to Parliament—now I have been



**[The Minister for Education, Science and Technology]** here for about five years—that the hon. House tended to disagree with me and that I have always been supported by the hon. Members. I was very pleased to know that I have always been supported by the hon. Members because I have been trying to be as reasonable as possible. If this is the only time when some hon. Members disagreed with me, I think that is a very good record to be supported by the hon. Members all the times and only to be opposed by them on one occasion in a period of five years.

Sir, I would like to inform the hon. Members that we have always, as a Ministry, taken their contribution very seriously. But when a Motion like this one comes which may put us into difficulties because even if we were not to consider the merits or demerits of promotion, if we were simply to say okay, academic alone should be the criterion, we would not be able to implement it. Teachers passing every year might increase because they might now work harder to pass examination at the expense of teaching which means that children will suffer. I know hon. Members are also aware of this fact. Then after passing, maybe 200 or 300, now we will have to look into the financial consideration which had not been taken into consideration when presenting the budget.

Sir, I wish, therefore, to request hon. Members that while we continue to observe and also try to tighten the loopholes that have led to the abuse of promotion on merit, for the time being we should defeat the Motion so that we have time to, as I said last time, study and to see ways and means of improving on the merit promotion, particularly now that we have more supervisory staff in the field. I think it would be sad to allow just for the benefit of one group of individuals in the society a system that would be of negative effect on another set of people in the community. In this respect, promotion on academic grounds alone, pecuniary-wise or in terms of financial implications would benefit the teacher, but in terms of service to the community, it would severely injure or hurt the child who must be the centre of the whole educational system.

Sir, I want, therefore, to conclude by very kindly requesting hon. Members to help in defeating this Motion and also to urge hon. Members, before they bring this kind of Motion, to try to see us. If they do not want to see me personally, they can see our officers because we are very willing to explain to them why we might take a stand in Parliament which would not be in line with what the Motion is supporting. I am not saying that we would be happy if we did not have Motions brought in Parliament on the Ministry of Education, Science and Technology, but there is so much that we can explain without necessarily having to do it by way of a Motion.

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

**Mr. Angatia:** Thank you very much, Sir, for giving me an earlier opportunity to speak on this Motion. Like the Minister has just said, most of us on the Back Bench are feeling that we have been let down on this occasion by a Minister who has been very co-operative in the past.

Sir, the Minister has ample opportunity with his officers and his Assistant Ministers to make amendments to this Motion so that the Motion can fit what he wants. But the Minister has decided on one thing: To oppose the Motion that is very good. It is a Motion that would uplift the need that is placed on teachers. Many teachers are suffering in this country under this system of promotion on merit and the Minister has ample opportunity today to introduce an amendment to this Motion, and if he cannot do it, we can help him. We can help him to introduce an amendment to cater for exactly what he is saying and, at the same time, take care of what the Mover of the Motion had in mind.

Sir, I know very well that the Minister could have combined promotion on merit, promotion on academic grounds and promotion on efficiency in the classroom.

**The Minister for Education, Science and Technology (Prof. Ng'eno):** On a point of order, Sir, I thought that is exactly what I said we are doing now. Is it in order, therefore, for the hon. Member to say that we should do what we are already doing?

I said it is promotion on merit taking into consideration the passing of examinations, efficiency and then professional qualifications and also participation in the community and so and so forth. We have five items to consider. The hon. Member is requesting that we amend this Motion to reflect what we are already doing. Is it in order?

**Mr. Angatia:** Mr. Speaker, Sir, the reason why this Motion was brought is because the Minister is not doing what he is saying is doing!

*(Applause)*

**The Minister for Education, Science and Technology (Prof. Ng'eno):** On a point of order, Mr. Speaker, Sir. The way I understood this Motion is that the Mover of the Motion was requesting the Ministry to consider promotion on academic basis alone. This is how I see it. So, the Motion was being brought to go back to the old system whereby promotion was simply on academic grounds alone! If a teacher passed examinations he moved to the next higher grade regardless of considerations, whether he is a drunkard or whether he is a thief. He just simply moved to the next higher grade. What I am saying is that we have now considered that to be improper and goes contrary to the effort to develop education for the interest of the child in this country. Therefore, we have considered academic qualifications along with other considerations. So, I do not think it is in order for the hon. Member to try to say that the Minister is not doing what I am, in fact, saying and that is the reason why he wants us to go backwards.

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

Last week when the Minister for Education, Science and Technology stood up to oppose this Motion, he said that the Ministry was not happy because when teachers used to be promoted on academic grounds alone, they did their studies at the expense of the children. Sir, the Minister misled the House on that day and unless he can prove this with figures, particularly between the years 1965 and 1975 when promotion of teachers on academic grounds alone was at the highest peak, then

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he should understand that he is misleading the House. This promotion was dropped, I think, when hon. Dr. Onyonka was the Minister for Education, if I remember correctly. Therefore, unless the Minister can prove this with figures, particularly between that period of 11 years, then he misled the House last week. Can he do that?

**Mr. Angatia:** Mr. Speaker, Sir, I hope you can add me some time since the two hon. Members have taken almost all my time. The Minister has plenty of time to reply to the Motion. He has tried to persuade us but he can see that we are saying that what he is telling us is not true. The policy is okay. The Minister's intentions are very good and also what the officers have written down on this promotion is perfect. But what is happening in the field is not the correct thing. There are too many teachers being promoted on bribery. There are also too many teachers who are complete failures who are now being promoted while good teachers who do a very good job in the classroom—they read, they prepare their lessons properly and they pass children—are being left behind. The weak ones are being promoted and the good ones are being left behind. This is why this Motion was brought into this House.

*(Applause)*

Sir, I can quote names to the Minister of people who have been promoted but who have never stepped into any classroom. They are miserable failures. They have bribed officers and they have been promoted. I have got names of them. The Minister cannot quote anybody in this House who neglected classroom, went to read and was promoted only on academic grounds. I can quote to the Minister names of people who were promoted because they read and on academic basis, they were promoted. They are first class teachers and they are doing a very good job in this country. We have got names but the Minister has no names at the moment. Therefore, we are telling him that by increasing the number of supervisors, it does not help at all.

Sir, I dare say that some of the supervisors that he has put in the field are some of the people who were promoted on bribery. They are the people who failed to do anything in the classroom and now they are sitting on good teachers and trying to judge them. How do failures judge the successful ones? The failures in teaching who become supervisors are the ones now judging good teachers who are in the classroom. As a result, Sir, good teachers who are now being frustrated are now giving up. They are not teaching properly because the Minister is not insisting on a combination of academic work, classroom performance and this thing he calls merit.

Sir, even those who go to award do not know what they are supposed to award. Therefore, whereas I agree with the Minister that the intentions that he has in his office and himself are very good, what is happening in the field is terrible. Children and parents are crying and we are calling upon the Minister to overhaul this thing and have teachers promoted on merit.

Sir, the Ministry of Education, Science and Technology, an academic Ministry which believes in examination, how can it disregard examination performance,

disregard good teaching in the classroom and go simply for promotion because a lady was able to influence an officer or a gentleman was able to influence an officer and that officer was promoted and then the Minister comes and defend those practices? The worrying thing is that the Minister is defending those practices, and this is terrible. I know that all hon. Members in this House, wherever we come from, have teachers in their areas and those teachers are listening to what we are saying. I am calling upon the House to pass this Motion as an indication to the Minister that we are not very happy with what is happening in the country.

Mr. Speaker, Sir, of late some of the people who have been promoted have turned round to victimize the good teachers who have been working properly in the classrooms. Those ones who teach properly are the ones who get popular with parents. Again, those who teach properly do not get very popular with the officers who go to supervise them so as to award this promotion. Therefore, Sir, while on paper, as I said, there is a very good combination of what ought to be looked for, I have known of a case whereby a teacher has been promoted because he was able to use the notes of a very good teacher. Although he himself does not know how to teach, he went and took a book from another teacher, who is a very good teacher, and used that book to demonstrate that he was a good teacher and got the promotion. But the good teacher, the owner of the book, when he did his lesson, he was not able to be promoted. Now, in a situation like this one, I would expect the Minister to get more concerned than I am to make sure that this situation is rectified. It should not leave teachers grumbling and complaining thereby making the children to fail because people are being promoted on merit which has been turned to be merit made between that particular teacher and the officer who is coming to see him.

Sir, I have a whole division in my area where there is nobody who has been judged to be capable of being promoted on merit. There is nobody at all. Out of 25 schools, there is no single teacher who is worthy for interview to be promoted on merit. Now, Sir, who made that judgment? In the whole division, there is nobody who is worthy to stand before the inspector in order that he may be considered for promotion on merit. A decision like that one was made by somebody who is out to frustrate the children of that area completely. If the Minister has very little confidence in all those teachers in that division, although some of them have passed their examinations and one doing a very good job, by not picking anyone to be shortlisted for interview for merit, it means that all of them are a total failure. Now, Sir, what happens to those children, parents and teachers of that area? This has frustrated the area so much. So, nobody is bothering about the syllabuses that the Minister is bringing forward, nobody is bothering as to what happens to the children, nobody is bothering what the parents say because when you go to those teachers, they tell you, "But for us in this division, we are total failures. So, do not look to us for success". That is the position. The teachers themselves are saying as far as they are concerned, they are a total

[Mr. Angatia]

failure, so we should not expect them to make any child pass any examination. They have already been adjudged failures.

Now, Sir, can a system like this be working properly? Can the Minister tell me that he would be satisfied with a situation like that one himself to come to this House and argue that this Motion be defeated? I therefore, urge the Minister to reconsider his stand. We have had cases where officers have advised Ministers against Motion in this House, but Ministers have sat here listening to us talking and they have made their decisions in this House as they should because they are Ministers. They have agreed with the arguments in the House and have gone ahead and done some very good job. An example of this was the Minister for Agriculture and Livestock Development. He was given a negative statement, but when he came here and heard our views, he agreed with us and decided that the Motion should be passed. Can the Minister for Education, Science and Technology decide that this Motion be passed?

Thank you very much, Mr. Speaker.

Mr. Mbori: Thank you, Mr. Speaker.

First of all, I would like to thank my colleague, hon. Kijior, for having introduced this very important Motion on education. It talks of academic advancement which means nothing other than education. It does talk also of the role that should be played by the teachers in upholding this educational advancement.

Sir, the education system in Kenya is constantly changing and right now in 1984, we have moved for 8-4-4 system not for the worse but for the better. We have to consider the child; the child is number one. I would like to speak with a backing of over 20 years experience in education system all the way from primary to the highest classes that the child is number one. The child looks at the teacher who has got a proper and firm academic backing. The child will not say teacher "A" who was promoted on merit can get into the highest class and teach him. Children would query his/her academic achievements if they know that it is merely some kind of promotion, whether on merit or not, which has been given through the back door. They would jeer such a teacher and throw contempt on him or her, and they would do the same on these teachers teaching.

Sir, I tend to disagree quite sharply with the Minister for Education, Science and Technology who believes that we should not introduce promotion on academic grounds. It is high time this was done for the betterment of the child, because the child's confidence lives in the teacher who has achieved something academically. Now, this can be backed by a professional training. What other things was the Minister talking about when he said "one, two, three, four and five are put into consideration when giving promotion on merit"? What other things were dwelling at the back of his mind? May I tell him, Sir, that one of them is that a teacher may be called by his field officer to meet him at such and such a place. Now, such and such a place may be

a public place, and maybe he wants to meet him for a drink or a glass of beer at the table, or may be for other things which are not meant for the child's own good. So, this promotion on merit must end forthwith because it does not take into consideration the child's demands. It does not take into consideration the child's position in educational development. So, it is high time we introduced academic promotion. This should be the yardstick and the only gauge by which we should promote teachers. Which teacher would get into a class higher than he/she can afford just because the teacher had had to organize some maendeleo ya wanawake who work somewhere outside the community? Who does that matter in a classroom? Which teacher would get into a class, because he is football captain in a given area, and then start teaching in a class? Neither of these can be obtained on the curriculum of our educational system. This is done only outside as extra-curricula activities. So, promotion on merit has got a lot of dubious meanings. There are ladies who sell their faces and there are guys who sell their material gains to get promotion on merit. How do you apply these things in class where the children look at the teacher as the only Jesus to give them that needed knowledge which they require so much? When do you have time to sell your face to be able to teach the child? If promotion of teachers on academic grounds is not stuck to properly then we are not advancing our educational system; we will be killing our educational system and giving the child fifth consideration—the last one—and yet it is the child who matters in our educational system. Teachers must be promoted on academic grounds because that one gives them the necessary backing they require; it gives them the confidence which the children build in them. If teachers are going to be promoted on merit only, then we are heading towards a very dangerous end, as has been proved since 1975 to date.

Since the question of promoting teachers on merit was initiated, guys have just been talking and saying, "all right, we are working". But when they are being tested through teaching children in the class, they are completely unable. I know of some teachers in our province who were promoted from either P1 grade or P2 grade to S1 grade, but when they are asked to teach the subjects that S1 teach, they are found completely and absolutely unable to handle such subjects. Is that the advantage of promoting teachers on merit? Is that what we mean by promotion on merit? Is it valued by the child, the parent and the nation as a whole? I would like to ask the Minister for Education, Science and Technology to desist from his talk that we should not promote teachers on academic grounds. I believe, Sir, that it is true that the Minister has a very good intention that his field officers will go round and check which teachers deserve promotion on merit, but may I tell him that some of these field officers are decayed material. Whoever, they promote they do it when they are decayed and, therefore, they promote not only dead wood but wet wood. We do not want wet wood in our educational system; we want brilliant people who can teach children to understand something and go ahead with our educational system which has been given high regard all over the world.

**[Mr. Mbori]**

Mr. Speaker, Sir, as we speak here right now, I would like to ask this House, which made it law that teachers should be promoted on merit to change the law today to say that teachers should be promoted on academic grounds. Since we have seen the weaknesses and the loopholes of promotion of teachers on merit, this House can change that law. In fact, I believe that this Motion has come at the right time and we should start promoting teachers on academic grounds. The other things that the Minister talked about can be considered after we have passed that teachers shall be promoted on academic grounds because teachers do not require other things like extra professional qualifications which, I think, were dwelling in the mind of the Minister. It is time we abandoned the question of promoting teachers on merit because it has made this country not to advance and it has caused teachers a lot of embarrassment and frustration. I am sure that teachers have made a big exodus out of the educational system as a result of promotion on merit. Imagine, Sir, here you are today as a teacher and you know your merit and you know that you deserve promotion through your achievement, but some guy who knows to sell his or her face better than you or who knows how to use his or her material better than you gets that promotion at your expense. What remains? Embarrassment and frustration and you say, "Why not try luck elsewhere"? This is what promotion of teachers on merit has done to us, and I think it is sad that we should continue to practise it.

Sir, the Minister also referred to those teachers who got promotion on academic grounds and said that they did so at the expense of the child. I have never heard that in my life time. I would like to give the Minister first hand information and tell him that I started my career as a teacher and did my higher studies on my own without making the children suffer at all. In fact, it gives you more confidence to face the class because you know that much. When you have that confidence and go to the class, children continue to love your teaching and expand their education and everybody actually takes up your example; they follow your Nyayo and within a very short time you find that the school gets on very well. It is time this House passed this Motion which was brought by my colleague, hon. Kirior so that we may start promoting teachers on nothing other than academic grounds.

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

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** Thank you, Mr. Speaker, Sir, for giving me this chance to say a word or two on this Motion.

I do recall when this issue of promotion of teachers on merit did arise in the past. I would like to say that we are using this Motion to express the views of those who elected us. Let those at the Back Bench not consider us in the Front Bench to be different, since we are all elected and answerable to those people who brought us here. The mistakes I make here I shall pay for them when I face the masses. This is something that we should all keep in mind, that today you

are a Minister and tomorrow you cannot even be a Member of Parliament after facing the bosses at home.

With that in mind, I would like to contribute on this Motion with a clear conscience. We shall look at the problem as it stands. What is the problem? The problem is to give our children education. What type of education? First class education. How can you get first class education unless you have the best teachers. All of us in this House could not be speaking in this House if we did not have somebody called mwalimu. We would not be here and that is a fact. Yet, mwalimu and a doctor are people who have not always been looked after well. Let us look at their problems. We have looked at the question of promoting teachers on merit—I was here when the issue was discussed—and now we know what is happening. There are many examples. In fact, there was one incident where the Minister himself had to help me. There was this mwalimu who was not doing well and what do I hear today? That the same mwalimu is somewhere in the Teachers Service Commission to control the Western Province. When she had done a hopeless job, she is now in the Teachers Service Commission. What will the other teachers think? She is now telling them, "I am the boss and I am now ordering you to move from school A to school B, C or D." However, I think the Minister has a point in what he says.

In some cases, some of those teachers who were promoted because they had attained academic qualifications in the course of their teaching became happy. However, some of them concentrated so much on their studies that they had no time to teach and, as a result, many young children suffered and they did not do well. Of course, we may have exceptions like hon. Mbori who did well academically and also in teaching, but are we all like hon. Mbori? The answer is no. So, let us strike a balance. In order to save the future generation from this destruction in education, let us say, "All right, the teacher can be promoted on both merit and academic qualification". In this case, the only solution should be that right from the beginning, when somebody wants to be a teacher, he should be a person with high academic qualifications so that when they are teaching they can be promoted on merit since they already have the academic qualifications. Promotion should be solely based on an individual's performance.

Mr. Speaker, Sir, during the colonial days promotion was on merit. I do remember that my late brother was promoted on merit since he already had the academic qualifications. When it came to teaching he did very well and was brought to Kabete. He went back as an instructor and was brought back again and was promoted to a headmaster. All this was based on his performance in the class because his pupils used to do very well. Let us put it that if somebody is teaching Biology and his students do well, that teacher should be looked for and promoted and stay where he is. It is not necessary for him to become a headmaster; he can get the promotion and remain where he teaches. I think the same thing should be

**[The Assistant Minister for Environment and Natural Resources]**

applied as far as agricultural officers and veterinary officers are concerned. If somebody is doing a good job in Kisumu Rural Constituency let him be promoted and stay in that place and continue doing that good job there and get the same salary with that of the guy sitting in Jogoo House or whatever office. In that way we would get more production and there would be incentives. There would be something to look forward to, rather than just sitting there seeing a teacher who is not qualified and who attained "F" in his examination, but because he knows Prof. Indire and Prof. Ng'eno, and they talk over tea, or a bottle of beer, or a glass of whisky, then you hear that this teacher has been promoted. This is very frustrating.

I am personally speaking without any bias. This is one of the professions I will never take up, the others being that of a policeman and an army officer. These are three professions I have no talent for. Therefore, I am talking independently and unbiased and I am looking at this subject objectively as a parent, taking into account the future of the young generation in this country.

I would also like to go further and mention that while the teaching profession is as it is, teachers and doctors should get better paid. These are two important persons. As we are seated here in the House, most of us will at one time or another run out to seek a doctor, but not Shikuku. The doctor does not sleep; he works 24 hours to keep these souls alive, but his salary compared to a secretary, or a copy typist in town is nowhere near. These sorts of things are usual all over the world, but we should make considerations.

The hon. Minister for Education, Science and Technology has given what he considers his view and, I am sure, he is not going to be oblivious to these expressions by his fellow colleagues. We are here, as elected hon. Members, not to pull down anybody, but to do what is good for the people. In that way we can promote the good name of this country. I am very impressed—having been in this House for quite some time—of the trend in this House. There is a lot of reasoning, where people look at things objectively. We are not fighting the Back Bench, or the Back Bench fighting the Front Bench. No, it is not so. However, I do not know why some hon. Members should have that feeling because we are a one-party system and one Government. What is good for this country is good for all of us. I do not personally consider myself more important than a Back-bencher. This is because I am an elected hon. Member just like the Back-benchers. The position I hold in Government is just because His Excellency the President wanted me to assist in it. However, for all purposes, I am one and the same with the Back-benchers.

So, when we are talking in this House, let us look objectively at a subject, taking into account the interests of the people of this country. In that way we can go a long way, because we are a one-party state. Now, as far as I am concerned, this Motion has provided

us with an opportunity to air our views as far as the teachers' positions are in this country. I am sure the hon. Minister responsible has heard what other hon. Members feel. There is nobody who can deny that the "chai" business is not going on. I cannot stand up here and confirm that. I would not be myself. Shikuku is always himself and I cannot, for that reason, stand up here and say there is nothing like "chai" in this country, because I know it is there. I know how to do my homework and I can produce names on what is happening.

Now, what do we do? Do we just look at this situation and let it continue? No, certainly. Then what do we do? The question is: If we are going to do something about it, then let us agree that both the Front Bench and the Back Bench Members have aired their views and the hon. Minister has heard. Even if he has refused to support the Motion, he is going to implement whatever views that have been aired here. One important thing we have to note is that a Motion can be passed in this House, but having it implemented is yet another thing, and very important too. We can have a Motion go through this House successfully, but then, how many Motions have been passed through this House and have not yet been implemented? Very many! So, why do we not agree that we have the Motion, and as the Minister has agreed, and went further to say that what is being asked here is already in practice, and tell him our views as we see it fit and then watch to see if things are going to change? If things do not change, then it is the duty of the Back-benchers to bring in Motions, or more questions to ask the Minister to explain what he is doing on this Motion. That is the way in which we can get on. Fighting among ourselves here in the House will not bring anything worthwhile.

With those few remarks, I beg to support.

**The Minister for Water Development (Mr. Nyagah):**  
Mr. Speaker, Sir, I would like to—

**An hon. Member: Oppose!**

**Mr. Speaker: Order!**

**The Minister for Water Development (Mr. Nyagah):**  
Mr. Speaker, Sir, I would like to take part in this debate. This is a very interesting Motion on education. I think we have listened to the very wise words in the form of contribution from hon. Shikuku. Passing a Motion is one thing, but having it implemented is yet another. Sometimes implementation is difficult to effect just because there are a number of things that have to be taken into consideration. This particular Motion is interesting in that it is asking the Minister to re-instate something that is already passed and used to happen. Well, this country does not have enough people who qualify for teaching posts with the higher education, when the very few great people of high merits were to be considered to be given that hiking among their fellow teachers.

The Minister has heard—and the House has also heard—that the intentions of Government, through the Ministry of Education, Science and Technology of selecting a few of these very meritorious cases has not always been fulfilled, or applied fully by those who

**[The Minister for Water Development]**

should be doing that. The Minister has heard that, but he is saying, as it is, to go back to the past is not necessarily doing justice to the profession.

Sir, I look forward to a day when the labourer in this country will be a graduate; I look forward to a day when a graduate will also humbly take to a job of a cook in the hotels. I also look forward to the day when we will find people with education doing the humble jobs and, it is that time that this country will give every person the salary he is academically qualified for and professionally qualified for.

Having said that, I am reminded of an English saying. "All that glitters is not gold". Not everyone who passes an examination can make the best teacher. We know of a very eminent educationist in this country, by the name of late Carey Francis, a university doyen; a professor, who came down to Maseno to teach in the intermediate stage. He made the best job of it. In spite of his education, his salary was the same as that of any missionary teacher who came to Maseno. What I am trying to appeal to the Mover of the Motion to note is that we, too, know that the practice is not as it should be. The Minister also knows and he has highlighted and said that merit, character, professional achievements, academic achievements and such other things are taken into consideration. We may also add participation in the community, the standing of the person being promoted and so on. All that the Minister said, to the best of my knowledge, is that if we are to pass this Motion, as it is worded, it would be asking us to go back on what has already been passed. It will make it impossible for the Minister, and the Ministry, to do what is right. It would be leaving out certain aspects that should be looked into.

So, Mr. Speaker, if I were to advise the hon. Member, I would appeal to him and tell him that he does not press for the Motion to go as it is and then, perhaps, he has it that the Minister notes, and has heard, all the views that have been aired here—and they are very good views. In the operation of the system, therefore, for the very few meritorious cases, things can be done right.

With those few remarks, Mr. Speaker, Sir, that all that glitters is not gold and that not everyone who obtains his B.A. degree while teaching or passes his "A" Level examinations while teaching should be promoted automatically, I would like to ask the Mover of the Motion to reconsider this and perhaps withdraw this Motion. We want to pass Motions here which can be effected or implemented. We do not want the Mover or the whole House to come here and say: "Mr. Minister you know we passed such-and-such a Motion on such-and-such a day, such-and-such a year but it was not implemented." We want to be practical and pragmatic in our approach to various issues. On this point I hope that the Mover will not press it very hard for the Motion to pass as it is.

Mr. M'Maiti: Thank you, Mr. Speaker, Sir, I am talking as an interested party, as a teacher who has taught in primary schools, teacher training colleges and

has supervised teachers and has known what they are up to.

An hon. Member: Hear!

Mr. M'Maiti: Mr. Speaker, Sir, when a Motion of this nature comes to this House, the Government should know that the Members normally have done a lot of research and that they have had a lot of discussions and they met the people concerned and that they have seen where the shortcomings are and where injustices are being done. Therefore they come here to seek some assistance to the people who are being oppressed. I am sure that the Minister said here that if we would go into his office we could settle certain things like this one. But for sure sometimes it becomes even impossible to enter the offices of Ministers. Therefore that is the reason why we have to come to our office here, the National Assembly, to see whether the Ministers can listen to us.

Mr. Speaker, Sir, this Motion is seeking the reinstatement of teachers' promotions on academic grounds. When we said that we were not going to consider academic grounds as the basis for the promotion of teachers we knew that there were shortcomings and we thought that the Ministry was going to look for those shortcomings and correct them. I know that some people had become completely corrupt; they had presented certificates which were not theirs and they got promotion. This was there.

Mr. Speaker, Sir, it is also evident that people are promoted because they have merely given goats or bought beer to the officers concerned. You will find that such people are promoted in bars. We know that. That is not the merit we were looking for. When we said that people should be promoted on merit that was not the kind of merit we were looking for. So the reason why we, hon. Members, are seeking the reinstatement of promotion of teachers on academic qualifications is because we have found that what we wanted is not being practised. Therefore we are trying to say that perhaps it will be better if we go back to the previous system of promoting teachers. This is because children and parents know who is a good teacher and they see the delivery of the goods from that teacher. Even the headmaster knows who is a good teacher. But some of the teachers go out of their way and make friends with the officers who are in the field. So you will find that promotion forms are given to such teachers and not to the good teachers. The good teachers never see these forms of promotion. Therefore they are left there wondering when they see a teacher presenting himself or herself to the headmaster and saying that he or she has been promoted. So when the others see this they begin to say, "Yes, if So-and-so is promoted to PI or SI let him go and teach English or Mathematics in that class if he is capable of doing that." But he or she cannot do it and, therefore, the children are frustrated. Even if such a teacher goes into the classroom he or she cannot present himself or herself to the class. Therefore we would rather say that if the Ministry of Education, Science and Technology would streamline its Examinations Section, and if we



**[Mr. M'Maitisi]**

would know that people cannot present fake certificates in order to be promoted, then passing examinations and getting promoted is the real thing. That is the way. The Ministry can only streamline its Examinations Section so that they can ensure that people cannot present fake certificates to be promoted. That is the only line we could follow. The Ministry should ensure that people present real certificates showing that one has studied and passed his or her examinations in order to be promoted. That will be an ideal thing because one has achieved more than he or she had before and therefore he or she can pass it on to the children. It is wrong to say that a teacher would read at the expense of the children. I have never seen it. I have been a teacher and a headmaster and I know that a teacher who reads is a first-class teacher. He is a first-class teacher because he is knowledgeable. He expands his knowledge.

**An hon. Member:** Yes!

**Mr. M'Maitisi:** But the only bad thing is where people become corrupt and start thinking of buying certificates or presenting fake certificates so that they can get promotions. But if they read we all go in for that one rather than this one where people are promoted in a bar where things are discussed and they are told, "All right I am going to recommend you for promotion. Here is a form take and fill it in." You will find that these forms are hidden and given only to friends and not to good teachers. These forms are there but some good teachers are not given the chance to apply for promotion through those forms.

**Mr. Speaker, Sir,** I would say, as a teacher and as I have known the teaching profession, that what I am saying is very true. We should stick to this and the place where our examination certificates come from should be the most safely-guarded place so that we get the right thing at the right time.

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

**Mr. Mate:** Thank you very much, **Mr. Speaker, Sir,** I would also like to make some observations on this very, very important Motion on promotion of teachers. We have known that the Ministry has good intentions when it says that promotion of teachers should be on grounds of merit. But the whole thing, as has been said, has become really bogus. It has become actually a source of corruption. This has become a gift to the wives or friends of the bigger officers. I think this Motion is very timely. It is high time we went back to the previous system where teachers used to be promoted on academic performance, and I think I should also add the word "only" there.

**Mr. Speaker, Sir,** when a teacher is promoted because he has passed examinations I should also advocate that a teacher should not be made a headmaster or headmistress because he or she has passed an examination. Let the teacher be promoted and stay in the classroom and teach. This is because making one a headmaster or headmistress is a way of weakening the teaching staff given to the students. Let us have teachers

being promoted in the classroom because they have been doing a very good job as teachers in the classroom.

Secondly, **Mr. Speaker, Sir,** if a teacher is promoted to the position of a headmaster or a headmistress, he or she does not have enough time to concentrate on teaching. So, teachers who should be considered more are the teachers teaching in classrooms because they are doing a very good job of teaching our children. **Mr. Speaker, Sir,** I would like to call upon the Ministry to consider writing more circulars instead of using the Press. I am saying this because for the past few years, it has been the custom or practice in the Ministry of Education, Science and Technology to run the Ministry through the Press or through telephone. So, the Ministry should consider the use of circulars so that the teachers may be able to know the stand of the Ministry regarding the running of the Ministry. The use of circulars by the Ministry and the field staff has gone down. So, let the Ministry go back to this system of informing the teachers so that they can get the proper directives so that they can know where they are heading to. I hope the Ministry is going to look into this because we have heard teachers complaining that the Ministry is only using the Press or the telephone to keep them informed. Teachers are getting disturbed regarding selections, interviews and examinations and they feel that they would like to get something in writing regarding these things so that they can be able to respond positively on these matters.

We heard from the Minister that he has increased the field supervisors. This is very good because it means that teachers who do not like teaching and instead use their time reading for examinations will be supervised and made to teach instead of reading for their examination. So, I think this is a very good idea because these supervisors will make sure that teachers teach and not use school time reading for examinations.

**Mr. Speaker, Sir,** I do not think that there is anything wrong in teachers reading for further examinations. If teachers want to further their knowledge on the subjects which they are teaching in the classrooms, there is absolutely nothing wrong. I am saying so because they improve their knowledge while at the same time they improve their ability to teach in classrooms. Those teachers who tie themselves to the curriculum or to the syllabus, become almost semi-literate because they only know, for example, the Standard 1 syllabus and they stick to that and if you ask them something outside Standard 1 or Standard 2 syllabus or even Standard 3, they do not seem to know. So, let us encourage teachers to read by promoting them on academic performance.

With those few remarks, I beg to support.

**Prof. Indire:** Thank you, **Mr. Speaker, Sir,** for giving me an opportunity to speak on this important Motion. This is a very important Motion, but unfortunately it has not been worded fully and I think it is a pity. This is perhaps as a result of a mistake which was made in the past by the Ministry of Education at that time in considering merits separately from academic performance. However, in truth, **Mr. Speaker,** when we talk

**[Prof. Indire]**

about merits, we are actually talking about academic performance, professional performance and also the performance in general activities affecting the school work or education. All those aspects, Sir, really form what merit actually is, but unfortunately, the Motion here is asking us to go back to a system that was itself bad in that it decided what merit was. I, therefore, Sir, find it very difficult to support the idea of going back. I am saying this because if we say that we go back to academic performance alone, we are going to leave out two other very important elements in the work of a teacher, and that is a teacher's usual classroom performance and his performance in the community. Mr. Speaker, Sir, this is why I find it very difficult as a professional teacher myself to support this Motion.

Mr. Speaker, Sir, I think the Motion itself has good intentions because a lot of things have been said about it which I agree with. Hon. Angatia, for example, made very important remarks, and this is true. However, we cannot go back to the past because the past, as I maintained, was wrong because merits should include both academic and professional performances in the classroom. If we are going to talk about academic work only, it is true, and I agree as a professor of education that academic standing is the foundation of every teacher and there is no doubt about that. However, there are lousy teachers who have done wonderfully well in academic work and we should note this. It is not true to say that when a person does very well academically, then automatically, he is a good teacher. I think we would be going astray if we were to believe this. However, as I have said, academic performance or academic standing is the foundation of good teaching. It is a beginning of a good teacher, but we cannot use it alone for promoting teachers and we must also look at what the teacher actually does in the classroom. As I said, we may have people who have got a string of degrees but they cannot teach.

Mr. Speaker, Sir, I think the disease which hon. Members are referring to here is that the disease of the administrators within the Ministry and I am glad that the Minister has said that he is going to do something about this. I am saying this because they themselves are still considering merits only as making friends or doing other things other than the actual performance in the classrooms. We are aware, as has been indicated by hon. Members here, that there are people who are promoted while they should not actually be promoted and you wonder how they are promoted. There are on the other hand, teachers who should be promoted because they do their work well, but because nobody really looks at them; because they have no friends who matter so that he can take them to the bar and buy them a bottle of beer or something, they cannot be promoted. I think this is the disease of the administrators. If they can, as the Minister says— If the supervisors whose number has now been increased in the field can actually realize that merit does not only refer to the question of what they are dealing with—I wonder what they really consider as merit. I

am saying this because it is not even classroom teaching since there are teachers who teach very well and are not promoted. So, the failure is not with the teachers all the time, but it is actually on part of the administrators because they have not been able to consider teachers who actually pass examinations.

Mr. Speaker, Sir, I think it is really upon the Ministry to re-consider the whole thing and make sure that what they refer to as promoting teachers on merit is passing examinations and also looking at their performance in class and not just passing examinations. They must pass examinations while at the same time, they must be looked at in the classrooms to see whether or not they have improved through reading and passing of the examinations. If they can look at this and also at what the teachers do in the school community, then I think we would be promoting people properly. This is why I find it difficult to say that we must reinstate the old system which divided merits into two, where they considered academic work separately from the performance of teachers in the classroom. I think there are some teachers who become very good even though they have not gone beyond the academic level that they reached before they were trained. They do a very good job. I think these teachers should be promoted wherever they are. I also think that teachers who better themselves academically by taking and passing examinations, and also show in the classroom that they are doing a good job should be promoted. Hon. Members, I think that by simply saying that we should go back to a system which talks about academic performance alone, we will not be helping the country, the teaching profession or our children. We want teachers to perform properly in the classroom and to better themselves by reading and passing examinations. So, until there is a Motion which combines these two aspects, I would find it very difficult to support a Motion which still perpetuates the system which came in sometime in the past, in fact, 20 years ago. At that time, when I was in charge of teacher training colleges, this system existed and it separated academic work from meritorious performance, which thing should not have happened. We would not like that to be perpetuated. What we want is a corrected system and I would urge the Minister to make sure that those criteria of academic performance and also performance in the classroom and in the general school's welfare be taken into consideration in promoting teachers. I do not feel that the Minister is really opposing the idea of academic performance because it would be a dark day if the Minister were to oppose teachers' academic performance as a means of promoting them, but I think that the Motion itself is wrongly worded and is one-sided. It ought to be amended so that we might approve of a scheme which would include all aspects at present. If that is done, I will find no difficulty in supporting the Motion. If this is not done, I will not support it because I think it is going to put us in the same difficulty in which we are at present in that a lot of teachers are not promoted on academic grounds nor on merit, but on some other aspects whose origin we do not know. I would urge, although we have said a lot of things about this one, that the Minister amends this Motion. Maybe the Mover will amend the Motion

**[Prof. Indire]**

so that this House actually approves a Motion which is one that we know means something and is going to help the teachers and the country as a whole. As the Motion is now, I do not think we should really support it because I do not think we will be improving anything by doing that.

With those few remarks, I oppose the Motion, Mr. Speaker.

**The Minister for Labour (Dr. Ouko):** Mr. Speaker, I would like to declare my interest as a teacher and a former headmaster. I would like to suggest to this Hon. House that the root cause of the problem lies in the definition of merit. I think Prof. Indire has put his finger on the problem. Merit should have been defined properly from the very beginning when this system was started. Unfortunately, merit was defined then as it is being defined now to mean everything, excluding academic standing. Merit should include, first and foremost, the academic status of a teacher. This is because no one in his total mind can stand up in front of 40 children of any level and pretend to be teaching them if he has not got a clue of what is to be taught. So, the first step is for the teacher to have cognitive knowledge of what is to be taught. However, that is only step one.

Step two is that a teacher must demonstrate the ability to communicate that knowledge to the children so that he can teach them, conveying or transferring the knowledge in his head to the head of the child. Thirdly, the teacher must be able to work well with his colleagues, the environment and the community around him. A teacher works in a certain environment. He must be seen to be fitting into that environment. That is a major quality of a teacher to possess.

Fourthly, a teacher must be seen to be an honest man because he cannot show by example if he cannot show through his own personal conduct that he is good. Those of us who were privileged to be with His Excellency the President when he toured the Western Province, will remember that when he stopped just below Sigalagala Market on his way from Kakamega, he gave a long lecture, in my view one of the most important lectures he has given this year, on what a teacher is. I remember almost verbatim what he said. He said that a teacher is someone who is knowledgeable and to whom the community can look for guidance. That is just an example. He said almost those words.

*(Applause)*

So, here was the President, a former teacher himself, a former headmaster and a former supervisor, recognizing that knowledge is important, and that a teacher must have some academic standing. In addition, he says that the community in which a teacher lives must look to him for guidance. If a teacher steals money from a school, he cannot be called a good teacher nor can he deserve promotion for having stolen the money. The society and the country expect a teacher to be honest, but not to steal. Stealing is a bad example and a teacher must show by example that he is a good leader. When teachers are drunk, the community and the country say that he is not a good teacher because he comes to class drunk. If we are saying that the sole

criterion for promotion should be academic performance, we are implying that the conduct of the teacher is immaterial and irrelevant and that all the teacher has to do is to know how photosynthesis occurs and how osmotic pressure is applied in plants and that it does not matter whether he comes to class drunk, half dead, wretched, rude or whether he beats up his parents or his fellow teachers. If that teacher makes a woman child pregnant, the society goes into an uproar and says that he is a bad teacher. We have said so even in this House.

We cannot say that the only criterion for promotion is the academic brilliance of a teacher and neglect all these other factors. So, I come back to the "original sin". The original sin was to divorce the definition of merit to exclude academic performance as if it was an alternative to class performance. Academic brilliance is a factor in the consideration of merit. The conduct of a person is a factor in the consideration of merit and so is the conduct of a person. Communication capability and honesty are also factors in the consideration of merit. All the Minister is saying here is that a teacher should be promoted only on merit. This is being taken into consideration now. This is why Mwalimu Nyagah was asking why we should not consider withdrawing this Motion because what is wrong is not the system, but the misapplication of the system according to which a few individual officers use their own criteria for promoting teachers. We are saying that we, in the Government, do not accept that sort of thing. The Minister has undertaken to deal with this matter in the same way I have undertaken to deal with malpractices in the National Social Security Fund, as I said here in this House. So, I am suggesting that the Mover of this Motion, in view of the explanation we have given, should consider withdrawing it so that we might take the challenge we have been given by contributors here and tighten the system so that merit is seen to include all these factors.

Mr. Speaker, with those few remarks, I beg to make those suggestions.

**Mr. Oyondi:** Thank you very much, Mr. Speaker, for allowing me to say something on this Motion.

Mr. Speaker, I would like to move an amendment to this Motion, and the amendment reads as follows:

THAT, in view of the fact that this country attaches great importance to academic advancement, and bearing in mind that teachers play a significant role in promoting this advancement, this House urges the Government to continue promoting teachers on merit from one grade to the next higher grade upon passing the national academic examinations.

Mr. Speaker, my reason for doing so is that although the Minister had earlier indicated that that is what they are already doing, actually what is done in the field now is very different from what the Minister has said, because you find that those teachers who have struggled hard and passed their academic examinations are not even considered for promotion by the officers in the field simply because they think that by promoting them one day they might take over their offices. So,

**[Mr. Oyondi]**

I feel that it is important and necessary to have both merit and academic qualifications together so that nobody claims that he is not considered for promotion because of one reason or the other, or that nobody says "So-and-so has been promoted and yet he has not passed academic examination, and so he is not fit for promotion".

With that amendment, Mr. Speaker, I beg to move.  
(*Several Members stood up*)

**Mr. Speaker:** I regret to say that we do not have enough time for other speeches. Anyway since the amendment Motion has been seconded, I would like to put the question.

(*Question of the first part of the amendment, that the words to be left out be left out, proposed*)

(*Question of the first part of the amendment, that the words to be left out be left out, put and agreed to*)

(*Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed*)

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

(*Question of the Motion as amended proposed*)

**The Minister for Water Development (Mr. Nyagah):** On a point of order, Mr. Speaker, I did not quite get the text of the amendment, or the words that you have just put in. Is it possible for the Speaker to repeat them?

**Mr. Speaker:** No, we cannot go right back. The words which are being inserted are "on merit" in the sixth line between the words "teachers" and "from" at the beginning of that line. Is it clear now?

**The Minister for Water Development (Mr. Nyagah):** Yes, it is.

(*Question of the Motion as amended put and agreed to*)  
*Resolved accordingly:*

THAT, in view of the fact that this country attaches great importance to academic advancement and bearing in mind that teachers play a significant role in promoting this advancement, this House urges the Government to continue promoting teachers on merit from one grade to the next higher grade upon passing the national academic examinations.

(*Several Members stood up*)

**Mr. Speaker:** Unfortunately it is time for the Mover to reply. So, I call upon Mr. Kirior to reply.

**Mr. Kirior:** Thank you very much, Mr. Speaker, for giving me this opportunity to reply to the contributions of the Members.

I would like to take this opportunity to thank all the Members who have contributed to this Motion. This Motion was brought to this House in good faith. I very much uphold the dignity of our Minister who, in fact, is a friend of mine, and we come from the same district.

Mr. Speaker, the idea the Ministry had on promoting teachers on merit, just as I stated earlier, was good, except that it was being abused by some people, and this is why I thought of bringing in an alternative which

does not bring any complaints at all. This system used to be there and we did not have a lot of complaints; people were happy with it, but the then Minister for Education just thought of discontinuing the system, and the reason that was given for doing so was that teachers were not teaching well or effectively because they were reading to pass academic examinations. I oppose that idea of having teachers reading to pass examinations instead of teaching. However, there is the head teacher whose responsibility is to make sure that the school is run effectively, and that the teachers teach effectively. We also have the district education officers and the assistant education officers who are there to make sure that teachers teach.

Mr. Speaker, I think there is a lot of noise in the House.

Mr. Speaker, I thought it fit to consider teachers who have equipped themselves well with academic qualifications and ability, and who are able to impart some good knowledge to the pupils. During the time when this method was in use, very many children used to pass their examinations. For instance, children in Kericho used to do very well during that time. However, when the system of promoting teachers according to their academic achievements was discontinued, teachers became slack in their work and started running after education officers so that they can be promoted. This might have brought about cases of corruption and so on.

I was surprised when I was informed by teachers from my constituency that this year only two teachers have been selected for inspection in the whole division where we have more than 2,000 teachers. After we complained about that, I have been told that the number has been increased to seven. Those are the teachers who have been given forms which teachers fill in before they can be considered for promotion.

Now, there are very many teachers who meet the conditions that have been laid down by the Ministry. However, it is very difficult for teachers to obtain these forms. The mere fact of getting a form does not mean he has qualified to be promoted. That is not the case. Why then are teachers not provided with these forms so that they can fill in them; be inspected to see whether they can pass or not? I think teachers should be given these forms without any condition. I do not see why the Ministry refuses to give these forms to teachers who qualify to be promoted. In fact, most of them meet the conditions that are laid down by the Ministry.

So, you can see that there is favouritism or corruption right at the bottom. Many teachers have been demoralized by the unfair means being used now. That is why many teachers are not very active in the classrooms. I know that there are very many teachers who have left the teaching profession to join other Ministries because there they are able to be promoted easily. I know that there are very many hon. Members in this House who have benefited from the system of promoting teachers according to their academic achievements.

Mr. Speaker, Sir, I would like very much to thank the hon. Members who have contributed to the debate on this Motion. I also accept the amendment which was moved to this Motion.

[Mr. Kirior]

Thank you Sir.

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

Resolved accordingly:

THAT, in view of the fact this country attaches great importance to academic advancement and bearing in mind that teachers play a significant role in promoting this advancement, this House urges the Government to continue promoting teachers on merit from one grade to the next higher grade upon passing the national academic examinations.

### MOTION

#### PROVISION OF ESSENTIAL FACILITIES IN KONGOWEA

An hon. Member: We are supposed to discuss hon. Munyao's Motion but he is not in now!

Mr. Speaker: I think Mr. Munyao is out of the country.

Mr. Mwaruwa: Mr. Speaker, Sir, I beg to move the following Motion:

THAT, in view of the fact that there are more than 85,000 residents in the Kongowea Area of the Mombasa Municipality, and being aware that the area lacks roads and drainage system; is full of potholes and prone to floods during the heavy rains making the area inhospitable, this House calls upon the Ministry in conjunction with the municipality to make the necessary arrangements for the municipality essential facilities to reduce the sufferings of the innocent wananchi.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, Kongowea is the biggest and largest location in the whole of Mombasa District; Kongowea has more houses than any other location in Mombasa District; Kongowea has more—

The Assistant Minister for Environment and Natural Resources (Mr. Shikuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. On the fourth line of this Motion, there appears the word "patholes". I think in place thereof, we should have the word "potholes". I think that is purely a typographical error which was made by the typist. I wish the hon. Member can correct that mistake right from the beginning.

Mr. Mwaruwa: First of all, I would like my hon. colleague to understand that it is not me who typed the Motion. That is the work of the people in the office of the Clerk of the National Assembly. So, I would like the people concerned to correct that mistake.

Kongowea consists of more people than any other location in Mombasa Town. People in this area have suffered a great deal. When rains fall we face a lot of problems in that area because the area gets flooded. In fact, water submerges even houses. For instance, if you enter one house, you will see chairs and tables floating on the water as though they were in the sea.

When people fall sick there, it is very difficult for an ambulance to come there to collect the sick people. This is because the area is full of water during the heavy rains.

The roads in this location are not up to standard. These roads have a lot of potholes and even bigger holes. In fact, some people fall and sick in those potholes. In that location, we do not have even a single road which is tarmacked.

That is why we have brought these complaints into this House so that the Ministry concerned, in conjunction with the Municipality of Mombasa, can consider constructing roads in this location so that ambulances and other vehicles can reach the area. We would like the Ministry to do something with the drainage system so that the houses are not flooded during heavy rains.

In that area now we do not have any drainage system. That is why when it rains, water has no way of flowing away. After the rains have fallen, the water becomes stagnant not only for one week but for one or two months. In fact, during the heavy rains the tourists like visiting the interior parts of the location to see how mosquitoes are breeding during that time. That is why most people there suffer from malaria and so on.

Sir, it is not our wish to blame the Minister for Local Government for all these ills. However, as we all know, most of the people in high positions do not like visiting the interior parts of the location to see what is happening there. Such people only drive along the main roads which are tarmacked. That is why they do not know what is happening inside such areas. However, they only receive reports from their officers in the field. The field officers normally tell their bosses that everything is in order whereas that is not so.

Sir, the Municipality of Mombasa receives a lot of money from the people of this area. Indeed, the municipality receives more revenue from Kongowea Location than from any other location in Mombasa District. Mr. Temporary Deputy Speaker, Sir, I am sure that you know this area very well because you have visited the area more than twice. I can remember that when you were the Mayor of Mombasa you asked the Municipality of Mombasa to instal electricity in that area. However, since you ceased to be the mayor, some of the lights have been removed from the area. In Mombasa there are lot of personal conflicts. I think people who hold senior positions in Mombasa Municipality fight against us privately by refusing to develop that area simply because the Member of Parliament or the Chairman of the Kanu Branch does not belong to their political grouping.

I could take that as one of the reasons why the councillors of Mombasa, particularly the mayor himself does not consider which area should be developed by his municipal council, like the Kongowea Area. It is very sad that even now there are more than 30 houses which have already fallen down due to the heavy rains which took place recently. There was no drainage to assist the water to get out of the area. But instead, the water had to stop there and create some sort of a lake unnecessarily simply because it had no outlet to go through.

**[Mr. Mwaruwa]**

Sir, up to now, we do ask ourselves such a damage like that one affecting more than 30 houses which have already fallen down and which most of them do belong to poor people who can no longer afford to build other better houses, who should be responsible for that? We know that people do pay high tax, we do pay ground rents and also municipal ground rent as well. Municipality has to receive money from the public through many, many ways. These people are very loyal. They comply with the rules and regulations of this country and also by the by-laws of the municipality. They also do pay this tax, but instead they receive no services from the Municipality of Mombasa. Now, whom should we ask or complain to? When we approach the Municipality of Mombasa they do not have good reasons to satisfy us as to why they do not give us services. They only say that there is no money every now and then. However, you will see some other parts of Mombasa District are quite developed even in places where there are no people to live in or pass-by. It is only when somebody has died and when people go to the funeral is when they make use of that road. You will find that such roads have been tarmacked and they have been installed with the required number of electrical lights.

This, Sir, makes some of us feel very, very bad because we also do represent people who are contributing financially to the well-being of the municipal council and to the Local Government. Therefore, we do not see the reason why we should be isolated when demanding some services to be offered to us. In this case, Sir, I urge the House and the Ministry to make some arrangements and, if possible, the Minister himself or any other senior head from Nairobi here to visit that area and witness with his own eyes what is happening in that particular area. At the same time, he arranges for another time to go to other places in Mombasa District and see the difference in development. This is because Kongowea consists of the ordinary people, the poor wananchi, who cannot afford anything. That is why my feelings tell me that this is one of the reasons why the municipal council does not attend to that area simply because it consists of a lot of poor people. Now, when you go to other places in the centre of the town, you find that this is where there are three, four or ten rich people and the area has been well developed. You will find that the roads have been tarmacked. There are the necessary drainage and the lights have been installed. Everything has been put up to standard which is not against the health of people. You cannot even find the mosquitoes there because they do send about four or so people in a day to go and clean that area. But in the area of Kongowea you will find dustbins which have not been collected for the last ten months or two years. You will also find that mosquitoes are breeding there and it is the people of that area who suffer more than other people from that district.

In that case, Sir, I would urge the House, and the Minister concerned, to pay a visit there and witness everything there with his own eyes. He should also make some arrangements or necessary facilities which do comply with health matters so that a proper drainage

system is built and roads tarmacked to enable those people to sleep well, to live well and also to be recognized. Let them feel also that they are remembered by the Local Government and feel that what they contribute financially to the Local Government in Mombasa is justified.

With those few remarks, Sir, I would kindly request the Chair to call upon hon. Kiliku to second the Motion. Thank you, Sir.

**Mr. Kiliku:** Thank you very much, Sir.

First and foremost, I would like to thank hon. Mwaruwa for bringing this very important Motion to this House. I would like the House to note—and this has been the behaviour of Mombasa Municipal Council—is that they repair roads during the national occasions only, especially during the agricultural show, Mombasa. If you go to Mombasa today you would find that every road has been damaged and nobody is paying any attention. However, shortly before the Mombasa agricultural show is when the Mombasa Municipal Council will start repairing roads in Mombasa because, I believe, they know that His Excellency the President must go to Mombasa. Now, this kind of behaviour should stop forthwith otherwise it will not be good for the Mombasa Municipal Council to repair roads only during some occasions.

Sir, Mombasa is the second "City" of this country or the second largest town in the country and, as such, every bit of attention should, of course, be paid to it. There are no essential public utilities. Some parts of Kongowea, Changamwe, Magongo and Kisauni are quite impassable because there are no roads and if there are any, they are very bad. I think it is high time the Ministry took seriously such a Motion. They should go to Mombasa and check why those roads have been damaged. The Ministry should also know the climatology of the Coast Province. It rains all round the year. So, if the material used for tarmacking the road are poor, even if the road is repaired today, it cannot last long. It rains all the year round and the Ministry should know that. The materials used for repairing Mombasa roads are very poor.

Sir, the most important public utility, and I think hon. Members will agree with me, is public toilets. If you "heat" or somebody "heats" up, automatically and naturally he will have to attend to a toilet. Now, in Kongowea there are no public toilets as the most important public utility. Kongowea is the most densely-populated area followed by Changamwe, Magongo, Mikindani, Kisauni and Frere Town. Those are the most densely-populated areas in Mombasa, but unfortunately, there are no these very important public utilities—public toilets.

Also, Sir, it is high time the Ministry of Tourism and Wildlife knew that when tourists come to Mombasa they use public toilets. Now, I understand that the Ministry wants to achieve the target of one million tourists coming to Kenya; and Mombasa is the home of tourists. Sir, the Ministry of Local Government should cooperate with the Ministry of Tourism and Wildlife in providing public toilets in order to attract the tourists



**[Mr. Kiliku]**

to Mombasa. Sometimes tourists are inconvenienced due to lack of public toilets.

Sir, the Ministry should know that Mombasa Municipal Council has been in a very serious financial predicament as a result of most of the vehicles being attached. So, public services have been paralysed. Right now as I am speaking, there is a lot of garbage in Mombasa and it is not being collected. When you ask the officials of the municipal council as to why this garbage is not being collected, you are told that there are no vehicles. All vehicles have been attached until the municipality pays the bill of Sh. 85 million. It is very sad. The same Mombasa Municipal Council has not collected Sh. 85 million from individual people, corporations and other institutions, and yet it is supposed to pay only Sh. 85 million. So, all the vehicles have been attached because of that. It is high time the Ministry checked to find out what is wrong with the Mombasa Municipal Council.

Sir, it was only last week when the Mombasa Municipal Council announced publicly—and this appeared in all local newspapers—that they are going to increase house rent from 375 to Sh. 600, and from Sh. 150, in the case of hawkers, to Sh. 300. I do not know on what grounds they arrived at such figures because they are exorbitant. I think the Ministry should stop this and then start investigating as to why the Municipal Council of Mombasa wants to make these increases. How can you require somebody who is selling newspapers in the street to pay Sh. 300? That is a lot of money for somebody who does not make much profit.

As I said earlier on, Sir, Mombasa is the home of tourists, and I think one of the factors that has contributed to the problems facing the tourists is bad condition of roads in Mombasa. If the Ministry is very serious, it must appoint a probe committee to go down to Mombasa to witness the condition in which the roads are. They should not drive but walk in the streets. They should go to Kongowea and find out as to why the municipal council is not paying attention to the bad conditions of roads. Maybe there are some political motives and, therefore, somebody does not want to recommend Kongowea to be developed. Maybe somebody thinks that if he recommends development in Kongowea, hon. Mwaruwa would be in a good stand politically. The Ministry should appoint a committee to go round and carry out a secret investigation to find out why some areas have been ignored. The Ministry should, as a matter of national importance, appoint a committee to go to Mombasa secretly, even without the knowledge of the mayor, officials and the Mombasa Municipal Council Engineer, to find out as to why some areas have been ignored. If it is found that there are any political motives, those motives should be eradicated for the benefit of all concerned. If you go to Kongowea today you will be surprised because you cannot even ride a bicycle in that area.

**Mr. Muthura:** Sure?

**Mr. Kiliku:** Mr. Temporary Deputy Speaker, Sir, the hon. Member for Laikipia East is asking me whether I am sure, but I would like to tell him that I

come from Mombasa and I do not know whether his question is logical. I am very much sure that you cannot ride a bicycle in that area. In fact when it rains sometimes children do not go to school because they cannot manage walking through the water. So, the Ministry should try and find out why some places in Mombasa have been ignored, particularly Mombasa West. The Ministry should realize that although we are doing family planning, people are increasing and we cannot go to every home and tell them what to plan. The population is increasing tremendously. I am very sure that if what I have suggested here is put into practice, Mombasa will definitely be up-graded as the second city in Kenya.

**Mr. Temporary Deputy Speaker,** Sir, the situation becomes even worse when we get visitors coming to Mombasa. The other day, when the President came to Mombasa to open the Law Court Buildings, he said that there were a lot of crows in Mombasa. These crows are there because the town is dirty and in order to finish these birds the Ministry of Local Government should accept this Motion and implement it.

With those few points, **Mr. Temporary Deputy Speaker,** Sir, I beg to second.

*(Question proposed)*

**Mr. Mwakileo:** Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami nitoe mawazo yangu kuhusu Hoja hii inayohusu Mtaa wa Kongowea ambao uko katika Mji wa Mombasa.

Jambo linalostaajabisha ni kwamba karibu wakaazi wote wa sehemu ya Kongowea, Kisauni, Changanwe na mahali pengine pote wanalipa kodi kwa manispaa ya Mombasa. Hata wale wanaofanya biashara ya kuuza tumbaku wanatozwa ushuru bila kuzingatia kwamba manispaa hiyo hupata mikopo ili iweze kuwahudumia raia kwa mambo madogo madogo kama vile kurekebisha barabara na kadhalika. Sijui ni kwa nini zile pesa zinazopatikana kwa kuwatoza ushuru wenye kupika mikate, kutengeneza kaimati, vitumbua na wenye kuuza maji haziwezi kutumiwa na manispaa hii kuwahudumia wananchi katika sehemu fulani. Utaona kwamba sehemu zingine zimeachwa kwa sababu pengine wanasiasa wanaotoka huko hawatafikani au pengine si wa kikundi kimoja na wenye kusimamia zile pesa. Hata bila kupata mikopo kutoka kwa Serikali, Manispaa ya Mombasa inaweza kuwahudumia raia kwa zile pesa wanazotoza kama ushuru.

Bw. Naibu Spika wa Muda, ningetaka kumjulisha Waziri anayehusika kuwa hata ingawa kuna municipal council inayohusika na kazi hiyo, aisahau na kuelekea huko mwenyewe na timu yake kuyaokoa maisha ya watu wa Kongowea. Ni aibu kubwa sana, lau Waziri anayehusika akifika mahali hapo na kujionea jinsi hali ya mji huo ilivyo, watu wanavyoishi na kadhalika. Hakuna barabara bali ni mashimo matupu. Huwezi kuliendesha gari lako huko na hata magari ya mkokoteni yanapata taabu kupitia huko. Kwa sababu hiyo, hili ni jambo la maana sana na linalofaa kuchunguzwa na Waziri.

Mambo ya kuingiza siasa kwa sababu pengine Mbunge wa sehemu hiyo hapatani na mwenyekiti wa

**[Mr. Mwakileo]**

konseli, ama diwani, na kadhalika, hayafai. Tunapofanya uchaguzi na mtu fulani anachaguliwa kuwa Mbunge, utake usitake ni yeye aliye Mbunge na ni lazima maslahi ya wananchi yatimizwe. Hilo ni jambo la lazima. Na ikiwa hivyo, basi si lazima kupitia kwa Mwenyekiti wa Kanu, ama kwa diwani, bali maendeleo hayo yapitie kwa Waziri anayehusika. Hii ni kwa sababu mara nyingi raia wanaumia. Kuna takataka zinazojaa Mombasa na hatuoni ni kwa sababu gani magari yanazuiwa kwa sababu ya kutolipwa kwa mikopo kwa sababu sasa mitaro inanuka na kuna uchafu mwingi sana. Yakizuliwa hivyo, basi kwa muda wa mwezi mmoja yatakuwa yakileta pesa ngapi? Ni heri yaachiliwe kuendelea kuuchukua uchafu na mikopo inayofanya magari hayo yazuliwe ilipwe. Je, mikopo yenyewe ilitoka kwa nani? Mahali po pote ilikotoka deni ni la Serikali ya Kenya, ambayo haiko tayari kuwaona raia wakipata taabu ya uchafu na mbu na pia nzi.

Tukiondolea mbali habari ya mikopo, watu wanalipa land rates. Pesa za viwanda pia zinalipwa na za kufodisha nyumba. Pesa hizi zote zinapelekwa wapi? Ushuru unaotokana na konseli unapelekwa wapi? Hudumu wanazopata wananchi huko Kongowea ni zipi basi? Upande mwingine ule wa Changamwe ni kama Kongowea pia. Tusiyaangalie mambo kwa sababu, kwa mfano, mimi ni meya na kwa hivyo niangalie sehemu tu ninayowakilisha. Ingefaa kila sehemu kwenye Municipality ya Mombasa kuangaliwa na raia wote wafimiziwe maslahi yao. Watu wa kila kipembe na kishemu ya Mombasa wana sehemu yao wanaotoa kuwezesha Mombasa Municipal Council kutekeleza mambo yake na kwa hivyo, ni lazima wafanyiwe kazi wanazohitaji.

Ni kweli tunapozungumza hapa Bungeni kuhusu Hoja hii kuwa Kongowea imesahauliwa. Waziri angefaa kuanzisha safari sasa ili aende ajione jinsi Kongowea kulivyo, ajue ni watu wangapi walioko huko na huduma zinazostahili kupatiwa watu hao zinatolewa namna gani. Takataka zimejaa, mashimo barabarani pia yamejaa. Ukitembea usiku unakuwa umeshikilia roho mkononi. Si sehemu hiyo peke yake, bali kuna sehemu nyingine ambako haziwekwi fikirani kisiasa. Kwa hivyo hatutaki ile Municipal Council ya Mombasa kuendesha kazi kufuatana na siasa. Kwa sasa tungetaka kazi iendeshe kulingana na mahitaji ya wananchi wa Mombasa, iwe ni Kongowea, Mto Panga, Magongo. Kwa Jomvi, na kwingineko kote chini ya Municipal Council ya Mombasa. Kila mwananchi atendewe ule usawa ambao mwananchi anahitaji.

Bw. Naibu Spika wa Muda, hali ya maji iwe sawa. Hali ya vituo vya afya pia ionekane ikiwa sawa. Hatutaki kuwa tukisikia hapa kuwa hakuna dawa. Hatutaki pia kuwa tukiona dawa zimekosekana mahali kama Kongowea Clinic kwa sababu barabara ni mbovu: hatutaki kusikia dawa haziwezi kupatikana kwa sababu gari la kupeleka dawa zenyewe haliwezi kupeleka dawa hizo.

Sijui kama wale wanaohusika wanayasikia mambo haya au la. Ikiwa barabara imeharibika na hata haiwezi kupitiwa na gari aina ya Land-Rover ili kupeleka dawa, je, watu wa Kongowea, ambao hukabiliwa na

kuzuka kwa ugonjwa wa malaria, wanatazamiwa kuishi kwa njia gani? Kongowea ni sehemu ambayo iko karibu sana na Mji wa Mombasa. Kwa hivyo, kuna Hoja nyingine ambazo zinaweza kupitishwa hapa na halafu zikao kwa muda mrefu kabla ya kutekelezwa kwa sababu ya upungufu wa pesa. Lakini Hoja hii tunayojadili sasa ni lazima itekelezwe mara moja. Hakuna haja kusema kwamba Hoja hii itatekelezwa pesa zitakapopatikana. Zile pesa ambazo hutolewa kama ushuru na watu ambao huuzwa maamri ni lazima zitumiwe. Ingefaa Waziri anayehusika achukue hatua ili sehemu inayohusika itengenezwe haraka iwezekanavyo. Hii ni kwa sababu hakuna haja ya kusubiri sheria ipitishwe ndipo jambo hili litekelezwe. Waziri anayehusika anaweza kutoa amri na mambo haya yatafanyika. Hii ni kwa sababu huenda ikwa macho ya wale watu wanaoisimamia sehemu hiyo yamefungika kisiasa na kwamba uhusiano kati yao na Mbunge anayewakilisha sehemu hiyo si mzuri. Lakini raia wako macho. Kwa hivyo tunataka tuone ya kwamba badala ya kuwa pengine tunazungumza hapa maneno mazuri yaliyotiwa chumvi na sukari na limau, tunajaribu kuwasaidia wananchi. Maneno tunayozungumza hapa ni muhimu sana. Waziri anayehusika anao maofisa wake na ingefaa awatume wawili au watatu kati ya maofisa hao waende huko Kongowea wakaone vile hali ilivyo katika sehemu hiyo. Wakishaiona hali hiyo wanaweza kutoa amri barabara katika sehemu hiyo zirekebishwe na watu waambiwe, "Zile pesa zenu mnazozitoa kama ushuru wa duka na kadhalika ndizo zitatumwa kuwategemeza barabara kwa sababu pesa hizo zatoshia." Haifai kuwapa watu taabu na huku mnawakamua. Hii ni kwa sababu ni lazima watu watoe ushuru kwa Serikali. Lakini yale mahitaji ambayo yakitimizwa yangemfanya mwananchi ajisikie huru katika nchi yake yanapuuzwa. Hapo ndipo tunaposema kwamba kuna maajenti wabaya na ikiwa wako katika Serikali za Wilaya au katika Serikali Kuu ni lazima waondolowe. Hii ni kwa sababu hawa ni watu wabaya ambao kazi yao ni kuwafanya raia wasadiki jambo lisilo la kweli kwamba Serikali ni mbaya. Basi ingefaa watu kama hao wang'olewe kwanza. Hii ni kwa sababu ikiwa una fikira nzuri na unaona kwamba raia wanapata taabu na wana mahitaji, kama barabara na maji, utahakikisha kwamba mahitaji ya wananchi yametimizwa. Lakini ikiwa umezikalia pesa na hutaki kuyatekeleza mambo ambayo yangewanufaisha wananchi nia yako ni nini? Nia yako ni kuwafanya raia waamini kwamba Serikali haifanyi kitu cho chote.

Lakini Serikali inafanya kazi kwa sababu hurwezi kuwatoza watu ushuru kwa kutumia nguvu zako mwenyewe bali unawatoza ushuru kwa kibali cha Serikali. Je, ikiwa pesa ziko zinafanya kazi gani? Itakuwaje mji kama Kongowea utakae bila choo cha raja? Hii ni kwa sababu kuna maajenti wa uharibifu ambao nia yao ni kuharibu mambo na wala sio kutengeneza mambo. Kwa hivyo ikiwa ni kikundi cha kisiasa au kikundi cha maofisa fulani ambao wanafanya mambo haya makusudi ili ionekane kama kwamba Serikali inafanya vibaya ni lazima kikundi hicho kiangamizwe kabisa. Ingefaa Waziri anayehusika achukue hatua haraka iwezekanavyo ili kuyarekebisha mambo haya.

**[Mr. Mwakileo]**

Kwa hayo machache naunga mkono Hoja hii na ninaiomba Serikali ichukue hatua haraka iwezekanavyo na kutengeneza barabara katika Mji wa Kongowea.

**Mr. Lukindo:** Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii ndogo ili nami niungane na wenzangu katika kuiunga mkono Hoja hii. Mimi ninaiunga Hoja hii mkono kwa sababu inazungumzia usafi na afya wa binadamu; hivi viwili ni vitu vya maana sana katika maisha ya binadamu. Hivi majuzi tulipohudhuria Maonyesho ya Mombasa, tulimsikia Mtukufu Rais akitaja habari ya jinsi kunguru walivyoelea katika sehemu ya Mombasa Mjini. Mimi sikuelwa ni kwa nini kunguru wamezidi sana kule Mombasa isipokuwa ni wakati huo niliposikia kwamba wamezidi katika Mji wa Mombasa kwa sababu ya ule uchafu ambao haujaondolewa kwa siku nyingi sana. Kama ninavyoona—ni maoni yangu kwa sababu sina hakika, lakini nionavyo mimi, kulingana na nilivyowasikia wale walioesema hapo mbele yangu, inaonekana kwamba kuna vita vya kisiasa pengine ambayo imeingia katika Manispaa ya Mombasa. Jambo hili linasikitisha sana kwa sababu hawa maafisa wote pengine huenda wakaingiza siasa ndani ya jambo hili, wanalipwa mishahara. Lakini huruma yangu iko kwa mwananchi wa kawaida ambaye kazi yake ni kulipa ushuru na kungojea huduma za Serikali. Ikiwa ni wafanyakazi wa Serikali, kwa mfano, meya au katibu mkuu wa manispaa au pengine wanasiasa ambao wamejaribu kuwaingiza wananchi wa kawaida katika taabu ya aina hii, ningemwuliza Waziri anayehusika iliingilie jambo hili ili kuwaokoa raia wa kawaida ambao hawana makosa kabisa.

Hawa watu wakichafua mambo, mwisho wa mwezi, wanakwenda kuchukua pesa, lakini wanawaingiza wengine ambao ni wananchi wa kawaida katika taabu kubwa. Kwa sababu hii, ningeiuliza Wizara inayohusika, iliingilie jambo hili na kurekebisha kabisa kwa faida ya wakaazi wote wa Mombasa.

Jambo la mwisho ambalo ningetaka kuzungumza kuhusu jambo hili ni kusema kwamba, kama tujavyo katika kila mji kuna pesa nyingi ambazo hukusanywa, kwa mfano, kule Mombasa. Pesa hizi ni lazima zitumiwe kwa njia ya kutengeneza maslahi ya watu wanakaa katika mji ule. Nimejaribu kujuliza; ikiwa pesa zinakusanywa katika Mji wa Mombasa, ni kwa nini huduma hizi, ambazo si huduma nyingi sana— hizi huduma ni za kurekebisha barabara na kuondoa uchafu katika miji na sielewi ni kwa nini pesa hizi hata kama ni kidogo haziwezi kuchukuliwa kufanya kazi hii na zingine zitumike kwa mambo mengine.

Bw. Naibu Spika wa Muda, naunga mkono kikamilifu na kuiomba Wizara inayohusika iliingilie jambo hili ili kuwaokoa watu wa Kongowea, na Mji wa Mombasa kwa jumla, ambao wametazizwa na watu wengine ambao pengine wanataka kuonyesha jinsi walivyokuwa na ukubwa au jinsi walivyokuwa na uwezo wa kuangamiza wengine.

Kwa hayo machache, naunga mkono.

**Mr. Koske:** Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ndogo ili niseme machache kuhusu Hoja hii.

Kwanza, ningetaka kumpongeza mwasilishi wa Hoja hii na vile vile Wizara ya Serikali za Wilaya kwa kazi kubwa ambayo imeifanyia miji ya nchi hii. Huku nikitoa pongezi, ningetaka pia kutoa habari kwamba miji ya Kenya inazidi kupata ongezoko la hesabu ya watu. Kwa hivyo, miji yote ya Kenya, pamoja na hii tunayoongea juu yake, inahitaji upangaji mwema kuliko ule ambao tumekuwa tukifanya kila mara. Mombasa, ambao ni mji mkubwa nchini, unahitaji uangalifu zaidi ya miji mingine kwa kuwa Mombasa ni kama uso wa nchi hii kwani wageni wengi, hata wale ambao hukosa kuingia katikati ya bara hili, hupitia Mombasa na, bila shaka, huchukua picha ya nchi hii kutokana na vile Mombasa hivyo. Kwa hivyo, tunataka Mombasa iwe na uso mzuri ili wageni wasije wakachukua picha mbaya ya nchi hii. Mombasa huwa na watu wengi kuliko miji mingine ya Kenya. bali na Nairobi. Mahali penye watu wengi, bila shaka, huhitaji uangalifu mwingi sana, hasa upande wa usafi. Mahali kama Mombasa, ambapo watu wengi hupitia kila mara, magonjwa huwepo. Magonjwa mbalimbali hupatikana Mombasa kila wakati wageni wanapopita. Tumekuwa tukisema ya kwamba shetani unayemjua ni afadhali kuliko yule usiyemjua. Hapa bara, tuna magonjwa ambayo tumeyazoea, lakini kule Mombasa hupata magonjwa mageni. Tusipokuwa waangalifu, magonjwa hayo huenda yakapata njia ya kusafiri hata mpaka bara na kutatizwa kwa sababu hatuna uwezo wa kuyatatua na kuyaponya. Kwa hivyo, ninaunga mkono ikabisa swala hili la usafi kuwa mwingi sana katika Mombasa.

Kwenye watu wengi, kama vile Mombasa, tunataka kuwa na usalama pia. Hatutaki wageni wakiwa kule tusikie kwamba wamepigwa au kunyang'anywa mali yao kwa kuwa jambo hilo linatuaribisha sote kama nchi ya Kenya na huku tunajaribu kuimarisha nchi yetu kila mahali. Vile vile, ni aibu katika Mombasa, ambapo ni mahali padogo tu pakilinganishwa na miji mingine, kuwa barabara zake zina mashimo mengi. Ni kwa nini na hali Mombasa ni mahali padogo tu ambapo tunataka paipa nchi hii sifa? Ningetaka kuhimiza Wizara ya Serikali za Wilaya kuangalia na kuona kwamba mahali kama Mombasa pamekuwa safi na barabara zake ziwe safi, huku zikipitika sawasawa.

Hivi majuzi tu, ilionekana ya kwamba Wizara ya Afya ilikuwa ikilala kidogo mpaka ikambidi Mtukufu Rais kutoa amri ya kuangamiza makao ya mbu. Sasa sijui ni kwa nini Wizara ya Serikali za Wilaya bado inayakubalia maji kutambaa kila mahali. Maji yakienea kila mahali namna hiyo hata hivi vita tunavyowafanyia mbu vitaatizika. Kwa hivyo, ninamwunga mkono kabisa mwasilishi wa Hoja hii ili tuone ya kwamba mifereji imetengenezwa ili kuyaondoa maji ambako hayahitajiki kuenea. Tukiyaacha maji kuenea kila mahali tutakuwa tukiyaahimiza makao ya mbu kuendelea na mbu wenyewe watazidi kuongezeka. Jambo hili halitaambatana na shauri la Mtukufu Rais.

Ningependa kusema kidogo juu ya mifereji. Huwa ni aibu sana kwa mifereji ya kuondoa takataka kusahauliwa wakati fulani ambapo inaharibika na kuwa haiwezi kufanya kazi yake barabara.

Kwa hayo machache, ninaunga Hoja hii mkono.

ADJOURNMENT

business. The House is, therefore, adjourned until 2.30 p.m. this afternoon.

**The Temporary Deputy Speaker** (Mr. Mwidau):  
Hon. Members, it is now time for the interruption of

*The House rose at thirty minutes  
past Twelve o'clock.*

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**Wednesday, 5th December, 1984**

The House met at thirty minutes past Two o'clock.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

No. 911

SOLUTION TO CHRONIC WATER SHORTAGES IN MWINGI

**Mr. Manandu** asked the Minister for Water Development what his plans were to find a permanent solution to the inadequate water supply in Mwingi Town.

**The Assistant Minister for Water Development (Mr. Muhoho):** Mr. Speaker, Sir, I beg to reply.

When implementation of the preliminary designs for supplying Mwingi Town with water to augment the existing water supply, which is about to be finalized is made, the town will have adequate water supply. Hopefully, this can be included in this financial year.

**Mr. Manandu:** Mr. Temporary Deputy Speaker, Sir, while thanking the Assistant Minister for his reply, can he tell the House where they hope to get the source of the water?

**Mr. Muhoho:** Mr. Temporary Deputy Speaker, Sir, the water supply is proposed to have a surface water intake on River Tia, and the water will be pumped to a storage tank near the township, from where it will flow by gravitation to the consumers. This project is being financed by the Norwegian Agency for International Development and, as I said, its implementation will start within this financial year.

**Mr. Manandu:** Mr. Temporary Deputy Speaker, Sir, my question is very clear because I am asking for a permanent solution to this water problem, and the boreholes the Assistant Minister is talking about is only temporary. Can the Assistant Minister be kind enough to tell the House what the Ministry's plan is to find a permanent solution to this water problem?

**Mr. Muhoho:** Mr. Temporary Deputy Speaker, Sir, the answer I have given does not indicate that the plan we have is temporary. The preliminary design that we are now carrying out at Mwingi is supposed to augment the existing water supply. When this new project is completed, it is proposed to serve a population of 8,140, which will require a water demand of 1,110 cubic metres per day, and that should be enough, in our estimation, for that population up to the year 2000.

**Mr. Lukindo:** Sir, could the Assistant Minister inform this House when these designs started, and how long it may take to get the project completed?

**Mr. Muhoho:** Mr. Temporary Deputy Speaker, Sir, as I have already said, the preliminary designs have already been started, and they are being financed by the NORAD team. We expect that they should be included in the next financial year.

**Mr. Mutiso:** Mr. Temporary Deputy Speaker, Sir, would the Assistant Minister tell this House which

financial year he is talking about because we are already in a financial year. Is it 1984/85 or 1985/86?

**Mr. Muhoho:** Sir, when I say that the project will be included, obviously it is in the forthcoming financial year. The current financial year has already been finalized.

No. 846

DIRECT OIL IMPORTATION FROM PRODUCER COUNTRIES

**Mr. Muthura** asked the Minister for Energy and Regional Development—

- (a) when direct importation of oil by Kenya from oil-exporting countries was going to start; and
- (b) what was the current position regarding oil exploration in Kenya.

**The Assistant Minister for Energy and Regional Development (Mr. Karume):** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The National Oil Corporation, which is the sole agency of Government charged with the responsibility for entering into Government oil supply arrangements is, at the moment, busy setting up the appropriate organizational structure, among other things, to enable it undertake favourable oil supply negotiation with friendly oil-exporting countries. As the setting up of the necessary infrastructure is likely to take sometime, the Kenya National Oil Corporation is unlikely to start direct importation of oil before the end of this financial year.

The oil companies have been invited to bid for six exploration blocks made available during the recent promotion meeting.

**Mr. Muthura:** Mr. Temporary Deputy Speaker, Sir, towards the end of his reply to part (b) of the question, the Assistant Minister has talked about exploration blocks. Can he name the places so that we may know them?

**Mr. Karume:** Sir, I do not have all the names of the companies, but I know that they have been invited to bid. Those blocks are located in North-Eastern Province, Coast Province and Marsabit, where we expected the oil companies to submit their bids by 20th November, 1984.

**Mr. Lalampaa:** Bw. Naibu Spika wa Muda, Mhe. Waziri Msaidizi anaweza kulihakikishia Bunge hili ikiwa, kwa vile uhusiano wa Kenya na nchi zinazotoa mafuta ni bora. Wizara yake itaendelea kufanya mipango ya kuharakisha kununua mafuta moja kwa moja badala ya kununua mafuta kupitia kwa makampuni ambayo yana-uzza mafuta kwa bei ghali sana? Pamoja na hayo, Waziri Msaidizi anaweza kufanya mipango kuona kwamba Kenya inaziuzia nchi zenye kutoa mafuta bidhaa za kilimo?

**Mr. Karume:** Mr. Temporary Deputy Speaker, the plans are already there, but in order to be fully operational the Kenya National Oil Corporation would require a lot of money and, as the Government does not have sufficient funds presently, efforts are being made to raise the necessary funds under favourable borrowing terms from external sources. There will also be other trading arrangements to be worked out before the direct oil importation starts.

**Mr. Mwachofi:** Mr. Temporary Deputy Speaker, Sir, in his reply, the Assistant Minister said that the Kenya National Oil Corporation is the only organization that will be responsible for Government importation of oil, but he says the necessary infrastructure is not ready and, therefore, we are unlikely to start the direct importation within this year. Is he in a position to say, exactly or approximately, when the Kenya National Oil Corporation will have the necessary infrastructure ready, and be able to start direct country-to-country importation of oil?

**Mr. Karume:** Mr. Temporary Deputy Speaker, as I said earlier, the main problem that Government is encountering is the insufficiency of funds. As we all know, it is very expensive to bring in oil, and as soon as we get the required finances we will start the direct importation. That can even be tomorrow if the finances are available.

**Mr. Kiliku:** Mr. Temporary Deputy Speaker, Sir, could the hon. Assistant Minister tell the House what has happened to the operations of the Kenya Oil Corporation which was established sometime back?

**Mr. Karume:** Mr. Temporary Deputy Speaker, I said earlier on that arrangements are going on and, maybe, by the next financial year, the corporation will start operating. However, as is well known, the operation of a new establishment is not easy, and this is a new corporation that involves a lot of money. That is why it has not started its operations.

**Mr. Lalampaa:** Mr. Temporary Deputy Speaker, Sir, arising out of the reply by the Assistant Minister and since the country is spending a lot of money now on the importation of oil, could he consider the purchase of oil directly, instead of buying the oil from the oil companies?

**Mr. Karume:** Mr. Temporary Deputy Speaker, that is the reason why the Kenya National Oil Corporation was formed, because Government realized that a lot of money is being spent on the oil purchase. That is one thing we are thinking about seriously and I am sure, immediately we get the required finances, we will embark on the direct importation, but we need finances so that we can do that.

No. 894

#### DISCONTINUATION OF HOUSE ALLOWANCE TO LATE FAYO'S WIDOW

**Mr. Jaldesa** asked the Minister for Local Government—

(a) whether he was aware that the County Council of Isiolo had discontinued the payment of house allowance to one of its employees, a widow of the late hon. A. H. Fayó; and

(b) whether he could order immediate reinstatement of the payment of house allowance plus arrears.

**The Assistant Minister for Local Government (Mr. Lotitiyo):** Mr. Temporary Deputy Speaker, I beg to reply.

(a) The Minister is aware that Mrs. Asli Hussein Fayó, formerly Mrs. Asli Ahmed Halake Fayó, in accordance with section 10 (c) of the terms and conditions of

service for graded staff, had her house allowance payment discontinued.

(b) The lady in question is married and stays with her new husband and, therefore, does not qualify for a house allowance.

**Mr. Jaldesa:** Mr. Temporary Deputy Speaker, Sir, it is a bit unfortunate because the people who gave the information to the Assistant Minister are the same people who are responsible for the discontinuation of this lady's house allowance. This lady was the wife of the former Assistant Minister, the late A. H. Fayó. When the late hon. Fayó was alive, the lady was getting the house allowance from the same employer. Immediately the late hon. Fayó died, her house allowance was discontinued on political grounds. Can the Assistant Minister find out what is happening because the widow is not married? The younger brother of the late hon. Fayó stays at Marti Division, about 230 kilometres from Isiolo Town, where the lady stays. Can the Assistant Minister find out proper reasons why the house allowance was discontinued?

**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, Sir, I think we all need to understand that according to the Borana culture, when a brother dies, the next one marries the wife of the late brother and, therefore, it—

**Mr. Boru:** On a point of order, Mr. Temporary Deputy Speaker. The hon. Assistant Minister is talking about the Borana culture while he does not know anything about it. Can he prove that the widow of the late hon. Fayó is married to Hussein Fayó?

**Mr. Lotitiyo:** Well, Mr. Temporary Deputy Speaker, we cannot declare war here because of the cultures involved. However, from what we have heard from others, the lady is, in the customary manner, married to the brother of the late hon. Fayó. Therefore, she is staying with her husband and, for that reason the house allowance had to be discontinued.

**Mr. Jaldesa:** Mr. Temporary Deputy Speaker, Sir, I think the hon. Assistant Minister should try to assist this House by means of the replies he is giving. If the lady was earning house allowance when the late hon. Fayó was alive—and the late hon. Fayó was an Assistant Minister in the Government—why was the payment discontinued when he died?

**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, I think I gave the answer to that, that the lady was remarried, and she now stays with her new husband, for which reason the house allowance was discontinued.

**Mr. Boru:** Mr. Temporary Deputy Speaker, Sir, either the hon. Assistant Minister is avoiding the question or—

(Mrs. Ogot stood on her feet)

**The Temporary Deputy Speaker (Mr. Ayah):** I called Mr. Boru.

**Mr. Boru:** Mr. Temporary Deputy Speaker, Sir, either the Assistant Minister is trying to avoid the question or he is ignorant of the facts. If the lady was being paid her house allowance when she was the wife of the late hon. Fayó, why should she not be paid the same now? The marriage does not arise. She was still married at that time when she was being paid the house allowance.



**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, Sir, what I said was that the lady is now known as Mrs. Asli Hussein Fayo, and was formerly known as Mrs. Asli Ahmed Halake Fayo. Therefore, she is now staying with her new husband.

**The Temporary Deputy Speaker (Mr. Ayah):** Order! I think what the hon. Members want to know is, if she was still getting the house allowance when her husband was alive, why should the question of marriage arise? According to the hon. Members, that she is married but to a different husband, why is it that she is now not being paid the house allowance? Is it because of a new husband, or why is that so? The hon. Members would want to know how the aspect of the new husband comes in as the argument does not appear to be related to marriage.

**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, Sir, maybe we can be enlightened by the hon. Members. They are claiming that the house allowance was discontinued on political grounds. If the hon. Members could come up with tangible information, we can see what justice can be done to the lady. However, according to our information, the lady has been married according to Borana customs and, therefore, she stays with her husband.

**Mrs. Ogot:** Mr. Temporary Deputy Speaker, Sir, I just want to ask the Assistant Minister to produce a marriage certificate because we would not want such a precedent, as he is now claiming she is now remarried. That would solve the matter. Could he assure the House that he will bring the marriage certificate to prove that the lady is now married?

**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, Sir, it may sometimes be difficult to bring such a certificate because we know in the customary marriages there are normally no document as the parties involved rely on the customary ways. Therefore, according to our information, the lady was remarried in the customary manner and, of course, to a younger brother of the late hon. Fayo.

**The Temporary Deputy Speaker (Mr. Ayah):** Perhaps the Assistant Minister might want to tell the House whether it is Government policy that a married woman should not be paid house allowance. Perhaps this is the only way we can get the question answered. This is because the conflict between the Assistant Minister and hon. Members is whether the lady is not being paid house allowance because she is married, and it might help the House to know whether this is the situation; that since she is married, she is not entitled to house allowance. That is all I think the hon. Members want to know.

**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, Sir, I think I answered that one very clearly. I said that the Local Government Regulations, section 10 (c), say that any lady who is married and stays with her husband is not entitled to house allowance.

**Mr. Jaldesa:** Mr. Temporary Deputy Speaker, Sir, this lady's husband was an Assistant Minister, and when her husband was still alive, she was getting her house allowance from the same employer. How come now

that when she has been married by a jobless boy, her house allowance has been discontinued? The man lives 240 kilometres from Isiolo where the lady is working. That was the question, and it is very clear.

**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, Sir, this is rather a very difficult question and definitely, as the hon. Member says, maybe we are having conflicting cultures here. This is because there are customary laws which show how a woman has to live after the death of her husband. These laws vary from tribe to tribe. But I would like to assure the House that according to the question asked by the hon. Member, we are going to investigate this matter and if we find it necessary, the lady can get back her house allowance.

**Mr. Mwidau:** Jambo la nidhamu Bw. Naibu Spika wa Muda. Waziri Msaidizi amesema kwamba mke wa marehemu Fayo aliolewa na ndugu yake marehemu Fayo kufuatana na mila. Lakini ninavyofahamu, marehemu Bw. Fayo alikuwa Mwislamu. Ikiwa alikuwa Mwislamu, mjane wake hawezi kuolewa kwa kimila; ni lazima aolewe kufungamana na sheria za Kiislamu.

**Mr. Boru:** Huyu Waziri Msaidizi analipotisha Bunge hili! Mwambie basi!

**Mr. Mwidau:** Kama ameolewa kufuatana na sheria za Kiislamu, ni lazima kuwe na hati ya kuonyesha kwamba ameolewa. Ingefaa Waziri aliambie Bunge hili kama ana hakika kwamba hii ndoa ilikuwa ya kimila. Hii ni kwa sababu ni kosa kubwa sana kumwambia Mwislamu kwamba ameolewa kimila!

**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, Sir, as I said earlier, we have conflicting cultures regarding marriages. We have Christian marriages; we have Islamic marriages, and we have customary marriages. But we should not forget that the Borana have their own customs regarding marriage.

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

**Mr. Lotitiyo:** I have not finished!

**The Temporary Deputy Speaker (Mr. Ayah):** Order! He is on a point of order!

**Mr. Lotitiyo:** I think hon. Members should give me time to say what I want to say. They should listen to me. I think I indicated that with the information we have, we are going to look into this matter and then the house allowance can be reinstated.

**Mr. Mwachofi:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Waziri Msaidizi, alipokuwa akijibu, alisema kwamba, na sio mara moja bali amendelea kurudia kusema hivyo, huyo mjane ameolewa. Lakini alipotakiwa aloe ushahidi kuthibitisha kwamba mjane huyo ameolewa, ameshindwa kutoa ushahidi. Hili sasa ndilo jambo langu la nidhamu. Kwa vile Waziri Msaidizi amesema mambo ambayo hakuweza kuyathibitisha, ingefaa asimame na kuyaondoa hayo maneno na kuliomba Bunge hili msamaha. Hii ni kwa sababu asipofanya hivyo, Bunge hili na nchi nzima kwa jumla itaamini kwamba huyo mjane ameolewa na kumbe hakuna ushahidi.

**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, Sir, I think the only practical answer to that question is that hon. Mwachofi should go to Isiolo and learn the

**[The Assistant Minister for Local Government]**

Boran customary laws. This is because they do not issue marriage certificates. They have no institutions which issue marriage certificates. Therefore, this is customary law which is accepted. When marriage ceremonies are conducted under customary laws, no marriage certificates are issued. Therefore if you speak about a document—

**An hon. Member:** There is law!

**Mr. Lotitiyo:** Well, the law is there for the people. Therefore, there is no reason why I should apologize to the House.

**The Temporary Deputy Speaker (Mr. Ayah):** Order! Order! I think we are getting ourselves mixed up with two different issues. The first one is the question of house allowance, and the Assistant Minister has promised the House that he is going to investigate and, if necessary, reinstate the payment of house allowance. Unfortunately, the Assistant Minister got involved in this marriage business which is really not an essential part of the question. But I would like to ask the Assistant Minister, rather than getting involved with apologies and things like that, to go and investigate. Would you also investigate about this marriage, and when you do make a statement about house allowance, would you include the question of marriage in your report?

**Mr. Lotitiyo:** Mr. Temporary Deputy Speaker, Sir, that has been accepted.

*(Several hon. Members stood up in their places)*

**The Temporary Deputy Speaker (Mr. Ayah):** Order! We are not getting anywhere! Let us move on to the next question.

**Mr. Mutiso:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Mwachofi, on his point of order, stated that the hon. Assistant Minister is telling lies in the House. Was that not unparliamentary language—"telling lies in the House"?

**The Temporary Deputy Speaker (Mr. Ayah):** That was out of order, but I did not hear him say that. Next question, Mr. Otutu.

No. 887

**SHORTAGE OF MYSOLIN AND EPILIN IN WESTERN KENYA HOSPITALS**

**Dr. Wameyo** on behalf of Mr. Otutu, asked the Minister for Health why Mysolin and Epilin drugs were not available in many hospitals in western Kenya and yet there were in private pharmacies.

**The Assistant Minister for Health (Mr. Mak'Anyengo):** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Mysolin, or Primidone, as it is commonly known, is not available, not only in many hospitals in western Kenya, but in all provincial and district hospitals all over the Republic because it is only scheduled for the referral hospital, and that is Kenyatta National Hospital. This is in accordance with the essential drugs' list of 1981. The drug is available at the Medical Supplies Coordinating Unit, former Central Medical Stores, for use at Kenyatta National Hospital only. It can however be made available to other hospitals under special conditions, for example, where it is prescribed for special cases in the hospitals by medical specialists. Our records show that no hospitals have ever indented for the drug

since June, 1980, when we received the last batch in the stores. Epilin is a non-scheduled drug and hospitals are authorized to procure non-scheduled drugs provided they adhere to existing Government procurement procedures and regulations. Both are used for treatment of epilepsy.

**Dr. Wameyo:** Mr. Temporary Deputy Speaker, Sir, would the Assistant Minister tell us why these drugs must only be used specifically by Kenyatta National Hospital and not by any other hospital in the Republic?

**Mr. Mak'Anyengo:** Sir, in my original answer, I made it quite clear that this is done in accordance with the essential drugs' list of 1981.

**Mr. Mutiso:** Sir, since sick people are found all over the country, would the Assistant Minister tell us why this particular drug can only be stored at Kenyatta National Hospital and not in other hospitals where we also have specialists who could handle the drug?

**Mr. Mak'Anyengo:** Sir, this is why Kenyatta National Hospital is called referral hospital. If there are certain diseases which cannot be treated in the district hospitals, they are referred to Kenyatta National Hospital, and this is the normal thing that is done by doctors in consultation with the specialists who are at Kenyatta National Hospital. We do not have specialists all over the country. Diseases which cannot be treated in the district hospitals, are referred to Kenyatta National Hospital, and this is the normal thing that is done by doctors in consultation with the specialists who are at Kenyatta National Hospital. We do not have specialists all over the country, and the few we have are at the Kenyatta National Hospital.

**Mr. Abuya-Abuya:** Sir, is the answer now being given by the hon. Assistant Minister not contradicting the Government policy of decentralization and easing congestion of patients at the Kenyatta National Hospital?

**Mr. Mak'Anyengo:** Mr. Temporary Deputy Speaker, Sir, the decentralization policy of the Government has not worked miracles so that things can be done overnight. It takes time to provide these specialists at the district level, and as of the moment, they have not been provided at the district hospitals. Therefore, if there is any case that needs a specialist's attention, it is referred to Kenyatta National Hospital, and that is why Kenyatta National Hospital was built as a referral hospital, and it is operating in that manner.

**Mr. Angatia:** Mr. Temporary Deputy Speaker, Sir, reference from a small hospital is not determined by the types of drugs; it is determined by specialists who are very few in the country, who happen to be at Kenyatta National Hospital. The majority of doctors in this country can administer drugs like this and, therefore, to confine the drug to Kenyatta National Hospital on the ground that Kenyatta National Hospital is a referral hospital is not true. So, can we have a better reason from the Assistant Minister or else, let him tell us that reference to Kenyatta National Hospital means drugs, not specialists?

**Mr. Mak'Anyengo:** Sir, the hon. Member is trying to confuse two questions. The last answer which I gave

**[The Assistant Minister for Health]**

was in accordance with the supplementary question which was asked by the hon. Member. Originally, I stated that this is in accordance with the essential drug's list of 1981 which specifies that, and if he would combine the two, then he could get the answer.

**Dr. Wameyo:** Sir, I am sure that the hon. Assistant Minister knows, and if he does not know, I am telling him now, that there are specialists in Kisii District Hospital, Nyanza General Hospital, Kakamega General Hospital, Eldoret, Nakuru, Mombasa Machakos, Nyeri and not just at Kenyatta. Can he now revise his answer, so that since we have specialists in those hospitals, those hospitals are qualified to have this drug, and not just Kenyatta National Hospital?

**Mr. Mak'Anyengo:** Sir, it depends on what a doctor is specialized on. If he maintains that there are specialists at the district hospitals, I think he should elaborate further in relation to the question of the drug.

**Mr. Abuya-Abuya:** Sir, I think the Assistant Minister is misleading this House. He talked about specialists, and hon. Dr. Wameyo has said that there are specialists at the district level. He has gone further to confuse this House by saying that hon. Dr. Wameyo should substantiate his assertion by saying who these specialists are. Is he really in order, while we know that he is equipped with the information from the Ministry to be able to tell us who these specialists in districts and provincial hospitals are? Is he not misleading the House even further?

**Mr. Mak'Anyengo:** Mr. Temporary Deputy Speaker, Sir, when you talk about specialists, you must remember that there are specialists on bones, specialists on women's diseases, specialists on children's diseases and various types of illnesses. So, when the hon. Member just talks about specialists as he is now doing, I think he must know that he is the one confusing the House and not me. My answer to this question was based on the fact that the drug is confined to Kenyatta National Hospital in accordance with the essential drugs' list.

**Mr. Nyaga:** Mr. Temporary Deputy Speaker, Sir, would the Assistant Minister tell this House what diseases this particular drug treats, so that we would know whether the specialists at the district level are competent to administer it?

**Mr. Mak'Anyengo:** Sir, it would save this House a lot of time if hon. Members, like the hon. Member, would listen when answers are being given. It appears the hon. Member was not listening. If he was listening, he would have heard what I said, namely, that those drugs are used for the treatment of epilepsy. In my answer, I stated that in provincial hospitals or in other hospitals, it can be made available under special conditions, for example, where it is prescribed for special cases by medical specialists. Therefore, the answers that hon. Members are trying to dig out are already given unless they just want to waste the time of the House.

**Mr. Abuya-Abuya:** On a point of order, Sir. This question remains unanswered as far as we are concerned. The Assistant Minister should tell us which specialists are qualified to prescribe this particular drug, and until he does so, I feel that he has left the House suspended somewhere in the air.

**Mr. Mak'Anyengo:** Sir, I think we would be more constructive if we stopped asking questions for the sake of it. I said this drug is used—

**Hon. Members:** No! No!

**The Temporary Deputy Speaker (Mr. Ayah):** Order, Mr. Mak'Anyengo, you may not use that kind of statement. Hon. Members ask questions because they want answers, and you may not impute any other motive.

**An hon. Member:** Watch your mouth!

**Mr. Mak'Anyengo:** Sir, I am sorry for that. The reason why I made that insinuation is that the question has already been asked, and I made it quite clear in my answer to the question that the drug is used for treating epilepsy. For that reason, the specialists who would be prescribing this drug are those who are specialized in the treatment of epilepsy. I also made it very clear that where it has been prescribed, the drug can be made available in various hospitals and not necessarily at Kenyatta National Hospital. I stated further that according to the essential drugs' list, this drug is somewhat controlled.

**The Temporary Deputy Speaker (Mr. Ayah):** Next question, Mr. Kisuya!

**Mr. Lugonzo:** On a point of order, Sir.

**The Temporary Deputy Speaker (Mr. Ayah):** Not on that question. We have already finished with it. What is your point of order?

**Mr. Lugonzo:** Mr. Temporary Deputy Speaker, there is a question which I would like to put concerning—

**The Temporary Deputy Speaker (Mr. Ayah):** No! Will you ask your question, Mr. Kisuya!

No. 896

## TRAVEL ARRANGEMENTS FOR CHESAMISI CHOIR

**Mr. Kisuya** asked the Minister for Education, Science and Technology—

(a) why the Headmaster of Chesamisi High School, Bungoma District failed to make appropriate travelling arrangements to enable the 35 students, members of the school's choir to return to school after taking part in the Kenya Schools Music Festival in June, 1984 in Nairobi; and

(b) what action had been taken or was being taken against the headmaster.

**The Assistant Minister for Education, Science and Technology (Mr. Mweu):** Mr. Speaker, Sir, I beg to reply.

I would like to inform the hon. Member that the Headmaster of Chesamisi Secondary School had made proper travelling arrangements for the 50 students, and not 35 as referred here in the question, to return to school after participating in the 1984 Music Festival. The Ministry of Education, Science and Technology is satisfied that the headmaster acted correctly and, hence, no action is being contemplated against him.

**Mr. Kisuya:** Mr. Temporary Deputy Speaker, the Assistant Minister knows very well that from here to Chesamisi is well over 400 km. How come that only 15 students used the bus, leaving behind 35 students stranded in the town there, and without knowing how they could travel to Bungoma?

**Mr. Mweu:** Mr. Temporary Deputy Speaker, Sir, I would like to correct that question because it was not 15 students who travelled back to the school, but 24.

The circumstances that led to the other students being left in Nairobi—26 of them—is that the headmaster of the school had made accommodation arrangements at Highridge Teachers Training College for the two days that the students were to be in Nairobi, that is, during the festival. The students party was to leave for school on 4th July, 1984, at 8 a.m., after taking their breakfast. The students refused to pack their things when they were asked by the headmaster to do so because they wanted time to be in Nairobi. The headmaster turned down the request because he did not have money to cater for an extra night in Nairobi. Therefore, at 12.30 p.m., on that same day, 4th July, 1984, 24 students of the students party agreed to leave for school. The other 26 students were nowhere to be seen, and the headmaster had exhausted every machinery trying to persuade them to board the bus to no avail. He, therefore, left with the students who finally agreed to board the bus at 12.30 p.m. Therefore, the 26 students were left behind. That is the story.

**Mr. Angatia:** Mr. Temporary Deputy Speaker, when a teacher brings students to Nairobi to participate in an event like the music festival drama, who is in final control, the students or the teacher? Should the students disobey the teacher, is that kind of action the correct one to take? I would never bring students to Nairobi if I knew that I was not able to control them. So, the fact is that the headmaster of that school failed to exercise proper authority over the students or else, he made a mistake of leaving the students behind.

**Mr. Mweu:** Mr. Temporary Deputy Speaker, the headmaster may have made a mistake, but here was a situation where, as a human being, he had made proper arrangements and given instructions that the students were going to leave for school at a given time. The students refused to obey, particularly those 26 who did not turn up for the departure. The 26 students decided to go their way. What would a helpless headmaster have done in a situation like this?

**Mr. Kanindo:** On a point of order, Mr. Temporary Deputy Speaker, I am rather suspicious that the Assistant Minister is not replying to the question the correct way in the sense that, at first, he said that the headmaster talked to the students who refused to listen to him, and then finally he says that the students were nowhere to be seen. So, we are not sure of what is the truth between the two. Could he tell us which answer is the correct one?

**Mr. Mweu:** Mr. Temporary Deputy Speaker, what I mean by that is that the students were told the time to go home, but they decided to go away on their own. At the time of departure, the 26 students were not there to join the others in boarding the bus. That is why I said that they were nowhere to be seen.

**Mrs. Ogot:** Mr. Temporary Deputy Speaker, I think that parents would shudder to hear the reply being given by the Assistant Minister in that the headmaster brought students—perhaps, boys and girls—all the way to Nairobi, but could not control them. Instead, he abandoned

them with no programme at all while in Nairobi. What kind of action is the Assistant Minister going to take to make sure that in future a headmaster who cannot control his students does not bring students 400 kilometres from home and then dump them in Nairobi without any shelter or assistance?

**Mr. Mweu:** Mr. Temporary Deputy Speaker, perhaps, the gracious lady could repeat the question.

**Mrs. Ogot:** Mr. Temporary Deputy Speaker, Sir, I said that parents hearing the answer that the Assistant Minister has given to the House would shudder to imagine that a headmaster who could not control his students, brought them, perhaps, boys and girls, all the way from western Kenya to Nairobi, a distance of over 400 kilometres. On getting them here, he not only could not control them, but he could not take them back either. We are asking the Assistant Minister what kind of arrangements he is making to make sure that in future, a headmaster like the one who brought his students here is not allowed to bring students all the way to Nairobi and then abandon them without money or shelter because he cannot control them.

**Mr. Mweu:** Mr. Temporary Deputy Speaker, one of the things to do would be to bring more members of staff to the festival or any other meeting of that kind, so that each small group of students might be mastered by one teacher. That is one way of dealing with the problem. Even then, there is a case where students defied instructions from their headmaster. So, whether—

**An hon. Member:** Why were they not caned?

**Mr. Mweu:** Mr. Temporary Deputy Speaker, I am being asked why they were not caned. I would like to say further that when the students arrived in school, that is the lot that was left behind, they were sent home to get their parents. Meanwhile, the headmaster convened a board meeting on the day the students were to return to school. The board administered corporal punishment, and ruled that each of the affected students was to pay Sh. 112 towards the expenses incurred because, finally, they got means home on the same day.

**The Temporary Deputy Speaker (Mr. Ayah):** Let us go on now, Dr. Wameyo.

**Mr. Kisuya:** On a point of order, Mr. Temporary Deputy Speaker. This is the question to the Assistant Minister: There were 35 students left behind and had it not been that there were good samaritans in town here who contributed more than Sh. 3,500 towards the transportation of these students by Mawingo Bus Services; and if anything had happened to these children here in Nairobi, we would have been responsible for the—

**The Temporary Deputy Speaker (Mr. Ayah):** Order, Mr. Kisuya.

You are now asking a supplementary question. Let us try to remember that points of order must be genuine points of order, not an excuse to ask a further question or to argue with the Assistant Minister.

It is time for your question, Dr. Wameyo.

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

(When Dr. Wameyo rose to ask his question Mr. Kisuya was still on his feet trying to raise a point of order)

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** On a point of order, Mr. Temporary Deputy Speaker. It appears that we are getting out of order because I see two hon. Members on their feet. One is asking a question as you have ordered him to. Is it not time we reminded my hon. friend, that once the Chair has called out another question, that is the end of all that was before, it, and that if the Member is not satisfied, he can raise the matter on a Motion of Adjournment?

**The Temporary Deputy Speaker (Mr. Ayah):** Mr. Shikuku is right. Hon. Members are being unnecessarily excited. We should remember that the Standing Orders of the House required that points of order are raised if they are genuine points of order, not as an excuse to extend a question at hand, or to ask a further question. They must really be points of order, and must be in the order in which we conduct our business here.

Dr. Wameyo, it is time for your question.

No. 903

ADVANCE PAYMENT OF MILEAGE CLAIMS BY  
MUMIAS SUGAR COMPANY

**Dr. Wameyo** asked the Minister for Agriculture and Livestock Development—

(a) whether the Minister was aware that Mumias Sugar Company approved and paid in advance mileage claims of some of its employees for trips not yet made; and

(b) why a Mr. J. T. Otega was paid KSh. 8,000 as per payment Voucher No. 9007875 of 21st May, 1984, being reimbursement of mileage expenses for the period May to August, 1984.

**The Assistant Minister for Agriculture and Livestock Development (Mr. Mwicigi):** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The Minister is aware that there have been occasions in the past when officers with Mumias Sugar Company have requested salary advances and the management have, instead, opted to pay the travelling allowances in advance.

Mr. J. T. Otega requested for a salary advance in May and was, instead, given four months' travelling allowance, covering the period May to July/August. The payment voucher covering this payment was properly authorized.

No. 883

FINDING OF INQUEST INTO DEATH OF  
EDWARD K. MAINGI

**Mr. Omido** asked the Attorney-General—

(a) whether he was satisfied that the magistrate who conducted Inquest No. 83 of 1984 concerning the death of Edward Kinyota Maingi arrived at the correct finding in view of the evidence adduced at the inquest;

(b) whether he was satisfied beyond any reasonable doubt that the cause of death was natural; and

(c) whether he could order a fresh inquest into the death.

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

I am quite happy and pleased with my good friend, hon. Omido, for raising this question, and I have deliberately decided to stand in front of him instead of him fighting me from the back.

My reply to part (a) of the question is "Yes". The circumstances surrounding the death of the deceased and the evidence adduced at the inquest were such that it was not an easy case presenting a ready answer as will be observed presently. Notwithstanding the difficulties, the trial judge who heard an application to decide whether the body should be buried and the magistrate who conducted the inquest did a good job in the circumstances of the case.

I would like to inform the House that the evidence produced before the court in the course of this inquest revealed some puzzling facts, which made it extremely difficult for the court to decide. It was indeed one of the cases which I directed myself right from the start. There is medical evidence to confirm that the deceased was suffering from bronchial asthma. On the night of 10th June, 1983, the deceased, the late Edward Kinyota Maingi, fell sick while in his house in Nairobi, where he was staying with his second wife and children. The wife then hired a taxi which drove them to Kenyatta National Hospital. The late Maingi died on arrival and before receiving any treatment at the hospital. The events preceding the death were not without difficulties because at no stage was there evidence of an injury on the deceased.

According to the second wife, the taxi driver and Mr. Maingi's children, the deceased had no injuries on the head when he was taken from his house, and on arrival at the hospital. There was no suggestion that he received injuries while he was being carried in the taxi. He was accompanied by his second wife and the taxi driver, according to the evidence.

A post-mortem examination was carried out on the deceased's body by a specialist pathologist on 20th June, 1983. His external examination showed a 5.2 centimetres lacerated and penetrating wound on the left side of the skull, while the internal examination showed inhalation of vomit and his opinion was that the cause of death was "Asphyxia following inhalation of vomit and head injury by a blunt object". There was no evidence to show how or by whom the injury found on his head was inflicted and where and when.

The doctor's report regarding inhalation of vomit tallied with the statement of the second wife and with clinical history of the deceased as a patient of asthma. At the end of the inquest, the magistrate, therefore, concluded that the death was due to natural causes. All the way through from his house to the hospital, no blood stains were found anywhere, including his clothing.

Mr. Temporary Deputy Speaker, Sir, a fresh inquest into his death may be ordered, but as the court will still have to rely on the same witnesses who have already

**[The Attorney-General]**

given evidence, the mystery surrounding the injury on the head of the deceased would still remain unresolved. A fresh inquest would, therefore, not serve any useful purpose because no new facts or evidence have emerged since then. The answer to parts (a) and (b) of the question, therefore, is "Yes", and the answer to part (c) of the question is that a fresh inquest will not serve any useful purpose.

**Mr. Temporary Deputy Speaker, Sir,** this is a pathetic case, and we are mystified not to find anyone who inflicted this injury on the head. I have photographs showing the injury, but no one saw anyone inflicting this injury, and no blood stains were found anywhere on the body. It is pathetic, but there it is, Mr. Temporary Deputy Speaker. I do not think any new inquest will serve any useful purpose.

**Mr. Omido:** Mr. Temporary Deputy Speaker, Sir, I would like to request you to bear with me a little bit because I might take a little longer.

**Mr. Temporary Deputy Speaker, the Attorney-General** is very right in saying that the case is a pathetic one. First of all, there is evidence to show that the magistrate who conducted the inquest was interfered with. The magistrate was interfered with, and the accused in this case were apprehended, and according to record in *The Standard* newspaper of 20th September, 1983, there was pressure from the Attorney-General on the magistrate. It is a sad situation.

**Mr. Temporary Deputy Speaker, Sir,** the death certificate shows quite clearly that the cause of death was asphyxia due to inhalation of vomit due to head injury by a blunt object. So, the vomit was as a result of the injury on the head by a blunt object.

**Mr. Temporary Deputy Speaker, Sir, the Attorney-General** has told the House that there was no trace of blood anywhere. This is on page 2 of his reply. He says "All the way through from his house to the hospital, no blood stains were found anywhere, including his clothing". Evidence shows—and this is in the *Sunday Nation* newspaper of the 1st April, 1984—that "blood stained clothes were produced as exhibits in a Nairobi court on Friday during the hearing of an inquest into the death of a former yard master at the Nairobi Railway Station". So, Mr. Temporary Deputy Speaker, Sir, there were blood stains, and the clothes were produced in court.

Now, the question is, if the head injury that was caused by a blunt object—and the Attorney-General has accepted that there was this wound on the head—was not inflicted on the way to hospital, and there are people who took the injured person to the hospital, then how does it come that the Attorney-General could not find out from these people how the wound was caused? If they took the sick person, they must have known that he had this wound, and that there were blood stains on the clothes. Somebody should have known how the wound came on the deceased. Sir, can we have it explained?

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

**The Temporary Deputy Speaker (Mr. Ayah):** We are getting a reply to the question.

**Mr. Abuya-Abuya:** Sir, this is a very important point of order. Hon. Omido did insinuate that the magistrate was interfered with when he was carrying out the inquest, and yet he did not produce anything to show that there was interference from the Attorney-General. Can he substantiate?

**Mr. Omido:** Sir, I am laying the documents on the Table.

**Mr. Muli:** Sir, I am not aware of any influence or pressure used or applied on the magistrate. If these is that evidence, as the hon. Member has indicated, I will certainly go into it. I would be quite happy to have that evidence because I would hate and I will never allow any interference or pressure, as long as it there as Attorney-General, to be applied on either the judges of the high court or the magistrates to obstruct or distort the course of justice. So, I would be very grateful to have the evidence to that effect, and I will certainly follow up that case.

I would like to thank my friend, hon. Abuya-Abuya, for having raised that point of order. I was going to point out exactly what he did. The hon. Member did refer to the Press reports. I have got the whole record of the court with me here, and I would like to invite the hon. Member to come and check this record later on, to find out whether there is evidence on the record which shows that blood stains were found anywhere. We do not go by Press reports. However, as I have said many times, I will protect the freedom of the Press, but I will not allow them to continue giving wrong impressions like they did only yesterday in another context.

Sir, this is a very pathetic case, and I am happy that the hon. Member, Mr. Fred Omido, has sympathized with this case. We have explored all the possibilities, and I can tell you that even if we were to go into all the hypothesis to try to surmise where the injury could have come from, it will not serve any useful purpose. I would like to say that perhaps one would say that the injury was caused while the deceased lay in the taxi. There could be other things there that injured the head, or it could have been done earlier. The people that the hon. Member mentioned—the second wife and all the other persons available—were questioned, and they gave evidence. No one could give us a clue as to where the injury came from. So, if the hon. Member could give me additional evidence over and above what I have on the record, I would be happy to order a fresh inquest.

**Mr. Mwachofi:** Sir, in his answer to part (b) of the question, the Attorney-General said "yes"—that is, he is satisfied that the death was natural. Yet at the same time, Sir, he admits that there was this wound caused by a blunt object, and that means it cannot be natural. The fact that there was no evidence to get hold of an individual who caused that wound does not make that wound natural.

Sir, the answer that the Attorney-General is giving reminds one of what we had in one of the papers today in the cartoon where somebody is offering Sh. 2 million as reward for the person who will indicate who killed his wife's cat.



**Hon. Members:** You ask your question!

**Mr. Mwachofi:** Sir, I would like the Attorney-General to explain to the House how he reconciles his two answers when he says it is natural, and at the same time he admits that there was an injury?

**Mr. Muli:** Sir, if hon. Mwachofi would care to read part (a) of the question, he will see what the answer "yes" reflects. It states as follows:

"Is the Attorney-General satisfied that the magistrate who conducted Inquest No 83 of 1984 concerning the death of Edward Kinyota Maingi arrived at the correct finding in view of the evidence adduced at the inquest?"

The answer is "yes".

Part (b) of the question states as follows:

"Is he satisfied beyond any reasonable doubt that the cause of death was natural?"

The answer is "yes", according to the evidence available.

Part (c) of question says:

"Could he order a fresh inquest into the death?"

The answer is: It would serve no useful purpose unless I have additional facts which would be over and above what I have in order to justify that. We would just rely on the same witnesses whom we went through in the first inquest. So, I would like to plead with hon. Omido, or any other hon. Member, to give us a little more clue to justify the ordering of a new or fresh inquest. As to the question as to how to induce the persons to come forward, I think Kenya is a country which believes in justice and, therefore, whoever might know how this injury was inflicted does not need to be given Sh. 10,000 in order to come forward. Many people are coming forward to give evidence in many other cases of equally obscure circumstances. We would like to encourage people to come forward without being rewarded or bribed.

*(Several hon. Members rose)*

**The Temporary Deputy Speaker (Mr. Ayah):** Order! I think no useful purpose would be served in pursuing this. I would like to suggest to hon. Omido to pursue this matter by other means or question. But before I leave that question, I would like to come back to what hon. Abuya-Abuya was saying. Our Standing Orders clearly state that we may not, in this House, criticize the Bench except by a substantive Motion. In his earlier remark, hon. Omido said that there is evidence to show that the Bench was interfered with. This is clearly out of order. I would like to ask hon. Omido if he wishes to bring this subject as a substantive Motion rather than an insinuation by way of asking a supplementary question. I think it is clearly out of order to insinuate that a member of the Bench was influenced. What is true is that our Standing Orders do not allow us to make such kind of remark unless we do that by way of substantive Motion.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** On a point of order, Mr. Temporary Deputy Speaker, Sir. As much as I agree

with your ruling, that you can only criticize Judge of the High Court or the Speaker by way of substantive Motion—I guess that comes under Standing Order No. 73—but here, only an allegation has been made to the effect that the judge was interfered with. The hon. Member who has made that allegation has said that he has evidence to that effect. When I was listening to him, I think I heard him saying that he has some documents to prove his case. I think he did say that he has three or four documents to that effect. Is it not time that he laid those documents on the Table of the House?

**The Temporary Deputy Speaker (Mr. Ayah):** Order! Clearly, Mr. Shikuku, you are extending an argument. The statement that there is evidence that the Bench was interfered with is clearly an allegation. It does not matter whether the hon. Member produces a Press report or an anonymous letter, or any kind of document, because it is within reason to know that if somebody makes a statement that a judge was interfered with, that is an allegation unless it is the judge himself or the person who is interfered with that makes such an allegation. That is a matter of logic. So, I would request hon. Omido to lay those documents on the Table for the scrutiny of the hon. Members and maybe the Attorney-General. It is clearly out of order to make a statement saying that you have evidence that a judge was interfered with unless you do that in a way of a substantive Motion, in which case hon. Members will be discussing it in that spirit.

**The Assistant Minister for Finance and Planning (Mr. Echakara):** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker (Mr. Ayah):** Order! Let us hear what hon. Abuya-Abuya has to say.

**Mr. Abuya-Abuya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When the Attorney-General was replying to the question, he indicated that the revelations which came out of this inquest were so difficult that the court was unable to make a decision on the matter. Does he imply that in such a situation the court was rendered impotent?

**Mr. Muli:** Sir, all that I said was that it was extremely difficult to reach a conclusion. The mere fact that it was difficult to arrive at a decision does not mean that the court did not reach a conclusion. The conclusion is there, that the cause of death was as stated.

**The Temporary Deputy Speaker (Mr. Ayah):** Hon. Omido, I would request you to lay the documents on the Table and then we can go on.

**Mr. Omido:** Mr. Temporary Deputy Speaker, Sir, first of all, I would like to lay on the Table a document to show that there is a tug-of-war between the Office of the Attorney-General and the Kiibera Resident Magistrate's Court. The other one is a death certificate which shows the cause of death as asphyxia following inhalation of vomit due to a head injury by a blunt object. The third document says that Maingi collapsed in his house in Land Mawe. The document goes on to say that the court noticed that the death of Maingi was a very controversial one because the circumstances leading to the death of the deceased were very peculiar.

**The Temporary Deputy Speaker (Mr. Ayah):** Order! Just lay those documents on the Table.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is stipulated in our Standing Orders that if you quote from a document, you have to say which document you are quoting from. You should also give the date and the year of the document. If an hon. Member is laying a document on the Table, he should inform the House what he is laying on the Table. Are we going to infringe on that Standing Order?

**Mr. Omido:** Sir, the fourth document is a photostat copy of *The Standard* report on 20th September, 1983. The death certificate is shown as No. 115545, which was issued on 21st July, 1983. The other document is a photostat copy of the *Daily Nation* report of 31st May, 1984. This is the one which talks about the fact that the court noticed that the death of Mr. Maingi was very controversial and peculiar. The other document is a report of the *Sunday Nation*, early edition, of 1st April, 1984. This report says that blood-stained clothes were produced as exhibits in a Nairobi court.

**The Temporary Deputy Speaker (Mr. Ayah):** Just read the source of those documents, but not what is contained in there. We will read them afterwards.

**Mr. Omido:** The other document is a copy of the *Daily Nation* report of 11th February, 1983 which says that the man's body had holes at the back. So, I beg to lay the documents on the Table.

*(Hon. Omido laid the documents on the Table)*

**Hon. Members:** On a point of order, Mr. Temporary Deputy Speaker—

**The Temporary Deputy Speaker (Mr. Ayah):** We are taking a lot of time on this issue.

**Mr. Muli:** Mr. Temporary Deputy Speaker, Sir, I must correct the impression which has already been created here. I have got in my possession a signed report by that eminent senior specialist pathologist of the Government who says that the cause of death was asphyxia due to inhalation of vomit. There is no word like "due" which my hon. friend, hon. Omido is trying to suggest. He is trying to suggest that the head of the deceased had injuries, blood—

**The Temporary Deputy Speaker (Mr. Ayah):** Order! I do not know what is wrong here this afternoon. We seem to be all excited. The fact of laying papers on the Table has nothing to do with accuracy. Mr. Omido referred to some documents, and we have asked him to lay them on the Table and now the Attorney-General is disputing the contents. That is not the purpose of laying the documents on the Table. We wanted hon. Omido to lay them on the Table for the purpose of information. The contents of the documents can be discussed after we have scrutinized them later on, and seen whether there were other developments. What we asked the hon. Member to do is to lay the documents on the Table, and he has already done that. That is all that there is to it.

**The Assistant Minister for Finance and Planning (Mr. Echakara):** On a point of order, Mr. Temporary

Deputy Speaker, Sir. Hon. Omido made an allegation that the magistrate was trying to interfere—

**Hon. Members:** Ketu chini wewe!

**The Assistant Minister for Commerce and Industry (Mr. Michuki):** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have already ruled that if hon. Omido wants to make an allegation against the Bench, he will have to bring a substantive Motion here. The papers he has quoted refer to the case as having been difficult and strange. The papers do not in any way suggest that there was any pressure from the Attorney-General. So, is it in order to leave the issue as it is now without, first of all, Mr. Omido withdrawing the allegation that he has made against the Attorney-General? He should pursue the matter by way of a substantive Motion.

**Hon. Members:** No! No!

**The Temporary Deputy Speaker (Mr. Ayah):** Order! I would like to plead with the hon. Members that we need to uphold the dignity of the House. Mr. Michuki, that was clearly not a point of order. I would like once again to appeal to the hon. Members that in the course of our excitement, we should try to keep ourselves within the bounds of our Standing Orders, so that we can continue smoothly.

No. 992

#### COMPENSATION TO LATE RICHARD MUASA'S RELATIVES

**Mr. Mutiso** asked the Attorney-General—

- whether he was aware that Mr. Richard Muasa died on 19th March, 1982 while on duty at Ngethu Plantations;
- if the answer was in the affirmative, whether he could direct that compensation be paid to the next of kin with immediate effect; and
- whether he could also inform the House of the contents of the police inquest File No. 12/82.

**The Attorney-General (Mr. Muli):** Mr. Temporary Deputy Speaker, Sir, due to the hon. Member not giving us sufficient particulars, until perhaps two or three days ago, it was not possible to obtain the information in time. I have got the information under compilation, if I may be allowed to answer that question tomorrow.

**The Temporary Deputy Speaker (Mr. Ayah):** Okay, let us now go on to Questions by Private Notice.

*(Question deferred)*

#### QUESTIONS BY PRIVATE NOTICE

##### INDUSTRIAL DISPUTES PENDING AT DISSOLUTION OF MANAGEMENT STAFF ASSOCIATION

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

- How many industrial (trade) disputes were in the pipeline due for adjudication by the Industrial Court at the time of de-registration of Kenya Management Staff Association?
- What steps has the Minister taken to ensure that these disputes are settled immediately?

**The Minister for Labour (Dr. Ouko):** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) When the Kenya Management Staff Association was de-registered on 4th July, 1984, the trade disputes in the pipeline due for adjudication by the Industrial Court were as follows.

One, cases before the Industrial Court—21.

Two, cases in respect of which I had sent recommendations to both the employers and trade unions suggesting the mode of settlement—74. Total, 95.

(b) I have taken three steps to try and ensure that the disputes were settled. The first step was to hold consultations with the Cotu executives (Central Organization of Trade Unions). The second step was to hold consultations with employers' representatives, and the third step was to send a circular letter outlining how the issues were to be resolved; what part was to be played by my Ministry; what part was to be played by the employers, and what part was to be played by the workers.

**Mr. Mwachofi:** Mr. Temporary Deputy Speaker, Sir, while thanking the Minister for an answer that is long, I would like him to clarify on part (b) of the question because all he says is that he has had consultations with Cotu, consultations with employers, and he has written a circular letter. But he does not say specifically what was involved in the consultations, the issue of the two groups, and what the contents of this circular letter are. In other words, what is happening regarding these 95 disputes? How are they going to be sorted out?

**Dr. Ouko:** I will be glad to respond specifically to that question, Sir. After the de-registration, I did consult with the two bodies, because, in my view, we could not write off the cases just because the Kenya Management Staff Association had been de-registered. The cases were there; there were grievances, and the grievances did not just go because of de-registration. So, the purpose of consulting with the employers was to seek their assistance and co-operation, so that these matters could be settled out of the Industrial Court, taking into account the grievances of the employees, which had been taken before the court or processed through the Minister.

The reason for doing that, Sir, was that there was no other channel of solving these problems except by using—I hope, Sir, you can help me out with the volume of talking in the House.

There was no other channel of solving these problems because the Industrial Court could not continue to hear them as the union which took them there did not exist at that time. The purpose of consulting with the employees' representative Cotu, was seek their co-operation with the employers, so that we could use our good officers, instead of the Industrial Court, to resolve these matters.

As at the moment, Sir, I am glad to report to this hon. House that as a result of that procedure, which I outlined in that circular, cases which have been completely settled are 24; cases which are in progress are 41, and cases where we are unable to trace the complainants are 30. So, I am now looking for the 30 people who complained but whom we cannot trace anymore.

If the hon. Member knows any, would he please request them to either see the nearest labour officer, or come directly to me, and I will handle their matters

#### DELAY TO PAY EMMA AMUKANGA BY PUBLIC TRUSTEE

**Mr. Lugonzo:** Mr. Temporary Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:

Why has the Kisumu Office of the Public Trustee not given Emma Amukanga her cheque sent to their office on 9th March, 1984, by the head Office of the Public Trustee?

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

The said Emma Amukanga is the widow of the deceased Moses (M. Amukanga who died intestate (i.e. not having made a will). He died on 6th March, 1979. During the same year, the estate of the deceased was referred to the Kisumu Public Trustee's Office, and on 19th June, 1981, the matter was transferred to Nairobi office for convenience of administration.

As the deceased was a teacher, the Teachers Service Commission processed his death gratuity in March, 1984. The proceeds amounting to KSh. 28,531.95 were realized and remitted directly to the Kisumu office. The said sum was subsequently transferred to Nairobi office on 8th November, 1984, as the deceased's estate was being administered in Nairobi. Sir, the said sum could not be and cannot be released to the widow of deceased as yet because the question of Estate Duty has not yet been sorted out since no grant of letters of administration of the estate have been issued to the Public Trustee by the court. This has been due to the delay by the Teachers Service Commission to furnish the Public Trustee with the particulars of the benefits payable to the deceased. The widow of the deceased is one among eleven (11) beneficiaries. The widow is entitled to only 5 per cent of the net residue.

The deceased's unpaid salary has not been received from the Teachers Service Commission. It is, however, encouraging now to note that the said widow could, on her request, be provided with reasonable financial maintenance out of the estate of the deceased pending application to court for the grant of letters of administration.

Sir, that question repeats what I have been saying all this year that all those particulars of estates of deceased persons should be communicated as quickly as possible to the Public Trustee, so that we can assemble the estate and be able to administer that estate within the shortest time possible. Here, the Teachers Service Commission is withholding the money and we have no particulars, and the only way we can help is to make some spasmodic advances to the widow to assist her. But what about the other 11 beneficiaries? They may complain.

**Mr. Lugonzo:** Mr. Temporary Deputy Speaker, Sir, can the Attorney-General say why his officers have not demanded from the Teachers Service Commission these particulars which are delaying the exercise of giving this widow and her children their rights? Can the Office

**[Mr. Lugonzo]**

of the Attorney-General expedite this exercise by asking the Teachers Service Commission to furnish the particulars required?

**Mr. Muli:** Mr. Temporary Deputy Speaker, Sir, I would like to ask hon. Seth Lugonzo, who knows the machinery very well, to go and kick the Teachers Service Commission into action so that I can have the money as soon as possible. As for the money I have, which is KSh. 28,000, I have already promised that the widow can be given advances to assist herself and the other 10 beneficiaries. However, that is not a very tidy way of dealing with the estate, but we can assist.

**Mr. Lugonzo:** Sir, this widow, Ema, has been to Kisumu office quite often asking for these small advances to help her pay school fees for a son in Form V at Musingu and another daughter in Form III at Mukumu Secondary School. But the officer in Kisumu does not even talk to her; he chases her out of the office. Can the Attorney-General help the lady by getting these amounts paid to her from his office rather than sending it to Kisumu, where there is hostility to this lady who has really cried?

**Mr. Muli:** Mr. Temporary Deputy Speaker, since the hon. Member is speaking here in Nairobi, if he would like to come tomorrow, we may try to organize some arrangements. As to the question of the lady having been chased away from my Kisumu office, I am not aware.

**The Temporary Deputy Speaker (Mr. Ayah):** Next Order.

#### POINT OF ORDER

MEMBER CANNOT NEGOTIATE WITH THE CHAIR OVER A MATTER HE WANTS TO RAISE

**Mr. Lugonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir, I would now like to raise a different point. I talked to you, Sir, after Question No. 828 was replied to, and I said that there was something important left out and you agreed that I could raise the matter at this time.

**The Temporary Deputy Speaker (Mr. Ayah):** Order, Mr. Lugonzo. You are making a very serious statement. You may not negotiate with the Chair as to what you are going to raise in the House. You cannot say that you talked to the Chair and the Chair agreed because once a question has been asked and answered, and supplementary questions asked and answered, you cannot say that you came to me and I told you to raise something after question time. That is totally out of order.

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

**The Temporary Deputy Speaker (Mr. Ayah):** No!

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** On a point of order, Mr. Temporary Deputy Speaker. I have a feeling that the Chair has been accused of having had some discussions outside the House. What do we do with this hon. Member?

**The Temporary Deputy Speaker (Mr. Ayah):** Next Order.

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

**The Temporary Deputy Speaker (Mr. Ayah):** Order, Mr. Lugonzo! Next Order.

#### BILL

#### COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

#### IN THE COMMITTEE

[Mr. Chairman took the Chair]

#### THE INCOME TAX (AMENDMENT) BILL

(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 agreed to)

(Title agreed to)

#### Clause 1

**The Assistant Minister for Finance and Planning (Mr. Echakala):** Mr. Chairman, Sir, I beg to move:

THAT, clause 1 be amended by renumbering the existing clause as sub-clause (1) and inserting the following new sub-clause—

(2) This Act shall come into force or be deemed to have come into force as follows—

(a) section 5 on 1st January, 1984;

(b) all the other provisions on the date of publication of this Act in the Gazette.

(Question of the amendment proposed)

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

(Clause 1 as amended agreed to)

**The Assistant Minister for Finance and Planning (Mr. Echakara):** Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Income Tax (Amendment) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

#### REPORT, CONSIDERATION OF REPORT AND THIRD READING

#### THE INCOME TAX (AMENDMENT) BILL

**Mr. arap Ng'eny:** Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Income Tax (Amendment) Bill and approved the same with amendment.

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

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku) seconded.**

*(Question put and agreed to)*

**The Assistant Minister for Finance and Planning (Mr. Echakara):** Mr. Temporary Deputy Speaker, Sir, I beg to move that the Income Tax (Amendment) Bill be now read the Third Time.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku) seconded.**

*(Question proposed)*

*(Question put and agreed to)*

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

#### PROCEDURAL MOTION

##### REDUCTION OF PUBLICATION PERIOD—THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

**The Vice-President and Minister for Home Affairs (Mr. Kibaki):** Mr. Temporary Deputy Speaker, I beg to move:

THAT, this House orders the publication period of the Statute Law (Miscellaneous Amendments) Bill be reduced from 14 to 6 days.

Sir, in asking the indulgence of the House that this reduction be effected, it is really to be able to pass the Bill with various amendments to the present Statute Law that we require to deal with before we are to go for Recess. We are due for Recess, and it is important that some of these amendments be dealt with before that time. It is true that it could have come earlier, but now we need to enable particularly the business involved in such things as petroleum exploration to go on without further delay, while we have our Christmas Recess. We have no other reasons, in fact, for wanting to deal with the matter expeditiously, other than the question of time.

I beg to move.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku) seconded.**

*(Question proposed)*

*(Question put and agreed to)*

#### BILL

##### THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

*(Order for First Reading read—Read the First Time—Ordered to be read the Second Time today by*

*leave of the House)*

*Second Reading*

##### THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

**The Attorney-General (Mr. Muli):** Mr. Temporary Deputy Speaker, Sir, I beg to move that the Statute Law (Miscellaneous Amendments) Bill be now read a Second Time. The Bill seeks to make minor amendments to the Scheduled Act which do not warrant individual amendments on Bills to be brought into this House.

With regard to the Judicature Act, now you will find the amendments on page 627 and if you look at that

page, you will see the Schedule almost half-way down the page. On the left-hand side, there is a column dealing with the law that is sought to be amended. In the middle column, you will find the provision that is being sought for amendment, and column 3 on the extreme right gives you the actual amendment that is sought. That is just to explain, so that the hon. Members can follow what I am going to say about each and every law that is going to be amended.

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

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, with regard to the first one, this is the Judicature Act, Cap. 8 of the Laws of Kenya, what we intend to do is to delete the words, "twenty-four" and insert the word, "thirty". What this means is that we will increase the number of judges from 24 to 30. The increase has been proposed to raise the establishment of High Court Judges by six, and it is necessary to enable the cases before the High Court to be determined expeditiously, so that there is no delay in dispensing justice. It is the intention of Government to station resident judges at various provinces and to have, eventually, a resident judge in each province.

Initially, therefore, Mr. Deputy Speaker, on the increase of the establishment, we would like to have a resident judge at Kisii straightaway. There are high court premises there, and accommodation is available. There is also the provincial headquarters of Eastern Province where we would like to have a resident judge, rather than having a circuit judge. Machakos is a district, and a resident judge there will be able to look after Kajado, Kitui and Machakos and, occasionally, as far as Embu, if need be, to assist in the headquarters. Of course, Machakos is suitable because there is the capital remand at Athi River and, so there will be no additional public funds for building prisons where we can keep capital remands. So, there is that necessity then to increase the establishment of judges.

We would like to have additional judges at Mombasa. At the moment, we have two resident judges; we have only one at Nakuru and we would like to increase the Nakuru establishment by two other judges. Perhaps, we could supplement Mombasa by another judge because the work is a little more than we expected. We would also like to have a few more in Nairobi who could be able to tackle the circuits where we cannot immediately station a resident judge, for instance, to Meru, where we have a high court and the circuit would alleviate the back-log. Of course, the Nairobi headquarters has quite a big burden, and hon. Members will have noticed this year that with the petitions going on and presided over by three judges in each petition, we had to abandon a lot of other cases in order to give priority to the petitions.

While in passing, incidentally, Mr. Deputy Speaker, I would be reporting, perhaps, at the Motion for Adjournment, without congratulating myself, that we have concluded on all the petitions, the last one being for Central Busia. We are lacking with the ..... (Inaudible).

**[The Attorney-General]**

ble) for by-elections. The hon. Members can now sit firmly on their seats knowing that there is no one shaking them after one year. In the past, you can remember, it used to take three, or four, years we finished with the petitions, but I will be saying something about it. I would only like to mention that we were defeated by only one month, since the General Elections. We finished the General Elections, and within a year and a month, we completed the petitions. In other words, we wanted to finish the petitions on the 1st Anniversary of the last General Elections. However, we were beaten by only one month.

I mentioned that in passing, Sir, to emphasize that we have to apply all the judges to reduce the time taken on petitions. Obviously, the other cases had to suffer the delay. However, if we had more judges, we could have tackled the other criminal as well as civil cases without delaying justice. So, we urge this House to feel sympathetic and give us the additional judges to cope with the situation at the moment.

Mr. Deputy Speaker, Sir, the other amendment is to the Magistrates Court Act, and that is Item No. 2 on the Schedule. The purpose of this amendment is to put beyond doubt the view that a panel of elders has no jurisdiction to determine title to land. Since the amendment was brought about—by the Magistrates Court Act—the intention was to send all land disputes to be dealt with by a panel of elders under the chairmanship of the district officer. But there are other disputes which revolve around titles—registered titles. A person is holding a title and that title to land is called absolute proprietorship. The registered owner of a piece of land who owns a title has got absolute proprietorship to that land, we felt that it was not right to question such a person at the panel of elders, and that was not the intention of the amendment. That remains to be tested only by the high court. So the amendment here is to make it absolutely clear that the panel of elders will not be able to decide the question of titles to registered lands because that would be competently dealt with by the high court.

On matters arising out of fraud and misrepresentation, those are sorts of grounds which we feel the panel of elders will not know about; what is a fraud amounting to theft, or misrepresentation bringing about a title to be defective. We feel that that should be left to our higher tribunal which can adjudicate. So, that is the purpose of that amendment.

The other amendment which we are seeking to introduce is to the Advocates' Act. That one is Item No. 3, Cap. 16. With regard to this particular amendment, we are asked to introduce a provision enabling the Council of Legal Education to grant diplomas to persons qualified to be admitted to the role of advocates. That is purely to encourage those advocates who go through the Council of Legal Education, on being admitted as advocates by the high court, to be granted certificates or diplomas to show that they are qualified. This is a technical one, purely to bring about that profession in its footing.

Over the page, we have the amendment to the Penal Code. The Penal Code is Cap. 63 of the Laws of Kenya. The purpose of this amendment is to enable the court to direct the Commissioner of Prisons, and the Commissioner of Police, to repatriate non-Kenyans who are convicted of offences in Kenya and sentenced to imprisonment for a term not exceeding 12 months. Those can be repatriated to their homes immediately upon completion of their terms of imprisonment. That provision was not there; there was in excess, but that one was not the idea. The idea is that the magistrates should now be able to order the non-Kenyans who have been convicted of offences and have been sentenced to serve in prison for a period not exceeding 12 months, to be repatriated. They can be ordered to go back or be repatriated back by the Commissioner of Prisons and the Commissioner of Police to their countries.

The other amendment is to amend the Criminal Procedure Code. The Criminal Procedure Code is Cap. 75 of the Laws of Kenya. The purpose of this is the consequential amendment following the amendment of the law providing that persons charged with the offence of robbery with violence can apply to the high court to be granted bail while those charged with treason or murder cannot. Under the provision dealing with offences of robbery with violence, the sentence is death. The same applies in the case of treason and murder. If we allow the persons charged with robbery with violence to apply to the high court to be given bail, so that the robbers can be at large while awaiting their trial, and we know that consequence upon their conviction the sentence is death, it is not in line with the law. The gravity and seriousness of the sentence itself will compel the robber either to disappear, or probably do more havoc and kill himself. We ask through this amendment that those persons charged with offences of robbery with violence must not be able to get automatic bail or bond to be out. They must be in line with those who are waiting to be tried for murder or treason. This is because the sentences at the end are the same, namely death sentences.

The next one is the Law of Succession Act. That one is on page 628, at the bottom. The purpose of the amendment is to submit the early confirmation of grants, where all the dependants are of full age, and consent to the grant of letters of administration. Under the existing law the application for confirmation of letters of administration in order to enforce the discretion of courts must be made after six months from the date of the grants of presentation. We feel that hardships are being caused by unnecessary inordinate delays of six months when beneficiaries or dependants are of full age. They can do that within a shorter period. Where they are minors, it is okay and we can wait. But where they are of full age and capable of giving consent for the administration or grant of letters of administration to enable the administration of the estate, why should they wait for six months? They should be able to do so tomorrow because they are of age. Why should they be delayed for six months?

So, the purpose of that is to bring about easier and speedier administration of estates of deceased persons

**[The Attorney-General]**

when the persons who are the dependants are of full age; they can give consent soon after the death, and the court can get letters of administration and straight-away continue to administer the estate to the benefit of the intended beneficiaries without waiting for the six months. I think this is a very useful one, and it is in line with what I was saying. I have been saying the whole of this year, that we would like to have the administration of estates being done with all speed possible to enable the beneficiaries to benefit from the estate.

Earlier on, the Member for Ikolomani, Mr. Lugonzo, was worried about a beneficiary who has not been able, with her children, to have some dependency out of the estate which is lying with us for the simple reason that we cannot administer the estate because we have not got all the particulars. So, this one is in line with what this House has been asking, and what we have been promising. So, we ask the House to endorse this one because it is right that the beneficiaries must benefit within a short time.

The next one is the Armed Forces Act. The Armed Forces Act is Cap. 199—Laws of Kenya. The amendment clarifies the intention of the legislature beyond doubt, and puts beyond doubt the fact that there is no second appeal from a court martial. The decision of High Court is final as provided under the existing law. There have been two schools of thought that one should go to the Court of Appeal while another school of thought says that from a court martial to the High Court is the highest one can go. We believe that the intention of the legislature was to limit the appeals to the High Court, but not to the Court of Appeal. The intention here is to make it clear that it should be final, rather than going to the Court of Appeal. The court martial is a court under the Armed Forces Act, and is a court of a special nature which deals with matters of a specialized nature, just like the election court. You do not go to the Court of Appeal on election petitions and, similarly, although this one is dealing with matters of a different nature, the intention of the legislature was to make it a finality at the High Court as opposed to going to the Court of Appeal.

The other one, Sir, is the Medical Practitioners and Dentists Act, Cap. 253. Now, the intention of this amendment is to enable the Medical Practitioners and Dentists Board to discipline doctors and dentists who have been convicted of a criminal offence more effectively. The amendment is intended to promote professionalism in the media and dental association. So, this really is to tighten the code of conduct; the code of ethics in the Medical and Dentists Act, so that the Board can deal with anybody convicted of an offence after sentence. So, this is a good one since it is in line with what this House has been doing since the beginning of this year, to ensure that all discipline is undertaken. The word "discipline" really means that this sort of profession is brought under a proper footing; under a sort of code of conduct and code of ethics, to ensure that the etiquette of the profession is not eroded or tampered with.

Sir, the next amendment is on the Cotton Lint and Seed Marketing Act, Cap. 335. Now, this is a very simple amendment which just corrects a wrong reference to section 55 of the interpretation in General Provisions Act. This is a simple correction which may not change the substance of the Act.

Sir, the next amendment relates to the Lake Basin Development Authority Act. Here, again, the amendment involves the addition of an extra member so that the Permanent Secretary in the Office of the President now becomes a member of the Authority, and that is all it means. I think it is right that we have the Permanent Secretary in the Office of the President as one of the co-ordinators in the activities of the parastatals by becoming a member of that particular board.

The next Amendment, Sir, is also a simple one, and it is to amend the newly enacted Public Roads Toll Act, so that we introduce the definition of matatu into that Act. So the matatu will now be one of the vehicles under the Public Roads Toll Act. This will also take the opportunity to make the offence committed under this particular Act of Public Roads Toll be a cognizable offence for the purpose of arrest, so that police do not have to go to court now and then to seek a warrant to arrest. I am saying this because, up to now, the offences committed under the Public Roads Toll Act are not cognizable offence for the purposes of arrest. So, with this amendment, it will be possible for the police to arrest without the necessity of obtaining a warrant.

Now, Sir, that is what you can see on the actual amendment Bill itself, but I must take the opportunity here to say that there will be amendments brought into this Bill to include two more Acts which need to be amended, one of them being the Customs and Excise Act, and the other one being the Banking Act.

*(The Clerk informs the Attorney-General that the amendments on the two Acts were already on the Order Paper)*

Oh, the amendments to the two Acts, which I have already referred to, are on the Order Paper, I am being reminded by the Clerk. These amendments are on the Order Paper and so, if you take a look on the Order Paper, you will notice that we will be moving these amendments. Since it is always right and proper that hon. Members should know in advance what is going to happen, we ought to talk about these amendments now.

The first amendment is dealing with the Customs and Excise Act, so as to remove the reference to the Oil Production Act which has been repealed by the Petroleum Exploration and Production Act of 1984, and to bring the provisions of Customs and Excise Act in line with the provisions of that Act. This year, Sir, you will remember, that this House passed a very important Bill which is now law; that is the Petroleum Exploration and Production Act of 1984. The essence of that particular Act was to repeal the old Act because the Government felt that was not the right way. Under the old Act, anybody who wanted to explore for petroleum in this country could only be given what we call



**[The Attorney-General]**

a concession; that is to say a licence and by that concessional licence, he really became the owner of the mineral on top and bottom which means he could do whatever he liked with the minerals he obtained under his licence. However, under the new Act, he cannot do so, and we can only give him what we call the production sharing licence. This means that whatever he has achieved after the payment of his expenditure is going to be shared between him and the Government.

Sir, in order then to come into line, we have to amend the Customs and Excise Act and remove a reference in our laws which talks about Production Act, and to bring it in line with the Exploration and Production Act. Above this, this brings the provisions of the Customs and Excise Act in line with the provisions of that Act. Now, the amendment is clear and we will be moving it at the Committee Stage.

Sir, I shall also move another amendment to the Banking Act, and the purpose of this amendment will be to clarify and enhance the powers of the Central Bank in the instance where banks and financial institutions are being mismanaged.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker, I have been following the Attorney-General closely, but I seem to have missed him now. He is referring to the Banking Act—

**An hon. Member:** It is on the Order Paper.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** But the Bill before the House now is the Statute Law (Miscellaneous Amendments) Bill. So, whatever he is talking about is not in this Bill, and I was wondering whether what he is saying is also included in this Bill. Was he speaking on this Bill?

**Mr. Deputy Speaker:** Order, Mr. Shikuku. What the Attorney-General said was that since Members may require to know what amendments he is contemplating to introduce at the Committee Stage, he was just going to run over them, and that is exactly what he is doing.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker. Thank you for your ruling, but I am wondering and seeking to know where this will be inserted in the Statute Law (Miscellaneous Amendments) Bill that we have here. Whatever amendments he has on the Order Paper will have to come into this Bill. Will the Banking Act also come into this Bill? It is not here.

**The Attorney-General (Mr. Muli):** I got the point, Mr. Deputy Speaker. The amendments I am talking about will be introduced into the actual Bill at the appropriate time in alphabetical order. In other words, when we talk about the Customs Act, which is the first one, we will go through the Schedule and see where appropriately it will come. I will be slitting it during the Committee stage.

All that I am saying at the moment is that I am going to move an amendment to increase the Acts for amendment. One of them will be the Customs and Excise Act, and the other one is the Banking Act. What

I am going to do at the Committee Stage is to mention where the amendment comes according to the order of amendments. You can see that we start with "J", followed by "M" and then "A". We may add the amendment just at the end. As you notice, the Schedule is not really in alphabetical order as the first amendment is on the Judicature Act; then the Magistrates' Act; the Advocates Act; the Penal Code; the Criminal Procedure Code, the Law of Succession Act; the Armed Forces Act; the Medical Practitioners and Dentists Act; the Cotton Lint and Seed Marketing Act; the Lake Basin Development Authority Act, and the Public Roads Toll Act. They are not in alphabetical order, but they will be inserted right at the end after the Public Roads Toll Act. When the Bill is finished, each Act will be slit and placed in the appropriate place. I must admit that they are not in the Order Paper.

**Mr. Deputy Speaker:** Order, Mr. Muli. I think what hon. Shikuku has raised, which is what you are talking about, is the Schedule. When one looks at the actual Statute Law (Miscellaneous Amendments) Bill here, there is no Schedule. This is what makes it complicated.

**The Attorney-General (Mr. Muli):** The Schedule is there.

**Mr. Deputy Speaker:** On page?

**The Attorney-General (Mr. Muli):** Mr. Deputy Speaker, it is on page 627.

**Mr. Deputy Speaker:** On page 627?

**The Attorney-General (Mr. Muli):** Yes, there is all that big Schedule, after clause 2.

**Mr. Deputy Speaker:** Oh, yes. That is right. Okay.

**The Attorney-General (Mr. Muli):** Mr. Deputy Speaker, the Schedule is on page 627, and it shows the Acts we are going to amend in the first column. The second column deals with the relevant sections, and the third column deals with the actual amendments.

So, at the end of page 630, just before the Memorandum of Objects and Reasons, there is a little space there. Assume that that is where we are going to put the amended Acts.

(Laughter)

You will find that the first column will be taken by the Customs and Excise Act and then the second column will deal with the Third Schedule.

**Mr. Deputy Speaker:** Order. Excuse me. What I would suggest is that because these are completely new insertions to the Schedule, and because you have given notice in the Order Paper that they will come in at the Committee Stage, it would appear that this is not the appropriate time to go into their details. What you could do is, having simply said that you are intending to introduce the amendments—every Member reads the amendments in the Order Paper—the appropriate time to add more information would be during the Committee Stage.

**The Attorney-General (Mr. Muli):** I am very obliged to you, Mr. Deputy Speaker. At the Committee Stage, I will be introducing all the amendments and give reasons for them.

With these few words, Mr. Deputy Speaker, I beg to move.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku) seconded.**

(Question proposed)

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** Ahsante sana. Bw. Naibu Spika.

Ningependa kumshukuru Bw. Mkuu wa Sheria kwa vile alivyoeleza Mswada huu vizuri sana. Pia, ningependa kumshukuru kwa yale marekebisha ambayo anahitaji kufanya katika Mswada huu. Lakini kuna jambo moja ambalo, kabla sijaendelea kuunga Mswada huu mkono, ningependa lielezwe wazi. Hili jambo analofanya hapa sasa ni jipya sana katika historia ya Bunge hili. Kwa kawaida, Mkuu wa Sheria huleta yale marekebisha anayotaka kufanya katika Mswada huo wote. Kulingana na vile alivyofanya, ukiangalia ukurasa wa 630, anahitajiwa kuonyesha Bunge ni clause gani anayotaka kurekebisha. Inafaa awaambie Wabunge clause hiyo ilikuwa ikisema nini zamani na anarekebisha nini. Sasa marekebisha yakija kama yalivyofanywa katika Order Paper na hali hayako katika Mswada wenyewe, wala hapana mahali atakapoweza kuiweka ile sheria ya zamani ambayo anataka kurekebisha, itakuwa shida sana. Hii ni historia, ya kwamba amendments ambazo ziko katika Order Paper zitawekwa katika Mswada kabla hazijakuwa katika Mswada wenyewe. Hii ni historia, lakini nitaliwacha jambo hilo kwa sababu ninataka tutengeneze wala siyo kuyaharibu mambo yetu.

Ingefaa Mkuu wa Sheria ajue kwamba inahitajiwa kwamba katika siku zijazo, vitu hivyo vyote viwekwe katika Mswada, huku Mkuu wa Sheria akitueleza ni ipi iliyo sheria ya zamani, na ni marekebisha gani anayotaka kufanya ndipo Wabunge wakisoma pande zote mbili wapate, pengine, kwamba ile sheria ya zamani ilikuwa afadhali kushinda sheria inayopendekezwa. Taratibu hii tulianza hapo mwaka wa—sijui kama ni wa 1965 au 1966, ambapo tulikubaliana na Mkuu wa Sheria wa siku hizo kwamba miscellaneous amendments ni haitari sana kwa maisha ya watu tunaowawakilisha. Ikiwa Wabunge hawasomi wakajua ni kitu gani kinachondolewa na ni kitu gani kinachowekwa mahali pa kile kilichondolewa, watakuja kupata kwamba sukari ndiyo inayondolewa na sumu ndiyo inawekwa badala yake. Jambo hili hufanyika katika hali ya kisiasa. Kwa hivyo, inatubidi tusome Mswada sana tukijua kwamba hiyo ndiyo kazi yetu. Tukitoka katika Bunge hili, sheria hizi hizi ndizo zitakazotumiwa, na ukilia utaambiwa kwamba wewe mwenyewe ndiwe uliyezipitisha. Yule mfanyakazi wa Serikali aliyeleta mabadiliko hayo atakuwa akikuchekelea tu. Hata wafanyakazi hao wenyewe wanajua hivi.

Jambo la pili ni kwamba ningependa kumwunga Bw. Mkuu wa Sheria mkono kithabiti kabisa kwa sababu amendment hii inayowahusu adjudicators na ambayo inaongeza hesabu ya majaji kuwa 30 ni nzuri, na inaonyesha kwamba Bw. Mkuu wa Sheria aliyasikia maoni ya Wabunge katika Bunge hili, kwamba kesi nyingi hukaa kortini bila kusikilizwa kwa sababu ya uchache wa majaji. Sasa ametuongeza wengine sita, na sasa wote ni 30. Ninashukuru kwa jambo hili. Nikishashukuru, ninasema kwamba hesabu hiyo bado haitoshi. Tungetaka aiongeze hesabu hiyo zaidi ili kila wilaya iwe na jaji wake na kesi ziweze kuendelea mara moja. Ninasema

hivi kwa sababu ukiwekwa korokoroni—wengi wa walio katika Bunge hili hawajawekwa korokoroni, na hawawezi kujua ubaya wa korokoroni ni nini. Hata Mkuu wa Sheria hajauonja ubaya wa kuwekwa korokoroni. Kama aliuonja kidogo, hiyo ni afadhali. Kama ameuonja ubaya huo, basi ni heri aongeze idadi ya majaji ili kila wilaya iwe na jaji wake, na katika zile wilaya kubwa kubwa awaongeze majaji wengine. Kama ile Wilaya ya Kakamega ambako kuna watu karibu 2 milioni, ingefaa ipatiwe hata majaji wanne ili kesi ziweze kusikilizwa upesi.

Nasema hivyo—na nimekuwa nikizungumza juu ya jambo hili—kwa sababu ukiwekwa korokoroni na upelekwe kortini, jaji analisoma jina lako na kuuliza apatiwe narbari ya kesi yako, halafu anavaa miwani na kuitere-msha kwa pua lake na kukuangali hivi, na baadaye anazungumza na mawakili, na unamwona akiandika kitu na halafu anasema, “Wewe utarudi hapa katika mwezi wa Septemba, 1985”, na baadaye anagonga meza. Akishafanya hivyo, basi maneno yamekwisha. Inamohukua muda mdogo tu kusema hayo maneno “Septemba, 1985”, lakini yule atakayekaa korokoroni mpaka Septemba, 1985, ndiye anayejua uchungu uko wapi. Utawaona mawakili wakienda zao wakivaa wigs zao, lakini wewe unasukumwa ndani mpaka mwezi wa Septemba, 1985. Kwa nini? Ni kwa sababu kesi ni nyingi, na kwa hivyo, kesi yako haiwezi kusikizwa mpaka Septemba, 1985, na pia ukija kortini mwezi huo wa Septemba, 1985, utaambiwa “Tona kuna kesi nyingine ya haraka itakayosikizwa, na kwa hivyo, uje hapa mwezi wa Oktoba”, lakini siku moja katika rumande ni kama mwaka mmoja. Nimekuwa nikizungumzia jambo hili, lakini kwa sababu wengi wetu hawajaonja mambo haya, au hawajaenda katika rumande, hawawezi kujua vile mambo yalivyo humo.

Nimesema katika Bunge hili kwamba ni heri watu wakubwa, majaji, mawakili na Makatibu wa Kudumu wote wapelekwe huko ili waweze kuyaonja mambo yaliyoko korokoroni, na wakishafanya hivyo, watafahamu ninasema nini. Niliposema hivyo, wengine wakasema “Shikuku anasema maneno tu”. Bw. Naibu Spika, si Mhe. Mbunge mmoja alienda huko na akaanza kuuliza kama kuna kitanda humo? Aliuliza “Oh, sasa mimi nitalala wapi? Je, nitalala chini na hali nina ugonjwa”? Alikuwa akifikiria anaenda hotelini. Lakini kama wangekubaliana na maoni yangu kuwa kila kiongozi apelekwe huko na kufungwa bure, ndipo wangepewa kujua maana ya justice ni nini. You will never know justice until you suffer injustice. Mnasema tu “justice, justice”, lakini hamna habari juu ya jambo hilo. Sisi ambao tumetaabika kwa sababu ya injustice, tunajua injustice ni nini, na ukinipa bunduki ili niweze kutumia kwa kuwatwanga watu ambao unanambia ndio walionifanyia injustice, nitawapiga wote, bora tu unipe risasi. Nitawapiga mpaka ile bren-gun iwe nyenkundu na kukataa kufanya kazi kwa sababu najua maana ya injustice.

Unamwona mtu akiwekwa korokoroni miezi mingi. Hiyo ni kama vile wahenga wa sheria wanavyosema “Justice delayed is justice denied”. Wao husema hivyo tu, lakini wakikaa korokoroni, au wale polisi wanaowa-shuka watu na majaji wakienda huko na kuonja vile

**[The Assistant Minister for Environment and Natural Resources]**

mambo yalivyo huko, hawatasema maneno bila kufikiria; watasikiza kesi haraka sana. Kwa hivyo, ijapokuwa namshukuru Mkuu wa Sheria kwa kuongeza majaji sita, ningependa kumwomba awaongeze majaji wengine tena. Ni heri tukikate kiasi cha pesa kinachotumiwa kwa kazi nyingine ili tuweze kukitumia kiasi hicho cha pesa kwa kuwaajiri majaji wengi na kuiwezesha kila wilaya iwe na jaji, ili wananchi wapate haki yao mara moja wala sio kuwekwa humo korokoroni au rumande siku hizo zote na kupata taabu.

Baada ya kusema hayo, Bw. Naibu Spika, ningependa kumshukuru tena Bw. Mkuu wa Sheria kuhusu Cap. 10 ya Magistrates' Courts Act ambayo inazungumza juu ya elders. Kuna shida kubwa hapa. Ili kumwonyesha Bw. Mkuu wa Sheria kwamba kuna shida kubwa, ningependa kumwambia kwamba nina faili karibu tatu ambazo zimejaa mambo ya ardhi. Hiyo inatokea kwa sababu watu matajiri wengine wakijua kwamba kesi kama hizo zinasikizwa na elders, wanakwenda kwao na kuwapa "chai" kidogo hapa na pale, na kesi ya ardhi kuhusu mtu maskini huanzishwa na baadaye shamba linakwenda. Kuna kelele nyingi kuhusu ardhi, hasa katika sehemu ya Butere, lakini hiyo haifanyiki katika Butere peke yake.

Kwa mfano, siku ya Alhamisi kama Kesho, watu wanaokuja ofisini mwangu si chini ya 200 au 250 kuhusu kesi ya ardhi, na yule mtu ambaye hajui kama hiyo inafanyika ni heri aje ofisini mwangu kesho ili aweze kuona ni watu wangapi wanaokuja huko. It is not the people of Butere only who come there; the whole country comes there. Ikiwa mtu kama huyo anaweza kuja ofisini mwangu kesho, anaweza kuona mwenyewe ni kesi ngapi zinazohusiana na ardhi, na ni watu wangapi wanaokuja huko wakilia kwamba mashamba yao yamenyakuliwa na watu wakubwa. Akifanya hivyo, ndipo atakapoweza kujua taabu zilizo kuhusu ardhi.

Bw. Naibu Spika, wengine kati ya elders wetu huchukuliwa na wale walio na pesa na kupatiwa "chai", halafu wanawanyang'anya wale watu wasiojiweza, au ambao hawawezi kutoa "chai" ardhi yao.

Bw. Naibu Spika, nimemsikia Mhe. Mkuu wa Sheria akisema kuwa ukiwa na cheti cha kumiliki ardhi, basi hakuna mtu anayeweza kukuingilia kuhusu ardhi hiyo. Ninaweza kumpa kesi zaidi ya 40 zinazohusu watu waliokuwa na vyeti vya kumiliki ardhi, na mipango ikafanywa, na watu maskini hao waliokuwa wakifikiria kwamba ardhi ni yao wakakuta kwamba watu wakubwa wameshazunguka mahali pengine, na baadaye wanaambiwa waondoke kwa shamba au ardhi na hawana kitu cha kufanya.

Hata land boards ambazo kazi zao ni kuwazua watu kuichukua mali ya watu wengine sasa zimekuwa chanzo cha uchafu huu. Wale wanachama wa land boards wanazungukwa, halafu unapata kwamba ardhi ya mtu maskini imeshachukuliwa na kupatiwa mtu mwingine, wakisema eti ameinunua. Hivi vitu vya ardhi vinawasumbua wananchi sana, Bw. Naibu Spika, Watu maskini wanalia sana juu ya jambo hilo.

Wakati mwingine unapata kwamba ijapokuwa mtu ana watoto, lakini kwa sababu yeye ni mlevi, anaweza kufanya mpango na Shikuku ili kuiza ardhi yake kwake kwa kumpatia Sh. 2,000. Kwa kuwa mtu maskini kama huyo hajakiona kiasi kama hicho cha pesa, au kwa sababu pesa hizo zimewekwa kwa noti za Sh. 20, akiziona mate yanatoka mdomoni mwake, na kwa hivyo, mtu huyo anafanya mpango na kumwambia "Sign here", na baada ya kufanya hivyo, anamwuzia ardhi na hali ana watoto wa kiume au watoto wanne. Wanashukia tu kwamba shamba limeuzwa, na wakienda kwa land board bila kuangalia kama mtu huyo anayeza ardhi yake ana ardhi nyingine mahali pengine, au atakwenda wapi baada ya kuiza ardhi hiyo. Sheria inasema kwamba ni lazima land board ifanye uchunguzi kabla mtu hajaiuza ardhi yake, ili iweze kujua kama ana ardhi ya kutosha, na atakwenda wapi baada ya kuiza ardhi hiyo. Siku hizi utaratibu huo hauko. Bw. Naibu Spika, ningependa kumwambia Bw. Mkuu wa Sheria, kupitia kwako, kwamba sheria hiyo haifanyi kazi. Mimi nimepata taabu hii sana katika Butere.

**Dr. Wameyo:** Hata mimi pia nina shida kamahiyo.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** Hata Mhe. Dr. Wameyo pia ana taabu kama hiyo. Kila mahali kuna taabu kama hii, kwa hivyo, sisi tunaotengeneza sheria ni lazima tuone kwamba watu wadogo hawanyanyaswi na watu wakubwa. Kuna ugonjwa wa watu wakubwa katika nchi hii wa kuwanyanyasa watu wadogo kwa sababu wanasema kuwa money speaks, lakini siku nyingine money hiyo itashindwa kuzungumza, kwa sababu wanawake bado wangaali wanazaa, na kijana atazaliwa ambaye atawakomesha hao watu wakubwa walaghai ambao wanawanyang'anya watu wadogo mali yao.

Kwa hivyo, ijapokuwa naiunga mkono jbara hii, ningependa kusema kwamba baraza likishaitwa pale, wakuu wa tarafa ambao tumewapa kazi hii do delegate their work to assistant chiefs. Wanaketi tu ofisini mwao na kuwaambia machifu wasaidizi kuangalia kazi hiyo. Hawafanyi kazi kama vile tulivyopitisha hapa, kwamba mkuu wa tarafa mwenyewe atakwenda na kukaa mahali pale na kuwaita wazee na kuwaambia "mtueleze shamba hili lilikuwa la nani". They delegate their work to the assistant chiefs, na hali pengine mtu anayetoka katika jamii za mmojawapo wa machifu wasaidizi hao ndiye anayetaka kulinunua shamba hilo kwa sababu chifu na chifu msaidizi hawapelekwi transfer; they are permanently in the same place. Upende au usipende, chifu ni chifu, amen. Sasa maskini huyo atakwenda wapi? Akigombana na Bw. chifu, chifu huyo anaipeleka habari yake kwa mkuu wa tarafa na kumwambia "Tulikuwa na wazee huko, na tumeiona ardhi hii ni ya huyu", na mtu huyo anasema "Ndiyo", na baadaye ripoti inaandikwa na jambo hilo linapelekwa kortini, na kwa sababu mtu huyo hana pesa, hawezi kwenda mbele na kesi hiyo.

**The Attorney-General (Mr. Muli):** Bw. Naibu Spika, ikiwa jambo linalosemwa na Mhe. Shikuku linaendelea hapa nchini, ingefaa tuletewe habari hiyo mara moja. Tungetaka mtusaidie kwa sababu kulingana na sheria, hata mkuu wa wilaya mwenyewe hana ruhusa kuwa

**[The Attorney-General]**

mwenyekiti wa panel of elders to solve land disputes. Hata mkuu wa mkoa, mimi mwenyewe wala jaji mwingine hana ruhusa kuwa mwenyekiti. Pia, hata chifu hana ruhusa kufanya hivyo. Ningetaka kusema jambo hilo ili Mhe. Mbunge anapoongea, ajue kwamba sheria haikubali chifu, msaidizi wa chifu na hata mkuu wa wilaya mwenyewe akalie kiti hicho. Watu wanaotakikana kuketi kwa panel hiyo ni wazee wawili kutoka kwa upande wa mashtaka na wengine kutoka upande mwingine. Sheria haisemi kwamba wazee hao wawe wafanyakazi wa Serikali au wawe ni watu wanaojua kitu cho chote kinacholingana na tatizo hilo. Ni lazima wawe ni watu wasiohusika na tatizo hilo, ambao wataketi kama tribunal. Lakini tunajua kwamba wanakuja wakiwa wamepewa "chai", na hilo ndilo jambo ambalo ningetaka mtusaidie kulikomesha ili wasijue kitu cho chote. Tungetaka wawe kama majaji na mwenyekiti wao ni mkuu wa tarafa.

Ahsante, Bw. Naibu Spika.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** Ahsante, Bw. Naibu Spika. Mimi nilisema kuwa sheria iko wazi. Mimi nilikuwako hapa Bungeni wakati tulipokuwa tukiipitisha sheria hii inayotajwa na Mkuu wa Sheria. Lakini sheria hiyo haifuatwi kwa vitendo katika sehemu za mashambani. Ninamwambia Mkuu wa Sheria kuwa mambo hayafanywi hivyo. Mkuu wa tarafa haendi, na wakati mwingine husoma "Hatuna petroli", na kwa hivyo, humtaka chifu au msaidizi wa chifu aende kuchunguza vile maneno yaliyovyo. Halafu ni ripoti ya chifu itakayolewa na ni yeye anayesema mambo yako namna hii. Hii ndiyo taabu iliyoko. Sisi hupitisha sheria nzuri hapa Bungeni, but implementation on the ground huwa ni mambo mengine, na hapo ndipo kuna taabu. Ni kazi yetu sisi Wabunge waliochaguliwa kumfahamisha Mkuu wa Sheria vile mambo yanavyotendeka, ili atumie mbinu zake kuyatafua.

Mimi mwenyewe, Bw. Naibu Spika, nimekuwa nikijaribu katika jambo hili. Nimesema kwamba wale board members katika tarafa wawe wakigeuzwa kwa sababu wakiketi kwa muda mrefu kwa bodi hiyo, humea mizizi, jambo ambalo huwafanya wapatiwe "chai". Ingefaa wawe wakigeuzwa na kuwekwa wengine. Sisi wengine tuko tayari kusaidia. Mimi nimewakilisha sehemu ya Butere kwa zaidi ya miaka 22, na ninaweza kukuambia mzee fulani yuko sawa. Lakini ukiwa mwanasiasa, hawataki maneno yako. Wao husema hawataki siasa. Ubaya wa siasa ni nini? Kama si siasa, mkuu wa tarafa angekuwako? Zamani hakukuwako mkuu wa tarafa, mkuu wa wilaya wala mkuu wa mkoa Mwafrika. Ni siasa iliyowaleta, na sasa wanatuona sisi wanasiasa kama watu wanaouguu ugonjwa mbaya. Unamkuta mtu anasema, "Hatutaki siasa" na hali yeye yuko katika Serikali ya kisiasa!

Bw. Naibu Spika, ninajua kwamba ninawakilisha watu wangu vizuri, na hii ndiyo sababu ninarudi katika Bunge hili. Niko tayari kutoa majina ya watu ambao hawatakuwa wakichukua "chai" na kuwanyang'anya watu ardhi yao, lakini hawataki kusikia mambo yetu. Hata mkuu wa tarafa aliyeletwa Kwisero Division hivi majuzi imekuwaje asisikie maneno yangu wakati ambapo mimi

nimezaliwa huko, nimekulia huko, na kuwaakilisha watu wangu kwa muda wa miaka 22? Mimi nikifanya makosa kama Mbunge wa Butere, watu wenyewe watarekebisha makosa hayo kwa kutonipigia kura. Lakini mkuu wa tarafa hawezi kuondolewa kwa kutopigiwa kura, bali huhamishwa kwenda sehemu nyingine. Kwa hivyo, ingefaa asikie maneno ya Mbunge na diwani, watu waliochaguliwa na wananchi ili tuweze kuwasaidia watu wetu. Ukijaribu kuwaeleza jambo hilo, hawasikii. Yafaa Wabunge na madiwani wawe involved kwa sababu diwani akifanya makosa na wananchi wajue kwamba yeye hupata "chai", hutupwa nje wakati wa uchaguzi. That is his punishment. Lakini huwezi kumtupa nje chifu wala mkuu wa tarafa.

Bw. Naibu Spika, jambo lingine ambalo liko katika ukurasa wa 628 ni hili jambo linalohusu watu wasio wananchi, na ambao wameikosha nchi hii na kupelekwa kortini. Ninaunga mkono jambo hili. Hata hivyo, ningetaka maelezo zaidi juu ya jambo hili. Sheria inasema kwamba mtu kama huyo akifanya rufani, basi mambo yake yataangaliwa. Mimi sitaki akate rufani. Mtu kama huyu akipatikana na makosa, afungwe jela na baada ya jela, aende kwao kwa sababu we have enough criminals. We do not need any more from outside. Tunao wahalifu wa kutosha, na ingefaa Mkuu wa Sheria ajue hivyo. Wanawake wa Kenya wamezaa wahalifu wa kutosha na hatutaki tuongezewe wengine. Kwa hivyo, mgeni akija hapa halafu baadaye afanye makosa na apatikane na hatia na afungwe jela mwaka mmoja, basi baada ya kifungo, ahamishwe kwenda kwao, and it should be automatic. Vile vile, yule Mkenya aliye huko nje na ambaye amechafua maneno huko, baada ya kifungo aletwe hapa nchini kwa sababu hata mtoto akiwa kiwete au mwizi ni wako. Tungetaka kila mtu abebe msalaba wake. Kenya si mahali ambapo watu wanaweza kuja kukaa na kuendelea kutenda maovu. Ningefikiria kuwa badiliko hili lingekuwa kali zaidi hivi kwamba baada ya kutumikia kifungo cha miezi 12, mgeni huyo arudishwe kwao, na tena yule Mkenya aliyetenda mambo maovu huko nje arudishwe hapa nchini ili tuweze kupambana naye. Ni lazima mtu abebe meno yake.

Pia, Bw. Naibu Spika, ninaunga mkono hili jambo linalozungumzia habari ya robbery with violence or attempted robbery with violence. Hayo ni makosa ambayo kwayo mtu hawezi kuachiliwa kwa dhamana kwa sababu akiachiliwa, ataendelea kufanya mambo mengine mbaya. Kwa hivyo, ninaunga mkono kwamba watu wanaohusika na makosa ya treason, robbery with violence or attempted robbery with violence waendeleo kuwekwa rumande mpaka wakati ushahidi utakapopatikana wa kuonyesha kama wana hatia au la. Kama hakuna kesi inayoweza kuwafunga jela, basi wanaweza kuachiliwa. Kwa hivyo, ninamuunga mkono Bw. Mkuu wa Sheria kwa jambo hilo.

Jambo lingine, Bw. Naibu Spika, ni juu ya sheria ya urithi—yaani, the Law of Succession. Tena ninamshukuru Mkuu wa Sheria kwa kuleta jambo hili. Kitu kikiwa kizuri sisi husema ni kizuri, na kikiwa ni kibaya sisi pia husema ni kibaya. Watatupeleka wapi na hali Kenya hii ni yetu? Tutaendelea kukabiliana na mambo yaliyomo humu nchini mpaka kifo kitakapowadia. Some of us will never run away from Kenya because Kenya

**[The Assistant Minister for Environment and Natural Resources]**

is our home, na tunataka tuitengeneze ili sisi, watoto wetu na watoto wa watoto wetu waweze kuishi hapa kwa raha. Ni lazima tutunge sheria ya kuwalinda.

Pia, Bw. Naibu Spika, ninamshukuru Bw. Mkuu wa Sheria kwa kusema kwamba baada ya mtu kufariki, vitu vyake vitengenezwe mara moja ili shida zimalizike. Watoto wengine hukosa karo za shule, jambo ambalo huwafanya wafukuzwe shuleni. Baadhi ya watoto hawa wanafukuzwa shuleni wangukuwa wakuu wa sheria katika siku zijazo. Ni jambo obaya sana wakati baba wa watoto anapofariki, na pesa kuchukua muda mrefu kulipwa. Kwa hivyo, ninamshukuru Mkuu wa Sheria kwa kusema kwamba pesa hizo zilipwe within six months. Ningependekeza kwamba before six months, mambo haya yote yamalizike.

Kama ni habari ya karo za shule, ni lazima jambo hili liwe la kwanza—yaani, it must be given top priority. Kama Shikuku amefariki na amewacha pesa, ni lazima pesa za karo zitolowe kwa shule na wala si kwa bibi au ndugu yangu. Ni lazima watafute ni shule gani ambako watoto wa Shikuku husomea, ili pesa za karo za mwaka mmoja au miaka miwili zilipwe kwa shule hizo, na watoto waendeleo na masomo na pia mambo yao yaangaliwe. Tuko na mambo mengi yanayotusumbua sisi Wafrika. Kama nilivyosema, watoto watakaiongoza Kenya hii ni lazima pesa zao za karo zilipwe kwa shule zinazohusika. Hundi zilipwe kwa shule, and not to the parents or to the next-of-kin, kwa sababu kuna watu wengine ambao ni walevi. Wakipata pesa hizo, huzitumia kwa kunywa pombe na kuwafanya watoto wasiendeleo na masomo. Mama pia akipata pesa hizo, huwapata wanaume wengine wajanjawanja wanao mdanganya watawowa wakati ambapo huwa wanataka pesa. Kwa hivyo, watoto huchelewa kwenda shuleni. Mimi mwenyewe nimewahi kushuhudia watoto wengi ambao wamefanywa hivyo. Wanaume wajanja huwadanganya mama zao, na kwa hivyo, watoto hukosa elimu. Kwa hivyo, ninaunga mkono huu muda wa miezi sita.

Bw. Naibu Spika, ningependa kuzungumzia jambo la Medical Practitioners and Dentists Act lililoko katika ukurasa wa 629. Inasemekana hapa kwamba bodi itakuwa ikitoa discipline. Ningependa kusema kwamba nimepata ujuzi mbaya mara nyingi kuhusu hili jambo. Watu huja ofisini mwangu kuniambia, "Nilimpatia wakili fulani shilingi kiasi fulani ili aweze kunitetea katika kesi yangu. Lakini alipeleka kesi hiyo kwa njia hii au ile, na mwishowe akaiacha. Wakati nilipoenda kortini sikutetewa". Kuna wengi ambao wamekwishafungwa jela ijapokuwa walitoka pesa na hawakutetewa na mawakili.

Lakini ukipeleka malalamiko kwa Law Society of Kenya, huwezi kusaidiwa hata kidogo. Law Society of Kenya haifanyi cho chote. Ninafikiri hii sheria ambayo tutapitisha haifanya kazi yote. Sisi tuna ujuzi kuhusu mambo kama hayo. Kuna watu wengi maskini ambao pesa zao zimetumiwa vibaya na mawakili. Watu kama hao huuza ng'ombe wao ili waweze kupata pesa hizo. Baada ya kufanya hayo yote, wanafungwa jela kwa sababu hawatetewi na mawakili. Lakini ukiandika herua kwa Mwenyekiti wa Law Society of Kenya, huwezi kupata majibu yote. Hao watu ni haramu.

Sasa tunafurahi kwa sababu mawakili wengine wanafungwa jela baada ya kunyonya pesa za raia. Wengine wa watu hao wanafungwa jela. Lakini hiyo ni kama tip of the iceberg. The real problem is below here. There are others who connive together. Kuna watu wengine ambao huja kuniambia, "I hired wakili wangu, lakini alikwenda kufanya mpango na wakili wa yule tajiri, na mwishowe aliniambia kwamba hawezi kuendesha kesi yangu". Watu kama hao hurwaendea mawakili wengine lakini jambo hilo hilo hutokca. Haki itapatikana siku gani?

Hiki kifungu kimewekwa hapa kusema kwamba adhabu itakuwa ikitolewa kwa watu kama hao. Mimi husoma magazeti lakini sina habari kama kuna mawakili ambao wamekwishatolewa adhabu. Wale ambao wana habari kama hiyo wanaweza kuniambia ni siku gani walisikia kwamba the Law Society of Kenya ilitoa adhabu kwa mtu fulani tangu ilipoanzishwa. You can see the futility of the whole thing. Mpaka sasa, sijawahi kusikia kwamba the Law Society of Kenya imefanyia mtu ye yote jambo fulani. Hakuna kitu kama hicho ambacho kinafanyika. They only defend each other, na halafu wananchi wanaachwa wakitangatanga. Pia tungetaka kusikia kwamba kile chama cha Dr. Wameyo kimcwaadhibu watu fulani fulani. Hata ningetaka Dr. Wameyo ambie ni watu wangapi ambao wamekwisha adhibiwa na chama chao cha madaktari. Juzi juzi waliketi chini na wakaunga mkono mambo mengine kuhusu kesi nyingine ambayo ilikuwa imetokea.

**Dr. Wameyo:** Sisi huwaadhibu wale ambao wanafanya makosa!

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** Dr. Wameyo anianiambia kwamba chama chao huwaadhibu wale ambao wanafanya makosa. Lakini I am very bitter with the Law Society of Kenya kwa sababu haijafanya chochote kwa wale ambao wanafanya makosa na halafu watu maskini wanapoteza pesa zao. I hope I am not hoping against hope. Tungetaka adhabu iwe ikitolewa kwa wale ambao wanafanya makosa. Kwa hivyo, nina matumaini kwamba kifungu hiki kitafanya kazi. Hatutaki the Law Society of Kenya, ambayo tunaifahamu, iendeleo kufanya yale ambayo inafanya sasa.

Kwanza, ningetaka kumjulisha Mhe. Mkuu wa Sheria kwamba kuna kosa dogo hapa katika ukurasa 628 kwa sababu the Law of Succession Act, Chapter 160 haikuwekwa katika upande ule mwingine wa Mswada ili tuweze kujua ile section 71 ambayo tunataka kubadilisha ilikuwa ikisema nini. Tungetaka ile sehemu ambayo tunabadilisha iwekwe upande wa kulia wa Mswada ili tuweze kujua sehemu ya zamani ilikuwa ikisema nini. Lakini sasa ukiangalia katika Mswada, huwezi kuiona Cap. 160. Tungetaka wale ambao wana-tayarisha Mswada wawe wakimwambia Mkuu wa Sheria kile ambacho kinahitajika. Sisi tungetaka ile sehemu ambayo tunabadilisha iwe ikiwekwa katika mkono wa kulia. Hicho ni kitu ambacho ni lazima kifanywe ili tuwe tukijua ni kitu gani ambacho tunabadilisha. Sasa katika sehemu ya 123 (3) Mkuu wa Sheria anasema kama ifuatavyo:

"Delete paragraph (a) of subsection (3) and insert the following . . . ."

**[The Assistant Minister for Environment and Natural Resources]**

Sasa ile sehemu ambayo tunataka kubadilisha haiko upande ule mwingine wa Mswada. Kwa hivyo, hatujui ni kitu gani ambacho tunabadilisha.

Hivi vitabu ambavyo viko mbele yetu ni vingi sana. Ikiwa Mhe. Mbunge amekosa kupata neno moja au maneno mawili, ni lazima achukue hivi vitabu vyote vya sheria ili aweze kuangalia ndani yake. Lakini nimekwishaangalia vitabu vyetu vya sheria, na nimegundua kwamba vitabu vyetu haviko up to date. The Attorney-General should know that our books are not up to date as far as amendments are concerned. Tungetaka, baada ya sheria kubadilishwa, Mkuu wa Sheria afanye juhudi ya kuona kwamba vitabu vyetu vinabadilishwa pia. Kwanza, tungetaka vitabu vyetu vya sheria hapa Bungeni viwe up to date. Vile vitabu ambavyo unaona hapa mbele yetu haviko up to date. Sasa tunazungumza juu ya maneno gani ikiwa hatuwezi kuyapata katika vitabu hivi? Kwa hivyo, tungetaka, baada ya sheria zetu kubadilishwa hapa, maafisa wa Mkuu wa Sheria na maafisa wa Bunge hili wawe wakihakikisha kwamba vitabu vyetu viko sawasawa. Kwa mfano, nilipokuwa nikitafuta Chapter 10 nilipata kwamba hata section 92 (a) ambayo itabadilishwa haiko katika vitabu vyetu. Tungetaka Mkuu wa Sheria haziangalia Sheria hizo zote kwa sababu ziko chini yake. Pia tungetaka aone kwamba vitabu vyetu viko sawasawa ili tukitaka kuviangalia, tuwe tukipata yale ambayo tunataka haraka.

Sasa nitarudi kwa ukarasa wa 629. Sasa hapa niniona kwamba Lake Basin Development Authority Act haiko katika ule upande mwingine wa Mswada. Sehemu 4 (1) (b) inasema kama ifuatavyo:

"Delete and substitute".

Lakini yale ambayo tunataka kubadilisha au kuondoa hayaonyeshwi katika upande ule mwingine wa Mswada ili tuweze kujua ni nini sheria ya zamani inasema. Hicho ni kitu ambacho tungetaka kiwe kikionyesha katika siku zijazo. Tungetaka vile vifungu ambavyo tunataka kubadilisha viwe vikionyesha ili Mhe. Mbunge yeyote aweze kupata nafasi ya kusoma sheria ya zamani na ile ambayo tunataka kuleta. Tukifanya hivyo, Wabunge watakuwa wakijua ni kitu gani ambacho wanaweza kusema juu ya Mswada.

Mimi mwenyewe ninaliunga mkono badiliko hili, kwamba ni lazima permanent secretary for the time being responsible for development co-ordination awe katika Lake Basin Development Authority. Hata hivyo, ningetaka tuwe tukionyesha ni sehemu gani ambayo tunataka kubadilisha.

Sasa ningetaka kumaliza hotuba yangu haraka iwezekanavyo. Nitakwenda kwa ukarasa wa 630 ambako tuna Public Roads Toll Act, section 2. Section 2 inasema kama ifuatavyo:

"insert the following definition in proper alphabetical sequence—

"matatu" means a public service vehicle . . . but does not include a motor car".

Ni kweli kwamba ukitembea, utaona kwamba kuna watu wengine ambao wanatumia magari yao kama matatu. Hapa sheria inasema kwamba motokaa kama

hizo haziwezi kuwa matatu. Lakini ukweli ni kwamba watu wengine wanatumia magari hayo kwa kuwabeba matatu. Lakini ukiwauliza ni kwa wanafanya hivyo, watakwambia kwamba hayo ni magari yao ambayo wanatumia kwa kufanya mambo yao ya kibinafsi. Ninafikiri polisi wetu wanaweza kufanya kazi hiyo ya kuona kwamba hao watu hawatumi magari hayo kwa kuwabeba watu.

Nilikwa nikifikiri katika hii sheria Mkuu wa Sheria atatuletea yale maoni ambayo tulitoa katika Bunge hili, ili tuweze kupata pesa za kutosha. Kwanza tulimwomba Waziri wa Uchukuzi na Mawasiliano alete mabadiliko kwa hii sheria ili kila mtu ambaye ana motokaa awe akilipa toll fee hata ikiwa hatembe. Tungetaka kila mwenye gari awe akionyesha leseni tatu kwa gari lake. Tungetaka awe akionyesha leseni na motokaa, na toll licence ya mwaka mmoja. Tungetaka wale watu ambao wanaishi hapa Nairobi wawe wakilipa toll fee hata ikiwa hawafiki Athi River. Tungetaka wawe wakilipa malipo hayo kwa sababu wanafanya biashara kubwa sana na pia wanaharibu barabara zetu lakini hawapatikani. Tungetaka kila tori liwe na toll licence ya mwaka mzima. Pia tungetaka hata Mulji Halji ambaye anakaa hapa Nairobi awe akilipa toll charges. Tukifanya hivyo, tutapata pesa nyingi zaidi za kutuwezesha kutengeneza barabara zetu. Hata wale ambao wanakwenda Kisumu over the week-end mara moja na kurudi wanatoa Sh. 10 ikiwa wanatumia magari madogo madogo. Baada ya kutoa pesa hizo hawana haja ya kulipa pesa nyingine. Hata hivyo, hao watu hutumia na kuharibu barabara zetu. Tungetaka kila mtu aliye na motokaa, hata akiwa ni mtu mkubwa, awe akilipa pesa hizo.

Zile risiti ambazo tunapewa katika toll bridges ni vitu ambavyo mtu yeyote anaweza kutengeneza. Nimekwishaangalia risiti hizi na nimeona kwamba printer yeyote anaweza kuvitengeneza vitu kama hivyo. Hiki ni kitu ambacho kinawezekana. Huenda ikawa jambo hili linafanyika. Pengine yule ambaye anasimamia vituo vya kulipia toll charges anaweza kuwa na receipt books mbili. Kile ambacho anaweza kufanya ni kuuza risiti zake kwa mchana, na hatafu usiku anauza risiti mbili za Serikali. You will find that the toll exercise is futile. Mimi ni kazi yangu kusema maneno ambayo yanaweza kuisaidia Serikali kupata pesa kwa sababu Serikali haiwezi kuiendesha mipango yake kama hakuna pesa. Kwa hivyo, tungetaka watu wawe wakinunua toll licences.

Zamani kulikuwa na watu ambao walitengeneza leseni za bandia, lakini tuliwagundua. Hao watu walikuwa wajanja sana, lakini waligunduliwa mara moja. Lakini zile risiti ambazo hupewa watu baada ya kulipa toll fees zinaweza kutengenezwa na kila mtu. Kwa hivyo, tunaweza kuwa tunafikiri kwamba tunapata pesa, na hali pesa zinaingia katika mifuko ya watu binafsi. Huu mchezo tunaufahamu sana. Controller and Auditor-General anatumia kila siku kuhusu huu mchezo. Hata katika Public Accounts Committee anatumia kwamba watu wananyonya pesa za Serikali waziwazi bila kufanyiwa cho chote. Lakini hao watu wanaendelea kupewa madaraka zaidi. Sasa tunaweza kuendelea mbele kwa njia gani? Kwa hivyo, tungetaka Mkuu wa Sheria alete badiliko kwa sheria hii ili kila mtu awe akilipa toll charges. Kwa mfano, tungetaka atuambie kila motokaa



**[The Assistant Minister for Environment and Natural Resources]**

au lori itakuwa ikilipiwa pesa ngapi kwa mwaka mzima. Pia tungetaka wale wanaosafiri na wale ambao hawasafiri wawe wakilipa toll charges.

Jambo la mwisho, Bw. Naibu Spika, ningetaka Mkuu wa Sheria anieleze ni kwa nini ameleta badiliko hili kwa sababu linasema:

Power to exempt from provisions.

"11. The Minister may, by notice published in the Gazette, exempt any vehicle or any class of classes or description of vehicle from all or any of the provisions of this Act."

Sasa ningetaka Mkuu wa Sheria atueleze. Sasa tukishafanya kazi hii yote, Waziri anakaa, anaandika maneno yote Mbunge wa Butere aliyoyasema na wengine wote, basi yanamalizwa na Mbunge mmoja. Tunajua kuna Wabunge 158 katika Bunge hili waliochaguliwa na waliopiga kura. Sasa maneno yao yanapigwa urufu na kura ya Mbunge mmoja tu anayelitwa "Waziri"! Basi, kama ni hivyo, ingefaa Waziri apitishie Mswada huko kwake. Anauleta hapa Bungeni kwa nini? Ingefaa aipitishie huko kwake ofisini kwa sababu yeye ni mkubwa. Sisi tunakula pesa za raia kama Wabunge za nini ikiwa kazi hii yote inapigwa "fuaaa" eli kwa kuwa Waziri amesema? Sijui kama Mkuu wa Sheria anataka kunipatia habari zaidi au fahamisho. Mimi sijali, nita mpa nafasi.

**The Attorney-General (Mr. Muli):** On a point of information, Sir. We have just gone through a Bill called "The Insurance Bill", and we did have a provision like that. I just want to give an example.

When the Bill says that the Minister may exempt certain clauses of insurance, for instance, from the purposes of this Act, the point the Minister has in mind is this: If, for instance, an insurance company is going to do insurance in connection with agriculture, something national; in other words, that insurance is dealing with national institutions, he can exempt that particular one from dealing with other commercial insurance companies.

Now, this one gives the Minister power to exempt a class of vehicles which are of national utility. For instance, ambulances and other vehicles that are for the purposes of the nation rather than putting them in a class of all vehicles and tax them. That is why we put it there. But he is not going to use this kalamu kama ulivyosema. He is a responsible Minister!

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** Bw. Naibu Spika, nakubaliana na Mkuu wa Sheria kabisa. Lakini ni Mawaziri wangapi ambao hawajakuwa responsible? Wengi tumeshawaona hapa. Hata wengine wameshatupwa na raia nje ya Bunge hili. Mimi nimewaona wengi hapa. Yule Waziri aliyeko sasa anaweza kuwa mzuri, lakini kesho akishapelekwa transfer katika Wizara nyingine na mwingine mbovu awakwe hapo, ni nani atatusaidia?

Bw. Naibu Spika, ni Mawaziri wangapi ambao tumewaona katika Bunge hili, na ambao raia wenyewe wakawaona wakawang'oa? Kama ni magari aina ya ambulensi ingefaa waweke Schedule. "The following vehicles shall

be exempted from this Act: Ambulances, et cetera", halafu tujue. Lakini hapa sheria haisemi ambulensi; inasema "class of vehicles". Ni lazima tupewe Schedule yake ili tujue tukiihitisha sheria hii, lakini magari ya GIK hayatakuwa kwa maneno haya, ambulensi na life gari la Mkuu wa Sheria pia hayatakuwako na kadhalika, na yaandikwe halafu wananchi wajue ni magari ya aina gani kwa sababu hapa tuna blank powers which can be abused au kutumiwa vibaya na Mawaziri wengine kwa sababu Mawaziri wote siyo malaika. Ukitaka kutafuta taabu kwenye sheria hii, utaipata nyingi sana katika Bunge hili, na ndiyo inakuonyesha hapa siyo Mbinguni. Tuko Bunge, lakini lina watu wengi ambao ni wa matata sana. Hatari na danger wako hapa!

Naunga mkono, Bw. Naibu Spika.

**Dr. Wameyo:** Thank you very much, Mr. Deputy Speaker, Sir, for allowing me to make contribution on this Bill. We are normally very happy when the Attorney-General introduces amendments to the existing laws. We feel very happy that there is going to be an improvement on the existing laws to improve both efficiency and the carrying out of the process of laws.

The hon. Member for Butere, Sir, has spoken eloquently about the courts of the elders in the country-side, and the hon. Attorney-General, in his wisdom, did say that he is not aware that such things are happening, and that he would very much like to know.

Sir, when that law was brought here, we were very happy that it was going to help us reduce the problem of land in the country-side, and we passed it here without amendments. The Attorney-General has gone through it and has brought an amendment under this Statute Law (Miscellaneous Amendments) Bill No. 23, and we are very happy. But it is always better to amend something that is working. There is no point in amending things that do not work. This law, as soon as it was passed, was handed over to the law courts to establish some form of rules that would enable the district officers and the elders to function. Whether these rules were introduced or not, I am not aware because I have not seen them. But I remember very clearly that last year, when we were going round the district following the attempted coup of 1st August, there was a hue and cry from the wananchi; that in the country-side they are tired of district officers and chiefs asking for petrol money. In my own constituency it was standard Sh. 100.

There was a lady district officer whose job was only to collect that money, and she never had a single case. She left the division without having a single case, and what happened with the money, God knows! I became very unpopular for pointing out these sorts of things throughout the district. I am surprised that you have never heard about them. But it is still going on. Even the district officers are left to listen to the land cases despite the amendment being introduced here. The whole thing has been left to chiefs, a merely hammering home. This is what the hon. Member for Butere has said. This is a matter of fact, and it is high time the hon. Attorney-General also made tours around the districts and provinces to hear the problems of wananchi about the law. It is now being amended here, and this amendment, as soon as it has been passed will be



**[Dr. Wameyo]**

put on the shelves, and that is the end of the matter. If you go and complain to the district commissioner that this is happening, then you will become very unpopular, and when elections come, you will feel his weight.

(Laughter)

If you mention to the district officer that something is not correct, you become unpopular. If you mention it to the chief, you also become unpopular and the whole system is like that. They just say, "Ngoja. Wakati wa kupiga kura utakuja tu".

We must pass laws here and see to it that the laws work; we must find out if the laws we pass here are working or not. We should not just sit here to pass laws which are later on put in libraries by people who do not seem to have respect for Parliament, which is the authority that passes laws and votes money. I would like, through you Sir, to ask the Attorney-General to make sure that we have copies of the laws taken to everybody. Just as much as civil servants now do not want the District Focus for Rural Development Programme to work, they do not want these laws to work. In fact, there are civil servants here, and they are hearing what I am saying, who are making every effort to see to it that the rural development programme does not work despite what we are saying here. In the same case, there are laws like this particular one where people used to make a lot of easy money, and they do not want it to work. When you remind those people that the law is not working, you become unpopular and the target for intrigue.

Mr. Deputy Speaker, Sir, I would like the hon. Attorney-General to look into this matter, particularly the Magistrates Courts Act, Cap. 10, and tell wananchi when magistrates are supposed to report on duty. In the country-side magistrates do not seem to have any specific time for reporting on duty, and they have no time for ending cases. Sometimes they come at 10.00 a.m. or at 11.00 a.m. and leave at 12.00 noon, and that is why there are too many petty cases going on in courts. I am glad that the Attorney-General brought the amendment, but we would like this law to work. The way this law should work is that the complaint brings two to four elders, and the accused brings his, and the district officer sits down as chairman. At the meeting, both parties agree and the land is apportioned, and when everything has been agreed on, everybody signs and the document is taken to court for filing.

The problem we have been having is that when the chief chairs these cases, there have not been files or any recording, and the same cases have kept on coming up every now and then, and people have kept on earning money. That is an important matter that the Attorney-General should see to, by making sure that the law works. He should not say that we are not speaking the truth or start telling us that the law is working properly because it is not.

Mr. Deputy Speaker, Sir, the law of taxation has very embarrassing functions. When I came to this Parliament, I did mention about the Office of the Registrar-General

as being very corrupt. Although I was an Assistant Minister at that time, I got a two-page firing letter.

**Mr. Muthura:** From the Attorney-General?

**Dr. Wameyo:** From the then Attorney-General.

**Mr. Muthura:** Wachana na huyo!

**Dr. Wameyo:** I replied to the letter on two pages, and I am glad he bowed and said, "Dr. Wameyo, you are right". The Assistant Public Trustee in Mombasa at that time eventually lost his job as a result of that case. A woman whose husband had died had not received the money that her late husband had left in various banks. What was shocking was that the Assistant Public Trustee had the courage to collect strange women to come and say that they were also wives of the dead man. Since the man was dead, nobody could say whether those women were also wives or not. So, in the process, the man went on acquiring a lot of money, and this case went on for too long. When I said it here, I was accused of spoiling the names of civil servants. However, when we put it on paper, I was proved right.

Taxation in this country is causing us too many problems and headaches as Members of Parliament. There are plenty of women whose husbands have died and left money in banks, land, gratuity and National Social Security Fund dues, but it becomes exceedingly difficult for the poor women to get the money. In fact, there was a similar case during question time here this afternoon. Sometimes the money disappears, and sometimes the poor women have been forced to come and speak to a Member of Parliament, and after he raises the question here, the money is either paid or the Member is told that the money is in the process of being paid. I am very sorry to say that there are too many complaints on the department of the Public Trustee of the Office of the Attorney-General when it comes to inheriting what dead people have left behind peacefully in this country after they have stopped existing, and we hope that with this amendment and the original law, the law will function efficiently in the interests of those who have been left behind. We have people who died 10 years ago, and their estates have not been settled.

Mr. Deputy Speaker, Sir, insurance companies these days are becoming more difficult to pay money to dependants of people who died, and yet we have the law. It is not going to be in the interest of this Parliament to pass laws which are not kept and which do not work. Now that we have a very efficient new Attorney-General, who is a very learned judge, I hope he will put that office in a new shape and make it tick.

Sir, there are cases of many people who are still languishing in remand and which cases have not been heard. The question about judges has been raised, and I sincerely hope that the hon. Attorney-General will look into the matter and award not just post-judgments, but also make sure that work is done. We have a lot of files lying in the courts. Some of them date as far back as 1982 and to this day, investigations are still being conducted. There is one file in Kakamega—and I hope the Attorney-General is listening—about a Mr. Nelson Oduor. His case involves the disappearance of many tractor tyres and cars in Mumias Sugar Company

**[Dr. Wameyo]**

That file has been sat on since 1982, and now this Nelson Oduor has made fertilizer worth KSh. 1.3 million disappear, although the general manager said that the fertilizer was worth KSh. 700,000. Mr. Nelson Oduor had a case which was never heard although the file was there, and now he has made fertilizer disappear. It is important that we should pass laws that work. It is important that those who are given the responsibility to make sure that the laws work do so, so that the country is saved from a lot of embarrassment.

**The Assistant Minister for Environment and Natural Resources (Mr. Shikuku):** On a point of order, Mr. Deputy Speaker. I wanted a clarification because the hon. Member speaking has named a certain person as being the person responsible for the disappearance of some tractors, and now fertilisers. Is it a civil case, or is that a criminal case? Which year was that?

**Dr. Wameyo:** Mr. Deputy Speaker, Sir, that was a criminal case in 1982 in Kakamega, and the file is still lying there. The man was never interdicted and he continued working and working, until this year when, mysteriously, fertiliser vanished between Mumias Sugar Company and Bungoma Railway Station. Investigations were carried out and, again, a finger was pointed at the same chap.

**An hon. Member:** Whose finger?

**Dr. Wameyo:** The investigator's finger.

How come that a 1982 file is still lying at Kakamega in the law courts without action having been taken against that person, or the case brought before a court and settled in one way or another? The Attorney-General should see to it that the laws of this country, when passed here, are made to work, and not to be kept on the shelves, like this Magistrate Courts (Amendment) Bill, which we passed here on the court elders and which is not, according to law, functioning. The hon. Attorney-General says that he feels that that is happening. We are now telling him here, loud and clear, that it is not happening, and he should help hon. Members of Parliament to ensure that the law works, so that we do not come into conflict with the administration. This is because the Administration is not using the law properly, particularly on the assigning of duties to chiefs and collecting money as fees.

**The Attorney-General (Mr. Muli):** On a point of order, Mr. Deputy Speaker. I would want to make it quite clear that the question of this amendment touches the administration of justice, or hearing of late disputes by the district officer, with a panel of elders. The magistrates come into the picture after the panel of elders, under the chairmanship of a district officer, has made the awards. That kind of award is then returned to the magistrate for their full jurisdiction, where the hon. Member must distinguish clearly. One is the administration of that part of justice, or adjudication, by the administration itself. That is why I had risen at an early stage to mention to hon. Shikuku that that part is where we would like to be assisted by hon. Members, like hon. Dr. Wameyo, by trying to go and teach the people in the constituency and elsewhere, that

we would like the elders not to be given "chai". We do not want them to give evidence. They are people who are not familiar with the lands in dispute. They are members of the tribunal to assist the district officer in the administration, particularly on which kind of cases can be brought forward.

Sir, once the hon. Member helps us in teaching that, then as soon as the cases are filed, they are referred to the resident magistrates who will see to them. That is where my jurisdiction is; to see that the award is implemented. So, hon. Dr. Wameyo should desist from telling me that there is no law. I hope the hon. Member has got my point, so that I do not need to elaborate further.

**Dr. Wameyo:** Thank you very much, Mr. Deputy Speaker. I have heard the Attorney-General loud and clear, but I would still pass it back to him, that, through the Chair, he sends a circular to district commissioners and district officers, telling them that courts are for the elders only, with district officers as chairmen, and district officers must not delegate their powers to chiefs, sub-chiefs, *likuru* and ask for pitfalls.

Thank you very much, Mr. Deputy Speaker, for giving me the opportunity to speak and, with those few remarks, I beg to support.

**Mr. Muthura:** Thank you very much, Mr. Deputy Speaker, for giving me this chance to say a few words. On this question of the amendment on the magistrates courts, it seems as if as a result of passing this Bill, more problems were created than solved. This is because you will find a dispute arising at the district level, and elders are forced to hear the cases. The assistant chiefs are made the chairmen. After they have disagreed, such cases are taken to the district officer in charge of the given division, who hears the disputes. This is where I am getting surprised. After hearing the case and listening to both sides, although we would take it that district officers are competent to take up decisions, the same cases have to go to district magistrates court. If any of the sides in the dispute is not satisfied, it has to go to the high court. Then, surprising enough, if they still disagree, the matter is taken back to the district officer and sometimes, unfortunately, it happens to be the same district officer who had initially heard the case.

Mr. Deputy Speaker, the district officers should be fully empowered because, if the disputes in a given case had been heard by the elders and it came to that stage, then there is nothing to do with the courts and, I think, a decision should be made there. If this is not the case, then there is no need of having elders in the panel. There is no need either, to have the district officer there. Let the cases, for that matter, be taken to court. Surprisingly, when the cases go to court and one of the disputing side is not fully satisfied and goes on to appeal, you discover that there was no case even when it was heard in front of the elders, under the chairmanship of the district officer. You hear that when the case goes to the court, that is when it begins. I think the Attorney-General—and it is unfortunate he has gone out—should look into this very carefully, so that we do not create more problems in the process of solving them.

**[Mr. Muthura]**

Mr. Deputy Speaker, on the question of keeping records, one of the biggest problems, as far as these land matters are concerned, is that when a case is being heard and the deliberations are chaired by the assistant chiefs, no minutes are taken down. When you go to the meetings when the district officer is the chairman, there are no minutes that are taken down either and, as a result, if you want to report such a case, you find that there are no records that can be traced. I thought the Attorney-General should look into this aspect very seriously so that immediately a dispute begins, records are kept and minutes taken down for future reference.

On the Penal Code side, between 1980 and 1981, we were treated to a statement in this House that policemen were allowed to shoot suspects on sight, if I remember correctly. The then Attorney-General left, and another came in and succeeded him. The new Attorney-General reversed the decision, but now we seem to have gone back to 1980/81. It was only the other day when a young man was shot outside the law courts, because he had been sent by his employer to collect a tyre from the boot of a car. The police said that he was running away when he was shot. It has been confirmed by the employer of this deceased young man that he had been told to go and get the tyre from the boot of the car, yet we were treated to a statement in this House that the young man was running away. The Attorney-General should come out and make a statement to the nation regarding the shooting of suspects on sight. It is very unfair. I do not know whether the dependants of this young man who was shot, as an innocent person, are going to be compensated for the wrong fatal shooting and if so, by whom, and perhaps, when. The time has come when we should know the mind of the Attorney-General on this issue.

Mr. Deputy Speaker, Sir, on the question of remanding people, the police will punish you because they say, "Okay, you have been put in the cell and you cannot be set free on bond because investigations are not complete". Mr. Deputy Speaker, Sir, one fails to understand how long it takes to complete these investigations. Once a person has been taken to court, charged and remanded in custody, while investigations are being done, the investigations should be done within the shortest period possible to ensure that this man does not suffer unnecessarily.

The other day, the Attorney-General said something in connection with files getting lost. I would like to inform the Attorney-General that it is not only in law courts or the Attorney-General's office where files are getting lost. This is happening in all the offices. I remember of a case, sometime last year, where an old man had retired from the Ministry of Education, Science and Technology. He came to Jogoo House for his papers to be processed and to be taken to the Treasury, so that he could be paid his retirement benefits. The old man went to Jogoo House twice, and he was told "Come tomorrow and we will finalize your case". But supprisingly, when he went there the following day, which was on Wednesday or a Thursday, he was told, "Your file is lost". How can a file which was being dealt with

yesterday get lost today? I understand there is a language they speak there of "minuting" a file to somebody or to an officer within the establishment. If this file is minuted to a certain officer, then he should be held responsible if the file disappears. The Attorney-General should not only confine himself to the courts or to the Attorney-General's Chambers, but should go to all other Government offices where the question of files getting lost is a very prevalent one.

I would like to touch on the law of succession. This is another area where we have got a lot of problems. It is unfortunate that we have got cases involving people who are dead. You will find that somebody has worked for Government very obediently and he has given all his energy to Government for a period of 30 or 40 years, and he probably dies a natural death or by an accident. Then the Government begins tracing the records of this person. They go back to the chief because he has his part to fill. These records are filled: the names of the parents if they are to benefit, the wife, the children and their ages, and so on. These particulars are submitted by the chief through the district commissioner to the Attorney-General's office. After everything has been done, I fail to understand why it has to take time, and a long time, before the beneficiaries get the benefits. At times we are forced to come and ask questions in this House. When you ask the question today, you are told, "The money was paid on 4th December, 1983." You get surprised. Why wait until a Member of Parliament brings a question to this House? Was a question brought to this House when this man gave all his services and energy to Government? We are being unfair, and this is where you find people starting to complain, saying, "Government has no money; Government has this and that." This question of succession should be looked into. I hope the Attorney-General— It is unfortunate that he is no longer here to hear the deliberations by hon. Members. Once the records have been put right, the beneficiaries of the deceased's estate should get their benefits as quickly as possible.

On the Medical Practitioners' and Dentists Act, I am asking whether these are the only—

**The Attorney-General (Mr. Muli):** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member is contributing positively, but he has said that "the Attorney-General is not here." But I am hearing everything he is saying. The Chamber has facilities of enabling me to hear what he is saying. I was hearing, but he said that I was not hearing what he was saying. Did he want to see my face or want me to hear what he is saying?

**Mr. Muthura:** Mr. Temporary Deputy Speaker, Sir, it is also good to see the face of the Attorney-General. After all, he is a rare person here. When we are deliberating on this Bill he should be here.

My question here is this: Are these the only two groups of people within the medical profession who can commit this? We have the nurses, and I thought that more of these workers should be included. There was a Bill to come to this House in connection with clinical officers being allowed to practise. I am happy it was only the other day when the Director of Medical

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Services was instructed to go and look into the possibility of allowing the clinical officers to prescribe certain drugs which they were not allowed to prescribe. We know the position in our district hospitals. I do not know whether in this country there is a district hospital, leave alone the provincial ones, where the out-patients are attended to by a doctor. These are attended to by clinical officers, and I think they do a good job. When we put questions about medical personnel, we are told, "There are not enough funds. We do not have enough funds to employ these qualified people. We do not have enough doctors to man our hospitals, particularly district hospitals." I think the time has come when these clinical officers are allowed to prescribe drugs. The clinical officers are qualified people; they do a good job, and I do not know why the Ministry of Health decided not to bring that Bill to this House after it was drafted.

Mr. Deputy Speaker, Sir, on Public Roads Toll Act, the only thing which is practically impossible in this world is to create a human being or to make life. That is all. Anything else is possible, and I am happy about the remark which was made by hon. Shikuku about these people collecting road tolls. We have had cases where people have printed their receipts books and probably—

**An hon. Member:** And money also!

Mr. Muthura: Yes, we have had cases of people who print money. So, anything can happen in this world. Rather than saying that we shall pay so much every time you pass through Ruiru, Athi River or Gilgil—you pay Sh. 5 going and coming back—I thought that on average basis, we could be told that motorists—just as we have the road licences and the rest—with vehicles of such-and-such capacity will pay so much each year; motorists with capacities from such-and-such will pay so much. Otherwise, I do not see this being very, very successful. This is because I do not know whether there will be watchmen to monitor these people manning these toll stations, particularly at night.

Mr. Deputy Speaker, Sir, it is going to be completely useless to continue paying these people, and yet we do not realize the amount of money that is involved. If we have to pay tax, let us get something back as a result of the tax we pay. Therefore, we want to see these roads being improved because we are being charged for using them. I think it is going to be unfair to ask people to pay this road toll, and after collecting a huge amount of money from this type of tax, after a period of one year, you still find that the roads are in the same situation they were in before this roads toll was introduced.

With those few remarks, I beg to support.

Mr. Hassan: Thank you, Mr. Deputy Speaker, for giving me this opportunity. I would first of all like to point out something which hon. Members have spoken a bit on, and that is the panel of elders as indicated in this Bill which we now have in front of the House. Sir, the intention of having the panel of elders in any district as indicated in this Bill, is to deal with land matters at the district level. The panel of

elders in the districts has dealt with matters which the magistrates recognize to be valid and in line with the understanding of wananchi, but very little has been done in line with the law itself. I would like to point out to the Attorney-General that the issue of panel of elders should be made clear, so that chiefs and district officers who come under the Office of the President, are able to follow up issues passed by the panel of elders.

I am saying this because the practice at the moment is that it is the chief or the sub-chief and, perhaps, the district officer who are recognized by the administration. Otherwise, as far as we know today, the panel of elders is not recognized at all, and if anything at all, Sir, it is only the chief who calls a few of his messengers, and then they sit down and decide things in meetings whereby there are no minutes, and if anybody is not satisfied, there is nothing from which to refer to. I know of a case where the panel of elders had been called, but the chief came up with a new proposal after two or three months' time which was contrary to what the panel of elders had passed.

So, Mr. Deputy Speaker, Sir, if what this Parliament passes is to be effective and of benefit to wananchi, then this law needs to be put into practice. It does not help in any way for us to pass laws here and bring amendments and then pass them, only for the laws to end up in the shelves as my hon. colleague, Dr. Wameyo, has said. You just find these laws in the shelves, and they are not put into practice. So, we would like to ask the Attorney-General to make sure that this practice does not continue.

Mr. Deputy Speaker, the other thing that I would like to point out concerns the Public Trustee. There is a mention on page 630 of this Bill that, perhaps, the intention of the Public Trustee, as far as the law is concerned is to protect the heirs of the deceased. What is happening, however, is that the Public Trustee officers have either failed, or their practices have become very cumbersome. To the country of what they are supposed to do, they are even depriving wananchi—the heirs of the deceased—of what is rightly due to them. I say this because it has become a tendency or practice. We have hundreds and hundreds of such benefit recipients whose fathers or guardians were working—they were very good and they were loved when they were working—but the moment an accident or death comes about, the Public Trustee in the Attorney-General's office does not allow the heirs or any other person to administer the estates of the deceased. It is said that only the Public Trustee can do that.

What is happening is that after everything has been completed; all the procedures followed; birth certificates and identities of the benefit recipients produced, nothing happens for a long time. Even children's birth certificates are required, although it is a problem to obtain birth certificates for many wananchi. Not so many heirs have birth certificates and everything with them. So, when accidents or deaths strike, the benefit recipients are expected to go all the way to Nairobi and produce birth certificates, identity cards and all

[Mr. Hassan]

other documents. The district commissioner, who represents the Public Trustee at district level, sends recommendations that So-and-so are the rightful heirs of the deceased, just for them to come and lie here without attention for a long time. The Ministry should be concerned with this matter because it affects civil servants. However, it takes some time for everything to go to the Public Trustee. What is surprising, however is what the Public Trustee does. The Public Trustee officers do not do much; they do very little.

I know of cases where some money was with an insurance company. To begin with, the matter has taken five years, after which everything has been collected and put in the hands of the Public Trustee, except for some little money remaining with the insurance company which had insured the deceased personally. The Public Trustee officers were informed that there was some money with the insurance company. The officers asked the heirs concerned why they should not claim the money also if they were to claim everything, and then administer the estates of the deceased and also give the heirs what was rightful to them. What happened was that, letter after letter was written; the insurance company may have, perhaps, sent everything they owned to the Public Trustee, but the officers in the Public Trustee's office did nothing at all. They merely write a letter, and when you go to them they tell you that they have written a letter. In response to that letter, the insurance company writes a letter about whatever the Public Trustee requires. That letter is within the office of the Public Trustee. After five years of silence, the persons concerned follow it up, but the Public Trustee officers say the letter is not in the file. Well, if it is not in the relevant file, it must be within the same office. The officer looking for the letter does nothing, or very little if anything at all.

I think it would be fitting for the Attorney-General to bring a Bill here to allow the recipients of such benefits to choose whether they would like to administer the estates of the deceased themselves, or entrust this responsibility to someone else who may not necessarily be the Public Trustee. The job of the Public Trustee has become very cumbersome. Imagine a simple widow who has, perhaps, never gone to an office before or ever been to Nairobi. This widow comes all the way from Garissa, and is told that the problem she has can be solved in Nairobi only. Then she comes all the way to Nairobi, to the Public Trustee's office, and then the officers there are not able to follow up a letter which has been lying there, perhaps, for years.

This being the case, Mr. Deputy Speaker, it would be fitting for the Attorney-General to allow, in the first place, these recipients to choose as to who is to administer the estates for them. If they are able to do that, and the district commissioner who is the agent of the Public Trustee can recommend that the recipients are So-and-so, then those people can be allowed to administer the estates. What is wrong with that? Or they can give the work to an advocate of their choice, and then the district commissioner supervises that work.

Mr. Deputy Speaker, the other thing I would like to talk about in this Bill is with respect to The Penal

Code on page 628 of the Bill, which talks about a person who is not a citizen of Kenya, who is found guilty of having committed a crime, being repatriated back to this country before he completes whatever sentence has been imposed on him as the court may decide. If somebody is found guilty and he is sentenced either to 12 months' imprisonment or more, it is only after he has completed his sentence that he should be repatriated to his country. There are some people from outside who, when they come here, play about, or do things which are contrary to the given regulations or laws of this country, and if they know that if they commit crimes here and be found guilty they can only be repatriated back to their countries, then they can do anything. They will find that this is a paradise where they come and fiddle about with things, and then get away with them. If they know that if they are caught committing crimes here they will only be repatriated back to their countries, that will not be anything to them because they will just go back to their countries and stay in their homes. So, we should insist that when a person commits a crime and he is not a citizen of this country, then we should only repatriate him back to his country after he has completed serving his sentence.

With these few remarks, Mr. Deputy Speaker, I beg to support the Bill.

**The Minister of State, Office of the President (Mr. Nyakiamo):** On a point of order, Mr. Deputy Speaker. In view of the fact that the House is being asked to pass a straightforward amendment Bill, could we call upon the Mover to reply?

**Hon. Members:** No! No!

**Mr. Abuya-Abuya:** On a point of order, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Order! The Minister is on another point of order.

**The Minister of State, Office of the President (Mr. Nyakiamo):** Mr. Deputy Speaker, hon. Abuya-Abuya knows that I understand English as well. Mr. Deputy Speaker, all that I am asking is that we have been asked to pass an amendment Bill which we all understand. Could we then call upon the Mover to reply?

**Hon. Members:** No! No!

**Mr. Deputy Speaker:** Order! If it is the wish of the House, naturally, we will do it, and if not, then we shall continue.

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

*(A number of hon. Members stood in their places)*

**Mr. Deputy Speaker:** There are only 14 Members standing up, and so, would you sit down.

*(A number of hon. Members stood in their places)*

**Mr. Deputy Speaker:** Order! Some Members wanted a division. However, those Members who stood up were 16 and yet the Standing Orders say that they should be 20. So, we shall move on.

*(Applause)*

**Mr. Abuya-Abuya:** On a point of order, Mr. Deputy Speaker, Sir, since this is a very important matter, some of us intended to propose an amendment. I think that is why there was some move to sort of muzzle—

**Mr. Deputy Speaker:** Order! I think, Mr. Abuya-Abuya, we have to follow our Standing Orders. The question that the Mover be now called upon to reply was put, and Members agreed that the Mover be called upon to reply. The Members who wanted to continue with the debate have used the machinery which is available, but only 16 Members were able to stand up. Our Standing Orders say the number should be 20. So, even if you rise on another point of order, there is nothing that the Chair can do except to call upon the Mover of the Motion to reply.

**Mr. Abuya-Abuya:** On a point of order, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Not on that point!

**Mr. Abuya-Abuya:** On a point of order, Mr. Deputy Speaker. Sir, since we submitted an amendment to the Bill, would it not be proper to give it a hearing? I am saying so because this amounts to muzzling the freedom of this House. I remember I did submit an amendment, and I think there has been a move in this House to muzzle that amendment. It is very important that we get this clear.

**Mr. Deputy Speaker:** As far as the Chair is concerned an amendment was brought to the Clerk's Table, and it is wrong to suggest that you had spoken to the Chair. These amendments are submitted to the Clerk and not to the Speaker when he is in the Chair. This amendment was submitted to the Clerk, and then hon. Kionie came back and said, "I withdraw". So, I do not know what amendment we are discussing here.

So, we should move on. Mr. Attorney-General.

*(Several Members stood up)*

**Mr. Deputy Speaker:** Order! We are going on.

**The Attorney-General (Mr. Muli):** Mr. Deputy Speaker, Sir, I thank the hon. Members who contributed very positively and constructively to the Statute Law (Miscellaneous Amendments) Bill. The debate was quite lively, and I have taken note of all the points that were raised by hon. Members. My draftsmen sitting at the back there have taken those points. I also wish to say that those points have been recorded in the HANSARD. I am very grateful because those points have been taken in three permanent records, and we will consider them.

**Mr. Abuya-Abuya:** On a point of order, Mr. Deputy Speaker. Sir, I wish to thank the Chair and the Attorney-General for being kind in letting me request for a clarification. I hope that when the Attorney-General comes to reply, he will talk about section 115, subsection (3) which denies the Court of Appeal a chance to hear any cases that would arise from these court martials. We know that there are cases going on at the moment. What is going to happen to those cases? Can he clarify? Secondly, are we not creating a situation whereby the Court of Appeal is going to be rendered a monument?

**The Attorney-General (Mr. Muli):** If the hon. Member who has been here for a very long time would like, perhaps, to use the back-door way of debating

the Bill, when it has been ruled out by the Chair, that would be very wrong. He should not do that at this stage. What I was trying to say—How did they think I was not listening as to what was said in connection with section 115 of the Armed Forces Act? He is preempting me and, perhaps, he has done more harm by so doing—I gave him an issue and he asked me to give him an indulgence and I did give him—

**Mr. Abuya-Abuya:** On a point of order, Mr. Deputy Speaker. The Attorney-General was very kind to allow me to seek clarification on this, but he is now insinuating that I am doing more harm. Could he say what the harm is? Is that not an insinuation that I am not for the welfare of this society?

**The Attorney-General (Mr. Muli):** Mr. Deputy Speaker, Sir, I do not see what point of order the hon. Member raised. However, I will remark on the point, but whatever harm he has done, perhaps, we will go into that later. What I wanted to say is that the section is very clear. All that the Bill intends to do is to make clear that the law does not provide for statute cases to go to the Court of Appeal, emanating from the court martials. The hon. Member is completely misled and, if he would like to read section 116 of the Armed Forces Act, he would realize immediately that certain cases, like the ones he is thinking about, are not going to be affected. Being *sub-judice*, that is the greatest harm that is going to be done by debating those questions here. That is the harm I was talking about. He was going to open debate on matters which are *sub-judice*, and I was hoping he would know that.

The other point I wanted to make was on the contributions made in respect of adjudication of land disputes by district officers. I am very grateful, and I would like to ask the hon. Members, when they go on Recess—or during the Motion on Adjournment tomorrow—to say something, so that they can go and teach and, therefore, be ambassadors to ensure that the wananchi are helped, by following the proper norms of adjudication whereby the elders are not going to be witnesses in the tribunals with their chairman.

The other point is that I have already mentioned and, in fact, given a Press statement dealing with the administration of estates. An hon. Member implied that it is mandatory for the Public Trustee to take every case. Everyone has a right to decide who is going to administer the estate on his instructions, and not that all cases come to the Public Trustee.

We only state that Members and the administration try to assist by providing the information, so that the administration of an estate by the Public Trustee, which estate had, by representation been supplied, can be dealt with quickly. I thank you all for contributing so eloquently.

With those few remarks, I beg to move.

*(Question put and agreed to)*

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

COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Deputy Speaker left the Chair]*

## IN THE COMMITTEE

[The Temporary Chairman (Mr. Ayah) took the Chair]

## THE STATUTE LAW (MISCELLANEOUS AMENDMENTS)

## BILL

(Clause 2 agreed to)

The Customs and  
Excise Act  
(Cap. 472)Third  
Schedule  
Part A

Delete item 23 and substitute—

23. *Petroleum Exploration and Production Companies*

Any materials, plant, machinery or equipment for a petroleum company which has entered into a petroleum agreement of the Petroleum (Exploration and Production) Act, 1984 or by a contractor duly appointed by that company, to be used exclusively for the purpose of exploring for, and production of, petroleum in Kenya or in ocean water over which Kenya exercises jurisdiction:

Provided that—

- (i) the Commissioner is satisfied that such materials, plant, machinery or equipment are not available locally;
- (ii) such materials, plant, machinery or equipment shall not be disposed of by way of sale in Kenya, but shall be re-exported at the completion of the exploration for, and production of, petroleum in Kenya except where such items are consumed during the exploration or production work of the petroleum company;
- (iii) "materials, machinery, plant or equipment" includes specifically designed vehicles for petroleum exploration and production but not any other type of vehicle.

The Banking  
Act (Cap. 488)

S. 20(1)

Delete and substitute—

- (1) If it is found upon an inspection under section 19 that the business of the bank or financial institution concerned is being conducted in a manner detrimental to the interests of the depositors or to the interests of the bank or financial institution or to the public interest, the Central Bank may—
  - (a) issue directions to the bank or financial institution concerned requiring it to take such remedial measures as the Central Bank may direct, which in the opinion of the Central Bank are necessary or desirable in the circumstances; or
  - (b) with the approval of the Minister, appoint a person who in the opinion of the Central Bank is competent to advise the bank or financial institution on the necessary remedial measures, and the advice of the person so appointed shall have the same force and effect as a direction of the bank made under paragraph (a) and for the purpose of this section the advice shall be deemed to be a requirement of the Central Bank; or
  - (c) with the approval of the Minister, assume or appoint any other person to assume the management and conduct of the affairs of the bank or financial institution, and the bank or financial institution shall submit its business to the Central Bank or a person appointed to assume control under this paragraph and shall provide the Central Bank or that other person all facilities for the effective management and conduct of the affairs of the bank or financial institution.

S. 20(2)

insert the expression "paragraph (a) of" immediately after "subsection (1)"

(Question of the amendment proposed)

**Mr. Angatia:** Mr. Temporary Chairman, Sir, I just wanted to find out whether the Attorney-General could clarify the Magistrates' Courts Act (Cap. 10). The amendment here says:

"An issue relating to any matter set out in paragraphs (a) to (d) of subsection (1) shall be referred to a panel of elders to be resolved."

Now, does this mean the recommendation of the elders or their resolution? Do they resolve finally, or do they recommend to the courts? I just wanted the Attorney-General to clarify that point.

## The Schedule

**The Attorney-General (Mr. Muli):** Mr. Temporary Chairman, Sir, I beg to move:

THAT, the Schedule be amended by inserting the following new items immediately after the proposed amendments to the Lake Basin Development Authority Act (Cap. 442)—

**The Attorney-General (Mr. Muli):** Mr. Temporary Chairman, Sir, the panel of elders under the chairmanship of the district officer make an award, and the award is found with the courts.

**Mr. Kiome:** On the same point, Mr. Temporary Chairman, Sir, could the Attorney-General explain whether a case first starts in court, and then it is taken to the district officer for arbitration and back to court for confirmation, or vice versa. Which is the case?

**The Attorney-General (Mr. Muli):** Mr. Temporary Chairman, Sir, since the amendment to the Magistrates' Act came into force, there were certain cases pending



**[The Attorney-General]**

before the magistrates and those cases were automatically referred to the elders by operation of law. No new cases were to be found in courts thereafter. So, those that were referred to the elders by the operation of the law went automatically to the panel of elders with the district officer, and then the award was referred back. New cases were not to originate in the courts but before the district officer with the panel of elders, and from there then the award is filed with the resident magistrate. So, there are no new cases. The magistrates have no original jurisdiction over land cases which are stipulated under the amendment.

**Mr. Kiome:** I thank the Attorney-General for that clarification and, in fact, that should be the case. But now that the elders cannot confer title, that is, they cannot order a transfer to any person, neither can they order a subdivision, and where a person gets a title they only deal with general matters, is it not then purposeless or useless for any elder or group of elders to purport to deal with registered land? Is it not wrong for them because the new amendment does not allow them to confer title to any person? Does he not agree with us then that—

**The Temporary Chairman (Mr. Ayah):** What are you proposing?

**Mr. Kiome:** I am raising a point of clarification.

**The Temporary Chairman (Mr. Ayah):** Well, would you like to put your question more precisely, so that the Attorney-General can answer?

**Mr. Kiome:** May I put it this way: Does the Attorney-General agree with us that it would be pointless for a panel of elders plus the district officer to deal with registered land? They should deal with the trust lands, but not registered lands because they cannot confer titles.

**The Attorney-General (Mr. Muli):** Mr. Temporary Chairman, Sir, the hon. lawyer is trying to confuse the House. He knows very well the cases which are supposed to go through the panel of elders, and those are stipulated as (a) to (d). They do not involve questions of title, or whether persons are holding titles. He knows this very well. The hon. Member is a lawyer of very high standing, and he knows very well that those can competently be dealt with at another form.

*(Question of the first part of the amendment, that the words to be left out be left out, put and agreed to)*

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

*(Schedule as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Attorney-General (Mr. Muli):** Mr. Temporary Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Statute Law (Miscellaneous Amendments) Bill and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Mr. Deputy Speaker in the Chair]*

## REPORT, CONSIDERATION OF REPORT AND THIRD READING

### THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILL

**Mr. Ayah:** Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Statute Law (Miscellaneous Amendments) Bill and approved the same with amendments.

**The Attorney-General (Mr. Muli):** Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee of the whole House in the said report.

**The Vice-President and Minister for Home Affairs (Mr. Kibaki)** seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Attorney-General (Mr. Muli):** Mr. Deputy Speaker, Sir, I beg to move that the Statute Law (Miscellaneous Amendments) Bill be now read a Third Time.

**The Vice-President and Minister for Home Affairs (Mr. Kibaki)** seconded.

*(Question proposed)*

*(Question put and agreed to)*

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

## ADJOURNMENT

**Mr. Deputy Speaker:** Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 6th December, 1984, at 2.30 p.m.

*The House rose at thirty-five minutes past Six o'clock.*

**Thursday, 6th December, 1984**

The House met at thirty minutes past two o'clock.

[*Mr. Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

No. 897

SHORTAGE OF DRUGS AT BUNGOMA HOSPITAL

**Mr. Kisuya** asked the Minister for Health—

(a) whether he was aware that patients at Bungoma District Hospital had to often buy drugs from chemists due to non-availability of such drugs in the hospital and at the Kisumu Medical Stores; and

(b) whether he could establish a medical store to serve Western Province at Kakamega.

**The Assistant Minister for Health (Mr. Mak'Anyengo):** Mr. Speaker, Sir, I beg to reply.

(a) Bungoma District Hospital, like any other hospital in the country, occasionally runs out of scheduled drugs and the hospital is authorized to buy them from local sources through quotations as provided under the existing procurement regulations.

(b) The establishment of a medical store to serve Western Province from Kakamega has been overtaken by events. The introduction and implementation of the district focus for rural development has made it necessary for all district hospitals, except health centres and dispensaries, to procure their requirements through their respective district tender boards.

**Mr. Kisuya:** Mr. Speaker, Sir, the Assistant Minister has not answered my question yet. My question was why patients have to buy drugs from chemists instead of the hospitals buying the drugs.

**Mr. Mak'Anyengo:** Mr. Speaker, Sir, there is no question of generalization here. All district hospitals have been given authority to spend and when the drugs are sometimes finished in a hospital, as it usually happens, then the respective medical officers of health have the money with which to buy the required drugs for the very hospitals.

**Mr. Wakiondo:** Mr. Speaker, Sir, arising from the reply by the Assistant Minister, it is a wonder that even now he has not answered the question. The question particularly asks why patients have to buy drugs from chemists. The doctors in the hospitals are the ones who are supposed to buy the drugs for the hospitals and these very doctors prescribe the purchase of drugs by the patients from chemists. Why is this so?

**Mr. Mak'Anyengo:** Mr. Speaker, Sir, as I said, all the patients are supplied with drugs in the hospitals. However, when drugs are finished in the hospitals, there are funds that the medical officers of health have in their authority to use to purchase more drugs. We have not had any cases where patients have to buy their own drugs from chemists and, immediately we

have that kind of report, we will investigate and find out why the money allocated for such expenditure is not being used.

**Mr. Mate:** Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, he says that sometimes hospitals run out of drugs. It is apparent that sometimes patients may not have the money to go and buy such drugs from the chemists. Can he assure this House that Government is going to ensure that hospitals will never run short of drugs, because this is very dangerous situation?

**Mr. Mak'Anyengo:** Mr. Speaker, Sir, we have always done that, but one cannot always anticipate how many people are going to fall sick. Sometimes you may have more people being sick in one month than in another month. When drugs are not available in hospitals, Government makes provisions for funds so that the medical officers of health can purchase drugs locally when their stock is exhausted.

No. 912

TEACHERS COLLEGE IN KITUI

**Mr. Manandu** asked the Minister for Education, Science and Technology when the Ministry planned to open a primary teachers college in Kitui District.

**The Assistant Minister for Education, Science and Technology (Mr. Mweu):** Mr. Speaker, Sir, I beg to reply.

My Ministry has already planned to establish teachers colleges in several districts in the Republic and Kitui is one of the districts. Negotiations are under way between the Kenya Government and the World Bank under the 6th Educational Project and as soon as the negotiations are finalized and funds are made available, the work will start.

**Mr. Manandu:** Mr. Speaker, Sir, can the Assistant Minister assure this House that the plans are going to materialize during this financial year?

**Mr. Mweu:** Mr. Speaker, Sir, I do not want to mislead this House. I have said that as soon as we finalize the negotiations which may take time—I know that the negotiations are still on but as soon as they are finalized and we have an okay to go ahead with the plans we will be able to start building the colleges. We will start building this particular college among others.

**Mr. Nyaga:** Mr. Speaker, Sir, one of the conditions of the World Bank loans is that provision of land. Could the Assistant Minister assure this House that the land is available and it has been surveyed and ready for the construction of the college when the funds are made ready?

**Mr. Mweu:** Mr. Speaker, Sir, I happen to come from Kitui District where the hon. Questioner comes from and I have personally visited the site and I am satisfied with that site and, therefore, the question of land does not arise in Kitui. I believe the same is the case in other areas where these colleges are going to be built. This is because the district commissioners have written to say that they are okay as far as land provision is concerned.

**Mr. Wagura:** Mr. Speaker, Sir, the Assistant Minister is saying that Kitui is among several districts which have been considered for building these colleges. Can he name the other districts? This is because I know that we have a lot of land in Nyandarua. Can he tell us whether Nyandarua is one of those chosen districts?

**Mr. Mweu:** Mr. Speaker, Sir, with pleasure, I will do that. The districts are as follows: Busia District, Murang'a District, Baringo District, Taita-Taveta, Narok District, Elgeyo/Marakwet District, Kitui, Garissa District for the North-Eastern Province, Siaya District and Bungoma District. They are 10 in number.

**Mr. Kanindo:** Mr. Speaker, Sir, the answer given by the Assistant Minister is encouraging. We are happy to hear that the funds are being negotiated for from the World Bank. It, therefore, means that these negotiations are at a very advanced stage. Could he tell us how much money is involved in the whole exercise so that they will not tell us that the funds are not sufficient after the work has started?

**Mr. Mweu:** Mr. Speaker, Sir, I wish I was able to say how much money is involved. But I am not able to do so because I do not have the knowledge. But when a person prepares to build a house he estimates how much he will require for the house. Therefore, I would imagine that this is what we have done. We must have told the World Bank how much money we require bearing in mind that there will be inflation and so on. So, I do not think there will come a time, after the funds have been provided, when we will regret.

**Mr. Wagura:** Mr. Speaker, Sir, the hon. Assistant Minister has mentioned several areas or districts that will be covered by this scheme. Can he tell us the criteria that was used to select those districts?

**Mr. Speaker:** This is a specific question about the opening of a Primary Teachers College in Kitui District. Mr. Mwaruwa's question.

No. 707

#### CRACKDOWN ON MATATUS RESPONSIBLE FOR WORKERS' LATENESS

**Mr. Kiliku,** on behalf of Mr. Mwaruwa, asked the Minister for Transport and Communications—

- (a) whether he was aware that since the crackdown on matatus was launched, many workers, especially in major urban centres like Nairobi and Mombasa, were not going to work on time and thereby risking losing their jobs;
- (b) whether he was prepared to ease conditions for acquiring matatu P.S.V. licences in phases until such a time that public transport system would be in a position to ease the commuter congestion; and
- (c) since Kenya Bus Services Ltd. was not in a position to provide adequate services whether he was prepared to licence a rival company to start operating in major towns.

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

We are not aware that since the Legal Notice requiring matatus to obtain P.S.V. licences was published many workers in major urban centres are not arriving at their places of work on time, thereby risking the loss of their jobs. The matatu operators were given eight weeks from 7th September to 1st November, 1984, to acquire the P.S.V. licences and many made use of the grace period. It is not considered necessary, therefore, to ease conditions for acquiring matatu P.S.V. licences.

The Government is bound by the franchise signed between the respective Nairobi and Mombasa Municipal Council on the one hand and the Kenya Bus Services on the other, on the provision of transport facilities within the two towns. As of now, it is not considered wise to licence rival bus companies to start in these two towns because of these franchise agreements.

**Mr. Kiliku:** Mr. Speaker, Sir, the Assistant Minister said that he was not aware of this problem. But now that he has been made aware of the problem, what action is the Ministry going to take to solve the problem?

**Mr. Keriri:** Mr. Speaker, Sir, the position does not require the Ministry to take a particular action. The action required is for as many matatu operators as are required to obtain P.S.V. licences and operate in accordance with the law in the two major towns in question.

**Mr. Njenga:** Mr. Speaker, Sir, in view of the fact that there has been a directive from the Ministry that even Kenya Bus Services Ltd. buses cannot be allowed to carry standing passengers even where provision is made—there are two bars in the centre of the bus onto which standing passengers can hold—There has been a directive from the Ministry stopping the company buses from carrying standing passengers. This is causing a lot of hardships to commuters particularly from a town like Limuru. Since the crackdown on unroadworthy matatu vehicles, about 80 per cent of the old matatus have gone out of the road and a lot of people are unable to travel to town. Would the Assistant Minister be prepared to waive this directive and allow K.B.S. buses to carry standing passengers?

**Mr. Keriri:** Mr. Speaker, I think the hon. Member has a point here. If the K.B.S. buses are provided with standing passengers provisions it then means that the carrying capacities of such buses include the standing passengers provision. If that is the case then we will endeavour to discuss this matter with the Kenya Bus Services Ltd., the Kenya Police, and see what can be done. But one point must be made clear here, that we do not want any passenger-carrying vehicle to carry more passengers than is necessary, for safety's sake.

**Mr. Kanindo:** Mr. Speaker, Sir, realizing that the agreement which was signed between the Kenya Bus Services Ltd. and the City of Nairobi was signed a long time ago, and since there is now a population boom in the City—and we know that business competition is allowed in Kenya—can the Ministry at the moment not withdraw that agreement and allow fair competition between bus operators so that people do not report at work late?

**Mr. Keriri:** Mr. Speaker, Sir, it is not a question of withdrawing an agreement. Until the two parties involved find that an agreement is inappropriate I do not think it is necessary to talk about withdrawing such an agreement or making it null and void. What is necessary is to make sure that there is enough transport in the urban areas to satisfy the commuters. I agree that it is not adequate at present. This is because there were a lot of matatus which were unroadworthy when the law came into effect and therefore they have not been able to come back on the road.

But what I would advise hon. Members and businessmen to do is to take advantage of the vacuum created by this. You can buy as many matatus as you can and make them operational and also make sure that they comply with the law. I think the business is there. Instead of people asking to be allowed to register other bus companies, which will require a lot of regulations and control under the Transport Licensing Board, what should happen is that people should buy more new matatus. This is because matatus do not require all the things required by a bus company. If you can buy a fleet of small vehicles, maintain them as well as you can, then you will provide the necessary transport for city commuters and you will make money. It is not a question of making the agreement null and void. In any case the agreement requires that if the city council is unable to renew the agreement requires that if the city council is unable to renew the agreement with the Kenya Bus Services Ltd., the city council will take over all the assets of the Kenya Bus Services Ltd.: take over all the workers employed by K.B.S.: take over all the liabilities by the K.B.S. and then provide transport in the city. I do not think that hon. Members want us to start from square one any longer.

**Mr. Mutiso:** Mr. Speaker, Sir, in view of the fact that a law was passed here in this House for making matatus to be more or less public service vehicles, and also in view of the fact that His Excellency the President directed that the letter "M" be removed from these vehicles, would the Assistant Minister tell the House whether the name, "Matatu" is legal?

**Mr. Keriri:** Mr. Speaker, Sir, let us not try to mislead this House, because this is an honourable House. What happened is that His Excellency the President directed that we should not have the letter, "M" on those vehicles at all, but he did not say that we should amend the law to remove the word, "Matatu" from the law and the hon. lawyers in this House will probably tell us that is what ought to happen. I am not aware that the word "Matatu" was supposed to be removed from the law, but it was the letter, "M" which was to be removed.

No. 872

**PAYMENT OF BENEFITS TO LATE BARTMEAS MWANZIGE'S FAMILY**

**Mr. Mwachofi** alimwuliza Waziri wa Uchukuzi na Mawasiliano ni hatua gani Shirika la Reli linachukua kuhakikisha kwamba mjane na watoto wa marehemu Bartmeas Titus Mwanzige (muajiriwa No. 69493) watalipwa madai yote ya marehemu kwa haraka ili waepukane na taabu za kukosa karo na mahitaji walivyo sasa.

**The Assistant Minister for Transport and Communications (Mr. Muturia):** Bw. Spika, naomba kujibu.

Shirika la reli linajitahidi katika jambo hili na hata limetoa malipo ya karadha, yaani advance, kwa kujaribu kupunguza taabu kwa mjane na watoto wa marehemu Titus Mwanzige ambaye alikuwa muajiriwa No. 69493. Malipo zaidi ya mwisho yako tayari sasa kulipwa. Mjane wa marehemu atalipwa pesa hizo mara tu Shirika la Reli litakapokea kibali, yaani grant of letters of administration, kutoka Mahakama Kuu kupitia kwa Mdhamini wa Serikali, yaani the Public Trustee. Shirika la Reli linawasiliana na Public Trustee kwa njia ya barua kwa ajili ya kuharakisha jambo hili linalohusu grant of letters of administration.

**Mr. Mwachofi:** Bw. Spika, ninamshukuru sana Waziri Msaidizi kwa kueleza kwamba watu hawa wamelipwa pesa hizi za malipo ya karadha. Ningependa tu alieleze Bunge hili ni kitu gani kinachelewesha barua hii kutoka Mahakama Kuu, Public Trustee wanasema ni kitu gani kinachelewesha jambo hili?

**Mr. Muturia:** Bw. Spika, hakuna kitu ambacho ni muhimu sana ya kuchelewesha barua hii. Ningetaka kumfahamisha Mhe. Mbunge kwamba mambo yanaendelea vizuri. Tunajua kwamba mjane huyu wakati wote amekuwa akizitaka pesa hizi na amekuwa akipatiwa karadha na mpaka sasa amelipwa karibu Sh. 30,000 na barua hii ikifika, pesa ambazo zitakuwa zimebaki kulipwa, atapatiwa ili aendelee kufurahi pamoja na watoto wake.

No. 904

**SUGAR PRODUCE PER TON OF CANE AT RAMISI**

**Dr. Wameyo** asked the Minister for Agriculture and Livestock Development—

- (a) how many tons of cane produced one ton of sugar at the Ramisi Sugar Factory; and
- (b) what was the ex-factory price of one ton of sugar produced at the Ramisi Sugar Factory.

**The Assistant Minister for Agriculture and Livestock Development (Mr. Mwicigi):** Mr. Speaker, Sir, I beg to reply.

13 tons of cane produce one ton of sugar at Ramisi Sugar Factory. The ex-factory price of one ton of sugar produced at Ramisi Sugar Factory is Sh. 5,128.

**Dr. Wameyo:** Mr. Speaker, Sir, if one ton of sugar at Ramisi is produce by 13 tons of green cane of sugar as has been said by the Assistant Minister, is it not true that the factory, if it continues using that type of cane is going to continue producing sugar at a loss and, therefore, unable to pay the farmers of Ramisi?

**Mr. Mwicigi:** Mr. Speaker, Sir, would the hon. Member please repeat his question. I want to know exactly what he wants to know.

**Dr. Wameyo:** Mr. Speaker, Sir, I think that my question was very clear. If one ton of sugar at Ramisi Sugar Factory is produced by 13 tons of sugar-cane, does that not mean that if that factory continues to use that type of cane, it is going to operate at a loss and, therefore, unable to pay out-grower farmers as is already the case because even at the moment, not many of them have been paid their dues?

**Mr. Mwicigi:** Mr. Speaker, Sir, that is what they are producing, but they are able to balance their books of accounts. We would like to support Ramisi, as much as we can, because we know they have special problems. The type of sugar-cane grown in the area is different; the climate there is different and we thought that is the best we can do for now.

**Mr. Anyumba:** On a point of order, Mr. Speaker, Sir, is the Assistant Minister not misleading the House by saying that Ramisi Sugar Factory is able to balance its books when we know very well that Ramisi is owing farmers Sh. 1.6 million in arrears for the last 15 months?

**Mr. Mwicigi:** Mr. Speaker, Sir, the Ramisi Sugar Factory is making all the effort to meet its commitments.

**Mr. Mwakileo:** Mr. Speaker, Sir, would the Assistant Minister tell this House— We put this question before this House some few months ago and we were told that Sh. 2.5 million was given to the out-growers. However, only Sh. 1.2 million was paid to the farmers, could we be told what happened to the balance? Would the Assistant Minister also tell us what efforts they are making to pay the out-growers?

**Mr. Mwicigi:** Mr. Speaker, Sir, the Ministry has told the Ramisi Factory to pay the out-growers and that has been our stand. Perhaps it may appear proper to close this factory, but it is the only big agricultural industry which we have at the Coast. This factory is using sugar-cane which is really very difficult to make money out of. However, we have been trying to get better research which can produce a better yield, but the question of closing the factory and giving the Coast people something else they can live on before the substituted cane becomes available, is something which the Ministry is trying to consider.

**Mr. Munyao:** Mr. Speaker, Sir, 13 tons of sugar-cane are said to make only one ton of sugar and this is on a very high scale. Can the Ministry look for an alternative way of making sugar, which may be more economical and which may be using less tonnage of sugar-cane?

**Mr. Mwicigi:** Mr. Speaker, we are doing a research at the Coast and we are going out of our way to improve the present kind of sugar-cane. We have a new type of cane which we have imported from India to see whether it can be improved. So, this is where we are, Mr. Speaker, Sir.

No. 917

GOVERNMENT SHARE OF PROFITS ACCRUING FROM  
SOUTH COAST HOTELS

**Mr. Mwakileo** alimwuliza Waziri wa Utalii na Wanyama wa Porini ni faida gani inayopatikana katika mahoteli yaliyopo kusini mwa Pwani (South Coast) kilichokabidhiwa Serikali.

**The Assistant Minister for Tourism and Wildlife (Mr. Awori):** Bw. Spika, naomba kujibu.

Hoteli za kusini mwa pwani zilikusanya mapato ya fuatayo katika mwaka wa pesa wa 1983/84:

Leseni za wasimamizi, yaani

	Sh.
'managers' licences ... ..	3,900.00
Leseni za mahoteli ... ..	55,500.00
Catering levy ... ..	4,340,241.15
JUMLA	4,399,641.15

**Mr. Mwakileo:** Bw. Spika, hizi Sh. 4,000,000 Waziri Msaidizi anazosema ndiyo faida hasa ambayo Serikali inapata au ndicho kiasi ambacho Serikali inachopata? Kulingana na vile swali lilivyouliza, niliuliza ni kiasi gani cha faida ambacho Serikali inapata kutokana na mahoteli hayo.

**Mr. Awori:** Ni shida kuhesabu faida inayopatikana na Serikali kwa sababu kufanya hivyo kutalazimisha kuchukua wakati wa watu wengi wanaofanya kazi na kutumia pesa nyingi. Pia, jambo hili halihusu idara moja peke yake. Hapa tuko na idara mbili, ile yetu na ile ya district revenue. Kwa hivyo, haya ndiyo mapato tuliyoeweza kuchukua. Kutafuta faida yenyewe kutakuwa shida.

**Mr. Kiliku:** The question, Mr. Speaker, is on the profits made by the hotels operating in the South Coast, but not on the fees paid for their licences. We want to know their profits as per their balance sheets.

**Mr. Awori:** Bw. Spika, utaniwia radhi. Sina hesabu ya faida ya mahoteli yaliyopo kusini mwa pwani.

**Mr. Mwakileo:** Bw. Spika, Waziri Msaidizi anaweza kurudi ofisini mwake na kuchunguza jambo hili zaidi ili atupatie jawabu la swali hili? Tunauliza swali hili ili tupate jawabu lake, lakini yale yote anayotueleza, inaonekana ya kwamba hayana jawabu. Kwa hivyo, anaweza kuliahidi Bunge hili ni lini atakapokupatia jawabu lililo sawa sawa ili tupate njia na sababu za kuulizia swali lenyewe nasi tuweze kueleza kinaganaga papo hapo?

**Mr. Awori:** Bw. Spika, swali ni juu ya mahoteli yaliyopo kusini mwa pwani. Mengi ya mahoteli hayo hayana kiwango cha faida yao yanachotoa kwa Serikali. Labda, Mbunge angeuliza ni mahoteli mangapi ambayo Serikali inaweza kupata faida kutokana nayo. Hapo tungeweza kumjibu.

**Mr. Mwachofi:** Bw. Spika, kulingana na jawabu ambalo lilitolewa na Waziri Msaidizi pale mwanzoni, Serikali imepokea zaidi ya Sh. 4,000,000 kutokana na mahoteli haya. Kwa kahika, ni zaidi ya Sh. 4,300,000. Anaweza kuliambia Bunge, katika pesa hizi, ni kiasi gani kinachoingia mfukoni mwa Serikali, Nairobi, na ni kiasi gani kinachoingia katika Wilaya ya Kwale?

**Mr. Awori:** Kutokana na mapato yale niliyoyataja, Sh. 3,900, ambazo zimetokana na uuzaji wa leseni za wasimamizi, zote hukaa Pwani. Pesa zinazotokana na leseni za mahoteli, Sh. 55,500 zote hukaa Pwani. Catering levy, Sh. 4,340,245.15, hutumiwa kwa mafunzo ya wafanyakazi wa mahoteli. Ikiwa kuna mwanafunzi katika mahoteli ya Pwani, pesa hizi zote zitatumika huko.

No. 916

HEARING OF CASES IN AREAS OF ONE'S RESIDENCE

**Mr. Muia** asked the Attorney-General whether he could consider revising the current practice whereby

**[Mr. Muia]**

people facing court charges had to travel long distances for mention of their cases, so that such mention could be done in courts nearest to their places of residence and only travel to courts nearest scenes of acts leading to their charges for hearing.

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

Cases are mentioned in the courts where they are brought at the first instance and these courts are normally nearest the scene or the area of crime or cause of action.

Mentions are fixed to monitor the progress of the cases which are done in the same courts where the cases are filed. This enables the courts to monitor and supervise progress to ensure that justice is not delayed.

There is also the question of applications for bails or bonds during mention date before hearing. The court seized with the case is the only forum to decide whether such applications are merited or not. Again, the question of complying with court orders can only be done by the same court and should there be non-compliance, then the court can take action such as contempt of court or cancellation of bails or bonds.

It would be most cumbersome and not in the interest of speedy administration of justice if one were to subject a case to two or more courts of different jurisdiction.

I assure the House that with more courts being opened at district and divisional levels, the problem of travelling long distances will decrease.

**Mr. Muia:** Mr. Speaker, I thank the Attorney-General for the answer he has given although it was very technical. What I had in mind was very simple—a layman's point of view. Assume that the Attorney-General, himself, is involved in a minor accident at Kakamega, that he lives in Nairobi and then he is required to appear before a court of law in Kakamega just for the mention, not even for the hearing of the case. This is what I am asking: Is it possible that at that time somebody could appear in a court in Nairobi for the mention in the court in Kakamega and only go to Kakamega during the hearing of the case and, maybe, the day of judgement?

**Mr. Muli:** Mr. Speaker, that could be done with the arrangement of the court. This is possible where an advocate is involved, but it is difficult for a court, say, in Nairobi to know what conditions were attached by the trying court as to what would happen during the mention of the case. So, it is not convenient and it does not help to have it that way. Where an advocate is involved, however, it is quite possible that the court may accept the advocate mentioning the case in the absence of the actual accused person.

**Mr. Muia:** Arising from the first part of that reply, I would like to go back to my first question. Assume that somebody commits a minor crime for which the fine may be about Sh. 600. To hire a lawyer, it might cost that person Sh. 2,000, which is not easy or convenient to some people. Others cannot afford to do it. The Attorney-General said that such a thing as I am requesting for could be done. Maybe, there are some

technical problems involved. Is it not possible to work out, depending on the category of the case where cases are classified into different categories, a method by which certain cases could be mentioned in a different court from that where they were filed, especially if the cases are not very serious, without the accused person necessarily going to the actual scene?

**Mr. Muli:** Mr. Speaker, the question is good because it is for convenience, but it is rather impossible to deal with individual cases as the Member may have in mind. You will find that most cases are really committed within reasonable distances of the court. As I have said, perhaps, this sort of long distance may be removed or decreased when many courts are opened at district and divisional levels. To make an arrangement for isolated cases would not be, I think, a proper sort of procedure. One would cause a lot of difficulties in a case where, for instance, a case has to be mentioned, say, at Kakamega and then someone comes out to say that he will mention the case at Machakos but does not do so. It can be a bit difficult. So, courts cannot make a move to go and mention a case at the accused's home. The accused must go to the court. However, we will try our level best to see that little inconvenience is caused although I do not think that some practice could be evolved for isolated cases.

No. 828

#### COMPENSATION FOR LOSS OF LAND IN IKOLOMANI

**Mr. Lugonzo** asked the Minister for Transport and Communications whether he was aware that wananchi had not been paid compensation for loss of land and property destroyed during the construction of the Museno-Shiveye-Mpaka Tea Road; and what he was doing to get the wananchi compensated.

**Mr. Speaker:** Anyone from the Ministry of Transport and Communications? All right, let us then move on to Questions by Private Notice.

**Mr. Abuya-Abuya:** On a point of order. Mr. Speaker, the Assistant Minister for Transport and Communications, hon. Muturia, is there.

**The Assistant Minister for Health (Mr. Mak'Anyengo):** On a point of order, Mr. Speaker. It appears that there are two Order Papers.

**Mr. Speaker:** Yes, Mr. Lugonzo's question was omitted from the Order Paper by error, and so, this was corrected when it was found out.

Mr. Lugonzo, will you ask your question again; maybe the Minister could reply to it.

No. 828

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**Mr. Lugonzo** asked the Minister for Transport and Communications whether he was aware that wananchi had not been paid compensation for loss of land and property destroyed during the construction of the Museno-Shiveye-Mpaka Tea Road; and what he was doing to get the wananchi compensated.

**Mr. Speaker:** Who is supposed to answer this question?

**The Minister for Transport and Communications (Mr. Okondo):** Mr. Speaker, Sir, according to my Order Paper, the question is not on the Order Paper, but I am prepared to answer it, with your permission.

Mr. Speaker, Sir, I am aware that there are uncertified and undated claim schedules for payment of compensation to several wananchi for the land taken up and property allegedly destroyed during the construction of the Museno-Shiveye-Mpaka Tea Road. These schedules, Sir, do not indicate the acreage of land taken; the ages and sizes of the trees allegedly destroyed, nor the rates applicable. My Ministry and the Commissioner of Lands have asked the district commissioner concerned and who may have carried out the initial assessment to supply the required information and details for verification of the claims.

Mr. Speaker, Sir, this exercise is still going on, and until it is completed, no payment may be made.

**Mr. Lugonzo:** Mr. Speaker, Sir, in view of the fact that this compensation question has been going on for the last 15 years, what steps is the Ministry taking to expedite the whole process so that wananchi can get this money within the shortest possible time?

**Mr. Okondo:** Mr. Speaker, Sir, I have just answered that question by saying that the exercise is now going on and that until it is completed, we cannot make any payment.

**Mr. Lugonzo:** Mr. Speaker, that is not the answer to my question. What steps is he taking to hurry up that process because it has taken 15 years when the same kind of slow process is taking place?

**Mr. Okondo:** Mr. Speaker, Sir, if I may anticipate the question the hon. gentleman is asking, he is asking as to what has been happening since all these years. Mr. Speaker, Sir, the answer to that part of the question, which he has not asked, is that no claims were received from 1972 until 1982, and we could not act on anything until there were claims. So, if the supposed owners of the land did not make a claim at all when the road was being done in 1972 until 10 years later in 1982, we could not possibly have paid anything.

**Mr. Lugonzo:** Mr. Speaker, Sir, it is incorrect for the Minister to imply that these wananchi did not make any claim because they did, and that is why they are asking for money. How could they ask for money when they have not made a claim?

**Mr. Okondo:** Mr. Speaker, Sir, I will ask again, through you, Sir, that this question be made clear. I am saying that the road was built in 1972 and the supposed owners of the land did not make any claim until 1982. So, we could not have paid or considered the issue until the claims were made.

**Mr. Muthura:** Mr. Speaker, Sir, some of the particulars indicated on such claims are the dates. Is the Minister telling the House that according to the records held by his Ministry the claims are dated 1982 and not 1972 as the hon. Member says?

**Mr. Okondo:** Yes, Sir.

**Mr. Lugonzo:** Mr. Speaker, Sir, if it is true that claims were made in 1982, which is two years back, what is now delaying the processing of these claims and paying the compensation?

**Mr. Okondo:** Mr. Speaker, Sir, I did answer that that part of the question too when I read the reply to the question at the beginning. I said that these claims have been received, but they are uncertified; undated and not showing any sizes of trees or the acreage of land taken; they are just saying "So-and-so Sh. 2,000"; they do not indicate as to how many acres of land were taken; how many trees were destroyed; and the sizes of trees and the rates applicable, and it is these things that we are looking into. Until that is done, we are unable to pay anything.

#### QUESTIONS BY PRIVATE NOTICE

##### REINSTATEMENT OF SACKED KAYDEE CONSTRUCTION WORKERS

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

- (a) Will the Minister order the immediate reinstatement of about 400 workers of Kaydee Construction Company based at Mikindani, Mombasa, whose services were terminated on 16th October, 1984?
- (b) Why did the company terminate their services?
- (c) What was meant by the letter written by Mr. L. W. Kariuki dated 9th October, 1984 on behalf of the Provincial Labour Officer, Mombasa, addressed to the Managing Director of Kaydee Construction Company and copied to the Labour Commissioner?

**The Assistant Minister for Labour (Mr. Obure):** Mr. Speaker, Sir, I beg to give the following reply.

The Minister does not intend to order the reinstatement of 255 workers dismissed by Kaydee Construction Company. The number is not 400 as stated. However, at the intervention of the Provincial Labour Officer, Mombasa, the employer agreed to reinstate 125 employees.

In respect to part (b) of the question, I would like to say that the trouble started on 16th September, 1984 when the union held a public baraza with their members and directed them as follows:

(1) Not to receive their normal salary of Sh. 25 per day which is in accordance with the Building Wages Council Order of 1980 and instead to insist on being paid Sh. 34.50 per day as per the collective agreement between members of the building employers and the union. The union further directed their members not to work for more than eight hours per day. Mr. Speaker section 5 (1) of Legal Notice No. 11 of 28th January, 1980 provides for nine hours of work for five days from Monday to Friday, and five hours of work on Saturdays.

2. Although Kaydee Construction Company Limited is a member of the Kenya Association of Building and Civil Engineering Contractors claimed that the subcontractor (Kenafrie Construction Company) who



**[The Assistant Minister for Labour]**

employed the workers was not a member of that association. As such, he was not bound to pay 34.50 per day as provided for in the collective agreement. On the advice of our officers in Mombasa, the union reported a trade dispute to the Minister on 25th September, 1984 and a conciliator was appointed on 30th October, 1984. We are still awaiting to receive the report of the conciliator.

3. With regard to the hours of work, the union's advice was tantamount to asking workers to break the law as well as their own contracts with the employer.

4. On 17th September, 1984, the workers acted as instructed by the union. Between that day and 16th October, 1984, there were nine "wild cat" strikes in Mombasa as well as work boycotts after eight hours of work. During this period, the workers were given three normal warnings in accordance with the Building Order. They were dismissed on 23rd October, 1984.

(c) The letter dated 9th October, 1984 from the labour officer was meant to confirm that M/S. Kaydee Construction Company Limited and Mistry Jadva Parbat were members of the building association and therefore bound by the collective agreement between the association and the union. This, however, is not an issue. What is at issue was whether Kenafric Construction Company, the sub-contractor of Kaydee who employed the people, was bound by the collective agreement while he was not a member of the building association.

The union maintained that Kenafric, being a subsidiary of Kaydee, was bound by the agreement. The employers, however, disagreed with this view. Since the union had reported a trade dispute to the Minister on 25th September, 1984, our labour officer wrote to the parties on 11th October, 1984 confirming that until the dispute was resolved, the operative document was the Legal Notice No. 11 of 1980 and not the collective agreement between the union and the Association of Building and Civil Engineering Contractors. As such, the union was advised to inform their members accordingly.

**Mr. Kiliku:** Sir, the Kaydee Construction Co. Ltd., and the union entered into a collective agreement on 27th April, 1982, and clause three of the agreement indicates that workers should work eight hours a day. Would the Assistant Minister deny or confirm the existence of that agreement which was signed by both parties?

**Mr. Obure:** Sir, I am not aware of that agreement.

**Mr. Kiliku:** Sir, I have a copy of the agreement with me here. With your permission, Sir, I would like to read two sentences from the agreement, and then later on, I will lay it on the Table.

**An hon. Member:** Signed by who?

**Mr. Kiliku:** This agreement was signed by Kaydee Construction Co. Ltd., and the union. It states as follows:

"The normal working week shall consist of 45 hours of work at the rate of eight hours of work per day from Monday to Friday inclusive."

Sir, on 9th October, 1984, the provincial labour officer wrote to the Kaydee Construction Co. Ltd., telling the

managing director that workers should work eight hours. Why did the management of Kaydee Construction Co. Ltd. ignore the letter that was written by the provincial labour officer, which was copied to the Labour Commissioner?

**Mr. Obure:** Sir, I have not seen the agreement which the hon. Member has just read. However, this is apparent that the agreement is between the union Kaydee Construction Co. Ltd. The 255 employees who were dismissed were employees of Kenafric Construction Company Limited which is a subsidiary of Kaydee Construction Co. Ltd. I did say that the issue was whether the terms of service which apply to employees of Kaydee would also be taken to apply to employees of Kenafric, and this is the issue that the conciliator is trying to settle.

**Mr. Kiliku:** Sir, would the hon. Assistant Minister give a reply to part (c) of the question? He has not given a reply to that part.

**Mr. Obure:** Sir, I gave a reply to part (c) of the question. I did say that the letter dated 9th October, 1984 from the labour officer was meant to confirm that Kaydee Construction Company Limited and Mistry Jadva Parbat were members of Kenya Association of Building and Civil Engineering Contractors and therefore bound by the collective agreement between that association and the union. However, I emphasized that this was not the issue. The issue was whether Kenafric Construction Company Limited, the sub-contractor of Kaydee who employed the people, was bound by the collective agreement while he was not a member of the Association of Building and Civil Engineering Contractors.

**Mr. Kiliku:** Sir, when there is a strike of any kind, it must be confirmed by the Minister for Labour. Would the hon. Assistant Minister tell this House whether that strike was confirmed by the Minister for Labour?

**Mr. Obure:** Sir, I do not understand that question.

**Mr. Kiliku:** Sir, if these workers did work for nine hours instead of eight hours, would the hon. Assistant Minister tell this House whether the Minister for Labour was aware of that?

**Mr. Obure:** Sir, I said that we are aware that the wages order which regulates the terms of service of employees in the building and civil engineering industry provides for nine hours of work per day from Monday to Friday and a further five hours per day on Saturday. In the case of employees of Kenafric Construction Company Limited, this was the case. They were supposed to work for 50 hours a week. The confusion is that the hon. Member insists that these workers were employees of Kaydee Construction Company Limited, and I have said that this is a matter which has been referred to a conciliator to advise on.

**Mr. Kiliku:** On a point of order, Mr. Speaker. Sir, this matter should not be taken lightly. I have every document to prove that what I am saying is correct. Sir, with your permission, I would like to quote a letter that was written to Kaydee Construction Company Limited by Mr. L. W. Kariuki, Provincial Labour Officer. It reads as follows:

**[Mr. Kiliku]**

"It has been brought to my attention that you are a member of KABCEC which has a collective agreement with the KBCCEW covering wages and other conditions of employment. You are therefore bound by that agreement. In this respect, therefore, you are supposed to implement it in toto—that is, wages should be Sh. 34.50 per day as opposed to Sh. 24.20 per day. Working hours should be eight hours and not ten hours", etc.

It is signed by Mr. Kariuki, Provincial Labour Officer, Mombasa and copied to the Labour Commissioner, Nairobi. Would you confirm that?

**Mr. Obure:** Mr. Speaker, Sir, what the hon. Member is reading is an agreement between the union and Kaydee Construction workers, which is very perfect. It is an agreement which has been negotiated and which is a point of fact. However, the point at issue—

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

**Mr. Speaker:** Mr. Kiliku, you are interrupting too much.

**Mr. Obure:** Mr. Speaker, Sir, as I was saying, the question at issue is that the employees who have been dismissed were employees of Kenafric Construction Company Ltd. which is a subsidiary of Kaydee. Also, the question at issue is really whether the terms of service applying for Kaydee employees can be extended to cover employees of Kenafric Construction Ltd., and a committee has been appointed to advise on that.

#### OUTCOME OF INVESTIGATIONS ON NANYUKI MUNICIPAL COUNCIL

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

- (a) What happened to the investigations on Nanyuki Municipal Council by the Ministry's team of inspectors in 1983?
- (b) When will the Minister announce the outcome of the probe?
- (c) When will the council employ the town clerk and the town engineer?

**The Assistant Minister for Local Government (Mr. J. N. Mungai):** Mr. Speaker, Sir, I beg to reply.

(a) The inspectors I appointed to investigate the Nanyuki Municipal Council submitted a report of their findings to the Ministry.

(b) I have already directed the council to the immediate corrective measures on those matters that required immediate action. Other relevant recommendations are being implemented in consultation with other Government departments.

(c) As hon. Members are aware, the employment of local authorities employees became the responsibility of the Public Service Commission effective from 1st October, 1984. Necessary action is being taken to have those posts filled by the Public Service Commission under the already-gazetted regulations governing such employments.

**Mr. Muthura:** Mr. Speaker, Sir, if the necessary steps were being taken, this could only be so if the jobs have been advertised in the Press. Have they been advertised?

**Mr. J. N. Mungai:** Sir, the jobs will be advertised when the Public Service Commission gets ready with the advertisements. However, the whole affair is in the hands of the Public Service Commission.

**Mr. Muthura:** Mr. Speaker, Sir, is the Assistant Minister advising me to re-direct this part of the question to the Public Service Commission?

**Mr. J. N. Mungai:** Mr. Speaker, Sir, I am not telling the hon. Member where to go, but I am only advising him on what the Minister has done in conjunction with other Government departments.

#### LACK OF REAGENTS FOR PATHOLOGY AT KENYATTA NATIONAL HOSPITAL

**Dr. Chibule:** Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice:

- (a) Is the Minister aware that biopsy reporting (pathology) services at the Kenyatta National Hospital have come to a standstill because of lack of vital reagents?
- (b) Is he aware that recurrent shortages of essential products and services have become the order of the day in the Ministry?

**The Assistant Minister for Health (Mr. Mak'Anyengo):** Mr. Speaker, Sir, I beg to reply.

(a) The position is that the hospital lacked sufficient reagents in stock between 1st October and 14th November, 1984. However, this situation has been rectified and we now have adequate reagents to enable services to continue.

(b) The statement by the hon. Member on the shortages of essential products and services is not correct. If, however, the hon. Member has sufficient cases of shortages of either services or products, I shall be glad to receive these for further action.

**Dr. Chibule:** Mr. Speaker, Sir, I appreciate the Assistant Minister's honesty in his reply to part (a) of the question, that there was, in fact, such a shortage for one-and-a-half months in the Kenyatta National Hospital. However, I do not appreciate his reply to part (b) of the question. I have said that recurrent shortages of essential products and services have become the order of the day and the Assistant Minister has said that the statement is not true. I consider this statement to be obvious, and when it is so, it does not need substantiation. Sir, do you not agree with me that the statement I put in my question is correct?

**Mr. Mak'Anyengo:** Mr. Speaker, Sir, I do not agree with the hon. Member because all health services are essential services. If this statement were true, then it would mean that all hospitals and health institutions would have come to a standstill, which is not the case at present. It is true that there are occasions that certain things have been exhausted, and when this has happened, our Ministry has taken time and care to ensure that they are replenished.

NON-PAYMENT OF WORKS-PAID STAFF IN  
MACHAKOS PROGRAMME

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

- (a) Is the Minister aware that 85 works-paid staff employed earlier under the M.I.D.P. and who have been trained to do extension work have not been paid since July, 1984, and that they are being threatened that they will be laid off?
- (b) Is he further aware that if all these officers are laid off it will be a big blow to the farming industry in the whole district?
- (c) Will he take urgent steps and confirm to this House that they are not going to be laid off and that their salaries will be paid immediately?

**The Assistant Minister for Agriculture and Livestock Development (Mr. Mwicigi):** Mr. Speaker, Sir, I beg to reply.

(a) The Minister is aware that 85 works-paid staff employed earlier under the Machakos Integrated Development Programme and who have been trained to do extension work have not been paid since July, 1984.

(b) The Minister is further aware that these workers, if laid off, would adversely affect the M.I.D.P. and, hence, the farming community in the district.

(c) The Ministry of Agriculture and Livestock Development is engaged in consultation with the Treasury and the Directorate of Personnel Management with a view to regularizing the employment of these workers.

**Mr. Munyao:** Mr. Speaker, Sir, I am happy that the Assistant Minister is aware of parts (a) and (b) of the question, and that there are consultations between the Ministry and the Directorate of Personnel Management. What kind of consultations are these when, in fact, as far back as 1977 when the M.I.D.P. and the European Economic Community had accepted—in the document establishing the corporation—that 20 people would be absorbed in the budgetary planning of our own Government, who would have initially been paid by the E.E.C.? What consultations are now going on when the fact of the matter is that these people had continued to receive their salaries up to July, 1984, when the salaries stopped coming. Will the Minister confirm to this House that these people are paid their dues and be allowed to continue working since it is the policy of the Kenya Government to have more extension workers helping the farmers?

**Mr. Mwicigi:** Mr. Speaker, Sir, the Ministry of Agriculture and Livestock Development has written to the Treasury and has even put an estimate of KSh. 1.5 million from last July to next July. The Ministry has also approached the Directorate of Personnel Management over the same issue, and what I can for certain confirm to this House is that those workers who have not been paid are going to be paid. We are seeking authority from the Treasury and the Directorate of Personnel Management and negotiations and consultations are still going on.

**Mr. Munyao:** On a point of order, Mr. Speaker, Sir, I would hate to say that the Assistant Minister who is a great friend of mine is misleading this House. When the agreement of the E.E.C. and the Kenya Government established the M.I.D.P. in Machakos, through a document No. 2285/K, signed by the Kenya Government and the E.E.C., Volume VIII/79678/E, it was clearly agreed that, and I will quote:

“Initially the cost of the additional staff will be borne by the E.D.F., but during the duration of the project the emoluments will be transferred progressively to the Government Budget until by the end of the fourth year—which was 1980/81, and the local staff will remain a charge to the E.D.F.”

That means that the Kenya Government knew all about the arrangements all along. Is it correct now for the Assistant Minister to come here and tell us that there are consultations going on between the Treasury and Government when they should have done that within all that time?

**Mr. Mwicigi:** Mr. Speaker, Sir, I am not misleading the House. Hon. Munyao has very valid points. Indeed, I do sympathize with him because I feel that he is right in his representation. I am going to tell the House what my Ministry is doing right now. We have already contacted Treasury. The agreement that the hon. Member is referring to is very helpful to us. We are also referring to it when making our representation to Treasury and the Directorate of Personnel Management. We think that the payment is forthcoming and the matter will be okay.

PREMATURE RETIREMENT OF MR. SAMUEL NYACHIEO

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

- (a) Is the Minister aware that Mr. Samuel Nyachieo—EST No. 13691—has been retired on grounds of age, whereas in his reply to a Parliamentary Question on 8th December, 1982, he assured the House that a notice to retire him in 1982 was to be withdrawn as it was discovered that it was a computer error?
- (b) What has now necessitated the latest decision to have him retired with effect from 1st November, 1984?
- (c) Will he immediately order the decision to be reversed and assure the House that this will not happen again?

**The Assistant Minister for Agriculture and Livestock Development (Mr. Mwicigi):** Mr. Speaker, Sir, I beg to reply.

The Minister is aware that Mr. Samuel Nyachieo has been retired on grounds of age. Although in 1982 Mr. Nyachieo was said to have been retired through the computer error, this time there is no such error and his retirement stands. Under the circumstances, the Minister cannot order this decision to be reversed.

**Mr. Abuya-Abuya:** Mr. Speaker, Sir, it is a pity for the Assistant Minister to give such a misleading answer. Mr. Nyachieo was born in 1946. Going by an earlier

**[Mr. Abuya-Abuya]**

answer that I was given here in 1982 by the same Ministry, it was confirmed that the action which had been taken was wrong and that the mistake was due to a computer error. Now that Mr. Nyachico was born 1946—in fact, he is almost of my age—could the Assistant Minister tell us on what information they have based their decision to retire him? This gentleman was definitely born in 1946.

**Mr. Mwicigi:** Mr. Speaker, Sir, I do not often seek the leave of the House or the Speaker in connection with any question that comes to this House. However, in connection with this question, I would wish that we be given time to handle the matter because there is something terrible happening now. If any officer now is served with a letter of retirement, his file disappears. There has been another case of this nature. We have requested various departments, including the Criminal Investigation Department, to tell us how we can sort out this thing. We are right now doing that. As soon as we are in a position to get the answer, we will not even mind corresponding with hon. Abuya-Abuya or even coming to this House to clarify the matter.

**Mr. Abuya-Abuya:** Mr. Speaker, Sir, arising from that answer, what is Mr. Nyachico supposed to do? The earlier question that I brought here was in relation to Mr. Nyamweya and Mr. Nyachico. When the Ministry answered that question, they said that the mistake arose due to a computer error. What is he now supposed to do realizing that he is a man with a family to support and that he was definitely born in 1946? Can the Assistant Minister give us information contrary to the information that I have here with me because I have an identity card which shows that Mr. Nyachico was registered on 1st March, 1979 when the new registration of persons took place?

**Mr. Mwicigi:** Mr. Speaker, Sir, when somebody is due for retirement he should accept and agree to proceed on retirement. Since this matter is under investigation, if things are found to be favourable to this gentleman he will be given his rights. Meanwhile, I would like to appeal to the hon. Member to allow these investigations to be done so that we can stop this habit of files disappearing as soon as somebody gets a letter of retirement.

**Mr. Abuya-Abuya:** On a point of order, Mr. Speaker, Sir. The hon. Assistant Minister is insinuating that Mr. Nyachico is responsible for the disappearance of files. Can he answer my earlier question? Are they going to reinstate him until the investigations are completed?

**Mr. Mwicigi:** Mr. Speaker, Sir, the answer is, no.

**Mr. Abuya-Abuya:** On a point of order, Mr. Speaker, Sir, I have asked the Minister to tell this House whether he has any information contrary to the information that I have here because I am in possession of an identity card which contains different information. What leads the Ministry to think that Mr. Nyachico was not born in 1946? Does the Assistant Minister have any extra information? Can he answer that question first?

**Mr. Mwicigi:** Mr. Speaker, Sir, identity cards are among the things which are going to be investigated. If the hon. Member can be patient, I can assure him that

as soon as the investigations are over and it is found that the findings are in his favour, then the man will definitely be reinstated.

DISCONTINUATION OF POST-GRADUATE STUDENTS BY  
UNIVERSITY COLLEGE

**Mr. Kiome:** Mr. Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice:

(a) Is the Minister aware that Jennifer Ongalo, Clive Mairura and Susan Kawira Kaaria, post-graduate students at the University of Nairobi and Kenyatta University respectively were discontinued on 27th November, 1984 after being admitted on 24th September, 1984?

(b) What was the cause of the discontinuation?

**The Assistant Minister for Education, Science and Technology (Mr. Mweu):** Mr. Speaker, Sir, I am sorry to say that the answer that I have is not satisfactory to me and I would like, with your permission, to be allowed to answer this question some other time.

(Question deferred)

FATAL SHOOTING OF MR. PETER KETER BY POLICE

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

(a) What caused the fatal shooting by a police officer of Mr. Peter M. Keter, a former employee of Ministry of Water Development at Mutot on Friday, 16th November, 1984?

(b) Who was the police officer who shot the deceased?

(c) What urgent action is the Minister taking against the officer?

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

(a) Mr. Peter M. Keter was fatally shot when he took an envelope containing 1984 K.C.E. Examination Papers and attempted to go away with them despite the repeated warnings by a supervisor and a police officer to leave the papers alone.

(b) He was a serving police on duty.

(c) Investigations into the case are still going on.

**Mr. arap Koech:** Mr. Speaker, Sir, the late Keter is somebody who was very well known even by the Minister. He was somebody deaf and dumb. Everytime he was always willing to get an answer from everybody. In fact, he used to come to Parliament here. He was a nice boy. Any time he came here he was always seeking to get answers from anybody he came across. All that he used to do is ask for a paper so that he could write down the message. This was a defenceless gentleman because he had no weapon. So, I would like to know why the officer who shot him did not arrest him if it is true that the deceased tampered with examination paper. Why was he shot?

**Mr. ole Tipis:** Mr. Speaker, Sir, as my hon. friend knows, this is a very ugly incident. I myself leave just a few kilometres from Mutot Trading Centre. I happen

**[The Minister of State, Office of the President]**

to know the late Keter. Any time he wanted to communicate with me, he used to ask me to give him a piece of paper and then he would just write down what he wanted. Now, in this particular incident, this police officer happened to come from Bomet Police Station and so was this Mr. Odere but they did not know that. Although the deceased was told to leave the papers alone, it happened that he was deaf and dumb as the hon. Member has just said, and so he could not hear anything; he just went ahead and tried to remove the papers to write down his complaints. As a result, this police officer shot him dead and, as I said, investigations are going on. I would like to assure this House that we shall leave no stone unturned. If the police officer, as it appears, was at fault, definitely, on the completion of the case file, action will be taken against him.

**Mr. arap Koech:** Mr. Speaker, Sir, I do understand that the police officer who shot and wounded Mr. Keter is not yet arrested which is very serious when he has done such a grievous harm. Now, what was the name of this police officer and is it true that he has not been arrested?

**Mr. ole Tipis:** Mr. Speaker, Sir, I have answered that question and we have nothing to hide. The law has no exemption and we cannot bend it. If the findings, as they are likely to be, find that this man is guilty of an offence, then he will definitely go in for it.

**Mr. arap Koech:** On a point of order, Mr. Speaker, Sir. I wanted to know what the name of the police officer is and, is it true also that he has not been arrested? I think the Minister has not yet answered that question. Give us just the name of the officer.

**Mr. ole Tipis:** Mr. Speaker, Sir, for the safety of our police officers on duty—security duties—we do not disclose their names.

**Mr. arap Koech:** On a point of order, Mr. Speaker, Sir. I wanted to know whether the police officer has been arrested because the family is concerned and everybody else is concerned too. If this police officer is not yet arrested, although investigations are continuing, the name of the police officer who shot this man is known. Is it good that this particular police officer should continue going on duty when it is known that he made such a very serious offence?

**Mr. ole Tipis:** Mr. Speaker, Sir, my hon. friend knows very well that this police officer is not on duty at the moment.

**BUSINESS****TWO VARYING ORDER PAPERS—ONE IS REVISED TO INCLUDE AN OMISSION**

**The Minister for Transport and Communications (Mr. Okondo):** On a point of order, Mr. Speaker, Sir. May I know through you, Sir, which is the true Order Paper for today because we have two Order Papers, both numbered 115. But pages 546 and 548 are different to the extent that on 115 page 546, has two differences. One, on page 546, there is Question No. 808 and on the other page there is no such a question.

**Mr. Speaker:** All right, I will explain, Mr. Okondo. What happened was that in the first Order Paper, there was space for only one question. It so happened that that space should have been used for Mr. Lugonzo's question. So, as not to waste space especially at this last time, it was decided to revise the Order Paper. So, that page was removed and another page—arranged in the present form—was inserted. That is why there is this difference. So, hon. Members are expected to use the latter Order Paper.

**The Minister for Transport and Communications (Mr. Okondo):** Thank you, Mr. Speaker. The position that arose then was that my Ministry was going by the first Order Paper and, therefore, we did not come to Parliament with answers to questions on the new Order Paper. So, could I ask through you, Sir, that if such a change occurs in future that everybody, particularly the Ministries be informed of such a change? It was by sheer luck that I had these papers mixed up with other papers that I was able to answer this question. In future, it will make it very difficult to operate.

**Mr. Speaker:** Yes, I understand that the Ministry was informed and probably information did not reach the Minister. But the Ministry was informed that there would be this change.

**The Assistant Minister for Transport and Communications (Mr. Muturia):** On a point of order, Mr. Speaker, Sir. When we came here this afternoon, myself and my colleague, we were carrying two questions which are here and before we left the office, we had checked everything, including the person in charge of questions. But we were not informed of any other questions coming here, Sir.

**Mr. Speaker:** I know because I asked that Ministries be informed in the morning when we discovered that discrepancy.

**The Assistant Minister for Transport and Communications (Mr. Muturia):** On a point of order, Mr. Speaker, Sir. Which Ministry was informed because we may require an apology from the person concerned because this is very embarrassing to our Ministry? It shows that we do not answer questions. We can also refer it as a "trick" because how can we have two different Order Papers at the same time?

**Mr. Speaker:** No! There is no point in making insinuations. Everything was done in good faith.

**MINISTERIAL STATEMENT****RESULTS OF INVESTIGATIONS ARISING OUT OF QUESTION NO. 727**

**The Attorney-General (Mr. Muli):** On a point of order, Mr. Speaker, Sir. I have one or three questions to answer. I do not know whether I will have time to answer or make a statement on certain questions which I promised the House and since we are going on Recess, I might clear them now.

**Mr. Speaker:** Order! May I draw the attention of the House that at 4.30 p.m. sharp we must start on the Motion on Adjournment.

(Applause)

**The Attorney-General (Mr. Muli):** Mr. Speaker, Sir, I can assure you that I shall not take all that time. It is only that I had better get these questions out of the way as I promised to answer them.

Mr. Speaker, Sir, on 27th November, 1984, I replied to Question No. 727 asked by hon. Dr. Chubule wa Tsuma, the Member for Kilifi South. As I explained in my reply, the contents of the question did not make it clear or easy for me to reply adequately. I, therefore, undertook to carry out further investigations in the light of the papers laid before the House regarding this question. These investigations revealed the following:

That, Kaloleni Court Land Case No. 11 of 1981 has nothing to do with M/s. Mwasirya Konde, and Ngombo Tinga, as stated by the hon. Member. It, instead, concerns M/s. Mwabaya Muyesi and Mwanyola Shangio.

Court records or proceedings indicate that the parties mentioned in the question had a land case in Kaloleni Court under Land Case No. 3 of 1981. This case was referred to the panel of elders under the District Officer, Kaloleni on 27th April, 1982.

The decision of the panel of elders was sent to the Magistrate's Court, Mombasa, resulting in Mombasa Senior Resident Magistrate's Court Case No. 11 of 1983. The reference to Land Case No. 11 of 1981 by the hon. Member caused some confusion in the course of investigations. The fact that the decision of elders was not channelled through Kaloleni Court also led to a break in communication. Had the hon. Member given Mombasa Senior Resident Magistrate's Court Case No. 11 of 1983, then this problem would have been resolved at once.

It is not true that Mr. Ngombo Tinga in Mombasa Senior Resident Magistrate's Court Case No. 11 of 1983 was refused to appeal against judgement entered by the Senior Resident Magistrate in terms of the decision by elders.

The right of appeal in those circumstances is limited to by the provisions of Act No. 14 of 1981. The Senior Resident Magistrate in his ruling did indicate that the defendant in Mombasa Senior Resident Magistrate's Court Case No. 11 of 1983 had 26 days to appeal or to prefer an appeal. However, rather than pursue his right of appeal, the defendant filed an ill-advised application to the same court for a review of the judgement of 11th November, 1983. The said application was on 25th January, 1984 dismissed by the Senior Resident Magistrate because it was misconceived in law, that is, an application such as the one the defendant made and cannot be made under the provisions of the Act.

The defendant failed to appeal to the high court within 26 days notified by the Senior Resident Magistrate. The only remedy now is for him to apply to the high court for consent to file an appeal out of time. I hope this now clarifies the matter regarding that question.

Thank you.

#### POINT OF ORDER

##### SABOTAGE OF COTTAGE INDUSTRY AT KENDU BAY

**Mrs. Asiyu:** On a point of order, Mr. Speaker, Sir. This is a matter of national importance.

There is an incident that took place at Kendu Bay on the night of 1st December, when an explosive was used to blow up a ceramic cottage industry structure which had been built by the people on a Harambee basis. The cottage industry in question had started earning the local people in that marginal area some very good income. This was an act of sabotage, but the police were able to find parts of the detonative cord of the explosive as exhibits. There have been several instances of clear sabotage of development projects in Karachuonyo in the past, and I would especially like to appeal to Government to protect the people in that area so that whatever initiative or action they take to set up projects on a self-help basis, or with the help of Government, or other donor agencies, the efforts are appreciated and the projects are protected.

Sir, explosives like firearms are restricted firearms and they are not freely bought in market places. I hope that through investigations, our good Government will find out who was responsible for blowing up this structure at Kendu Bay.

Thank you very much, Mr. Speaker.

#### MINISTERIAL STATEMENTS

##### RESULTS OF INVESTIGATIONS ARISING OUT OF QUESTION ON DETENTION OF MR. KIMARI NYAGA

**The Attorney-General (Mr. Muli):** On a point of order, Mr. Speaker, Sir. The other point I would like to raise here concerns a question by hon. Nyaga, the Member for Embu North, in connection with seeking more information. My answer to the Question by Private Notice asked by hon. Nyaga on 6th November, 1984 on the above-mentioned subject did not fully satisfy the House, especially with regard to the long detention of Mr. Kimari Nyaga in remand. Arising from these circumstances, I, therefore, undertook to investigate the matter further with a view to issuing a further statement to the House. I have now investigated the matter further and wish to state as follows:

The accused, Kimari Kiborwa, alias Kimari Nyaga, who was arrested and charged with the offence of driving a motor vehicle without a valid driving licence was medically examined on 30th May, 1983 by the Medical Officer of Health, Embu, and he was found to be mentally retarded. He was a man aged 18 years. On 31st May, 1983, the accused appeared before the District Magistrate Court, Embu where, after reading the medical report of the accused person, the district magistrate was of the opinion that the accused was not fit to plead, as he was of an unsound mind and, as such, the proceedings of the case were postponed and the accused was remanded in custody until such time that a doctor would submit a report to confirm that the accused was capable of pleading.

The accused was remanded in Embu Prison instead of Mathare Mental Hospital, as there was no bed available at the Mathare Mental Hospital. The latest report still confirms that the accused is suffering from mental retardation and this was confirmed by the examination of 7th November, 1984 at the provincial general hospital by Dr. D. N. Kasengei, who is a consultant in psychiatry in Central Province. However, the

**[The Attorney-General]**

psychiatrist certified the accused fit to make a defence, and further recommended that the court considers releasing him to the provincial general hospital at Nyeri for a further assessment, with a view to referring him to the proper institutions of health. Following the psychiatrist's report, that the accused was fit to make his defence, arrangements are under way to have the accused appear in court to plead. However, it is still clear that the accused person suffers from mental retardation.

Sir, I may mention here that this accused was kept too long, partly because of his mental condition. I intend to return the file to the court with instructions that proceedings be terminated and the accused be surrendered to the proper institution for care.

RESULTS OF INVESTIGATIONS INTO DISMISSAL OF  
MR. P. K. KIPLANGAT

**The Attorney-General (Mr. Muli):** Sir, on another person, on 13th June, 1984, in my reply to Question No. 345, which was asked by hon. Chepkok, Member for Kerio Central, I informed the House that Mr. P. K. Kiplangat, who was employed on a casual basis in the Office of the Registrar of Births and Deaths as from 10th October, 1978 to November, 1983 was earning KSh. 50 per month, rising to Sh. 80 per month. Arising from my reply, and for the sake of clarifying the position, I undertook to give a further statement on this matter. I have now carried out further investigations, and I have made consultations with the Ministry of Labour on this matter. It has subsequently been confirmed that since Mr. Kiplangat was engaged on a casual basis and was subject to the terms and conditions applicable to this type of employment, his employment would be terminated. Indeed, his employment, as well as the employment of other casual workers, was terminated on 30th November, 1983, due to lack of sufficient funds.

With regard to Mr. Kiplangat's wages, I would like to inform the House that the official hourly wages rate for casual employees engaged in Ken as at October, 1978 was Sh. 1.15, which was contained in the Legal Notice No. 256, which became effective from 1st October, 1977. In addition, the current Legal Notice No. 120 of 1982, gives the hourly wages rate at KSh. 1.70. These Legal Notices were issued under the general order on Regulations of Wages and Conditions of Employment Act, Cap. 229. In view of this, and as Mr. Kiplangat was engaged to work for only one hour a week, I would like to assure the House that neither termination of his services, nor the wages paid to him were irregular. I hope that clarifies the position.

FALSE ALLEGATIONS OF UNDUE INFLUENCE BY THE  
ATTORNEY-GENERAL

**The Attorney-General (Mr. Muli):** Sir, the most serious is another painful report which misled the House yesterday, by the hon. Member for Bahati, Mr. Omido. Mr. Omido told this House that the Attorney-General influenced the magistrate who was presiding over the inquest of a deceased person, a Mr. Kinyota. He produced his papers, which were supposed to be evidence to substantiate that serious allegation. After going through

all the papers, there is nothing anywhere in the records produced in court to show that the Attorney-General used coercion, or force, or influence to divert or undermine the independence of the Judiciary or the courts of justice. This is the same hon. Member who "cheated" this House—

**Mr. Speaker: No! Order!**

**The Attorney-General (Mr. Muli):**—who misled the House only last week by saying that he had submitted questions to the Attorney-General, who ignored them and refused to answer. On being proved wrong even with the information from the Clerk of the National Assembly, that there was no such a question, he did not even—for courtesy—withdraw the allegation.

Mr. Speaker, Sir, such sort of allegations are very serious and go deep below the dignity of this House. These papers do not show that the Attorney-General ever, ever interfered with this case. What he calls the court tussle is resolved. This is concerned with a different case altogether at Kibera where, exercising my powers under section 26 of the Constitution, I entered a *nolle prosequi*, and the court did not wish to take the *nolle prosequi* and I had to force it to accept my *nolle prosequi* because the court cannot be the prosecutor and the judge at the same time. That is a different matter altogether.

I feel very pained—my heart bleeds—to see this House being misled, and the Member goes scot-free. Mr. Speaker, Sir, find a way of disciplining such a man!

POINT OF ORDER

MEMBERS SHOULD TRY TO BE PRECISE INSTEAD OF  
USING TOO MANY WORDS

**Mr. Ayah:** On a point of order, Mr. Speaker, Sir. I am appealing to your good office and guidance where the House is sometimes subjected to what Mr. Disraeli called "Superfluity of verbosity".

**An hon. Member:** Which means what?

**Mr. Ayah:** Which means where one word is necessary, three words are used. Is there any way we can limit the Front Bench so that questions are answered in such a way that only necessary words are used, so that—I must admit that my hon. friend, the Attorney-General, is a living example of what I am trying to appeal against. I am trying to ask whether it is possible for the Front Bench to be given some guidelines. The Back Bench really needs answers and not speeches. We get subjected to this kind of thing so often, and I am personally rather worried. I am seeking your guidance, Mr. Speaker, Sir.

**Mr. Speaker:** I think it is important to take what Mr. Ayah has said seriously because we have to realize that we do not have so much time. So far as possible, we should be precise; try and just present what is absolutely necessary; otherwise, we are going to find ourselves without the time to do the business which awaits us. I hope we will cut down on the statements. Mr. Ogalo.



## MINISTERIAL STATEMENT

## RESULTS OF INVESTIGATIONS ARISING OUT OF QUESTION ON THE DEATH OF THE LATE ANDORI

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Ogalo):** Mr. Speaker, Sir, this is with regard to a question which was raised by the Member for Ikolomani, hon. Seth Lugonzo.

I would like to state as follows: The post-mortem examination of the late Andori conducted at Ngao Government Hospital revealed that the deceased had died of drowning. A police inquest as to the cause of the death of the deceased was filed on 12th May, 1981 at the District Magistrate's Court at Hoha to determine whether anybody could be held responsible for the drowning of the deceased. The inquest concluded that the deceased had thrown himself into the river from Garsen River Ferry. It was further concluded that he might have done this when he saw one of the prison staff on the opposite bank of the river. To avoid being re-arrested after his escape from prison, it is concluded from the inquest that the deceased was responsible for his own death. The finding of the inquest was concluded on 16th July, 1981, by the District Magistrate III at Hoha.

**Mr. Lugonzo:** Mr. Speaker, Sir, since this inquest was carried out in the absence of relatives, could I be in order to ask the Assistant Minister to supply the relatives of the deceased with the details of the inquest, so that they can appeal if they think the inquest was not done in the normal manner? Can he undertake to supply a copy of the inquest to the relatives of the prisoner?

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Ogalo):** Mr. Speaker, Sir, the whole thing can be obtained from the court. They can obtain a copy from the court if they so wish.

**Mr. Lugonzo:** Mr. Speaker, Sir, the court has to be instructed by the Ministry, so that they can take action. This is a question which was asked in Parliament, and so action has to be taken from Parliament.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Ogalo):** Mr. Speaker, Sir, the documents are now public documents and they can buy them from the court.

**Mr. Speaker:** Next Order.

## MOTION

## DISTRICT FOCUS ON RURAL DEVELOPMENT

THAT, this House notes the circular on District Focus for Rural Development laid on the Table of the House on 22nd November, 1983.

*(The Minister of State, Office of the President (Mr. Nyakiamo) on 4th December, 1984)*

*(Resumption of Debate interrupted on 4th December, 1984)*

**Mr. Speaker:** Mr. M'Maiti will continue.

**Mr. M'Maiti:** Mr. Speaker, Sir, as I was making my contribution to this Motion, I said that there is no time really for this booklet, as it is called, to be discussed fully. A lot needs to be said about this booklet.

**The Vice-President and Minister for Home Affairs (Mr. Kibaki):** On a point of order, Mr. Speaker, Sir. When the Minister moved this Motion, he had indicated that the Motion really ought to read in part "...notes the circular" but the word "booklet" still appears on the Motion. Although it is a fat booklet, it is strictly a circular describing the "how" of a particular new policy of Government. So, I had hoped that the Clerk would have put the Motion including the new word instead of—

**Mr. Speaker:** I direct that that correction be made. The correction is the word "circular" for "booklet". Carry on, Mr. M'Maiti.

**Mr. M'Maiti:** Thank you very much, Mr. Speaker, Sir, I think this circular needs more discussion. We had a lot to put into it. Although I can see that time is not going to allow us, I would like to point out a few things. The district development committees should, first of all, be made to meet very regularly, and the idea of the civil servants who—

**The Assistant Minister for Finance and Planning (Mr. Echarara):** On a point of order, Mr. Speaker, Sir. In view of the fact that this Motion has been exhaustively discussed, will I be in order to move that the Mover be now called upon to reply?

**An hon. Member:** Which Motion?

**Mr. Speaker:** The one we were correcting just now.

I think I will put the question and let the House decide. We have only about 10 minutes before we have the Motion for the Adjournment. But we can still conclude this Motion if hon. Members wish.

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

**The Minister of State, Office of the President (Mr. Nyakiamo):** Mr. Speaker, Sir, I am very grateful to the House for supporting this Motion. When moving this Motion, I stated that in this country we have the order of Harambee which has become part and parcel of our way of life. I also said that—

**Mr. Hassan:** On a point of order, Mr. Speaker, Sir. Are we debating a Motion which is not on the Order Paper?

**Mr. Speaker:** It is a Motion on the district focus.

**Mr. Hassan:** But I cannot see it on the Order Paper.

**Mr. Speaker:** It is Order No. 5.

**The Minister of State, Office of the President (Mr. Nyakiamo):** Mr. Speaker, Sir, if I may be allowed to continue, I did mention that this new step of district focus is another very important development in our country because it is bringing the question of planning back to the people at home, so that they can plan for themselves and choose for themselves what projects they want in their area. Quite a number of suggestions have been made here, and I am grateful to say that all those who stood up to speak supported the Motion because they realized how important the Motion is.

The circular which is contained in the blue booklet shows what the policy stands for, and how the district development committee should be run, and that is a booklet which, I hope, every hon. Member has. This

**[The Minister of State, Office of the President]**

is particularly important because when the House goes on Recess, hon. Members can use that opportunity to bring home to the people in the rural areas, the importance of this district focus.

During debate on this Motion, quite a number of things were mentioned, and if I may be allowed to say just a few, I would like first of all to say something about the procurement of goods and services. Hon. Members expressed their wish that the procurement of goods and the services necessary for development process, should, as far as possible, be obtained within the area, in the district itself, and this is being implemented.

Mr. Speaker, a matter which also aroused interest amongst hon. Members was the question regarding an ombudsman. Here, I can only say that the fears which were expressed by hon. Members that the district commissioner, as the chairman of the district development committee, will become despot is a far-fetched one. I am saying this because in the same district development committee we have got the members of Parliament for the area, we have got the mayor, chairman or the clerks, representing the council; we have also got heads of departments, and anything which may go wrong can still be raised by hon. Members in this House. So, the fear expressed by some hon. Members, that the district commissioner will become a despot, really does not arise.

Mr. Speaker, Sir, enough provision has been made for the protection of the interests of wananchi through the participation of the political leaders who are the Members of Parliament in the district development committees and sub-district development committees at the locational level, besides hon. Members having the chance to raise the matters here.

Another point which was raised, Mr. Speaker, Sir, was the question of membership of councillors in the district development committees. This is a bit difficult to understand. I cannot understand why hon. Members want the councillors to be included in the district development committees. The district development committees allow the chairman of county councils and urban councils together with their clerks to be present in these committees. If we were to allow all councillors to come in these committees, who may be 30 or 40 in some councils, there will be no room really to discuss anything because the house would be full. So, I think that side of it is already catered for.

Mr. Speaker, Sir, another point which was raised by hon. Members was the question of membership of Members of Parliament in the district gazetted committees and the district tender boards. Hon. Members felt that their presence there would be a safeguard. Well, Sir, the district gazetted committee is the executive arm of the district development committee and it does the work which is directed by the district development committee, and there are powers given to this committee. However, if you take, for example, a Member of Parliament who is sitting in the district development committee, it would be very difficult for him to be able to attend each and every executive

meeting. All I would say here is, let us see how it works first, and if it will be necessary to change at all, it will be changed later. However, the impression created, that something cannot go wrong where the hon. Members of Parliament are, I think the House will agree with me, is not the correct impression because you cannot say that Members of Parliament are more honest than other people.

Mr. Speaker, Sir, another point which was raised was about the training of officers on district focus for rural development. Hon. Members expressed the wish that some officers who do not seem to have grasped the district focus for rural development should go back for training. I would like to inform hon. Members that the training is always there, and I did say in my remarks that the training programme for the district focus for rural development is being designed, and that it should take care of the situation as we go along.

Hon. Members made suggestions on some development programmes like the Rupingazi Valley Hydro-electric Potential Development Project, improvement of roads, and so on. My comment here is that as it is in the spirit of district focus for rural development, hon. Members are advised to take up this matter in their district development committees, even starting at subdivisational level. By doing so, they will be able to feed the right ideas at the district development committee meetings, and even at the subdivisational level.

Mr. Speaker, Sir, with regard to the liaison of provincial officers with the district development committees, there is another alleged fear which was brought up by hon. Members. May I say that as regards hon. Members' observation that provincial officers and the members of the executive committees and tender boards at the district level are interfering with the district committees, this is not quite true because provincial officers are members of the provincial monitoring and evaluation committee whose role is to facilitate inter-district co-ordination, and they are not there to interfere with the district development committee in any way where Members of Parliament and other members of the district development committees are sitting.

With these few remarks, I would like to thank all hon. Members who contributed to this Motion, and to assure them that as we go along, there will be room for revision and that all they have said has been noted by the Government.

Thank you very much, Mr. Speaker, and I beg to move.

(Question put and agreed)

## MOTION FOR ADJOURNMENT

### ADJOURNMENT OF THE HOUSE "SINE DIE"

**The Vice-President and Minister for Home Affairs (Mr. Kibaki):** Mr. Speaker, Sir, I beg to move the following Motion:

THAT, this House do now adjourn *sine die*.

Mr. Speaker, Sir, this Motion is to enable us to go into the usual end of Session Recess, pending the prorogation and the beginning of a new Session in the new

**[The Vice-President and Minister for Home Affairs]**  
year. Incidentally, Mr. Speaker, Sir, this will be prorogation and not dissolution; some people misuse the language.

Mr. Speaker, Sir, since we will not be meeting again before Christmas and new year come, I would like to wish every hon. Member, including the hon. Member for Baringo Central, who is also His Excellency the President, a merry Christmas and a very happy new year.

Mr. Speaker, as hon. Members, together with our constituents, I think we deserve a very good Christmas and a happy new year because we have not only done great jobs, but we have also kept up the momentum of development despite the drought that we have suffered and, perhaps, most important of all, we are about to complete a programme of development for the construction of the 8-4-4 education system with monies collected from people through the Harambee movement, amounting to billions of shillings. This is a programme which is so gigantic that, if it were in other countries, particularly, on this continent, it would have been set for five or six years. The fact that Kenyans will have collected the necessary money, built and completed the required facilities within the laid-down period is truly a great mark of the unity and determination of the people of this nation, and the leadership that our President does provide to us.

Although Kanu elections have been announced, I hope that all my friends will allow themselves to have a good Christmas and a happy new year without having to start prematurely too much excitement over something which is, after all, very normal and ordinary in any democratic system. When we were on tour of western Kenya recently, the President laid a challenge to all of us as Members of Parliament, leaders of county councils and municipal councils to show by example that we are willing to work hard on farming and the construction of homes, so that by example, we would show that we are willing to lead the people who elected us in good farming, and the construction of good new homes. I think this is a very genuine challenge; one that we should take up seriously and, as he himself put it in words, one that is traditional in that a person in a position of leadership does give an example in those two directions. Therefore we should take the very long Recess that we are going to have to show a good example in that particular line.

Mr. Speaker, Sir, on a favourite subject of mine, now that family planning is no longer a taboo subject; no longer a subject over which anybody needs to be shy; no longer a subject on which you might fear to lose any votes, and since it is now a popular subject in which everybody joins, may I appeal to every hon. Member to make it his business to, at least, project the message which is in the Kanu Manifesto; namely, that planning for agricultural development, industrial development, educational development, health development and communications development is not complete until we tie it in with planning of the family itself. All other developments are aimed at uplifting the welfare of the family. Therefore, the family, itself,

should be planned, and children spaced so that their welfare is also put in the forefront of all other planning.

May I also invite hon. Members not to be diverted by people who think that we are only talking about population explosion. We are talking about something very positive, namely, that in the modern world, the small family is the norm. Above all, we are saying that in the whole of the rest of the world, family planning is now the accepted thing; it is happening everywhere, and that it is not only on this continent—we must emphasize the obvious—that we have not embarked on this programme properly. We cannot be exclusive as to what methods of family planning should be used because methods that are used and proven all over the world cannot be wrong. Why are we then reduced to talking only about one method on this continent of Africa? Populations in Europe, America, Eastern Europe and in all socialist states of the world are stabilized. They are stable populations. China, the largest nation, is the next one to stabilize its population. Therefore, all increments in productivity will be increments in their national level of living. It is only on this continent where we have not taken this matter as seriously as we should. It is fitting, therefore, that, as leaders, we should not be found to be wanting in giving a lead in that particular matter.

Mr. Speaker, Sir, I want to mention a point that I have always mentioned. Let us visit one another. Let us visit all parts of this country. As Members, let us invite one another to Harambee functions. Above all, let us not be deterred by one or two leaders who never tire of belittling Harambee and saying evil things about the Harambee movement. Such individuals, by being misguided, should be left alone. We should pray for them that they see the light one of these days. There is no doubt in my own mind that they will see the light one of these days. In this nation of Kenya, we are able to move at double speed because of Harambee. We cannot afford to slacken.

Mr. Speaker, Sir, it is with these words that I wish to move the Motion.

**The Assistant Minister for Finance and Planning (Mr. Echakara):** Mr. Speaker, I would like to second this Motion.

In seconding the Motion, I wish to thank His Excellency the President for the untiring efforts that he has made everywhere in this country. He moves all over the country conducting Harambee fund-raising drives. I particularly want to thank him on behalf of the people of Busia for the successful Harambee funds drive he conducted there recently. As the Leader of Government Business has said, it is in Busia that the President issued a challenge to all of us, not only those of us in Busia, but also to all Kenyans, that we must produce enough and be an example to all. Personally, I take this challenge and I call upon all the leaders in my constituency of Busia North and in the whole country, to take up the challenge so that we exploit the agricultural potential we have in this country.

Mr. Speaker, I would also like to thank His Excellency the President for encouraging the merger between

**[The Assistant Minister for Finance and Planning]**

the Kenya Farmers Association and the Grain Growers Co-operative Union. In my opinion, this is going a long way towards catering for the majority of farmers in this country. Indeed, we are in need of the grains which are deficient in most parts of the country. I would like to urge the new management of the merged groups to go a long way towards fulfilling the needs of the farmer and understanding his aspirations in order to be able to solve his problems quickly enough.

I would like to call upon all the leaders in this country to recognize the technical education that we have been singing about. Let us make 1985 the technical education year. Now that hon. Members have been busy on the 8-4-4 education system and the construction of Standard 8 classrooms, 1985 is going to be the first year that this class is going to be in operation. It is also going to be the year in which we should begin preparing for technical education for the four years in secondary school, and the following four years in the university. If we take this challenge, we will definitely solve many problems that pertain to the technical education deficiency in certain areas.

The other thing I would like to say concerns responsibility. We, hon. Members, are elected leaders. There are other leaders like the administration, those in the various parts of the technical field, those in the Kanu, and those in the various institutions in this country. I call upon all of us to be responsible for the positions we hold, so that we might help in the development of this country. There is no need for us to hear of fights between Kanu executives and Elected Members, or between Elected Members and chiefs or the Administration. It is possible that we can sit down and be able to amicably solve our problems. Mr. Speaker, I know that where there are individuals, especially clever, responsible and hard-working individuals, there is always active disagreements. But disagreements should not be construed to be disagreements in principle; they may be disagreements based on how best something can be done. But this can be easily and amicably solved.

Mr. Speaker, there are field officers; district officers; agricultural officers; veterinary officers; and education officers. All these field officers are called upon to emulate the example of His Excellency the President and of hon. Members here. They should be able to do their jobs without us, as elected leaders, going and bothering them in their offices. If there is a roads officer, or a roads overseer, he should be able to do a good job by supervising the work on the roads without the blame going to the hon. Members.

Mr. Speaker, I am grateful that we have passed the Motion on the District Focus for Rural Development. This should be a real chance to promote people in the field, so that they can feel more responsible than finding that only those in the headquarters offices are supposed to be promoted. Now that money is in the districts, we should utilize it more efficiently.

With these few remarks, Mr. Speaker, I beg to second the Motion.

*(Question proposed)*

**Mr. Ayah:** Thank you very much, Mr. Speaker. May I say how grateful I am that His Excellency the Vice-President has given us a chance to go home because we have been here rather too long, and I think it is about time we went back home and did some work.

While we are at home, Mr. Speaker, may I suggest a few problems that are facing us in Kisumu Town, some of which have been looked at by the Minister concerned, but about which no attempt has been made to solve. In Kisumu Town, we have the Nyanza General Hospital with a maternity ward that is a shame to the whole country. It is such a shame, Mr. Speaker, that we have a ward without lavatories. In 1980, or I think it was in 1981, the lavatories were closed and up to now women who deliver have to descend one floor down or climb one floor up to relieve themselves. This is a shame because these are Kenyans who are in a very delicate position; they are sick; they are unwell, and yet they are expected to move floors up or floors down to get the necessary release from natural phenomenon. I think the Ministry of Health ought to look into this because the Minister himself was in Kisumu at the beginning of this year, and we had a chat over this matter. We have tried all we can, and we have been promised that something will have to be done, but nothing has been done.

Mr. Speaker, the women of Kisumu, or the women of Nyanza, in fact, indeed, the women of western Kenya, are suffering because of just opening of lavatories, because these things physically exist, but it is just that nobody is looking after them. I would like to appeal to the Ministry of Health to look into this kind of thing, so that when we come back here next year, this will have been rectified.

The second point I would like to raise, Mr. Speaker, is the fact that I am happy that the security situation in Kisumu Town has improved. I see my hon. friend, the Assistant Minister who answered this question, looking at me. We are happy that we are now living slightly more comfortably than we did three or four months ago. But, Mr. Speaker, the Attorney-General promised in this House that he was going to look into the question of trespass laws and up to now I have not heard or seen anything that indicates that he took this matter seriously. He made a promise of his own will, and I would like to see amendments to the laws being made, so that the Trespass Act is amended to enable the people of Kenya to feel free. I am saying this because, as I said on the Floor of the House before, I have never heard of an Asian or European being arrested for trespass; this law is made, and has been made, and originally was made, for Africans only, and it is the African Government which is still continuing to have a law which discriminates against its own people. We must now try to rectify this situation and make sure that trespass laws are amended, because in Kisumu, for instance, we still have police walking about in the town and collecting a whole crowd of people. They walk the whole evening collecting people from estates and then locking them up in the police cells at about midnight when they have no time to contact their relatives or friends. So, they spend unnecessary nights in police cells which are not the most comfortable, or the best places that we have in this country. So, I would like

**[Mr. Ayah]**

to see this rectified because a promise has been made about it.

Mr. Speaker, my third point is about the family planning which has been mentioned by the Vice-President. We all support family planning, but, and this is a big but, we need to have communication with the people who are directly concerned. I was shocked to read in the newspapers the other day that Kisumu was selected by one of these organizations as a centre for sterilization. I would like to know, or somebody must tell us, why Kisumu was chosen for that, and secondly, what kind of communication was given to the people, because it is said so often that the methods used for family planning are good ones but the people are not educated enough on them; they are not communicated with. Nobody is giving them sufficient information and, therefore, people begin to regard these things as centres for castration, and some of us would not like to subject our people to this kind of thing. All I am saying, Mr. Speaker, is that the people who are carrying out these things should be educated to the extent that they can communicate these things sufficiently, so that the thing is carried out well.

Finally, Mr. Speaker, I would like to say that when Kanu elections come, they should be done in such a way that there is no this furor about So-and-so should be returned unopposed, because we want to give the people a chance, so that they elect the people they want, and so that the Kanu elections are genuine and straight-forward.

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

**Mr. Kimosop:** Thank you very much, Mr. Speaker, for having given me this opportunity to contribute to this Adjournment Motion.

First of all, Mr. Speaker, I would like to request the Ministries to see that they release all the Authority to Incur Expenditures in their respective Ministries.

Mr. Speaker, in implementing the District Focus for Rural Development Programme, we are confronted all the time with this question of having no Authority to Incur Expenditures being released by the head offices here in Nairobi.

I would also like to say that the farming community should be given programmes by the Agricultural Finance Corporation as early as possible concerning the question of advancing loans to farmers, so that the new year starts when we have prepared ourselves fully to produce enough food to feed our nation.

Also, Mr. Speaker, I would like to say that since we all know that something has got to be done about family planning in order to reduce the increase in population, I would like to call upon the churches not to appear as if they are getting into confrontation with the Government. They should arrange to meet and talk over what they feel, and what they would like to see being done about family planning. Also, those organizations which would like to bring forward any proposals about family planning should consult the Government before they put anything in the Press. So, if there are organizations which would like to assist the Government with regard to population increase, which I do

not think is a problem because Africans never thought that maintaining a family was something difficult the way foreigners try to show, they can do so. We know, for example, Sir, that an African is aware and he knows that aged people have to be taken care of. They have no camps for pensions like they have in Europe and other countries. They know the number of children that they require and at the moment, they plan according to the number of children they can educate.

Sir, I would like African customs to be reviewed in future. Although we still have the old generation, I would like the present generation with enough knowledge to record what was good and what was bad for us so that we maintain our identity.

Sir, while talking on the question of touring our country, I would like to say that before we start the new Session, arrangements should be made to enable Members of Parliament to tour the country. We would like them to tour places like Coast Province, Turkana-land, Kisumu and all other parts of the country, so that when we sit here and talk about development, we should know what we are talking about. Right now, each and every one of us is concentrating on Harambee contributions that are going to assist the 8-4-4 system of education and we have no time for anything else. We shall still continue with this business as soon as we adjourn today.

Sir, I would like to call upon the Administration, Kanu officials, and Members of Parliament to ensure that the coming year be the year of development. If something unusual is noticed, it is better for people to sit together and solve the problem amicably without going to the Press to attack each other. For example, we were told this week that there is a chief in Meru who is having his own colony and has no regard for a Member of Parliament, a councillor and the mwananchi. He is causing a lot of concern to our own country.

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

**The Assistant Minister for Co-operative Development (Archbishop Ondiek):** Thank you very much, Mr. Speaker, Sir, for giving me a chance to contribute on this Motion for the Adjournment.

Sir, first of all, on behalf of Ugenya people, I would like to thank His Excellency the President for doing Harambee for us which was successful. We now have enough funds to enable us complete Standard 8 classrooms. I would also like to thank His Excellency the Vice-President, Ministers, Members of Parliament and other people who came to join us during that occasion. I would also like to thank my constituents for coming up to this Harambee. I would like to thank my people from other towns like Mombasa, Nairobi, Nakuru and Kisumu for the effort they made to make the occasion successful.

Sir, I would like to talk about the District Focus for Rural Development which we see as being a wise decision because it is going to help our people. The only thing that I would like to stress is that the Ministries should release funds so that people do not have more problems in the districts in completing the projects that were already started. For example, there are certain projects

**[The Assistant Minister for Co-operative Development]** that are passed by the district development committees for implementation, but you will find that it takes almost a year without anything being done on them. I would request that the projects that are passed in district development committee meetings be implemented. Members of the district development committees take a lot of time in deliberating matters but then, you find that the decisions reached are not implemented.

Sir, we appreciate that the Ministry of Health is doing a lot of good work to the people, and they are responsible for the people's lives. However, we would like them to try to give directives to some of their officers in the districts, so that those officers take seriously the cases that are presented to them. They should make sure that action is taken immediately. For example, we had a problem in my area—of course I appreciate that the officers there did a lot of work—whereby because of some delay a certain lady lost her life. She died because the action was taken a bit late. We appreciate that they tried to do their work but, because they were late, they could not help it. So, I would like to request the Minister for Health to see to it that facilities are made available in district hospitals.

Sir, another thing is about the interdiction of workers. I remember there was a driver who was interdicted in Ukwala Hospital but then he was acquitted later on. Now, the vehicle that he was driving in that place was taken to some other place. I have seen it being used in another area. I would request that that vehicle be returned to us so that our people can have easy movement.

Mr. Speaker, Sir, I would like to request the Office of the President to construct a police post at Bar-Ober in Ugenya where there is insecurity. We are having a lot of problems in that area. Thugs are moving in from the western side and they are really disturbing businessmen around that area.

**An hon. Member:** Send them away.

**The Assistant Minister for Co-operative Development (Archbishop Ondiek):** We try to send them away. We want a police post in that area so that those thugs can be sent away immediately.

Sir, I beg to support.

**The Assistant Minister for Information and Broadcasting (Mr. Khasakhala):** Thank you very much, Mr. Speaker.

Sir, I would like to take this opportunity to wish all hon. Members, HANSARD staff, staff of the National Assembly and the Speaker a happy and prosperous new year. We should start the year 1985 with new thinking.

Sir, I agree with the hon. Member for Kisumu Rural who said that this sitting has been the longest. However, it has been very profitable because we have been able to go through very important Motions and Bills.

I would like to appeal to hon. Members to support His Excellency the President in preaching national affairs throughout the country, so that we can eliminate tribal thinking. I think Kenya can prosper very well if all of us can think nationally. In fact, we can do better in providing jobs to all jobseekers if people did not

look at their tribes. What is spoiling this country sometimes is that people look for job opportunities for their relatives and friends. I would appeal to senior civil servants to recommend the other junior civil servants for higher jobs. They should not be afraid of being replaced. The problem we are having today is that there are very many civil servants who are able to do certain jobs, but because they have to go through a kind of machinery manned by other civil servants in recommending them, they are superseded and this brings frustration. I think the time has come when those people who are qualified to do certain jobs should be recommended for those jobs in the various Government Ministries so that we do not have many vacant jobs at the senior level cadre. Let those people who occupy those jobs be replaced with those people who have been trained and who have experience in jobs they have been doing through recommendations by the concerned fellows.

Mr. Speaker, Sir, I would also like to appeal to my hon. colleagues in this House to go and assist in agricultural production. I think this country should produce more in 1985 than we have done in 1984. Let us assist the agricultural officers by involving ourselves so that the country can produce enough food to feed the nation.

Also, Sir, I would appeal that mission hospitals which we have in the country be given enough money by the District Focus for Rural Development Programme in areas where they are, and let this money be audited by Government auditors so that we can reduce the high fees being charged wananchi in these hospitals. I know that mission hospitals are doing a good job, but they have not got enough staff sometimes. Sometimes the hospitals have not had enough funds to run but, through the district focus, I would appeal to the Ministry of Health to give enough money to these mission hospitals, so that these hospitals can provide more services where Government services are not provided. It is not throughout the country that we have enough health centres, dispensaries and district hospitals. If we could give enough funds to the mission hospitals, I am sure that the fees would be reduced and it would make it easier for more people to be served in the mission hospitals.

Sir, 1989 is going to be a very crucial year in our educational system, and I do not know whether my hon. colleagues have looked at that year seriously. This is the year we are going to have Form VI school-leavers going to the university and Form IV school-leavers also going to the university. It is going to be a crucial year, and I think we should concentrate our thinking and planning seriously towards 1989 because we will have so many students who will leave school ready for university education. If we are not ready for that year with the students who will have left both Forms IV and VI, then we might run into many problems. I do appeal to hon. Members to look at that year and plan for it seriously when they are doing their Harambee meetings for the forthcoming 8-4-4 education system.

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

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

Sir, this is the best time to go on Recess and I think the best opportunity available because we have had rains and we must pray and thank the Almighty God who, besides fears that we were going to have a lot of drought—and we have had quite a bit of it—has brought rains all over. Now hon. Members of Parliament will be happy to be home to do farming and look at their camels and cattle. Those who do not have livestock will do farming on their shambas in order to produce beans and the like.

Mr. Speaker, Sir, I think this is going to be the appropriate time for us to go and check on projects like those of the 8-4-4 classes which is already going on despite the drought which had stricken us. This is the period when the country is fortunate enough to put up buildings since things are more available than they were during the drought, and when people are more ready to develop their areas. We have all the facilities to do a lot of jobs at home.

Sir, I would like to appeal to the Minister for Agriculture and Livestock Development to put more emphasis, having in mind the drought which has just passed and the scarcity of food that almost threatened this country, on the role of the extension workers. Now that we have had rains and that those who wanted to plant have had a lot of water around and a lot of opportunity to plant, and despite the fact that Government has trained enough personnel—both technical officers and university graduates—one would be surprised to realize that extension officers are rarely in the field. A case in point was when His Excellency the President, who is always conscious of wananchi's problems, was in the Western Province for a Harambee meeting and was looking around to see where the agricultural officers were. They were nowhere to be found in that particular area and that is the case almost everywhere. Probably you may find that the officers are in the offices. I would, therefore, like to appeal to the Minister for Agriculture and Livestock Development to assist the farmers by ensuring that the field officers are in the field at this particular time to advise them and give them the necessary assistance they need. In fact, that is why the officers are trained.

At the same time, Sir, I would like to point out that we have a lot of water in this country, particularly when it rains. The rain water gets drained into the oceans where it is not needed. The Ministry of Agriculture and Livestock Development, in conjunction with the Ministry of Water Development could help farmers a great deal in harnessing and controlling this water through construction of dams. It does not call for piping the water; it is just a question of damming the valleys or digging some dams along the valleys and they control the water, in which case the water would be used for livestock and irrigation. We have just had the rains and there has been a lot of water all over the place. But in one or two months there is not going to be any water anywhere except where there is a river or a borehole.

The other aspect I would like to talk about is livestock. I think livestock in this country is not taken care of as much as food crops.

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

**Mr. Thuo:** Thank you very much, Mr. Speaker, Sir, for giving me this chance so that I can also contribute on this very important Motion on Adjournment.

First of all, I would like to wish my hon. colleagues the best of Christmas. Mr. Speaker, Sir, I also wish you to have a happy Christmas.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

Mr. Deputy Speaker, Sir, we all have a duty to congratulate our President for continuing to steer up the Harambee efforts almost everywhere in this Republic. I think that the Harambee spirit is here to stay because it has helped us to do a lot in promoting development projects around the country. Therefore, I would like to appeal to my hon. colleagues, when we go on Recess, to try to emphasize the need to encourage the Harambee spirit especially in areas where the Standard 8 classes have not been completed. In such areas, some efforts should be made so that the children will be able to have ready classrooms by the end of the year.

I would also like to commend my hon. colleagues for the important Motions that they have been bringing here. Also Government has brought a number of Bills here which we have passed. I think the debates that we have been having here have been very encouraging and lively.

I would also like to say that the Ministry of Agriculture and Livestock Development, the Ministry of Water Development and the Ministry of Education, Science and Technology have a very big role to play in this Republic. First of all, I would like to urge the Ministry of Water Development to make sure that water is made available to our people, especially in areas where development projects are going on. For instance, in Kigumo Constituency, I have got a water project which has not been able to serve many people. I would like that project to be expanded so that it can serve as many people as possible. Some of the areas there are very dry.

On the question of education, I think we have a responsibility to do. First of all, it is our duty to recognize the work being done by the teachers. Teachers have done a very wonderful job throughout the country. So, I think we should give them a pat on the back for the good work that they have done. Particularly, I would like to commend teachers in my constituency of Kigumo for having attained the first position in the district. I think therefore, they attained the first position in the whole Republic because Murang'a was first in the whole of the Republic in primary schools examination. Therefore, this shows that the teachers there are doing a commendable job. So, I would like to emphasize the fact that the teachers throughout the country should be made to feel happy and that their work is recognized.



**[Mr. Thuo]**

I think we have something to say on roads. I do not know whether it is only in Kigumo where roads need to be taken care of. Although we keep on talking about agriculture, we should remember that people are not able to transport their produce from the farms to the markets. Therefore, the Ministry of Transport and Communications should at least try to build roads in areas where people are not able to transport their produce. The Ministry should try to provide transport facilities so that everybody is able to transport his goods easily.

On several occasions, I have talked on the role of matatus in this House. The police should try not to make the work of matatu operators difficult. If they find that the matatu operators have some problems, they should try to advise them instead of putting them into police cells because we need their services.

I will now speak on health. I have three clinics in my area; Muthithi, Ikoe and Kangari. These clinics have stayed for quite sometimes without medicine. I think the Kigumo Health Centre should be elevated to a sub-district hospital. If this is done, very many people will not be travelling long distances to go and get medicines. This will help the people to save money which is in short supply.

Many people have managed to get a lot of money through the sale of coffee and tea.

Thank you, Sir.

**The Assistant Minister for Finance and Planning (Mr. Odupoy):** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity so that I can also join my colleagues in contributing to the debate on this Motion.

First of all, I would like to thank His Excellency the President for the wonderful job that he is doing for this country. He has visited almost every district to conduct Harambee meetings and to inspire us to construct the Standard 8 classrooms so that they are ready by next year. Particularly on behalf of the people of Kajiado, I would like to take this opportunity to thank the President for the Harambee meeting he held for us for Isenya Girls Secondary School. I would like to assure him that we are going to do the best we can to see that that school is completed and the girls are properly housed and have got good facilities in their classes.

I would also like to thank His Excellency the President for introducing this system of 8-4-4 in this country because it is going to benefit greatly our young generation in future, especially in the technical field. At the moment, it is quite clear that there is a problem of unemployment. However, so long as we keep on working and following His Excellency the President's examples and construct classrooms for technical education, I am sure that we are going to get rid of this problem in the near future.

Again, I would like to thank His Excellency the President for helping and caring for us especially during the drought that we had in the country. The President did introduce the system of feeding the

famine-stricken people. In fact, I would also like to thank all the Ministers in the Office of the President. I would also like to thank hon. Salat for the work he has been doing to see that all the hungry people are catered for. He actually went around the country to see that this was being done. For instance, he visited Kitui where people were hungry and he made sure that they were provided with food.

I would also like to thank the provincial commissioners, district commissioners district officers and the chiefs for the work that they have been doing up to now to see that nobody dies from hunger. They are doing a noble job. So, we should thank them very much. I would also like to urge them to continue doing that because even after the rains fall especially in my district of Kajiado it will take long before people can recover from the effects of drought. Very many cattle have died. It is going to take quite sometime before people can start producing as much food as possible. So, we would request the Government to make sure that this exercise is carried forward.

I would also like to take this opportunity to thank the Ministry of Transport and Communications for the work that they are doing in the country and particularly in Kajiado. We have a training school in that area. We requested that the trainees be moved out of their compound to go and practise on the roads that we use. They are right now doing that. At the moment they are even tarmacking one road which has been very destructive to our vehicles. That is the road from Ngong to Kiserian. We are very thankful to these people for assisting us. We actually commend the good work that they are doing there. We would like the Ministry to move right into the interior and actually open up the area.

At this time, we should try our best to heed the advice that we are given by His Excellency the President. He has been telling us that there is a need for us to promote agriculture in this country because in the long run it is only through agriculture that we can make sure that our people are fed. When that happens, there will be no need for His Excellency the President to go outside to look for food. So, we would like to request the Ministry concerned to open up this area. At the moment we do not have roads in that area. In this area we have got very fertile soil. However, some areas are not accessible at all. We do not want the Ministry to continue looking after the roads which are classified only. The Ministry can build new roads there and grade those roads which are not classified at the moment. In the interior we have schools. We also require dispensaries. When the roads will be constructed, we shall be sure that all those things will be built there.

I would like to conclude my speech by thanking the same Ministry for providing us with telephone services at Kiserian.

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

**Mr. Ddaiddo:** Thank you, Mr. Deputy Speaker, Sir.

**[Mr. Ddaiddo]**

I will start by thanking His Excellency the President for doing his best to control famine and also diseases which go along with famine especially in my area where famine was not given enough publicity. My area was hard hit by drought, but we had enough food, and my people were very happy.

Sir, on agriculture, I would like to say that my area has a lot of mangoes. But the only problem my people are suffering from is lack of market where to market their mangoes. So, if a market could be found for mangoes, then my people could have enough money to carry out Harambee and face other day-to-day problems we are facing.

As far as livestock is concerned, Sir, I am requesting the Ministry concerned to make sure that the K.M.C. (Kenya Meat Commission) pays the traders. Traders in my constituency are not being paid in Mombasa. Up to now, even though the Minister himself directed that payment will be done immediately, the K.M.C. in Mombasa are not paying my people. I am kindly requesting the Minister to take some drastic measures to see that they are paid at once.

On the Ministry of Water Development, Sir, I would like to say that this is a very important Ministry. We cry day and night over why the Ministry is not coming up with proper planning. We fail to see why. If you go to Hola, you will find that the hospital has had no water for about two weeks. The same applies to Garsen and other places, and the local mwananchi is failing to see why the Ministry is not coming up with proper planning. The Ministry of Water Development should pull up its socks! We are tired of talking day and night, but no action is taken by the Ministry of Water Development.

**An hon. Member:** The Ministry of Water Development has no socks to pull up!

*(Laughter)*

**Mr. Ddaiddo:** I understand the Ministry of Water Development has no socks to pull up! Then it should pull its socks.

The Ministry of Health is doing a good job, but not quite. Although there are some ambulances here, it is surprising that there is not a single one allocated to Tana River District, and yet it is a very large district. So, I am requesting the Ministry to make some arrangements, so that we get an ambulance for Tana River District Hospital. Also, I would like to request the Ministry to make sure that the maternity wing of Garsen Health Centre is opened. As far as I am concerned, it is very surprising that up to now, that maternity wing is not functioning.

On the Ministry of Education, Science and Technology, Sir, it has done a lot especially on the question of the 8-4-4 programme. But the question most teachers are asking is whether books will reach the schools before January, 1985. Well, we are being told that everything is okay. But we are worried because even with the school equipment—I am talking about Tana River District and other similar areas—has not been reaching us in time. You will be surprised to hear that

the school equipment for 1984 has not reached Tana River District up to now! Now, the 8-4-4 programme will start "tomorrow" because January, 1985 is just "tomorrow", and everybody is hurrying towards Christmas. Therefore, we shall be told that the 8-4-4 programme is starting tomorrow because the schools are opening and yet the books will not have arrived in the schools. So, I am requesting the Minister concerned to make sure that the backward areas get the books earlier than in other areas. For instance, in Nairobi here, it is easier to get books. We can go and buy them. But in places like Tana River District, Turkana, Mandera and so on, there are no bookshops where to buy books. So, they cannot buy them there.

It is good that the Office of the President said that the hardship allowance will continue up to January, 1985. But we are appealing that it should continue up to June, 1985, because to make a stop immediately of one's salary, it becomes hard for him to survive. He cannot be able to keep himself going. So, I am requesting the Office of the President to consider, instead of stopping the hardship allowance in January, 1985, continuing it up to June, 1985.

The Ministry of Tourism and Wildlife, Sir, should also pull up its socks because things are not well here. There are too many wild animals, some of which are killing people, and some destroying crops and so on.

With those few remarks, Sir, I support.

**Mr. Korellach:** Ahsante, Bw. Naibu Spika, kunipa nafasi hii ili nipate kutoa maoni machache juu ya Hoja hii ya likizo.

Mwanzoni, napenda kutoa shukrani kwake Mtukufu Rais wa nchi hii kwa shughuli zake nyingi; kazi nyingi; mipango mingi, na anazidi kushughulika usiku na mchana; hachoki, Pia, napenda kumpongeza Makamu Rais kwa maoni hayo mazuri ya kutusaidia ili tunapoelekea likizoni, tufanye kazi kwa bidii hasa tukisaidiana na wananchi katika shughuli za mpango wa 8-4-4.

Bw. Naibu Spika, moja kwa moja, napenda kutoa mwito kwa Wizara ya Elimu, Sayansi na Ufundi kwa jambo ambalo hivi majuzi liliwahangaisha sana walimu. Jambo hili ni lile la hardship allowance, yaani marupurupu katika zile sehemu zenye hali ngumu kama West Pokot, Turkana, Samburu, na kwingineko. Hiyo circular au barua ilitangaza kwamba walimu wa hapo hapo yaani local teachers hawataendelea kupata pesa hizo za hardship allowance, na hali wale watakatoka nje watandelea kupata. Jambo hili ni la kubagua. Vile vile ni jambo ambalo litawafanya wale walimu wa sehemu hizo pengine kutorokea sehemu au wilaya nyingine kwa haja ya kutaka kupata pesa hizo, na hali walimu wanaofanya kazi katika wilaya kama hizo tuenda wakawa wanafanya kazi hata zaidi ya umbali wa maili 100, 150 au 200 kutoka nyumbani kwao. Kwa hivyo, watakuwa na shida zile zile, yaani shida ambazo yule mwalimu mwingine anayetoka nje anazipata. Kwa hivyo, haja ni kwamba kama kuna haja ya marupurupu hayo, ingefaa wanawe wote; ama sivyo, wanyimwe wote. Hiyo ndiyo sawa.

Bw. Naibu Spika, nikiendelea kutaja juu ya elimu, nitampongeza Waziri wa Elimu, Sayansi na Ufundi kwa kukubali kutoa hiyo circular au barua ya kuwasaidia watoto katika sehemu hizo ambapo kumekuwa na

[Mr. Korellach]

ukavu mwingi, yaani drought-stricken areas kama West Pokot, Turkana, Samburu, pengine Masaiini, na kwingineko. Alisema kwamba wanafunzi wasifukuzwe kutoka shuleni na waendeleo kusoma mpaka wakati ambapo hali itakuwa njema.

Bw. Naibu Spika, jambo lingine ni lile ambalo lilitajwa na Mkuu wa Sheria kuhusu punishment au adhabu, yaani walimu wasipige watoto wakitumia fimbo kubwa kubwa kama ile ya kupiga ng'ombe. Hali hii imeleta wasiwasi. Huenda baadaye aina ya adhabu iwe inatekelezwa sawasawa. Ni nani atatoa adhabu kwa mtoto; ni fimbo ya aina gani, yenye uzito gani, urefu gani na kadhalika. Jambo hili litakuwa la maana sana kwa sababu wanapopigwa watoto wengine na fimbo kubwa, hapo hapo wanazirai. Hili ni jambo baya.

Jambo la mwisho, Bw. Naibu Spika ni kama Makamu-Rais na Waziri wa Mambo ya Nchini alivyosema, kuwa tunatakiwa heri njema wakati wa likizo na Krismasi, na ningependa kuwakaribisha Mawaziri kadha wa kadha, kwa mfano Makamu-Rais na Waziri wa Mambo ya Nchini, ambaye hajawahi kufika sehemu ya West Pokot kwa siku nyingi. Tunamkaribisha kufika huko kwa kuwa hiyo ni sehemu ambayo ina mahali pa kupeleleza kama Othaya, ambako ningependa kumtembeza. Waziri wa Uchukuzi na Mawasiliano hana habari kuwa hivi majuzi kumekuwa na mafuriko hivi kwamba madaraja ya Kacheliba na Wejwei yamebomolewa, na ingefaa afike sehemu hiyo kujionea mambo hayo na kujaribu kuyarekebisha.

Kwa hayo machache, naunga mkono.

**The Assistant Minister for Transport and Communications (Mr. Muturia):** Ahsante sana, Bw. Naibu Spika, kwa kunipatia nafasi hii niweze kuionga mkono Hoja hii ya kuahirisha Bunge. Jambo langu la kwanza ni kumshukuru Mtukufu Rais kwa kazi yake anayofanyia wananchi wa Kenya na kuzunguka kila mahali nchini. Mtukufu Rais amekuwa ni mfano mzuri kama mfanyakazi number one nchini na katika Afrika nzima.

Ninamshukuru pia Mtukufu Rais kwa vile ameleza uhusiano mwema katika zile nchi zote zinazozunguka Kenya. Inajulikana kuwa uhusiano kati ya Kenya na Somalia haukuwa mzuri; uhusiano baina ya Kenya na Tanzania, na nchi nyingine zile haukuwa mzuri. Lakini kutokana na juhudi ambazo Mtukufu Rais amefanya, nchi hizo zote zimekuwa na uhusiano mwema nasi. Na sasa Wakenya wanatembea mahali po pote pale katika Afrika Mashariki bila wasiwasi.

Bw. Naibu Spika, ningependa kuendelea kumshukuru Mtukufu Rais kwa sababu sisi wananchi tunaotoka North-Eastern Province na Eastern Province hatukuwa tukilala vizuri kwa sababu kujikuwa na mizozo ya shifta. Sasa tunajionea kuwa Mtukufu Rais mwenyewe ametumia akili nyingi na bidii kufanya mizozo hiyo kumalizika na sasa wananchi walioko kwenye mikoa hiyo miwili hawana taabu na wanalala usingizi mwema na kufanya kazi ya maendeleo, badala ya kuwa wakiiificha kila wakati wa usiku kutokana na mashambulizi ya shifta.

Ningependa tena kumshukuru Mtukufu Rais kwa kuwa sisi tulioko katika Mkoa wa Mashariki, na hasa Meru, tulikuwa tumekabiliwa na njaa ambayo haijapata kutakabili hapo mbeleni. Lakini kwa sababu

Mtukufu Rais alikuwa ni mtu anayejua kila sehemu ya nchi na anawapenda watu wote wa Kenya, hakuna mtu hata mmoja ambaye amewahi kufa kutokana na njaa katika mkoa huo. Tumepata chakula cha kutosha na hata sasa chakula kinazidi kumiminika. Ukitembea sehemu hizo utafikiri mahindi yalikuwa yamepandwa huko Meru na Embu, Kitui, Marsabit, Machakos na Isiolo ambako hakuna mahindi yaliyokuwa yamepandwa. Kwa sasa mastoo yana chakula kwa sababu ya juhudi za Mtukufu Rais.

Pia, Mtukufu Rais aliamuru kuwe na mastoo zaidi. Nikitoa mfano mzuri ni kama kule Meru ambako Mtukufu Rais alisema kuwe na ujenzi zaidi wa mastoo na hivyo akasema kuwe na stoo huko Maua, nyingine Nyambene North, kule Nkondi—Tharaka—ambako kuna njaa kubwa sana na pia huko Embu ili kuendelea kuwatumikia watu wa Meru Kusini na Embu pia. Hilo ni juhudi kubwa sana la Mtukufu Rais na tungependa kumwomba Mwenyezi Mungu kumweka katika hali nzuri na awe na maisha marefu.

Jambo lingine ambalo ningependa kusema ni kutoa shukrani nyingi kwa Wizara ya Elimu, Sayansi na Ufundi. Wizara hii, hasa kule kwangu Nyambene North, ilikuwa na ofisi moja ya assistant education officer, lakini sasa Waziri wa Elimu, Sayansi na Ufundi amefungua ofisi nyingine tano. Kwa hivyo, assistant education officers wanatembea sehemu fupi na wanaweza kuangalia cho chote kinachotendeka katika divisions hizo mpya, na hivyo wanaona kuwa kila kitu kinatendeka ifaavyo katika shule wanazosimamia. Tunamshukuru sana Bw. Waziri kwa kazi hiyo.

Jambo la mwisho ni kuhusu hapa Bungeni. Mimi ninajua kuwa Wabunge wamepata taabu sana hapa Bungeni. Hii ni kwa sababu simu zote katika Members' Room zimekwama. Simu hizi zimeharibika hivi kwamba Mhe. Mbunge ye yote hawezi kupiga simu mahali po pote nje atakako. Hapo pia panafaa kuangaliwa na ijulikane ni kwa nini imekuwa hivyo. Hata ukiangalia Television Room, na ile ofisi inayotumiwa, na Bw. Spika upende huu wa nyuma, kote hakuna simu inayofanya kazi. Kwa hivyo, ingefaa jambo hilo kuangaliwa haraka sana, na kama ingewezekana, watu wanaohusika na simu huko posta waambiwe. Pengine yule mtu anayehusika na telephone exchange hapa hafanyi kazi yake jinsi ifaavyo.

Kwa hayo machache, naomba kuunga mkono.

**Mr. Mwaruwa:** Ahsante sana, Bw. Naibu Spika, kwa kunipa nafasi hii ili niweze kujiunga na Wabunge wenzangu kuionga mkono Hoja hii ya kuahirisha Bunge. Kwanza, ningependa kumshukuru Mungu kwa kumwezesha Mtukufu Rais kuliendesha taifa hili kwa usalama, upendo, na pia amani. Ni yeye peke yake ambaye alipewa uwezo huo na Mwenyezi Mungu kuyaunganisha makabila yote ya Kenya ili kuwa kabila moja la Kenya kubwa na lenye nguvu kutewezesha kuwa na maendeleo ya kutosha. Sisi ambao tunapata nafasi hii ya kwenda nyumbani, ingefaa tuende kuwafanyia wale wananchi waliotuchagua kazi kwa bidii: tafanye kazi za Harambee zilizobakia na kuzidi kuzifuata Nyayo halisi, kama anavyofanya Mtukufu Rais, kwa kuifungua mifuko yetu na kuiacha wazi wakati wa kutoa machango yetu katika mikutano ya Harambee.

**[Mr. Mwaruwa]**

Bw. Naibu Spika, wakati huu tunapoondoka hapa na kwenda likizoni, tungependa kuomba kuwa shida zetu ndogo ndogo kama vile ukosefu wa maji ziangaliwe. Nikitoka mfano, kule Mombasa North tumekuwa na shida ya maji hivi kwamba miezi miwili iliyopita hatujakuwa na maji na inatubidi tununue maji kutoka maiti 30 nje ya Wilaya ya Mombasa. Hili ni jambo la kuhuzunisha. Wale wahandisi walioko wasiwe na uchoyo kwa sababu hapo awali mifereji ya maji ilikuwa ikifunguliwa muda fulani ili kutoa pressure ya maji ili mifereji yenyewe isipasuke. Kwa hivyo, wao pia wakiwa na mwendo huo hatutakuwa na shida.

Jambo la mwisho ninapounga mkono Hoja hii ni kuhusu watu fulani walio wenyeviti wa Kanu ambao wako hapa nchini. Wao wanafikiri ni kama "small kings", ama wafalme wadogo. Wanaanza kuingilia kazi inayofanywa na wakuu wa mkoa, na wakuu wa wilaya. Wao wangependa kukaa juu ya vichwa vya wakuu wa mkoa na juu ya vichwa vya hata Wabunge, jambo ambalo halivezekani, na hatutalikubali kamwe. Hivi leo asubuhi nimesikia kupitia kwa redio kuwa mwenyekiti wa Kanu huko Mombasa alisema kwamba Wabunge wa sehemu hiyo wakati wa Kenyatta Day wata kubaliwa kusema kwa dakika mbili tu, na wasizungumze mambo ya siasa. Ni heri huyu mwenyekiti afahamu ya kwamba Kenyatta Day ni siku ya siasa, nasi kama Wabunge ni lazima tuzungumze siasa zetu bila woga.

Bw. Naibu Spika, hii ni Serikali ya Kiafrika; ni Serikali ya "natives". Hii ni kwa sababu watu fulani ni raia, kama Mzungu aliyezaliwa hapa Kenya, na mtu kama huyo anaweza kujiiita Mwafrika. Lakini ni lazima huyu mwenyekiti wa Kanu Mombasa afahamu kuwa ni bahati aliyopata kuchaguliwa na wananchi na kuwa Mbunge. Pia ajue kuwa yuko chini ya Serikali ya "natives" na asiwe na kimbelebele cha kuanza kutoa amri zake kuwa angetaka wale Wabunge walio "natives" na walio wananchi halisi ya nchi hii kuzungumza siasa katika siku ya Kenyatta Day. Siku hiyo ya Kenyatta Day ndiyo tutakayoitumia kuzungumza siasa za kutosha. Kama ni siku ya Jamhuri pia na nisimame, ningetaka kuchukua nusu saa, ama saa nzima, ili niweze kueleza jinsi Kenya ilivyojinyakulia Uhuru wake na mambo ya nchi hii yanavyoendelea.

Bw. Naibu Spika, sisi ndio tuliopata taabu. Wakati wa Mau Mau, wazee wetu ndio waliopata taabu na hata kama sikuwewo, babu wangu alikuwewo na aka-upigania Uhuru. Ningetaka kutoa onyo kali kwa mwenyekiti wa Kanu kama huyo, ambaye hana siasa zo zote za maana—

*(Hon. Members stood in their respective places)*

**Mr. Deputy Speaker:** Order, hon. Members!

**Mr. Mwaruwa:**— Hata akija hapa Bungeni hasemi cho chote cha maana, bali akitoka Bungeni huwa basi anasikika nje na hupendelea kuwaita watu na hasa waandishi wa magazeti. Hivyo anaona ni rahisi zaidi lakini akifikia hapa hana la kusema. Siasa zake ni pesa, pesa peke yake!

Kwa hayo machache, naomba kuunga mkono.

**The Assistant Minister for Works, Housing and Physical Planning (Mr. Kitele):** Thank you very much, Mr. Deputy Speaker, Sir. I am very pleased to contribute on

this very important Motion. You have given us permission to go home and do a bit of work at home. First of all, I wish all hon. Members of Parliament, together with you, Mr. Deputy Speaker, Sir, a merry Christmas and a happy new year.

Having said that, I would like to thank His Excellency the President very much indeed for the Harambee which he presided over at Kathiani in Machakos, which was very successful. I am pleased to say that the school has been completed and we are very grateful to His Excellency the President. I also thank the President because he has done a lot in every corner of this country; he has visited very many parts of this country. If all the leaders in this country did the same, Kenya would look different. I thank the President for the job he has done for the country.

The other thing which I would like to mention is that the Government has decided to take development to the districts. This is a wonderful idea because development will start from the sub-location; people will discuss their problems starting at the sub-locational level, locational level, divisional level and then they will finalize everything at the district level. The Government has agreed that all the money should be sent to the district so that it may be used in the district, and this is a credit to the Government. However, I would like to say that the Ministry of Transport and Communications should look into the condition of roads in my constituency and see what can be done about those roads. Some of them need murraming. I would like to thank the Ministry for murraming some of these roads; they look very good. This is a very good thing because we Members of Parliament do participate in the development of our districts; all the money is there, and the Government should be given the credit for this.

Mr. Deputy Speaker, Sir, the other good thing that I would like to touch on is the new 8-4-4 system of education. Our children were completing Standard 7 at a very early age. At that young age the children could not be taken for courses anywhere; they could not be employed anywhere but now after completing Standard 7 they will go to Standard 8. In Standard 8 the children will take craft subjects like carpentry and so on, so that when they leave school they will be equipped with some skills which will enable them to get jobs or be self-employed. That is a credit to the Government.

The money which we are going to spend on this new system of education is not a small amount of money. It is quite a large sum of money. This has been raised through Harambee efforts. I think that Kenya is the only country in the world which possesses the spirit of Harambee and this should be encouraged and promoted.

Mr. Deputy Speaker, Sir, my constituency, parts of Machakos District, and some other parts of the country, have been invaded by army worms. I wish to thank the Government because it has done a lot in spraying these army worms with chemicals to kill them. These army worms are destroying many crops, particularly in Masii Location which is in my constituency, a few other

**[The Assistant Minister for Works, Housing and Physical Planning]**

locations of my constituency and Machakos District as a whole. I should thank the Government because it has done a lot of work.

I must also commend the officers of the Ministry of Agriculture and Livestock Development and particularly those who are working in Machakos District. This is because they have done a very commendable job. I understand, and I have seen them working, that they have no Saturdays or Sundays. They work round the clock. They should be thanked very much. Those in Machakos District are working very hard and they should be thanked very much.

Mr. Deputy Speaker, Sir, there is a certain "animal" —I do not know whether it is still in this country or we have killed it—which is called tribalism. His Excellency the President has ordered us to kill this "animal" with whatever weapon is in our hands, whether it is a panga, or a jembe.

I beg to support.

**The Assistant Minister for Co-operative Development (Mr. Ejore):** Ahsante sana, Bw. Naibu Spika, kwa kunipa hii nafasi ili nami niweze kuiunga hii Hoja mkono ambayo ni ya kuliahirisha Bunge ili twende nyumbani na kuwatumikia wananchi huko.

Kwanza ningependa kutoa shukrani nyingi kwa Serikali yetu tukufu na hasa kwa Mtukufu Rais wetu kwa vile ambavyo amefanya kazi nzuri katika nchi hii. Lakini wale ambao wanajitakia mambo yao makuu hawaoni kama nchi hii inaenda mbio. Hata hivyo kuna wengine wetu ambao wanafahamu kwamba katika kipindi cha miaka sita ambacho Mtukufu Rais amekuwa akihongoza taifa hili amefanya mengi. Hakuna kiongozi mwingine katika Afrika au katika Bara la Ulaya ambaye anaweza kufanya mambo ya ajabu ambayo yamefanya na Rais wa nchi hii.

Pia ningependa kusema juu ya zile sehemu ambazo hukabiliwa na ukame mara kwa mara. Hizi ni sehemu kama Turkana, Samburu na Mkoa wa Kaskazini-Mashariki. Lakini sehemu hizi zimekuwa zikisaidiwa sana na Serikali. Watu wanakufa kama kuku kwa sababu ya njaa huko Ethiopia. Kama sisi katika sehemu hizo kavu tungeachwa bila misaada kutoka kwa Serikali sote tungeangamia; hakuna mtu ambaye angebakia. Lakini Serikali yetu imevumilia hali hiyo na kutafuta chakula kwa njia zote na kuhakikisha kwamba watu hawapawati na maafa ya njaa. Hivi majuzi wenzetu, ambao kwa kawaida huwa hawakabiliwi na njaa, katika Mkoa wa Kati, waliionja njaa. Sasa wamefahamu njaa ni kitu cha aina gani. Kwa hivyo ingefaa wafahamu pia kwamba watu hawapaswi kupuuzwa mwito wa Serikali wa kumtaka kila mtu afanye juhudi katika kilimo. Hii ni kwa sababu hakuna kitu kibaya duniani kushinda njaa. Hakuna adui mbaya kwa binadamu kama njaa. Hiki kitu kinachoitwa njaa ni kitu kibaya kuliko vitu vyote. Kwa hivyo ni lazima wafahamu kwamba inawapasa kukuza chakula kingi cha kutosheleza mahitaji yao na ya watu wengine ambao hawalimi.

Ningependa kuzungumzia hali ya Hospitali Kuu ya Turkana na ninafurahi kumwona Waziri Msaidizi wa

Afya, Bw. Mak'Anyengo, hapa. Utaona kwamba hospitali kubwa kama hiyo haijapatiwa daktari mwingine baada ya yule aliyekuwa hapo kwenda. Mambo yana-weza kuharibika. Kwa hivyo tunamhitaji daktari ambaye anaweza kuwahudumia wananchi. Tunataka daktari ambaye amekomaa; hatutaki vijana ambao wanasumbuliwa na mambo ya ujana. Tunataka daktari ambaye ni mzee mwenye familia yake; hatutaki vijana. Lakini mpaka sasa hospitali hiyo haina daktari na inakabiliwa na shida kubwa.

Kuhusu mipango ya kunyunyizia mashamba maji ningependa kusema kwamba kuna mpango mmoja ambao ulianzishwa katika Wilaya ya Turkana miaka 15 iliyopita. Lakini mradi huo haujakamilishwa. Hawa maofisa wa kilimo hawasikii yale yanayosemwa na Serikali kila siku. Hao ndio wamepewa wajibu wa kuona kwamba miradi kama hiyo, katika sehemu mbalimbali za nchi, imetekelezwa kikamilifu. Mradi wa kunyunyizia mashamba maji wa Turkana ulianzishwa miaka 15 iliyopita. Hakuna mtu anayefanya kazi katika mradi huo na maji yanapotea bure na wananchi wana-kaa bure na hakuna chakula. Ni jambo baya kuacha maji haya ya mito yapotee bure badala ya kuyatumia. Ningetaka Waziri aangalie mambo kama hayo na aitembelee scheme hiyo kwa sababu mambo kule yana-endelea vibaya sana. Kila kitu kiko, na wananchi wanafanya kazi kwa bidii, lakini maji yanaachwa yakipotea na bwawa la maji lilitengenezwa kitambo. Hata sijui kama Waziri anajua kwamba sehemu hiyo ilikuwa ikisemekana kwamba haiwezi kutoa chakula, lakini hiyo si ukweli kabisa. Ukweli ni kwamba watu wameshindwa kufanya kazi yao. Bwawa hili ni la zamani na hata ukienda kule sasa, utawakuta wananchi wanafanya bidii ya kulima kando kando ya bwawa hili, lakini badala ya kutoa mchanga ili watu katika sehemu hii wapate maji na kuyatumia kwa kunyunyizia mashamba maji na kuvuna mavuno mara mbili kwa mwaka, bwawa hili linaachwa ovyo ovyo. Jambo hili lingesaidia Serikali katika juhudi zake za kukipizana na njaa.

Kwa hayo machache, naunga mkono.

**Mr. Kivuitu:** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to speak. I am grateful to join hands with other hon. Members who have spoken in sending our heart-felt greetings to His Excellency the President and the Government.

Mr. Deputy Speaker, Sir, since independence, this country has been steered in a very proper manner; and since His Excellency the President of Kenya today took over in 1978, there has been a tremendous tempo in development and I would like to express my appreciation, humble as it is, to our great leader. When we, as Members of Parliament, say certain things, it is sometimes misunderstood that we are criticizing the Government, and that we are subversives. I would like to say, Sir, that it is better to know the person who is speaking before he is condemned. I am saying this because if such a situation comes about, it may become very difficult to know when to contribute. Some of the things which we say, I believe, are very important for the security of this country, and we mention them, Sir, so that they can be rectified.

**[Mr. Kivuitu]**

Mr. Deputy Speaker, Sir, I have got a few things to say, which I think should be looked into, and one of them is the plight of domestic workers. When I talk of domestic workers, I mean the house servants, the cooks, the housemaids, the gardeners who were formerly called "shamba boys", and some other people whom perhaps hon. Members do not know, and these are the people who train dogs how to run. They are trained how to run, and then the puppies follow them so that they can get speed. The reason I am saying this is that I have noticed in a place like Parklands, that the trade union which is supposed to represent such workers has been unable to do so. It is not the whole of Parklands where the union has been unable to represent these people.

In areas like Highridge, Ngara and others, they do not experience any problem, but when one goes to places like Gigiri, New Muthaiga and Spring Valley, it is very difficult to find access into a Mzungu's House because if you go there, you will be told that you are trespassing. Now, if these trade unionists are to perform their duties, that is, if they get complaints from workers and they want to perform their duties, they cannot go to some of these houses because they cannot enter through the gate.

This is because of the law of trespass and, consequently, they will not be able to serve wananchi, and it is the workers who will suffer. When these domestic workers have no representation in the union because of that problem, they come to the labour office, but unfortunately, they are not treated properly. I know that not all labour officers are like this, but we know that there are a lot of corrupt labour officers, and I am very sorry to say so. I am saying this because if a labour officer goes with the complaining worker to the employer's house, the end result is that the worker will be sacked and only get half of what he should have got probably.

I would like the Government to look into this because as I mentioned earlier, in places like Gigiri now, there are some workers who are not even allowed to bring their wives to their quarters. When their wives come, they are told, "Get out of this compound and go to Mathare and stay there. You can be coming from there to work". That person is supposed to report for duty at 6 a.m. so that he can prepare breakfast for the bwana mkubwa before he goes to fatten himself in the industrial area. Again, Sir that same person is supposed to go back to his place of residence in Mathare at about 8 or 9 p.m., at night, and all he is requesting is that he be allowed to have his wife visiting him at the place of work. We are talking about family planning, but I do not think that this is how to enforce it. This is denying people to be visited by their wives, and I think it is a very serious matter. However, the union cannot investigate this because of the law of trespass. This is a matter which I would like to see the Ministry of Labour following up.

The other point which I would like to raise is about security in our area. I am very glad about what has been happening recently. There has been a lot of effort

by the Office of the President to wipe out banditry in Nairobi. However, Sir, there is still that aspect of house breaking which is still prevalent and it is very common in places like Parklands and Karen. I would like the police to do as they normally do during Christmas and other holidays. They advise people on methods of security; methods which we can use to have more security at our houses. They should educate people on security, so that people know how they can keep away these bandits because they are still there. I think with this kind of move, there would be quite a lot of assistance.

With those few remarks, I beg to support.

**Mrs. Ogot:** Thank you, Mr. Deputy Speaker, my contribution will be in very few words. First, I would like to congratulate His Excellency the President for being able to feed our people and make long-term arrangements to enable our people to have enough food, so that our country does not get adverse publicity which has been given to the neighbouring countries about famine and people who are dying of hunger. We are most grateful to him.

Secondly, Mr. Deputy Speaker, Sir, I would like to appeal to hon. Members to make sure that as we go home to meet our families and our constituents, the women of this country whose houses are leaking are assisted. These poor women are looking upon hon. Members, through barazas of chiefs and district officers, to persuade their husbands to thatch the leaking roofs. For those who are going to build new houses, at least, they should be encouraged to roof them with mabati, so that we can kill two birds with one stone, in that, the houses will not be leaking from now onwards, while at the same time, families will be able to get clean water for drinking.

Thirdly, Mr. Deputy Speaker, Sir, I would like to thank the mass choir master, Mr. Wesonga for having motivated the youth of this country. His efforts are only felt in the Muungano Choir which is at the moment touring another country as ambassadors of Kenya; the members of this choir are giving Kenya a very good name. We would like to thank Mr. Wesonga especially for his composition of songs of music, such as *Tawala Kenya Tawala* which has inspired the children of this country to use their beautiful voices in singing about what His Excellency the President has done for the people of this country.

Finally, Mr. Deputy Speaker, Sir, I would like to wish the hon. Members of this House a very merry Christmas, and I would also like to thank them for maintaining a Session which has been very educative to the new Members of this House. Although debate has been very hot and stormy, altogether, debate has been very constructive.

With those few remarks, I beg to support.

**The Assistant Minister, Office of the President (Mr. Salat):** Ahsante sana, Bw. Naibu Spika kwa kunipatia nafasi hii ili niungane na wenzangu, kwanza, kwa kumshukuru Mtukufu Rais kwa kazi ambayo amefanyia Kenya hii tangu achukue usukani. Kabla sijafanya hivyo, ningependa kuwatakia Krismasi njema

**[The Assistant Minister, Office of the President]**

Wabunge wote, wewe, Bw. Naibu Spika, na wafanyakazi wote wa Bunge kwa jumla. Kwenu nyote ninasema, "Happy Christmas".

Kitu ambacho ningependa kusema kwanza ni kuwashukuru Wabunge walioko katika Bunge hili kuu, hasa Back-benchers ambao tukiwa pamoja nao tumefanya Kikao hiki cha Bunge kuwa nafuu sana. Ninasema hivyo kwa sababu tunakwenda likizoni sasa. Kila Mbunge aliye Back-bencher amekuwa akiuliza maswali ambayo tumeyajibu jinsi tulivyoweza. Ningependa kuwaambia Wahe. Wabunge ya kwamba katika Ofisi ya Rais hasa tumekaribu maswali tuliyopata jinsi tulivyoweza, lakini kwa vile binadamu ni binadamu tu, kama tumekosea kidogo, tunawaomba Wahe. Wabunge walio Back-benchers msamaha, huku tukiwahakikishia kwamba tutajaribu kujibu maswali kwa njia bora zaidi katika Kikao kifuatacho.

Pia, ningependa kutoa shukrani kwa Mtukufu Rais kwa yale yote ambayo ametufanyia. Mtukufu Rais ametembea katika Kenya nzima, kutoka constituency hii hadi nyingine na kutoka wilaya hii mpaka nyingine, lakini pia kuna wilaya na constituencies nyingine ambazo Mtukufu Rais hazajitembelea bado. Ningetaka kuwahakikishia watu wa sehemu hizo kwamba kwa kuwa Rais ni Baba wa Kenya nzima, atafika kwao tu. Sote ni watu wa mtu mmoja, Mtukufu Rais. Tunajua ya kwamba anaifikiria kila constituency ijapokuwa ana kazi nyingi anayoifanyia Kenya. Mtukufu Rais hafanyi mikutano ya Harambee tu. Wale ambao hawajatembelewa na Mtukufu Rais atawatembelea siku moja tu wakati ukifika.

Bw. Naibu Spika, ningependa kutoa onyo kwa watu wengine ambao huandika magezi ya nje, yaani foreign newspaper reporters. Hawa wanapendelea sana kulichafua jina la Kenya na maongozi ya Kenya. Wakiandika habari zao kutoka hapa, huandika maneno maovu na kuyapeleka ng'ambo. Hawawezi kuandika hata siku moja yale maneno mazuri yanayofanywa na Kenya. Ingefaa waandishi hao wajue ya kwamba tuna demokrasia hapa Kenya. Ikiwa watu hao ni Wazungu, Wahindi au Waafrika ambao wanatumiwa na watu wengine ili kuandika magezi yao namna hiyo ili magazeti hayo yanunuliwe kule ng'ambo, wangepata kujua kwamba ulinzi ule walionao unatokana na Serikali yetu, ambayo kama Mbunge wa Mombasa Kusini alivyosema, ni ya natives, ya wenyewe. Ingefaa waandishi wajue ya kwamba Kenya ina Serikali yake.

Bw. Naibu Spika, ningetaka kuzungumza juu ya barabara za Bomet. Kwanza, ningependa kusema ya kwamba barabara za Bomet zilikuwa zimesahauliwa na ningependa kumwuliza Waziri wa Uchukuzi na Mawasiliano ambaye yuko hapa sasa ni kwa nini barabara itokayo Chipole haipitiki sasa. Kila mtu huko ameitikia mwito wa Mtukufu Rais wa kuwafuga ng'ombe wasafi, kupanda chakula na mengineyo. Ningetaka kumshukuru Bw. Waziri ambaye yuko hapa na ananiona hivi sasa kwa kuwa ilikuwa jana tu tuliposikia kwamba magari yamekwenda kule Bomet. Ningetaka kuwahakikishia watu wa Bomet kwamba Waziri akiwa hapa, barabara hiyo itarekeshwa na

maziwa yao yataweza kupeleka kwa the Kenya Co-operative Creameries.

Kwa hayo machache, ninaunga Hoja hii mkononi.

**Mr. Lalampaa:** Absante sana kwa kunipa nafasi hii. Ningependa kujiunga na Wahe. Wabunge wenzangu katika kutoa shukrani kwa Mtukufu Rais, Daniel arap Moi kwa uongozi wake wa nchi hii.

Ningependa kumpongeza sana kwa hatua aliyochukua hivi majuzi kwa kuwaamsha maofisa wa kilimo. Hilo ni jambo ambalo ni muhimu sana, na kwa hivyo, Wakenya wote wangependa kuungana na Mtukufu Rais katika jambo hili ili tuweze kuitosheleza nchi hii kwa chakula. Nasema hivyo kwa sababu taifa lililo na njaa ni taifa ambalo haliwezi kujimudu peke yake. Kwa hivyo, wakati umewadia ambapo ni lazima sisi kama Wakenya tuweke chakula kama priority number one. Tumefanya mambo mengine mengi kuhusu chakula, lakini shida ambayo tumekuwa nayo ni kwamba ukame umezidi katika dunia, hasa katika Bara la Afrika, na tusipojihadhari, tutaendelea kuwa na shida juu ya chakula kwa sababu nchi za kigeni haziwezi kulilisha Bara la Afrika milele. Kwa hivyo, wakati umewadia sisi kama watu wa Kenya ni lazima tuweke chakula kama priority yetu nambari moja, kwa sababu mtu aliye na njaa hawezi kusikia lo lote wala hawezi kufanya lo lote.

Bw. Naibu Spika, wakati ambapo tuna ardhi ya kutosha katika Kenya, na tuna maofisa wa kilimo ambao wamehitimu, na vile vile tuna wakulima wenye bidii, halitakuwa jambo la busara kwetu kukosa kupata chakula. Kwa hivyo, wakati umewadia ambapo kila Mkenya, bila kujali cheo chake, ni lazima ahakikishe kwamba tunakuza chakula cha kutosha katika nchi hii, kwa sababu tuna ardhi ya kutosha, na tuna wakulima wenye bidii na maofisa wa kilimo ambao wamehitimu. Ni juu ya hao maofisa wa kilimo kuhakikisha kwamba wanatoa mashauri bora kwa wakulima katika nchi hii kuhusu aina ya mbegu za kupanda, mahali pa kuzipanda, au ni aina gani ya mimea ambayo inaweza kupandwa mahali fulani. Pia, ni juu ya Wizara ya Kilimo na Ustawi wa Mifugo kuhakikisha kwamba kuna mbegu za kupanda wakati wa mvua.

Vile vile, Bw. Naibu Spika, ningependa kusema machache juu ya ufugaji. Ingekuwa bora kama Wizara hii ingechukua hatua ya haraka kuhusu ufugaji kwa sababu wakati wa ukame, kama ule tuliokuwanao hivi majuzi, tunapoteza ng'ombe wengi sana ambao wangewatosheleza Wakenya kwa kuwapatia nyama ya kutumia hapa nchini na kuuza katika nchi za kigeni. Lakini nasikitika kusema kwamba hivi majuzi Wakenya wengi sana, hasa zaidi wale wanaishi katika zile sehemu ambazo ng'ombe wanafugwa kwa wingi, walipoteza ng'ombe wengi sana kutokana na kutokuwa na soko la kuwauza ng'ombe wao, au mifugo yao. Kwa hivyo, wakati umewadia ambapo ni lazima hao maofisa wa kilimo na livestock officers wahakikishe kwamba wafugaji pia wanapata mawaidha ambayo yatawasaidia ili tuweze kupata chakula cha kutosha katika nchi hii, na pia ili tusimsumbie tena Mtukufu Rais kwa kumtaka aende nje ya nchi hii kuomba chakula wakati ambapo tunaweza kujitosheleza kwa chakula.



**[Mr. Lalampaa]**

Pia, ningependa kutoa mwito kwa Wizara ya Utalii na Wanyama wa Porini ichukue hatua mara moja ya kuwalipa wananchi ambao watu wa jamii zao wameaga dunia baada ya kuuwawa na wanyama wa porini. Ijapokuwa kuna wanyama wa porini wengi katika nchi hii, bila shaka sisi sote tunajua kwamba maisha ya binadamu ndiyo muhimu kuliko maisha ya mnyama. Lakini ingawa ni hivyo, utakuta kwamba baada ya watu kupoteza maisha yao kwa sababu ya kuuwawa na wanyama wa porini lugha ambayo inatumwiwa na Wizara hii ni kwamba hawana pesa. Je, ni lini watakapopata pesa ili waweze kulipa ridhaa kwa watu ambao wameuawa na wanyama wa porini na mali yao kuharibiwa na wanyama hao?

Jambo lingine ambalo ningependa kuzungumzia linahusiana na Wizara ya Elimu, Sayansi na Ufundi. Kitambo kidogo nchi hii ilinufaika na shule 13 ambazo zinajulikana kama nomadic schools, na sehemu ya Samburu ilipatiwa shule moja kati ya hizo shule ambayo inajulikana kama Barsorwin Nomadic School. Ningeomba Wizara hii itekeleze mpango wa Serikali wa kujenga shule kwa wananchi kwa kuwajengea wananchi Baragoi Nomadic Primary School.

Jambo la mwisho, Bw. Naibu Spika, ni kuwaomba Mawaziri wetu watumie nafasi hii ya likizo kwa kuzitembelea sehemu zote za Kenya wala sio kufanya hivyo katika mawakilisho yao peke yake kwa sababu wameteuliwa na Mtukufu Rais kupeperusha bendera la Kenya katika Kenya nzima. Vile vile, wasiwe wakiwatembelea Mawaziri wenzao peke yao.

Kwa hayo machache, Bw. Naibu Spika, naiunga mkono Hoja hii.

**The Assistant Minister for Tourism and Wildlife (Mr. Awori):** Thank you, Mr. Deputy Speaker, for giving me this opportunity.

I would like to take this opportunity first of all to thank His Excellency the President for his untiring efforts in protecting democracy in this country and the separation of the three arms of Government. Without his untiring efforts, some of the sections of the Government, like the Judiciary, could have been subverted. I say this, Sir, in thanking His Excellency the President, because I have just passed through a very difficult period over the last nine months. I would like to thank him for making sure that Judiciary is free of any political intrigue.

Sir, I want to thank Members of Parliament for the moral support that they have given me throughout this period. Without them, it would have been a very difficult time for me. I want also to thank my constituents for the support and the faith they have given me throughout that period. I say so because we continued with the Development Plans for our constituency of Busia Central. I would like to call upon those people in our constituency, who may have been in opposition to me, to follow all of us in remembrance of the call of His Excellency the President of Nyayo, so that we should continue to develop our area.

Sir, I would also like to take this opportunity to thank the veterans of this House for their guidance

and help that they have given us newcomers. Without them, it would have been difficult for us to learn. I am grateful to them.

I want to thank the Chief Secretary for the work he has been doing in educating people in the district focus for rural development. I would like to call upon the office in the various districts, particularly the District of Busia, to follow what has been laid down in the district focus. Many times, correspondence is not forthcoming whenever people have been written to. I would like to call upon them to ensure that they deal with correspondence within a week.

Sir, I would like to thank the Ministry of Transport and Communications for the good work that they have done in Busia Central. It is not long ago when roads were impassable, but right now, I am pleased to say that most of our main roads are very well taken care of. I would only like to call upon them to ensure that their engineers follow the correct engineering procedures. Many times money has been spent on levelling roads and they have forgotten very basic principles of putting culverts and drainage so that water does not continue to undermine the roads.

Mr. Deputy Speaker, Sir, I would like to call upon the agricultural officers in the districts to perform their work properly. The other day when His Excellency the President was visiting one of the constituencies, he called upon the agricultural officers to show their faces and out of 45 only five appeared.

Sir, I would like to call upon schools to continue introducing agriculture in schools but above all, I would like them to change their attitude so that they do not punish children by sending them to shambas. This gives a negative attitude in the minds of school children. It would be better if the children are shown that agriculture is something to be proud of and not a means of punishment.

Sir, may I call upon the Kenya Power and Lighting Company not to be far too greedy in thinking in terms of taking electricity only to areas which have money to pay. We would like them to look out to all areas on electricity as a service to wananchi.

Sir, may I call upon the Ministry of Agriculture to intensify their efforts in the growth of cotton, particularly in Busia Central, and, above all, to ensure that the marketing of cotton is on the same level as other cash crops. In this connection, I would like to see payments to farmers made to them as soon as they deliver their cotton. If we intensify the growth of cotton, of most our textile—

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

**Mr. ole Sompisha:** Ahsante sana, Bw. Naibu Spika kwa kunipatia nafasi hii ili nami niseme machache juu ya Hoja hii. Waheshimiwa Wabunge ambao walizungumza hapo mbele yangu, walimshukuru Mtukufu Rais kwa vile ameweza kuitembelea nchi hii yote ya Kenya. Mimi mwenyewe, tangu Kenya iwe Uhuru, Mtukufu Rais hajiwahi kufika sehemu yangu na tulikuwa tukimngojea siku moja tuliposikia kwamba atakuja kule, lakini siku yake ya kututembelea haikuwa imefika.

[Mr. ole Sompisha]

Ninayo furaha kusema kwamba siku yetu ya kutembelewa na Mtukufu Rais ilifika mwezi uliyopita na kwa kusema kweli, alipokuja huko, watu wa sehemu yangu walifurahi sana. Mtukufu Rais mwenyewe alipokuja huko, alijionea maendeleo ambayo yamekuwa yakifanyika kule. Kuna wakati Mtukufu Rais mwenyewe alikuwa akiwakilisha sehemu ya Rift Valley nzima na sehemu ya Kilgoris ilikuwa moja ya sehemu yake ya mawakilisho. Lakini aliporudi kule hivi majuzi, alishangaa sana alipoona maendeleo makubwa na mabadiliko mengine makubwa sana, na akapendekeza mambo fulani fulani yatelezwe.

Bw. Naibu Spika, moja ya mambo hayo ambayo Mtukufu Rais alipendekeza ni kuhusu kuinua cheo cha sehemu hiyo ili iwe wilaya ndogo. Tulipomwomba afikirie sehemu hii iwe wilaya ndogo, yeye mwenye alikubali kwamba sehemu hii ya Kilgoris ingefaa ipewe cheo cha sub-district. Na kwa vile yeye mwenyewe alikubali hivyo, ningetaka kuchukua nafasi hii kuwamomba wale wanaohusika wahakikishe kwamba, ikihika tarehe moja mwezi wa January mwaka ujao jambo hilo linatekelezwa ili hiyo sub-district ianze kufanya kazi. Tunatumaini kwamba jambo hili halitakuwa kama mambo mengine ambayo yanapendekezwa na Mtukufu Rais na wale wanaohusika na kutekeleza mambo hayo waseme kwamba watangojea mpaka wakati mwingine. Mtukufu Rais alipoona maendeleo katika sehemu hii, alitoshaka, na akaamua kwamba sehemu hii ya Kilgoris ingefaa iwe sub-district.

Vile vile, Bw. Naibu Spika, ningependa kusema kwamba siku hiyo hiyo, Mtukufu Rais aliona kwamba katika sehemu hiyo ambapo kuna mvua wakati wote, —Sisi tukisikia wengine wakiongea juu ya kiangazi iliyopita, sisi watu wa Kilgoris tunajua kwamba tumekuwa na bahati kubwa kwa sababu hatujakuwa na kiangazi. Tumekuwa tukikuza na kuvuna mahindi wakati wote. Shida yetu ni kwamba hatuna matingatina au hati za kumiliki mashamba. Watu wa sehemu hiyo wamekuwa wakitumia majembe ya ng'ombe au ya mikonzo kulima. Wakati Mtukufu Rais alipokuja huko aliamuru Wizara ya Ardhi na Makao itoe hati za kumiliki mashamba katika sehemu hii ili watu waweze kuzitumia kupata mikopo kutoka kwa benki ili waweze kujinunulia matingatina. Bila shaka, ikiwa sehemu ya Kilgoris itakuwa na chakula kingi cha kutosha, Kenya nzima itafaidika. Kwa wakati huu, mahindi tunayokuza katika Kilgoris yanatutosha na hata yanapelekwa upande wa Kisii na Kisumu. Kwa hivyo, kama tungefanyiwa hima na kupatiwa hati za kumiliki mashamba, tungekuwa tukisaidia sana.

Jambo lingine ambalo ningependa kutaja ni kuhusu tangazo la Mtukufu Rais kwamba tunaelekea uchaguzi wa Kanu, Ninajua kwamba sasa hivi tunapokwenda likizoni watu wengine wataanza kutafuta watu wanaoauunga mkono na kusema watangazwe kuwa watachaguliwa bila kupingwa. Wale ambao wanafikiria kufanya hivyo wangepaa kuelewa kwamba ni Mtukufu Rais peke yake, na pengine Makamu wake ambao wataweza kuchaguliwa bila kupingwa. Hatutaki watu wawe wakisema wamechaguliwa bila kupingwa hata ikiwa mtu anashikilia kiti gani katika Kanu. Wakati

huu tumekwisha kuwa na akili na hatutavumilia kusikia watu wakitangazwa kuwa wamechaguliwa bila kupingwa.

Kwa hayo machache, Bw. Naibu Spika, naunga mkono.

**The Assistant Minister for Energy and Regional Development (Mr. Karume):** Ahsante sana Bw. Naibu Spika kwa kunipatia nafasi hii ili nami niweze kusema machache juu ya Hoja hii ya kuliabirisha Bunge ili tuweze kupata nafasi ya kulima na kufanya kazi nyingine mbalimbali.

Kwanza ningetaka kumshukuru Mtukufu Rais kwa kazi anayoifanyia nchi yetu hasa katika Kiambaa na Kijambu. Juzi juzi Mtukufu Rais alitukoa wakati alipokuja kutusaidia kutatua mambo mbalimbali ambayo yalikuwa yakiyakabili mashamba ambayo mnasikia yakitwa Mboi-ya-Kamiti katika mashamba hayo tuna wanachama kama 4,000. Baada ya matatizo kutokea huko, official receiver alichukua usimamizi wa mashamba hayo. Baada ya kufanya hivyo, official receiver alisema kwamba mashamba hayo yatauzwa kwa rejareja. Kama Mtukufu Rais hangetusaidia, mashamba hayo yote yangeuzwa. Ninafikiri kulikuwa na tajiri mmoja au wawili ambao walikuwa tayari kuyanunua mashamba hayo. Lakini Mtukufu Rais mwenyewe alipogundua kwamba mashamba hayo ni ya watu maskini, alilingilia jambo hilo na akasema kwamba ni lazima official receiver aondoke. Pia Mtukufu Rais alisema kwamba ndiye atakuwa meneja wa mashamba hayo. Baada ya kufanya hivyo, aliwateua watu wa kusimamia mashamba hayo. Kutoka hapo mashamba hayo yalianza kuendelea vizuri.

Wananchi hao walikuwa wanadaiwa walipe zaidi ya Sh. 65 milioni. Lakini baada ya muda mfupi kuanzia siku ile Mtukufu Rais alipoyalingilia mambo hayo, nusu ya deni hilo ilikuwa imelipwa. Juzi juzi Mtukufu Rais alikuja huko kuwagawia wanachama faida yao. Hicho ni kitu ambacho hapo mbeleni hawakuwa wemekiona. Hii ni kuonyesha kwamba hatuwezi kupata kiongozi mwingine ambaye anaweza kufanya kazi ile ambayo inafanywa na Mtukufu Rais. Mtukufu Rais anawafikiria wananchi wa chini kabisa. Kwa hivyo, sisi watu wa Kiambaa tungetaka kumpongeza Mtukufu Rais kwa kuamua kwamba mashamba hayatauzwa.

Kuna mambo mengine mazuri ambayo Mtukufu Rais anafanya. Wakati anapokwenda nje anakwenda na viongozi wa Kanu, wanafunzi kutoka Chuo Kikuu, wakulima, wafanyabiashara na kadhalika ili waweze kupata nafasi ya kujionea yale mambo ambayo yanafanyika katika nchi nyingine. Hilo ni jambo ambalo linatusaidia sana. Hii ni kwa sababu watu kama hao wakienda huko wanapata nafasi ya kulinganisha yale ambayo tunafanya hapa na yale ambayo yanafanyika huko. Kwa hivyo, ningetaka kuwamomba Wabunge bada ya kwenda likizoni wajaribu wawezavyo kuwafundisha watu wetu jinsi ya kuishi. Wale wengine wetu ambao tumekwenda nje, tunajua kwamba hapa katika Kenya tuko katika paradise. Kwa hivyo, ni kazi yetu kama viongozi kuwaelimisha wale ambao tunaongoza.

Pia ningetaka kuishukuru Serikali yetu tukufu kwa kutangaza juzi juzi kwamba mfanyakazi wa Serikali akifutwa ni lazima awe akiambiwa makosa yake. Hiki

**[The Assistant Minister for Energy and Regional Development]**

ni kitu kikubwa sana kwa sababu kitazulia mambo ya kwenda kuwadanganya watu wengine au kusema "Mimi nimefutwa kwa sababu ya kuonewa. Sisi sote tunaonewa". Sasa watu hawatakuwa wakienda kuwambia wananchi mambo kama hayo kwa sababu wakifanya hivyo wananchi watamwambia, "Wacha kutuambia hivyo; tuliona ni kwa sababu gani ulifutwa; wewe ulifanya hiki au kile; ulifanya ukabila; uliiba pesa na halafu ukafutwa kazi". Kwa hivyo, ningetaka kutoa shukrani kwa Serikali kwa kulifanya jambo hilo. Kwa mfano, ukitaka kumfundisha mbwa kuhusu mahali pa kujisaidia, mwonyeshe kinyezi chake na hatakuwa akikitia kila mahali. Kwa hivyo, ningetaka kuishukuru Serikali yetu kwa kulifanya jambo hilo.

Katika Bunge hili tumekuwa tukizungumza juu ya chakula na mambo ya maji. Kwanza ningetaka tuipatie Wizara ya Maji pesa za kutosha. Bila ya kufanya hivyo, tutakuwa tukizungumza juu ya mambo hayo kwa muda mrefu bila kufaulu. Juzi juzi kama hatungekuwa na Mtukufu Rais ambaye anatupenda, watu wengi wangekufa kutokana na njaa. Lakini Mtukufu Rais iliitembelea nchi mbalimbali kututafutia chakula mpaka kila sehemu ikapata chakula.

Bw. Naibu Spika, tumekuwa tukizungumzia habari ya Ziwa Victoria kila mwaka. Lakini wakati umewadia sasa tuwapatie watu maji. Ingefaa tujaribu kwa njia zote Serikali ipatie Wizara hii maji. Hata kama ni kutafuta pesa huko nje au kutafuta nyingine kwa njia ya Harambee ili tuyatimize mambo haya, ingekuwa vizuri. Hii ni kwa sababu maji yakifika pale juu Equator, basi yatatiririka huko Nakuru na kila mahali. Kwa kweli, tutaanza kupata chakula kwa sababu unyunyizaji wa maji ndio utaisaidia nchi yetu ya Kenya. Kwa hivyo, ni juu yetu sisi kama viongozi kuangalia ni kwa njia gani tutapigana na njaa. Hakuna njia nyingine ya kufanya hivyo kwa sababu hatuwezi kuzuia mvua. Ikiwa mvua itakuwa ikikosekana, basi ni juu yetu kuangalia vile tunavyoweza kupata maji ya kutosha.

Kwa hayo machache, Bw. Naibu Spika, naunga mkono.

**Mr. Tuva:** Ahsante sana, Bw. Naibu Spika, kwa kunipatia nafasi hii nami nishirikiane na Wabunge wenzangu kutoa maoni yangu juu ya Hoja ya kuahirisha Bunge.

Bw. Naibu Spika, jambo ambalo linatia wasiwasi sana siku hizi—

**Mr. Kiliku:** On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that there are many hon. Members who would like to contribute on this Motion, would I be in order to move that the time be extended, and we adjourn at 7.00 p.m.?

**Hon. Members:** No! No! No!

**Mr. Deputy Speaker:** Order! Now, I think hon. Members will appreciate the fact that there is another function following this one. So, I think I will not put that question now.

*(Applause)*

**An hon. Member:** Where have they been?

**Mr. Tuva:** Nafurahi sana, Bw. Naibu Spika, kwa kunipatia nafasi hii. Lakini ningeomba unisaidie kwa sababu mbele yangu kuna Wabunge wanaozungumza, na siwezi kusikia vizuri.

Bw. Naibu Spika, jambo ambalo linatia wasiwasi ni matumizi ya bunduki kwa polisi na vile wanavyoua watu ovyo. Maswali yameletwa hapa Bungeni mara nyingi, lakini Wizara haijibu mambo hayo kwa njia ya kutosha. Kuna watu ambao wamepigwa risasi na baadaye tunaona katika magazeti ya kwamba wamepigwa risasi kwa makosa. Nafikiri mafunzo ya polisi huko Kiganjo yaliwafundisha askari wa polisi kuhusu matumizi ya bunduki.

Mwaka 1978, kuna mtu ambaye alipigwa risasi huko Mombasa. Huyu ni mtu ambaye alikuwa ametoka vijijini na kuingia mjini na kikapu chake. Lakini kwa bahati mbaya, katika kikapu chake alikuwa na kisu kidogo. Polisi wale ambao hawavali nguo rasmi za polisi, yaani wale wanaoitwa plainclothes policemen, watamsimamisha mtu kama huyo na kumwambia kwamba wanataka kuangalia ama kukagua vitu katika kikapu chake. Watu wanaotoka risavu wakija mjini, wanajua tu polisi ambao wako na uniform, lakini wale ambao hawana uniform huwa hawajulikani kama ni askari polisi. Mtu kama huyo akikataa kusikiza amri ya mtu yule ambaye ni polisi na hana uniform au havali kirasmi, alipigwa risasi, na hadithi hiyo ilielezwa katika magazeti, na hakuna cho chote kimefanyika.

Pia, kuna mtu mwingine huko Malindi. Kama miaka mitatu iliyopita, alikuwa akiteta na mwenzake na akawa na kisu kidogo. Baadaye akaingia katika choo kidogo. Polisi walipokuja pale na risasi na mbwa, yule mtu alipokataa kutoka katika kile choo, alipigwa risasi akafariki papo hapo. Mtu kama huyo angeweza kutafutiwa njia yo yote na askari na kushikwa bila ya kupigwa risasi, na hangeweza kuwajeruhi wale polisi.

Juzi tulisikia habari ya kijana mmoja ambaye wale mashahidi waliomuona walisema kwamba alipigwa risasi pale magari yanapowekwa pale nje ya Mahakama Kuu. Swali hilo lililetwa hapa Bungeni. Kuna raia ambao walimwona kijana huyo akiuawa pale, na wakisitika na walisema hivyo. Kabla mambo hayo haya-jatokea katika magazeti, na kabla ya swali halijaletwa hapa Bungeni, walisema kwamba labda yule kijana aliuawa bure. Pia, ile hadithi ambayo imetolewa na wale askari polisi eti kwamba yule kijana labda alikuwa ameshika magari mengine mengi, hadithi kama hiyo haingeaminiwa hata kidogo na Waziri isipokuwa kama uchunguzi zaidi ungefanywa kuhusu kesi hiyo.

Lakini leo Waziri amekubali kwamba polisi walifanya makosa huko upande wa Kericho, labda kwa sababu pengine alikuwa akimjua yule kijana ambaye aliumia.

Bw. Naibu Spika, kwa hayo machache, naunga mkono.

*(Question put and agreed to)*

**ADJOURNMENT**

**Mr. Deputy Speaker:** Hon. Members, the House is now adjourned *sine die*.

*The House rose at thirty minutes past six o'clock.*

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection and provide valuable insights into organizational performance.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and integration. It offers strategies to overcome these challenges and ensure the integrity of the data.

5. The final part of the document provides a summary of the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that the data management processes remain effective and up-to-date.

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## OFFICIAL REPORT

Fifth Parliament—Second Session

VOLUME LXIV

Tuesday, 2nd October, 1984 to Thursday, 6th December, 1984

### EXPLANATION OF ABBREVIATIONS

Notice of Motion = NoM; Motion or Question Withdrawn = Wdn; Dropped = Drpd; Disallowed = Dsllwd; Written Reply = (WR); Private Notice Question = (PN); Bills: Read First, Second or Third Time = 1R, 2R, 3R; In Committee = IC; Progress Reported = PR; Report = R; Consideration of Report = ConR; Recommendation = Rcmtl; Division = (Div); Debate Adjourned = (DA); Not Allowed = (NA).

*N.B.*—In view of the very large number of questions, the full title and number of the question is only shown against the member who actually asked the question and against the Minister or Assistant Minister making the official Government reply. Members asking supplementary questions have the number of the question shown (in brackets) and the column number under their names, but not the title.

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(Laikipia West)

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**Mohamed, H. M.—**

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**Muhoho, G. K.—**

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(Kitui Central)

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**Mutiso, G. M.—**

(Yatta)

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(Busia South)

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**Omamo, W. O.—**

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**(1) The Minister for Transport and Communications—**

(The Hon. P. H. Okondo)

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**(1) The Minister for Water Development—**

(The Hon. J. J. M. Nyagah)

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