

Fifth Session

R E P U B L I C O F K E N Y A
T H E N A T I O N A L
A S S E M B L Y
O F F I C I A L R E P O R T

Tuesday, 8th December, 1987.

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H A N S A R D

Tuesday, 8th December, 1987.

The House met at thirty minutes past Two o'clock.Mr. Speaker in the Chair

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.799

MR. SPEAKER: Mr. Ekidoro not in? Next Question.

Question No.780DR. MANGO asked the Minister for
Agriculture:-

- (a) whether he is aware that the demand for sugar will be greater than its production by 1990; and
- (b) whether he will, therefore, reconsider the suspended plan to establish an additional sugar factory in Busia District.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Muigai):

Mr. Speaker, Sir, I beg to reply.

(a) The Minister is not aware that the demand for sugar will be greater than its production by the year 1990. On the contrary, there is expected to be a much ^{more} ~~lower~~ surplus between the year 1987 and 1992.

(b) Plans to establish an additional sugar factory in Busia District have never been suspended. It is expected that Busia will be in the mainstream by 1993. Plans are therefore, underway to commission another company or factory in Busia.

DR. MANGO: Mr. Speaker, Sir, I am surprised that the Assistant Minister says he is ~~is~~ not aware that the production of sugar is getting less and less when the demand is increasing. It is obvious from statistics and present production figures from the various sugar factories ~~which~~ indicate that by this year, we shall be importing sugar. Could the Assistant Minister tell us exactly when this factory that has been planned in Busia ^{would} ~~will~~ be established and start functioning?

MR. SPEAKER: Could you resume your seat, Dr. Mango, so that you can get a reply? Who is replying to Dr. Mango's supplementary question?

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Muigai):
Did he ask a question, Mr. Speaker, Sir?

MR. SPEAKER: Yes, he ^{has asked} ~~was asking~~ a supplementary question.

MR. MUIGAI: Mr. Speaker, Sir, the Government has embarked on a major expansion ^{and} ~~of~~ the rehabilitation programme in Chemilil, Nzoia, South Nyanza and Muhoroni factories. Expansion of Chemilil factory is almost complete. This expansion programme is expected to increase production by 121,000 tons when completed. Therefore, we do not think there will be a deficit in sugar production.

Question No.779

MR. MUIA asked the Minister for
Lands and Settlement:-

- (a) what has delayed the issuing of title deeds to Utaati Sub-location in Ukia Location and Kilome Sub-location in Mukaa Location; and
- (b) whether he could organize to release these title deeds as soon as possible.

THE ASSISTANT MINISTER FOR LANDS AND SETTLEMENT

(Mr. Muturia): Mr. Speaker, Sir, I beg to reply.

(a) Many land ~~xx~~ disputes and other technical formalities have delayed the finalization of the adjudication register for Utaati adjudication section of Ukia Location and Kilome ~~x~~ adjudication sections for Mukaa Location.

(b) Arrangements are under way to speed up the finalization of adjudication registers for Utaati and Kilome adjudication sections to enable land owners to get their title deeds as soon as possible.

MR. MUIA: Arising from that reply from the Assistant Minister, Mr. Speaker, Sir, where he says "Many land disputes", how many land disputes remain unsolved? Secondly, where he says "other technical formalities", what are these technical formalities?

MR. MUTURIA: Mr. Speaker, Sir, as you know, when land adjudication is being done, there are objections raised by people who are not satisfied with whatever decisions ^{have been} ~~that are~~ made. So, such ~~things~~ cases are put to the land adjudication committees in form of disputes. As soon as these ones are settled, we open up the register and we start ^{demarkating} ~~demaecating~~ and issuing title deeds. These are the cases which wananchi ^{raise} ~~raised~~ as objections.

MR. MWACHOFI: Mr. Speaker, Sir, the hon. Assistant Minister has not answered the question that was put to him by the hon. Member. He was asked to say ~~x~~ specifically how many of these objections are still pending. He did not say that; he instead went round explaining that the objections are there. The question is "How many of these objection cases are pending and when ~~t~~ are they going to be sorted out?"

MR. MUTURIA: Mr. Speaker, Sir, there are several cases and we are going to solve them as soon as possible.

MR. MUIA: Mr. Speaker, Sir, I have got the written reply from the Assistant Minister here and I think if he was smart enough, he would have ~~rejected~~ ^{rejected} this reply. First of all, it says "Many land disputes", yet he does not even ask himself how many there are. I want to know ~~how~~ how many they are in this land adjudication area called Utaati and Kilome; I want to know how many there are in each land adjudication section. Secondly, it says "technical formalities". Which are these technical formalities because I do not understand?

MR. MUTURIA: Mr. Speaker, Sir, the original Question here did not ask "How many". The intention of the Question was to know what has delayed the issue of title deeds. I have said ^{there have been} many technicalities and these objections. If the hon. Member wants me to tell him exactly how many, he can give me time and I will check and let him know.

END A.....

JK.

MR. MUIA: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House. The Question is very clear. In this Question I am asking the Assistant Minister to tell the House what has delayed the issuing of title deeds to Utaati Sub-location in Ukia Location and Kilome Sub-location. The Assistant Minister has said that this delay has been caused by many land disputes. I would like ~~us~~ ^{him} to give this House the ^{exact figure} ~~figure~~. He is misleading the House by saying that I am asking a different question. How many land disputes have caused the delay? What are those technical formalities he has talked about? If the Assistant Minister does not answer these two supplementary questions, I think I will be right to say that he is not answering the Question.

AN HON. MEMBER: But he is answering the Question.

MR. MUTURIA: Mr. Speaker, Sir, my reply to this Question is very clear. The hon. Member's Question reads as follows:

- "(a) What has delayed the issuing of title deeds to Utaati Sub-Location in Ukia Location and Kilome Sub-Location in Mukaa Location?
- (b) Could the Minister organize to release these title deeds as soon as possible?"

Mr. Speaker, Sir, I have already said that the delay has been caused by many land disputes. When I say "many land disputes" I mean that these land disputes are more than 10. If the hon. Member wanted to know how many land disputes are there he should have asked this in his Question. This is because I would have definitely replied to that.

MR. MUTHURA: Mr. Speaker, Sir, if I remember correctly, sometime this year or last year, the Government despatched a number of former district commissioners to these adjudication areas where land disputes were pending. I think Machakos District was one of those areas. Is the Assistant Minister telling the House that this team of former district commissioners is still in Machakos? If they are not there then it means that these land disputes have been dealt with and finalised. What is the position regarding this team of former district commissioners?

MR. MUTURIA: Mr. Speaker, Sir, that supplementary question from hon. Muthura is very good but it is a very different question. These land disputes are not handled by those former district commissioners; they are dealt with by adjudication committees. The former district commissioners are dealing with appeals.

MR. MWACHOFI: Bw. Spika, hili ni jambo ambalo linatusikitisha sana. Hii ni kwa sababu hili ni jambo ambalo linahusiana na ardhi. Kila mwananchi ana haki ya kuwa na ardhi yake na pia haki ya kusema kwamba hiyo ardhi ni yake. Hili ni jambo muhimu na la msingi katika uchumi wa ~~ny~~ nchi hii. Waziri Msaidizi anatakiwa kutueleza ni lini ambapo watu wa sehemu za Utaati, Ukia na Kiome watapewa ~~xx~~ hati za kumiliki ardhi. Hii ni kwa sababu hili ni jambo ambalo litawawezesha ku shirikiana na wananchi wengine katika Kenya katika shughuli za kukopa ~~pesa~~ pesa na kuuendeleza uchumi wa nchi hii. ~~H~~ Lakini ut aona kwamba Waziri Msaidizi ~~amakuja~~ amekuja hapa bila ya kuwa na jawabu lolote; anazungukazunguka. ~~z~~ Bunge hili linafedheheshwa na jambo hili. Wananchi kote nchini watabaki bila kuelewa---

MR. SPEAKER: Order! You are taking time for nothing. You are repeating yourself.

MR. MWACHOFI: Bw. Spika, ningependa Waziri Msaidizi aseme wazi ni matatizo gani a_mbayo yamechelewesha kutolewa kwa hati za kumiliki ardhi katika sehemu zinazohusika. Pia ningependa aliambie Bunge hili hati hizo zitatolewa lini.

MR. MUTURIA: Mr. Speaker, Sir, I do not think I can give a better answer than the one I have already given.

MR. SPEAKER: Mr. Koske's Question.

Question No.760

MR. KOSKE asked the Minister for Labour:-

- (a) whether he is aware that a Mr. Morega Ngongo N.S.S.F. No. 036 300 101 a former employee of Cheyemen and Cheboswa Estates of Brooke Bond in Kericho District has not received his N.S.S.F. dues since he resigned on age grounds in August, 1986; and
- (b) when he will be paid.

THE MINISTER FOR LABOUR(Mr. Okondo): Mr. Speaker, Sir, I beg to reply.

I am aware that a Mr. Morega Ngongo Fund member number 036 300 101 has not been paid his N.S.S.F. withdrawal benefits because according to the records we hold in the N.S.S.F., Mr. Ngongo was born in 1942 and will therefore qualify in 1992 when he attains the age of 50 years.

MR. KOSKE: Mr. Speaker, Sir, arising from the answer given by the Minister, I am wondering whether he really did his homework properly. This is because the letter I have here, written by the employer to the employee, tells the employee that he has reached retirement age. Also the forms I have from the N.S.S.F. show that this man was born in 1932. Why is the Minister now telling

MR. KOSKE (ctd);

us that this fellow was born in 1942 when the documents I have from his Ministry show that he was born in 1932? Can he tell us what happened?

MR. OKONDO: Mr. Speaker, Sir, it is not uncommon that people have a number of birth dates according to the documents they submit to their employers and to N.S.S.F. Very often these documents give conflicting information. People have changed their birth dates for ^{various} reasons they may think beneficial to them at some stages. This happens very often. So, what we go by in the N.S.S.F. is the date that was given when the employee first got employment. That is the date we have kept. We are prepared to change that date provided that an affidavit can be ~~sw~~ sworn as required by the law, that the date of birth has changed. But until that is done, we ~~s~~ usually stay with the ~~date~~ date which the employee gave ^{when} he first got his first employment.

MR. KIKUYU: On a point of order, Mr. Speaker, Sir. We are getting two conflicting reports. One is from the hon. Questioner, Mr. Koske. He says that the documents from N.S.S.F. show that Mr. Ngongo was born in 1932. The Minister who comes from the same Office ~~says~~ says that Mr. Ngongo was born in 1942. Whom are we going to rely ~~on~~ on? I am asking this because the documents the hon. Member is talking about come from the Minister's office.

MR. OKONDO: Mr. Speaker, Sir, I have replied to the Question according to the information I have. If the hon. Member has another document from the N.S.S.F. stating that this person was born in 1932, I am prepared to look at it and go and check the records again. I would like to ask the hon. Member to let me have those documents so that I can have ~~it~~ a look at them. I am prepared to ~~help~~ help because this is the purpose for which I am here. I am here to give assistance.

So, if there is more information, I will most willingly use it to establish the benefits of the member.

MR. KARAUARI: Mr. Speaker, Sir, a lot of retired people are suffering. This includes those who have retired from the Civil Service after attaining the age of 55 years. But when you go to the N.S.S.F. you will be told that these people have not attained the retirement ~~age~~ age. When will the Minister accept to pay people their N.S.S.F. benefits when they have retired; from Government Ministries or elsewhere? This is because these people retire after attaining the mandatory retirement age of 55 years. Why should the Ministry of Labour always doubt whether these people have attained retirement age when in fact they have been retired on age grounds?

MR. OKONDO: Mr. Speaker, Sir, the Ministry of ~~the~~ Labour does not operate in a vacuum. We do have certain regulations which have been laid down and we use them. One of them is that the main way by which you establish a person's age - and therefore N.S.S.F. entitlement if he has been contributing - is the date that he entered first as being his date of birth when he first got a job. This has obviated a number of problems. We have had cases of people who have changed their ages ~~in~~ either to get certain benefits or to escape certain ~~responsibilities~~ responsibilities. This has happened and we know that it has happened. So, some people have erroneous ages. As I have already said, we are quite prepared and ready, even now, to consider a change provided the person concerned will enter an affidavit accordingly. A letter from a Ministry terminating the services of a staff member or retiring a staff member is not officially recognised, in law, as an affidavit. It will be useful to us if that ex-staff member uses that letter to declare an affidavit so that we can use that affidavit to change his age in our records.

MR. SPEAKER: Mr. Shikuku's Question.

Question No.785

~~MR. SPEAKER: Mr. Shikuku not here? Let us go back to
Mr. Ekidor's Question.~~

END.B...

MR. SPEAKER: ^{us} Let go back to Mr. Ekidor's Question.

Question No. 799

MR. SPEAKER: Mr. Ekidor not here.

Let us go on to Questions by Private Notice, ~~Dr. Chibule.~~

QUESTIONS BY PRIVATE NOTICE

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

(a) Is he aware that the Chief of Rabai Location and the local District Officer stopped Rabai Kaya elders from entering the Kaya to perform normal traditional rites two weeks ago?

(b) Why should the local administration interfere with the freedom of worship of these peaceful wananchi?

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Maiyani):

Mr. Speaker, Sir, I beg to reply.

(a) I am not aware. I am, however, aware that about two weeks ago some elders approached the District Officer, Kaloleni, seeking a permit to enter the Kaya to perform traditional rites. The District Officer advised them that it has never been necessary for Kaya elders to be issued with any permit to perform such rites. They were, therefore, free to do so.

(b) From the answer given in part (a) above, this part of the Question does not arise.

DR. CHIBULE: Mr. Speaker, Sir, it has been the normal practice that these elders inform their chief whenever they have wanted to go to the Kaya, and the chief would agree to it. In this particular instance, however, the chief threatened to send some policemen to go and arrest them if they went to the Kaya. That is why they went to the District Officer concerned. Do I now take it from the Assistant Minister's reply that these elders can enter the Kaya—

MR. SPEAKER: Will you ask your question, Dr. Chibule?

DR. CHIBULE: Mr. Speaker, Sir, my question is whether I should now take it from the Assistant Minister's reply that there is no need to inform the chief whenever Kaya elders want to enter the Kaya.

MR. MAIYANI: Mr. Speaker, Sir, it has been the practice to allow these elders to enter the Kaya provided that their number is reasonable. If it is too big, the occasion becomes a public meeting which requires a licence. However, I would like to enlighten the hon. Member on the facts relating to this particular Kaya. About two weeks ago, some elders from Rabai Location approached the District Officer, Kaloleni, seeking a permit to enter the Kaya, in order to perform some traditional rites. This was unusual, since the special elders who perform the rites do not need a permit to do so, especially because the Kaya is a holy place. The elders in question informed the District Officer concerned that they intended to enter the Kaya in a larger number than is normal, since they wanted to clear the area around the shrine. The District Officer advised them that if the number of elders who intended to visit the Kaya was large, they would need to apply for a licence to hold a public meeting and that they would obtain such a licence from the District Officer's office in the usual manner. However, if only the special elders were going to attend the occasion, there would be no need for the permit nor the licence.

The local elders, therefore, were not stopped from entering the Kaya to perform their traditional rites. They were only required to have a minimum number of elders entering the Kaya.

MR. KANINDO: Mr. Speaker, Sir, would the Assistant Minister tell the House the number of elders required to enter the Kaya without a permit and for what number a permit is needed? In this way, these elders will be very clear as to what they should do.

MR. MAIYANI: Mr. Speaker, Sir, I am surprised to hear this question because the information available is that there is a usual number of special elders of that place who enter the Kaya without a permit. Only the usual number, and not a multitude, of elders can enter the Kaya without a permit.

DR. CHIBULE: Mr. Speaker, Sir, the usual number of elders in question

DR. CHIBULE (CTD.):

has always been 20. Could the Assistant Minister now tell us what he means by the number that he considers not to be usual?

MR. MAIYANI: Mr. Speaker, Sir, the number of elders that the District Officer was informed of was much larger than 20. The elders wanted a multitude of people to go and clear the Kaya, and only the usual number of 20 elders was permitted to go there to say their prayers.

MR. KANINDO: Mr. Speaker, Sir, realising that these are peaceful people who followed the law as is required by going to the District Officer, why were they refused a permit? They had already seen and assessed the situation, and felt that they needed a permit.

MR. MAIYANI: Mr. Speaker, Sir, hon. Kanindo does not come from the place in question. I have repeatedly said that the usual number of elders allowed to go to the Kaya without a permit is 20. These elders wanted many more people to go there and clear the Kaya.

DR. CHIBULE: Mr. Speaker, Sir, the Assistant Minister has not answered my question in respect of the fact that the elders have normally been expected to inform their chief whenever they have wanted to go to pray in the Kaya. They have always been expected to do that, but the last time when they went to the chief, they were refused permission to go there. That is why they went to the District Officer. I have asked the Assistant Minister to tell me whether we should now take it that there is no more need to inform the chief any time these elders want to go to the Kaya.

MR. MAIYANI: Mr. Speaker, Sir, surely the chief must know what is going on in his location. The usual number that will be allowed to go to the Kaya is 20, and if it is bigger than that, the chief will refuse the elders permission.

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. The Kenya Constitution guarantees the freedom of worship. This is the first time that this House has been told that when people go to pray, only a certain number is allowed to do so, and that people numbering more than that number have to ask

MR. MWACHOFI (CTD.):

for permission. I seek your guidance here because I want the Assistant Minister to be very clear in telling the House whether this particular group of worshippers has to have permission to pray, whereas it is provided in the Constitution that—

MR. SPEAKER: Order, Mr. Mwachofi. You are taking too long asking your question.

AN HON. MEMBER: What is your point of order?

MR. MWACHOFI: Mr. Speaker, Sir, I stood up on a point of order to ask the Assistant Minister to tell the House why it has become necessary for this particular group of worshippers to ask for permission to pray when it is very clear in the Constitution that we have such freedom.

MR. MAIYANI: Mr. Speaker, Sir, you will appreciate that we are approaching elections and that such traditional rites which are limited to about 20 elders of the village concerned can be misused in such a manner that under the pretext of clearing the Kaya, a whole location is brought there. We cannot really say that all those people would be performing any rites. After all, these are traditional rites, which include elders praying for the rain to come. They are not performed by everybody from the area, location or district. Only a limited number of the known special elders is allowed to do this.

DR. CHIBULE: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister telling us that these elders should not pray any more because the elections are approaching?

MR. MAIYANI: Mr. Speaker, Sir, I have not said that.

END C 

MR. MUTHURA: On a point of order, Mr. Speaker, Sir. If I heard the Assistant Minister correctly, he said that hon. Kanindo does not come from the area ^{about which} ~~that~~ the Question is being asked. I would like to seek your guidance here. Does it mean that an hon. Member should ^{not ask} a supplementary question about an area that he does not represent, even if he thinks that he has a genuine question?

MR. MAIYANI: Mr. Speaker, Sir, I did not say that if any hon. Member--

HON. MEMBERS: Yes, you did!

MR. MAIYANI: No, Mr. Speaker, Sir, I did not say that. I said that he does not come from that area and, therefore, does not know those traditional rites.

MR. MWACHOFI: Mr. Speaker, Sir, I am particularly worried by what the Assistant Minister said regarding the freedom of worship and the forthcoming general elections. I usually go for mass at the Holy Family Cathedral every Sunday. Is he telling the House that because the general elections are about to take place, the freedom of worship is going to be curbed? Is the number of people going to church every Sunday going to be decided by the Government? We would like an explanation on this point.

MR. SPEAKER: Let us move on to the next Question.

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

(a) Is he aware that on 5th August, 1987 and October, 1987 Messrs. Farah Aden and three others were killed and their livestock, totalling over 1,000, taken by bandits in Siricho area of Isiolo District?

(b) Is he further aware that between 10th August, and 20th October, 1987 over 1,836 livestock were stolen from the same area and have not been recovered?

MR. HASSAN (ctd.):

(c) What steps has he taken to recover these livestock and apprehend the culprits?

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipi)
Mr. Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) I am only aware of the following incidents:

(i) On the 20th September, 1987 at Kome Kaba in Siricho Division, Daudi Aden Dawa, a Somali aged 43 years was attacked by a group of about 10 bandits armed with rifles and spears. These bandits allegedly stole his 400 goats which have so far not been recovered. No arrests have been made and a police case file No. 424/11/87 is still pending under investigations.

(ii) On the 6th October, 1987 at Samburu, 450 head of cattle belonging to Hussein Hassan Mahamoud, aged 37 years, were reported stolen by bandits. A team of security men was dispatched to the area. All the stolen cattle were recovered. Marani Nduva Mariko was arrested and charged with the offence. The police case file No. 424/13/87 is still pending before court.

(iii) On the 21st October, 1987 at Siricho area, 25 head of cattle belonging to Abdi Ongit Kuyo were reported stolen by bandits. ^{The} security forces ^{these} acted promptly and recovered 19 head of cattle. Yusuf ^{Ibrahim} Ndire was arrested and charged with the offence. He was sentenced to seven years' imprisonment with hard labour and ordered to receive four strokes of the cane.

(c) Arising from the reply given in part (b), this part of the Question is adequately covered.

MR. HASSAN: Mr. Speaker, Sir, arising from that reply by the Minister where he refers to several incidents of cattle theft by bandits and the recovery of 19 head of cattle, is he satisfied that after so ^{much stock theft in the area,} ~~many rustling of cattle~~ the security ^{forces} (in the area

MR. ole TIPIS (ctd.):

cattle rustling, but to help to defend the life and property of innocent Kenyans.

MR. SPEAKER: Let us move on now.

b.c./
MR. KANINDO: On a point of order, Mr. Speaker, Sir, You will agree with me that the hon. MEMember has made a serious allegation when he said that there are leaders there who liaise with homeguards in Isiolo District to rustle cattle. Would he be so kind as to tell the House about these people, as he seems to have a wide knowledge about these activities, so that we too can know about this?

b.c./
MR. HASSAN: Mr. Speaker, Sir, I said that because I come from that area and I know what is happening there. The thing is ~~this~~ ^{that} These bandits have no blessing of anybody in that area. These cases have been going on now for nearly a year. The Minister has even quoted some cases in his main reply. The area that I am talking about is ^{not big -} ~~between~~ Siricho and Isiolo Districts. It is an ^{where can one} ~~a~~ ^{area} ~~that~~ one drive from ^{one} corner to the other in just three or four hours. Why is it that no animals have been recovered in that area after being stolen and no bandits have been apprehended? If these are bandits who do not have the blessing of some people in the area, why have they not been apprehended? On top of that, it was only the other day that the hon. Member ^{for} ~~of~~ that area, I am only a neighbour to the hon. Member, I do not come from Isiolo District ~~and~~ ^{or} Siricho Division; We only have a common border with him - reported ^{here} ~~here~~, and this can be verified in the HANSARD, that the problem that was ^{ew} ~~going~~ ⁱⁿ ~~in~~ Isiolo District and Siricho Division, was the creation of some local leaders in that area. The problem was suspected to have the blessing of the homeguards ^{in that area} ~~of~~. In his reply the Minister said that the Government was investigating that incident. This is what prompted me to say that the homeguards are suspected of participating and this is known in that area. If these incidents did not

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MR. HASSAN (ctd.):

have the blessing of some people there, how ^{could} ^{have you} ~~can they go on~~ for
this length of time?

END D.....

By Hassan

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Ole Tipis): On a point of order, Mr. Speaker, Sir. I need not go into trouble to answer the other parts raised by my hon. friend. But he made a categorical statement that the chiefs and the homeguards from Isiolo are collaborating to steal these cattle. Could he kindly come out in the open and tell us who these chiefs, assistant chiefs or the homeguards are? Otherwise, he will not try and get away with it at all. It is very serious.

MR. SPEAKER: Mr. Hassan, will you withdraw your allegation?

MR. HASSAN: Mr. Speaker, Sir, what I did say is that the bandits who are suspected to be stealing these cattle are the homeguards from that area. I asked whether the Minister would agree or deny that. I said that there is the likelihood of that being the truth, and the people there are suspecting this to be the case. This is what I said. Again, in my response, I had quoted what the hon. Member from the area had complained of. So, the Minister cannot say --

MR. SPEAKER: Order! I think you should also listen instead of making long statements and so on. But you made an accusation about people who are not necessarily bandits. So, that is what I am asking you to withdraw.

MR. HASSAN: What I did say, Mr. Speaker, Sir. --

MR. SPEAKER: Order! I have already ordered you to withdraw!

MR. HASSAN: What will I withdraw, Mr. Speaker, Sir? Which specific point will I withdraw?

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): On a point of information, Mr. Speaker, Sir. What I heard from the hon. Member - and that is what we call categorical statement or allegation - was that there are some local leaders from Isiolo who are behind these bandits. That is why the bandits are coming to the other side. That is what the House is asking him to withdraw and apologise, or substantiate because it is a very serious allegation.

MR. HASSAN: Mr. Speaker, Sir, I withdraw the point of local leaders.

MR. ABUYA-ABUYA: On a point of order, Mr. Speaker, Sir. What is he withdrawing? He should also apologise to the House!

MR. SPEAKER: No, that is enough. Let us leave it at that. Next Question, Mr. Kisuya.

MR. KISUYA: Mr. Speaker, Sir, I beg to ask the Vice-President and Minister for Home Affairs the following Question by Private Notice.

(a) Is the Minister aware that the late Mr. George Musokho Prisoner No. Bungoma/184/871 LS and who was transferred to Shikusa Prison No. SHK/324/87/LS on 7th March, 1987, died on 25th March, 1987?

(b) What was the cause of his death and where was he buried?

(c) Will the Minister order that the remains of the deceased be exhumed and handed over to the relatives for burial in accordance with Bukusu customs?

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki):
Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Prisoner George Musokho alias Jeremiah Jembi was admitted in Kakamega Hospital on 21st March and died on 25th March, 1987.

(b) When the Prisoner was admitted in Kakamega Hospital, he was in a very critical condition, and he died while undergoing treatment for hypo-disemia (low sugar in the blood and severe diarrhoea).

(c) As to where he was buried, Mr. Speaker, Sir, this is a sad story because the body was taken to the mortuary, and the information about his death was communicated to the Kakamega Prison Authorities. Unfortunately, action that should have been taken by the Officer in Charge, Kakamega Prison, was not taken immediately. In the meantime, the refrigeration in the mortuary failed to function, and the bodies that were there started decomposing. By mid May, namely, after two

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Contd.):

months, when the cold rooms of the mortuary were electrified, the 16 bodies that were there were so decomposed that the health authorities ordered that they be disposed off. They were handed over to those who dispose off such bodies from the Municipal Council, and as these bodies were not individually identified, and they were among those that had not been claimed, this particular Prisoner was among those 16 bodies that were badly decomposed and which were disposed off.

(c) It is, therefore, not possible for the Minister to order that the remains of the deceased be exhumed and handed over to the relatives because even the identification of the individual would not be possible.

MR. KISUYA: Mr. Speaker, Sir, arising from the reply by the *Vice-President and Minister for Home Affairs* is he aware that the clothes of the deceased were sent to his home in June, 1987? If the Government knew very well that the home of the deceased was Bukokholo Village, why did they not send the *body* ~~clothes~~ there? They stayed up to May when he was buried and then they sent the clothes home. Why?

MR. KIBAKI: Mr. Speaker, Sir, I want to assure the hon. Member for Bungoma Central that, in fact, the Government has taken very serious view of this matter. In fact, the three officers who are directly involved would have to show cause why they cannot be totally sacked. By June, all what I have related had ~~also~~ *already* happened because this gentleman died on 25th March, 1987, and the decomposition of these bodies in the defective mortuary happened during the following two months. So, by June, 1987, it is when some other officers in routine check-ups discovered that there was this case which had not been accounted for properly. This is because when somebody dies in prison, the officer in charge of the prison where that man was should report to the District Commissioner immediately so that the relatives are informed

MR. KIBAKI (Contd.):

immediately so that they can then come for the body immediately. Those are the actions that were not taken. There is then this other catastrophe which happened, about the mortuary not working. Otherwise, the body could still have been in the mortuary even after those two months. So, that is the crisis we have. So, whoever was sending clothes and other items back home was only trying to ~~cover up~~ ^{this issue}. So, this investigation is in hand.

MR. KISUYA: Mr. Speaker, Sir, this is a very serious matter. Why is it that 16 bodies can be buried in one grave? Why not bury them in separate graves or holes?

AN HON. MEMBER: How do you know?

MR. KIBAKI: Mr. Speaker, Sir, I have not heard the question?

MR. SPEAKER: What is your question, Mr. Kisuya?

MR. KISUYA: Mr. Speaker, Sir, why is it that 16 bodies were buried in the same grave?

AN HON. MEMBER: Who said that?

MR. KIBAKI: Mr. Speaker, Sir, we are not certifying that 16 bodies were buried in one grave. What I am saying is that the 16 bodies were the bodies that decomposed while in the mortuary when the refrigeration was not working for two months. Some of these bodies had not actually been identified for collection. This kind of thing does actually happen. We have a lot of bodies of that nature in any mortuary, including the ones in Nairobi. However, what I did say was that this body of this particular Prisoner was among the 16 bodies that were badly decomposed and which were, therefore, on health grounds, ordered to be disposed off. That is what I have said.

MR. KANINDO: Mr. Speaker, Sir, why was it not possible to co-ordinate with another mortuary with regards to refrigeration so that they could do the necessary until the relatives are informed?

MR. KIBAKI: Mr. Speaker, Sir, the question that the hon. Member for Homa Bay is asking is, in fact, the same question we are asking ourselves. This is because the Officer-in-Charge, Kakamega Prison, in whose charge this particular body was, and the Prison itself is not very far from the Kakamega Hospital, once he learned that the mortuary ^{was} ~~is~~ not operational, he should have moved the body. In any case, he should have reported the matter to the Administration to be assisted in getting the relatives of the dead person.

End E. 

MR. KISUYA: On a point of order, Mr. Speaker, Sir. ~~1~~ The answer is rather ~~is~~ interesting. Now, if the prisoner died in March, there was a period of two months. Why was this information not communicated to the next-of-kin from March to May when the body was decomposed?

HON. MEMBERS: You are repeating yourself!

MR. KISUYA: No; I am not.

MR. KIBAKI: Mr. Speaker, Sir, I hope we ~~are~~ are communicating. I have replied to that particular question three times over and over again. That is the question ~~is~~ the officer-in-charge himself has to answer. This is because when the gentleman died in prison, the wardens who were in charge of him as ~~an~~ escort upto the hospital in ~~the~~ fact reported ~~to Kakamega Prison~~ the matter to Kakamega ~~Prison~~ Prison; recorded it in the daily occurrence book; ~~is~~ and informed the chief officer who was on duty, who then informed the officer-in-charge of the prison. So, those two officers should have informed the Administration, who, normally, assist us in tracing the relatives. Usually, in a day or two, such message gets to somebody's home. As I said, that is the question that the officers-in-charge have to answer. They have been unable to answer it; so, they have to be held responsible.

(MR. LOTITIYO) to ask the Minister for Local Government:-

- (a) Is the Minister aware that some senior officers of Samburu County Council operate a traditional dance group in Samburu Game ~~x~~ Reserve which is owned by the council?
- (b) How much money have they made so far and how much do they pay to Samburu County Council per month?

MR. SPEAKER: Mr. Lotitiyo is ~~still~~ not here?

Let us move on to Mr. Nyaga's Question.

MR. NYAGA: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

- (a) Could the Minister tell the House how much money has been allocated by A.F.C. for lending in Embu District this Financial Year in comparison to the 1986 Financial Year?

MR. NYAGA (CTD):

(b) Why has the A.F.C. suspended all lending during the past four months and when will this embargo be lifted to enable the farmers apply for loans?

(c) Could the Minister consider reviewing the amount ~~an~~ A.F.C. allocates to the farmers for the purchase of grade cattle from Kshs.4,000/- to KShs.7,000/-?

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Muigai): Mr. Speaker, Sir, I beg to reply.

lc. (a) Embu District has been allocated KSh.6,935,000/- for Lending by the Agricultural Finance Corporation (A.F.C.) during the current Financial Year. For the Financial Year 1986/87, it was allocated KSh.11,447,000/-.

(b) A.F.C. has not suspended all lending during the past four months. What has happened is that due to the scarcity of funds for lending, A.F.C. has shifted its lending priority to small-scale farmers.

(c) A.F.C. finances for the purchase of grade cows ~~is~~ based on the quality of the particular animal. A figure of KSh.4,000/- has been given as an average for general guidance. Where the production records of a particular ^{cow} justify a higher price, ~~the~~ A.F.C. finances to the tune of the justified price.

MR. NYAGA: Mr. Speaker, Sir, could the Assistant Minister repeat the amount that is allocated in the current financial year for Embu District? I did not get it; I want to get it correctly before I can respond.

MR. MUIGAI: Mr. Speaker, Sir, the figure is KSh.6,935,000/-.

MR. NYAGA: Mr. Speaker, Sir, will the Assistant Minister assure this House that, as we rise, ^{the} A.F.C. will start lending money for agricultural development in Embu District? This is because as at 23rd November, 1987 when we had the Embu District Development Committee meeting, the granting of loans had been suspended by a circular from the general manager, which I ~~saw~~ myself saw. Now, people have been wondering as to ~~where~~ where ~~of~~ the money allocated to the district has gone ^{to} since no loans are being processed since the beginning of this financial year.

MR. MUIGAI: Mr. Speaker, Sir, the information I have is that the lending is still going on. I will check with the A.F.C. offices, and find out whether there has been any suspension of lending. What I said is that A.F.C. is giving priority to the small-scale farmers at the moment because of lack of funds.

MR. NYAGA: On a point of order, Mr. Speaker, Sir. Embu District has no large-scale farmers. Nearly 99 per cent of all the farmers in Embu District are small-scale farmers. These are the people who produce the bulk of our maize and beans; they are also the people whose applications for loans have been suspended by the A.F.C. Also, the question of Ksh.4,000/- as money allocated by the A.F.C. for the loans has been an average figure for the last 10 years, while the price of animals has changed over those years. Now, my question was: in view of the changes in the price of grade animals, would the A.F.C. now agree to raise the loan to a minimum of Ksh.7,000/-? Now the price of a grade cow is Ksh.12,000/-. Will the Assistant Minister confirm that Ksh.7,000/- can now be the average loan figure by the A.F.C.? It is an average figure based on the price of the average animal.

MR. MUIGAI: Mr. Speaker, Sir, the A.F.C. is a bank. I have already said that A.F.C. will lend according to the price; whether it will give Sh.7,000/- or Sh.10,000/- will depend on the justified price of the animal.

(MRS ASIYO) to ask the Minister for Lands and Settlement:-

- (a) Is the Minister aware that the land belonging to the people of Wagwe and Kanjira, South Nyanza District was taken away and fenced?
- (b) Who took this land and for what purpose?
- (c) Would the Minister order that the land be returned to its original owners since they want to prepare the fields in readiness for the next season?

MR. SPEAKER: Mrs. Asiyo is not here. Mr. Wagura's Question.

MR. WAGURA: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

- (a) Is the Minister aware that ~~lyh~~ there was a maternity ward at Ndaragwa Health Centre which was demolished during the reconstruction of the health centre?
- (b) Since maternity services are crucial, could ~~the~~ the Ministry construct a maternity wing immediately?

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): Mr. Speaker, Sir, I beg to reply.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo)(Ctd):

(a) I am aware that there were two beds for emergency maternity cases.

(b) The staff at the health centre handle emergency maternity cases without any problem. However, under normal circumstances, maternity cases are referred to Nyahururu District Hospital where the necessary facilities are available. If the District Development Committee, Nyandarua District, ~~xxx~~ strongly recommends that a maternity wing should be constructed at this health centre, the recommendation will be considered, having due regard to the availability of funds.

MR. WAGURA: Mr. Speaker, Sir, I am surprised to hear the Assistant Minister trying to mislead the House. There was a maternity wing in that health centre, which was demolished ~~xxx~~ when they were constructing a new ~~xxx~~ health centre. That area is heavily populated; it has only some ^{few} new areas, which were settled ~~x~~ recently. ~~xxx~~ It is over 25 kilometres from Ndaragwa to Nyahururu. We are all ^{aware} that maternity cases are very serious and sensitive. So, could the Assistant Minister assure the House that they will reinstate ~~a~~ facility ~~xxx~~ similar to what we had, if they cannot construct something better?

MR. arap CHEBOIWO: Mr. Speaker, Sir, what I can say is that if the District Development Committee, Nyandarua, makes a strong recommendation to the Ministry, something will definitely be done. ~~xxxxxx~~ I am aware of the distance the hon. Member is referring to.

MR. WAGURA: On a point of order, Mr. Speaker, Sir. While appreciating that the District Development Committee, Nyandarua, has approved the construction of several health centres in Nyandarua District - I am sure that these recommendations are in their Ministry - could the Assistant Minister stop misleading the House? Will he assure ~~the~~ the House that Ndaragwa Health Centre will get its little share of a maternity wing? I do not know who is misleading the Assistant Minister! I think ~~xxxxxx~~ we will censor somebody. Just as we were misled about Ol Kalou Hospital, now we have been misled about Ndaragwa Health Centre. Could he get proper information and report back to the House? He has been misled all along by the medical personnel about Ndaragwa Health Centre. So, will the Assistant Minister get proper information and come back to tell the House what is actually happening?

UC
 MR. arap CHEBOIWO: Mr. Speaker, Sir, I would like to refute the word "misled". I have not been misled at all. This is because when we get a Question, we always look at it very thoroughly, so that when we give information to the hon. questioner and the House, we are telling the truth. ~~xSax~~ Now, with regard to Ol Kalou, I have agreed with the hon. Member that we should go there together and see what is happening. Now, Ndaragwa is a mere dispensary, and ~~main~~ normally maternity wings are attached to health centres and ~~district~~ hospitals.

Mr. Speaker, Sir, as I speak now here, the following facilities are available at the dispensary: out patient section, a pharmacy, a dressing room, an injection room, a waiting bay, or ^{maternity} ~~maternity~~ child health/family planning (MCH/FP), ~~three permanent~~ and three permanent staff houses. What I am assuring the ~~H~~ hon. Member is that if ~~they have made a recommendation~~ their district development committee has made a recommendation ~~in~~ which has not yet reached the Ministry, as soon as it reaches the Ministry, we will take action. So, the question of being misled does not arise; I cannot be misled.

END

F

COMMUNICATION FROM THE CHAIR

MR. SPEAKER: Hon. Members, you will recal that last Thursday, 3rd December, 1987, I requested the Member for Mbooni, hon. Munyao, to defer raising his Motion for the Adjournment until I studied the implication it would have in the light of certain documents having been laid before the ~~Kenya~~ House.

I did announce Notice of Motion for the Adjournment to enable the hon. Member raise the issue of constituencies boundaries in Mbooni and Mwala divisions on Tuesday 1st December, 1987. This was done before my attention was drawn to the existence of the Legal Notice No.309 of 1987 of Parliamentary Constituencies maps.

This particular Legal Notice was laid on the ~~BT~~ Table of the House by the Attorney-General on Wednesday, 2nd December, 1987. This action was done purely for information and not for debate.

After ~~having~~ having carefully studied the provision of Section 42 of the ~~S~~ Constitution of Kenya, it is my considered view that an order ~~be~~ made by the Electoral Commission ~~is~~ cannot be subject of a debate in the National Assembly.

Unlike the rules and ~~regu~~ regulations made under any Act which are required by Section 34 (1) of the interpretation and General Provisions Act (Cap.2 of the Laws of Kenya) to be laid before the National Assembly without unreasonable delay - and can be subject to annulment by resolution of the House; an Order made under Section 42 of the Constitution of Kenya cannot be subjected to a debate in the House.

I, ~~x~~ therefore, rule no more debate on this matter, and in any case, nothing useful will be achieved by discussing the decision of the Electoral Commission here. If there are any representations to be made against the findings of the Commission they should be channelled ~~to~~ to the appropriate authorities.

POINTS OF ORDER

THE MINISTER FOR LABOUR (Mr. Okondo): On a point of order Mr. Speaker, Sir. I am raising a point of order, in connection with Question No. 760 which I answered this afternoon. When ~~xxxx~~ raising supplementary questions under Question No. 760 in regard to the answers I ~~z~~ gave, hon. Koske made a ^{very clear} categorical statement that he had ~~x~~ documents which had ~~byx~~ been written by my Ministry to Mr. Ngongo to the effect ~~yxst~~ that he was born in 1932. Mr. ~~xxxx~~ Speaker, Sir, ^a picture was created and an image built up that my Ministry was writing one thing and I came here to say a different thing in as far as the age of Mr. Ngongo was concerned. This is not a ~~xxxx~~ true picture and ~~ix~~ it is a fallacy. The papers that hon. Koske was referring to ~~are here and are~~, in fact, ^{include} the N.S.S.F. application/^{Form}No. 31, which ~~ix~~ is simply made for an applicant to complete in applying for the benefits. In so doing, Mr. Ngongo, himself filled in the date of birth as being 1932, which does not confirm that that was the actual date ^{of his birth} ~~he was born~~. So, the point I am making is that hon. Koske should know that this is not ^{the} a letter which was written by the Ministry, but it is an application form made out by Mr. Ngongo himself and it is, therefore, not a ~~yx~~ letter from the Ministry. If the ~~xxxx~~ hon. Member would like to rectify the records, he should withdraw the statement he made in that regard. Thank you Mr. Speaker, Sir.

THE MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Magugu): On a point of order, Mr. Speaker, Sir. I would like to make a short ~~x~~ statement concerning Kisii-Chemosit Road.

In ~~x~~ April 1986, the Government awarded a 24 ~~month~~ months contract to ~~xx~~ Solel Boneh International Limited to upgrade the Kisii Chemosit Road to Bitumen standard. ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~

THE MINISTER FOR TRANSPORT AND COMMUNICATIONS (ctd):

However, after 16 months of the contract period had passed, the contractor had only executed Works ~~valued~~ valued at 17 per cent of the physical completion.

In view of the poor progress in the execution of the project, the Ministry carefully considered the matter and concluded that the contract be terminated. After appropriate consultation ~~and~~ with the Attorney-General, it has been decided ^{that} ~~by~~ the contractor will be allowed to orderly remove from site, his construction plant and other equipment and machinery brought by him to the site. He will also be ~~be~~ paid for the certified work executed by himself less retention money.

Advertisement for prequalification of Contractors to Tender for the continuation of the work has been done and the response thereof is being processed by the Kisii and Kericho district development committees.

In order to ensure that the Government's interests are adequately protected, the current contractor shall not remove his plant and equipment from site until the new contractor takes over. This will ensure adequate up-keep for the road in the interim ~~and~~ period.

A joint inspection by the ~~concerned~~ concerned parties will take place when the new contractor shall move to the site. Subsequently, the current contractor will be ~~relax~~ relieved of his obligations under the contract after executing a deed of ~~indemnity~~ indemnity against any future claims which he may hold against the Government.

A new tender programme for implementation of the outstanding work has been drawn up ~~and~~ following prequalification of contractors. The programme is as follows:

THE MINISTER FOR TRANSPORT AND COMMUNICATIONS (ctd):

- 1st December, 1987 Issue of Tender Documents
(~~is~~ which is already done)
- 8th December, 1987 Pretender Site Visit (which
is already to be)
- 18th December, 1987 Tender ~~is~~ Opening
- 11 January, 1987 Com_pletion of Report of Tender
- 22 January, 1988 Award of Contract; (this will
be done if God is willing).

Thank you Mr. Speaker, Sir.

END J.....

Ministerial Statement

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai):

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

I rise to make a Ministerial Statement concerning a matter which was raised by hon. Kanindo on Thursday, 19th November, 1987. He rose ~~up~~ on a point of order, related to the plight of two Kenyan musicians over a question of royalties claims from the sales of their music records.

Mr. Speaker, Sir, the dispute was between ~~the~~ two parties of which the two musicians, each one of them representing his own company, they were Mr. George Ramogi Otieno of C.K. Dumbe Dumbe Jazz Band, and Mr. Peter Owino Rachar of Pluto Sound International Limited. The other party was Mr. Michael Andrew, representing his two associated companies, that is, A.I.T. Records (Kenya) Limited and Sound and Visual Production Limited.

Mr. Speaker, Sir, hon. Kanindo alleged that after the two musicians got information that their music records were being sold in South Africa, they took flight and went to South Africa and found their records ~~is~~ selling there. The two musicians returned to Kenya and came right to my office and ~~took~~ took ^{up} the issue with me. Hon. Kanindo also alleged that on 1st February, 1987, ~~when~~ Mr. Michael Andrew was summoned to come to my office and agreed to pay the musicians ~~Ksh.~~ Ksh. 5,2 million, ^{and that} when they came back to my office for the second time, on 12th February, 1987, I deprived the two musicians of their rights and that Mr. Peter Owino Rachar got only Kshs. 10,000/- out of ~~is~~ this claim of Kshs. 700,000/-. Hon. Kanindo also accused me of being bribed by Mr. Michael Andrew. This was a very serious charge to have come from one hon. Member to another.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai) (Ctd.):

Mr. Speaker, Sir, I categorically deny hon. Kanindo's malicious and slanderous accusation. I did not receive anything from Mr. Andrew~~s~~ and his two companies in order to protect or favour ~~me~~ Mr. Andrew~~s~~. I also deny that any agreement was reached for a payment of Ksh.5.2 million to the two musicians in my office. I do not know Mr. George Otieno; he never came to my office.

Mr. Speaker, Sir, this is the first time, in my 42 years of political life, that I have been maligned and hon. Kanindo should be ashamed for his deliberate falsefied ~~xxxxx~~ accusations against me. Hon. Kanindo is maliciously dragging me into his mess, in order to free himself from a court decree of which Mr. Michael Andrew~~s~~ and his two associated companies, that is, A.I.T. Records (Kenya) Limited and Sound and Visual Production Limited are holding a court decree demanding ^{from} hon. Kanindo and his two companies named Phares Kanindo Music Store Limited and East Africa Records Limited the sum of Ksh.273,528/-, which arose from High Court Civil Case No.1768 of 1980 filed by Mr. Michael Andrew~~s~~ and his Sound and Visual Production Limited against the hon. Member and his two companies. The court decree is still valid and judgement stands and continues to earn taxation and interest at 12 per cent annually. It is ~~my~~ obvious that from this mess hon. Kanindo is drowning and now, deliberately, fabricates the story about ^{the} South Africa illicit trade with a hope that the Government would rescue him by kicking ~~out~~ Mr. Andrew~~s~~ out of this country.

Mr. Speaker, Sir, I shall lay on the Table of this House a photostat copy of the said Court Decree arising from High Court civil case No.1768 of 1980, dated 17th May, 1984.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai)(Ctd.)

Mr. Speaker, Sir, hon. Kanindo, in his false accusation, blundered when he wanted this House to believe that the two musicians made their trip to South Africa and returned to Kenya early this year, which was not true. The ^{truth} is that their journeys were made between 1978 and 1983 when I was not yet elected to Parliament or even being appointed an Assistant Minister in the Office of the President. Sir, I shall lay on the Table of this House a letter written by Mr. Rachar to Mr. Michael Andrews, the Managing Director of A.I.T. Records. This letter is dated 8th August, 1978, requesting A.I.T. Records to pay him Ksh.270/- from his account after narrating in that letter about his journey to Zambia, Zimbabwe, Mozambique, Botswana and Malawi. In that letter, Mr. Rachar admitted that he found his record sales not doing well. Mr. Rachar did not mention his journey to South Africa. Mr. Rachar blundered here, because, at that time, ~~KxxxRx~~ his royalties claims had not reached Ksh.700,000/- which he is now claiming.

Mr. Speaker, Sir, hon. Kanindo committed another blunder of misleading this House when he said that after the two musicians found that their records were selling in South Africa, they returned to Kenya and came to my office and took up the issue with me. This is not true. In actual fact, if at all these two people flew to South Africa, and came back together, when they arrived, they parted and each went on his own way.

Mr. Speaker, Sir, when Mr. George Ramogi Otieno returned to Kenya and failed to get his Ksh.4.5 million from A.I.T. Records, he filed a High Court Civil Case No.982 of 1984 against A.I.T. Records. This case was settled on 5th February, 1985. The court awarded Mr. George Ramogi Otieno Ksh.44,052/- as a full settlement out of his claim of Ksh.4.5 million

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai)(Ctd.):
Sir, I shall lay on the Table of this House the Court Discharge
and Indemnity which was signed by Mr. George Ramogi Otieno
and witnessed by his ~~lawyer~~ lawyer on 5th February, 1985,
which closed Mr. Otieno's claims forever.

(END.....H)

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai)(ctd.):

Subsequently, Mr. George Otieno tried to revive the same claim and filed High Court Case No. 2167 of 1986 but, in view of the discharge and idomnity he had signed on 5th February, 1985, the High Court ruled that the suit was vexatious and an abuse of the process of the court. The same Mr. Otieno is now reviving his claim through hon. Kanindo in Parliament.

In view of what I have already explained, Sir, you can see for yourself that hon. Kanindo's malicious accusations against me to the effect that I deprived this musician of his right amounting to KShs.4.5^{million} has childishly and hopelessly collapsed.

Now, Sir, let me turn my gun to the other musician, Mr. Peter---

MR. SPEAKER: That is too long, hon. Kubai.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai): Mr. Speaker, Sir, this was a very serious accusation. Hon. Kanindo alleged that I deprived Mr. Peter Owino Rachar his right and got only KShs.10,000/- out of KShs.700,000/-. As regards this case, I would like to state that when Mr. Rachar returned to Kenya, he did not come straight to my office. He went from Government offices to Government offices and started ~~m~~ blackmailing Mr. Andrew who resisted his threats through his lawyers. When he unsuccessfully failed to get his money, Mr. Rachar reported the matter to the Criminal Investigations Department. Before the CID officers could investigate his case, Mr. Rachar jumped to the Treasury and, before long, he left the Treasury and went to the Provincial Commissioner's office, Nairobi where he branded the B CID, the Treasury and the Provincial Commissioner's officials corrupt. He left the Provincial Commissioner's office and ~~en~~ came to my office accusing the officers of---

HON. MWACHOFI: Enough!

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai): Mr. Speaker, Sir, I do not ~~x~~ wonder when I see Mr. Rachar using his friend, hon. Kanindo, to accuse me of being bribed by A.I.T. Records. The truth is that Mr. Rachar's claim was investigated at various times by the CID, the Treasury and the Provincial

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai)(ctd.):

Commissioner's office, in Nairobi, and the investigations repeatedly proved that Mr. Peter Owino Rachar had been paid.

Sir, I shall lay on the Table of the House a blackmailing letter that Mr. Rachar wrote to Mr. Andrew saying that the authorities were clumping on him. The letter was dated 5th March, 1985. Mr. Andrew's lawyer replied to this threat letter on 14th March, 1985, warning Mr. Rachar to desist from blackmail and extortion against their client. A copy of this warning letter from Mr. Andrew's lawyers was ^{given} copied to the Assistant Commissioner of Police, Special Branch - Nairobi.

Mr. Speaker, Sir, Mr. Rachar lastly walked straight to my office on January, 1987, and started scratching my back and smearing me with all flattery words aimed at building my confidence in him, after which he told me of his two problems.

MR. SPEAKER: Order, hon. Kubai! I am afraid but your speech is getting too long.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai): Mr. Speaker, Sir, this is a very serious allegation that I deprived wananchi of KShs.5.2 million in my office, which falls under the Office of the President. So, I want to put it into record that I have never accepted bribe and that these people are commen.

(Applause)

MR. SPEAKER: Okay. I think you could make it a bit quicker then.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai): Mr. Speaker, Sir, Mr. Rachar wanted me to lend him KShs.8,000/-. When I told him ~~ix~~ I did not have that money, he then asked me to ~~xi~~ write to the Ministry of Transport and Communications. He wanted this money so that he could fly to the United States of America to ~~note~~ collect his ~~KShs.150,000~~ 150,000 dollars from a company which sells his records there. It was when I said I did not have the money that he asked me to write to the Ministry of Transport and Communications. I wrote the letter asking the Ministry to help him so that he could get the foreign ~~and~~ currency which we need

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai)(ctd.):

badly in our country. However, having known this fellow, the Ministry of Transport and Communications declined to give him any ticket.

Sir, Mr. Rachar's second problem was his ~~xxx~~ music royalties claims against Mr. Andrews. His claim was not KShs.700,000/- but KShs.337,211/-. I shall lay on the Table of this House a copy of a letter Mr. Rachar wrote to our office but which he feared to post. The letter is dated 7th July, 1986. I shall lay on the Table of this House all these documents, along with my statement, to prove my case. If hon. Kanindo wants to continue with the matter, then I shall give him more information about his friend.

(Hon. Kubai laid the documents and the Statement on the Table)

MR. KOSKE: On a point of order, Mr. Speaker, Sir. Sometimes back, a Motion was passed in this House which required the Kenya Co-operative Creameries to establish milk buying centres in appropriate places nearest to the farmers and to buy and collect milk in such centres and take responsibility over the milk thereafter. I wonder whether the Minister for Livestock Development is in a ~~xxx~~ position to let us know the progress to that ~~x~~ effect.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. The Minister for Transport and Communications did promise this House that he was going to look into the question of telephone services in this House with a view to improving them. Today I was trying to get in touch with you, Sir, when I was somewhere looking ~~xx~~ for these documents about Butere Self-Help Development Fund in one of the banks concerned, but I could not get through. Could the Minister tell ~~x~~ this House why he has not done anything since he promised this House that these services would be improved?

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MR. SHIKUKU (ctd.):

Having made that point, Sir, I would like to apologise to you and the House for not being here when my Question was called. It was because of that communication problem. I was outside this House and it was the first time in history that I was ever late to ask my Question. Now, having got all the documents that made me late after failing to communicate, I shall make my statement to the House tomorrow. The banks have ~~been~~ had a lot of time to try and dig up all this information relating to 1972 up to now.

END..... I.

MR. KANINDO: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! You see what I am concerned about is that we cannot go through another long statement.

MR. KILIKU: Jambo la nidhamu, Bw. Spika. Bw. Spika, nilikuwa nikitaka kuyathibitisha maneno ambayo niliyasema hapa awali nilipokuwa nikizungumza. Nilisema kwamba ploti ya Miritini Primary School ilikuwa imepewa mtu au watu binafsi wenye kampuni moja iitwayo Uvuta. Nimegundua kwamba wenye hii kampuni ya Uvuta ni Mr. Libatory, ambaye ni raia wa Italia, na Mr. T.L. Highes, ambaye ni Mwingireza. Hawa walipewa ploti nambari 3652, na njia ya kwenda katika shule ya msingi ya Miritini iko kwenye hiyo ploti. Sasa badala ya wao kujenga katika sehemu nyingine ya ploti hiyo, walijenga pale njia hiyo inakopitia, na niko na ramani ya nyumba hiyo. Mimi ningetaka Waziri anayehusika atwambie kile tutafanya kwa sababu wanafunzi hawana mahali pa kupitia kwa sababu njia yao imefungwa.

Bw. Spika, ploti ya shule hii ni nambari 750 na ilikuwa imepewa mtu binafsi. Baada ya malalamiko kupelekwa kwa Mkuu wa Mkoa wa Pwani, Bw. P.G. Ngatia kwa niaba ya Mkuu wa Mkoa, alimwandikia Commissioner of ~~the~~ Lands na akamwambia kwamba ploti nambari 750 ni ya shule na haiwezi kupewa mtu mwingine. Kwa hivyo, ninamshukuru Mkuu wa Mkoa wa Pwani kwa hatua hiyo aliyochukua.

Pia Bw. Spika, kama utaniruhusu, ni nakiri sentensi moja hapa ili kuthibitisha jambo hili. Sentensi hii inasema hivi:

"This office concurs with the views expressed by the Municipal Council as the plot in question has already been set aside for Miritini Primary School. I, therefore, therefore recommends very strongly that the allocation be reversed."

Tungetaka Waziri atueleze ploti hii ilikuwa imepewa watu gani maana ilipeanwa tarehe 20/11/87 baada ya mimi kuzungumza hapa. Nilisema kuna uporaji wa ploti na wakati umefika wa Waziri anayehusika kutoa taarifa hapa. Sijui tutawapeleka wanafunzi wapi kama ploti za shule zitakuwa zikipewa watu wengine.

MR. KILIKU (CTD.):

Jambo la nidhamu langu la pili ni kuhusu taarifa ambayo ilikuwa katika ~~Sz~~ Sunday Nation ya tarehe 6/12/87. Kuna mtu mmoja ambaye alikuwa akifanya kazi na kampuni moja ya Mhindi inayoitwa Mistri Contractors. Huyu mtu alianguka alipokuwa akifanya kazi huko na kupelekwa katika Pandya Memorial Hospital, tarehe 16.11.87. Jina lake ni Mr. Kenga Charo Konde. Baada ya kukaa kwa muda wa siku tatu katika hospitali hiyo, hii kampuni ya Mistri Contractors-----

MR. SPEAKER: Mr. Kiliku, we also have other businesses which are meant for this time. So, we ~~rather~~ better go to the other business.

MR. KILIKU: Ahsante, Bw. Spika. Nilikuwa nikieleza hivyo kwa sababu Waziri wa Afya alituhakikishia kwamba mtu akiumia na apelekwe hospitali yoyote atakuwa akipatiwa matibabu na mambo ya malipo yataulizwa baadaye. Basi ni kwa nini Pandya Memorial Hospital ilikataa kumtibu huyu mwananchi kwa sababu ya malipo?

Kwa hayo machache, naomba kuweka kwa Meza ~~kaz~~ karatasi hizi kumuuliza Waziri wa Afya atoe taarifa kuhusu jambo hili.

(Mr. Kiliku laid the Papers on the Table)

MR. SPEAKER: All right. That ends there.

Next Order.

HON. MEMBERS: On a point of order, Mr. Speaker Sir.

MR. SPEAKER: Order! No, we shall not be able to do any of the business which brought us here.

So, let us move to the next order.

Second Reading

The Statute Law (Miscellaneous Amendments) Bill

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I move that the Statute Law (Miscellaneous Amendments) Bill be now read a second time.

Sir, as it is usual and customary at the end of each year, my office prepares necessary amendments to various Statutes which amendments have come to light in the course of the year or at the request of Ministries responsible or administering those Acts. The Statute Law (Miscellaneous Amendments) Bill is a short Bill that carries with it a schedule which is sometimes long and sometimes but not very long. This year we have quite a long schedule comprising a lot of Statutes with minor amendments which do not warrant a separate Bill to be enacted.

So, Mr. Speaker, Sir, under Clause 2, the schedule there has got three columns. Column one mentions the existing ~~laws~~ laws that are sought to be amended. Column number two mentions sections which are to be amended and column number three mentions the amendments. So, if the hon. Members could ~~see~~ look at the back of the Bill, from page 448, they would see that the existing Laws which are being sought to be amended are all included there right through up ~~to~~ to page 455.

Briefly then, the amendments we are dealing with are as follows: Under the written Law column, there is one law to ~~be~~ be amended and that is the Revision of Laws Act. The Section to be amended is Section 5. The manner in which it is to be amended is shown at the end by inclusion of a small print in Section 5 to read as

"the ~~is~~ Act in question not yet being in force at the time of a given revision."

The above Act, which is a revision of the Laws of Kenya, empowers the Attorney-General to revise the laws of Kenya and to assign chapter numbers, to Acts of Parliament or to omit certain materials from the Laws of Kenya. When an Act is capable of being assigned a chapter or a number and it is not yet in force at

THE ATTORNEY-GENERAL (Ctd.):

the time of a given revision, it is omitted from the Laws of Kenya. For example, the Law of Succession Act, (Cap 160) was not assigned a chapter number and included in the Laws of Kenya until the 1981 Revision when it had come into force. Therefore, the amendment now sought is meant to enlarge that section so that the next law in question not yet being in force at the time of the revision of a given revision is put in force. That is a minor amendment which we have considered to be necessary in order to regularise the Statute arrangements.

The second Amendment deals with the Advocates Act, (Cap 16) Laws of Kenya. The amendments here are amendments in two sections; Section 3 and 11.

END J.....

CNJ
THE ATTORNEY-GENERAL (CTD):

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The recommendations of the Council of Legal Education and the Council of the Law Society of Kenya may be explained as being part of the indigenization package. The amendment to section 3 is to enable the appointment to the Council of Legal Education of a teacher of law in Kenya, and not in East Africa. This is because the existing provision provides for East Africa as a whole. So, we are trying to indigenize and remove "East Africa" to limit as a qualification of a teacher of law in Kenya. That is desirable in order to give a chance to our lawyers rather than giving the chance to lawyers in East Africa as a whole.

The amendment to Section 11 (a) is designed to ensure that only Kenyan citizens will qualify for admission as advocates of the High Court of Kenya and, therefore, eligible to practise in Kenya. It has been difficult for the Council of Legal Education to determine who is a person "ordinarily resident" in Kenya. The existing law provides that a person to be admitted as an advocate to practise in Kenya, must be a Kenya citizen or a person ordinarily resident in Kenya. The phrase "ordinarily resident" has given us a lot of problems and it is ambiguous. We do not have a precise definition of what is meant by "ordinarily resident". So, we are removing that phrase so that we ~~have~~ narrow the scope to allow only the Kenya citizen to be eligible for admission to practise as advocates in our courts.

L.V.C.
The Kenyanization of the bar will assist in securing employment opportunities for the growing number of eligible advocates coming out of our universities and the Kenya School of Law. As we go along, there is a limitation of Actions Act Cap.22 and the section we are amending is Section 42. The amendment is designed to enable the National Social Security Fund to pursue ^{by} ~~after~~ litigation, the recovery of sums ^{and interest} and contributions made thereon due to the Fund without the time limitation on ^{the} part of the Limitation of Actions Act. The amendment making the Fund a trust and a body corporate ~~will~~ come into force on ~~the~~ 1st of January, 1988. The purpose of this amendment is to streamline the operation of the Fund and make it more effective. This amendment to the Limitation of Actions Act may be explained to the National Assembly as being part and parcel of the National

Social Security Fund package of amendments. What I mean to say here, Sir, is that there is an Act which limits action to be brought to court and ordinarily, three years is the period required. Now, once three years are over, before any monies that are lying outside the Fund are collected, those monies will be time-barred and will not be collected through an action in court. So, we would like to remove that limitation in respect of the funds related to the National Social Security Fund. This is because this is a Trust Fund and we would like the Trust's funds to be looked after for the benefit of the beneficiaries.

Mr. Speaker, Sir, the next amendments are on the Penal Code. These amendments are included in the recommendations by the Kenya Law Reform Commission which has been considering the question of mandatory minimum sentences. Minimum sentences are prescribed for stock theft, preparation to commit a felony and handling stolen property. The Commission recommended that since the disparity of the offence to not warrant severe sentences in certain cases, it is more prudent to give the court discretion to determine the sentence commensurate to the nature of the offence taking into account all the circumstances. You will remember, Sir, that His Excellency the President himself criticised the mandatory minimum sentence for stock theft. You will remember, Sir, that if anyone is accused of stealing a goat or a small animal, on conviction, he could not get anything less than seven years imprisonment. So, it was thought that that offence is not serious enough to warrant a ~~minimum~~ minimum sentence of seven years on the part of the culprit, when there are other offences which carry less sentences. Therefore, we are removing that limitation to make these offences to be considered just like any other offences by the courts by having a minimum sentence from zero years to the maximum period that is available.

Now, the next amendment is the extradition (Contiguous and Foreign Countries Act Cap. 76. Now, with the introduction of the Court of Principal Magistrate, as a first class magistrate, it becomes ~~now~~ necessary to redefine the term "magistrate" for the purpose of this Act. Therefore, that is the reason for this amendment. We are defining the term "magistrate" except in sub-section 2, meaning the principal magistrate or a senior resident magistrate.

Mr. Speaker, Sir, the amendment on Books and Newspapers Act will require the Kenya publishers to submit their publications to the Kenya National ~~Library~~ Library Services to enable the Library to compile the national bibliography of Kenya. This is useful as a reference text and also for marketing of works worldwide. Kenya has lagged behind in the preparation of a national bibliography because the Kenya National Library Services has not had ready access to the local ~~public~~ publications. So, Sir, the purpose of this amendment is to require every publisher to submit a copy or copies of this publication to the Kenya National ~~Library~~ Library Services in order to enable the library to compile what is known as a bibliography for the benefit of readers and other persons.

Mr. Speaker, Sir, the amendment to the Housing Act is the next one. The amendments are designed to speed up the decision-making and implementation process of the Kenya National Housing Corporation. While the Minister may sign every document conveying a decision of the Corporation, it is recommended that the document should be under the seal of the Chairm or ~~the~~ another director plus the managing direct while the Corporation may decide ~~to authorize the Corporation to sign~~ who shall sign the other document. So, this is purely a procedural amendment to enable the Corporation to function rather than looking for the Minister all the time to sign on the decisions of the Corporation.

Mr. Speaker, Sir, the next ~~amendment~~ amendment is on the Liquor Licensing Act and it involves deleting sub-section 2 of Section 34 of this Act. The burden of ensuring that the drinking place is closed before the closing hours is on the bar-owner.

THE ATTORNEY-GENERAL (ctd):

Mr. Speaker, Sir, this is a recommendation of the Kenya Law Reform Commission emanating from the Commissioner of Police. The Commissioner has been reliably informed that it is the owners of the bars/who, knowingly and with ~~it~~ the intention of making profits, induce and aid consumers to remainⁱⁿ the premises after the authorized hours and continue to sell beer to them for consumption. Here again is a case where ordinary wananchi have been exploited and penalized for the offences of other people. For example, when a person goes to a shop when the time is over, it is up to the owner of the shop to close it but not to leave it open to allow people to come in so that when the police come and find people in, they arrest those people. So, we are casting the burden of proof to the owner. In this way, if he does not close the shop after the authorised hours, he will be penalized himself. This regulation applies in the case of beer sh_{ops}.

The next one, Sir, is the Betting and Rotaries and Gaming Act. Kenya is an Harambee country and one of the ways of raising funds is through rotaries. It is recommended by the Betting Control and Licencing Board that the monetary value of prizes in small Harambee rotaries should be increased. This also applies to rotaries conducted for charitable or sporting activities or pertaining to certain entertainment. This will, therefore, exempt such rotaries from Betting Control Licences. This is, in fact, meant to ease the marketability of these rotaries in the question of raising money from small charitable organisations.

I will not^{come} to the Trustee_s (Perpetual Succession) Act. The main purpose of the amendment is to define what provident fund is. The purpose of the Act is also to ensure that the trustees of the provident fund can incorporate their trust under the Act. This is a procedural matter, Mr. Speaker, Sir.

The next one is the Immigration Act (Cap. 172). The amendment seeks to increase the age of eligibility of Class K entry permits from 21 years to 60 years. The permit is really ~~desig~~ designed for retired men and

women. The Principal Immigration Officer is satisfied that persons between 21 years and 60 years are not really eligible for treatment as retired folks. The provision is liable to abuse by people coming to get employment and creating unemployment problem and hence enjoy a cheaper permit fee. This is an important Act and the permit is really designed for retired men and women. This class of permits will not attract people from outside for employment purposes, for example, those who are between 21 years and 60 years.

The next one which concerns hon. Members of this House is the Parliamentary Pensions Act. The amendment gives reprieve to those persons eligible for the Parliamentary Pensions Scheme, and who, because of the existing time limitation in the Act, could not join the Scheme. Those who had applied within the time limit, on the commencement of the Act in July, will be eligible for membership. This is an important Act which will increase the time limit in order to accommodate more hon. Members of this House who wish to avail themselves to the Parliamentary Pensions Scheme.

Under the Armed Forces Act, Sir, the amendment is meant to ~~require~~ require servicemen who wish to purchase their discharge from the armed forces to pay a sum equal to their basic monthly salary instead of Kshs.200/= which is now prescribed. This again is meant to benefit the members of the ~~armed~~ armed forces.

I will now come to the Films and Stage Plays Act. It is hoped that re-defining films and making of the films to improve films on video tapes, cassettes or discs and the recording by means of films into video tapes, cassettes or discs piracy in the film industry, will be cut. The Ministry of Information and Broadcasting under which this Act falls, will require more surveillance of the film and video industry and market in order for the amendment to have any real meaning. As technology advances, things change. Not too long ago, we did not have the video type of service. We had only films and plays on stage. Now, almost every house, can watch a cinema ~~show~~ ^{show} through television. By so doing, video are made and connected with a television set for ~~the~~ transmission of a play.

When videos came into existence, they were brought by the original makers of video films. For example, once that is made and you give it to another person, he can re-produce it very quickly and make very many copies. It will then belong to a piracy of video cassettes and films. Not too long ago, we passed an Act of Parliament here which was called the Video Act. I am informed that through this piracy, it is also becoming difficult for revenue collection from those who hire video cassettes.

This amendment is meant to re-define the definition of films in order to include video tapes, cassettes or discs and to try to reduce the piracy of these films. The Act which is being amended is the Films and Stage Plays Act (Cap. 222 Laws of Kenya).

I will now comment on the Workmen's Compensation Act. The whole of this Act is currently under review, Mr. Speaker, Sir, by the Ministry of Labour which is the ———

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. When the Attorney-General started moving the Bill, he did indicate that all the statutes that are due for amendment, have ~~all~~ been included in the Memorandum of Objects and Reasons. The truth of the matter is that quite a lot of them have been omitted. I was just wondering whether in a situation like this one, the Bill is not complete and, therefore, the Attorney-General is moving an incomplete Bill.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, in the first place, I did not use the word 'all'. Secondly, you do not re-produce just an Act of Parliament on the back page to show a definition of, say, films. We are only including or re-defining these things. To define the whole section, does not really make any sense.

The whole of the Workmen's Compensation Act is currently under review by the Ministry of Labour.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. The Bill I have is dated 17th November, 1987 and I think it is the right one. I would like to ~~draw~~ draw your attention, Sir, to page 448 under the heading "Memorandum of

MR. SHIKUKU (ctd):

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Objects and Reasons. This section reads as follows:

"This Bill seeks to introduce certain minor amendments to the written laws specified in the Schedule thereto which ~~will~~ would not warrant individual Bills.

The amendments to the Workmens' Compensation Act (Cap. 236) will result in an estimated additional expenditure of...."

If you look at this, Sir, - I am still numbering them - you will find
Statute Law
that the amendments contained in this (Miscellaneous Amendments) Bill, number
to over 27 or 30 —

MR. MUNYAO: They are 26.

MR. SHIKUKU: Yes, they are 26 amendments. There is nothing said
about them in the Bill.

END L

THE ATTORNEY-GENERAL (Mr. Muli): I do not ^{understand} have the actual point ^{of} ~~of~~ the hon. Member. Are you saying that there are certain parts which I have omitted?

MR. SHIKUKU: On a point of order Mr. Speaker, Sir. What I am saying is that in the Memorandum of Objects and Reasons, the only Act which is being referred to as being amended is the Workmen's Compensation Act (Cap.236). Nothing has been mentioned about all the other amendments which total 26.

THE ATTORNEY-GENERAL (Mr. Muli): That is a good point. As you can see, the first paragraph of the Memorandum of Objects and Reasons talks about the introduction of minor amendments like changing film, dividing film and so on. Those are actually minor amendments which ~~z~~ may not cost the Exchequer any money. But when we come to amending the Workmen's Compensation Act, there will definitely be additional funds involved ~~xxx~~ because of the implication of the Act. The Minister will be talking about it, perhaps, when seconding ~~me on~~ this particular Bill. I think the figure is what we have been given by the Ministry as the cost which will be involved, as a result of the introduction of this particular amendment. But I term the other ones as ~~xxx~~ minor amendments.

I was dealing ~~k~~ with the Workmen's Compensation Act, and I notice from my notes that there will be some money involved. The whole of this Act is currently under review by the Ministry of Labour.

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. I think the Attorney-General did not understand my earlier point of order ^{and,} even if he did, he did not try to ~~explain~~ make an explanation. Immediately after the Memorandum of Objects and Reasons, which is on page 448 of the Bill, what exists as law

MR. MWACHOFI (ctd.):

and, therefore, what is intended to be amended, is shown. I expected that this would be done for each and every proposed amendment. The problem is that several proposed amendments have been left out and some of them are very outstanding. That is why I was wondering whether, in fact, by that omission, the Bill is, in effect, not complete and, therefore, not worth moving at all.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, is being I know there is a requirement to reproduce what/~~has been~~ amended. That has been done. As a matter of fact, when we ~~were~~ were amending another Bill here, I had ~~x~~ omitted some proposed amendments and hon. Shikuku raised an issue out of it. So, this year, I did all I ~~can~~ could to reproduce the major amendments. There is not point of including a section where we are amending only a word where there is a definition. If the hon. Member is not satisfied with the proposed amendments on the Workmen's Compensation Act, it has all been reproduced on page 453. If he is talking about the others I have already talked about, or the ones to come, perhaps, we can deal with the ones which I have not reproduced as we go along.

MR. MWACHOFI: ~~On a point of order, Mr. Speaker, Sir.~~ I would like to laud the Attorney-General in that he has now started seeing the point. He also admits so.

THE ATTORNEY-GENERAL (Mr. Muli): I have seen his point and I have answered about it three times.

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. The point ~~x~~ I am making here is that there are several substantial proposed amendments that have ~~been~~ been left out. In my view, this amounts to making the whole Bill incomplete because some of them are very outstanding.

MR. MWACHOFI (ctd.):

Mr. Speaker, Sir, the Immigration Act (Cap.172) does not appear. If we go page by page, ---

MR. SPEAKER: Order! What is ~~x~~ happening now is *that* you are delaying the moving of the Bill, ~~with~~ something ~~wx~~ which is not as complex as my friend would admit. Could you listen and then, perhaps, ~~later~~ sometimes later you could get a chance of speaking and you could point out where you are not satisfied. ² But interrupting now is just a ~~x~~ delaying tactic.

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. My concern is that since some parts have been left out, that means that the Bill ~~is~~ is not complete, and, therefore, the Attorney-General is moving something that is not a complete Bill.

THE ATTORNEY-GENERAL (Mr. Muli): The Bill is as complete as it can be. If the hon. Member would like to point out a substantive omission, I will try to explain. He is talking of generalities. He has not even given an example of ~~what~~ what has been left out. - except that one. I am dealing with page 449 - reproduction of the Workmen's Compensation Act. That one has been reproduced here and I am trying to explain why. The whole of this Act, as I said, is currently under review by the Ministry of Labour. ^{It} has been felt that there is an urgency in ~~the~~ amending it. It has now been ~~x~~ included in the Statute Law (Miscellaneous Amendments) Bill.

The proposal raises the coverage of the Act. The amounts payable for death and partial incapacity, as well as the amounts payable for medical ^{and} /surgical treatment and the supply ~~of artificial~~ and maintenance of artificial appliances, have been amended. This has been necessitated by the fact that wages and salaries have gone up, as well as the cost of living. The maximum amounts payable for death and permanent total incapacity

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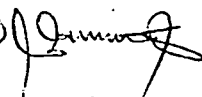
THE ATTORNEY-GENERAL (ctd.):

will be raised from Sh.29,000/- to Sh.38,000/- up to Sh.204,000/-.

Mr. Speaker, Sir, this House has been complaining all the time that the compensation payable to a worker who has been killed or injured has been on the lower side. I agree with that. In answer to that hue and cry, the Ministry of Labour and ourselves have now drafted an ^{impromptu} ~~Bill~~ or rather ~~part~~ ^{amendment} piecemeal/before the whole ~~exercise~~ Act is overhauled in order to help our wananchi. I do not know whether my friend, hon. Mwachofi, wants to delay this. We want our people to benefit.

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. My intention is not to delay anything. The Attorney-General has accused me of talking in generalities, but he knows very well that in the Memorandum of Objects and Reasons, there is nothing on the National Cereals and Produce Board, the Kenya Posts and Telecommunications Corporation which is a very serious matter, the Exchequer and Audit, Customs and Excise, Sales Tax and the Investment Promotion Centre Act. These are very important Acts and some of the ~~am~~ proposed amendments are quite serious. He has not included them in the Memorandum ~~and~~ of Objects and Reason. Therefore, he should ~~either~~ ~~never~~ admit that the Bill ~~is~~ is not complete rather than imagine that I am trying ~~to~~ to delay anything. He should go back and do ~~some~~ his homework and get the Bill properly prepared.

END M.



THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, the Bill is as complete as it can be. May I continue.

Under the Act --

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I have also been trying to follow what the Attorney-General has been explaining. I have taken pains to look at page 448. When you look at this page, you do not find what the hon. Attorney-General is saying, ¹ in addition to that, you also do not find something to do with the present Betting Lotteries ^{Act} (Cap 131), and many others that have not been included in this Bill. I think this is a very fundamental issue, ^{do} and I remember that we demanded that these amendments should be shown here. This is because Members have no time to go and get those chapters and go through them. That is why we asked right from the time immemorial that when the Attorney-General is amending anything, he should say, "Cap. ^{such} ~~so~~ and ^{such} ~~so~~, Section ^{such} ~~so~~ and ^{such} ~~so~~ previously reads as follows", and what is to ^{be} amended is this". This would ~~allow~~ enable a Member to look at the amendment and compare it with the original Act. It seems as though later on he found out that ^{these} amendments were not necessary and decided not to show them on this Bill at all. He is, therefore, taking us for a ride.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I have taken note of the hon. Members' sentiments. I have even said that some of the amendments may not be there because they are minor amendments. Can we go through the ones we have here and then I ~~will~~ announce the other ones?

The Workmens' Compensation Act as I said, is contained on page 453. This page recites the Act as it ~~ix~~ is in existence. Page 439 which comes earlier on ~~4~~ in the Bill itself ~~gives~~ ^{raises} you the proposed amendment. That particular page ~~gives~~ ^{these} no difficulties, as I have already explained the reasons why ^{these} the amendments ~~are~~ ^{are} necessary, ~~raise the figure~~. Do you want me to read the amendment which we will go ~~thru~~ through at the Committee Stage?

MR. SHIKUKU: No, that is not necessary.

THE ATTORNEY--GENERAL (Mr. Muli): Then let us go to the next one. The next is to be found on page 454, at the bottom - The Registered Land Act. The Bill now proposes to amend that Act on page 440. I was going to explain in brief what the impact of the amendment is.

Under the Act, a registrar is required to obtain consent for certain entries to be made in the registrar of all land held under a lease. In case the lessor dies and there is no legal representation the amendment proposes that the registrar may dispense with the consent of the lessor where it is not readily available or forthcoming. In effect what we want to do here is to remove the factor of having a consent in every transaction that is dealing with the land; so that you can allow it to proceed notwithstanding that consent. That is a minor amendment.

We will now go to the other amendment which I was about to mention on The Land Control Act. The Land Control Act is reproduced on page 454 up to the end.

End N.....

THE ATTORNEY-GENERAL (Ctd.):

Mr. Speaker, Sir, this is what we need to do. The amendment aims at ensuring that the Land Control Board consent shall not be refused in respect of State Corporations, for example, a parastatal. It avoids the difficult task of determining whether a parastatal is a citizen of Kenya or not for the purpose of the Land Control Act. In short, there, we would like to exempt the State corporation or parastatal from the provisions of the Land Control Act. You cannot say whether a corporation was a Kenya citizen. It only limited to Kenyan citizens. Incorporation happened to be for the purpose of the Act, a legal body. We used to interpret it that way because it ~~was~~ ^{is} owned by Government of Kenya majority holdings. It used to be deemed to be held by Kenya citizens. The courts have interpreted it otherwise, that it cannot be a Kenya citizen because of the shareholding. We would like to remove that sort of ambiguity and allow the transactions in case of State corporations which are parastatals to go on without such consent.

The next one is the Kenya Tourist Development Corporation and I believe that is not reproduced. Let us see whether the amendment is of major consequence to allow reproduction. The amendment seeks to implement a Cabinet decision to increase the authorized borrowing powers of the Kenya Tourist Development Corporation from an aggregate sum of K£7 million to K£13,250,000. It is also intended to widen the scope of the private sector membership in the board of the corporation and to make other minor amendments to bring the Act in line with the State Corporation and Exchequer and Audit Act. This amendment has serious consequences to warrant the changing of the figure £20,000 to £200,000 and to reproduce it, and I submit now.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. When the Attorney-General is still on that, ^{we} ~~he~~ can see that section 14 of that page 441, ~~it~~ says:

"Delete subsections (3), (4) and (5) and insert the following new subsection: (3)"

What is being deleted is nowhere to be seen. Could he care to tell us why the subsections (3), (4) and (5) which are being deleted and we do not know the contents of ~~it~~ what we are deleting? It is a very major deletion.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I ^{would} taken that point but I ~~thought~~ that in ~~my~~ addition to facilitation in my requirements, the hon. Members would do some homework because the books are here. It is all right; I took the point; if everything has to be reproduced, in the future, we shall do so but I submit ^{their} the amendment here is not of far reaching consequences to warrant being reproduced. We shall try next time to reproduce everything in the amendment Bill. But, that does not mean - and I do not with hon. Mwachofi - that the Bill is incomplete. The Bill is complete as it can be and if it can be made incomplete because of not having reproductions, I do not agree with that. But for facilitation and easy reference, I agree with hon. Shikuku in that it would be much easier if everything that is ~~a~~ feasible can be put down. At the same time, I am sure that the hon. Members would find it to be of very stimulating interest if they can do some little homework in the Library to be able to assist the House.

The next one is the National Cereals and Produce Board Act. There again, that is not reproduced but let us see whether it is serious. The first amendment in section 3 (1), ~~it~~ is designed to enable representation ~~of~~ on the board of ^{Parent} ~~present~~ Ministry. When the board was established, it was believed it:

THE ATTORNEY-GENERAL (Ctd.):

would always be under the Ministry of Agriculture. It now falls under the Ministry of Supplies and Marketing and we would like to bring it under the Ministry of Supplies and Marketing. Is it okay to reproduce the Act in order to remove the Ministry of Agriculture and put the Ministry of Supplies and Marketing? Is it all that necessary to reproduce it? The second amendment is intended to make offences under the Act; forfeiture offences so that, for example, ^{if} a vehicle or an aircraft or an animal is involved in the illegal transportation of produce or cereals will be ~~kar~~ liable to forfeiture along with the produce and cereals. I must say here that it was an omission during the passing of the National Cereals and Produce (Amendment) Bill last time. That omission is ~~of an illegal commodity also to be forfeited~~ now being rectified to make the conveyor, whether ~~be~~ vehicle or aircraft of an illegal commodity also to be forfeited.

The other one is the Civil Aviation Act - to empower the Director of Civil Aviation ~~to~~ to order the removal of obstructions to safe conduct of aviation in Kenya. That is a little requirement of giving the Director of Civil Aviation power to order removal of any obstruction lying anywhere so as to enable an aeroplane to fly over without any difficulty.

The other one is the Kenya Posts and Telecommunications Corporation Act. Difficulties have been experienced with the taking over of Kenya External Telecommunications' (Kenextel) properties and other assets and liabilities by the Kenya Posts and Telecommunications Corporation which was done some two years ago to be completed along the same lines that the Kenya Ports Authority and the Kenya Cargo Handling Services were recently merged. An order by the Minister for Transport and Communications

THE ATTORNEY-GENERAL (Ctd.):

to follow upon this amendment, has already been ~~prepa~~ prepared for signature and publication once the amendment goes through. Here again, is a consequential matter - a merger of Kenextel and Kenya Posts and Telecommunications has already been done but the Act has not yet been amended to give the Minister power to effect it by legal instruments and that is all it calls for.

MR. SHIKUKU: Where is the Audited Report of the Kenextel? It has never been done.

THE ATTORNEY-GENERAL (Mr. Muli): That has been a subject ^{of} ~~to~~ a debate several times. But I am moving an amendment, not an audit ~~x~~ query.

The next one is the Exchequer and Audit Act. This amendment cares for the independence of the Auditor-General (Corporations) in carrying audit and inspections of State Corporations. Auditing is an independent exercise to ensure that finances are properly being ~~x~~ outlined. The Auditor-General (Corporations) should not be amenable to any direction from anyone and on how he should do it. The second amendment is to ensure that the Ministers responsible for various State corporations do not dilly-dally with Reports of the Auditor-General (Corporations) but hurry up to the National Assembly for the nice reaction by the House. I am sure that will please my friend, hon. Shikuku because it calls for the audit report to be submitted to the National Assembly with due speed.

END 0.....

THE ATTORNEY-GENERAL (ctd);

Mr. Speaker, Sir, the next amendment is a short one and it touches on The Customs and Excise Act and also The Sales Tax Act. These are minor amendments to ensure the proper tariff descriptions for the proper goods. These, as you can see on page 443, consist of figures. If I were to reproduce the entire tariffs it would not be really in the interest of all of us. So, the tariff figures are being changed to be given different codes and so on.

Mr. Speaker, Sir, with regard to the amendment on The Banking Act, the amendment will define what bodies are eligible to conduct banking business in Kenya and to ensure that companies owned by or on behalf of Sovereign Governments are able to be licensed to do banking business in Kenya, notwithstanding that they are not public companies as specified under the law of ~~Sixx Incorporation~~ Incorporation. Other companies which are private and are ~~subsidiary~~ subsidiaries of foreign public companies like the Standard Chartered Bank (Kenya) Limited, will also be ~~able~~ able to transact banking business ~~notwith~~ notwithstanding the Government ~~xxx~~ requirement that banks go public. It is also proposed to clarify the law to require that no company shall carry out business of a financial institution unless it is licensed as a financial institution.

This, again, Mr. Speaker, Sir, comes out from a hue and cry over what happened early last year and this year; where ~~bx~~ the banking industry and financial institutions almost ~~plunged~~ plunged the whole country into chaos because of non-strict compliance with ~~the~~ The Banking Act and also allowing certain companies to operate as financial institutions without licences. So, this amendment, I would say, is a very important one. I accept it although I have no reproduced as a very important requirement to try to tighten ~~what~~ up what was a loophole and call upon the Central Bank of Kenya and all other institutions to comply strictly ~~not~~ with the banking

THE ATTORNEY-GENERAL(ctd);

laws and the registration of financial institutions.

Finally, Mr. Speaker, Sir, I would like to touch on The Investment Promotion Centre Act. With the abolition of the office of the Chief Secretary, this Act is being amended to reflect the change; that the Permanent Secretary, Office of the President, will be a member of the Investment Promotion Centre instead of the Chief Secretary because that post does not exist any longer.

Mr. Speaker, Sir, the Bill is a short one. It is an ~~important~~ important one because it touches a lot of our legislations. As I have said earlier we try, once a year and if necessary twice, to bring these minor amendments to clean up where there has been flexibility and the amendments do not ~~warrant~~ warrant the bringing of a major amendment Bill to the House dealing with that particular legislation.

So, Mr. Speaker, Sir, I commend these amendments to the ~~hon.~~ ~~Members~~ hon. Members to consider them. They may appear to be of a technical nature but in reality they are not. It is a simple Bill.

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

THE ASSISTANT MINISTER FOR INFORMATION AND BROADCASTING
(Mr. Khasakhala) seconded.

(Question proposed)

MR. KIVUITU: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Bill. I will be very brief. The only complaint I have is that the existing law has not been set out extensively enough for us to understand certain amendments here. However, I support the Bill and I would like to congratulate my hon. learned friend the Attorney-General for heeding some of the suggestions which have been made by hon.

MR. KIVUITU (ctd);

Members of this House at various stages throughout last year and this year.

Mr. Speaker left the Chair

Mr. Deputy Speaker took the Chair

Mr. Deputy Speaker, Sir, although my learned friend did not mention us as having made the suggestions--- He mentioned outside bodies. But I believe that one of the suggestions that was made by hon. Kiome, when he made his Maiden Speech, was that the practising of law in this country should be left in the hands of Kenya citizens. This is one of the amendments which all the advocates who are Kenyans have been waiting to see. We are very ~~not~~ pleased to note that it has now ~~been~~ come before this House for ~~enactment~~ enactment. We have so many Kenyans who are advocates. These are capable advocates. In fact you find big law firms--- You just see the big name of a firm but when you go to check who really appears in court and who gives advice to various persons and institutions you will find that ~~they~~ this is done by Kenyans; the black man of this country. So, I am very grateful that this amendment has come to this House. I am sure that the whole of the legal fraternity in this country is very happy about that.

Mr. Deputy Speaker, Sir, also the amendment to The Limitation of Actions Act is ~~is~~ welcome. This is because we all have been complaining about the N.S.S.F. Now that there will be no time limit within which the employers who fail to remit N.S.S.F. contributions --- They can be sued even after years and years. Even the penalty can be ~~is~~ claimed. I think that is a very welcome amendment.

Mr. Deputy Speaker, Sir, the other amendment I am pleased about is the amendment to ~~the~~ The Penal Code. I remember when I was doing law in Dar es Salaam University between 1961 and 1963, they introduced a law there; that if you steal public funds one of the things you must receive was ~~120~~ 12 strokes. That was the minimum; 12 s_trokes on entry to prison and 12 strokes when you are coming out. They discovered that a lot of fellows became castrated as a result of this caning. This is because if you received 12 strokes of the cane when you are getting out you straightaway became incapable of producing children. So, they had to abolish that law. It is at that time that I got interested in ~~find~~ ^{finding} out the merits of minimum sentence.

~~As~~ As the hon. Attorney-General has pointed out, these amendments to the Penal Code have been opposed ~~z~~ by the lawyers all throughout their existence; since they were passed in this House. This is because a person steals Shs.5 million and his imprisonment can be between one day and seven years. He can even be fined. But when you steal a pig-- I am sorry I come from an area where pigs are not respected. When you steal a pig, the minimum sentence which ~~was provided~~ had been provided under our law here was 7 years. That is the minimum; there must be 7 years and strokes. The same goes for handling stolen goods and so on. This was law passed here. The magistrates enforcing this law find it difficult--- They have to consider many things. They consider the age of the accused, his past history and so on. They have had a problem. So, sometimes they will even put a person under probation and say "To hell with everything; let whatever happens happen."

END.P..

MR. KIVUITU (CTD.):

~~They say "Hell, let whatever may happen, happen"~~ ^{we thing} Now that ~~we~~ have given them that opportunity to exercise their discretion without restriction, I support this amendment because it is wise to have things this way.

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. I do not know whether the hon. Member would elaborate a certain point here, for the benefit of laymen like me. I think the hon. Member is referring to page 436 of the Bill with respect to the Penal Code (Cap.63), section 278, where we are to delete the old section and insert the following new section:-

"278. If the thing stolen is any of the following things, that is to say, a horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, ram, ewe, wether, goat or pig, or the young thereof the offender is liable to imprisonment for a period not exceeding fourteen years together with corporal punishment."

So, corporal punishment is still included. Why should we say here, "...for a period not exceeding fourteen years"? This period of imprisonment should be like any other period applicable in similar cases because these goats, oxen, and so on are still included here.

MR. KIVUITU: Mr. Deputy Speaker, Sir, I am very grateful to my friend, hon. Shikuku. When one reads the existing law as set out on page 449 of the Bill, he will find that it says in respect of stealing stock:-

"278. If the thing stolen is any of the things following, that is to say, a horse, mare, gelding, ass, mule, camel, ostrich, bull, cow, ox, ram, ewe, wether, goat, or pig, or the young thereof, the offender is liable to imprisonment with hard labour for a term not less than seven years and not more than fourteen years together with corporal punishment."

This period of imprisonment must be between seven and 14 years. There is no choice here. On top of this imprisonment, there is corporal punishment and hard labour. When you read the amendment, as it is now, it says on page 436 of the Bill that the offender in this case will be liable to imprisonment for a period not exceeding fourteen years". Instead of giving the minimum period, the amendment gives the choice of from one day ^{to} 14 years. Previously, this period was between seven and 14 years. That is the difference brought about by this amendment. Corporal punishment is still ~~inserted~~ included in the amendment.

MR. KIVUITU (CTD.):

That is the difference in all these amendments. This is what we have been fighting for. Of course, the question of corporal punishment has been disapproved by many ^{hon.} Members of this House. I was once a resident magistrate, and one of the things that used to attract my attention ^{was} ~~is~~ the fact that whenever you were sentencing a fellow after conviction, you would ask him, "What do you want to say now in mitigation?" and one of the things he would tell you is, "Sir, you can put me in for 20 or 100 years, or for life, but, please, do not impose any corporal punishment, even one stroke of the cane." Corporal punishment is very much feared even by those who have already tasted it. I am told my hon. friend here that this punishment is very degrading, but it is one of the provisions made all over our books of law.

The reason I support this amendment is that it does not make sense when a person steals Shs.10 million in cash and the period for which he can be put in prison if he is employed in the place where he steals the money is just a maximum of 14 years. He can be imprisoned for a period ranging from one day to 14 years. However, if he steals a pig - I give the example of a pig because pigs are not respected in the area where I come from - he gets a minimum of seven years imprisonment. This is ridiculous. A man who steals Shs.10 million can get a day's imprisonment.

I can hear hon. Dr. Karanja asking me where I come from. He should know where I come from. At least, I do not come from Githunguri.

(Laughter)

I support this amendment because I think this is a good move.

My next stop will be page 451 of the Bill where it talks about the Liquor Licensing Act. Section 2 thereof says:-

"34.(2) Any person who purchases and consumes in or takes from any licensed premises liquor except during the time when a licensee is authorized by his licence to sell liquor shall be guilty of an offence."

It is good that this sub-section is being deleted. It affects what we, who live in town, call after-hours drinks. Here is the proprietor of a bar who is getting money from you, although you are drinking after the agreed hours, but

MR. KIVUITU (CTD.):

when it comes to being arrested, you are arrested with him, although you were paying him for your drink. He will be charged with selling you beer after drinking hours, and you, for drinking after hours although you were paying him. This is very unfair. That provision is being deleted so that if the police find you drinking they arrest the man who is receiving the money and let you go home. I think this is fair. We have said this many times. In any case, the owner of a bar has the right under this Act to send away anybody whom he notices to be drunk. If he cannot send away such people - my friend here is asking what would happen if the man is a big fellow who cannot be ^{sent} ~~send~~ away - he can call the police. I do not know whether my friend means ^S that the man concerned is big in size or in power. I have never faced such a big person in power. I have only seen fat people, and I will not say my friend has said otherwise, because this could be serious.

I support this amendment because it saves our people a lot of harassment. I know certain places where the police have formed the habit of invading bars during the wee days of the month and harass customers until they really feel harassed. In the course of this harassment, one loses some little money that could go to his family. This time, the police will handle only the owner of the bar.

My next stop is the Workmen's Compensation Act. This is one of the amendments in respect of which I am not very clear as to what is happening. I will assume that this means a revision of compensation upwards. However, I still believe that the figures under reference are still on the low side. These amendments must have been proposed some 10 years ago, and they have now found their way to the Statute Law books. I am sure that by the time we pass them and then go back and check the Act again, we will find that a native losing an eye was entitled to Shs.6,000/= and that he is now going to receive Shs.7,000/=. The difference of Shs.1,000/= is nothing. It is unfortunate because it is very difficult to compare what the law is, ^{of} as ~~it~~ ^{is} now, and what is provided for here. Fortunately, this compensation revision is on the way up. So, we will support this amendment. I think it is time our friends in the trade unions did a lot

MR. KIVUITU (CTD.):

of research. We cannot keep on doing research for them. At least, we ask Questions here about people who have been dismissed from employment and other similar things. However, this is an area where trade unionists can get information and ~~see~~ check it with other countries, and then bring proposals to us which we will put across. As it is now, we are not very sure of what we are amending. I hope that this amendment is not going to prove to be a new hope for nothing.

There is one particular aspect of the amendment about which I feel unhappy. All hon. Members have raised the issue of casual workers. We know that under the Workmen's Compensation Act, as it is now, a casual worker is not entitled to compensation, and it does not matter whether he breaks his neck or ~~is~~ even dies, because he is just a "vegetable" as far as the Act is concerned. We have passed proposals in this regard very many times here. We would like to see casual workers being compensated. If you are a casual worker in this country, you will work for three months, your service is broken for about a month and then you ^{are} taken back for ^{another} ~~en~~for three months. You can actually continue to be a casual worker until you die, but you are not covered under this Act.

END Q 

MR. KIVUITU (ctd.):

Mr. Deputy Speaker, Sir, this is very touchy because, for example, I think the Ministry of Water Development has not permanent staff except the Permanent Secretary. In fact, even the Minister himself is not permanent. So, something has to be done about casual workers. Having supported the Bill, I would like to urge the Attorney-General to continue with this trend.

It would have commented on the Banking Act, but unfortunately there is nothing that has been put down about what the Act which is being amended says. There is nothing of the sort in the Bill. This is an Act which, I am sure, would create a lot of debate in this House because of what has happened in our banking sector of our economy. Unfortunately, there is very little that we can debate on. Our law, as it exists, does not leave much room for debate. I would like the Attorney-General to continue with this trend for bringing amendments of Acts for this House to debate.

For example, there is the Electricity Act, under which the Kenya Power and Lighting Company raises tariffs and charges for consumers without passing them through this House. I think it is time that an amendment was brought to this House in respect of either by-laws or notices for raising charges. These by-laws and notices should be laid on the Table for discussion. When that happens and we fail to debate them, then we ^{should} ~~could~~ be to blame. The way it is now is that the Company gives notice and then it is left to the Minister either to approve or not to. Once he has done that, you have to go to court and wait for it to decide. You start with the High Court and then go to the Court of Appeal. This might take years and by that time consumers will be paying the new charges. These things should be brought here where elected Members of Parliament are sitting. The relevant paper should be laid on the Table so that we can challenge its contents. This ^{is an} Act which, I think, should be seriously amended. I understand that by January,

MR. KIVUITU (ctd.):

1988, electricity charges are going to be raised by 40 per cent. The reason given is that we want to have rural electrification. It is true that the charges are going to be raised in January, 1988. If hon. ~~Members~~ ^{Members} do not know this, it is because there was no a paper laid on the Table here, and the law does not say so. The law should say so. It is we Members of Parliament who can understand the pinch that the electorate will feel when this happens. It is not law courts that understand this. The courts will go by the rule of the law. They will seriously read law books and say; "Oh, you do not have any such rule". They can only go by what they call mandamus certiorari. They will tell consumers; "Oh, this does not fall within these provisions of the law". Very learned judgement will be delivered, and that will be the end of mwananchi. These things should be brought here to us, who are not so learned, but who know the people's views so that we can express those views on those things.

With those few remarks, I beg to support.

MR. KHALIF: Thank you very much, Mr. Deputy Speaker, Sir, for ^{me} giving this opportunity to contribute to the Statute Law (Miscellaneous Amendment) Bill. First of all I would like to congratulate the Attorney-General on bringing this Bill here in which he intends to make several amendments.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi): Move nearer to the microphone.

MR. KHALIF: I am using the microphone, but I do not know what is wrong with it.

I was saying that I would like to use this opportunity to congratulate the Attorney-General on bringing up this Bill which ^{enables} ~~enble~~ us to ammend several laws of the country. I would ~~li~~ like to start by saying that the Attorney-General has been very competent during his term of office. I hope that he will ~~continue to do this~~

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MR. KHALIF.(ctd.):

continue with the same performance in the remaining period of *this* Parliament so that we can have very many laws being brought here for amendments for the benefit and interest of the nation.

Having said that, Mr. Deputy Speaker, Sir, I would, however, like to add that not everything is perfect. There ^{are} a lot of things that the Attorney-General has to bear in mind. These ~~are~~ things ~~that~~ affect the lives of the people of this nation. I have in mind The Liquor Licensing Act which is to be amended.

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END R.....

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MR. KHALIF (Contd.):

Mr. Deputy Speaker, Sir, I hail from a Constituency or district which is predominantly Moslem. This is where people do not drink at all. The Moslem law prohibits people ^{to} drink ~~or~~ beer. Now, over the last few years what has happened is that the Liquor Licensing Board - which licenses people to open various drinking places - has been licensing people to ^{operate} bars and drinking places right in the middle of the town where people reside, and where people are also predominantly Moslem. ^{In these places} It is also unheard of to be associated with liquor.


Mr. Deputy Speaker, Sir, this habit has disturbed our people. We have again and again appealed to the authorities to try to prevent this trend so that our tradition and our religion can be respected. However, this cannot happen as long as the law of the country provides that the Liquor Licensing Board can license anyone to operate a bar anywhere. So, I would like to call upon the Attorney-General now, most respectfully and humbly, to try to provide in this law ^a provision that will somehow protect the Islamic point of view where Moslems are predominant. For instance, in North-Eastern Province, Wajir, Garissa, Mandera, and several other places like ⁱⁿ several towns in the Coast.

Mr. Deputy Speaker, Sir, Islamic law may not be very important, but it is really very, very important to the Moslem. The Moslems in this country know that their Government protects them and believes in their faith as much as possible. So, I would like to take this opportunity to call upon the Attorney-General to provide something in the law that will somehow guide the Liquor Licensing Board not to allow people to operate bars or drinking places in residential areas, townships, or places where people are predominantly Moslem. For instance, there are instances where bars are allowed to operate next to a Mosque. That must not happen in places like Wajir. But that has happened in places like Naivasha ^{where} the Moslems are very few. I think, out of respect, the authorities should not allow a bar to operate next to a church or

MR. KHALIF (Contd.):

a Mosque. So, if there was some kind of provision in the law to guide the Liquor Licensing Board, I think, this kind of thing would not happen. I would not like to go into details with this amendment because I am not a lawyer myself; I must profess that I am a layman, and I know that generally the amendments that are proposed here are very good indeed and also have good intentions. But I would like to talk from experience as an hon. Member for the area as well as ~~talk as~~ a layman and as a leader so that the feelings of the people can be known to the Attorney-General. I think that point is made very clear, and I hope that the Attorney-General has taken it into account.

Mr. Deputy Speaker, Sir, my next point is with regards to the *as far as the Succession Act is concerned*, Kadhis, ~~for the Islamic Act~~. I have no quarrel with the intended amendments to this Act. I support it wholeheartedly. ~~But I would like to take this opportunity to remind my learned friend Attorney-General that he has a responsibility to Islamic community in this country.~~

End S. 

MR. KHALIF (CTD):

But, I would also like to take this opportunity to remind the hon. Attorney-General that he has a responsibility to the Islamic community in this country. They have been waiting very patiently for the ^{last} six years since this succession ^{Act} came into effect to see if he would be very responsive to their predicament and try to amend the law of succession. As you are aware, Mr. Deputy Speaker, Sir - and I have said it several times in this House - thousands of muslims in this country are affected by the law of succession.

THE ATTORNEY-GENERAL (Mr. Muli): On a point of ^{information}, Mr. Deputy Speaker, Sir. The law of succession was passed by this hon House not too long ago and came into effect. Thereafter, the muslims found that certain sections ^{were} not compatible ~~not~~ with the ^{Islamic law} Islamic law. They then wished to have an amendment to exclude all the muslims from the law of succession; that cannot be done. However, negotiations have been going on to accommodate an amendment that does not exclude them from the law of succession, but which does not offend the Koran. So, ~~there is no need for~~ ^{that} I think it is unfair for hon Khalif to bring up this topic again while ~~neg~~ negotiations are still ~~going~~ going on. Although he is entitled to do so, the actual problem is not with the Attorney-General; it is with those who are asking for an amendment. They should agree with the proposal that has been made in order to introduce an amendment that will suit them. We should not forget ^{were} hon. Khalif and many others ~~were~~ here when that law was passed.

MR. KHALIF: Mr. Deputy Speaker, Sir, I was not in this House when the law of succession was passed. This law was passed in 1972. It was given Presidential assent in 1980. Before then, many of us did not see it as a ~~law~~ law, because it had ~~not~~ been given the necessary ^{assent} to make it a ~~law~~ law.

In any case, how many hon Members in this House are muslims? We are a minority. So, we depended on the good faith ^{of hon. Members} who constitute of this House. ~~For~~ For the information of the hon. Attorney-General, before this law was ~~passed~~ given Presidential assent, a commission was appointed by the head of state to go round the country and monitor the acceptability, or otherwise of this law to the muslim community. Everywhere that ~~commission~~ commission went, the rejection-of that ~~law~~ proposed law was unanimous among the muslim community; that is very well know to the hon. attorney-General. I very much appreciate that the Attorney-General has done

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MR. KHALIF (CTD):

his best to accommodate our views within the proposed amendment to this law, which ~~has~~ we have been waiting to be brought to this House for ^{the} last five years. I have seen him personally. But I still think that the problem is in his office. This is because if there is a problem, which involves ^{Kadhi ---} the Chief, the Chief Kadhi does not work under the Supreme & Council of Kenya Muslims, of which I am the Secretary-General; he works under the Attorney-General and reports to the Attorney-General.

Mr. Deputy Speaker, Sir, we have made our views known to ~~me~~ him; we know that there are certain difficulties. But upto now, for the last ~~ix~~ six or eight years since the law came into ~~the~~ effect, ~~the~~ muslims continue to be subjected to a law that is completely incompatible with the Koran and their faith. Unlike other religions, the Islamic religion is well applied. It ~~dictates~~ dictates to ^{to} ^{at} you how sleep ~~in~~ the night; how to walk during the day; how to greet people; how ^{to} spend your wealth while you are alive; and ^{how} ~~the actual departing~~ divorce.

END

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JMK

MR. KHALIF (ctd.):

Apart from the tax we pay every year to the Government, we also have our affiliation tax which is binding to all Muslims. So, if someone says that you are not supposed to pay the religious wealth tax out of your wealth, then he is asking you to cease to be a Muslim. So, for a Muslim to be asked not to apply his own Islamic Sharia, he is being asked to cease to be a Muslim.

Mr. Deputy Speaker, Sir, I understand the complications in this matter, and I also understand that the Attorney-General has been very understanding. I am not standing here to blame him, but I am just saying that Muslims have been waiting for him, with all the patience, to do something about this law. If we are very fortunate, after this Parliamentary Session, we are going to ~~xxx~~ come back and go up to between July and September of next year, after which Parliament will be dissolved. However, the President has a prerogative to dissolve Parliament at any time and, if he so does, some of us may not come back to Parliament after going home tomorrow. What I am trying to say is that the Muslims in this country have pleaded with the Government on this matter for a long time and our patience is just being drained. We have tried to channel our ~~grievances~~ grievances to the relevant authorities; we have written memoranda to the ~~x~~ Attorney-General and we have sent delegations to the relevant authorities, and we are just waiting for response. It does not mean that we are not aggrieved; we are aggrieved, but we are patient, something which is very characteristic of the Islamic Community. Our patience does not mean that we are weak or fools. It is just that we are law-abiding citizens and we would like to be loyal to the ^{Government and the Constitution} ~~system~~. However, there are limits to our patience. So, it is now the high time when the Attorney-General ~~gave~~ gave us something which will console us. He knows how to go about it because he has the legal ability to do it. We want there to ~~x~~ be a compromise between the Muslims and the Law of Succession.

Mr. Deputy Speaker, Sir, the other thing that I would like to touch on in this Bill is on the Customs and Excise Tax Act. There is an anomaly in this law in that there is a provision in the 13th Schedule that religious bodies can

MR KHALIF (ctd)

import into this country certain items duty tax free and sales tax free. These items have been described under the Act. All the items described under the Act are only the ones which are used in churches. So, it is only the church that has the privilege to import those goods because we do not need such items in our ^{other} religious institutions. With all due respect to my hon. brother, the Attorney-General, I feel that there ~~is~~ bias in this law against the Islamic faith. When the Muslims want to invoke this law, the Customs officers say "Gentlemen, we are sorry", and go ahead to enumerate the items covered under the Act. They then tell the Muslims that they can not use the same law to import what they want. We want to import Koran books into this country free and we also want to import carpets for our mosques tax free. We also want to import amplifiers for use in the mosques tax free. All this is done by ^{other religious} the church, but when it ~~is~~ comes to Muslims, we do not have the privilege to do so. We are citizens in the same country and the Constitution of Kenya does not provide for any bias or discrimination against any faith; Kenyans are Kenyans and Kenya is a secular nation. Kenya is not a religious nation. So, all religions in this country are equal in the eyes of the Government. Although the Islamic faith is the minority, we are not just a simple minority. So, with due respect to the Attorney-General, I would like to appeal to ~~that~~ him to provide the necessary amendments so that we can also import mosque items tax free. If that is done by the church, let us also do it.

Mr. Deputy Speaker, Sir, this particular Act I am talking about only provides for exemption for materials worth less or up to KShs.10,000/-. If you repeat invoking ~~at~~ the same Act, you can start by bringing into this country an item worth KShs.5,000/- and continue like that; it would be a bit of a relief. So, I would like to call upon the Attorney-General to be very kind and understanding and-----

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Njuno): Which Chapter is that?

MR. KHALIF: Mr. Njuno, give me my peace please. I am not a lawyer. The Attorney-General knows what section I am talking about.

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8.12.87.

MR. KHALIF (ctd.):

Mr. Deputy Speaker, Sir, before that interruption, I was appealing to the Attorney-General to amend that section of the law so that Muslims can have the same privileges as Christians.

Lastly, Sir, while thanking the Attorney-General for bringing this Amendment Bill, I would like to touch briefly on the Workmans Compensation Act. I would not like to repeat the sentiments which have been expressed here by my hon. colleagues about ~~such~~ casuals not having been covered in this Bill although I agree and share the sentiments with ~~m~~ them. Where it is possible, we should provide in law how workers can go about their medical examinations. What is ~~happ~~ happening now is that workers are referred to particular doctors for assessment of ~~the~~ injuries. That way, there is an understanding between the employer and the doctor so that the assessment is not done justifiably; it is done in favour of the employer. Always you find that somebody who has completely broken his leg or ~~h~~ hand is awarded only 10 per cent incapacity, something which is unacceptable. Is there no way that that loophole can be closed in law so that there is justice for the worker? That ~~the~~ loophole should be closed so that anybody who is aggrieved can ~~be~~ go to a certain institution approved by the Government instead of the worker being sent to the employer's doctor for assessment.

END:.... (11)

MR. KHALIF (Ctd.)

This is what is happening. Sir, workers who lose ^{vital parts} ~~of their~~ limbs of their bodies, and remain incapacitated for the rest of their lives, are being assessed wrongly and unjustly. For example, when a worker loses an eye, an arm or a leg, his incapacity is 10 per cent, but you will find that he is only paid Shs.30,000/- or Shs.40,000/-. That is not just at all and I would like to call upon the Attorney-General to provide a law which would protect the right of a worker in this country.

With those few remarks, I beg to support the Bill.

THE MINISTER FOR CO-OPERATIVE DEVELOPMENT (Mr. Wanjigi): Thank you very much, indeed, Mr. Deputy Speaker, for giving me this opportunity to speak on this Bill. I will be very brief while speaking on this very important Bill. First of all, I would like to congratulate my colleague, the Attorney-General, for Tabling the Statute (Miscellaneous Amendments) Bill. I would like to urge him to bring even more of these miscellaneous amendment Bills because there are areas which are major bottle-necks in the management of this country. These Acts have taken too long to be amended and they are frustrating a lot of people. Therefore, these amendments should ^{only} not be brought to the House only once, but as often as it is necessary, so that we can streamline the management of this nation.

I would like to give a few examples of such Acts which need to be amended. The first is regarding the question of debt collection. Today, if you sell something or render ^a service to somebody, and he refuses to pay you, it will take you three, four or five years to get the money ^{due to you} through the High Court. To me, it appears that half of the files in the High Court relate to those kind of cases. I may have sold an item to somebody and the man is not disputing that he owes me the money, but he ~~is~~ completely refuses to ~~is~~ pay me just because he knows that it is going to take me five years to get a judgement and even when I get a judgement, he ^{insists that} he ~~is~~ only able to afford to pay me by monthly instalments of so much money. As a result, ~~Mr. Deputy Speaker~~, this country is owed millions of shillings and to recover the money has now become like the cat-chasing-its-tail business. In the process some people are being under-paid while others are becoming bankrupt just because they cannot be paid for the services they have rendered or for the goods

they have supplied. I hope that the next Bill from the Attorney-General will include ~~the~~ an amendment which will help this nation to be able to collect its debts when they are due. If a debt is to be paid after 30 days, it should be paid within 30 days. I think we have spoken about this before and there are examples in Europe and in America how these debts do not have to take five years waiting for a magistrate to hear them, when they happen to be very obvious cases. Not only is this a waste of time and resources on the part of the man who rendered the services but, also it is so on the part of the judge and the High court as a whole. I think this is a liability to the economy of a country and I think this is one major amendment which I would like to commend to my colleague the Attorney-General.

The other amendment which I would like to talk about is an amendment which we introduced here in a little bit of a hurry and this is with regard to the creation of a panel of elders under the Magistrates ~~Juris~~ Jurisdiction Amendment Act whereby the district officer of a particular area is mandated to hear cases of land dispute in his own division. I have no quarrel with the actual amendment, Sir, but the way it is working at the moment, is not correct. I am saying this because the district officers sits there and says, "we have a case---

MR. KARAUURI: You are ~~right~~ right!

THE MINISTER FOR CO-OPERATIVE DEVELOPMENT (Mr. Wanjigi): Thank you very much, Matthew.

The district officers sits there and tells each party to the case to bring two witnesses. The district officer will then hear both sides separately but the witnesses on each ~~ss~~ side will corroborate on their evidence. What wisdom does the district officer have in order to judge that case correctly? The purpose of bringing the amendment to this House/^{was} very correct, ~~that~~ but it is about time we changed this Act, so that we do not just have a district officer as the chairman of the divisional land control board. Some of the district officers are very new and very young so that they do not know enough about land matters. The panel, itself, should be composed of elders who are well known in an area, such as Butere. They have to be known to be honest and respectable people. The Panel of elders in Butere, for example, should know the areas of Butere ~~all~~ well.

Let that panel of elders be able to hear these land cases and then you could pick from among the 10 or 20 elders, two or three, to hear any particular case. At present, with the district officers sitting there, there is a lot of injustice and corruption and a lot of wastage of valuable time. Again, Sir, we talked about that amendment and I would have wished very much to see it among these amendments. I hope that ~~amendment~~ amendment would be inserted the next time we have a Bill of this nature.

Mr. Deputy Speaker, Sir, I would also like to say that the time has come when non-lawyers - people who are not learned as my friend hon. Kivuitu is - should be allowed to set up legal firms. For example, if I want to set up a legal firm known as Maina Wanjigi Advocates, I should be able to do so. I am saying this because today, some of the best lawyers are the worst managers, particularly, when it comes to money. That is why some of them are usually locked up for mixing their money with the client's funds, and therefore, they cannot account for funds attributed to them. This is a common practice in Europe and in the rest of the world whereby you can employ lawyers who you will supervise to manage monetary affairs, as long as you pay them what they are entitled to. So, instead of their managing money affairs and then fail and then find their way into bars and business restaurants. You find that you have trained somebody all the way to university and he cannot make enough money in his own law firm but ~~has~~ has to go and set up a bar. Sir, this is going backwards instead of going forwards. The main reason is that they are not able to manage themselves. I am not surprised about this because not ~~the~~ everybody can be a manager. Even the best footballer may not be the best captain for his team.

Mr. Speaker, Sir, I am pointing out this for the consideration of the Attorney-General so that he can bring along an ~~amendment~~ amendment whereby those people who want to set up a firm and employ young and experience lawyers, whatever they want to do, are allowed to do so it so long as they are within the law of Kenya.

THE MINISTER FOR CO-OPERATIVE DEVELOPMENT (Ctd):

In this way, Mr. Deputy Speaker, Sir, there will be a lot more discipline both with the advocates and our own ~~xxx~~ courts. I say this with a lot of bitterness because sometimes you can hire the services of a lawyer, he is supposed to appear in court and he, perhaps, develops a little flu or he over-drinks the previous night and does not appear in court when the case is to be heard. It can well be that that case has been waiting for a whole year to be heard and when he does not appear, the case is again pushed to the following year. Because of this, there are cases dating back eight to 10 years either because the advocate in-charge was not there or the judge or magistrate was not there. You are not even given any information; ^{in vain} you go there and sit from nine o'clock and wait/for whoever is supposed to bring up the case. As a result, you will find that our law courts are like a railway station. You will just see people meandering around without knowing what is happening.

There is lack of ~~six~~ discipline in the total profession and I think it is time ~~was~~ done to ensure that cases are not adjourned just for flimsy reasons like, somebody got drunk, got flu or because somebody feels that it is not ~~h~~ in his interest to have that case heard. This is because everytime a case is postponed, the ~~lawys~~ lawyers come and ask their clients "How much money have you brought? Bring another Shs.10,000/=" The longer it takes for a case to be heard, the more money one will spend ^{for} ~~on~~ services that are not genuinely rendered.

This is a fair comment and I hope that the Attorney-General will take it and I would hope that when he bring another Bill of a miscellaneous nature, some of these issues which will streamline the management of our country, will be taken seriously. I am saying this particularly on the question of ~~pa~~ the panel of elders; we do not want it. The panel of elders

should be changed so that cases can be heard by those people who are seriously interested in the settlement of land disputes throughout the country.

I beg to support.

MR. KIOME: Thank you, Mr. Deputy Speaker, Sir, for giving the opportunity to support this Bill. First of all, I would like to thank the learned Attorney-General for coming up with very good ~~and~~ amendments in the form of this Bill. I am told that a few consultations were done and I would like to say that this is one of the good ways of coming up with good Bills. This time, the Attorney-General has amended some of the very archaic parts of our law which were very offending to professionals, particularly the lawyers with respect to having a situation where tourists in this country could have become lawyers. That situation was stated by a few lawyers, a few hon. Members in this House and myself in 1984. We felt that that situation was improper.

AN HON. MEMBER: What about the foreigners who are here now?

MR. KIOME: Today, only Kenya citizens can become lawyers. I am sure the Attorney-General would be able to do likewise to the other professions, such as, valuers, accountants, engineers and so on when their cases get presented depending on the fora which will ^{will be used} ~~come up~~.

Having said that, Sir, I cannot forget to support my friend, the hon. Minister for Co-operative Development. Although he seems to have a lot of bias on lawyers all over the place, we have read in the Press where he is quoted ^{as} ~~saying~~ saying that lawyers are being sabotaged without mentioning their names. Today, he also thinks that lawyers actually get cases adjourned for no genuine reasons. At times, adjournment is a matter between the parties and it may be done towards settlement of a case when you can have a big battle in court for days. Adjournments come up due to many reasons; not because of delays by the court, the lawyers, the parties involved and not necessarily due to delays by the Attorney-General. The Attorney-General is at times a party in very many cases and a lot of things get involved.

Mr. Deputy Speaker, Sir, I would not like to say that my friend, the hon. Minister, had a negative opinion towards the lawyers last time. With all due respect, amendments should always be based on the comments which have ~~ma~~ been made in this House. Time and again, hon. Members have spoken about various Acts, like the Chiefs' Authority Act. This Act was put into effect to enable Africans to control themselves. In those days, a chief was able to declare a curfew and, therefore, control the struggle for freedom and to control the movement of the freedom fighters in 1920s, 1940s and 1950s. That is why the chiefs were made very powerful. That reason does not exist any more today. For ease of administration, perhaps, some other Act should be devised for the convenience of the people. Cap.128, is a bit irrelevant at this time.

The Vagrancy Act should have been brought as one of the miscellaneous amendments followed by the words "The Vagrancy Act is hereby repealed." This Act is unnecessary and Kenyans should not vagrants in their own country; they should not be regarded as trespassers at all in any place at this time. The spirit of that Act was also colonial; it was meant to ban people from being together and to keep those who were supposed to be ^{"eating"} ~~protecting~~ the people away from others and declare them vagrants, say, in Nairobi. In that way, one can keep away Maasais, Kikuyus and so on because they could have "eaten" the luos if they were found in Nairobi during the colonial days. This is what some people were told. They were told some people eat others. This was meant to make Kenyans not to be united and to foster tribalism. Therefore, the ~~struggle~~ struggle for Independence became very difficult and those Acts—
Whatever we are saying is being drawn in some ^{dir} ~~bin~~ —

(Noise)

MR. DEPUTY SPEAKER: Order! There is a big .. baraza going on over there.

MR. KIOME: I hope that the hon. Member for Makuyu, who is also the Assistant Minister for Livestock Development, is listening and he should bring something from his area to be amended by the Attorney-General.

MR. KIOME (ctd):

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8.12.87

Sir, you will notice that the Attorney-General has done a very well by amending the Penal Code Cap. 278. Earlier on, they removed the ^{bonds} ~~bonds~~ which were included and a lot of it has been amended. The courts discretion is now what matters with respect to theft. ~~This~~ That is a very good thing. It is very unfortunate because in one area, the Attorney-General says:

L felony

"Any person found armed with any dangerous or offensive weapon in circumstances ~~in~~ that indicate that he was so armed with intent to commit any felony, is guilty of a ~~felony~~ and is liable to imprisonment with hard labour for a term not exceeding 14 years together with corporal punishment."

Corporal punishment is a very degrading mode of punishment. ~~Even~~ It has even disappeared in schools. The cane that is used in schools is a very short one - it ~~is~~ is a bamboo cane - with a gap in the middle and the teacher does not use it to harm the child. Corporal punishment originates from a very interesting phenomenon. When ~~the~~ the landlords owned so much land to the ~~it~~ extend that they had slaves and others under their control, they ~~and~~ whipped and disciplined them like their children. That is the origin of corporal punishment.

END W

MR. KIOME (ctd.):

Corporal punishment has disappeared in most civilized judicial and legal systems.

MR. BOMETT: Robbers are not civilized.

MR. KIOME: I am informed by my friend, hon. Bomett, that robbers are not civilized and that they should be treated that way, but not degrading the human person is a universal phenomenon. Even the body of a robber is a dignified one. The act of robbing is not dignified but, as a human being, ^{is} he supposed to be treated with dignity and be regarded as such a human being. So, corporal punishment should disappear from our laws. In fact, by and large death sentences should also disappear from our laws. Death sentences are controversial matters because, in some cases, they are administered when another person has died. So, the question is: whose life is more important, that of the dead or that of the killer? Without going further into that argument, I do not see why a case should not be put forward for the disappearance of death sentences. I am not saying that I support robbers; I hate robbers, I hate my things being taken violently, but, in the same breath, I would not support that a person should be put to death. In fact, before the Hanging Bill was passed, our Government had quite a few ~~problems~~ problems in this House. The House, that time, did not want ~~the Bill~~ to pass the Bill. The Government went around asking people to raise their hands to indicate that they supported the Bill. They were being told, "Harambee", and they would raise their hands. Parliament may have been moved by the mood at that time - that there was a lot of support from the people to hang robbers; that there ~~was~~ was a lot of support that cattle rustlers should

N.P.

MR. KIOME (ctd.):

be imprisoned for long periods of time. Those ~~At~~ Acts were passed at that time. We are very pleased today that the Attorney-General has noticed and seen that it is unnecessary to punish these people in such a manner.

Stealing one cow in Isiolo is equivalent to stealing two shillings in Nairobi. That is the value of a cow in Isiolo. Everybody there has a cow. A person might turn around and say, "I will take my friend's cow to the market and sell it. I will tell him about ^{it} when he comes back next week". But people have learnt how to jump to the law and term that as theft. In fact, the person who had taken the cow had intended to ~~return~~ compensate the owner with another one. So, the spirit of vengeance should disappear from the law. We ~~w~~ should have less harsh sentences ~~which are~~ and more reformatory laws.

The Office of the Vice-President and Ministry of Home Affairs should have been included here as being reformatory. There should have been brought a law to the effect that all sentences which are pronounced ~~as~~ under four years should be served at home. Why should we have ^{30,000} ~~30 thousand~~ Kenyans in jail; living there, being fed there and packed together. Reform there becomes very difficult. The purpose of punishment ~~is~~ is not only punishment ^{in itself} but also deterrence, reform restitution etcetera. But we have all the time considered the punitive aspects of sentences. I think that is why our prison conditions are terrible; that is why prisoners live in ~~an area~~ ^{rooms} of about six ~~inches~~ ^{feet} in width. I am told that those areas are called "territories." Each inmate knows that his territory measures six inches in width. They agree ~~w~~ and sleep there. There are 3,000 prisoners at the Industrial Area Prison. They live in pathetic conditions; it is not very good when we compare our system with other judicial

MR. KIOME (ctd.):

systems where the reformation of the inmate is ^{given} a very important consideration.

Mr. Deputy Speaker, Sir, with respect to handling stolen goods, the Attorney-General has reduced the jail terms. The previous minimum sentence of seven years has come down to the discretion of the judge. Previously, you could handle a small stolen item such as a battery. You know how easily spare parts of a car can get handled without even ^{you} noticing ~~it~~ it. A friend of mine was imprisoned for seven years for handling a battery belonging to his own friend. But the way he argued in court amounted to an admission of the crime. He said, "even if I suspected this person, I thought I ~~w~~ should have it because it appeared to have come from so-and-so to whom I could otherwise have explained." That councillor went in ~~the~~ for seven years because the magistrate had ~~no~~ no room to use ^{his} ~~their~~ discretion; ~~they~~ ^{he} ~~he~~ had no room to give provision or a discharge. It was a mandatory seven-year sentence for handling a small item. That was quite unfair on the part of the law at that time, and I am sure everybody is pleased to see that we are getting to a situation where we do not have vengeance, ^{but that we have} by consideration of the circumstances of ~~the~~ each particular case.

Mr. Deputy Speaker, Sir, it is also interesting to note that the Attorney-General has removed the word 'magistrate' in the Extradition Act, but he has not shown us what the previous provision was. I was only interested in the word 'magistrate' here. The word 'magistrate' in the Magistrates Courts Act is mentioned in various places but the Ramtu Salaries Review Commission ^{argued} ~~argued~~ that the terms District Magistrate I, II, III or IV should not be used any more; these magistrates ~~w~~ should all be termed as Resident Magistrates. In fact, in terms of salary

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MR. KIOME (ctd.):

scales, as my learned friend is aware, they are treated nicely today, there is no complaint. But the ^{title} district magistrate continues to be used. It is not ~~x~~ necessary after having reviewed the magistrates' salaries to reasonable ones - where resident magistrates should be - to use the term district magistrate. They should be termed as resident magistrates, though of ~~vix~~ various grades all the ~~x~~ way upwards, so that the professionals feel that they are getting into an area which is respectable.

With respect to the ~~x~~ Betting, Lotteries and Gaming Act, there are a lot of amendments which provides ~~for the~~ room for more contributions to charitable causes. This is very good given that the value of money has gone down in recent years. It will ~~is~~ also raise the amount of taxation by about 15 per cent. That, to me, is very good. But what surprises me, like a few of ~~me~~ my hon. friends who spoke earlier, is the mention of figures inside this Act. Figures have been doubled without an explanation of the previous figures. Sometimes we ~~are~~ may think we are giving a gift to somebody. You find that the figure 1,000 has been raised to 10,000. That may be too much. I think the ~~new~~ value of money has not fallen by that rate. What I am trying to say is that in future, there should be an explanation of what the previous figure ~~was~~ had been and what it is all about. My biggest quarrel with this ~~is~~ Bill

N.D.
is the Workmen's Compensation Act. I do not know who came up with these things, but I also tend to agree with the previous contributors that maybe these recommendations were made at the ^{attainment of} Independence when the ~~x~~ value of the worker was that which ^{had} ~~was~~ _{been set} ^{by} the white man, just before Independence which was ~~Six~~ between Sh.24,000/- and Sh.29,000/-

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MR. KIOME (ctd);

Here, Mr. Deputy Speaker, Sir, we have got KShs.48,000/-.
 You can imagine KShs.48,000/- as compensation for the life of an
 adult. This is very unreasonable; it is ~~xxx~~ unacceptable. The workers
 of this country will not be happy when they learn that the life of
 a worker is worth only KShs.48,000/-. This ~~figure~~ figure should be
 raised to much more than that. It should be raised to about
 KShs.100,000/- or KShs.150,000/-, given the value of money today.
~~If~~ In fact if we take the KShs.29,000/- that has been in the Act for
 the last 25 years you will find that when it was paid for the first
 time it was three times what it is now - at KShs.48,000/-. You will
 find that KShs.29,000/- some 25 years was equivalent to
 KShs.160,000/- today. The economists in this ~~&~~ ^{House} country - and also
 His Excellency the Vice-President and Minister for Home Affairs who
 is an economist himself - will agree with me that this money is
 nothing now. Nothing has been done in terms of when the previous
 Act was passed. This figure should be much higher than what it is
 at the moment.

Mr. Deputy Speaker, Sir, mention has been made of the
 Land Control Act. A lot of people may never know how The Land
 Control Act came about. Previously it used to be ~~known~~ known as
 The African Land Rules. The idea was to make ~~the~~ the African
 unable to use his land. The White Man made the African Land Rules.
 These were changed into The Land Control Act in 1967. We have
 continued to use our own land just the way Mzungu wanted us to use
 it when he used to control us. How can we inherit rules and make
 them into an Act? These were rules which were supposed to make
 us unable to produce anything on our own land. We are using ~~the~~ the
 same rules. The Land Control Act should be ~~reviewed~~ reviewed; from
 its ~~beginning~~ beginning up to ~~its~~ its end so that our land becomes more
 productive and more ~~manageable~~ manageable.

MR. KIOME (ctd);

This will also remove too many controls on land. You will find that you have to go to the Land Control Board in order to be allowed to plant something on your land. This is because you need consent to do many things on your land. I think these consents are not very necessary. Some may be necessary. But I am only putting forward the case for reviewing of that Act.

Mr. Deputy Speaker, Sir, you will find a situation where a person pays Shs.1 million under an agreement to purchase land. He pays the ~~owner of the~~ owner of the land but the seller dies suddenly and his children become difficult. They become difficult when their father has banked Shs.1 million given to him by the buyer of his land. The argument that they will advance in the court or anywhere else is that there was no consent to sell the land from the Land Control Board. You can imagine the inhumanity in that ~~type of thing~~ ~~xxxx~~ kind of thing; Shs.1 million is there and it stays in the bank for many years. The seller of the land was paid but he "decided" to die. The buyer cannot get the land because the District Officer has not given his consent for the sale of the land. An agreement like that should be given a provision under our laws. The Law of Contract has a little bit ~~of~~ of mention of performance and so on. But with respect to land agreements it is ~~is~~ surprising that there must be consent; even if ~~x~~ Shs.1 million has been paid. So, all these problems on land should disappear. This only shows the need for consultation; the need for having a good law. The proper rule of justice involve consultation.

END.Y...

MR. KICME (CTD.):

It would be strange for a Ministry to wake up and decide to legislate.

Straight from their offices, they would write out an Act which will affect Kenyans or somebody says, "From now on, all Kenyans will behave this way. I have decided this for them" without any consultation. Nobody asks, "What is good for you?". Before Kenyans are told that an Act drafted by the Attorney-General of Kenya will be like this or that, there should be a lot of consultation. Even in respect of other Bills, once you see people of various groups saying, "This is wrong. That is wrong", and you insist - even if you are the Minister - that you will still pass a Bill as it is, you may have to answer for this. You may even cause other people to answer questions that they do not understand.

When you go to talk to your constituents and ask them for votes, they will tell you, "That Act was passed when you were in Parliament, and you know that we do not like it." At times, things can slip over and pass through this House only to be asked at the time of elections, "Why was this Act passed when you were in Parliament, hon. Munyao?" Of course, the Attorney-General will not seek votes next year. He will come back here without votes. I suppose he will come back by virtue of such good work as this, but we shall ^{have a lot of questions} answer from our people who voted us in when a lot of things are passed in this House if these things are not good or popular with Kenyans. Popularity should be measured by what various people, groups and members of the professions affected say. I am not just talking about the Law Society of Kenya. I am sure that the Attorney-General consults the Law Society of Kenya because ~~of~~ one of the reasons why it was formed was that it should be consulted on matters of legislation, and not only on disciplining lawyers and other similar things. Before an Act is passed, the Law Society of Kenya ^{it thinks} ~~they~~ should be asked what ~~they think~~ - not necessarily whether ^{it} ~~they~~ think ^{it is} it is correct, because ~~they~~ ^{it is} are not going to bulldoze this Parliament. Consultation ^s are good and very important.

One area of this Act whose purpose I have not been able to understand and about which I am sure the Attorney-General will, in his reply, tell us the purpose of this amendment, is the Kenya Posts and Telecommunications Act. That

MR. KIOME (CTD.):

Act has been amended fundamentally. The amendment involves the taking over of a company without winding it up first. The Attorney-General has made a provision for the smooth take-over in such cases, and that is making it easy for a wrong to be committed. Something can happen in between. You can imagine the assets of the ^{Kenya} External Telecommunications Corporation just ~~from~~ disappearing into some other existing assets. If I am one of those who are going to take over such assets under this Act, I would ~~x~~ commit a fraud and take away billions of shillings, but you would never know what happened. In the take-over, a billion shillings can disappear without the company involved being ~~man~~ wound up and taking a record of the assets involved. We should first know the assets involved and then pass them on over to the Kenya Posts and Telecommunications Corporation, ^{for example,} which is so well managed today. We do not know what was happening at the Kenya External Telecommunications Corporation. We do not know what assets it had, nor how much else was involved. So, even if the new managers took away Shs.10 billion each, we would ~~ka~~ not know. This latter Corporation used to make a lot of money. It was a very successful corporation because it had a monopoly over the Kenya Posts and Telecommunications Corporation. The take-over involved here should not have been allowed without the proper winding up of the Kenya External Telecommunications Corporation.

An advocate, Mr. Kangwana, was given a lot of money - about Shs.15 million, to wind up the Kenya External Telecommunications Corporation. I am not sure of the figure involved because I was not in this House at that time.

END Z

MR. KIOME (Contd.):

But here it is still being called a company. I do not know what he did with that KSh.15 million. We do not know what happened in the process of winding up the company. It was never wound up, and if it was never wound up, that KSh.15 million should be brought to the Exchequer or Consolidated Fund. So, it should not be called a company after so many years. So, I have not understood the purpose of it unless there is a smooth takeover without all legalities and the various baseline operations being done. Whatever the case may have been, it may not have been for the Attorney-General. But, at least, he has provided for a smooth legal base for them to proceed, to be sued, to own property, to takeover that property, to be able to transfer it, and so on. They can even transfer it to private persons. Well, that is what the law says. But I am not saying that there is a way of providing a law which cannot allow them to transfer to other people. I am only saying that I do not see the purpose of doing that.

When that company was wound up - I remember it was very much in the Press that it is being wound up - a firm or various firms of Advocates were paid millions of shillings for winding them up. I am not saying that those gentlemen stole that money. I am only wondering why there is a word "company" here when I am made to understand that there was a winding up of the company.

AN HON. MEMBER: It should have been "buried"!

MR. KIOME: Yes, it should have been buried and forgotten so that we have the Kenya Posts and Telecommunications Corporation and that is the end of the matter.

Also, there is a new provision which is a very good example of how things can go wrong when they are done in a hurry. In 1984, we passed the Exchequer and Audit Act (Cap. 412). That is Auditor-General (Corporations). Now, an omission was made in the Act which the

MR. KIOME (Contd.):

Attorney-General has noticed just now. An omission was made which none of us, or nobody here, noticed at that time. However, I am now pleased that the Attorney-General has noticed that omission and has brought it to the House. That is in his operations, if he is an Auditor-General (Corporations) - I do not know whether he is referred to as such unless the Attorney-General tells us - but I am not sure whether that is true under the Constitution. However, something that was omitted is now brought in - which is very good - and states as follows:-

"In the exercise and performance of his powers and duties under this Act, the Auditor-General (Corporations) and any person authorised under Sub-section 2(b) shall not be subject to direction or control of any other person or authority".

That is very good. That gives that person his authority to do what he is supposed to do without a lot of pressure because I am told that pressure is always there. But he is now free. He cannot say that "I was directed by So-and-So". In fact, what he can do is to resign. He cannot also say that authority came from here and there to do this and that. This is a very good provision, and it has given this person the right powers. He should have that, and various people should also have that. The Attorney-General has that power himself, and hence his ability to do what he does so well.

End AA.

JMK

MR. KIOME (ctd.):

So, all that I would ask is that the Law Reform Commission, the Office of the Attorney-General, the Law Society of Kenya and various members of our judicial system should do sufficient consultations and be faster in amendments so that we can amend as many unnecessary parts of our law as ~~z~~ possible. We should be able to get into the operations of some of the various ^{mashineries} ~~machineries~~ that have ground to a halt because the law is too old and a lot of developments have taken place. Consultations should be conducted at all points and Kenyans should be able to do so just as they have always done. There is a greater case of doing that ~~at~~ today, taking into account the fact that we are now 22 million. If you are going to dictate on 22 million people, you can imagine what the consequences would be if they are not happy.

Mr. Deputy Speaker, Sir, as hon. Khalif was saying, when the Law of Succession Act was passed, there were a lot of consultations and agreements and promises were also made. The Muslim community of this country were promised that the law would cater for various parts and that it would have provisions ~~take~~ taking care of their interests. As if the Government can be fraudulent or as if an officer of the Attorney-General can be fraudulent, something happened such that those provisions which were supposed to cater for the Islamic community of this country were never included in ~~the~~ 1972 or 1973 when the Act came up.

THE ATTORNEY-GENERAL (Mr. Muli): On a point of order, Mr. Deputy Speaker, Sir. I am wondering whether ~~the~~ my hon. ^{learned} friend was in order to say that the Office of the Attorney-General was 'fraudulent'. How was it fraudulent? That is a very serious matter.

MR. KIOME: Mr. Deputy Speaker, Sir, my hon. friend is trying to misquote me. I said, "as if the Government can be fraudulent or as if an officer of the Attorney-General can be p fraudulent....." Something happened somewhere between 1973 and 1980 in that an Attorney-General advised the whole Government, after making a lot of promises, that the Islamic Community of this country would be considered when the Act was being implemented, and those promises were not fulfilled. In fact,

MR. KIOME (ctd.):

the promises were made as the Act was brought to Parliament and something went wrong. It is now the high time that a provision was made into that ~~law~~ part of the law because, I suppose, the present holder of the Office of the Attorney-General is a man ~~considered~~ ^{that} capable of considering others and rectifying/situations so that the Muslim community in this country can feel they are part of the law.

MR. KIVUITU: Even those of Isiolo North!

MR. KIOME: Yes, even those Muslims of Isiolo North. I represent a majority of Muslims.

Mr. Deputy Speaker, Sir, I would also like some explanations to be made on the margin of the various provisions. In fact, you can have an Act on one side and the provisions on the other side of a page, ~~it~~ just as we have in one Bill which was brought to this House, so that hon. Members can follow what they are doing easily. The way it is done now, there are some omissions which have been made with respect to the Banking Act and others. In fact, we do not know what is being amended here.

MR. KIVUITU: It is confusing!

MR. KIOME: Yes. It is quite confusing. By a Miscellaneous Amendment Bill like this we can hang ourselves. Something could be inserted in between the pages saying, for instance, "when Parliament is dissolved all the previous hon. Members be hanged on the next tree". If we are going to pass small little bits without explaining what the previous provisions were, we can ~~even~~ ~~even~~ roast ~~ourselves~~ ourselves.

ADJOURNMENT

MR. DEPUTY SPEAKER: Order, hon. Kiome! Hon. Members, it is now time for the interruption of business. The House is therefore adjourned until tomorrow, Wednesday 9th December, at 9.00 a.m.

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

END.....BB

R E P U B L I C O F K E N Y A

T H E N A T I O N A L

A S S E M B L Y

OFFICIAL REPORT

Wednesday 9th December 1987

MORNING SITTING

ORAL ANSWERS TO QUESTIONS

Questions Nos. 761, 791 and 781

Questions Nos. 755 and 708 - deffered

QUESTIONS BY PRIVATE NOTI..

Death of Sabina Nyabinda Nyakwama after beatings by Youthwingers
(Mr. Abuya-Abuya)

Enough Std.I places for Nairobi Children in 1988- (Mr. Gachanja)-
Dropped

Sub-division of a Parcel of land in Wamunyu (Mr. Munyao) - deferred

Dismissal of Mr. Chengo Jefiva by Anwerali and Bros Ltd. (Mr. Nzai)

Gravelling of Road D 316 from Chepsion to Molo (Mr. N. Mungai)-Dropped

Post Mortem Examinatin of late Stephen Mbithi (Mr. Mutiso) - Deferred

Grounding of Vehicles at Lodwar District Hospital (Mr. Ekidor)

Awarding of a Tender by the Ministry of Information and Broadcasting
(Mr. Sifuna) - deferred

Money paid to Mrs. Nyambura after a High Court case settlement
(Mr. Nyaga)

POINTS OF ORDER

Non-Coverage of a reply to a Question An Assistant Minister
Came to the House

Ministerial Statement about Butere Constituency Self-Help
Development Fund untrue

Out of Order for Government official to reach through the Press
to statements made in the House by Hon. Members - The Chair
Cannot help the Hon Member in a way of making a Ruling

Reference to the head of state in a derogatory manner in an
Hon. Members Allegation

MOTIONS

Kilimanjaro Water Project to cover more areas in Machakos - Mr.
Kikuyu on 25.11.87 - Resumption of Debate interrupted on
25.11.87 - Agreed to

Introduction of a Law to specify that Period a a casual can
stay before becoming permanent - Mr. Kiliku - question
Proposed - An amendment Introduced by the Minister for
Labour (Mr. Okondo) - Agreed to as amended

Question No.761

MR. arap KOSKE asked the Minister for Labour:-

- (a) whether he is aware that a Mr. Kiplangat A. Cheruiyot, a former employee of Keritor Cattle Section in Kipkebe Limited in Kisii District was not paid his overtime duties while he was working as a watchman; and
- (b) when he is going to be paid this money.

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto):

Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that a Mr. Kiplangat A. Cheruiyot, a former employee of Keritor Cattle Section in Kipkebe Limited in Kisii District, was not paid his overtime dues while he was working as a watchman.

(b) The District Labour Officer, Kericho, has taken up the matter with the management of Kipkebe Limited, and the General Manager who took over the management of the company last year - 1986 - has undertaken to investigate the matter with a view of ensuring that Mr. Cheruiyot is paid his overtime dues. Accordingly, the District Labour Officer has been instructed to follow up the matter and ensure that Mr. Cheruiyot is paid his overtime dues as soon as possible.

MR. arap KOSKE: Mr. Deputy Speaker, arising from the answer given by the Assistant Minister, I wonder how serious he is. I have a letter here, which was written by the Labour office in Kericho, directing the complainant to go to complain in Kisii. Now, he is telling us that the action is being taken in Kericho. How serious is this?

MR. arap METTO: Mr. Deputy Speaker, Sir, it is true that this employee has not been paid his dues. We have ~~taken~~ instructed the Labour Officer, Kericho, to take up the matter and make sure that this employee is paid his money. The hon. Member is asking me how serious this matter is. This matter reached us immediately when the hon. Member raised his Question and we have taken action by instructing the Labour Officer to make sure that this money is paid.

MR. arap KOSKE: Mr. Deputy Speaker, Sir, can the Assistant Mi_nister then tell us exactly when this complainant will be paid?

MR. arap METTO: Mr. Deputy Speaker, Sir, surely, as I have stated in my reply that we have instructed the Labour Officer to investigate and see that the money which we are now aware that ^{it has not been paid to the} ~~this employee has not been paid~~ should be paid. Now, the matter lies with the Labour Officer and we have instructed him to make sure that this money is paid as soon as possible.

MR. MUTISO: Mr. Deputy Speaker, Sir, in view of the fact that this is not a Question by Private Notice, and that this Question has been lying at the Ministry for ~~quite~~ some considerable ~~an~~ amount of time, can the Assistant Minister tell the House why he has not come with a concrete answer from his Labour Officer - having investigated and found out the reasons why the worker had not ~~pa~~ been paid his money?

MR. arap METTO: Mr. Deputy Speaker, Sir, I think the hon. Member will agree with me that when the Question was raised by hon. arap Koske reached us, we have investigated. This is why I have said that we are aware that this employee has not been paid his dues. Therefore, the matter, as I have promised the House and the hon. Member ~~is that~~, we are going to make sure

MR. arap METTO (Ctd.):

that this employee gets his money as soon as possible since we have agreed that we are aware of it.

Question No.708

MR. DEPUTY SPEAKER: Mr. Kikuyu not in? Next Question.

Question No.791

MR. ANG'ELEI asked the Minister for Tourism and Wildlife:-

- (a) whether he is aware that many people have lost their cattle, camels and goats due to increase in the population of hyenas in Turkana South; and
- (b) whether he will, as a matter of urgency take action in intensifying the campaign to get rid of these hyenas.

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE

(Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that a few people have lost their cattle, camels and goats due to the increase of hyenas in Turkana South.

(b) I have already ~~xx~~ intensified a campaign to control these hyenas. A total of 44 hyenas have been killed in Lokori and Katilu administrative divisions of South Turkana in the months of September and November, 1987.

END A.....

J.K.

MR. MUTISO: Mr. Deputy Speaker, Sir, can the Assistant Minister tell the House whether these hyenas are more useful to the Ministry than livestock? Do these hyenas bring any income to the Ministry? If they do not bring any income to the Ministry why can they not be eradicated?

MR. AWORI: That is exactly what I have said, Mr. Deputy Speaker, Sir. We have already killed 44 of them in those two locations.

MR. ANG'ELEI: Mr. Deputy Speaker, Sir, I do not know what the Assistant Minister means when he says that " a few people have lost their cattle, camels and goats due to the increase of hyenas in Turkana South." He has also said that 44 hyenas have been killed. But does he know how many animals are killed by these hyenas per day?

MR. AWORI: Mr. Deputy Speaker, Sir, I know that due to the improvement of weather--- In 1984 we had a severe drought in this country and many people lost their livestock. Since the weather has improved there has been an increase in the population of livestock in the country. Similarly, because the weather has improved, there has been an increase in the numbers of hyenas. We have definitely intensified our campaign against these hyenas. I know that wananchi in Turkana South have been in constant contact with our game wardens and game rangers. Our people are there and they are killing these hyenas. Our intention is to make sure that livestock in Turkana South is ~~zfx~~ protected from these predators.

MR. ANG'ELEI: Mr. Deputy Speaker, Sir, since the Assistant Minister has said that they are going to intensify their campaign against these hyenas in order to eradicate them, is he now assuring the House that he is not going to stop that campaign until all hyenas are eradicated or finished off?

MR. AWORI: I did not say that, Mr. Deputy Speaker, Sir. In our Ministry we have a department called the Wildlife Management and Conservation Department. Hyenas are a part of wildlife in this country. We are therefore going to move them away from the livestock areas. Those which remain there are the ones we are going to eradicate. So, it would be wrong for me to say that we are going to finish off the hyenas. This is because we do not ~~intend to~~ intend to do that.

MR. MATE: Mr. Deputy Speaker, Sir, we know that this Ministry has been having financial problems for many years. This is because many ~~ex~~ complainants have not been ~~comp~~ compensated for the loss of their livestock and crops. The Assistant Minister has been saying that they will sell ~~monkeys~~ monkeys and hyenas to raise money to ease the Ministry's financial constraints. Could he tell us how much progress he has made so far in raising money? Is he going to sell these hyenas to raise money to pay compensation to those wananchi who have not been compensated for their crops and livestock?

MR. AWORI: Mr. Deputy Speaker, Sir, I do not recall having stated in this august House that we will ever utilise the hyenas to bring in money. What I said ~~that~~ is that it is possible to sell monkeys outside this country. I also said that our officers in our ~~in~~ diplomatic missions abroad and also in our tourist offices abroad are making contacts and efforts to see whether we can get a market for ~~more~~ monkeys.

MR. AWORI (ctd);

It is not as easy as that. When we were almost making a break-through this scare of the Acquired Immune Deficiency Syndrome arose and quite a number of people who were going to buy these monkeys said "Hold it; monkeys from Africa may increase A.I.D.S."

MR. DEPUTY SPEAKER: Let us go back to Dr. Mango's Question.

Question No.781

DR. MANGO asked the Minister for Agriculture:-

- ka
- (a) how much a robusta coffee farmer is supposed to be paid per kilogramme delivered;
 - (b) whether he is aware that coffee farmers of the Namwitsula coffee farmers co-operative society are underpaid; and
 - (c) whether he will adjust coffee producers prices so that they are comparable throughout the country.

MR. DEPUTY SPEAKER: Anybody from Ministry of Agriculture?

Next Question.

Question No.755

MR. MATE asked the Minister for Agriculture:-

- (a) whether he is aware that Hampton I. Makaru, W.P. No.033 was not paid his field and leave allowances from March to August, 1982; and
- (b) when he is going to be paid ~~his~~ this money.

MR. DEPUTY SPEAKER: Still ~~not~~ nobody from Agriculture?

Mr. Kikuyu's Question.

Question No.708

MR. MUNYAO, on behalf of Mr. Kikuyu, asked the Minister for Water Development:-

- (a) how clean the water of Ikiwe River and its tributaries of Mwanja and Mwanyani is;
- (b) whether this water is fit for human and livestock consumption; and
- (c) if the answer to (b) is "No" what the Ministry is doing to improve the situation.

MR. DEPUTY SPEAKER: Anybody from Ministry of Water Development?

Let us move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

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

(a) Is the Minister aware that the late widow Sabina Nyabinda Nyakwama of Magogo Village, Kemera Sub-Location, Kitutu East, died of severe beatings inflicted on her by youthwingers led by the Assistant Chief of Bogetaorio Sub-Location?

(b) What urgent steps is he taking to have those involved in this heinous act brought to book?

MR. DEPUTY SPEAKER: Anybody from Office of the President? Mr. Gachanja's Question.

MR. GACHANJA to ask the Minister for Local Government:

- (a) What measures is the Ministry taking to ensure that there will be no shortage of places for Standard One children in Nairobi in January, 1988?
- (b) Could he assure this House that all eligible children will be admitted when schools open next year?

MR. DEPUTY SPEAKER: Is Mr. Gachanja not here? Mr. Munyao's Question.

MR. MUNYAO: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that plot parcel Wamunyu/Kwakala/180 in Wamunyu Location has been sub-divided into three parcels?

(b) Is he further aware that one of the family members is selling the third piece of land to an outsider without the consent of the other family members?

(c) Can the Minister take urgent action to stop this private sale?

MR. DEPUTY SPEAKER: Anybody from Ministry of Lands and Settlement? Next Question.

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

(a) Is the Minister aware that Mr. Chengo Jefiva was employed by Anwerali and Bros. Ltd. on 1.9.83 and his services terminated on 1.3.86?

(b) Could the Minister order the company to compensate the wrongly dismissed employee KShs.20,640/- as recommended by the Chief Industrial Relations Officer in his letter Ref. ML/18/6/86 of 1st September, 1987?

MR. DEPUTY SPEAKER: Anybody from Ministry of Labour? Next Question.

(MR. J.N. MUNGAI) to ask the Minister for Transport and Communications:-

- (a) Who is gravelling the road from Chepsion to Molo through Kerisoi Road No. D 316?
- (b) Is the Minister aware that the material being used on the road is not murram but soil?
- (c) Can the Minister make sure that good murram is used on the road?

MR. DEPUTY SPEAKER: Mr. J.N. Mungai not here? Mr. Mutiso's Question.

MR. MUTISO: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that the body of the late Mr. Stephen Mbithi who died on 25th May, 1987, is still lying at Machakos General Hospital Mortuary?

(b) Why has the post-mortem not been carried out to establish the cause of his death?

(c) Will the Minister ensure that the post-mortem is done immediately and the body released to the relatives for burial?

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): Mr. Deputy Speaker, Sir, the facts and the information we have been looking for are now ready. But the Minister for ~~K~~ Health would like to answer this Question himself. He was not aware that the House was going to adjourn today. He asked me to ask the House, and the hon. Questioner, to allow this Question to be answered tomorrow. But we were not aware that the House ~~w~~ is going on recess today.

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House by saying that the House will be sitting tomorrow? According to the Order Paper for this afternoon the House is adjourning Sine Die today.

THE ASSISTANT MINISTER FOR HEALTH(Mr. arap Cheboiwo): Mr. Deputy Speaker, Sir, I have already said that we were not aware that the House was adjourning today. We thought that the House would adjourn tomorrow.

MR. MUTISO: On a point of order, Mr. Deputy Speaker, Sir. I am rising to seek your guidance. What are we supposed to do under these circumstances? Is it possible to ask the Minister to make a Ministerial Statement in the afternoon regarding this Question? This is because we are proceeding on recess today and this Question is raising a very important issue. It will be ~~very~~ utterly frustrating to those people if this House adjourns without the Minister giving a reply to this Question.

MR. DEPUTY SPEAKER: The Assistant Minister for Health is here.

THE ASSISTANT MINISTER FOR HEALTH(Mr. arap Cheboiwo): Mr. Deputy Speaker, Sir, the Minister himself is not here. I was prepared to answer the Question ~~my~~ myself. But the Minister insisted that he would like to answer this Question himself. He has gone to Karatina where His Excellency the President is presiding over a fund-raising meeting for Nyayo Wards in that area. So, if he comes here in the afternoon I will ask him to answer the Question.

MR. DEPUTY SPEAKER: Order! It has been said before here that Ministers and Assistant Ministers are entirely responsible for their Ministries. I therefore find no excuse whatsoever why this answer cannot be given because the Assistant Minister for Health is here. I did say, last week, that the fact that the answer has been prepared in the Ministry ~~is~~--- It is immaterial who actually does deliver the answer to the House. Therefore I would like hon. arap Cheboiwo to r_epl_y to this Question since he has said that the relevant facts are available. So, let us proceed. The Order Paper for this afternoon has already been prepared and there is no machinery that the Speaker can use to enable a Question that was to be responded to now to be responded to in the afternoon. So, I am sorry, I will insist that you, Mr. arap Cheboiwo, ~~reply~~ reply to this Question.

THE ASSISTANT MINISTER FOR HEALTH(Mr. arap Cheboiwo):

Unfortunately, Mr. Deputy Speaker, Sir, I do not have the answer with me here now. So, I do not know what I will do.

MR. DEPUTY SPEAKER: Let us move on to Mr. Ekidor's Question.

B.9. 9.12.87

MR. EKIDOR: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) How many vehicles assigned to Lodwar District Hospital are grounded and why?

(b) Where is vehicle GK K999 allocated for the Childrens Vaccination Programme in Turkana District?

(c) Is the Minister satisfied that this vehicle is doing the work assigned to it?

THE ASSISTANT MINISTER FOR HEALTH(Mr. arap Cheboiwo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There are 10 vehicles grounded in Lodwar and these are as follows: GK H244; GK L515 - a lorry; GK 6973; GK 486B; GK 801T; GK 986T; GK 889X; GK 828T; GK 834C; and GK F407. All these 10 vehicles are grounded at Lodwar District Hospital.

(b) I am satisfied that vehicle GK K999 is doing the work assigned to it, in addition to offering emergency services at the Hospital.

END.B..

MR. SIFUNA: Mr. Deputy Speaker, Sir, the Assistant Minister has not answered part (b) of the Question. Part (b) of this Question asks: "Where is vehicle GK 999 allocated for children vaccination programme in Turkana District?"

MR. arap CHEBOIWO: Mr. Deputy Speaker, Sir, I am sorry about that, which is true.

Ledwat
The Vehicle GK 999 is at ~~Helwa~~ District Hospital.

MR. EKIDOR: Mr. Deputy Speaker, Sir, can the Assistant Minister tell the House how he expects health services ~~to be provided effectively if vehicles~~ in the district to be provided effectively if vehicles are always grounded?

MR. arap CHEBOIWO: Mr. Deputy Speaker, Sir, this problem was not brought about intentionally. These vehicles were grounded because there was no money to repair them. But we are trying all we can to see that we get money immediately so that we can repair them. Turkana being what it is, we know that they need the vehicles. This is a very ~~unfortunate~~ unfortunate case; but we are ^{trying} all we can to see that we ^{morely} get to rehabilitate, or repair, them.

MR. SIFUNA: Mr. Deputy Speaker, Sir, could the Assistant Minister see that some vehicles are provided in Turkana District because the others are grounded? At least, wananchi need services in that area. So, could he make sure some ~~or~~ vehicles are provided for that district while waiting for these others to be repaired?

MR. arap CHEBOIWO: Mr. Deputy Speaker, Sir, that is one of the Ministry's efforts. We are getting some vehicles from donor countries, and ^{we} (are thinking of sending some to Turkana District, while still waiting for the grounded vehicles to be repaired.

MR. EKIDOR: Mr. Deputy Speaker, Sir, when the Assistant Minister ^{said} in part (b) of this Question that he is satisfied that vehicle GK 999 is being used in Turkana District, can he produce a time-table to show that this vehicle ~~really~~ ^{is} really used in the work of vaccination of children in the district? Can he produce a time-table to show, ~~that this~~ or ^{prove}, that this vehicle goes ~~a~~ all over Turkana District?

C.2. 9.12.87

MR. arap CHEBOIWO: Mr. Deputy Speaker, Sir, to be honest to the hon. Member and the House, right now, I cannot produce a time-table and lay it on the Table. But if that is the wish of the hon. Member and the House, it can be laid on the Table later on. But I do not have the time-table now.

MR. SIFUNA: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Broadcasting the following Question by Private Notice.

(a) Who was given the tender for supply of electronic valves for Radio and TV Transmitters as per the authority given by Treasury letter Ref. No. ~~AFN~~ AFN.720/42/01/51 dated 3rd February, 1987 in response to the Ministry's letter Ref. No. MID 9/11/252 dated 6th January, 1987?

(b) How much did it cost the Government for the purchase of four valves type TH 521 that were brought in May/June, 1987?

MR. DEPUTY SPEAKER: There is nobody here from the Ministry of Information and Broadcasting to answer the Question. Mr. Nyaga's Question.

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

(a) Is the Attorney-General aware that a widow, Mrs Mary Nyambura, ID/No. 0395699/63, was made to sign documents of discharge by M/s S.S. Vohra Advocates in settlement of a case No. H.C.C.C. 1893 of 1983, Nairobi in the total sum of Kshs.177,520/- ~~₹~~ and Shs.77,512/- respectively?

(b) Is he further aware that on 14th October, 1986, an order was issued by the court to pay Mrs. Nyambura and her dependants a sum of Shs.131,000/- leaving a balance of Shs.124,032/-?

(c) Could he order the restoration of this settlement in full to the widow of the deceased and her family?

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Although I am not aware that Mrs. Mary Nyambura was made to sign a certain document, I am aware that initially there ^{was} a dispute about the sum awarded

THE ATTORNEY-GENERAL (CTD):

in that case. But after some discussions and negotiations, a total sum of Shs.160,000/- was agreed upon by the parties concerned. Out of the sum agreed on, Shs.29,000/- was to go towards the costs and disbursements. A balance of Shs.131,000 was, therefore, payable to the ~~widow~~ widow and her children.

(b) The settlement was approved by the High Court, which ordered further that out of the balance, Shs.100,000/- was to be invested for the benefit of the minor children. The final balance of Shs.31,000/-, less the lawyer's fees of Shs. Shs.2,600/-, was paid to the widow. She, therefore, received a total sum of Shs.28,400/-. Now, according to the information that I have managed to get, it is not true that there is a balance of Shs.124,032/- still to be paid to the widow, or otherwise accounted for.

(c) Mr. Deputy Speaker, Sir, in view of the foregoing, part (c) of the Question does not arise.

MR. NYAGA: Mr. Deputy Speaker, Sir, in view of that very unsatisfactory answer, I would like ^{to} lay on the Table of this House this afternoon the papers that ~~the~~ widow of the deceased signed in the presence of the advocate. These papers, which declared the final settlement to be of Shs.177,520/- and Shs.77,512/- from the defendants, were signed before the plaintiff's advocate. I then cannot understand why the Attorney-General says that he is not aware of that.

Secondly, Mr. Deputy Speaker, Sir, it was the understanding of the widow that the costs for this suit would be paid by the defendants. I do not know how now it has come that Shs.29,000/- from the settlement has been knocked off to pay the advocates.

MR. MULI: Mr. Deputy Speaker, Sir, the Attorney-General is not a party to this suit. In fact, this Question should not really have ^{been} addressed to the Attorney-General, because he is not a party to this suit. However, I went out of my way to try and assist in getting the information from the court records. From the court records, there is no document to show any agreement or documents signed by this lady; that is all I could do. So, if the hon. Member would like me to assist further, gratuitously as I am not a party to the suit, I will be willing to do so.

MR. NYAGA: Thank you, Mr. Deputy Speaker, Sir. The documents that the Attorney-General found in the High Court records were the ones prepared by the advocate after the settlement had been signed reducing the amount to Shs.131,000/- This is the sum the High court was asked to approve as final settlement; this left Shs.124,000/- in the ~~hand~~ hands of the advocates.

MR. DEPUTY SPEAKER: Order, Mr. Nyaga! You ~~did~~ asked a Question. The Attorney-General has told you that he is not a party to the suit, and that the information he ~~is~~ has given is what he ^{was} able to get from the court records. Now, instead of you asking a supplementary ^{question} out of his reply, you are ~~is~~ making a statement! You have already told the House that you will lay documents on the Table this afternoon.

MR. NYAGA: But, Mr. Deputy Speaker, Sir, if the Attorney-General does not give me this answer, how else does he expect me to get the information from the High Court records?

MR. MULI: Mr. Deputy Speaker, Sir, the hon. Member has contradicted ~~his~~ himself. He says that the documents were signed by the parties outside court, before they came to court. When they came to court, the court took the settlement which was recorded. How does the hon. Member want me to go and find out from the advocate for the lady, while I was not a party to the suit? The court was not a party to the suit; these documents ^{may have been} signed outside the court. The information, Mr. Deputy, Speaker, Sir, as you pointed out, is what I could get from the court records. If there were other documents ^{signed} outside court, we are not aware of them.

END



MR. OMIDO: On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that it is apparent from the statement by the hon. Member that this lady has been swindled, would I be in order to request the Attorney-General to look into the matter and ensure that justice is done to this woman because if Advocates are allowed to swindle people out of ignorance then it is a very serious matter? I think the Attorney-General should take it seriously. Would I be in order to request him to look into the matter?

MR. MULI: That is a very good ^{request} question, Mr. Deputy Speaker, Sir. If the hon. Member would like to bring those documents signed outside before an order was made in court, we will look at them, and if there is a case for investigation as to swindling, that is a different matter. I will be happy to look into that.

MR. KIOME: On a point of order, Mr. Deputy Speaker, Sir. I am seeking your guidance here. Could the hon. Member bring the discharge voucher signed and the Attorney-General bring the final court order so that the difference can be seen by the House because there is an apparent disparity of figures between KSh.160,000/- and KSh.177,000/-?

MR. MULI: Mr. Deputy Speaker, Sir, I will be happy to bring the order that has been recorded in court.

MR. NYAGA: Mr. Deputy Speaker, Sir, I will lay on the Table of this House this afternoon the document relating to the settlement of this suit before the plaintiff's lawyers. Also, I would like the Attorney-General to note that most of our community are not conversant with law and, therefore, they have been swindled by the cunning lawyers. This is what might have happened in this case.

MR. DEPUTY SPEAKER: I think, Mr. Nyaga, maybe a better ^{method} _{is} for you to see the Attorney-General in his Chambers before this afternoon. But still come with the documents and lay them on the Table. This will

MR. DEPUTY SPEAKER (Contd.):

enable the Attorney-General to have a response immediately. Otherwise, I can see there will be no response at all.

We go back to Mr. Abuya-Abuya's Question.

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

(a) Is the Minister aware that the late widow Sabina Nyabinda Nyakwama of Magogo Village, Kemera Sub-location, Kitutu East died of severe beatings inflicted on her by youthwingers led by the Assistant Chief of Bogetaorio Sub-location?

(b) What urgent steps is he taking to have those involved in this heinous act brought to book?

MR. DEPUTY SPEAKER: Anyone from the Office of the President? None. We go to Mr. Gachanja's Question.

MR. ABUYA-ABUYA: On a point of order, Mr. Deputy Speaker, Sir. I do not know what is going to happen because I can see from this afternoon's Order Paper that we are adjourning. This is a very important Question involving life, and I would have expected that the Office of the President with its many Ministers would have taken note of this Question particularly when in my Constituency we have of late had a lot of harassments from the assistant chiefs and chiefs. I do not know what is going to happen now. How am I going to get the answer?

MR. DEPUTY SPEAKER: I am afraid, I cannot help you there because the Ministers are not here. Therefore, if we had the answer I might have requested the Minister to respond. But maybe if you see me later, we might be able to consult and find out whether anybody is available to react to your Question this afternoon.

We go back to Mr. Gachanja's Question.

(MR. GACHANJA) to ask the Minister for Local Government:-

- (a) What measures is the Ministry taking to ensure that there will be no shortage of places for Standard I children in Nairobi in January, 1988?
- (b) Could he assure this House that all eligible children will be admitted when schools open next year?

MR. DEPUTY SPEAKER: He is not there. We go back to Mr. Munyao's Question.

MR. MUNYAO: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that Plot Parcel Wamunyu/Kwakala/180 in Wamunyu Location has been sub-divided into three parcels?

(b) Is he further aware that one of the family members is selling the third piece of land to an outsider without the consent of the other members of the family?

(c) Can the Minister take urgent action to stop this private sale?

MR. DEPUTY SPEAKER: Anyone from the Ministry of Lands and Settlement? None. We go back to Mr. Ndzai's Question.

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

(a) Is the Minister aware that Mr. Chengo Jefiva was employed by Anwerali and Bros Ltd. on 1.9.83 and his services were terminated on 1.3.86?

(b) Could the Minister order the company to compensate the wrongly dismissed employee KSh.20,640/- as recommended by the Chief Industrial Relations Officer in his letter Ref. ML/18/6/86 of 1st September, 1987?

THE ASSISTANT MINISTER FOR LABOUR (Mr. ^{Arup Mitto} ~~Obure~~): Mr. Deputy Speaker, Sir, I apologise for not being here at the time the Question was called

THE ASSISTANT MINISTER FOR LABOUR (Mr. Obure)(Contd.):

out first because I was busy chasing this answer which I have now.
Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Chengo Jefiva was employed by Anwerali and Bros Ltd. on 1st September, 1983; and that his services were terminated on 1st March, 1986.

(b) I cannot order the company to compensate Mr. Chengo Jefiva as requested by the hon. Member. According to the Trade Disputes Act, if the parties do not accept my recommendations, as in this case, the two parties have to proceed to the Industrial Court for arbitration. The Union has accepted by recommendation, but so far, the employer has not responded.

MR. NDZAI: Mr. Deputy Speaker, Sir, the company does not want to pay the employee who was wrongly dismissed while the ^{Assistant} Minister has recommended that he should be paid compensation. What is the cause of the delay now? What action is the Assistant Minister taking to see that this employee is paid compensation immediately?

MR. ^{Arup} ~~LOBURE~~ METTO: Mr. Deputy Speaker, Sir, as I have already state, Mr. Chengo Jefiva's case was reported by the Transport and Allied Workers Union on 16th June, 1986. After investigations by my Ministry, the dismissal was found to be wrongful. We recommend that Mr. Chengo Jifiva's dismissal should be reduced to normal termination, and that he should be paid all his terminal dues, and in addition, five months salary being compensation for wrongful dismissal.

MR. NDZAI: Mr. Deputy Speaker, Sir, the Ministry has already recommended for this employee to be paid. What is causing the delay? Why is it that the employer does not want to pay the employee who was wrongly dismissed?

MR. ^{Mh. Arup} ~~LOBURE~~ METTO: Mr. Deputy Speaker, Sir, as I said earlier on, the employer has still not accepted my recommendation. However, in

MR. OBURE (Contd.):

accordance with the Trade Disputes Act, if the two parties do not accept, or even one party does not accept my recommendation, they have to go to the Industrial Court for arbitration.

MR. DEPUTY SPEAKER: We go back to Mr. Sifuna's Question.

(MR. SIFUNA) to ask the Minister for Information and Broadcasting:-

- (a) Who was given the tender for supply of electronic valves for Radio and TV Transmitters as per the authority given by the Treasury letter Ref.No.AFN. 720/42/01/51 dated 3rd February, 1987, in response to the Ministry's letter Ref. No.MID 9/11/252 dated 6th January, 1987?
- (b) How much did it cost the Government for the purchase of four valves type TH 521 that were bought in May/June, 1987?

MR. DEPUTY SPEAKER: Mr. Sifuna is not here. I am sorry. We go back to Mr. Mungai's Question.

J.N.

(MR. MUNGAI) to ask the Minister for Transport and Communications:-

- (a) Who is gravelling the road from Chepsion to Molo through Kerisoi road No.D316?
- (b) Is the Minister aware that the material being used on the road is not murrum but soil?
- (c) Can the Minister make sure that good murrum is used on the road?

MR. DEPUTY SPEAKER: Mr. Mungai is not here. We go back to Mr. Mutiso's Question.

(MR. MUTISO) to ask the Minister for Health:-

- (a) Is the Minister aware that the body of the late Mr. Stephen Mbithi who died on 25th May, 1987, is still lying at Machakos General Hospital Mortuary?
- (b) Why has the post-mortem not been carried out to establish the cause of his death?
- (c) Will the Minister ensure that the post-mortem is done immediately and the body released to the relatives for burial?

MR. DEPUTY SPEAKER: Now, we had a problem with this Question. The Ministry is doing something, but I do not know until when.

Now, in view of the fact of the impending adjournment of the House, I am using my discretion to go back to Question No.781 because I can see the Assistant Minister for Agriculture has now come.

So, we go back to Dr. Mango's Question.

ORAL ANSWERS TO QUESTIONS

Question No.781

DR. MANGO asked the Minister for Agriculture:-


- (a) how much a robusta coffee farmer is supposed to be paid per kilogram delivered;
- (b) if he is aware that coffee farmers of the Namwitsula Coffee Farmers Co-operative Society are underpaid; and
- (c) if he can adjust coffee producers prices so that they are comparable throughout the country.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina): Mr. Deputy Speaker, Sir, ^{not being in the House when the Question was called} first of all, may I apologise for ~~the third time~~.
Mr. Deputy Speaker, Sir, I beg to reply.

(a) There is no fixed price that is set for coffee producers in Kenya, including robusta coffee farmers. Coffee prices are dictated by the world coffee markets which are negotiated at the International Coffee Organisation.

(b) The Minister is not aware that the coffee farmers of Namwitsula Coffee Farmers Co-operative Society are underpaid.

(c) No. The prices of coffee are already comparable throughout the country for a given class of coffee delivered.

End D. 

DR. MANGO: Mr. Deputy Speaker, Sir, Arising from the Assistant Minister's reply, could he give the House a rough idea of the dimensions ^{by} ~~is~~ which the prices for arabica coffee vary, that is, the lowest and the highest prices per kilogramme to the farmers

MR. SAINA: Mr. Deputy Speaker, Sir, I cannot do that.

l.c./ Arabica Coffee is not actually ~~the coffee which is~~ traditional grown in our country. It has just been introduced in the western part of the country around Siaya ^{District} and also in ^{the hon. Member's} ~~his~~ Constituency of Busia. What I can only do, ~~and~~ if the hon. Member could agree to that, is to give a classification of ^{the} grades of ordinary arabica coffee which ^{are} ~~which~~ classified into about five or seven ^{groups} ~~classes~~. ^{As} For robusta coffee, we have begun to grow it, and have not gone into big marketing of that variety.

DR. MANGO: Mr. Deputy Speaker, Sir, I do not know why the Assistant Minister is being very mysterious about coffee prices. After all this is not the first time that robusta coffee is being grown in East Africa. It is grown in Uganda, ~~for that matter~~. There surely must be some price for this coffee. During the coffee "boom", many Kenyans benefited from the same brand of coffee from Uganda. They must have been paid some kind of money.

MR. DEPUTY SPEAKER: Order! What is your question?

DR. MANGO: Mr. Deputy Speaker, Sir, my question is that ^{farmers} the coffee ~~in~~ Busia District are extremely underpaid. They have nowhere to complain because the Ministry of Agriculture keeps the coffee prices secret. Could the Assistant Minister at least give an indication of how much one should expect from a kilogramme of robusta coffee? What were the arabica coffee farmers paid last year ~~for their coffee~~ per kilogramme?

MR. SAINA: Mr. Deputy Speaker, Sir, the hon. Member is not being very clear. I have stated that we have two types of coffee.

l.c./ One is ~~the~~ arabica coffee, which is very common and which we market under certificate ^{of} ~~the~~ this country. ~~The~~ robusta coffee, is a newly

MR. SAINA (ctd.):

introduced type of coffee. That is why the hon. Member is referring to one of our East African countries - Uganda our neighbour - which grows arabica coffee. Other countries closer to Uganda like Rwanda and Burundi, also grow this type of coffee. But Kenya has not, in the past, marketed robusta coffee. The hon. Member has referred to the coffee 'boom'. During this 'boom', some varieties of coffee from Uganda penetrated, somehow illegally, into Kenya. These varieties were a mixture of arabica and other varieties of coffee. We accepted this and sold it through the normal channel, the Coffee Board of Kenya. At the moment, we have not as yet established a standardised class of robusta coffee and thus, do not have grades for it. I cannot, therefore, give the hon. Member the price per grade of robusta coffee. I said earlier that the price of coffee depends on or is determined by the world market which is subject to the forces of demand and supply.

MR. DEPUTY SPEAKER: Let us move on now.

Question No. 755

MR. MATE asked the Minister for Agriculture:-

- (a) whether he is aware that Hampton I. Makuru, W.P. No. 033 was not paid his field and leave allowance from March to August, 1982; and
- (b) when he is going to be paid this money.

MR. DEPUTY SPEAKER: Anybody from the Ministry of Agriculture

(Question deferred)

POINTS OF ORDER

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES

(Prof. Sumbi): On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order concerning coverage or non-coverage by the Voice of Kenya (V.O.K.) and other reporters from various newspapers, but the latter are not very important. The V.O.K. is more concerned here as the matter that I am raising concerns a reply that I gave following a reply I had given earlier on, on Encharo Polytechnic. This was a Government

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Prof. Sumbi) (ctd.):

statement and I am surprised ^{to find} that the V.O.K. did ^{not} report it, ^{This} ~~was~~ despite the fact that the HANSARD covered everything. Hon. Abuya-Abuya wanted his constituents to know exactly what they should do with Encharo Polytechnic, in Kitutu East, if they would eventually want to be assisted by my Ministry. I do not care whether I am covered by the press in other areas, but ^{as} for this particular statement, the V.O.K. should have covered me.

It is also surprising, this is by the way, that on Saturday I was officiating along with hon. ^{Grace} Ogot at Moi International ^{Sports} Centre, ^{Kasarani} I refused to go ^{to} ~~for~~ a Harambee ^{fund drive} at my Constituency. I had to send somebody to represent me there so that I could officiate at the Moi International ^{Sports} Centre, ^{Kasarani} I was the 3rd person to welcome His Excellency the President to the Centre. I sat in the front row. I am the only other Assistant Minister with a beard. They ^{V.O.K.} should have recognised that I was there, ^{but} I was not covered. AS I was coming from the Centre after officiating late, I heard the seven o'clock news where they ^{V.O.K.} mentioned the Ministers and Assistant Ministers who had been there. But, hon. Ogot and I were not mentioned. Sports are our ^{Ministry's} baby. They fall under our Ministry. I was very surprised. I do not need to be covered. My constituents know what I do every weekend in my Constituency during Harambee meetings for which I am not covered. That is okay. But ^{as} for these official functions, I ought to be mentioned. This is to prevent my Constituents from thinking that I refused to go to a Harambee ^{fund drive} there, purporting to have gone to officiate at the Moi International ^{Sports} Centre, ^{Kasarani} when they find out that I have not been mentioned. That is all.

MR. ABUYA-ABUYA:

On a point of order, Mr. Speaker, Sir. It is very surprising that the V.O.K. deliberately refused to cover thx

MR. ABUYA-ABUYA (ctd.):

the Assistant Minister's reply because he ^{was} correcting the impression that he had given earlier that this particular polytechnic had been given ~~a half a million shillings~~ ^{Shs. 500,000/=}. This is a communal affair. We have always asked the V.O.K. to pay particular attention to questions that we raise here pertaining to services ^{being} rendered to a community. These ^{services} are very important. There is no way an hon. Member of Parliament is going to go into villages and give them ^{people there} the answer. I think, it is high time that the V.O.K. ^{in particular was} should be reorganised. I think that they ^{V.O.K. reporters} are being bribed. This is because some hon. Members are covered very well while others are not covered at all. We wonder why there is this discrimination. We would like the Minister for Broadcasting and Information to tell us as to whether there is a certain community in Kenya that contributes to the welfare of the ~~being~~ of V.O.K. This is a very serious matter. Up to now my constituents are mainly asking--

U.C./

U.C./

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

MR. ABUYA-ABUYA: I am on a point of order! Sit down!

N.P.

They are asking me; "Where ^{is this} ~~are these~~ Shs. 500,000/=?" I have no way of going round to tell the community ~~to tell them~~ that the Assistant Minister made corrections on this issue. This is a community affair ^{and} Anthon. Member has no resources to take the answers to individuals who ~~had~~ raised it through him. I would like--

U.C./

MR. DEPUTY SPEAKER: Order! Order! I do not think you are adding anything to what the Assistant Minister has already said. I expect that the reporters from the V.O.K. are listening and that proper action will be taken on that issue.

Let us move on.

END E.....

Byan

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. My point of order is in connection with a Ministerial Statement made here by hon. J.K. ole Tipis, Minister of State, Office of the President on 17th November, 1984 in connection with the Butere Constituency Self-Help Development Fund. My statement is as follows:

On 17th November, 1987, hon. ole Tipis, in response to two points of order that I raised on 3rd and 15th November, 1987, made the following statement, which I quote from the HANSARD.

"Mr. Speaker, Sir, touching on the first point of order, I would like to categorically refute the claim that the hon. Member for Butere has been denied permits to address public rallies. From our records, the hon. Member has addressed his constituents severally in the past and, more recently, when the hon. Member was granted a permit to address a public rally early this year, he only took the opportunity to abuse civil servants, a subject he is very famous for."

Mr. Deputy Speaker, Sir, this is my reply to this comment: This statement is not only untrue, unfortunate and, above all, misleading but is calculated to conceal the truth. The Minister failed to tell the House how many meetings I had been allowed to address. The House should note that the Minister admitted that it was only early this year that I was granted a permit to address a public rally. In other words, in the whole year, I have had only one meeting.

The facts of the matter are that the District Commissioner, Kakamega, Mr. Mberia, stopped issuing me with permits to hold meetings immediately after the Kanu elections of 1985 because I had ^{refused to vote for} Kakamega Kanu Branch Chairman in the said elections. Secondly, during the conference of Ministers, Members of Parliament and civil servants held at the Kenya Institute of Administration in 1985, I raised the matter in a committee whose members were hon. Stanley Nyaga, hon. Abuya-Abuya, hon. Omido, hon. Mudavadi and many other hon. Members. As for civil servants, we had Mr. Simeon Nyachae, the then Chief Secretary, Prof. Gachuhi, Mr. Mberia, the District Commissioner of Kakamega.

In response to my complaint, Mr. Mberia told the committee that he had been instructed by hon. Mudavadi, the Kanu Chairman of Kakamega Branch, not to issue me with licences to hold public meetings in my constituency. Reacting to

MR. SHIKUKU (CTD.):

this, Mr. Nyachae told Mr. Mberia that he was wrong and instructed him to issue such licences to me, but it was not until early this year, when Mr. Mberia was on leave, that I was issued with a licence to address a public meeting, and this was also after Mr. Kobia had intervened.

Mr. Deputy Speaker, Sir, with regard to the Minister's allegation that in the said meeting, early this year, I took the opportunity to abuse civil servants, that statement cannot be taken lightly. So, I call upon the Minister to substantiate his allegation by telling the House the exact words of abuse that I used, and why I was not prosecuted since the meeting was attended by Special Branch officers and the Officer-in-Charge, Butere Police Station. I still demand that the Minister tell the House why the people of Butere have been denied their constitutional right to associate with their elected representative, contrary to section 80 of the Kenya Constitution.

With regard to the Minister's statement that if I applied for a permit to address public rallies, it ^{would} ~~will~~ be granted so long as the subjects involved are development-oriented, such as Harambee meetings. Kenya is a free and democratic country, with a constitution that guarantees the freedom of speech. In view of this, will the Minister tell the House under what law he is restricting me as to what to say at my public meetings when there are laws such that if I say something that is against the law, I can be prosecuted?

The Minister knows that Kenya Government is a political Government, with a political party, Kamu, of which I am life member No. 71. Could the Minister tell the House when political meetings were banned? The Minister must know that I am forbidden even to address chief's public meetings on development. For example, Butere Constituency Self-Help Development Fund bought two refrigerators for the purpose of storing vaccine for Kuku Project. I initiated this project with a view to increasing the chicken population in Butere by the vaccinating the same against the new castle (?) disease, but I was refused permission to launch the project in the local Chief's public meetings.

Is the Minister also aware that I was refused permission to meet poor pupils in 1986 who had scored between 63 and 72 points in the Kenya Certificate

MR. SHIKUKU (CTD.):

of Primary Education, and whose parents could not afford to pay their school fees. I had to meet them in my house and offer them scholarships for that year.

Mr. Deputy Speaker, Sir, on the second point, regarding the misappropriation of Butere Constituency Self-Help Development Fund, it is stated in an audit report:

"I am grateful that, at long last, the Minister admitted that a sum of Shs.80,224.80 was not accounted for by chiefs and assistant chiefs who were the sub-locational collectors of the Fund.

It is also gratifying to note that the Minister has directed that the said officers make good the loss, failure to which they will be charged before a court of law."

The figure quoted by the Minister is the same figure that I quoted from the same auditor's report, which I laid on the Table of this House on 19th November, 1985, and which the Minister then dismissed as bogus. Does the Minister appreciate and admit that a very serious offence, namely, the embezzlement of public funds by persons in Public Service, has been committed by each of the persons who failed to account for the respective collection? Is the Minister aware ^{that,} whether the said officers made good the loss or not, they have nevertheless committed a criminal offence? Could the Attorney-General, whom I do not see here now, as the chief legal advisor to the Government, explain the law relating to theft and embezzlement of public funds to the Minister and to this House?

Mr. Deputy Speaker, Sir, will the hon. Minister explain to this House the fate of the Shs.106,964/= involved in this case? Is there any reason why he has not disclosed to the House whether the then District Officer for Butere, Mr. Kirui, could not account for that cash money? The report mentioned above has clearly revealed ~~that~~ the loss or unaccountability of that amount on page 7. I will lay this report again on the Table of the House. The report says:

"It was noted that a large sums of amounts were being paid in cash, e.g. Shs.25,000/=, with no supporting

MR. SHIKUKU (CTD.):

document from the office——"

That is the office of the District Officer. . . .

"——and there was a pay-sheet for labourers involved in the construction of 8-4-4 classrooms which resulted in a cash payment of Shs.106,864/= without supporting documents."

In addition, Mr. Deputy Speaker, Sir, this House should also be told by the Minister why there has been no follow-up action to the statement I made to the Criminal Investigation Department officers in Kakamega in 1986, regarding the loss of Shs.54,000/= belonging to Butere Constituency Self-Help Development Fund. The hon. Minister should also be consistent in the application of the law by telling us what action, if any, will be taken against any public servant involved in the loss of that amount, or who failed to account for it.

With regard to the Minister's statement on page G.2 of the HANSARD of 17th November, 1987 that "——the audit report tabled in this House only covered funds for the Butere Branch", I would like to draw the attention of this House to page 5 of the said report. As hon. Members will observe and read, the report covered and commented on the accounts in Kakamega, Nairobi, and Mumias. The banks concerned are the Kakamega Branch of the Kenya Commercial Bank, Barclays Bank, Queensway Branch, Nairobi, Bank of Oman, Kenyatta Avenue, Nairobi, and the Kenya Commercial Bank, Mumias Branch. According to the Constitution of Butere Constituency Self-Help Development Fund, the Fund's books of accounts are kept by the Treasurer, who is the District Officer of Butere, and it is that officer who is responsible in case of any books not being maintained, just like in the case of Kanu where the Treasurer is the official responsible for maintaining the party's books of ~~xxx~~ accounts, and not any other Kanu official.

END F

MR. SHIKUKU (Ctd.):

So, if there is any failure in maintaining the books of accounts of Kanu, we normally ask the Treasurer to explain. The hon. Minister contradicted himself in his earlier statement when he said that the report only covered the Butere Branch.

Mr. Deputy Speaker, Sir, the Minister in his attempt to soil my name, and the names of other officers of the Fund, said - and this is the most important part of it, and I quote him -

"On 24th September, 1982, the account in Barclays Bank Queen's Way House was closed with bankers draft for the balance which was paid to themselves".

In other words, what the Minister is saying is that we took money to the tune of Shs.74,728/- from this account. He goes on to say:-

"The money from this account appears to have never been accounted for by the officials who withdrew it, namely, hon. Joseph Martin Shikuku, Mr. W.D. Netta and Mr. R.O. Mukabi".

Mr. Deputy Speaker, Sir, I have document here which I will lay on the Table to show you, Sir, the amount which the Minister says that we paid to ourselves. The amount which the Minister says that we paid to ourselves is contained in this cheque from Barclays Bank in the name of Butere Constituency Self-Help Development Fund, and not in the name of the officers, and this is the first document which I want to lay on the Table. This is a cheque from the Barclays Bank for a sum of Shs.74,663/- addressed to "Payee Butere Constituency Self-Help Development Fund. here in Nairobi". This cheque was posted to the Bank of Oman/where we moved the account and this bank also shows here that this cheque was deposited on 27/9/82, and the amount was ~~again~~ Shs.74,663/-. This shows that we did not pay ourselves the money and to prove this, I have here with me the Barclays Bank cheque, and the Bank of Oman received the same cheque and they kept in the fixed deposit account, the certificate of which, Sir, is also here with me. We have been going on withdrawing this money and returning it until we reached an amount of Shs.295,000/- which has been used in paying the school fees for the poor children in Butere. The receipts of this money are there and so are the names of the children for whom we paid the school fees.

Mr. Deputy Speaker, Sir, as I speak in this House, there is a balance in the bank in respect of the Fund. I will also lay on the Table of this House, the statement showing how the money was withdrawn and to whom it was paid. So, Sir, may I continue now.

MR. DEPUTY SPEAKER: Order! Before you continue, I would like to know whether you are going to go through every sheet of paper you are holding before you finish.

MR. SHIKUKU: I beg your pardon, Sir.

THE DEPUTY SPEAKER: Are you going to go through every document that you are holding in your hands before you complete your statement?

MR. SHIKUKU: No, Sir. I am remaining ^{with} only one page of the statement.

MR. DEPUTY SPEAKER: Only one page?

MR. SHIKUKU: Yes, Sir.

MR. DEPUTY SPEAKER: Okay, can you then finish reading it. You can mention the fact that the other ~~papers~~ documents that you are holding are substantiation of what you are saying in the statement and you can lay them on the Table together with your written statement.

AN HON. MEMBER: But he is contravening our Standing Orders by laying the documents on the Bench instead of laying them on the Table.

MR. SHIKUKU: Mr. Deputy Speaker, Sir, I have no table here ~~to~~ on which to put my documents, so I have first ~~got~~ to put them on the Bench here.

MR. DEPUTY SPEAKER: Order! You are not using your time properly.

MR. SHIKUKU: Mr. Deputy Speaker, Sir, if there is anybody who is telling ^{an} untruth, then it can only be the hon. Minister, for I have with me here, documents which I will lay on the Table.

With regard to the sum of Shs.54,000/-----

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): You mean to say you have not finished?

MR. SHIKUKU: I do not know what is wrong with my friend, ~~KAKAMOGA~~ hon. arap Cheboiwo.

Mr. Deputy Speaker, Sir, there is an ^{for} amount of Shs.54,456/- unaccounted for which was withdrawn when the Kenya Commercial Bank Kakamoga Branch was closed

This amount was transferred from Kakamega Branch of the Kenya Commercial Bank to Mumias Branch of the Kenya Commercial Bank internally and we never received any cheque at all. The Minister can go and find this out for himself.

Mr. Deputy Speaker, Sir, the Minister continues to say:-

"The amount that has not been accounted for from the accounts that have since been disclosed is colossal, and we demand that the hon. Member tells this House and the country how this money was spent after it being withdrawn from these accounts. Whereas the hon. Member has taken upon himself to intimidate civil servants on this Fund, let it be known to him now, that he is not very clean on this matter, either.

Mr. Deputy Speaker, Sir, I have already stated that the collection of this money from wananchi was done by the chiefs and assistant chiefs who, in turn, handed it over to the district officer for banking. All these people fall under the Minister: hence, let him pressurise his officers to account for people's money and not to ask the hon. Member for Butere to do so. After the money was banked, it was withdrawn by three signatories, namely, Mr. Shikuku, Mr. Ashiemi Okwaro and the district officer Mr. Kirui. The question here is why the Minister is heaping blames on the hon. Member for Butere all the time, despite the fact that the audit team states clearly on page 7 of their Report, which I am going to lay on the Table of this House, and I quote:-

"The funds still held by sub-collectors as tabulated in appendix (i) which is in the Report, should be recovered from chiefs and assistant chiefs immediately".

Mr. Deputy Speaker, Sir, it should be noted that the hon. Member for Butere, and the officers manning the Butere Constituency Self-Help Development Fund, are not mentioned by the auditors. Therefore, Sir, may I conclude my statement by saying as follows:-

The auditors have been looking into how the money of the Fund was spent. Both the officers from the Criminal Investigation Department and the auditors have looked into all these accounts and have compiled a Report. It is very interesting to note that up to now, no action has been taken. Sir, the Minister has continuously threatened me in this House on several occasions. In 1985 he said, and this is recorded in the HANSARD on page 103, and ~~in~~ in 1986 in the HANSARD, page 974 of November, and in the HANSARD of this very Session as follows:

~~"The Minister should be asked to have this report"~~

"Any person detected to have misappropriated from the Fund will be made to face the law."

However, since 1985 up to now, how many people have been brought before the court to face the law after there has been evidence of misappropriation from this Fund? I have given all facts and information about the Butere Constituency Self-Help Development Fund to this House and if the Minister has any facts, or information which contradict the facts and information I have given, let him produce them in this House or ask the various arms of the Government to investigate and take action. I am fed up with ^{threats} ~~threats~~ every now and then from the Minister.

~~XXXXXXXXXX~~

MR. MUNYAO: On a point of order, Mr. Deputy Speaker, Sir, I would like to raise two very small points of order here. One is based on the fact that we are likely to go on recess starting from today. However, there were some Questions on the Order Paper, either by Private Notice, or otherwise which have not been dealt with fully. Would I be in order to ask the Chair to direct that we receive written answers from the Ministers regarding these Questions?

Mr. Deputy Speaker, Sir, my second point is that on 5th of November, the issue of Kalawa Market started coming up and I made my personal statement about it last Thursday. Worse still, after even the Chair made a long statement regarding this issue, there has been an apparent blackout from the newspapers. Perhaps, earlier on, one might have thought that this blackout was on Mr. Munyao, or on the people of Mbooni, but this time it has even affected the Chair when such an important ruling given by the Chair was given a blackout by all the daily newspapers and even the Voice of Kenya. So, I thought I might be in order to request the Chair to ask the newspapers which are represented here to tell us what the people of Mbooni have done or what Mr. Munyao or the Chair has done. We are ready to apologize for what we have done on behalf of the people of Mbooni.

C.5.---9.12.87.

MR. MURRAY (Ctd.):

~~People of Mbooni~~. I am saying so because this has been a very difficult issue and the daily newspapers, together with the Voice of Kenya, which cover the deliberations of this House, should know that the Mbooni people are entitled to know what is happening about it. This is a very important point and I am requesting the Chair to request the newspapers to tell us what ^{wrong} I have done, on behalf of the ~~Mbooni~~ Mbooni people, so that ^{Patch up our differences.} we may ~~come back~~ together. Mr. Deputy Speaker, perhaps you could request them to report the whole thing from the time we started up to last night.

Thank you, Sir.

END G.

MR. DEPUTY SPEAKER: As regards that point of order, if there is anything that was given from this Chair, ~~xxxx~~ which has not been reported, this Chair is capable of handling it as successfully as it normally does, and therefore, I cannot give any statement on that ~~an~~ issue. secondly, as to the effect of the statement that was made by the hon. Member, the chair does ~~not~~ not tell the newspapers ~~as to~~ what to report and what not to report. It is only where ~~they~~ there is an erroneous reportage that we ~~we~~ will only get involved. I think that issue should rest there.

MR. ANGATIA: On a point of order, Mr. Deputy Speaker, Sir. My point of order is a short one. After my statement last week, I saw some reactions in the Press, ~~which~~ I first of all ^J think ~~it is~~ is out of order for Government officers to react to statements made in ~~the~~ this House in the Press instead of letting their Ministers to come here ~~xxxxxxx~~ and answer us, so that we can ~~an~~ also respond on the Floor of the House. This idea of responding through the Press ~~has~~ has been a habit of Kanu Officers or Government Provincial administration ⁱⁿ responding to our statements in the National Assembly as if they are ~~an~~ disputing what has been said in this ~~xxxxx~~ House. Mr. Deputy Speaker, Sir, I am referring to a statement which appeared in the Press on Friday, last week, made by the Secretary General of ~~the~~ Kanu party, Mr. Burudil Nabwera in response to ~~my~~ remarks ~~xxxx~~ I made here. It is an obvious fact that if the Secretary General of the Party stands up in a meeting and says that ^{he} registered himself as ^{a M member of} ~~an~~ Kanu along time ago, and he is the "pillar" of the party and even the President of the Party joined after him, to me, that is a comparison between him and the head of state. The Secretary General should take ^{-this} ~~it~~ as a statement he made in public and face it as truth as far as he is concerned.

MR. ANGATIA (CTD):

I am not saying that he was wrong, ~~I am not saying that he was wrong,~~ but it amounts to a comparison ~~ix~~ between him and the President.

On the 25th November, 1987, at Matete, the Secretary General said very clearly that some people have been going round saying that ~~there is no queueing~~ ^{queueing} ~~queueing~~ is not there, but as far as he is concerned, ^{queueing} ~~queueing~~ is going to take place and that it is only the President and him who know the secret about ~~queueing~~ ^{queueing}. Nobody else knows about it except God. That is a comparison-- I ~~am~~ may be using the wrong term "comparison", but he made a statement that it is only ~~him~~ him and the President who know the secret about ^{queueing} ~~queueing~~ and perhaps God. I am not saying ^{he ought not} ~~it is not~~ good ~~not~~ to say ^{it} ~~them~~, All I am saying is that ^{if} these things ~~are~~ being said to wananchi ~~and~~ it is proper that people know that ~~these~~ ^{being} they things are ~~said~~ ^{said}.

The Secretary General of Kanu ~~has~~ ^{making statement} ~~saying things~~ verging to ^{hostility} ~~obsenity~~. Hon. Members here remember, at the Annual conference of Kanu, the ~~statement~~ the statement that the Secretary General--

MR. DEPUTY SPEAKER: Order! What we want to know is what you want to do. Because, you have said you made a statement and I thought you started by saying that you wanted to challenge the reply, which I am yet to note, ~~but~~ I do not think I am going to allow you to continue talking about what somebody said elsewhere which is ~~not~~ not available ^{to us} in this House ~~for us~~ and ~~we~~ expect that the Chair will assist by giving a ruling. You cannot do that because there is no evidence ^{for} ~~to~~ us on what you are saying. You are making a statement and you have already made it before and I do not think it is going to help any body to continue repeating what was already said before.

MR. ANGATIA: I was merely giving you the facts relating to the matter which was disputed and I am saying that what I said was ~~xxxx~~ true. So, I am giving evidence supporting what I had said ~~xxx~~ in case the Secretary General of Kanu had not realised that I had the facts. ~~h~~ That is what I was doing, but I do not intend to ~~makexxxxxxxx~~ bring forward any new matters. I am simply saying that that statement ~~xxxxxxx~~ the Secretary General of Kanu made on last Friday, and I understand was continued on ~~the~~ Saturday, unfortunately I ~~did~~ did not read that one, is false. The facts I have give the correct position. That is what I am trying to explain.

It is ~~xxxx~~ obvious that ~~there~~ there are leaders in this country who are double faced; they have ~~xxxxxxx~~ one face to wananchi and another to higher hierachy. ~~Q~~ Wananchi know these leaders as different ~~xxxx~~ characters and when they come to the leadership at the higher hierachy, they portray a different picture. So, we are living with leaders who are strictly double faced and ~~we~~ I lament that we are unfortunate.

The second statement which was reported ^{in the newspapers} ~~was~~ was the one which was made by the ~~xxxxxx~~ Provincial Commissioner on Saturday, in response to my statement. So, I am here again to give the facts which are that I was not talking about the Provincial Commissioner or the District Commissioner. I was talking about the District Officer who ~~has~~ has in two occasions, stated that his duty is to 'fight' me. I have no quarrel with the District Officer. I am a Member of Parliament while he is a District Officer. ~~Q~~

On 28th November, 1987, at / ^{Mayuge} primary school in Kabras ~~age~~ ~~the~~ Division, ~~a~~ the District Officer organised a Harambee meeting and stood before the people and told them that they had no Member of Parliament and was offering them a Member of Parliament. He proposed ~~ax~~ the name of the Member of Parliament-to-be, who happens to be a teacher. He even organised a little ~~xxxxxxx~~ amount of ~~xxxx~~

MR. ANGATIA (ctd):

to be collected, because the teacher he proposed to them as the Member of Parliament-to be, was not present, and he gave the people the money to say, "this is the money that has been sent by so-and-so, who is your Member of Parliament". At that time he tells the people that, "I am offering you, so-and-so to be your Member of Parliament". The District Officer says all these things in public. It is not the commenting on it that is wrong, ~~ix~~ the Provincial Commissioner says that we, who say ~~that~~ what was done, ~~w~~ ~~are~~ are wrong. We are not wrong, it is the person who takes the action, the person ~~w~~ who did the wrong thing, who is wrong and/^{we}should not be barred from saying that that is ~~w~~ wrong. We are merely saying that if a district officer indulges in that kind of practice, ~~he~~ he is wrong. Now, the ~~Pro~~ Provincial Commissioner should come up and say that ~~he~~ his officers should not do that kind of thing. That is the way of curing the ills in this country, but not ^{to} silence those who want to point out ~~that~~ the wrong things that are happening. Leaders cannot expect to get away with ~~ix~~ that, hoping that it would be covered up in the rural areas and will not come up to the national level, and it will not be unearthed and people will not know about it. ~~t~~ The statements we make here and statements that Government officers make in the field, should be open to scrutiny and people who make them should stand by them. So, I am hopin_g the Provincial Commissioner will correct his officers and not try to fight those who try to correct those officers when they do ~~w~~ wrong things. It would be wrong for me to see wrong ~~things~~ things being done in this country and keep quiet about them, it will amount to supporting these people. If people are going the wrong way, whoever they are, ~~the~~ we must expose them ~~ix~~ with a view to correcting them. We are not exposing them so that we may hurt anybody but to set them right.

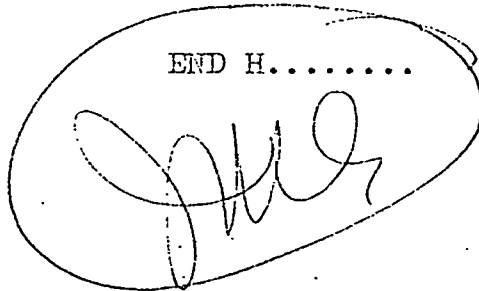
MR. ANGATIA (CTD):

The Provincial Commissioner should take it up as his duty to set those people right and thank me for pointing out that there are shortcomings amongst his officers.

That all I wanted to say this morning.

THE ASSISTANT MINISTER FOR INDUSTRY (Mr. Lugonzo): There is concern over ~~it~~ here in that the President's name has been referred by the hon. Member which is a very serious allegation. Perhaps, the hon. Member should lay on the Table prove that the Secretary General of Kanu did say that the President is a new comer to the party because that is a very serious allegation. If he can ^{lay the} names of witnesses ~~of~~ to ~~that~~ that kind of statement/ I think ~~it~~ will ~~be~~ be of some help, because it is a serious matter and we may have to-- I think hon. Members realise that that is not a ~~short~~ small statement but a very strong statement, and I am only trying to get the member ^{to} substantiate what he has said. If he can do that, we may have to discuss it ~~in~~ at our district level because we would not like the President's name be referred to in that ~~an~~ manner.

END H.....



THE ASSISTANT MINISTER FOR COMMERCE (Mr. Lalampaa): On a point of order, Mr. Deputy Speaker, Sir. I rise to seek your guidance because I thought the differences between hon. Angatia, Mr. Nabwera and my hon. friend here ~~are~~ ^{relate to} purely Kakamega politics. Therefore, ^{the matter} ~~it~~ must be solved there by the leaders---

HON. MEMBERS: No! No! On a point of order, Mr. Deputy Speaker, Sir.

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Lalampaa): Mr. Deputy Speaker, Sir, I have your permission to be on the floor. I am seeking your guidance because we are supposed to deal with matters of national importance here, but we are taking a lot of time of this House to discuss ~~about~~ differences between some leaders in a given area. Are we going to continue taking time of this House ^{to} ~~discuss~~ ^{discuss} individuals and parochial issues in the National Assembly?

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

MR. DEPUTY SPEAKER: Order! I do not understand what the hon. Members want us to do. I allowed hon. Angatia to make his statement, and he has finished whatever he was saying. Now, hon. Lugonzo has stood ~~x~~ up to ask him to substantiate ^{even} ^{all about} and I do not ~~know~~ ^{know} what it was ^{because} I was not here when these statements were made. So, I am not really in a position to assist the House to move in ~~which~~ ^{any} direction. ~~What I am doing is;~~ ^{to make} ^{on} ^{going to} ^{join} what has been said will lie there; I am not ~~giving~~ ^{giving} any further ruling ~~that~~ ^{that} ~~and~~ ^{and} I am not ~~allowing~~ ^{allowing} anybody to refer to this Kakamega issue again.

Next Order.

MOTION

THAT, while appreciating the Government's efforts in providing adequate water supply to Machakos Town by way of Kilimanjaro Water Project; this House urges the Government to ensure that the same project takes into consideration areas here below:-

- (a) Mutituni and Ngalani;
- (b) Mua Hills, Kathekakai and Kitenge Settlement;
- (c) Kiimakimwe, Masakwani, Kipandini;
- (d) Kasinga - Mungala - Kiandani; and
- (e) Kimutwa sub-location to augment ~~x~~ the existing facilities in Kimutwa and Katumani Dryland and Research.

(Mr. Kikuyu on 18.11.87)

(Resumption of Debate interrupted on 2.12.87)

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Prof. Sumbi):

Thank you very much, Mr. Deputy Speaker, Sir. As I was saying last Wednesday, the Ministry of Water Development should see to it that wananchi along the ~~maxx~~ water pipeline from Kilimanjaro, through Kajiado, Athi River to Machakos town ^{Should} benefit by getting that water. There should be water tanks at various points along the water pipeline especially at Emali. In that case there could be a water pipeline from Emali which ~~will~~ ^{would} supply water to Kibwezi and Makueni Divisions.

Sir, Makindu is the headquarters of the second district in Machakos and the Machakos District Development Committee (D.D.C.) has recommended that a tank be erected at Emali. This ~~will~~ ^{would} enable the people of Kibwezi and Makueni to benefit ^{from} ~~through~~ this project before the water reaches Machakos town. This is a semi-arid area, and this water ~~will~~ ^{would} be able to benefit the people of Kibwezi and Makueni Divisions of Machakos District. As I have already said, Makindu being the headquarters of the new district should be supplied with ~~an~~ adequate water. This water from Kilimanjaro ^{apparently} ~~seems~~ to be the only source that can give adequate water to a district headquarters.

Sir, I would like to thank and congratulate his Excellency the President for sanctioning this project and also for the statement he made at Olōitokitok. He said that he would like to see water pumped from Lake Victoria, to Timboroa to supply ~~the~~ the whole of Kenya with adequate water. I hope from that statement, the Ministry of Water Development is making headway towards that direction.

With those few words, Mr. Deputy Speaker, Sir, I beg to support.

MR. KIPKORIR: Thank your very much Mr. Deputy Speaker, Sir, for allowing me to support this Motion.

Sir, we all know very well that we are in a developing nation and our aim is to support projects which would benefit wananchi. As the hon. Member who has presented this Motion ^{Said} ~~seems~~ ^{as though} it ~~means~~ that the area in question is composed of a number of sub-locations where a lot of people live. In that case, we need to support the Motion so that these wananchi can get water.

MR. KIPKORIRI (Ctd.):

People in the field who are implementing water development projects in this country are very slow and I would like to ask the Minister for Water Development to see to it that his officers are working hard in helping wananchi in various parts of this country. Sir, when one visits many parts of this country one finds that there is acute shortage of water and population is increasing daily. These people need water. How are we going to live if we are not going to improve our water development strategies and also protect the catchment areas in this country. Sir, I would like to refer--

MR. DEPUTY SPEAKER: It is time for the Mover to reply.

MR. KIPKORIRI: With those few remarks, I beg to support the Motion.

MR. KIKUYU: Mr. Deputy Speaker, Sir, first of all, I would start by thanking all the hon. Members who contributed to this Motion. At least it gave them a chance also to air their views on problems of water in their constituencies. I also thank them for the support they gave to the Motion. I will also not forget to thank the Government for finding it fit to have this water from Kilimanjaro brought to Machakos Town.

Sir, the major bottleneck in Machakos Town development has always been water. Noting that Machakos Town is one of the oldest inland towns in Kenya and once was the capital of Kenya, it is sad to note that it could not grow due to lack of water. On behalf of the people of Central Division, I extend my sincere thanks to the Government under the guidance of his Excellency the President.

Sir, piped water as this project will entail, may not be the biggest solution to the problems that we have in this country. Every time here we have been urging the Government to consider constructing dams along rivers or in bases whereby people can get water for their x livestock and also for irrigation. I remember that a Motion was brought to this House to that effect by the hon. Member for Mbooni, hon. Munyao, and it was accepted by the Government. What we expected from the Government was for it to buy machinery, dam scooping units so that we can have water nearer to the people in all dry areas.

J.1....9.12.87

MR. KIKUYU (ctd.):

Although it is the Government's policy to take ^{pip}ed water near every home by the year 2000, which is only about 11 years from now, it might not be possible for the Government to do so. For that reason, I am calling upon the Government to think twice so that instead of having a lot of piped water in small ^{units} ~~units~~ ^{settlements} of people which may not have the correct impetus of livelihood, it should have more open dams where wananchi could get their water for irrigation and ^{consumption by} watering their animals.

I would also like to urge the Ministry of Water Development, together with the Ministry of Transport and Communications, to put their resources together ^{so} ~~such~~ that instead of constructing a bridge with metal imported from Europe, they use our local stones in damming rivers, and in so doing, the dams could also be used as bridges. It is very expensive to construct dams with metal from Europe. We could construct dams like the Masinga Dam one which used ^a very little amount of metal. The ~~w~~ wall ~~x~~ of this ^{DAM} ~~bridge~~ serves as a bridge connecting Machakos to Embu and, at the same time, it holds ^s the water back. If these two Ministries could pool their resources together, and think fast, this could ~~x~~ be done quite easily. What happens now is that the Ministry of Transport and Communications says, "our work is to make bridges" and the Ministry of Water Development says, "our work is to make dams". Let them pool their resources together; we are in the same Government; we are serving ~~the same person~~ and the same people. We are not serving people from different ^{areas} ~~area~~; we are serving Kenyans. Let us pool the ~~the~~ small resources we have together to make them useful ~~the~~ to the ~~x~~ wananchi.

Mr. Deputy Speaker, Sir, if you take your constituency, as an example, and ^{look at} ~~take~~ every bridge there to be serving both as

MR. KIKUYU (ctd.):

a dam ~~and~~ as well as a bridge, you would find that your consti-
tuency would be full of water. The same is true ^{of other areas} ~~all over~~ the
Republic, but we have the problem of lack of co-ordination
between the Ministry of Transport and Communications and the
Ministry of Water Development.

^{being} There are mammoth water projects which we have ~~to~~ seen
~~having~~ started in this country, and the majority of them go from
phase I, phase II and ~~on~~ on to phase III. When phase I is
completed, the mammoth project comes to a standstill. I have
in mind, here, the Kibauni Water Project in Mbooni, which was
meant to cater for ~~about~~ an area of about 15 square kilometers.
But when phase I was started, with all the machinery enough
to pump water throughout the 15 ~~km~~ square kilometers, it ~~was~~
served only about ^{two} ~~1/2~~ kilometers. The machines are under-utilized
and yet the ^{living} people/beyond this two-kilometer radius need this
water. It makes no sense in starting such a mammoth water
project with very heavy machinery, which would pump water to
over 20 kilometers, and then after you have laid the pipes
within an area of two kilometers, you stop there. The machines
are under-utilized because they are being used to pump water
to a very short distance.

To conclude my remarks, Mr. Deputy Speaker, Sir, I
would like to urge the Minister, who agreed to ~~the~~ this Motion
as it is, to consider putting storage tanks in the three areas
with the highest rate of consumption in Machakos Town, when the
water from Mount Kilimanjaro reaches Machakos. In this way
the areas he has agreed to be served by this water - Mutituni,
Ngalani, Mua, Kathekakai, Kitenge Settlement, ^{Kiimakinwe} ~~Kiikimwe~~,
Masakwani, Kipandini, Kasinga, Mungala, /Kiandani, Kimutwa and
Katumani Dry-land Research Station - can be served properly.

MR. KIKUYU (ctd.):

The only way to do it would be to put up storage tanks on top of Kiimakimwe Hill, ^{Iveti} ~~Iveti~~ Hills and Mua Hills. If this is done, the people of Machakos/Central Division would be so grateful to the Government such that ~~they~~ they would not know how to say a 'thank you'. In fact, they had sent me to this House, when we started debating on this Motion, to say a 'thanks' to the Government ^{when} ~~for~~ the Minister ^{agreed} ~~agreeing~~ with the Motion.

Mr. Deputy Speaker, Sir, it is true that I have taken a lot of my time in this House talking about the water problems in Machakos Town. This seems to be the answer to the problem, in my '10 years as ^{the hon.} ~~a~~ Member of Parliament.

Thank you, Mr. Deputy Speaker, Sir, I beg to reply.

(Question put and agreed to)

MOTION

Deputy
MR. KILIKU: Mr./Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that many employers prefer engaging their employees on casual terms for long periods, even in respect of jobs which are of permanent nature; this House urges the Government to legislate a law strictly specifying the period after which an employee would automatically assume permanent status in his/her employment.

Mr. Deputy Speaker, Sir, you will agree with me that hon. Members have been bringing Questions here on people who have been employed for long periods as ~~casual~~ casual workers. With your permission, I would like to quote Cap.226(14)(5), part I to III of the Laws of Kenya, to prove to you that there has been a loophole in this chapter of the Laws of Kenya, ~~and~~ it is the one which is being used by employers to keep their

MR. KILIKU (ctd.):

employees on casual terms of employment for long periods

"Every contract or service not being a contract to perform some specific work without reference to time or to undertake a journey shall, if meant to be performed in Kenya, be deemed to be where the contract is to pay wages ~~days~~, a contract terminable by either party at the close of any day without notice".

h daily

If an employer pays an employee ~~xxx~~ on a daily basis, then that employee can work for a long time as a casual worker because that is what the law provides. The employers have been using that section of the law to keep their employees for long periods of time as casual workers. This is the ^{opportunity for} time when the Minister ~~should take~~ to amend that section. The Minister has been promising this House, and people in other fora outside this House, that he would bring a Bill here with a view to revising the labour laws. He has not done that. He has ~~re~~ only revised the National Social Security Fund Act.

END J. *J. Kiliku*

MR. KILIKU (ctd):

Mr. Deputy Speaker, Sir, the time has come when the Minister should amend the law affecting these matters. What the Motion seeks is a legislation specifying a specific period under which an employee should work on casual basis and on expiry of that period he automatically becomes a permanent employee. Because of the existence of this Clause, casual workers have been denied their fringe benefits, leave allowances, gratuity, preference fee and so on. The other paramount thing which they have^{are} denied is the peace of mind. This is because somebody who^{is} working on temporary terms somewhere, ~~he~~ does not have^a peace of mind because he has been denied everything. Why can we not show justice to the workers and more so to the casual workers?

Although we say - I also agree with that - that the back-bone of the economy in this country is agriculture, I would like to say that the workers are also the back-bone of the economy of this country. This is because agriculture cannot take place unless there is an application of human labour. So, the back-bone of the economy are the workers and they should not be denied justice. I remember that during the struggle for Independence, the workers played a very great role through their trade unions to bring Independence to this country.

The Employment Act was enacted in 1951 and, I think, it should be amended so that the workers can get their benefits on retirement. The only problem with the Ministry of Labour is that it has been a 'one sided Ministry.' They are just looking after the welfare of ~~the~~ the employers and not^{of} the workers. The Ministry should look after the welfare of the workers as well as the ~~employ~~ employers and not to favour only one side. The problem in this country is that most of the employers are, say, Ministers who have shares in those private companies or are directors. This is the reason why we get problems in the working force. I would like to suggest that every worker, regardless of whether he is on casual or permanent terms of employment, he must get retirement and conditions or terminal benefits upon retirement regardless of the terms of employment.

Sir, if the Minister agrees that every worker must be given terminal benefits, then it will discourage employers to engage workers on casual basis. It is only last week when my Question was asked on my behalf by hon. Mwavumo with regard to towel manufacturing in Chagamwe. There are 211 workers and 190 workers are on casual basis whereas only 10 are on permanent terms of employment. This employer is using this Clause of the law - Chapter 226 - to frustrate the workers. Why should the Minister not come up and amend this Clause? Hon. Members have been bringing Question to this House about casual workers and I hope they are going to use that spirit to vote for this Motion. It is a very important Motion which is talking about the majority of our people who are frustrated.

MR. MWARUWA: That is very true young man.

MR. KILIKU: MR. Deputy Speaker, Sir, I would like to suggest to the Minister to consider establishing a permanent committee on employment which will be charged with the duty of checking regularly on employers who engage employees on casual basis on jobs which are of permanent nature. There are so many companies especially in Mombasa which are keeping workers on casual basis for long periods. I was working as a labour officer sometime back and I know that there are so many cases concerning labour matters. I have a feeling that there is corruption in the labour offices. This is because if, say, a district labour officer calls an employer and he does not go - when a worker has been dismissed and he reports the matter to him - what is supposed to be done to such an employer? The Government is above that company and something should be done to caution such employers. That is why I have a feeling that there is some corruption going on in the labour offices.

For example, Sir, there is a case where somebody worked with Brooke Bond, Mombasa, for 28 years as a casual labourer. Was he benefitting simply because he was being paid on daily or on weekly basis? That section of the law is the one that is being used by these employers to frustrate the

workers. For example, Sir, if you engage an employee and you pay him on weekly basis or within less than one month, he will continue to be a casual worker regardless of the period he will work under such terms. ~~because of~~ Since this law was enacted in this House, it is this same House which can amend it.

We support the Government's policy that the companies have to be labour intensive. It now looks like most ~~companies~~ companies are trying to ignore that policy of the Government, namely; being labour intensive, and they are instead turning themselves to being capital intensive. This is a development country and we must encourage of companies to be labour intensive because of the problem of unemployment. We are now importing machines which will replace the human labour and I do not know why the Ministry of Commerce is allowing the importation of such machines while we have the problem of unemployment in this country. I hope that the Minister is listening to what I am saying.

There are cases where somebody's services are terminated and yet he is not paid terminal benefits. I brought a Question here last month where somebody was riding a fork-lift, ~~and~~ had an accident and the fork-lift was damaged. This employee was sacked simply because the fork-lift was damaged. That is why I say that there is no justice in the working force. All this is taking place because the Ministry of Labour is not amending this law. Why should workers be denied justice and yet they are the back-bone of the economy of this country? Without the workers, the economy of this country would be paralysed. This is the truth, Sir.

For example, workers write to the National Social Security Fund for the release of their benefits and nothing is done for years. Unless Questions are brought to this House, such persons cannot be listened to. Why is this so? This is the problem the workers are experiencing.

(Applause)


The Deputy Speaker left the Chair

The Temporary Deputy Speaker (Mr. Mutiso) took the Chair

MR. KILIKU (ctd):

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When we bring such Questions to this House, the Minister comes up and says: "You see, we have no powers to direct the employer to do this and that." Who has the power to direct the employers if not the Ministry of Labour? We have brought so many Questions here and it seems as though the Ministry of Labour is siding with the employers. We should find out why there are so many terminations going on now. Employers terminate the services of employees, recruit others and terminate them after one month. This is taking place due to the laxity which is in the Ministry of Labour.

END I 

MR. KILIKU (contd.):

The Ministry does not favour the workers; it favours the employers. It is the high time this House told them that they must help the workers. They should not wait until we bring Questions to this House.

Mr. Temporary Deputy Speaker, Sir, I can remember your Question which you brought to this House about 14 casual labourers who had been sacked. The Ministries are the ones which are in the frontlines in frustrating the workers. Instead of the Ministries setting a very good example which can be emulated by the other employers in the private sector, they are keeping workers as casual labourers for a long time and yet they are the Government. If you ask a private company, "Why are you engaging these employees on casual basis for a long time?" They can frankly ask you, "Why are you not also asking the Ministry which is the Government?"

When we are talking of justice, we are not doing so to some sections only nor are we talking of some communities only. The working community wants justice too. The workers in this country are being frustrated because of the laxity of the Ministry of Labour. The employer does not even have any power to declare workers redundant unless he gets the blessings of the Ministry of Labour. In case the workers are declared redundant by an employer who has no power to do that unless he gets the blessings of the Ministry of Labour, we assume that it is the Ministry of Labour which is behind the redundancies of those employees. Right now, the law says that if a company has been put under receivership, and the workers have been declared redundant, when the assets are being sold, the workers can be paid later on. After the banks and others have been paid, the workers can only be paid

MR. KILIKU (contd.):

if there is ^{a surplus money} ~~is~~ a balance. That is if very wrong. An amendment should be brought so that if a company has been declared ^{bankrupt} ~~the~~ the workers must be paid first. This is the problem we are now having with The Kenya National Transport Company (Kenatco). Kenatco has been sold for ~~millions~~ millions of shillings and yet the workers have not yet been paid up to now. This is because there is no justice.

^{NO I DON'T MEMBER; change the law.}
The Minister is whispering to me to change the law, and yet this Motion which is here seeks to amend that particular ^{Section, which is} ~~chapter~~ ^{Chapter} Cap. 226. I do not know whether he has seen that ^{the} proposed amendment. The Kenya Rayon Mills has also been sold and yet the workers have not yet been paid. If there is any problem, then it is the problem of the Ministry of Labour. This is because they are not using their offices for the welfare of the workers. That is why there is no justice in the working force. This is the time they should know that the workers in this country are angry because of what the Ministry is doing.

MR. MUNYAO: They are human beings.

MR. KILIKU: They are human beings.

As I said earlier on, the working force in this country helped very much in the ~~the~~ struggle for this country's Independence, but now the Ministry does not know that. They have forgotten that very important point. Why have they done so? Some of the employers are very ~~...~~

(Mr. Muthura stood up)

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): Mr. Muthura, will you sit down?

MR. KILIKU: Some of the employers are very cunning. When an employee has been given a sick sheet, and ^{he goes} ~~the worker~~ goes to the hospital and is given some days off, ~~and then is given~~ when ^{he} the employee goes back, he is sacked. I do not, therefore, know what

MR. KILIKU (contd.):

the Ministry is doing about this issue. The employers are not following the labour laws. This is the kind of situation that is existing, and we do not want such promises that he ~~is~~ is going to look into the matter. Since the ~~Minister~~ ^{his} ~~was~~ ^{appointment} appointed, the Minister for Labour, ~~he~~ ^{this} has been promising in ~~the~~ House; "We shall bring the Bill aimed at ^a ~~devising~~ ^{revising} the Labour Laws". That has been an everlasting song. We do not want songs. We want action to be taken. He has of course been promising all along, but when is he going to change the laws?

Mr. Temporary Deputy Speaker, Sir, as I said earlier on, in every country, the working force is very important to the economy. If workers said today that they are not going to work, the economy would collapse. We say that the back-bone of our economy is agriculture, but without the application of the human labour, they would be no agriculture. If you go to the coffee or tea estates, you will find people working there. They are the most important factor of production. That is why the human labour is termed by economists as a factor of production. The human labour is the major factor of production, because without the application of human labour, ~~there~~ nothing can work. That is why the Minister should work for the welfare of the working force in this country. He should not work for the welfare of the employers. Most of the employers are foreigners who do not care whether the workers are being sacked. ^{or not} This is the time the Ministry should look into the loop hole which exists in ^{the Employment Act} Cap. 226.

MR. MUNYAO: The Minister fears that he will not be given Harambee ^{directions} / money by the employers.

MR. KILIKU: This kind of Harambee is going to spoil ^{things}. We want Harambees, but if ^{the} / leaders are ^{going to be} given Harambees ^{directions} / in order to frustrate the workers, ~~to~~ ^{to} silence, then it would be very dangerous for us.

MR. KILIKU (contd.):

(applause)

If an employer gives somebody Harambee - whatever kind of Harambee there is - in order to silence him at the expense of the welfare of the workers, then that is very dangerous. We pray to God that that does not happen.

With those few points, I beg to move, and to sincerely ask hon. Munyao to second this Motion.

MR. MUNYAO: Mr. Temporary Deputy Speaker, Sir, I sincerely thank hon. Kiliku for asking me to second this very beautiful Motion which calls and expresses some concern for the workers of this country. The sentiments expressed here are very clear. I am very happy that the hon. Minister is here, and that he is going to get a proper brief from his Assistant Minister on the important points which hon. Kiliku raised while Moving this Motion.

(Noise)

Mr. Temporary Deputy Speaker, Sir, there is a lot of noise here.

Investment and employment laws in this country which fall under the portfolio of the Minister, must bring ideas as to how we are going to support and generate employment in this country. Several firms and companies have been established here. Before a company establishes whatever it is going to deal in, the Minister must take it upon himself and check how it intends to expand the employment sector in this country. This Motion has come at the right time when I was preparing to bring a Question here - although I was not going to ask it this week, - concerning 42 workers who have worked as casual labourers since 1982. They are employed in a very important firm called Eastern Kenya Bottlers Company Limited which is a Coca-Cola branch in Machakos. When they complained last month about overtime for one day, they were shocked to find that

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MR. MUNYAO (contd.):

they had been sacked with effect from 17th October. Is the Minister going to keep silent while such injustice takes place in this country?

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MR. MUNYAO (ctd.):

This is our worry, and we hope that the Minister will tell this House what employers are going to do about it. I was very shocked the other day when hon. arap Metto, an Assistant Minister for Labour, was answering a Question from the hon. Mover of this Motion. When I asked a supplementary question regarding what happened to the Government directive that after working as a casual for three months one should be engaged on permanent terms, he told me that there is no way to implement that section of the law because employers have been very clever. He said that employers engage casuals and after three months they break the services so that it does not look as if the casuals have been working continuously. Are we going to accept a statement like that from a Minister, that employers are brighter than the Government? If the Ministry knows that these are the tricks used by employers, what have they done to curb the tendencies? How can a Government Minister admit that employers are more powerful than the Government? We have to establish a way of going about this kind of loophole that is exploited by employers.

Mr. Temporary Deputy Speaker, Sir, there are very many Government corporations that engage casuals for a long time. One example is Kenya Meat Commission which had employed thousands and thousands of people. The Minister for Labour just stood aside and saw those employees being laid off without any benefits. I was even shocked when an Assistant Minister for Livestock/^{Development} said the other day that the ex-employees of the defunct Kenya Meat Commission were going to be compensated. In the first place it was a shock for me to see Kenya Meat Commission, which was established by an Act of Parliament, being dissolved without Parliament being consulted. The establishment was dissolved as if it was a baraza. If that organisation was established by an Act of Parliament, it would have been only ~~fix~~ fair for those concerned to come back to Parliament to get authority for the dissolution. That way, hon. Members would have given their opinion as to how the workers should be compensated. The wananchi of this country, who are Nyayo followers, are not treated fairly. It is, therefore, ~~the~~ high time that the Minister took up this issue personally and tried to see how he could improve labour regulations in this country.

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MR. MUNYAO (ctd.):

Temporary Deputy

Mr. Speaker, Sir, I was here yesterday when hon. Kivuitu was contributing to the Statute (Miscellaneous Amendments) Bill and I heard him cite the Ministry of Water Development which, he said, perhaps it is only the Permanent Secretary who is employed on permanent basis. All the other people, including the Minister and the Assistant Ministers, are all casuals. The Government is the biggest employer in this country, and there is no reason why the Ministry of Water Development should engage so many people as casuals. If the private sector is to toe the line and implement the directives of the Ministry of Labour, the Minister for Labour must ensure that the Government shows the way. I am saying this because the Government employes the greatest number of casuals. This is particularly so with the Ministry of Water Development, the Ministry of Health and the Ministry of Transport and Communications. The Government is the biggest employer of casuals and, if anything has to be done to improve the situation generally, the Government must show the way. When employing casuals, the private sector just emulates the example that has been set by the Government just as we all emulate His Excellency the President in a good way. So, as I have said, if anything has to be done to improve the present ~~situa~~ situation, the Minister for Labour must give a directive to the effect that all Government employees should be employed on permanent basis.

Sir, it is true, as the hon. Mover has pointed out, that employers want to employ casuals for a long time because they do not want to pay their workers leave allowances and many other allowances. In fact, most employers do not contribute to the economy because the casual workers do not contribute to the National Social Security Fund. When is the Minister for Labour going to stand up and put an end to this kind of thing? We want our workers to put in more efforts and, at the same time, we also want the Minister for Labour to come up with recommendations to the Government of how to increase the working force. With the population of this country clocking close to 20 million, only 40 per cent of the ~~pr~~ population forms the working force. The other 60 per cent are jobless. It is at a time like this when the ~~Minis~~ Minister for Labour should think of ways and means of increasing

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MR. MUNYAO (ctd.):

employment opportunities in this country. If we have such a large number of our people unemployed when we are only 20 million, what will happen by the year 4,000? Let us begin to plan now. In fact, most countries have even modified their working system in order to accommodate more and more people. We can also cut down on our working hours so that we can also accommodate as many ~~extra~~ people as possible. I have taken a count of our normal working hours and I have been ~~shock~~ very shocked. Today we work for eight hours a day, but if you calculate to see the exact number of hours spent on work per day, you find that hardly does one work for one continuous hour. This is because most of the time workers leave their work stations and go out to do things which are not fruitful. Therefore, we had better start another system so that one goes to his work station and stays there seriously working for about four hours, after which he is replaced by another worker. That way, Kenyans who are looking for employment will be able to get it. It does not help to have an eight ~~dayworking~~ hour working day if those hours are not being used properly. The aim now is to try and accommodate school leavers.

With those few remarks, Sir, I beg to second this very important Motion.

(Question proposed)

MR. BOY: Absante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami pia nizungumze juu ya Hoja hii ambayo niya muhimu. Kwanza, namshukuru mhe. Mbunge ambaye ameileta Hoja hii kwa ukamilifu wake. Wazo lake ni la kuwatetea wale watu wanyonge ambao wamenyanyaswa, wananyanyaswa na wanaendelea kunyanyaswa katika upande wa kikazi.

END..... M. 

MR. BOY (CTD.)

Bw. Naibu Spika wa Muda, maana ya ~~wa~~ mfanyakazi wa kibarua ni mfanyakazi aliyeandikwa ili afanye kazi ndogo kya muda ~~m~~^{mfupi} ~~wa~~ ~~wa~~ wiki moja au wiki mbili. Hii ndiyo sababu kukawa na wafanyakazi wa kibarua ili mtu aajiriwe kazi kwa muda wa wiki moja halafu hiyo kazi iishe. Lakini kwa sababu kuna njia ya kukwepa, matajiri wamebadilisha mtindo na kuanza kuwaajiri wafanyakazi wa kibarua kwa muda wa miaka sita hadi ~~xxx~~ ishirini. Kila siku mtu huyo anaambiwa yeye ni mfanyakazi wa kibarua. Mfanyakazi wa kibarua ni yule mtu ~~am~~ anayefanya kazi na kulipwa kwa siku, wala si mtu wa mwezi; analipwa kila mwisho wa wiki. Mtu huyu akiumia, basi hiyo ni taabu ya ke, hana hata ~~sikxxxx~~ ~~kiki~~ likizo. Mtu huyu hana likizo na ataendelea kufanya kazi hiyo ya kipunda ^{kila} ~~kwa~~ wiki. ~~xxxx~~ Watu wanaofanya kazi ya mwezi hawafanyi kazi Jumamosi na Jumapili, lakini huyu mtu wa kibarua asipofanya kazi siku hizi hawezi kulipwa. ^{Siku za} ~~h~~ Jumapili kila mtu huyenda kanisani lakini ^{kibama} ~~yeye~~ asipokwenda kufanyakazi, hatalipwa.

Bw. Naibu Spika wa Muda, mtu huyu ambaye anaitwa mfanyakazi wa kibarua amekuwa mtu wa kunyanyaswa daima. ^{kama akiajiriwa kibama kwa} ~~kwa sababu~~ ~~ni~~ ~~kwa~~ muda wa wiki moja ~~hi~~ ~~kun~~ tunaweza kuelewa, lakini miaka kumi----. Mtu huyu akienda kanisani Jumapili kumuoba ~~ni~~ Mungu, siku yake imekatwa. Wengi wetu huenda ~~ni~~ kanisani Jumapili ^{na} ~~lakini~~ siku zetu hazikatwi, ~~sikini~~ lakini huyu mtu wa kibarua hawezi ^{kwa} sababu siku yake itakatwa. Mambo ~~xxx~~ haya yamezidi na si mazuri. Matajiri wamelwa kwamba kuna upenyenye mahali fulani katika sheria ^{ambao} ~~na~~ wanatumia ~~hau~~ ~~upenyenye~~ na ^{wanaendelea} ~~wanandelea~~ ^{kuutumia} ~~kuutumia~~. Hoja hii ililetwa ili kuuziba huu upenyenye. Hii ni njia moja ya kumyonya mwananchi. Kumyonya ni ~~ni~~ kumwonea, na kumwonea ni kumtendea kitu ambacho si haki.

MR. BOY (CTD.):

Bw. Naibu Spika wa Muda, mtu anafanya kazi kwa jasho lake, kwa nguvu zake, ^{na} kwa mwili wake wote, lakini hakuna faida ~~ka~~ kwa sababu yule mtu akizeeka hana hata malipo ya mwezi ~~nyuma~~ moja, kwa ~~x~~ sababu dlikuwa ameajiriwa kazi ya kibarua.

Swala ambalo linatusikitisha ni kwamba, tuna macho lakini hatuoni, tuna masikio lakini hatusikii, tuna mdomo lakini hatusemi.

MR. MUTHURA: Hata wewe.

MR. BOY: Hii ni kwa sababu mambo ~~ya~~ haya yameendelea kwa siku nyingi sana; si kwamba ^{yalianza} jana lakini, mambo ambayo yamekuwapo kwa miaka. Nashangaa sana kwa sababu Wizara ha^ujafanya chochote na hata ~~na~~ mpaka sasa mhe. Kiliku ameleta Hoja na hakuna chochote kinachofanyika kuziba huu upenyenye.

~~Tuna~~ Tuna macho na hatuoni, tuna masikio na tunayaziba.

Kila siku ^{Maswali} ~~maswali~~ yamekuwa yakiletwa na ~~W~~ wahe. Wabunge kadha wa kadha kuhusu wafanyakazi wa Kibarua, lakini Waziri hajafanya chochote. Hii ni shida ambayo tunaisikia, tunaiyona, ~~k~~ lakini tunadai tuna miwani ambayo haiyoni mbele; watu wale wanaohusika hawaoni shida hii. Hili ni jambo la kusikitisha sana. Nikiiunga mkono Hoja hii, ningemwomba Waziri ~~ya~~ wa Wafanyakazi, na ninamuona hapo mbele, aichukulie-----

MR. KARURI: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Sitaki ^{kumkatiza} ~~kumkatisha~~ mhe. Mbunge mwenzangu lakini ^{sote} ~~yeye~~ anaendelea kusema kuwa ^{sote} ~~sote~~ tuna macho lakini hatuoni. Ni haki mhe. Mbunge kuendelea ^{kupotosha} ~~kupotosha~~ Bunge, kwa sababu mimi nina macho na ninaona. Nina masikio na ninasikia. Pengine angesema kuwa mhe. Waziri ana macho na haoni, ana masikio na hasikii lakini ^{wote} si sisi ambao hatusikii.

MR. BOY: Bw. Naibu Spika wa Muda, nampongeza mhe. Mbunge kwa ufasaha wa lugha kwa sababu anataka tulielekeze hilo neno kwa Bw. Waziri. Bw. Waziri yuko hapa naqna macho na haoni, ana ~~ms~~ masikio na hasikii.

(kicheko)

THE MINISTER FOR LABOUR (Mr. Okondo): On ~~ap~~ a point of order, Mr. Temporary Deputy Speaker, Sir.

I have two eyes ~~sax~~ which are very good. I can see hon. Juna Boy from here very ~~sax~~ clearly and, in addition, I have a pair of lenses here so that I can see the small letters clearly. The lenses magnify the small letters so that I can read them. Does the hon. Member have any proof which he can produce to this House to the effect that I, the Minister for Labour, cannot see or that I have ears and I cannot hear? The hon. Member should be called upon to show evidence that I cannot see nor hear. If he cannot produce that evidence, then I think he should be called upon to withdraw those remarks.

MR. MUTHURA: On a point of order, Mr. & Temporary Deputy Speaker, Sir.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): Order! I think the hon. Member is trying to use the words 'to hear and to see' metaphorically and, therefore, he does ^{not} ~~not~~ mean the physical eyes. Therefore, I think he should continue.

MR. BOY: Ahsante sana, Bw. Naibu Spika wa Muda.

Nikiendelea, ningependa kusema kuwa tatizo hili la wafanyakazi wa kibarua, ambalo linafahamika sana, bado linaendelea na kuna wafanyakazi katika kampuni kadha wa kadha na Wizara - ambao mimi mwenyewe nawafahamu ~~na~~ ^{wana} na ambao wamefanya kazi nammpaka sasa miaka kumi au ishirini na bado wao ni wafanyakazi wa kibarua.

MR. BOY (CTD.):

Haya ndiyo mambo ambayo tunafasema na mpaka sasa yanaonekana ^{kuusikika} ~~na hata yanasikika~~ mpaka sasa. Hata ninakumbuka kuna mhe. Mbunge moja ~~kwa~~ katika Mbunge hili ambaye ~~ame~~ huleta maswali mengi juu ya wafanyakazi vibarua ambao walikuwa ~~x~~ wameajiriwa na Wizara na mpaka sasa hawajaajiriwa kama wafanyakazi wa kudumu.

Hili ndilo jambo ambalo ~~tun~~ tutalizungumzia na ni jamba linaloweleweka kikamilifu. Bw. Naibu Spika wa Muda, sisi ⁿⁱ tunapaswa kuulizana/ kwanini watu wanapenda kuwaajiri wafanyakazi wa Kibarua. Hii ni kwa sababu matajiri ~~ka~~ hawapendi ~~w~~ kuwalipa ~~ka~~ wafanyakazi likizo zao, hawapendi kuwalipa ^{malipo ya uzeeni} ~~miaka yao~~, na ~~ka~~ tena hawataki kushugulika na hawa wafanyakazi wakiumia. Hii ndiyo sababu matajiri wanapenda kuwaweka wafanyakazi wa ~~ka~~ Kibarua. Wanataka hawa watu wakae kama vibarua kwa miaka kumi. Sasa swala ni kwamba, tutakaa kitako na tuwache wananchi wakinyanyaswa? Hili ndilo swala muhimu, tutatazama mwananchi ~~akinyanyaswa~~ akinyanyaswa? Tunajuwa anaajiriwa kibarua kwa sababu tajiri hataki kumlipa malipo ya uzeeni, hataki kumpa likizo, na hataki kuchukua mamlaka kama mfanyakazi huyo anaumia. Hii ndiyo maana matajiri wanataka kuwaweka wafanyakazi wa vibarua miaka kwa miaka. Lakini swala ni ~~ka~~ hili, ^{tutangojesa} ~~tugejea~~, au tutamuoba Mungu ~~ka~~ ayarekebisha ^{mambo} ~~shida hizi~~ haya siku moja, au nituyarekebisha haya ~~ma~~ mambo wakati huu. ⁷

Uwezo wa kurekebisha upo, ^{Tunayarekebisha} ~~tunaelewa~~ na tunaweza kuyarekebisha mambo ~~ya~~ haya sasa. ~~Tun~~ Tumelewa na jambo ^{hili} ~~hizi~~ na ndiyo sababu ^{ni makosa} tunasema/ ~~ka~~ mwananchi anayemwaga jasho lake, kunyanyaswa na tajiri.

Bw. Naibu Spika wa Muda, ni lazima tuyaseme mambo ~~x~~ haya, na kama kuna ~~watu~~ mtu anayekasirika, basi hiyo ni bahati mbaya, na kama kuna mtu anayefurahi, tunaungana naye, lakini ~~ni lazima tuyaseme~~. Hayo ni matatizo na ukweli unaoonekana wazi wazi. ~~Un~~ ~~ka~~ ~~na~~ ~~rekebisha~~ ~~lakini~~

MR. BOY (CTD.)

Unakokana mchana, usiku, mwisho wa mwezi, na hata mwisho wa mwaka.
Ukweli huo uko, na huonekana kila siku. Hata leo sasa uko, na kesho
kuna watu vibarua watakoandikwa.

(END.....N)

MR. BOY (Ctd.):

Hili ni jambo ambalo liko wazi na sioni ni kwa nini Waziri hawezi kuikubali Hoja hii moja kwa moja ili ipitishwe bila mabadiliko yoyote.

Kwa hayo machache, naunga mkono.

MR. KIPKORIR: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for allowing me to say a few words in support of this Motion.

I must thank the hon. Member who moved this Motion because this is a very important Motion, especially to the hon. Members of this House. We are frequently faced with lack of Quorum in this House. This is because many wananchi flock at the main gate of Parliament Buildings looking for Members of Parliament to go and assist them in their places of work because maybe, they have been demoted, or their services have been terminated or they are frustrated at their places of work. We feel very uncomfortable in such a situation and we would like to live as Kenyans. We would like the people of this country to enjoy their lives and feel that they are in their own country. I appeal to the hon. Minister for Labour to come forward and really speak for the country and tell us exactly what he is intending to do in order to solve the problem of casual workers especially those working in parastatal bodies.

I have one good example - the Kerio Valley Development Authority. This House gives funds to various Authorities through the Ministry of Energy and Regional Development in order to implement certain projects in various parts of this country. After a short while, you hear the so-called authority saying that they no longer have funds and they have to dismiss their workers and you find a whole mass of workers have been dismissed and told to go home.

MR. KIPKORIR (Ctd.):

It is very unfair when ^{this} ~~the~~ House allocates funds for the development of this country, then the Treasury reduce's the funds and says that there is no money. When the Government has authorized funds for use by authorities such as the Kerio Valley Development Authority or the Lake Region Development Authority, let ^{the} Treasury give funds to such authorities in order to aid ^{the} development of this country.

For example we now have the Turkwell Gorge Project which is a very important project for this county. In Kerio Valley we have got fruit farming and other small-scale industries which need to train wananchi so that they can become self-reliant and at the same time increase export products for this country.

^{What I am saying is}
~~Take~~ for example ^{the} 680 Hotel ~~which collapsed~~. All the workers who had been employed there were dismissed because of ~~the interests of~~ ^{making} one person who is only interested in his own ~~selfish ends~~ ^{selfish ends}, thereby ~~causing~~ a big number of wananchi to suffer. Why should we let such a thing to happen in our country? We have been elected to this House to speak for the majority who cannot all come to this House. We are fortunate to be here and the majority have not been fortunate to come here and we need to protect them since they are our people; they are Kenyans who love this country and they have nowhere to go. They depend on nothing else but the truth - and as we say, ~~the~~ truth is God. I appeal to the Ministry to take action and protect the wananchi.

There are several others who have been dismissed from various departments and they have been ~~coming~~ coming to complain to us. Sometimes this happens because somebody in that department is misusing his power. When some people are promoted to big offices, they misuse those offices ^{to meet their selfish ends} ~~for their own selfishness~~.

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MR. KIPKORIR (Ctd.):

and cause suffering to wananchi. We cannot allow this to continue.

I ~~will~~ appeal to the Minister to see to it that whenever a labour problem comes to his office, he should take action and ~~immediately~~ ^{find} give a solution immediately. I have given the example of those who have been working in the 680 Hotel. They have not been given an ~~an~~ alternative ^{and therefore, these} wananchi are ^{roaming} stranded in the streets. These people have ~~got~~ families and several people whom they are looking after ^{these} people ~~who~~ need food and protection because they are Kenyans. Why should we frustrate them?

I would like also to mention some few facts as an example from my area. Some people have been employed by the National Cereals and Produce Board to work in particular ^{maize buying} centres. Several of them have not been paid up to now.

END 0.....

J-K

MR. KIPKORIR (ctd);

Why should this happen, Mr. Temporary Deputy Speaker, Sir? This is happening in Maina Buying Centre, Kipsaiya Buying Centre, Kapsor Buying Centre, Chesoi Buying Centre and several others. These people who have been working for the Government, being employees of the National Cereals and Produce Board, have not been paid their salaries for the last three months. Why should that happen? These people have worked very hard even during very wet weather expecting to earn something. But you will find that instead of these people being paid they have been told "There is no money; wait until next year." The N.C.P.B. is planning to re-open these maize buying centres. The same people who are expected to work for this ~~Board~~ Board have not been paid for the last ~~two~~ two years. Why should that happen? I am requesting the Minister concerned to look into this matter. Whatever is passed by this House should be implemented without delay.

I would also like to say something about people who have been working for the Coffee Board of Kenya for many years. These people have worked as casuals for a long time. But you will find that they are suddenly told "You have been laid off; no salaries for you". These people have got to pay house rent. ~~Why~~ When they are told "There is no money and ~~now~~ you should go home" what are they expected to do? Where are they expected to go? Are they not Kenyans like ~~ourselves~~ us? I would like the Minister for Labour to take the necessary action to protect these people.

Our Head of State has been telling us to be mindful of other people's welfare. But the truth is that we are only minding our own welfare. We do not mind other people's welfare. That is unfair. I am trying to inform the Minister about the problems that are facing our people in the rural areas all over the country.

MR. KIPKORIR (ctd);

These things, Mr. Temporary Deputy Speaker, Sir, are happening all over the country and we need an effective method of dealing with them. There are people who have worked for several years and they have been making contributions to the N.S.S.F. But you will find that these people have not been issued with membership cards. So, they have nothing to show that they are contributors to the Fund. You will find that the Ministry's officials do nothing to correct this situation. We cannot allow this to happen. The people of this country need our ~~services~~ services. They would like to enjoy the love and the peace prevailing in this country.

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

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Temporary Deputy Speaker, Sir, thank you for ~~xi~~ giving me an opportunity at this stage to make some preliminary contributions to this debate. I would like, first of all, to say that there are a number of extraneous issues which various Members of Parliament have raised and which I do not think I will spend time on talking about except one; the complaint that the Ministry of Labour is oblivious of the welfare of workers in this country. This is not true; it is absolutely not true. The purpose of this Ministry is to make sure that every worker who contributes his labour to the welfare of the nation is well treated in accordance with the legislations which this House has passed, and also in accordance with humanitarian principles and legitimate aspirations of wananchi in Kenya.

MR. KARAURI: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is to seek your guidance. This is because only three Members of Parliament have ~~xx~~ spoken on this ~~the~~ Motion. We would, therefore, like to know whether the Minister is replying to the debate at this stage. This is because he has not

MR. KARAUURI (ctd);

heard any views at all from hon. Members. He would have listened to about 10 hon. Members or so and then replied to the Motion. Is he replying now?

THE TEMPORARY DEPUTY SPEAKER(Mr. Mutiso): The Minister is not replying to the debate. I understand that he intends to make some amendments to the Motion. Perhaps it is good for you to hear these amendments in ~~advance~~ advance so that you can debate on them. Carry on, Mr. Okondo.

THE MINISTER FOR LABOUR(Mr. Okondo): Thank you very much, Mr. Temporary Deputy Speaker, Sir. As I was saying, this is the wrong notion about the Ministry. The purpose of the Ministry is to make sure that every Kenyan who has a job in or outside Kenya is properly looked after in accordance with the laws of the land. We do that continuously.

Mr. Temporary Deputy Speaker, Sir, there are situations which we must not forget; where employees themselves do overcome, somehow or rather, their willingness to be good and to remain good and do go into areas where they perpetrate actions or omissions that lead to their breaking of the regulations. In such cases it is necessary for the Ministry to stay on the side of the law and speak out where a worker is wrong. Sometimes it happens that when a worker is wrong, and we point this out, it is taken as if we are siding with the employer. It is not so.

In the specific case of workers at Six-Eighty Hotel whom hon. Kipkorir has talked about, the matter is already being handled through the established procedures of negotiations. The matter has been taken to court and the hon. Member would be well advised to wait for the outcome ~~of the court decision~~ before criticising what we have done. This is because when the law is in the process of taking ~~in~~ its course we can only wait for the outcome; we cannot

THE MINISTER FOR LABOUR(Mr. Okondo)(ctd);

jump and we cannot run. This is one of the things that I wanted to mention here. We not only ~~simply~~ sympathise with workers in this country but we are also duty-bound to assist them. Sometimes it happens that in the system we cannot meet the requirements of a particular employee because he himself has broken the regulations. So, in this case we cannot do much. But ~~in~~ I would like to say that I sympathise with the sentiment and the spirit of this Motion.

Mr. ~~A~~ Temporary Deputy Speaker, Sir, the casual workers in this country today are subjected to considerable amount of abuse by employers. We on the Government side are looking for ways and means of preventing these abuses from being employed. Some employers have very many indirect and crooked ways of cheating casual workers. We are always looking for ways and means ~~of~~ ~~of~~ stamping out this problem. For this reason, I have taken the initiative of calling a Committee to study this matter and look for ways of stopping the abuses that employers use in employing casuals. The Committee is currently ~~sitting~~ sitting to look at this situation. The accusation that I have dilly-dallied or delayed to legislations or amendments to this House is not true. Why? Only yesterday we were debating the Statute Law (Miscellaneous) (Amendment) Bill which contains amendments to the Workmen's Compensation Act. We are in the process of amending the whole Workmen's Compensation Act. With that process in motion, and as I have just said a few minutes ago, we are studying ~~h~~ how to safeguard the casual employee. We are studying how to make the---

MR. WAMALWA: On a point of order, Mr. Temporary Deputy Speaker, Sir. Pursuant to the point of order raised ~~to~~ by hon. Karauri, the Chair made it very clear that the Minister was going to move an amendment to this Motion. But just as hon. Karauri ~~was~~ feared, the Minister is actually replying and anticipating what hon. Members are going to say. Is he in order to do that, Mr. Temporary Deputy Speaker, Sir?

END.P...

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Temporary Deputy Speaker, Sir, I am preparing the hon. Members to hear my amendment which I want to put to the House. I am simply commenting on those issues which have to be addressed, and we cannot do without addressing them.

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think, normally, when the Minister stands to response, he does so and moves the amendment. He can also speak both while moving his amendment and also responding to the Motion. Can that be considered to be out of order? I think it is quite normal because he will not be allowed to stand up again and respond twice.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): You are correct. The Minister is quite in order. So, he can speak on both.

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Temporary Deputy Speaker, Sir, I am preparing to put the hon. Members' views on the grounds under which I am putting this amendment because to ^{just} "pop" up an amendment without saying why I want to put that amendment will look very strange.

AN HON. MEMBER: No! Put the amendment first!

THE MINISTER FOR LABOUR (Mr. Okondo): Yes, I intend to put an amendment. I cannot just stand up and say, "Mr. Speaker, Sir, I am amending this" without telling you the reasons why I am doing so. This is why I am putting the amendment. But I saying why I am doing so. It is because of these abuses. This is why, at present, we have appointed a committee to look into this, and its recommendations will be brought forward. In the meantime, I can only amend this Motion to provide ^{for} the situation in which we are already in.

Therefore, I propose to amend the Motion as follows:-

Delete all the words appearing after the word "Government" and insert the following words -

THE MINISTER FOR LABOUR (Contd.):

"to introduce a Bill to provide that a casual employee would be entitled to terms and conditions of employment similar to those applicable to permanent employees".

Mr. Temporary Deputy Speaker, Sir, the amended Motion would then read as follows:-

THAT, in view of the fact that --

HON. MEMBERS: No! We do not need it. Go ahead. We can read it

THE MINISTER FOR LABOUR (Mr. Okondo): Mr. Temporary Deputy Speaker, Sir, I take it that everybody has taken the spirit of the Motion and got the words of my amendment. Now, those who have been screaming for me to stop, or do what, realise what I intended to do, and I have even done a much better job than the Mover of the Motion, Mr. Kiliku! That shows that I have the interests of the workers at heart perhaps as much as if not more than my hon. friend. This is to prove to you that the interests of the worker comes first to me because I am a worker. First and foremost, I am a worker myself! That is why I want to side with my hon. friends, and request that they accept this amendment because it is an infinite improvement on the original Motion. It provides much better terms than the original Motion^{as} presented by the Mover.

Mr. Temporary Deputy Speaker, Sir, this is something that I would like to talk about for a very long time, but knowing that hon. Members are very interested to contribute in details to this Motion, and also being aware of the fact that I will have another opportunity to reply in detail to each of their proposals, I now beg to move the amendment.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi): Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this time to second the amendment that is put before the House. It will go^a long way to help our people who have suffered for many years. I hope that

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi)(Contd.):

as we accept this amendment, the Minister will go ahead and implement it, and provide for those who have worked for many years in the industry and even in the Government itself so that they benefit from what we have passed in this House. He should also see to it that the so-called "the rich" who provide employment have to adhere to the wishes of the House or Motion, and act without delay. This is because we have had many Motions passed by this House, and the rich do not seem to take any interest at all on them. Then they end up in the archives. I hope that this Motion will not go into the archives because many of us have that interest.

Therefore, we hope that the Minister will make sure that those who are working under him as civil servants will take this matter seriously and see to it that every clause is included, and all people have been taken care of.

Sir, with those few remarks, I beg to second the amendment.

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

MR. SHIKUKU: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii. Kwa vile ninavyojua leo ndiyo itakuwa siku ya mwisho, pengine Waziri wa Wafanyakazi hapa ameimaliza kazi yake vizuri sana. Hii ni kwa sababu ni historia kwamba Waziri wetu leo amefanya kile kitendo ambacho tunataka.

Pia, tunamshukuru kwa sababu badiliko hilo limekuwa nzuri sana. Tena, ningemshukuru mhe. Kiliku ambaye ndiye aliileta Hoja hii hapa. Hii ni kwa sababu wewe mwenyewe hapo Kitini, mimi na wengine, tumesema maneno haya mengi katika Bunge hili tukisema wananchi "wanakujwa", na hasa yule aliyekujwa sana alikuwa naibu wa chifu kutoka kwa mawakilisho ya mhe. arap Chochoiwo. Naibu wa chifu huyo alikuwa amefanya kazi kwa muda wa miaka 27 na akaenda nyumbani hata bila senti tano.

MR. SHIKUKU (Contd.):

Swali lililetwa hapa. Yeye alifanya kazi kwa muda wa miaka 27 kama kibarua na akaenda nyumbani bila chochote. Hii ni dhambi kubwa, na hata Mbinguni maneno hayo yataulizwa. Miaka 27 siyo muda mfupi; ni mrefu. Pia, mhc. Ngumbu Njururi ambaye alilijibu Swali hili ataulizwa sababu kwa sababu hiyo ni dhambi kubwa.

Jambo la pili, Bw. Naibu Spika wa Muda, kuhusu vibarua, kama ungenipatia nafasi dakika tatu niende ofisini nikuletee faili tatu nono ambako nina barua. Barua zinasema kwamba wananchi waliokatika miguu, mikono, vidole na kila kitu hawawezi kulipwa hata senti tano.

End Q

MR. SHIKUKU (CTD):

Sasa sisi tunasema kwamba tuko huru. Uhuru huu hauhai kuwa wa kumkata mtu ~~miguu~~ m mikono, miguu na vidole bila ya kumlipa kitu. Hata watu wengine wametoboka macho. Mimi nina faili tatu 'nono' katika ofisi yangu za watu waliokatika mikono, miguu na sehemu zingine za mwili. Wananchi wanafikiri Shikuku atafanya mambo yote. Hawana habari kwamba Shikuku awezi kufanya kitu kwa sababu hakuna sheria.

Bw. Naibu Spika wa Muda, tumesema katika Bunge hili miaka nenda miaka rudi, kwamba mtu akifanya kazi kwa muda ^{ya} miaka mitatu, ^{ingefaa} ~~inafaa~~ aandikwe kazi ya kudumu. Tumeimba miaka nenda miaka rudi, lakini jambo hilo halijatiliwa maanani. Lakini leo, Mungu asifiwe! Maneno yetu yamewingia mhe. Waziri. Lakini bado kuna tatizo. Sasa watu waliotoboka macho, waliotoka meno, waliokatika miguu na sehemu nyingine za mwili watafanywaje? Wakati Mswada huu utakapoletwa katika Bunge hili, mimi ningependa tuufanye kuwa na retrospective effect. Hii ni kwa sababu hiyo ndiyo haki. Hata kama Serikali inataka, sisi tuko tayari kutoa pesa, hata kama ni kwa njia ya kuongoza kodi, ili Serikali iweze kuwashtaki wale waajiri ndipo watu walioumia kazini waweze kulipwa kitu. ~~Ita~~ Ni jambo linalouma sana ~~wa~~ wakati mtu anapokuja nyumbani kwako, na kukwambia: "Mhe, ^{Mkwanje} niliumia nikifanya kazi kwa Mulji Halji! ~~Hawa sasa wamekumpuni ya Wahindi~~ Watu wengi wamekatika miguu na mikono wakifanya kazi katika ~~hizi~~ haya makampuni ya Wahindi. And they are not prepared to pay them even one cent!

Bw. Naibu Spika wa Muda, jambo lingine ambalo ningependa kumwambia mhe. Waziri ni hili: mtu ~~akiond~~ akikatika mkono au mguu, na kulipeleka jambo hili katika ofisi ya leba, anazungushwa huku na huko. Hata wengine wanakufa kabla hawajalipwa chochote. Hata watu ambao wameajiriwa kazi ya kudumu pia wana fanyiwa namana hii. Nina faili za watu hawa, na Waziri ~~sika~~ akizitaka nitampa. Hawa pia wametembeza huku na huko: mtu akienda ~~kwa~~ katika ofisi ya leba anaambiwa ~~nenda~~ "nenda kwa daktari" Akienda kwa daktari, "nenda katika ofisi ya leba". Anaendesha namna hii mpaka anakufa bila ya kupata chochote, na hali tuko huru. Hili ni jambo ambalo linaumiza na kuuma. Hata mimi ninaona uchungu ninapona kuwa mtu amekatika kiungo cha mwili, lakini awezi kulipwa kitu.

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MR. SHIKUKU (CTD):

Kwa hivyo, ~~ing~~ ningependa ~~wak~~ mhe Waziri achukue hatua na kuona kwamba kesi zote ambazo ziko katika ofisi za leba zimeshughulikiwa. Kuna njama ambapo watu wengine wakionana na baadhi ya maofisa wa mhe Waziri, kesi zinaaribiwa. Hii inafanyika kwa sababu maofisa hao wanapewa kiinua mgongo, na hali wananchi wameunia. Kwa hivyo, ni lazima mhe Waziri achukue hatua zinazofaa.

Bw. Naibu Spika wa Muda, jambo lingine katika ~~in~~ Hoja hii ambalo ninaliunga mkono ni kwamba tunawapunja watu. Watu wananyimwa haki yao. Kuna mtindo ~~wak~~ unaotumiwa kuepuka kuwaandika watu kazi ya kudumu, kuwapa livu na kuwaruhusu ~~kwenda~~ kupata matibabu. Mtu akiwa mgonjwa hawezi kutibiwa. Matajiri hawataki mtu ambaye ni mgonjwa; mtu akiwa mgonjwa anafutwa kazi mara moja. Nina kesi ya mama mmoja ambaye alishikwa na ugonjwa wa kuhara tu wakati alipokuwa akifanya kazi kama kibarua, na akaambiwa na mwajiri wake, "Hatukutaki tena". Nina ushahidi juu ya jambo hili ambao nitampa Waziri baadaye. Mimi nimempigia ^{simu} huyo Mhindi na kumwambia kwamba jambo hilo nitalileta Bungeni. Sasa huyo Mhindi alinianiambia, "You can send her back and then we will see what we can do. But do not raise this matter in Parliament". ~~ambaye~~ Ali right, I have not raised it in this House. Lakini ~~mama~~ ~~zi~~ tangu mama huyo arudi huko, hajaandikwa kazi; anaambiwa akubali masharti fulani. Kuhara si ugonjwa mbaya ambao unaweza kukuzuia kufanya kazi. Lakini unaweza ~~kupata~~ vile ~~wak~~ ambavyo vibarua hufanyiwa.

Sasa vibarua wanatoa mchango wao katika uchumi wetu. Wanasaidia kukuza uchumi wa nchi hii, kwa sababu wanafanya kazi. Kibarua na aliyeandikwa kazi ya kudumu wakibeba gunia kila mmoja, gunia linatoka au kuingia katika behewa. So, what is the difference? Hii ndio sababu ninaiunga ~~ak~~ mkono ^{badiliko} amendment hii. Waziri sasa anakubaliana na Hoja hii kwa sababu anasema wawe na ~~termy~~ ^{masharti yote ya} kama ~~zile~~ ^{zile} wale ~~wak~~ walioandikwa kazi ya kudumu.

T. END

MR. SHIKUKU (CTD.):

Hicho ni kitu kizuri, na ninamshukuru Waziri sana. Ikiwa hatupatani na mtu lakini aseme ukweli, kazi yangu ni kumwunga mkono kwa sababu ukishindana na ukweli utakuwa ukishindana na Mungu. Hiki ni kitu ambacho watu wanafaa kujua. Kwa vile Waziri amesema kweli, ninamwunga mkono. Kila Mbunge aliye hapa ambaye anaupenda ukweli, atamwunga Waziri mkono. Hali ya kazi ya vikundi hivi viwili vya wafanyakazi inafaa kufanana kwa sababu mwenye kubeba gogo, awe ameajiriwa kwa muda tu au kwa hali ya kudumu, hulipeleka likajengee daraja, na hii ni kazi nzuri. Hii ndiyo sababu ninaliunga badiliko hili mkono kwa nguvu zangu zote.

Bw. Naibu Spika wa Muda, kwa sababu waheshimiwa Wabunge wengine wanataka kuzungunza pia, sitaki kuchukua muda zaidi ya dakika zangu 10. Naomba kuliunga mkono badiliko hili.

MR. WAMALWA: Thank you very much, Mr. Temporary Deputy Speaker, Sir.

Let me start by congratulating the Minister for Labour on responding so positively to this very important Motion, which was, in fact, long overdue.

When I interrupted the Minister on a point of order about the amendment, it was not because I doubted that he was going to make an amendment, but rather the question of approach. I would have preferred to read out the amendment and then give the reasons necessitating it so that hon. Members may hear them knowing why I am giving them, rather than to give the reasons and then make an amendment when hon. Members have already forgotten the reasons for it.

Be it as it may, however, it is very important that we take a hard, fresh look at the lot of the worker^S in this country. The worker is everything in this country. As was said by one of the leading lights of the French Revolution, "What is the Third Estate? It is everything, and yet it is nothing." In this country, we were rapidly deteriorating to the state where the country would depend entirely on the efforts and the sweat of the worker, and yet he is not given any~~thing~~ protection or privileges whatsoever.

As hon. Shikuku pointed out, the question that must be asked in connection with the kind of worker a casual ~~xxx~~ employee does is: Does it really differ in substance from the kind of work that a permanent employee does?

MR. WAMALWA (CTD.):

The answer will always be in the negative if you consider one category of workers after another. The essence of employment is that people work, whether they are casual or permanent employees, and build the state.

We also have to think about the need of the so-called casual employee. Is a casual employee less human than a permanent employee? Does he not have the same needs as a permanent employee? Is he not affected by the same problems as those affecting a permanent employee? If those questions can be answered in the affirmative, I salute the Minister for saying that the terms of those so-called casual employees will be exactly the same as those of permanent employees.

From a purely legal point of view, to term somebody a casual employee is, in fact, to sentence him to modern day slavery. This is neo-slavery. You are putting him beyond the pail (?) of ~~the~~ the law and depriving him of the most basic legal protection, such as, an element of insurance in the event of an accident. You take that away from him. I know several cases, particularly in large-scale farms, where employees are treated as casuals permanently. In one case, there was a chap who was kicked by a horse and the kick punctured his stomach, but his employer simply said that he was careless. He was taken to hospital and neglected there. He developed a hernia and eventually died, but nothing happened because he had no recourse.

The point made by the Mover of this Motion on the winding up of companies is very true in a legal sense. Whenever a company goes broke, the people considered first are its creditors. Who did the company owe money? However, I think the most important creditors of any company are the company's workers. I think it is important that, before anybody is paid in the event of winding up a company, and before anybody else is looked after, the company's employees be paid.

Going back to employees, particularly in Government firms, such as, the Agricultural Development Corporation, this Corporation keeps the majority of its employees purely on casual terms, thereby depriving them of N.S.S.F. benefits. So, a man can work for this Corporation for 20 years as a casual

MR. WAMALWA (CTD.):

worker, and at the end of the day, he is thrown on to the road after he has been thoroughly used or abused by the Corporation, and he goes off with no insurance for his future. I do not think I am wrong in equating this kind of ~~p~~ system to modern day slavery. This is sheer exploitation of the people.

Mr. Temporary Deputy Speaker, Sir, whenever a casual employee is injured at work, he is always termed to have been careless, and the story ends there. A permanent employee, who probably does not work as hard as a casual employee, can enjoy the following privileges: He is protected under the Workmen's Compensation Act. Under this Act, if a permanent employee loses a limp or dies, there is the element of pain and suffering which his family will experience. If he dies ~~all~~ together, there is the element of loss of earning. Suppose that somebody dies at the age of 38 years? The law says that in the normal course of events, he would have worked until he was 55 years old. His loss of income is immediately computed for the years between 38 and 55, and the increments he was entitled to are taken into account, so that his family is given that lumpsome amount or it is invested for them, and they benefit. The so-called casual worker, who probably does very hard and odious work, does not have this element of protection.

I entirely agree with the humanitarian sentiments expressed by the Minister to the effect that casual workers are just human beings as ~~permanet~~ ^{Permanent} employees are. The former sometimes work even harder than the latter. The greatest part of our working force today comprises of casual workers. All you have to do is to drive to Wilson Airport in the morning and see the masses of people coming from Langata, Otiende and Ngei areas walking into Industrial Area. All these men and women are called ~~K~~ casual workers. All you need to do is to go to Eastlands and see them walking on the roads there. They start off at 4.00 o'clock in the morning, ~~xx~~ and rush to some factories owned by Shah. They work from 6.00 a.m. to 5.00 p.m.; often without lunch. Even if they are given a lunch break, they do not have money for lunch. They are paid little wages, and they have neither protection nor retirement benefits or anything else to look forward to. This is modern day slavery.

MR. WAMALIMA (CTD.):

Mr. Temporary Deputy Speaker, Sir, I entirely agree with the Minister that if people cannot be employed on permanent terms of service, they should, at least, be given a specific contract where one works, say, for three months, at the end of which he is entitled to gratuity or something like that. During those three months, the employee should be entitled to a certain element of insurance. I think these two conditions are absolutely paramount. I do not care whether somebody is employed for one day, one month, two months or three months; let him be afforded all the privileges that a permanent employee would get for that period. If he is injured in the course of his employment, he should have a certain recourse. Secondly, at the end of his contract term of three months, six months or one year, a certain element of compensation should be given to him. This will be the equivalent of N.S.S.F. dues or gratuity of, say, 10 per cent.

END S



MR. WAMALWA (ctd.):

^{In this way,}
~~This is the only way~~ that a casual & worker, Mr. Temporary Deputy Speaker, Sir, will feel protected and provided for. We must do this with haste. As I said, by far, the largest part of the working force in Kenya today consists of the so called casual workers. They form the largest part of our working force. They are the ones who are keeping this country afloat and also the ones who keep our economy booming. It is only fair that we look after them.

With these few words I beg to support.

THE TEMPORARY DEPUTY SPEAKER: (Mr. Mutiso): ^{Order} I think ^{that,} due to the pressure of time as we all can see, and ^{because} I am sure that ~~the~~ hon. Members would like to see this Motion through before we interrupt our business ^{this morning,} I would like to put the question of the amendment so that we can continue with the main debate on the Motion as amended.

(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)

MR. NYOIKE: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to support the amended Motion.

The first thing that I would like to do is congratulate ~~the~~ hon. Kiliku ^{on} ~~for~~ having brought this Motion ^{here} so that action ^{may} be taken on a matter that has been spoken ^{about for} too long in this House.

Secondly, I wish to congratulate and thank sincerely the Minister for his forthrightness in accepting the Motion and bringing an amendment that enhances the Motion. I would (like to just) remind

him that ~~he~~ ^{he} has told this House ^{Minister} Both the Minister and his Assistant

l.c./

MR. NYOIKE (ctd.):

have promised this House that a Bill will be coming to this House to improve the ~~the~~ working conditions of ~~the~~ workers in the country. We have been expecting that Bill. I hope that this particular Bill that ~~the~~ Motion urges to be brought ^{here} by the Government, will actually come ~~and will come~~ soon. There is such a thing as the integrity of a Ministerial Statement. We feel that it is wrong for a Minister to stand up here and ~~to~~ tell the House that he ^{will} ~~would~~ be bringing a Motion to the House and ^{then} ~~he~~ does not bring it and is ^{not} ~~seen~~ to bring it very quickly. I think that is wrong. We have to tell this nation that any statement made by a Minister should have credibility. I am very much worried about the credibility of the Minister for Labour who has promised many times that he is going to bring Motions here and Bills here, but they have not been forthcoming. I sincerely hope that now he will correct himself and be able to do this.

c.c.f. Let me, Mr. Temporary Deputy Speaker, Sir, deal with the essence of this Motion. The essence of this Motion, really, is the security of employment for workers in this country. ~~It is the security of employment.~~ When you talk about the security of employment, some people do not associate this with the security of the state.

END T.....

W. Nyoike

cnj.

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MR. NYOIKE (Ctd.):

Mr. Temporary Deputy Speaker, Sir, some leaders are mistaken to think that the security of the state is guaranteed by the might of the armed forces. However, the thing that guarantees the security of the state is the excellence of the Armed Forces. I would like to submit to you, most humbly, Sir, that the ultimate security of any state is the well being of its citizens and, particularly, the well being of the workers who are the most active members of any society. The security of Kenya really depends on ~~how~~ the workers in this country and the rest of the citizens. ~~and~~ I am using the word, "workers" in the most modest sense to mean the people who are involved in the productive work for this country. It is the feeling of workers which contributes to the ultimate security of this country.

That is why, Mr. Temporary Deputy Speaker, Sir, I would like to say, in all sincerity, that we have a major scandal; a scandal of a gigantic proportion in this country, ~~and, Sir,~~ I will tell you what this scandal is all about. Today, the Government of Kenya is the biggest employer in this country, and this is a well-known fact and there is nothing secret about that. What is not always known is that over 40,000 workers in the Civil Service, and many more in the ^{Corporations} public ~~operations~~ work under conditions that must be regarded as insecure. It is not only that there are very many casual workers, but there is also another class of workers that are called temporary workers. An employee is given a letter of temporary ^{appointment} ~~employment~~ and he works under those conditions ^S for years on end. Some of the people who are working as temporary employees have been working for 20 years in the Civil Service of Kenya, and many more have been working as temporary employees in ^{Corporations} public ~~operations~~ of the state.

Mr. Temporary Deputy Speaker, Sir, to me, this is a major scandal because Government is not temporary and the work which is being done by Government and Government Corporations, is not of a temporary nature. The work has been there for years and it will ~~xx~~ continue to be there. The civil servants are defined in the international labour jargon as members of public who are involved in the administration of the state. Therefore, for individuals who are involved in the administra

MR. NYOIKE (Ctd.):

tion of the state to be temporary ~~inemployment~~ or casual in employment, is a major scandal, in my view. Before Government is able to enforce the legislation that is going to be brought here by the Minister, as he promised today, and I hope that he will do so, it is important that Government should first put its own house in order. You ~~xxx~~ cannot tell somebody that he is sick if you, yourself, are even more sick. This is normal and I hope that we shall be able to deal with this scandal which is before us - - -

THE MINISTER FOR LABOUR (Mr. Okondo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member is misleading the House. The temporary employee is not necessarily a person who is so denied of his rights, as the hon. Member would like us to believe. In Government service, he is not because he is normally given a letter of appointment and we employ him in accordance with the terms of employment stated in the letter of appointment. This attempt to mislead the House, I think, must be arrested. I am saying this because it is not true.

MR. NYOIKE: Mr. Temporary Deputy Speaker, Sir, I am ~~ntk~~ rather familiar with this and I have put my long life into ^{it.} ~~this~~ and I would like to inform the Minister quite clearly ^{that} when an officer is on a temporary terms and conditions of service, he can normally be dismissed by one ~~xxx~~ month's notice. So, if your boss does not like you, ^{on} ~~if~~ If it is a girl and her boss does not like her, after asking her for a date and she refuses to comply, all he ~~does~~ needs ^{to} do is to give her one month's notice and ~~he~~ she is gone. There is nothing she can do because the terms and conditions of service says that she can be dismissed by one Month's notice.

Mr. Temporary Deputy Speaker, Sir, there are ~~a~~ certain ^{pensionable} ~~suspensions~~ that are very important in a workers' life and if a worker is on temporary terms, then he cannot enjoy pension normally. There are many ^{other} considerations to be made when you are on temporary employment and these considerations are completely denied ~~to~~ you. Sir, I am not misleading ^{or misinforming} the House when I say this, but I am just telling the House the truth, namely, that there are over 30,000 workers in the Civil Service who are working under very insecure terms and conditions of service. That is to say, they are not permanent and pensionable and they are not ~~under~~ on a definite legal contract.

MR. SHIKUKU: On a point of ~~ex~~ information, Sir. May I first of all, thank the hon. Member for allowing me to give him this bit of information. He is right when he says that when a worker is on temporary terms and condition^S of service, he cannot get pension. During my speech here, I ~~want~~ gave an example of an assistant chief in hon. arap Cheboiwo's constituency who has served for 27 years on temporary terms.

MR. NYOIKE: Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Member very much for that information. I would also like to mention that we are, as leaders in this country, worried about corruption. Every leader in this country has attempted to condemn corruption. However, where you have many people under ~~insecure~~ insecure terms of service, you are really restructing means of corruption. You are making these people ^{amenable} to ~~be corrupt~~ corruption. If somebody knows that ^{his} ~~he~~ job is insecure, and you tell him that you need only Shs.100/- to secure his job, he will simply produce the Shs.100/- because he knows his job is insecure.

Mr. Temporary Deputy Speaker, Sir, if we want to really deal with the question of corruption, we have also ~~to~~ to deal with this question of ~~insecure~~ insecure terms of service. Sir, let me digress a little bit further and say that the security of workers is very critical in the total production and development of any nation. If you study the modern/^{economic} history of Japan^{as} to what happened ~~to Japan~~ during the so-called the engine-era period after 1868, when the state in Japan took definite steps towards modernization, efforts that were designed & produced a very development conscious state. One of the things that are well pronounced, and so different in ~~Japan~~ Japan from other countries, is that every worker is employed in a very permanent terms of service; that is, a worker works for life. ~~The~~ The company which has employed you takes care of you in all aspects of your life. Even your wedding ^{ceremony} & ~~celebration~~ ceremony is conducted by your company. In other words, your company takes care of you completely and you are told, "this is your job; this is your life, please do the job properly". Therefore the Japanese workers put all their ~~an~~ effort to their work knowing very well that they are, first and foremost, secure.

Mr. NYOIKE (ctd):

Mr. Temporary Deputy Speaker, Sir, I realise that our situation here in Kenya is different but, I think, we should learn and emphasise the fact that we really want this country to develop. If we want the workers to do everything, we must first of all give them enough security in employment.

With those few ~~remarks~~ remarks, I support the Motion.

MR. KOSKE: ~~z~~ Ahsante sana, Bw. Naibu Spika wa Muda ka kwa kunipatia nafasi hii ili niseme machache kuhusu Hoja hii. ~~Kwanza~~ Kwanza, neningetaka kusema kwamba ninamuunga mkono aliyeeleta Hoja hii hapa Dungeni. Ni kweli uchumi wa nchi hii huwategemea ~~ni~~ matajiri pamoja na wafanyakazi. ~~W~~ Matajiri, bila shaka, ni watu wa ~~wakubwa~~ maana sana na ni lazima niseme hivyo kwa sababu wanahusika sana katika kazi ya kutafuta raslimali ambayo ni lazima ipatikane kabla ya kazi kupatikana, ili kuwawezesha kuwaajiri watu wengine. Hata hivyo, ni lazima wafanyakazi wapewe heshima hata ikiwa wana vyeo vya chini. Nasema hivyo kwa sababu bila wafanyakazi ~~ni~~ uchumi katika nchi hii hauwezi kuendelea. ~~Haifai~~ Haifai, kuwadhulumu wafanyakazi ~~wakubwa~~ wengine hata ikiwa wanefanya kazi kwa muda mfupi au mrefu. Ni lazima wafanyakazi wapewe haki zao kama ~~vika~~ vile watu wengine wanavyozipata.

Bw. Naibu Spika wa Muda, ingefaa kama kungekuwa na wakati maalum ambapo, baada ya mfanyakazi kuyatimiza masharti yanayohitajiwa anaajiriwa kwa kazi ya kudumu hata kama hajahitimu.

END U.....

MR. KOSKE (ctd.):

Bw. Naibu Spika wa Muda, nina mfano mmoja unaohusu Teachers Service Commission. Ni ajabu kuona kwamba kuna walimu ambao wamefanya kazi kwa muda wa miaka 20 na mwishowe, wakiacha kazi, hawapati malipo yoyote ya uzeeni, eti ~~kwa~~ kwa sababu walikuwa wakifanya kazi wakiwa hawajafuzu. Jambo hili, ^{Kwa maoni yangu,} ~~kwangu mimi,~~ ni dhuluma kubwa ~~kwa~~ kwa sababu hata kuna makarani wanaofanya kazi ^{Katika} Serikali ^{kuduma ya} ambao hawajasoma, kama hao walimu: ambao hawajafuzu, lakini wanapewa nafasi ya kuwa waajiriwa wa kudumu ~~na~~ ambao watastahili kulipwa malipo ya uzeeni wakistaafu. Kwa hivyo, ~~w~~ ingefaa kama Serikali ingetayarisha ratiba maalum ili walimu ambao hawajafuzu, wakifanya kazi kwa muda fulani, wapewe nafasi ya kuwa waajiriwa wa kudumu na waendeleo na ratiba ya kujifunza elimu ya ualimu. Baada ya kufuzu katika elimu hiyo, wapandishiwe mishahara yao.

Jambo lingine ambalo ningependa kulitaja ni kwamba mashirika ~~na~~ mengi hufanya machachari mengi ya kuwaajiri watu kazi na baadaye kuwafuta kazi ili wasiye wakatimiza ule muda wa kuwafanya wawe wafanyakazi wa kudumu. Machachari haya yanastahili kuondolewa, kama vile tulivyosema. Mambo kama hayo ambayo yanaipotisha Serikali yanastahili kuondolewa.

Vile vile, watu wetu wanastahili kuyatumia mamlaka yao sawa sawa. Mimi sipendi kuwaona watumishi wa Serikali ambao hawayatumii mamlaka yao vizuri. Tukiwalinganisha watumishi wa Serikali na wale wa mashirika mbali ~~na~~ mbali, au makampuni, tutaona kwamba wale wanaoyatumikia mashirika mbali mbali, au makampuni, wanayatumia mamlaka yao vizuri kuliko wale ambao ~~wana~~ wanaitumikia Serikali. ~~Kwifazawataxuekixuejuxuekwawue~~

Bw. Naibu Spika wa Muda, ni lazima watu wetu wajue kwamba kwa sababu ^{tulijingakulia} ~~ta~~ Uhuru, ni lazima tuwe na uchumi

MR. KOSKE (ctd.):

thabiti ili nchi hii iendelee. Uchumi huu hauwezi kupatikana bila kila mtu kuyatumia mamlaka yake na vizuri na kufanya kazi yake vizuri. Ni lazima tufanye chochote kinachowezekana ili tuone kwamba kila mtu - aliyeajiriwa au anayejiajiri yeye mwenyewe - ametumia nafasi ya kazi kufanya kazi sawa sawa.

Jambo lingine ambalo ningependa kulitaja ni kwamba ~~na~~ inafaa watu watosheke na kazi zao badala ya kuwa wanaacha kazi kila siku. Mambo haya yakirekebishwa, watu wataendelea na kazi zao na hawataenda kuzitafuta kazi nyingine.

Kwa hayo machache, naunga mkono.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): I think it is time for the Mover to reply.

MR. KILIKU: Thank you very much, Mr. Temporary Deputy Speaker. With your permission, I would like to give ~~me~~ my three minutes to hon. Mrs. Ogot.

END V.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot):

Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Motion. The Motion touches every heart in Kenya in that, as we sit here - both in the Front-Bench and the Back-Bench - our people are affected by the issue of casual workers wherever they are. Apart from the Government being able to assist casual workers with temporary letters of appointment, the ones who are engaged in the private sector, have nothing at all to show that they are employed.

Casual workers have no benefits in the private sector; they have no house allowances, medical benefits, insurance of any kind and retirement benefits. As we all know, casual workers work harder than those engaged on permanent terms. The lives ^{and payments} of the casual workers are insecure and the fact they are terminated after every two months in order to beat the three months deadline which might affect the employer to give them longer terms of service. Because of this, they work under great insecurity. As the Minister has already---

THE MINISTER FOR LABOUR (Mr. Okondo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry for interrupting the hon. Assistant Minister who was speaking. I think she is a little misinformed about the terms of the casual workers. Ordinarily under the legislation, a casual worker's wages should also include an element of house allowance in the ordinary way. I agree that there are abuses to this and this is the reason why we are making this legislation. Ordinarily, the pay should include an element of house allowance and all the other things. This is part of the negotiations that are entered into with the trade unions. I would like the hon. Assistant Minister and the other hon. Members to be informed that this is the actual position of the law. Thank you, Sir.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot):

Mr. Temporary Deputy Speaker, Sir, I am very happy with the clarification by the Minister. That is actually what is said on paper. I am not misleading the House in this respect. I am dealing with quite a number of young people who are working in the private sector but get no house allowance. The clarification

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot) ctd:

of the Minister would go along way in helping employers in the private sector to ease the conditions of service of casual workers. The Minister is aware of this and that is why he is bringing an amendment to this House. The Minister's clarification will be a blessing to many young people of this country.

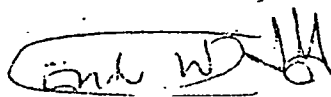
Before I finalise my comments, I would like to appeal to those employing casual workers in the private sector to treat them fairly because they are our children, our brothers, mothers and fathers. In this way, all of us - both the employers and the employees - will be better Kenyans. That is why His Excellency the President, has from the very top, organised work opportunities for university graduates and expanded other areas of work for other workers including the Nyayo Tea Zones. We pray that we should continue to encompass so many young people - boys and girls - who are leaving school and who would like to earn a living for their families and themselves.

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

MR. KILIKU: Thank you very much, Mr. Temporary Deputy Speaker, Sir. First of all, I would like to thank those who have supported this Motion and the Minister who has indicated his commitment to the welfare of the workers. My fear is that the Minister has been promising this House that he would bring a Bill aimed at revising the ~~law~~ labour laws. He has made a very good promise that he is going to bring the Bill. I hope that it will not take him a long time, as the Minister for Labour, to bring this very important Bill.

The improvement of the welfare of the workers, goes a long way to improve productivity and a sense of belonging. I think that the casual workers will from now have a sense of belonging and peace of mind. I hope that the Minister will bring this Bill straightaway when Parliament opens again without delay.

With those few ~~remarks~~ remarks, I beg to move.



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

Resolved accordingly:

THAT, in view of the fact that many employers prefer engaging their employees on casual terms for long periods even in respect of jobs which are of permanent nature; this House urges the Government to introduce a Bill providing for a casual employee to be entitled to terms and conditions of employment similar to this applicable to permanent employees.

ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): Hon. Members, it is now the time for the interruption of business this morning. The House is therefore adjourned until this afternoon at 2.30 p.m.

The House rose at twenty seven minutes past Twelve o'clock.

END..... X.

H A N S A R D

Wednesday, 9th December, 1987

The House met at thirty minutes past Two o'clock.Mr. Speaker in the Chair

PRAYERS

COMMUNICATION FROM THE CHAIR

MR. SPEAKER: Hon. Members, it is with great pleasure that I welcome our distinguished guests from the House of Commons, United Kingdom, who are seated in the Speaker's Row. The Honourable Members are the guests of the Kenya Branch of the Commonwealth Parliamentary Association.

The delegation is led by the Hon. Sir Antony Buck, QC, M.P. and includes Messrs. Richard Thain Alexander, M.P.; James Sydney Bidwell, M.P.; Andrew Mathew Willima Faulds, M.P.; and Anonty Rowland Favell, M.P. They are accompanied by an official from the British High Commission.

The delegation arrived this morning and we hope that during their one week stay in our country, they would learn much and be able to exchange views and share experiences with some of us in matters of common interest between our two countries. We wish them a very enjoyable and fruitful stay in Kenya.

(Applause)

May I also take this opportunity, on my own behalf, to wish all Honourable Members a Merry Christmas and a Happy New Year.

(Applause)

Thank you.

ORAL ANSWERS TO QUESTIONS

Question No.801

MR. MUTHURA, on behalf of Mr. Wagura, asked the Minister for Environment and Natural Resources:-

- (a) how many retired forest workers were settled at Ngai Ndeithia Forest and when they were settled;
- (b) how many acres were involved; and
- (c) when he is going to legalise their stay in that area.

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES

(Mr. Nyagah): Mr. Speaker, Sir, I beg to reply.

The answer to parts (a) and (b) of the Question is that most of the 255 retired ~~retired~~ forest workers residing in Ngai Ndeithia Forest started flocking into that part of the forest from the year 1971.

My answer to part (c) of the Question is that there is no policy which states that retired forest workers will be treated differently from all other retired workers in the country. Therefore the question of giving them settlement areas in the forest does not arise.

MR. MUTHURA: Mr. Speaker, Sir, the Minister has told the House that these ^{people} started flocking into that part of the District in 1971. He has also told the House that there is no policy in this country which states that retired forest workers will be given special treatment. But, Mr. Speaker, Sir, it is a known fact that retired forest workers used to be given land somewhere in the forests. I believe that this is the case even today.

MR. SPEAKER: Order! Will you ask your supplementary question?

MR. MUTHURA: Mr. Speaker, Sir, if the Minister cannot legalise the stay of these people in that area and give them that land, and since Nyandarua is known as "Settlement District" could he look for an alternative so that these people could be settled somewhere rather than throwing them out of that land in future?

MR. NYAGAH: Mr. Speaker, Sir, I said that most of the 255 retired forest workers in question starting flocking into that part of the forest from the year 1971. I also said that there is no policy which says that any retired worker must be provided with land in which to reside or settle on. We have a very small area of this country which is covered by forests; only 3 per cent of this country is forested. So, if everybody who retires at the age of 55 years or earlier were to be provided with a piece of land in our forests then we would have no forests in this country.

MR. SHIKUKU: Arising from that encouraging reply from the Minister, Mr. Speaker, Sir, would the Minister be kind enough also to say honestly that it is physically impossible to provide every soul in the Republic of Kenya with a piece of land? This has never been done in any other country in the world. Does the Minister agree with me on that one?

MR. NYAGAH: Mr. Speaker, Sir, although that is a ~~very~~ different question I would like to say this: Let every Kenyan understand that we cannot give a piece of land to every person in this country. All the 22 million people in Kenya must be content to live where they are and find ways of existence.

MR. SPEAKER: Mr. Nooru's ~~Question~~ Question.

Question No.797

MR. NOORU asked the Minister for Agriculture:-

- (a) whether he is aware that 24 members of staff of the Ministry who were recruited on the 15th September, 1986, by the District Agricultural Officer, Mandera, vide letter MDA/ADM/6/Vol.11/(38) have not yet known their fate; and
- (b) whether he could tell the House when these officers' appointment will be confirmed.

THE ASSISTANT MINISTER FOR AGRICULTURE(Mr. arap Saina): Mr. Speaker, Sir, I beg to reply.

(a) The selection for recruitment of 24 members of staff was made against no vacancies or authority from the Ministry. The District Agricultural Officer in Mandera was informed that in the absence of vacancies and appropriate Ministry's authority for recruitment, the individuals involved could not be placed on the payroll.

(b) In view of my reply to part (a) of the Question part (b) does not arise.

MR. NOORU: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, I would like to say that he is trying to betray his District Agricultural Officer. I have quoted the ~~ex~~ reference number of a letter written by his officer in the field. But the Assistant Minister says that the District Agricultural Officer had no authority to recruit these people. So, where do we stand? What do we do when an Assistant Minister says that his senior officer in the district, and who is supposed to run the affairs of the Ministry in the district, has no authority to act in a certain way? Here is the case where the left hand does not know what the right hand is holding. What is the fate of these people who have been working for the last seven months without any pay?

MR. arap SAINA: Mr. Speaker, Sir, we had vacancies for only three clerical officers. So, the District Agricultural Officer recruited only two clerical officers and we have already placed them on the pay-roll. We confirmed this through a communication to the same officer as per---

^{NOORU}
MR. NORU: On a point of order, Mr. Speaker, Sir. My point of order is that the Assistant Minister is trying to mislead the House. On one hand, ~~xxx~~ in his earlier reply, he said that the people were recruited without authority from the Ministry, whereby ^{the} Agricultural Officer recruited these people and he has accepted that. On the other hand, he is repeating here that it is only three who were recruited. Where do we stand? Do we take it that it is only the three or the 24? I have an original list of the 24 people which has also been signed.

MR. arap SAINA: Mr. Speaker, Sir, I do not understand what the hon. Member is saying; he seems to be swallowing his words. I said that we did not have vacancies for 24 officers; we had only three vacancies. Out of the three vacancies for clerical officers ^{whom} ~~which~~ the District Agricultural Officer has recruited, we have confirmed two of them already. If he wants the third one to be confirmed, then he can ^{ask us to do so} ~~as so~~, otherwise we will proceed to confirm those two. We had no vacancies for 24 people.

^{NOORU}
MR. NORU: Mr. Speaker, Sir, I do not understand what the Assistant Minister is trying to talk about. Here we are talking about 24 people and he talks of three clerical officers. Could he accept or deny that the 24 people were recruited and then laid off due to the negligence of his office and that of the District Agricultural Officer?

NOORU
MR. NOORU (Ctd.):

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Let him be specific and say what is happening with the 24 officers who include sub-ordinate staff, carpenters, masons, mechanics, clerical officers, all who number 24 as quoted in my Question.

MR. arap SAINA: Mr. Speaker, Sir, I think I spoke in English language. There were no vacancies for 24 officers. There ~~was~~ were only three vacancies for clerical officers, ^{and} ~~of~~ ~~which~~ we have confirmed two. The hon. Member is talking about a different number. I have given ~~an~~ a number which is much less than what he is talking about, and the District Agricultural Officer did not have authority to recruit such a number.

MR. ^{NOORU} NOORU: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is trying to take the House for a ride. Here I am talking of the 24 officers who are listed in this paper that I have got here. The Assistant Minister is talking about three clerical officers. Let us keep aside the issue of his three clerical officers, whether he has employed them or not, and talk about the 24 laid off officers. Could he tell us ^{the fate of these people} ~~where there the fault is~~ and who authorized their recruitment? If there was no authority, how come they had been recruited?

MR. arap SAINA: Mr. Speaker, Sir, when we talk of "officers", they could be subordinate staff or officers of higher cadre in the Ministry - graduates or those in the senior administrative ^{posts} office. What this district agricultural officer did was to recruit the following:-

17 subordinate staff, two clerical officers.- the ones I have said we have already confirmed - three mechanics, one artisan, one mason and they all number 24 officers. But he did not ^{obtain} ~~get~~ authority from the Permanent Secretary in the Ministry. ~~NOORU~~

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I think the Assistant Minister is misleading this House. In the first place, he only talked of three clerical officers, two of whom have been confirmed. Now, he is admitting that somebody recruited 24 officers and if this was done, then the Member has a case in the sense that those people were recruited and worked and they have never been paid. The question is: Why have they not been paid and who was responsible for their recruitment? They should be paid.

MR. arap SAINA: Mr. Speaker, Sir, with due respect to the hon. Member for Butere, I said that we gave authority to the District Agricultural Officer to recruit only three. He recruited two clerical officers and we are waiting for the ~~ix~~ the third one. He ^{want on} ~~wanted~~ to recruit 21 more but he did not get authority---

AN HON. MEMBER: Then what happened?

MR. arap SAINA: Mr. Speaker, Sir, it is up to the Chair to give a ruling with the understanding that I have given an answer. If the hon. Members can be ~~patient~~ more patient---

HON. MEMBERS: No! No!

MR. arap SAINA: I am on the Floor of the House; you ^{must} behave well. I said that we gave authority for recruitment of three clerical officers and we have confirmed two and ^{we are} ~~still~~ waiting for the other one. We are not responsible for the additional 21 officers.

MR. SPEAKER: Let us go on to Mr. Muthura's Question; we have taken too long on that one.

MR. ^{NORU} ~~NORU~~: On a point of order, Mr. Speaker, Sir. I ~~like~~ seek the guidance of the Chair because we have reached a stage whereby the members of the public have to suffer ^{because} ~~at the~~ expense of a few individuals. Either the Ministry or the

MR. NORU (ctd.):

Minister has spoilt his District Agricultural Officer because there is no instance whereby an officer ~~just an officer~~ in this nation just decided to employ officers of whatever calibre. So, if there are no vacancies, as the the Assistant Minister has said, I seek the guidance of the Chair, ^{and also urge} that these officers have to be paid for the six months that they have worked. There is no ^{reason} way they ^{should} ^{like this} can suffer ~~at the loss of the nation.~~

MR. SPEAKER: No. We have already moved ^{away} from your Question, Mr. ^{NORU} ~~Noru~~ and we are now on Mr. Muthura's Question.

MR. MUTHURA: Mr. Speaker, Sir, before I ask my Question, may I comment that this Question ought to have ended after the word Syllabus.

Question No.746

MR. MUTHURA asked the Minister for Education whether the Ministry could include Hindu Language in the Primary School Syllabus to cater for the Asian Community.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi):

Mr. Speaker, Sir, I beg to reply.

My Ministry cannot consider including Hindu Language in the primary school syllabus solely to ^{cater} ~~cater~~ for the Asian Community because, in urban areas where Asians commonly live, primary school children are drawn from diverse communities. Furthermore, it will not be possible to use any of the children's indigineous mother tongues as medium of instructions. Hence, my Ministry has authorized the use of Kiswahili or English. This is the situation prevailing in all City or Municipal Primary Schools and in schools established in the settlement areas.

MR. MUTHURA: Mr. Speaker, Sir, as I said, this Question ought to have ended after the word "syllabus", because there is actually no point of catering for the Asian Community since they know the language. One of the problems that we have with these people is that you cannot communicate with them. Some problems arise because when you are with them, they could back-bite you since you cannot understand their language. This is why I was asking the Ministry whether they could incorporate this particular language so that we have Kiswahili, English and also Hindustani. Could the Assistant Minister consider that?

MR. M'MAITSI: Mr. Speaker, Sir, I say No "No."

(Applause)

Question No.795

MR. WAKIONDO asked the Minister for Education:—

- (a) whether he is aware that four out of five vehicles for the school feeding programme in Meru District have broken down; and
- (b) if the answer to (a) above is in the affirmative, whether he would ensure the House that the four lorries will be repaired and put to use.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero):

Mr. Speaker, Sir, I beg to reply.

(a) No, I am not aware that four out of five vehicles for the School Feeding Programme in Meru District have broken down. What I know is that two out of six vehicles assigned to the District Education Officer, Meru, to assist him in the administration of ~~Shamba~~ School Milk and Feeding Programmes are temporarily out of the road due to some recent minor accidents.

B.6.....9.12.87

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero) (Ctd.):

(b) Funds have already been released for the repair of the two lorries. Repairs on these vehicles will be carried out as soon as the normal investigations on motor vehicle accidents are completed.

END B.....

SIC

MR. WAKIONDO: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, does he know that I am a member of the Meru District ^{Education Board and that} ~~Development Committee (D.D.C.)~~? I am aware of the number of lorries that have broken down? Could the Assistant Minister make a thorough investigation to find out what caused the breakdown of these lorries? There are four lorries that have broken ^{down} One of them ^{was} ~~had been a~~ new ~~one~~ and was being used for ^{the school} ~~feeding~~ feeding program. It had ~~had~~ an accident in 1980. Now, the Assistant Minister has told us that these lorries were involved in minor accidents. When are these lorries going to be repaired?

MR. KISIERO: Mr. Speaker, Sir, I have already said that funds have been released for the repair of these vehicles. I am sure that by the time schools open in January, ^{1988,} these vehicles should be on the road.

MR. SPEAKER: Let us move on.

Question No. 786

MR. SHIKUKU X asked the Minister for Education:-

- (a) whether he is aware that Mr. Oduor Ayoro, a former employee of Kenyatta University College, has never received his retirement benefits since 1984;
- (b) why it has taken so long to pay him these benefits; ^{and}
- (c) when he ^{be} will ~~be~~ paid.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Mr. Oduor Ayoro, a former employee of Kenyatta University College, has never received his retirement benefits since 1984.

(b) The College paid Mr. Ayoro his entitlement according to his terms of service immediately after retirement. He was further advised to get in touch with the National Social Security Fund (N.S.S.F.) for his other benefits.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Kisiero) (ctd.):

(c) As far as I am concerned, Kenyatta University College has completely fulfilled its obligations and has nothing to pay Mr. Ayoro as retirement benefits.

MR. SHIKUKU: Mr. Speaker, Sir, arising from that sad reply, and particularly ^{to} part (b) of the Question, could the Assistant Minister tell the House the terms and conditions of service of Mr. Ayoro? The information that I gathered from the old man who had served for over 34 years, ^{is that} he was only given shs.100/=.

MR. NYOIKE: He was given shs.100/= only?

MR. SHIKUKU: Yes.

MR. KISIERO: Mr. Speaker, Sir, Mr. Ayoro, according to his terms of service, ~~he~~ was on permanent non-pensionable terms. That means ^{that} he was only contributing to the N.S.S.F. His other terms of service included being paid money for transport home ^{and} three months' notice, for which he was paid, ~~and~~ ⁱⁿ he was also paid for the days that he had been off-duty, but for which he was entitled to payment.

MR. SHIKUKU: Arising from that reply, Mr. Speaker, Sir, could the Assistant Minister tell the House how much was Mr. Ayoro was paid in total? Mr. Ayoro told me that he has only been paid shs.100/= after all those 34 years of service.

AN. HON. MEMBER: You mean he was paid only shs.100/-?

MR. SHIKUKU: Yes.

MR. KISIERO: Mr. Speaker, Sir, according to the terms of service under which Mr. Ayoro was employed, he was entitled to be paid shs.100/= for transport to his home. Secondly, he was paid his February ~~star~~ salary which was shs.950/=. He was also paid for 17 days off-duty--

MR. KILIKU: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House because a salary ~~does~~ ^{is} not included in terminal benefits. A salary is ^{the} money paid for services rendered.

MR. KISIERO: Mr. Speaker, Sir, if the hon. Questioner was only asking about terminal benefits, I have already said that Mr. Ayoro was not entitled to any ^{such} other benefits other than ~~the~~ ^{his} N.S.S.F. contributions.

MR. SPEAKER: Let us move on to Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

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

(a) Is he aware that Mombasa Municipal Council has a shortage of ambulances?

(b) What immediate plans does ~~he~~ the Ministry have to purchase more ambulances to cope with the demand in Mombasa?

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT (Mr. Marita): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that ~~the~~ Mombasa Municipal Council has a shortage of ambulances as out of the eight ambulances which were supposed to serve the residents, ~~only~~ only four are on the road. ~~The~~ Mombasa Municipal Council has already invited tenders for the supply of two ambulances, as the four ambulances that are not on the road are beyond repair. The Council intends to make a provision for more ambulances in the 1988/89 Financial Year.

MR. KILILKU: Mr. Speaker, Sir, I thank the Assistant Minister because he has accepted the shortcomings that ~~the~~ Mombasa Municipal Council has. These four ambulances have been out of order for quite some time now. Why has ~~the Mombasa Municipal Council~~ ^{the} not taken trouble to repair or replaced them? In view of the fact that ambulances serve wananchi in case of emergencies and so on, what sort of tender is this that the Council ~~p~~ has made to repair these four ambulances? Why has it taken so long to do that?

MR. MARITA: Mr. Speaker, Sir, these four ambulances could

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MR. MARITA: Mr. Speaker, Sir, these four ambulances could

MR. MARITA (ctd.):

have been repaired, but because those vehicles could not meet the demand, even if they were repaired, ~~that is why the~~ Mombasa Municipal Council has decided to tender for two more ambulances for the moment. Later on, they ^{will} ~~would~~ think of purchasing two more ambulances to ease the demand.

MR. MUTISO: Mr. Speaker, Sir, in view of the fact that ambulances ^{give} ~~do~~ a very important service, would the Assistant Minister tell the House whether ~~the~~ Mombasa Municipal Council or his Ministry in particular, has any other alternative arrangement to provide these vehicles before those that have been tendered for are purchased?

MR. MARITA: Mr. Speaker, Sir, already there are four ambulances that are on the road. These are giving services to the people of Mombasa. As I have said, these other two ^{ambulances} ~~would~~ ^{will} be purchased soon and this problem ~~would~~ ^{will} be solved. For the present time, we will have to wait for those other two to be purchased.

MR. SPEAKER: Let us go on to the next Question.

(MRS. ASIYO) to ask the Minister for Lands and Settlement the following Question by Private Notice:-

- (a) Is he aware that ^{the} land dispute in Koyugi area of Kibiri Location I in Karachuonyo will erupt into another big conflict before the next ploughing season starts?
- (b) What has he done to find a lasting solution to this problem and to give back the land to the rightful owners?
- (c) Can he tell this House the names of those who acquired the land and how they acquired it?

MR. SPEAKER: Mrs. Asiyu is not in? We shall come back to that Question later on.

MR. OTWANI: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is he aware that there is a worm destroying cassava, cotton and other crops in West and South Teso Locations of Busia District?

(b) What is he doing to eradicate this worm?

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Saina): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that isolated cases of worms, the species known as lepidoptera, were reported in parts of West and South Teso Locations and appropriate measures were taken in advising farmers what to do.

(b) The Busia District Agricultural Officer has enough stock of chemicals, which we refer to as "ambush" and, therefore, in case of any outbreak, he is in a position to combat the pests.

MR. OTWANI: Mr. Speaker, Sir, could the Assistant Minister specify these appropriate measures? This is because the people of these areas are not aware of any measures being taken. What measures are these?

MR. SAINA: Mr. Speaker, Sir, the appropriate measure to control the lepidoptera pest, is ~~by~~ spraying. Since cotton is a very important cash crop, ^{we take} these measures ~~should be taken~~. We call upon any farmer who notices the outbreak of this lepidoptera worm on cotton to report ^{it} ~~to~~ to our District Agriculture Office.

MR. GALGALLO: Mr. Speaker, Sir, the hon. Member has asked the Assistant Minister to specify the appropriate measures to be taken. Could he explain these measures?

MR. arap SAINA: Mr. Speaker, Sir, the appropriate measures to be taken are as follows: To carry out the inspection of the outbreak of worms in cotton fields and report the findings to the District Agricultural Officer who will then send out technical officers to the field with chemicals to start demonstrating to farmers how to spray. In fact, this has been done. For example, such a demonstration was carried out to show how to use this chemical in spraying the worms, how to measure the chemical, how much water to mix with the chemical, how to spray the mixture on the worms and the precautions to be taken by the people using those chemicals. I think these are the appropriate measures which—

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. The Assistant Minister has said that the District Agricultural Officer has enough stock of the right chemical and that the Ministry is aware of the existence of these particular worms. He added that his staff know where the worms are. What the hon. Member and, I am sure, farmers are asking is what steps the Ministry has taken to destroy these worms, and not to demonstrate to farmers how to spray on and destroy the worms whose existence the Assistant Minister says he is already aware of. He is now giving us a lecture on how to spray on them, instead of his staff doing it.

MR. arap SAINA: I am not giving a lecture, Mr. Speaker, Sir; I am only telling the House how to spray the worms when they come. We have to do this because we want to teach the farmer how to spray on the worms. However, I said that we are quite aware of the existence of the worms. At the moment, no worm outbreaks have been reported. When we carried out an exercise to eradicate the worms, we minimised their number. We are still on the look-out for their reappearance. In fact, my field officers are out there, and if they report any incident of the reappearance of these worms, we will be there to stop them.

MR. TUVA: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) What caused the Ministry to remove copra from the list of scheduled crops under chapter 338 of the Laws of Kenya?

(b) In view of the importance of the crop to the majority of people in the lower coast, will he consider returning the crop to the schedule list?

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina): Mr. Speaker, Sir, I beg to reply.

(a) The National Cereals and Produce Board Act, chapter 338 of 1985, of the Laws of Kenya excluded copra together with 13 other items of produce from the list of scheduled or controlled agricultural produce for three main reasons. Firstly, the producer, including Kilifi District Co-operative Union, were regularly requesting for permission to trade in this commodity, that is, to buy copra from its members and sell it direct to oil millers without interference from the court.

Secondly, the Government was satisfied that this co-operative union could finance and handle this commodity when allowed to sell it direct to millers.

Thirdly, by limiting its control to strategically important crops like maize, beans, sorghum, millets, rice paddy, bixa and cashew nuts, the aim of the Government was to achieve greater efficiency in food handling and distribution.

(b) The Government constantly reviews the marketing of all crops, including copra, with a view to increasing production and improving the well being of all farmers at the coast. Should the review indicate that ~~the~~ control over copra is desirable, the crop will, no doubt, be included in the list of scheduled agricultural produce.

MR. TUVA: Mr. Speaker, Sir, since the marketing of copra at the moment is not stable because of the importation of oil from Far East - Philippine and other Far East countries - thereby depriving our copra farmers

MR. TUVA (CTD.):

of the local market, will the Ministry of Agriculture consider including this crop in the gazetted schedule of agricultural produce so that when the Government is involved in the marketing of the crop, it will be in a better position to protect our farmers?

MR. arap SAINA: Mr. Speaker, Sir, at the end of the year, we always review the prices of farm produce and announce them to farmers before they go into the next season. As I have said in my reply, should this review indicate that control over copra is desirable - this control is now desirable as we do not want the Kenyan farmer to suffer - we will certainly take the matter into consideration in our price review.

MR. ANGATIA: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is he aware that Francis Kabaka Alinda was one of the invigilators of the Kenya Certificate of Education examination at Kakamega High School, centre No. 63007, in November/December, 1985?

(b) If so, why has the Kenya National Examinations Council not paid him for the services rendered?

(c) Could ~~the~~ he instruct the council to pay Mr. Alinda immediately?

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitisi): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Mr. Francis Kabakax Alinda was one of the invigilators of the Kenya Certificate of Education examination at centre No. 63007, Kakamega High School in November/December, 1985.

(b) Mr. Francis Kabaka Alinda could not have been paid by the Kenya National Examinations Council because his name was not indicated by the District Education Officer, Kakamega, as one of the invigilators at centre No. 63007, Kakamega High School, in 1985.

(c) I cannot instruct the council to pay Mr. Alinda for services which were not rendered by him.

MR. ANGATIA: Mr. Speaker, Sir, I want to thank the Assistant Minister

MR. ANGATIA (CTD.):

for his response, but I also want to express my regret that he could not remember that Mr. Alinda rendered services. It is unusual for a member of the public to write very many letters to ~~the~~ the district education officer concerned asking for his payment when he has not done any work. Secondly, if the District Education Officer in question knew that Mr. Alinda was not one of the said invigilators, he could have replied and said so, instead of engaging in a lot of correspondence between the two of them. Thirdly, I want to ask the Assistant Minister whether, if Mr. Alinda brings the correspondence there has been between him and the District Education Officer, he will be able to consider paying him.

MR. M'MAITSI: Mr. Speaker, Sir, if ~~ix~~ this gentleman produces clear evidence that he was appointed, he worked and was reported to have worked, we cannot hesitate to pay him, but if he cannot do so, the Ministry will not pay him.

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

- (a) Is he aware that in High Court Civil Case No. 3722 of 1982, Nairobi - James Mungai Ng'ang'a versus the Attorney-General and Peter Muthuku - the court awarded Mr. Ng'ang'a damages payable by the Attorney-General?
- (b) How much is due to Mr. Mungai and why has it not been paid?
- (c) When will these damages with interest and costs be paid?

END D



THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I beg to reply.

I am aware that judgement in the said case was entered in favour of Mr. James Mungai Ng'ang'a. The amount in question, of course is payable by the client Ministry which is the Ministry of Livestock Development. The principal amount with interest and costs is KSh.85,706.00. There has been a delay because the plaintiff, Ng'ang'a, did not tax his bill of costs in time. However, he has done so now and the Ministry has been requested to prepare a cheque which is expected any time, and as soon as we receive it, payment will be made without delay.

MR. KINYANJUI: Mr. Speaker, Sir, judgement in this case was entered into on 3rd February, 1987. This is well over ten months ago. May I know from the hon. Attorney-General how long it takes to tax a bill of costs?

MR. MULI: Mr. Speaker, Sir, the bill of costs will take as time as the plaintiff or the winner of the case has approached the court. In this case, Ng'ang'a, delayed to tax his bill of costs, and he can only blame himself for that delay.

MR. KINYANJUI: Mr. Speaker, Sir, now that an agreement has been reached to pay the sum due, would the Attorney-General tell the House when this money would be paid? This oldman was injured. He has spent a lot of money, and he requires this payment. Could he tell us when he will be paid?

MR. MULI: Mr. Speaker, Sir, as soon as I receive the cheque from the Ministry concerned. I expect it any time, I said, and as soon as I receive it, I will pass it over to the plaintiff.

MR. SPEAKER: Next Order.

POINT OF ORDER

MR. KANINDO: On a point of order, Mr. Speaker, Sir. My point of order will be very, very short and brief. Yesterday I tried to stand on a point of order to clarify the matter. The hon. Assistant Minister, Office of the President, Mr. Kubai, ^{had} raised the issue.

However, today I have only a few points which I want to raise with supporting documents. I stand ~~by~~ ^{said} with whatever I said, and there was nothing which I ~~used~~ ^{said} against him ~~to~~ ^{to} smear his name. One, I have a letter here which was supposed to negotiate for the parties involved, and he did his best to negotiate for them. There is also a letter here for the agreement for the musicians to get the money after they had agreed with the A.I.T. boss to pay the musicians. In view of this letter, this is the reason why I asked ^{was,} instead of paying the musicians KSh.700,000.00 as was agreed in his office, the man came and entered the Assistant Minister's office, stayed inside for one hour, and on leaving the office the agreement was saying that the musicians be paid only KSh.10,000.00. This is what I was asking, and there was nothing else. The Assistant Minister did not explain why this letter is saying that the musicians should not complain any more yet he knew they had the money.

Mr. Speaker, Sir, I have also a letter from South Africa admitting that they have the money, but they cannot pay the musicians directly because they did not supply the records. I have also the record here which is containing all the musicians from Kenya and has sold several million copies. For instance, the musicians from Kisii, Kamba, Luo, and so on are combined here legally in this record which is being sold in South Africa, and ^{other} southern parts of Africa. Our musicians are becoming poorer and cannot be paid.

Mr. Speaker, Sir, I have also a letter here from the Ministry of Commerce demanding payment from the A.I.T. I have also another letter here from the A.I.T. agreeing that they are willing to pay

MR. KANINDO (Contd.):

the money because they have the money so long as the Government can help to bring this money into the country. That is why these musicians walked from every office seeking help. They were not walking because they had anything against him.

Mr. Speaker, Sir, I also wish to correct the impression created by the Assistant Minister that these people never went to South Africa. In fact, they went to South Africa. I have a photocopy of the passport which they used. It is dated 20th August, 1981. I have also the copy of the airticket which was used. They had gone to South Africa to investigate about the record matters. They found out that they were being swindled KSh.5.4 million. I have also a voucher here for a sum of KSh.10,000.00 which was a part of payment, but which was never paid to the musicians after the Assistant Minister's negotiations.

Therefore, when I talked here yesterday about this matter I had no malice against the Assistant Minister. The musicians had to be paid. As far as my case with the A.I.T. is concerned, it does not come in. It was not the subject matter, nor do I have to meander to cases that are before the court. So, I would like the Assistant Minister to withdraw the remarks he made against the musicians that they are "comme". We have reputable musicians in this country who have never wronged anybody. They have worked very hard, and somebody is making a fortune out of their sweat. This man is also selling records belonging to Daudi Kabaka all over Nigeria, Zambia, Malawi, Cote d'Voire and so on, and our musicians are suffering. Could the Assistant Minister help them to get this money into the country because the foreign exchange is being messed ^{up} with.

Mr. Speaker, Sir, finally, I do not ^{know} whether this one man is allowed to trade with South Africa or not. Yet if Parliament was sitting tomorrow, I can prove that the man had three passports; e. South Africa, British and Kenya. I can bring them here and lay them

MR. KANINDO (Contd.):

on the Table. This man is swindling Kenyans a lot of money, and the Government must come in to help and rectify the situation.

Thank you, Mr. Speaker.

(Hon. Kanindo laid documents on the Table)

MINISTERIAL STATEMENT

THE MINISTER FOR HEALTH (Mr. Matiba): On a point of order, Mr. Speaker, Sir. I stand to make a short statement on a Question which had been asked by the hon. Member for Yatta regarding one Mr. Stephen Mbithi who died at Voi in May, this year, but ^{his body} has been lying in mortuary at Machakos General Hospital.

Mr. Speaker, Sir, it is true that Mr. Mbithi died under circumstances which were not very clear and died in a hospital in Voi. He was admitted on 25th May, at 6.30 p.m. and died the following day at 11.00 a.m. No post-mortem was carried out, but after negotiations with our officer in charge of the hospital and the police, the family was given a death certificate and also a certificate for burial, and they took the body to Machakos General Hospital. The body has been lying there ever since.


Regretably, the family has not been to the hospital to collect the body. Indeed, our officer in charge of Machakos General Hospital sought permission from the Clerk, Machakos Municipal Council, to bury the body as an uncollected body in October, this year. That permission was not given, and so the body is still lying there.

Following this Question, I have ordered the officer in charge of our laboratories or pathologist, Dr. Kaviti, to carry out a post-mortem, and that post-mortem is being carried out today.

Mr. Speaker, Sir, it appears to me After my investigations that our officer in charge of Voi Hospital failed in his duties in that the law provides that if a patient is admitted to a hospital and

THE MINISTER FOR HEALTH (Contd.):

dies within 24 hours, he becomes a police case and, therefore, a post-mortem must be carried out. Now, in this instance, that was not done.

End 

THE MINISTER FOR HEALTH (Ctd.):

In fact, it is a matter of regret that although the officer in charge is the one who signed the death certificate and also the burial certificate, he ~~himself~~ had not seen that patient before he died or the body. He was relying on reports written by his colleagues ^{although} ~~which~~ he should not have done, ^{that}.

Currently, I am considering what action to take against that officer through the normal channels because he failed in his duties.

As I have said, the ^{post-mortem} ~~autopsy~~ is being carried now and ^{I hope} by the end of today, I will have known exactly what the cause of death was. The report suggested that Mr. Mbithi died of natural causes, but my investigations so far do not suggest that. Something else could have happened, but we do not know what it was. We hope that the post-mortem will reveal what actually caused the death of Mr. Mbithi.

Thank you.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): On a point of order, Mr. Speaker, Sir, There is a very misleading report given by the Kenya Times of today ^{about} ~~of~~ my answer to a Question from the hon. Member for Bungoma Central regarding a prisoner who died in Kakamega and whose body was buried in a grave there. This particular newspaper reports about 16 bodies that were buried communally and that they had decomposed in the mortuary, ~~beyond~~ ~~recognition~~. This is a total confusion by a reporter who obviously thought that he had found some very exiting story. Those of us who were here yesterday know that we were talking about one ~~prisoner~~ prisoner, George Musokho who died in prison and the circumstances in which he was buried were being questioned and have been replied properly.

I hope that the Kenya Times ^{will} ~~could~~ correct this particular misleading report and behave like the other civilized newspapers.

(Applause)

MR. NYAGAA: On a point of order, Mr. Speaker, Sir. This morning when asking Question No. 9 by Private Notice, I promised this House that I would lay on the Table of the House documents of discharge in a case that was involving Mary Nyambura Mugo ^{and Shau} which ~~appears~~ that the advocates who were acting on her behalf swindled her of Kshs. 100,000/-. I now wish to lay the said documents on the Table.

(Mr. Nyagaa laid the documents on the Table)

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kubai): On a point of order, Mr. Speaker, Sir. Yesterday I made a very long statement which dealt with all the questions raised by hon. Kanindo. Since it was a very long statement, I had to lay on the Table documents dealing with all the questions raised, ~~and~~ ^{because} my hands were tied because of the agreement signed between Mr. Andrews and Mr. Rachar way back in 1984. As regards this agreement, Mr. Andrews ~~said~~ ^{would} said and maintained in my office that he ~~will~~ not revive the matter and the best thing Mr. Rachar could do was to go to court. Therefore, Sir, I would be very grateful if you could study the documents I laid on Table, and see whether or not I have dealt with the questions raised by hon. Kanindo. I have nothing to withdraw ^{because} the one who came to my office is a conman.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina): On a point of order, Mr. Speaker, Sir. I wish to make a small statement in connection with Question No. 781 raised by the hon. Member for Busia East, Dr. Mukasa Mango. Sir, I felt that that Question was very important because it touches on one of the major ~~cash~~ ^{- coffee -} cash crop which earns us foreign exchange, ~~coffee~~. I did some investigations, and I decided that I was coming ~~to~~ to make a statement this afternoon.

Investigations revealed that Robusta coffee prices have fluctuated between Kshs. 4.80 per ~~kilogram~~ ^{kilogramme} of mbuni to Kshs. 17.80 per kilogram of good mild coffee, and this is between the years 1982/83 and 1985/86 seasons.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina) (Ctd.):

As regards the case of 23 farmers from Namsura Farmers Co-operative Society who delivered 2,295 kilograms of cherry mbuni to Kenya Planters Co-operative Union (K.P.C.U.), in 1984/85 season, these prices fluctuated and the members will now be paid an average of Kshs. 13.33 per kilogram. The delay has been ^{due to} a technical error and I feel that I should apologise on behalf of the (K.P.C.U.) who handled the members' coffee. Therefore, may the hon. Member assure these members of Namsura Co-operative Society that they will be paid?

Thank you, Mr. Speaker, Sir.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I have two short points of order to make this afternoon. First, when hon. Kanindo was giving his statement, ^{he} referred to several documents, but I did not see him lay them on the Table. He also talked about a musical album which he had ^{and} so could he do us ^a ~~that~~ favour by laying those said items on the Table.

The second point of order is in connection with newspaper reports where it is said that the Organising Secretary of Kanu did say at one of Harambee meetings, that no one will be allowed to vote in the forthcoming general elections if he does not have the Kanu card. I would like the Attorney-General to ~~clear~~ clear the air because from the records we have, there are about 6 million people who registered as voters while over 2 million people registered as Kanu members. The members of the public are asking what is the position. Could the ~~the~~ Attorney-General or the Vice-President of the party who is here make it clear so that when we go back home this afternoon, ^{we} can tell them what the situation is.

(Applause)

END F.....

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): Mr. Speaker, Sir, there is no confusion at all. Kanu party is entitled, within the law, to nominate candidates who would stand for both Parliamentary and local government elections. So, the party will nominate the candidates and, as it is the party that will nominate candidates, only members of that party can participate in the nomination. That is within the rules and regulations of any society. After all, Kanu is a society. We are registered as a society. So, only members of Kanu will participate in the nominations. Then, in the general elections, every registered voter will exercise his rights.

Sir, the voters' roll has been completed and copies are available at the district commissioners' offices for inspection. All those registered voters will participate in the elections. As I have said, therefore, there is no confusion in this matter at all. I do not know why so many people are trying to bring confusion into the matter when it is so clear.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I am grateful to the Vice-President and Minister for Home Affairs, who is also the Leader of Government Business, but what he is saying is what we all know. If he reads what hon. Kitele said at the Harambee meeting I referred to, he will find that it is very different from what he is telling the House now. Let wananchi go by the version of His Excellency the Vice-President and Minister for Home Affairs' statement but not by hon. Kitele's version.

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Mr. Kibaki): Mr. Speaker, Sir, in Kenya we are guided by our Constitution. We are guided by published regulations and by the law. So, therefore, I do not know why the hon. Member wants to bring people's names into this matter. It is not correct merely because it has been said by the Vice-President and Minister for Home Affairs; it is rather correct because what I have said is what is said in the rules and in the Constitution and also in the electoral laws.

MR. SPEAKER: Let us move on to the next Order now.

9.12.87.

BILL

Second Reading

The Statute Law (Miscellaneous Amendments) Bill

(The Attorney-General on 8.12.87)(Resumption of Debate interrupted on 8.12.87)

MR. SPEAKER: When the House adjourned yesterday, Mr. Kiome was speaking and will continue today.

MR. KIOME: Mr. Speaker, Sir, as I was saying yesterday, it is not proper to pass laws just because a simple small situation has arisen. A law should be passed for the general and good administration of a country. So, some of the things that we are amending today, as I said earlier, arose because people at that time thought that they should punish livestock thieves, handlers and hang robbers. I gave the manner in which the Government of that time went popularising an unpopular law. Few individuals went ~~th~~ round the country and made the laws we are amending today very popular. That was in the early and ~~mis~~ middle 1970s. By 1976, those unpopular laws were passed in this House. Today we are amending them and the people are happy that through these amendments sentences are being ~~gr~~ reduced, ^{and} harshness in our legal system is now becoming a thing of the past. I hope it will become so everywhere.

Mr. Speaker, Sir, it is in that spirit that I will ask my learned friend, the hon. Attorney-General, to bring an amendment to the law of evidence. That law is a substantive law which controls the methods and the manner of discharging justice both in the criminal and the civil ~~x~~ law of our land. One part of the law of evidence that deserves to be amended is that which allows the police to come with a purported confession to a court of law. In most countries of the Commonwealth and others that respect the rule of law, and which claim, as our country does, to be democratic and just, confessions taken by ~~efficeax~~ ^{are not entertained} police officers. That is because police officers merely present to the court a statement purportedly made by an accused person. Meanwhile, sometimes it may so happen that the accused person is brought to the court in a stretcher and ~~x~~ a confession ~~xp~~ produced. Even those courts of ours which agree with such confessions when the accused person is either

MR. KIOME (ctd.):

brought to the court in a stretcher or goes to there limping after being maimed-----
If a court can accept that kind of a confession from such a suspect who may have been arrested outside his house in good health like hon. Munyao or you, then that court does not know what it is accepting. It is for this reason that in some countries confessions are admitted by a court when they are made before a magistrate.

Indeed, Sir, during the colonial days, our colonial masters had it for themselves that for a confession from a Mzungu to be accepted by a court of law, as of right, must be made before a magistrate. However, if a confession came from a native, a sub-inspector of police was enough to be there for that confession to be accepted by the court. Only a sub-inspector of police was enough to record a statement that you have admitted to have hanged a man on your door. ~~These~~ Such startling admissions are hardly made by criminals; they are always suspects. I am not saying that some people may not admit having committed a crime. You may kill a person just because he has wronged you and take the panga to the police. That is well known. But, if a person does that, why can he not be taken before a magistrate so that he can record that statement. That is why I am asking that our law be amended so that torture disappears from our criminal law system and so that in the name of confessions, we do not bring to court tortured, maimed and mistreated people whose rights have been abused and people who have been subjected to abuse, degradation and all manner of mistreatment. I am not, in any way, casting aspersions on the integrity of the Attorney-General or of our police system; I am only saying that we have left them with a law that allows them to torture suspects. Next day they will torture you if we leave that loophole. That is why I am asking the learned Attorney-General of Kenya to close that one loophole for all and we have it the way Wazungus had it during the colonial ^{days} ~~system~~. Their confessions were treated differently from those of natives. Indeed, that is also what they do in Tanzania. ~~They~~ They do not accept confessions brought in by police officers.

MR. NYOIKE: Is that so?

G.4.

9.12.87.

MR. KICME: Yes. In Tanzania they only accept confessions made before magistrates. You do not come from a forest with a person and say "He admitted". As a lawyer, I do not treat that "admission", and I will never treat it, to mean actual admission; it is always suspect. I am sure that the Attorney-General will say that the courts will always treat a retracted admission as not an admission because it is retracted and, therefore, the courts should subject it to a trial within trial. I am not saying that our courts are not going to be just when it comes to a trial within trial, but I have stood in the Court of Appeal of Kenya where a very learned judge, Mr. Justice Law, said, "Where it not that confessions are part of the law of Kenya, this case should be thrown through the window". That was said by a learned Judge of the Court of Appeal and Mr. Justice Mathew Guy Muli, who is himself a judge, is aware of such situations where a court is presented a confessions which, sometimes, is only an investigation theory turning into a statement and, the ~~ex~~ suspect, after a thorough beating----- I am not saying that suspects are always beaten up, but I am ~~am~~ only saying that there can be such a possibility when the law is like that. After such a beating, if it ever takes place, the suspect signs an investigation ~~ix~~ theory and that becomes his statement. He later on goes to the gallows and is hanged as an innocent man.

END..... G.

MR. KICOME (CTD):

So, we should get out of that and become people who respect the rule of law, democracy and liberties and the rights of an individual, ^{for instance, the right to be free,} if you are innocent, until proved guilty. Why should you be touched anywhere? You should be ^{take} to court the day you are arrested without being subjected to even making of statements; you can ~~be~~ make them in court.

So, Mr. Speaker, Sir, what I am also wondering about with regard respect to these amendments - and this Bill is very good; I fully support it despite the ~~the~~ things which could have been amended, but have deliberately been left out - is an amendment here ~~in~~ ^{to} in respect of the National Cereals and Produce Board (N.C.P.B.). ^{#L} The National Cereals and Produce Board Act was passed sometime last year. It had some reasonable support in this House, if not the support of everybody. But a few of us at that ^{time} argued that this Bill was going to ~~inhibit~~ inhibit production of food stuffs, at a time when we are talking of a nation that should feed itself. This is because there was a clause, which later the ~~the~~ Attorney-General and the Minister for Agriculture ~~withdrew~~ withdrew, which had made tenants produce for landlords and also report to the landlords. Fortunately, that clause was removed. But ~~still~~ ^{be allowed to} a few other clauses, like the one which states that a farmer can only carry 10 bags of maize should have been amended at that time, so that one can carry ~~a~~ about 50 bags, because we are Africans. A few of ^{my} friends have 40, 30, or 20 children, and 10 bags of maize cannot feed your family. At least my family cannot survive on 10 bags of maize. So, at that time I argued that 10 bags should not be the case, and that we should increase the bags by a few more.

Now, one of the new amendments in respect of section 30, which has been amended, says, "On any conviction for an offence ^{of carrying 10 bags} ~~under~~ ^{of carrying 10 bags}. This means ~~for~~ an offence of, for example, carrying 10 bags. Imagine carrying 10 bags, which can fit in the boot of your ~~Mercedes~~ ^{Mercedes} Benz car, Mr. Speaker, Sir, being an offence! If you carry one more bag - to make it 11 bags - ~~in~~ ^{Mercedes} listen to what will happen to your ~~Mercedes~~ ^{Mercedes} Benz car, Sir:-

"On any conviction for an offence under this Act or any regulation made thereunder, the court may, in addition to any penalty otherwise imposed-

MR. KIOME (CTD):

- (b) order that anything seized, removed or detained or taken into charge under any of the provisions of this Act other than the maize, wheat or scheduled agricultural produce shall be forfeited:

Provided

This is in respect of certain items. Listen to the proviso; it is very elusive.

If you are carrying 10½ bags, this is what what the proviso says:-

"Provided that a vehicle, aircraft, pack animal....."

This means your ass or donkey;

"or vessel shall not be so forfeited if....."

The "if" seems to be okay, because your vehicle will not be forfeited; but it will not be forfeited if:-

"the owner thereof satisfies the court that it was used in connection with the offence without his consent or acquiescence".

Now, Mr. Speaker, Sir, can you deny that your ~~own~~ own car was carrying 10½ bags in the boot? Can you allege in any way that you did not know that it was carrying 10 bags? The answer is "no". Therefore, your car will go; your lorry will go if you are caught carrying 10 bags. This is a new amendment we are bringing in so that transporters who will be on the wheels----- You know some of my transporters in Isiolo, who own trailers, drive the trailers themselves. Imagine a trailer being forfeited when the owner is driving it because he is carrying 11 bags of maize, wheat or 10½ bags, or even one more gain.

Mr. Speaker, Sir, this is not the way to treat farmers and transporters, as if transporting goods between Nairobi and Isiolo for human beings is a crime. We argued at that time, and we repeat it today, that food should move within the borders of Kenya. It is not a crime to have a little foodstuff moving between Mombasa and Busia; between Moyale and Namanga; between Isiolo and Meru District and between Isiolo and Marsabit. This is not a crime. Food should move a little more freely. I am pleased that the Minister for Supplies and Marketing the other day said that the ~~monopoly~~ monopoly enjoyed now by some of the parastatals will be reduced, so that others can also deal in the trade of ~~xxxx~~ essential foodstuffs. That is yet to come. But before that comes, why do we bring this type ^{of} punishment? I believe that this whole clause should be removed completely. It is highly punitive and very unnecessary. I am sure that not very many hon. Members wanted.

MR. KIOME (CTD):

it. I do not know whether the Attorney-General wanted it, because he ^{is} aware of it.

Mr. Speaker, Sir, that is ^{why} all I am asking ^{that} ~~for~~ ^{is} ~~for~~ ^{go} as we now for Christmas; as we go ~~else~~ elsewhere, when we speak about law and the good administration of this country, people should not mix what is popular and what is unpopular. Leaders should not mix what the people of this country want and what they themselves want. If you want to kill me, - and you want it - do not hold a public rally and say that you are going to kill hon. Kiome. That is your wish, which the people do not want. So, come at night, kill me, a burry me and forget ~~f~~ about that. Those people will not riot or complain. That is what I mean by mixing the popular thing with the the unpopular ~~is~~ one. ~~You~~ You should not claim that what you want is popular.

Mr. Speaker, Sir, I am saying ^{this} because of the example I ~~gi~~ gave earlier. ~~KE~~ We were told that the laws we are amending were very popular in 1975/76, when somebody had a very big farm full of cattle in K Nakuru. When you own a very big ranch in Nakuru, you want all your neighbours put in for seven years if, by any ~~ex~~ chance, they enter your farm and take away one cow. Why do you do that? Why should anyone urge things, ~~is~~ say things, or decide things which ~~may~~ people do not want and say, "These are the popular things that Kenyans want"? This is very wrong. I am sure that as my friends enjoy a merry and good ~~Christmas~~ Christmas - and I hope we will also have a prosperous New Year - will also support me in this appeal, that we should go and pray so that the leaders of this nation should not mix the popular and the unpopular things.

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

MR. OMIDO: Mr. Speaker, Sir, I am very unhappy with this Bill. This is because the Bill falls far too short in the protection of the working people in this country.

Mr. Speaker, Sir, it is true to say that all the wealth in this country, including that which has been robbed and taken abroad, is made by the workers of this country. ^{These are the} people who till the land, plant the coffee, ~~the people who~~ ~~pluck~~ ~~the coffee~~ and load the coffee into the ship. This amendment has been very, very unfair to these people.

Mr. Speaker, Sir, let me now refer you to the Workmen's Compensation Act.

(END)

Offen

MR. OMIDO (Ctd.):

Mr. Speaker, Sir, if you look at page 453, you will find that Sections 7 (1) and 8 (1) of the ~~XXX~~ Workmen's Compensation Act, which this amendment proposes to replace, provides for a sum equal to 54 months' earnings. However, the present amendment provides for 60 months which is intended to make the workers feel that they have been catered for. It is not true to say that the workers have been properly catered for. This House knows that where total incapacity has arisen, some people have gone to court and have been awarded millions of shillings. The Attorney-General knows that our workers, at the moment, earn very low wages. Take for example, a worker whose minimum wage, according to the General Wages Order, is less than Shs. 600/- per month. Mr. Speaker, Sir, if such a worker is involved in an accident, and has suffered total incapacity, he is given only his 60 months earnings. He may be a young worker with three or four children to bring up and educate. How is this compensation of 60 months' earnings going to assist him? What is Shs. 36,000/- or even Shs. 40,000/- going to do to assist him? The amendment ^{has} ~~is~~ also failed miserably.

MR. SHIKUKU: It has failed hopelessly.

MR. OMIDO: Yes, it has failed hopelessly to ^{protect} ~~protect~~ the workers. I have said many times in this House, and it was only last week when I appealed to the Attorney-General, to amend the law which provides that when a worker is arrested and detained in the cell for any reason, and is not released within four days, he loses his job. I would expect the Attorney-General to come forward and bring that amendment today.

Sir, there is also the question of casual workers. In our country at the moment, with the severe unemployment problem, the employers have resorted to employing casual workers. When ~~is~~ this worker suffers total permanent incapacity, he is left to the gods to look ~~after~~ after him. Mr. Speaker, Sir, is that being really fair? This is somebody who should feel that he is also living in his own ~~country~~ country, and that he is working for the Government which cares for the Welfare of Society and the Just Government of Men".

I am sure that the Attorney-General, who is a good friend of mine, and whom I know can do a good job, will rethink, withdraw this particular amendment and replace it with a more favourable one which will really benefit the workers in this country.

There is also the question of the Trade Union Act which provides that if a trade unionist has been found guilty in a court of law for committing a fraud, then he is automatically disqualified from being a trade union leader. Mr. Speaker, Sir, who does not know that many people in this country who have stolen millions of shillings can still come to this House as hon. Members and even become Ministers?

THE ATTORNEY-GENERAL (Mr. Mali): On a point of order, Mr. Speaker, Sir. That is a very serious allegation. Apart from the contribution that the hon. Member is making, fraud is a very serious offence and if any trade unionist commits such an offence, surely, he cannot be deemed to be good enough to continue as a leader of the trade union movement.

MR. OMIDO: Mr. Speaker, Sir, I am not defending thieves because I am entirely against thieves, and anybody who steals should face the consequences of the law, whether he is a trade unionist or not. All I am asking, Sir, is why trade unionists are discriminated against? Why must they be disqualified from holding office? Why is everybody ^{else} not disqualified?

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I think the hon. Member has a point there. I do not know whether I heard him right, but I think he did say, and I stand corrected, that he is aware of people who have ~~been~~ stolen large sums of money - -

AN HON. MEMBER: Millions!

MR. SHIKUKU: Yes, millions of shillings. He said that these ~~people~~ people have even managed to come to this House as hon. Members and some have even become ~~Ministers~~ Ministers. I thought I heard him saying something like that.

MR. OMIDO: Mr. Speaker, Sir, I did not say that. What I said was that the trade unionists are being discriminated against. Other people have stolen millions of shillings but they could still come to this House. That means they can contest elections and be elected to this House. This is what I am saying. Why can these people not be dealt with in the ~~very~~ same way as the trade unionists?

~~Mr. Speaker, Sir, now we~~

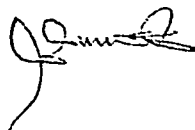
THE ATTORNEY-GENERAL (Mr. Kuli): On a point of order, Mr. Speaker, Sir. I think we ought to ~~xxx~~ put the records of this House correct. No person will be allowed to contest, or stand as a candidate, if he has committed an offence punishable with imprisonment for over six months, or if he is a bankrupt and so on. So, the hon. Member is not right to suggest that anyone who has been convicted of a serious offence, like fraud which carries an imprisonment of more than six months, would eventually find himself coming to this House through that door, or even becoming a Minister.

MR. OMIDO: Mr. Speaker, Sir, I hope that the Attorney-General is not serious or challenging me to substantiate this. I am saying this because I do not want to embarrass some people here, nor do I want to prejudice the chance of those whom I know are contemplating to contest in the ~~xxx~~ forthcoming General Elections. I know that some of these people are in this House and they know what happened.

AN HON. MEMBER: Even the Attorney-General is aware of that.

MR. OMIDO: Yes, I know that even the Attorney-General is aware of what I am talking about.

END I



ENMI

MR. OMIDO (ctd):

Mr. Speaker, Sir, on ~~may~~ many occasions, I have appealed to the Attorney-General to amend the laws so that employers who refuse to ~~ate~~ attend meetings convened by the labour officers meant to settle industrial disputes are promptly taken to court. At the moment, it takes ages for the ~~the~~ labour officers to plead with the employers to settle disputes. Settlement of industrial disputes takes very long before they are forwarded to the industrial court. The trade unions, want to do their work properly. They are ~~are~~ anxious to see industrial disputes being settled with the least possible delay, but where an employer decides to be obstinate and unco-operative, the hands of the labour officers ~~are~~ get tied. Even the Minister for Labour himself has no power to effect this. He can ^{order} an employer to go to the industrial court, but the employer can still drag his feet and say ~~that~~ that he is taking his time. I think ~~may~~ the Attorney-General should bring an amendment to deal with such situations. If we do not tackle industrial disputes promptly, we will create a situation and one day, the ~~work~~ workers of this country may get fed up and defy the law and go on strike. Many shopstewards have been sacked because they could no longer tolerate the indifferences of employers and have become victims of this situation. They have pleaded with employers and on the other side they are pressurised by the workers by ~~the workers~~ that action must be taken. The only language that such employers could understand was that of staging a strike. Therefore, shopstewards have been tempted to call for illegal strikes.

We know ~~the~~ what strikes have cost the country. If there were laws to deal with situations like this one, we would not have had such situations whereby shopstewards have called illegal strikes.

MR. MWACHOFI: On a point of information, Mr. Speaker, Sir. I just wanted to inform hon. Omido that, in fact, the labour laws of this country are so bad that employers can defile labour officers at will. An example that has been presented to this House is one where 24 ~~were~~ Workers at Voi BP Shell Station ~~whereas~~ were not paid their salaries for six months. The same matter has been brought to this House about six times and until now, the Ministry of labour has not been able to do anything at all regarding the issue, because that employer-- When he was taken to court, he ~~did~~ disappeared and went to another country, when he came back to Kenya, nothing was done to him, just because the labour laws are so weak that they cannot cater for such situations.

THE ATTORNEY-GENERAL (Mr. Muli): On a point of order, Mr. Speaker, Sir. ~~It~~ I did point out when I was moving the Bill that I am dealing with only one clause - on compensation. I did say that the labour laws are under review and will be brought here. I am happy to hear the contributions of hon. Members on other aspects which are perfectly right and normal, but the emphasis here, as I did say was to raise the levels in these clauses, but of course anyone can talk about any aspect of the labour laws.

MR. OMIDO: I would like to thank hon. Mwachofi for the information he ~~has~~ has given me. I was also going to say that apart from the laws not ~~having~~ having taken care of casual employees, I believe that the Attorney-General should work very closely with the trade union officials in working out amendments to these laws because they are the people ~~who~~ who represent those casual workers. They deal with casual workers' problems every day, and they understand their problems very well. The trade union officials would be of very great help to the Attorney-General. All he needs to ~~do~~ do is to talk to them in confidence and consult on ~~issues~~ such issues. He can benefit from their vast ~~and~~ e_xperience in the

*
MR. OMIDO (ctd):

handling of these very intricate matters regarding the casual workers.

Mr. Speaker, Sir, the amendment, also deals with the gambling. This is touched on on page 437 - The Betting, Lotteries and Gaming Act (Cap. 131). If I remember well, there was a time when gambling machines were banned ~~from~~ⁱⁿ this country and this falls under ~~this Act of~~ Gaming Act. If you walk along some streets in ~~Es Eastleigh~~^{and in Road} River Road, ~~you will see~~^{that} ~~some~~ machines are coming back in great numbers. ~~When~~ When school children are given some ~~bank~~ money for bus fare to go to school, some of them do not go to school, instead they rush to these machines to gamble. ~~The~~ The decision to ban the gambling machines in this country was a very wise one ^{and} ~~which~~ was applauded ~~the~~ throughout the country when the President made the announcement. Many parents took the announcement with great relief, but today, their joy seems to be short lived, because the machines are coming back to Kenya. Why ^{the} is ~~this~~ situation like this? I think it is because some people want to make money at the expense of our community. This is not fair, ^{and} ~~that~~ ^{not} we should ~~sacrifice~~ the community in the interest of a few individuals who want to enrich themselves. I believe the ban should be made legal and it should be strengthened instead of being eased, ~~even~~ because even the charge has been reduced.

This idea of easing the ban of gambling machines promotes gambling. Are we really serious ^{in saying} that we should have ~~even~~ an orderly society, ~~pure~~ a pure society or are we getting a society of gamblers, so that when they have money, they go to gambling. instead of using that money for the upkeep of their families?[?]

This is an unfair situation, and I think the Attorney-General should reconsider that ~~the~~ clause ~~in~~ in the law and abolish it all together or ~~be~~ formulate another law which will control or eliminate this question of gambling adequately.

MR. OMIDO (CTD):

As a trade unionist, I would like to once again appeal to the Attorney-General to do the following: While he is working out these amendments-- I have already suggested that he consults with the trade union movement officers. The other thing which is burning to the workers ^{and} which I have severally said here, is ~~not~~ ^{that} that one of ~~the~~ trespass. Workers who genuinely cross the railway line to go ^{to} ~~and~~ work by turning the machines in the industrial area so that production can go ahead and hence economy of the country can improve ~~has~~ have become constant victims of trespass. It is time that an amendment was brought here now to cater for such cases. If The amendment should not take another five to ten years to be formulated.

~~-----~~ I believe the Attorney-General will take that issue into account.

Mr. Speaker, Sir, the Penal Code (Cap.63) on page 436--
on this amendment,
I do not have much to say, but I would like to say that as much as I appreciate that the offenders who steal those items listed thereon can be imprisoned between one day and 14 years, I am alarmed at the imprisonment of 14 years, because a magistrate could say that he is empowered to ~~send some~~ sentence somebody who may ~~still~~ steal a cow ~~for~~ to 14 years imprisonment.

END J.....

Mwanga

MR. OMIDO (ctd):

Mr. Speaker, Sir, last week, we passed an amendment ^{to} ~~on~~ foreign exchange control ^{Act} and it was recommended that the sentence for those who default will be 10 years imprisonment. Even if I have stolen millions or billions of shillings, I will go to jail for only 10 years while the person who stolen a hen could go to prison for 14 years. The Attorney-General should also give further attention to that law. To be imprisoned for 14 years for such an offence is totally unacceptable because we are all human beings. For example, if I appeared before a magistrate whose brother's hen or goat I stole, he could sentence me to jail for 14 years when somebody who stole billions of shillings from Government coffers could go in for less years. I would like to appeal to the Attorney-General to have a look at those sections of the law and try to incorporate those that the trade unions and the workers in this country feel so strongly about.

I beg to support.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): On a point of order, Mr. Speaker, Sir. I rise to ask the House if I shall be in order ^{move that} ~~to call upon~~ the Mover ^{be now called upon} to reply because we have heard enough on this Bill. Since the time of the Adjournment Motion is nearing, I would like to ask the House to give the Mover a chance to reply.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. We are supposed to start debating the Motion for the Adjournment at 4.30 p.m. Even if a closure is moved, we cannot even go through the Committee Stage and in any case, we have organised to block it because it is by leave of the House. Why does the Assistant Minister not let us have our time?

MR. SPEAKER: Order! I think I will leave it to the House to decide.

(Question that the Mover be ^{now} called upon to reply put and negatived)

MR. BOMETT: Thank you, Mr. Speaker, Sir, for allowing me to say a few words to this very important Bill which seeks to amend parts of our laws.

I would like to say that most of the amendments are very welcome indeed and some of them are long over-due. I would like to concur with the amendment which talks about the ^{Penal Code} ~~existing law~~. I would like to refer to a section in the Bill which reads as follows:-

"...Any person found armed with any dangerous or offensive weapon in circumstances that indicate that he was so armed with intent to commit any felony...."

During the course of their contributions, I did gather that certain hon. Members feel that the period of ~~13~~ 14 years imprisonment with coporal punishment is a bit too much. We must be realistic. We are not talking of a situation where we are handling normal people. Quite a number of Kenyans who should enjoy themselves and ^{have} ~~the usage~~ of their properties have been molested and interfered with. For example, recently a retired district officer and his wife were molested and beaten up. When we talk of being soft, I do not know what we are talking about. We must protect the people of this country. The people who elected us to this House would like to have peace; they would like to go to bed ~~straight~~ at night and sleep without fear. They would like to go round and do their businesses without fear. We cannot do this if there are citizens who are bent on attacking us at night while we are asleep and stealing our properties. I feel that a sentence of 14 years is very little. I would like to say that coporal punishment in that situation is very pertinent and right. This is because these people disturb the people, throw stones at doors, open doors by force and steal. In fact, they do not only want to steal but to kill also.

This morning I was told of a case of a student who came back from Britain recently. He had just started working and was living in Kariobangi. Thieves came to his house last night and killed him. When we talk of this 'soft' attitude, we should know that we are not talking about dealing with normal people. We must give these bad elements in our society what they deserve.

I would now like to touch on the question of ~~stealing~~ livestock theft. To say that stealing a goat is a small thing, is bad enough. Some people have one goat as a sole property. I am quite sure that the people I represent would not like anybody who steals goats to be left unpunished. They should be punished severely. The punishment should not only be meted to those who steal goats, sheep and cows but also to the clever officers who stay in public offices who steal millions of pounds which are earmarked for the development of this country. I asked that question last time when we had a Kanu meeting in Mombasa and I was told that there is adequate punishment for such people. I would like to say that we do not have adequate punishment ~~z~~ for those people. This is because if we did, people would not be stealing the way they are doing now.

MR. SHIKUKU: On a point of information, Mr. Speaker, Sir. I would like to thank the hon. Member for giving me this opportunity to inform him. There was a feeling that those who steal large sums of money, must be sent to court, be convicted, sent to jail and on completion of their jail term, they should re-pay such monies failure to which, they should be sent back to jail. The Attorney-General has not brought that amendment here and it is time he should be told to do something.

MR. BOMETT: Thank you very much. We feel very strongly that the money which is contributed by the wananchi should be safeguarded. It is very sad indeed that every Sunday and Saturday, the hon. Members of this House, go out in the Republic of Kenya and organise Harambee meetings. They ask their constituents to bring in whatever money they have. That is the meaning of Harambee. Ten cents is Harambee; a goat is Harambee; a hen is Harambee. In this ^{way} we collect a lot of money which is later stolen. It was announced by the former Chief Secretary that somebody had stolen Shs.97 million and we were told that he would be punished. His name was not revealed. Has he been ~~punished~~ punished? I understand that this gentleman is now building a lot of houses somewhere in Nairobi. This man is going to enjoy this money and yet my mother is busy collecting hens every Saturday to build a classroom

in my constituency.

I think that when we bring these amendments, we should include an amendment which will deal with clever or sophisticated stealing where we use a pen and calculators instead of a spear like a man in Baringo or in any other places.

(Applause)

End K

MR. BOMETT (ctd.):

Mr. Speaker, Sir, I would now like to talk about drinking hours and liquor consumption, in general. The proposed amendment is a very welcome thing, but I still want to find out why we discriminate in this country. We have stopped the brewing of busaa, which is an African ^{brew} ~~drink~~. You cannot brew busaa without the licence of the chief; you cannot even get the licence. But why do we have a ^{brew} ~~drink~~ known as chibuku? What is chibuku; is it not busaa? Is it allowed because it is brewed by Lonrho, which is a British firm? Why are we discriminating? If busaa must be eliminated, we must also eliminate chibuku in this country equally, because it is doing a lot of harm to our people.

Mr. Speaker, Sir, there is now another drink which has come into the market in ~~the~~ the place of busaa, which is more deadly. If you go to our areas - I go ~~there~~ quite often to Pumwani and Ziwani - you find a person in a trench. You find that the person is unconscious, he does not know where he is. When you ask what he has taken, you are told that he has taken miti. Who is licensing this miti? I hope that when the Attorney-General will be replying, he will tell us ~~what~~ what miti is and who licenses the brewing of miti. Otherwise, this is discrimination.

MR. OMIDO: On a point of information, Mr. Speaker, Sir. Miti is a Kikuyu traditional drink which, traditionally, was made from special herbs which were medicinal. The drink was very good for health, but, now, because of commercial interests, people do not use the traditional herbs; they mix other things which are fatal.

MR. BOMETT: I thank the hon. Member for his information, but I do know that miti, originally, was a Masai concoction which they mixed with soup, and not the M muratina that is used by the Kikuyu. This is actually a very poisonous drink which, although I am not a doctor, I think it affects the nerves because the victim dies. You find a lot of our people sleeping on the streets and you think they are drunk and yet they are dead. I call this discrimination because, why should the country ~~folk~~ folks not be allowed to enjoy their local drink, while here there is a similar form of drink being allowed in the name of chibukú? This company uses beautiful tankers to transport this drink.

Mr. Speaker, Sir, even mnazi brew has been curtailed. We want this to be stopped. I am not encouraging the indiscriminate use of local brews; I am not saying we should have these brews. The banning of these drinks has done a lot of good in the countryside, but we must stop selling of chibuku, otherwise, the people complain and question why a foreign company should be allowed to brew that kind of ~~liquor~~ liquor.

Lastly, Mr. Speaker, Sir, because I do not want to take more of the time of the other hon. Members, I would like to say that we welcome, wholeheartedly, the stopping of foreign advocates from practising in our country. This is long overdue, and I would go further and request the Attorney-General to help us in one thing that is happening in our courts. I do not know whether it is a custom which cannot be done away with, but it causes a lot of delay. Our people would like to have prompt justice and this can only be done if justice is metted ~~out~~ out as quickly as ~~is~~ possible. Sometimes it takes two years to make a judgement on a case. That is not justice. The only way to do this is to make the courts more efficient. The only way to make them efficient is to stop this all-time method of the

MR. BOMETT (ctd.):

magistrates and judges writing everything that is being spoken in the court. You find that ~~x~~ the judges and magistrates are writing all the time. I wonder whether we should not use tape recording systems. I thought we were advanced. People are going to the ~~stars~~^{moon}, and we ~~are~~ are still using the hand. Is there no way where we can use a tape recording system so that the matters are dispenced with quickly. [?] If this was done, courts would handle more cases in a day than they do now.

Mr. Speaker, Sir, I beg to support.

MR. SPEAKER: I will give you three minutes, Mr. Koske.

MR. KOSKE: Ahsante sana Bw. Spika, kwa kunipatia nafasi niseme machache kuhusu Mswada huu. Hikiuunga mkono Mswada huu, ningependa kuihimiza Ofisi ya Mkuu wa Sheria iendeleze na itoe maoni yanayohusika na marekebisho ya sheria. Wakati unapoendelea kupita ndivyo mambo mengi yanavyostahili kubadilishwa. Hii ni pamoja na sheria.

Baadhi ya sheria zetu zilitungwa zamani sana na nyingi zao zina kiini cha kigeni, na kwa hivyo, nyingi zao zinastahili ~~ku~~ kubadilishwa ili ziambatane na hali yetu ^{ya sheria} maisha, tukiwa wenyeji wa nchi hii. B Baadhi ^{ya} ~~zao~~, vile vile, zina dhuluma, kama vile ilivyosemwa, ~~kwa~~ na ~~ku~~ ndiyo sababu mwizi wa mbuzi anafungwa kwa muda mrefu kuliko mwizi wa gurudumu la gari ingawa, ~~ku~~ dhamani ya gurudumu ni kubwa kuliko ile ya mbuzi.

Bw. Spika, kwa vile tuko katika nchi inayotumia demokrasia, mambo yanayofikiriwa kwanza ni ~~w~~ ya wengi. Wakati huu, kuna ^{wahalifu} ~~w~~ wengi walio na nia ya kuiba pesa kuliko wale wenye nia ya kuiba mifugo. Hawa walio na nia ~~x~~ ya kuiba ~~ku~~ pesa wanastahili kupewa adhabu kali kuliko wale wenye nia ya kuiba mifugo, ambao ni wachache.

MR. KOSKE (ctd.):

Bw. Spika, bila shaka, sheria hizi zinaonyesha dhuluma ndani yao kwa sababu Mzungu alijua kwamba wezi wengi ~~ka~~ wakati huo walikuwa Wafrika ambao, kwa sababu ya ukosefu wa mahari na vyakula, walikuwa wakiiba mifugo kuliko ~~w~~ Wazungu. Kwa hivyo, wakati ~~x~~ umefika wa kuziangalia sheria hizi zetu kila mara ili ziambatane na hali yetu ya maisha.

Bw. Spika, wizi unastahili kuzuiliwa katika kila ~~x~~ hali. Kuna msemo usemavyo, kuzuia ni bora kuliko kutibu. Kwa hivyo, ~~wa~~ wale watu wenye nia ya kuharibu mali au kuua, yafaa wachukuliwe hatua kama kuna hakikisho la kutosha, kuliko kungojea mpaka watimize uhalifu wao.

Bw. Spika, najua wakati wangu uko karibu kwisha, lakini kuna jambo moja ambalo ningependa kulizungumzia. Jambo hili ni kuhusu bidhaa zilizoibiwa. Ni lazima bidhaa kama hizo zifanyiwe uchunguzi mwingi kwa sababu tuendapo katika vituo vya magari ya abiria, tunapata nguo na bidhaa nyingine za bei ya juu ambazo hazijulikani kama zimeibiwa au ~~ni~~ zimetoka wapi. Kwa hivyo, watu wakipatikana na bidhaa kama hizo, inafaa uchunguzi ^{wa kutosha} mwingi ufanywe, ~~ni~~ la sivyo ~~wk~~ watu wengi watawekwa ~~x~~ taabani bure.

Kwa hayo machache, naunga mkono.

END L

MOTION FOR THE ADJOURNMENT

MR. SPEAKER: Hon. Members, it is now time to ~~move~~
^{the}
 move the Motion for/Adjournment ~~of~~ of the House to a day other
 than the next normal sitting day, which was scheduled ^{for} (not later
 than 4.30 p.m.

THE VICE PRESIDENT, AND ~~THE~~ MINISTER FOR HOME AFFAIRS
 (Mr. Kibaki) : Mr. Speaker, Sir, I beg to Move that this House
 do now adjourn Sine-die.

Mr. Speaker, Sir, I would like to thank all ^{the} hon. Members
 for the great ~~contribution~~ contribution that they have made during
 this Session which started in the beginning of March, and ^{which,}
 as usual, ~~it~~ is coming to an end just before Christmas.
 I think we have done a reasonably good job, and we have dealt
 with many legislations and Motions, and, as a Parliament, we have
 generally given a sense of direction to the people of this nation.
 From that job, we have of course benefited tremendously from
 the leadership of His Excellency the President, who, on all
 subjects that have come before Parliament, or a subject which
 has come before the public of Kenya, he has taken the lead
 and given a firm sense of direction. That has made our ~~own~~
 own work easier. So, I know it will be in the mind of every
 one of us that as we break up we ~~do~~ wish His Excellency the
 President, and the people of Kenya who elected us to this
 Parliament, a merry ~~and~~ Christmas, and a prosperous new year.

(Applause)

Mr. Speaker, Sir, as we go home - I do not think I
 would be out of order to suggest that as Members of Parliament
 and as leaders, and since it has become a habit of Kenyans
 to speak too ^{much,} maybe, ^{us,} the time has come for/during this season

THE VICE PRESIDENT AND MINISTER FOR HOME AFFAIRS (CTD.)

of good will, to reflect that we should listen more to the people. We should listen to the people and we shall never go wrong.

I say this because in this country it has now become a habit that in every public ^{meeting} that we go to, generalised statements are made. Even references where the public ~~s~~ are supposed to be guided, they are only told about some people, some leaders, or some type of fellows who are not good. ^{Are we} ~~We~~ should not get misguided by that kind of ~~xxx~~ attitude of mind. As a nation, where our own people have been ~~ed~~ Independent for 24 years, and have seen so many problems come, and go, they would rather ^{be} men and women who are courageous enough to name names, so that when they are talking of any person who is doing any misguidance, whether of a co-operative society, a party or anything, they give the name of the person. Today we even have few leaders who, in various meetings, confuse the public because they are only brave enough to talk about "some people." They talk about mysterious people who are supposed to be planning and doing things. Above all, I think

Mr. Speaker, Sir, above all, I think, as leaders, it is our duty not to create a ~~xxx~~ sense of fear. We know that in all those years of Independence, there has never been greater unity than we have today in the political sense. The reason is ^{that} ~~because~~ there ~~has~~ is no ideological or any other fundamental political division today in Kenya. The divisions that are there are only of two kinds, ^{there is} the normal competition between healthy politicians, each of whom thinks he has more right to lead than the other, and those matters are always determined by the people. I am sure that the people will ~~we~~ know, and determine, judge and conclude who are the right leaders at the right moment. The other kind of differences ~~that~~ are found ~~are~~ between individuals who want to take the

THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS (Ctd):

the law into their own ~~in~~ hands, including rules of the Party, and to misuse them to help themselves. The rest of us, ~~as-fed-up~~ Kenyans, have a perfectly democratic system. We have a leader who keeps on reminding us of this.

Sir, just this afternoon at Karatina, our own President reminded us that it is us, as Kenyans, who will choose the leaders ^{we} they want; those were his words. That shows that he has faith in the people he leads. The people, in turn, love him and have faith in him. However, day after day, there are smaller politicians in this nation who create a sense of despondency. Whenever they stand up, they are ~~in~~ imagining that there ^{must be} are people with machinations and so on. Such politicians are characters who cannot stand on their own feet; unless they are able to abuse another person. This is because they have nothing original to contribute from their own heads. So, we really must ^{be saved} desist from ~~associating with~~ such people.

Hon. Members, when you are home, will ~~you~~ you please pray, particularly during the Christmas season, that as Jesus did come to save us from so many other ~~sins~~ sins, He may also save us from the deeds of the type of politicians I have mentioned here.

With those few remarks, I beg to move.

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Lalampaa):

Ahsante sana, Bw. Spika, kwa ~~ni~~ kunipa nafasi hii ili nami niiunge mkono Hoja hii.

Bw. Spika mimi nakubaliana na Kiongozi wa shughuli za Serikali kwamba sisi wote wahe. Wabunge ~~tunamta~~ tunamtakia Mtukufu Rais; ~~ni~~ sikukuu ya Jamhuri yenye furaha na tena merry Christmas and a happy new year. Pia ningependa kuwaoba watu wote wa Kenya pamoja na viongozi ~~wawe~~ wazalendo katika nchi hii yetu. Nasema hivi kwa sababu tumekuwa na ~~mtiri~~

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Lalampaa)(Ctd.)

mtindo katika nchi hii wa kukubali kutumiwa na wageni.

Hili ni jambo ~~mbaya~~ sana. Sisi wananchi wa Kenya tunapaswa nyingine, kufahamu kwamba hatuna Kenya ~~haya~~, tuna Kenya moja tu, *Kwa hivyo* ~~na~~ tusiwakubalie/watu wa nchi ya Libya au nchi nyingine kututumia kwa manufaa yao binafsi. Ni jambo la kusikitisha kabisa kuona kwamba kuna ~~wax~~ wananchi wa Kenya ambao wanakubali kutumiwa na wageni. Wakoloni walikuwa wakitutawala, ~~x~~ lakini, tumeunyakua Uhuru wetu. Ni jambo la kusikitisha, na la aibu kwetu kama tutaendelea kutumiwa na wageni kutoa siri za nchi yetu. Kwa vile hatuingilii mambo ya ndani ya nchi nyingine, hatutaki mtu mwingine au kundi la watu, au nchi yoyote ~~kwing~~ iingilie mambo ya ndani ya Kenya, hata Libya.

Bw. Spika, tunapaswa ~~kw~~ kwendelea kumuunga mkono Mtukufu Rais, chama kinachotawala cha Kanu, na tuipelelezi nchi yetu. Wengi wetu hatutaki kuwa ~~wakim~~ wakimbizi wa ^{joyote} siasa katika nchi nyingine, na hatutaki kuifanyia nchi nyingine ~~lupelelezi~~ katika nchi yetu hata ~~x~~ ikiwa tunalipwa pesa. Hata kama unalipwa ^{na uwe wakimbizi,} bilioni, hakuna haja ya kupoteza uzalendo wako: Mtu akiwa ^{ukiubizi} katika nchi ya kigeni, na hizi bilioni na yeye ni ~~mkim~~ ~~mbizi~~ wa siasa, hiyo pesa ni bure tu. Ni ~~afadhali~~ afadhali mtu aishi katika nchi yake, hata kama yeye ni masikini anayekunywa uji bila chumvi, lakini ~~awe~~ ^{analala} ~~na~~ ~~hata~~ kwa usalama. Hakuna mtu mwingine ~~ta~~ atakayesema 'look at that person' ambaye anatangatanga katika nchi za watu wengine. Watu wengine wamekubali kutumiwa na nchi nyingine kwa sababu wanapewa pesa ili watoe habari kuhusu nchi yetu. Hii ni aibu kwa watu wanaofanya hivi. Tungependa sisi wote tuwe wazalendo; watu ^{wanaoipenda} wanaopenda ~~x~~ nchi yao, Watu wanaojua wanakotoka na wanakokwenda, ~~xn~~ na wanataka kufanya nini wakati gani.

(END....M)

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Lalampaa)(contd.):

Sisi tunaendelea katika nchi yetu na bila shaka, tuna maadui ambao wanatuonea kwa sababu ya utulivu wa kisiasa ambao umeletwa na uongozi wa busara wa Mtukufu Rais. Si rahisi kupata hali kama hii kwa urahisi katika bara hili na hasa katika nchi za African Pacific and Carribean kwa jumla. Tumebarikiwa na Mungu na tuna-mshukuru kwa kutupatia kiongozi kama Mtukufu Rais, Daniel Toroitich arap Moi ambaye anaelewa na anawapenda watu wake. Ni wajibu wetu kuhakikisha kwamba tuna amani katika nchi hii. Hii ni kwa sababu mambo yakiharibika katika nchi hii, hiyo haitakuwa shida ya mtu mmoja, itakuwa shida ya Wakenya wote. Kwa hivyo, ni wajibu wetu wote; walio na madaraka na wale ambao hawana, wakulima, wafanyabiashara, wanasiasa, wafanyakazi wa Serikali, wananchi wa kawaida, wakubwa kwa wadogo, maskini na matajiri. Sisi sote tuna-stabili kulinda amani ili umoja na ufanisi ziendeleo katika nchi yetu.

Kwa hayo machache, Bw. Spika naiunga Hoja hii mkono.

(Question proposed)

MR. MWAVUMO: Ahsante sana Bw. Spika kwa kunipa nafasi kumuunga mkono Makamu wa Rais na Waziri wa Mambo ya Nchini juu ya Hoja hii.

Jambo la kwanza ambalo ningependa kusema ninapomunga mkono Makamu wa Rais na Waziri wa Mambo ya Nchini ni kwamba tumekuwa na majadiliano na ushirikiano mzuri. Ni matumaini yangu kwamba sisi sote kama Wabunge tukienda kupumzika, Mungu atatujalia na tutarudi wote.

Jambo la pili ni kwamba ilikuwa/wajibu wa kila Mbunge ni kuleta maswali katika Bunge hili na Mawaziri kuyajibu maswali yaliyoletwa.

/Mr. Speaker left the Chair/

/Mr. Deputy Speaker, took the Chair/

Nasema hivyo kwa sababu kuna taabu kubwa ya maji katika

MR. MWAVUMO (CTD.)

^{sana}
 mawakilisho yangu. Kuna taabu kubwa ~~ya~~ ya maji katika sehemu ya Mtongwe, Wananchi walitia mifereji katika ~~mu~~ nyumba zao miaka mingi iliyopita lakini mpaka leo - na ~~na~~ nilimwambia Waziri ~~na~~ jambo hilo wananchi wa Mtongwe hawapati maji wakati wa ~~na~~ mchana. Ni jambo la kusikitisha kusikia kwamba sehemu hiyo haina maji ingawa tuna kikosi chetu cha wanamaji ambao wana matanki ya maji pamoja na magari na wanaweza kuwapelekea wananchi maji. Pia tuna vijana wa Huduma ya Taifa ambao wana malori. Ningemwomba kupitia kwako Bw. Naibu Spika, Waziri awaambie hawa wanamaji na Vijana wa Huduma ya Taifa watusaidie kwa sababu ^{inakuja} ~~kika~~ sikukuu ~~inakuja~~ na kukaa bila maji ni vibaya sana. Sisi watu wa sehemu hiyo tunapata taabu sana.

Vile vile, ningependa kuipongeza Manispaa ya Mombasa, kwa sababu nimesoma katika magazeti kwamba itatuma ujumbe kuja kumuona Waziri juu ya kivuko. Ni matumaini yangu kwamba Wizara itafanya kazi ~~ka~~ kwa bidii na kwa haraka kwa sababu ya usalama wa wananchi. Jambo lingine ~~ni~~ ^{juu ya vyoo vilinye} ambalo ningependa kuzungunzia ni ~~kwamba~~ ^{kwamba} katika ^{katika} ~~vivuko~~ hivi vya Likoni na Mtongwe, Manispaa wana vyoo. Sasa ni karibu miezi mitano tangu vyoo hivi vifungwe. Jambo la kusikitisha ni kwamba hawa wafanyakazi wa kuhudumia vyoo hivi huja kila asubuhi na kukaa huko bila kufanya kazi yoyote, na hali vyoo vimefungwa. Ni matumaini yangu kwamba wale wanaohusika watafungwa vyoo hivi ili wananchi waanze kuvitumia.

Jambo lingine ambalo ningetaka kutaja ni kwamba ~~na~~ Manispaa ya Mombasa imeanzisha Scheme moja ^{inayoitwa} ~~na~~ Site ~~and~~ Service Scheme. Hata kama Manispaa inataka kufanya jambo zuri, ingekuwa ni bora kama wangewaeleza wananchi faida ya mradi huu. Nilazima maendeleo yote yaanze ~~viji~~ vijijini. Sisi tumeishi katika sehemu hiyo kwa miaka mingi. Wananchi wenyewe wanaamini kwamba hao si maskwota kwa sababu wameishi hapo na ~~----->~~

MR. MWAVUMO (contd.):

nchi hiyo ni yao. Scheme hiyo imekwishaanzishwa na wanaendelea kufanya maendeleo ya aina mbali mbali. Wamekuza mimea kama minazi, mikoroshu, michungwa na kadhalika. Vile vile kuna makaburi ambapo wanawazika watu, ambayo hayakufikiriwa. Ni jambo la kusikitisha kuona kwamba makaburi haya hayakutiwa maanani wakati wa kuanzisha scheme hii. Scheme yenyewe haikutia mimea na mipango mingine maanani. Ingawa mpango utaleta manufaa kwa wananchi, ingefaa waelezwe faida yake kwanza. Sisi kama wananchi tunaona ^{kama} ni tunao-
newa ingawa mwishowe ni sisi ndio ambao tutafaidika.

Bw. Naibu Spika, ninawapongeza Mawaziri ambao wamepata nafasi ya ^{kuyatembelea} kutembelea mwakilisho yangu kuendesha mipango ya maendeleo. Ningewauliza Mawaziri wengine na hata Mawaziri Wasaidizi waanze kututembelea na kuona kama yale mambo ambayo tumepitisha hapa, yanatekelezwa na maofisa wao. Ni jambo la kufurahisha sana kuona kwamba Serikali yetu ambayo tumeichagua imefanya kazi kubwa sana ikiongozwa na Mtukufu Rais. Sisi nasi kama alivyosema Makamu wa Rais ^{na Waziri wa Mambo ya Nchini} tutawaelimisha na kuwaeleza wananchi mambo yote ili nchi yetu iwe na usalama kwa sababu tunataka amani na usalama katika ^{nchi hii.} hali.

Kwa hayo machache naunga mkono.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo):

Ahsante sana, Bw. Naibu Spika, kwa kunipa nafasi hii ili nimuunge mkono Mtukufu Makamu wa Rais na Waziri wa Mambo ya Nchini na ambaye ni Kiongozi wa Shughuli za Serikali kwa vile alivyoipendekeza Hoja hii ya kuliahirisha Bunge.

Ninakubaliana naye kabisa, na ninamuunga mkono kwa kumshukuru Mtukufu Rais kwa kutuongoza ^{Vyema} vema kwa miaka hiyo yote - karibu miaka 9. Hakuna zawadi nyingine ambayo tunaweza kumpatia ijapokuwa kumwomba Mungu ~~xxxx~~ azidi kumlinda awe na afya njema

N.4.....9.12.87

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo)(contd.):

ili atuongoze tufikie ufanisi zaidi. Naungana na wale ambao walinitangulia kwa kumtakia Jamhuri na Krismasi njema na mwaka mpaya / ~~mpaya~~ ^{mpya} / ~~yenye~~ ^{wenye} baraka na ufanisi mwingi.

Vile vile ningependa kukushukuru / ^{Bw. Spika,} wewe pamoja na naibu wako. Pia namshukuru Makamu wa / ^{Rais na} Waziri wa Mambo ya Nchini ambaye pia ni Kiongozi wa Shughuli za Serikali pamoja na naibu wake, ~~kwa~~ pia nawashukuru Wabunge wote kwa sababu ya kazi nzuri tuliyofanya mwaka huu.

Bw. Naibu Spika, kwa sababu wakati huu ni mfupi, kuna jambo moja tu ambalo ningependa kuongeza. Tunapoenda likizoni, ningemuuliza Waziri wa Mazingira na Mali ya Asili ashauriane na Ofisi ya Rais, kupitia kwa wakuu wa tarafa, na wakuu wa mikoa kuona kwamba wale watu wanaoishi katika misitu wamepewa makao maalum. Waziri alisema hapa asubuhi kwamba tuna misitu michache sana hapa katika Jamhuri ya Kenya, na ninajua hii ni kweli, Ni asili mia tatu peke yake ya nchi yetu ambayo ni misitu na tungependa kuiongeza. Mimi sipendelei kusema kwamba / ^{watu} wanaweza kuishi katika misitu. Kwa sababu hawa pia ni binadamu na wanazidi kuzaa, na wangetaka maendeleo na kupewa makao maalum. Kule kwangu Baringo ya Kaskazini sasa watu hawana la kufanya kwa sababu wanaishi ndani ya misitu. Misitu haiwezi kulindwa kama kuna watu wanaoishi ndani yake. Tungetaka Serikali itafute njia kupitia Wizara hiyo na Wizara ya Ardhi na Makao kuona kwamba hao watu wametafutiwa mahali pa kuishi. Kama kuna mashamba kama haya ya Agricultural Development Corporation basi hawa watu wanaweza kupelekwa huko. Sisemi kuhusu Baringo peke yake, bali naongea kuhusu mahali popote ambapo hawa maskwota wako. Hii ni kwa sababu wanazidi kuongezeka. Tukiwacha ~~vzax~~ wazidi kuzaana huko, kutakuwa na shida kubwa sana siku za usoni.

End N

THE ASSISTANT MINISTER FOR HEALTH(Mr. arap Cheboiwo)(ctd);

Bw. Naibu Spika, tusipoyatekeleza mambo haya kwa wakati huu hali itazidi kuwa mbaya. Katika sehemu yangu kuna msitu mmoja unaojulikana kama Katomok karibu na Kabartonjo. Ni watu wapatao 13 ambao walianzisha makao yao katika msitu huo lakini sasa kuna 200 ambao ~~wanaoishi~~ wanaoishi katika sehemu hiyo. Ikiwa hatuwezi kuwafanyia mipango mizuri hao watu 13 au 200 tutawezaje kuwafanyia mipango w idadi yao itakapofika watu 1,000? Kwa hivyo ningeeomba kwa unyenyekevu jambo hilo lipate kuharakishwa.

Jambo lingine, Bw. Naibu Spika, linaihusu Wizara ya Uchukuzi na Mawasiliano. Ninaishukuru sana Wizara hii kwa sababu imetengeneza barabara ~~ya kutoka~~ yetu hadi pale Kabartonjo. Kwa hivyo pesa zikipatikana Wizara inaweza kuendelea kuitengeneza barabara hiyo hadi Kipsaraman na Bartabwa ili iungane na ile nyingine. Pia ingefaa watengeneze daraja inayohitajika ili barabara hii iendeleo kujengwa kuelekea Elgeyo-Marakwet.

Kama ~~mbunge~~ vile Mbunge ~~wa~~ mwingine alivyosema hapa, maji na miti ni uhai. Nina furaha kumwona Waziri wa Ustawi wa Maji. Pia ningependa kumshukuru kwa kuitembelea sehemu yangu hivi majuzi na alijionea mwenyewe vile taabu ya maji katika sehemu hiyo ilivyo. Sisemi kwamba ni katika sehemu yangu ~~ambako~~ ambako tunakabiliwa na ukosefu wa maji. Sehemu za North Eastern Province, Narok na Kajiado kuna shida ~~ya~~ ya maji. Kwa hivyo yafaa mabwawa yajengwe kwa wingi na vile vile yale ya zamani rekebishwe ili ~~wananchi~~ ~~wananchi~~ wananchi pamoja na wanyama wao wapate maji. Pia ningependa kusema kwamba tunasubiri kwa hamu kutekelezwa kwa ile Scheme ya Kabartonjo. Kwa hivyo tunaitakia Wizara inayohusika kila la heri ili iweze kumaliza kazi hiyo haraka iwezekanavyo ili ~~wananchi~~ wananchi wapate maji. Hii ni kwa sababu kwa hivi sasa ofisi ya Mkuu wa Tarafa haina maji. Pia watu wa sehemu ya Kabartonjo wanakabiliwa na shida ya maji. Shule zote zinakabiliwa na shida ya maji. Wizara ya Afya imejenga kituo kizuri

THE ASSISTANT MINISTER FOR HEALTH(Mr. arap Cheboiwo)(ctd);

lakini kituo hicho cha afya kinakabiliwa na shida ya maji. Kwa hivyo ni matumaini yangu kwamba, kama vile Waziri alivyosema, shida hii ya maji itamalizika mapema mwaka ujao.

~~Kwa~~ Bw. Naibu Spika, kama vile Makamu wa Rais na Waziri wa Mambo ya Nchini alivyosema, ni lazima ~~tuheshimiane~~ tuheshimiane. Hii ni kwa sababu heshima is a two-way traffic. Ukiniheshimu nami nitakuheshimu. Haifai kutukanana na kuharibiana sifa. Hii ni kwa sababu jambo kama hilo ni kinyume cha matakwa ya Nyayo.

Kwa hayo machache nawatakia Wabunge wote ^{likizo} likizo yenye furaha. Naomba kuunga mkono.

MR. GALGALLO: Ahsante sana, Bw. Naibu Spika kwa kunipa nafasi ili niweze kuungana na Wabunge wenzangu kusema machache juu ya Hoja hii. Ningependa kumshukuru Mtukufu Makamu wa Rais na Waziri wa Mambo ya Nchini kwa vile alivyoipendekeza Hoja hii. Yeye alitoa mawaidha mazuri sana. Vile vile ningependa kumtakia Mtukufu Rais, na taifa lote kwa jumla, Jamhuri njema, Krismasi njema na ~~Mwaka~~ Mwaka Mpya wenye furaha. Sisi ~~kata~~ kama Wabunge katika Bunge hii tumeuliza Maswali na kujadiliana juu ya mambo mengi sana katika Bunge hii mwaka huu.

Ningependa kuichukua fursa hii kuwakumbusha Mawaziri mambo machache ambayo yanaleta shida katika sehemu yangu. Sehemu ya Moyale na Marsabit District kwa jumla ni kavu sana. Hii ni sehemu ambayo, kama nyingine nyingi, haikujaliwa kuwa na mvua nyingi. Hizi sehemu kavu yafaa zipewe nafasi ya kwanza katika mipango ya maji chini ya ule mpango wa Arid and Semi-Arid Areas Development Programme. Ingawa mpango huu ~~na~~ umeanzishwa na Serikali sisi bado hatujapewa nafasi nzuri katika mpango huo. Kwa hivyo ~~na~~ mimi naomba tupewe nafasi ya kutosha. Hii ni kwa sababu sehemu yetu ni ka_yu sana Tukipewa nafasi ya kwanza tutapata maji ya kutosha na sisi pamoja na mifugo yetu tutafaidika sana.

Bw. Naibu Spika, katika mwaka huu wa matumizi ya ~~fa~~ pesa za Serikali Wizara ya Afya ikishirikiana na shirika la ~~Swedish~~ Swedish International Development Agency ilikuwa na mipango, kufikia mwezi Oktoba, ya kuanzisha mipango ya maendeleo katika sehemu za Moyale, na Sololo. Sehemu hizi mbili ziko katika mawakilisho yangu. Mipango hiyo ilikusudiwa kugharimu kiasi cha Shs.2 milioni. Lakini ukweli ni ~~kw~~ kwamba kazi hiyo haijaanza mpaka sasa. Wakati unaendelea kuyoyoma na ha_tujui kama pesa hizo zimepelekwa sehemu nyingine. Kwa hivyo ningetaka Waziri wa Afya ahakikishe kwamba sisi tumepewa haki yetu.

Nikizidi kugusia juu ya tatizo la maji, ningependa kusema kwamba kuna sehemu nyingine katika mawakilisho yangu ambazo hutegemea maji ya visima vilivyoko nchini ya Ethiopia. ~~Katika Kisi~~ Mashine ya kupiga maji katika kisima ~~kilichoko~~ kilichoko sehemu ya Bori katika mawakilisho yangu imevunjika. Mashine hiyo haifanyi kazi na hakuna kisima kingine ambacho kinaweza kuwasaidia watu wangu kwa maji. Kwa hivyo utaona kwamba watu wa sehemu hiyo hulazimika kuvuka mpaka hadi nchini Ethiopia kutafuta maji. Pia katika sehemu ya Godoma, eneo la Narnar kuna shida ya maji.

AN HON. MEMBER: Dodoma ni jina la mji mkuu mpya wa Tanzania.

MR. GALGALLO: Si Dodoma bali ni Godoma. Pia mashine ya kupiga maji kwenye kisima katika sehemu hiyo imevunjika. Watu wanalazimika kupanda mlima mkubwa wakienda kutafuta maji. Hii ni safari ~~ndefu~~ ndefu ambayo humchukua punda masaa tisa. Watu hawa husafiri umbali mrefu kuvuka mpaka wakielekea upande wa Ethiopia kwenda kut_afuta maji. Hii ni shida kubwa sana inayowakabili watu wangu. Watu wote wa Kenya ~~wanas~~ wanastahili kupata maji. Sehemu zote ~~za~~ za nchi hii zinahitaji kupatiwa maji kama vile sisi tunayopata maji hapa Bungeni. Kwa hivyo naomba watu hawa watimiziwe ~~katika~~ mahitaji yao.

Bw. Naibu Spika, ninajua kwamba Wizara ya Ustawi wa Maji inazifahamu shida hizi na ni matumaini yangu kwamba itafanya kila iwezalo kuona kwamba wananchi wamesaidiwa.

Kwa ~~xx~~ hayo machache, naomba kuunga mkono. Ahsante sana.

PROF. INDIRE: Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to join hon. Members who have spoken before me. First of all I would like to commend His Excellency the President for guiding this nation effectively and also for the peace that we enjoy in this country. Without peace we cannot do anything and we must be grateful to the President as we go for Christmas and also into the New Year.

I would also like to thank the Government for at least listening to some of the problems which have been raised in this House during this year. I have one particular case that I want to use as an example. We have complained in this House ~~f~~ before; that ~~next~~ pensioners have been forced to travel long distances to district headquarters in order to get their little money and have had to spend up to 50 per cent of that little money on matatu fares. It is gratifying to note that in some areas the Government has decentralised the payment of pensions and pensioners are getting their little money at the divisional headquarters. If this has not been done throughout the country the process should be hastened to cover the whole country. This is because ~~xxxxxx~~ this arrangement is very useful. I know ~~xxxxxx~~ of cases where people getting only Shs.100/- have had to spend nearly Shs.50/- on transport and they ^{only get} would keep Shs.50/- of that pension.

END.O..

PROF. INDIRE (Ctd.):

In this connection I would also like to urge the Ministry to hasten the process of working out the retirement benefits for the people when they retire. This is ^a matter of great concern to many people because when people retire, it takes them a year or more before they get their benefits. If we are mindful of other people's welfare - as His Excellency the President keeps on reminding us - we would do something to make sure that the whole process is hastened so that retiring people get their benefits on time. It is only a few people who sometimes make other people suffer. ~~For~~ For instance, within the Civil Service ^{where} when cheques are prepared, dispatching of these cheques can take many weeks even after they have been signed. The Ministry ought to look into this so that people get their benefits on time. In connection with being mindful of other people's welfare, people should not be forced by ~~circumstances~~ to stand in long queues in one central place to pay for water, electricity or for telephone services. Here, I take note of the fact that the Kenya Power and Lighting Company has started opening additional centres in different parts of the City of Nairobi. This process ought to be spread so that people do not waste a lot of their time ^{standing in queues} just to pay for water and electricity bills and so on.

The other ~~f~~ thing I would like to talk about is ^{about} the ~~re-thinking~~ ^{re-thinking} of the Ministry of Education ^{on} the whole process of representation of school committees and board of governors. Teachers, I think form the majority of the working people in ^{County Side} the ~~country~~ and they should be included in both the school committees and the boards of governors. The pros and cons of including them in these bodies should be examined so that we do not waste brains by stopping them from becoming members

PROF. INDIRE (Ctd.):

of school committees and boards of governors.

Finally, I would like to thank His Excellency the President for starting this Universities Research Fund. This is a start of a long-term collaboration between the private sector, the Government and the universities in funding research. One hopes that one method will be that of establishing a trust or an endowment fund that can be used for financing research for a long time to come in the future.

With those few remarks, I beg to support.

MR. DEPUTY SPEAKER: Yes; hon. Anyumba.

(Mr. Anyumba collided with Mr. Shikuku as he was taking the floor.)

MR. ANYUMBA: We have settled it right here like gentlemen, Mr. Deputy Speaker, Sir.

Thank you very much, for giving me this opportunity Mr. Deputy Speaker, Sir. I will only have two points to put across and perhaps third one if time allows.

First of all, I would like to-----

MR. DEPUTY SPEAKER: Hon. Anyumba, I will just caution you that you should not take advantage of your height; there are some ^{shorter} ~~smaller~~ people.

MR. SHIKUKU: Thank you, Mr. Deputy Speaker, Sir.

MR. ANYUMBA: Okay, Mr. Deputy Speaker, Sir. I have only ~~two~~ two points to make. One of them is to request my colleagues here to take with them home the message of the need to maintain peace; to maintain stability; to ensure that this country ~~become~~ prospers - if need be, by ^{hook} ~~hook~~ or crook. - as long as the end ~~reason~~ resort is peace, stability and prosperity. Without peace, we all know that there cannot be any progress and there cannot be any ^{sort of} ~~development~~ development.

MR. ANYUMBA (Ctd.)

His Excellency the President has worked tirelessly to instill in our minds the need to achieve a peaceful solution to all our problems; the need to ensure that this country remains stable so that we can achieve what we would like to achieve for our younger and future generation. This is the message I would like us all to take home in all respect.

I would also like to make an appeal to the Minister for Local Government. Unfortunately, he is not here, but I hope one of his Assistant Minister^s is here. I would like to appeal to him to think why he should not now make the Ahero Trading Centre in Kisumu District an urban centre ~~now~~. This is a trading centre which has been growing very fast. It has got all the necessary infrastructure - we have tarmac roads in the whole trading centre; we have water supply in the area; we have telephone facilities in the area. The ~~area is also the farming community residing in the area -~~ both the sugar cane farmers and the rice farmers and also other types of farmers. ^{resides in the centre} The ~~a~~ centre is also ^{trading with} ~~resided by~~ the business community but it has to depend on the ~~services~~ provided by the County Council of Kisumu. I must say that the Ministry has not done very well in respect of Ahero Trading Centre. Because of rate of growth and the size which has already been achieved by the trading centre, ~~it~~ it is therefore, only fitting that ~~it~~ it should have its own Clerk, its own housing schemes, its own staff and its own planning facilities in the area so that we do not have mushrooming ~~of~~ buildings here and there which later on become ~~untenable~~ ^{untenable} ~~in~~ in terms of present and future planning.

I would like the Minister for Local Government, during the three months' recess, which we are going to have, to

MR. ANYUMBA (Ctd.):

think seriously ^{as to} why ~~should~~ ^{should} Ahero Trading Centre ~~not~~ be given a planning council---

AN HON. MEMBER: How about Gor Mahia?

MR. ANYUMBA: Somebody is mocking me here with Gor Mahia, but I will, also say something about it. ~~That~~

My third point, because it seems time will allow me, is that I would like to ^{make an} ~~appeal~~ ^{this} to the students of our universities, especially those from University of Nairobi and Egerton University. During my days, we went ^{there} to educate ourselves; we did not ~~fa~~ go there to boycott classes. We never knew things like boycotts; we went there so as to ~~ga~~ come out with the best degree certificates that we could achieve, not ~~the~~ for the boycotting of classes which we seem to be experiencing every day, ~~and~~ especially when things are now being tied up with the ^{Libyan} ~~Libian~~ espionage activities in the country; it ^{leaves no} ~~gives list~~ confidence with the universities.

With those few remarks, I beg to support.

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Dr. Karanja): Thank you, Mr. Deputy Speaker, Sir, for allowing me to make a contribution to this Motion, and to support the sentiments expressed by His Excellency the Vice-President, who is the Leader of Government Business. In particular, I would like to support his call for us all to send ~~our~~ our best wishes to His Excellency the President for all the work that he has done for this country. ~~Because~~ of his love for Kenyan people of all walks of love, he has endeared himself to all the people in this country.

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THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY

(Dr. Karanja) (Ctd.):

The ^{Prize}~~price~~ we can give him at this time of Christmas holidays is to stay united, to be patriotic and to champion the ^{cause}~~course~~ of Kenyan nationalism.

END P.....

J.K.

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Dr. Karanja) (ctd.):

Mr. Deputy Speaker, Sir, we have heard a great deal about foreign affairs. At this stage, I would like to ask the Minister for Foreign Affairs to occasionally give the world view on international affairs in the House so that we can understand what is going on. I think, most Members of Parliament know about foreign affairs from what they read in the newspapers. Sometimes these reports could be quite misleading. The hon. Members would like to be able to contribute and, obviously, to assert and re-affirm our policy of non-alignment. They would also like to condemn those countries like Libya, and others, ^{which} who are bent on causing chaos here by exploiting our innocent ^{people / hon. Members}. They would want to tell them that Kenya is an independent country and we would, thus, not tolerate any interference in our internal affairs.

On this special note, I would like to say that many people in the world are pleased with what has happened in Washington; ^{l.c.} That is the signing of the Intermediate-Range Nuclear Forces (I.N.F.) ^{u.c.} treaty between Presidents Gorbachev and Reagan. Although this does not remove the threat of nuclear war from our midst, I think, it is something that we should commend and support. This is because all mankind want ^s to live in peace, and, thus, these nuclear weapons should really be destroyed if we are to have a safe world without nuclear weapons.

The final point that I would like to ^{make} ~~say~~ is that we have a very tragic situation in this City ~~offours~~ of Nairobi. The services have collapsed. The services in sanitation and in housing have actually almost ceased to exist. I would like to ask the Minister for Local Government to find a way in which the City Commission could be financed so that it can render services to the people, particularly, in education, health and in roads. That way,

THE ASSISTANT MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY
(Dr. Karanja) (ctd.):

we would be able to save ourselves from the collapse of the services in the City Commission.

I would like to end, Mr. Deputy Speaker, Sir, by wishing merry christmas to all my colleagues and to also wish them well when they go to their respective places and to ask them to say h_ello to the wananchi. Thank^{you} very much.

MR. MUTHURA: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to say a few words on this Motion. A lot of my thanks go to His Excellency the Vice-President and Minister for Home Affairs in the way ~~it~~ he moved the debate on this Motion. I also join him and the rest of the hon. Members in wishing His Excellency the President good health, a good Jamhuri Day and a Happy Christmas Day. These good wishes are also extended to the hon. Members

Yesterday, when an Assistant Minister in the Office of the President, and the Member for Mukurweini, was answering a Question in this House, he cautioned an hon. Member that the elections were a_round the corner.

MR. MWACHOFI: Did he know what he^{was} talking about?

MR. MUTHURA: He did! If that is so, we are going into the elections exercise a bit blindly. For example, we are going to face the queuing system of nomination. We have not yet been told what will be done if there is a disagreement between the Government officer and the candidate's agent, as far as the counting of the votes behind the candidate's agent is concerned. We have not yet been told how this problem is going to be solved. If that is the way it is g_oining to be, I think, we should have a clarification.

I say this because, ^{of the} ~~as a result~~ numerous petition cases which are taken to court after elections, that show that there are some dissatisfactions here and there. This is particularly so, when Government officers, particularly the Administrators,

MR. MUTHURA (ctd.):

decide to take sides. ~~During~~ ^{During} the last elections, the District Commissioner of my District went as far as telling some Government presiding officers that there were some Nyayo candidates in that District who were to be voted for. One of them was my opponent. This was not true. Since these officers were receiving instructions from the District Commissioner ^{whom they believed,} they went out of their way to frustrate my position. If this is the case, I am saying in case there will be elections before we come back in March, there should be fairness and it should be seen to be done. We have been told by His Excellency the Vice-President ^{and Minister for Home Affairs} that we have done a good job. If that is the case, why should we not all come back to this House?

(Applause)

So, it would be unfair for anybody to deny the hon. Member who has been ^{doing} a good job since we came back in March, this year, to come back to this House by unfair means. Let fairness be done and to be seen to be done.

I beg to support.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot): Mr. Deputy Speaker, Sir, I would want to thank the Leader of Government Business in the House, hon. Kibaki ~~for~~ for having moved this Motion in a very moving manner. It is a move that will help all of us ^{hon.} Members of Parliament to strive to work together and to assist each other in the task of nation building.

I would like to thank His Excellency the President for his quality leadership in 1987. His leadership has inspired many Kenyans to do wonderful things, including the winning ^{by} of Cor Mahia of the coveted Nelson Mandela Cup of 1987. We send warm congratulations to the Cor Mahia team through you, Mr. Deputy Speaker, Sir. We hope that they will continue to play and to put

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot) (ctc
 Kenya on the world map. We would also like to send warm wishes
 to the other football clubs in Kenya and we hope that they will
 continue to uphold the good game - football - and the good name
 of Kenya wherever they go.

Mr. Deputy Speaker, Sir, I thank His Excellency the
 President for inspiring the Harambee spirit in Kenya, particularly,
 in 1987. I am particularly thinking of the education area where
^{large} sums of money have been raised and quite a number of new class-
 rooms and workshops have been put up in every corner of Kenya.
 I am thankful about the expansion of women's education. The other
 day when we had a graduation ceremony at the University of Nairobi,
 our hearts were warmed when we saw so many women graduating. We were
 also glad to even see some graduates with doctorate degrees.

On that note, I would like to thank the Government and,
 particularly, His Excellency the President for giving women several
 opportunities this year. He has promoted many women and has placed
 them in very special positions, including that of a permanent secre-
 tary. The work they are doing will inspire many girls to aspire for
 higher education, as well as aspiring to be some of the best civil
 servants in Kenya. This trend should continue. I am wishing those
 women who have been so blessed as to be chosen to these positions
 to work hard and to ^{justly} ~~justly~~ the confidence that His Excellency the
 President has in us.

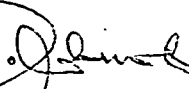
While I am on this, I would like to say something about
 Harambee contributions. There has been a little outcry in some
 parts of Kenya that some chiefs and assistant chiefs continue, in a
 small way, to coerce donors to give in Harambee contributions. We
 know that time and again His Excellency the President and all other
 leaders of Kenya have stressed that Harambee contributions are
 voluntary and should remain so. This is so that, we can
 continue to build our country. There have been →

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THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot)
(ctd.):

some cases where chiefs and assistant chiefs have taken items of
higher value from the would-be donors, to the outcry of wananchi.

END Q.....

A handwritten signature in cursive script, appearing to be 'J. Ogot', written in black ink.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mrs. Ogot)(Ctd.):

I appeal that this be eradicated because we should have the Harambee spirit in the building of our country.

Mr. Deputy Speaker, Sir, I just want to say one word ^{On} ~~to~~ the University of Nairobi. We want to send special thanks to the Vice-Chancellor, the University Council and the Senate for the manner in which they dealt with the problem that broke out at the university, when students boycotted lectures. The spirit in which those involved solved the problem was unique in that they had a dialogue with the Government, and were able to open the university very quickly. We want to tell our boys and girls, not only at the University of Nairobi but also at Kenyatta and Moi Universities, as well as in Egerton University College which received its new Vice-Chancellor yesterday, that they are Kenyans and nothing will ever change them. They should know that their mothers are tearful after learning that some politicians and other members of this community sent our boys to Libya, a foreign country, to learn how to overthrow the Government. As mothers, we pray that our sons and daughters will remain Kenyans and be loyal to Kenya.

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

MR. DDAIDDO: Thank you, Mr. Deputy Speaker, Sir. I also rise to support this Motion by saying that, on behalf of the people of Tana River, I thank His Excellency the President for having come to Hola on 25th August, 1987 and ^{holding} held a Harambee funds drive for us.

A lot of development has been ^{seen} in Tana River because many projects, such as, the Garsen Bridge, irrigation schemes, dispensaries and secondary schools were supported by the Government. I would like to emphasise what the Government has done in fighting against poachers. I especially thank the Ministry of Tourism and Wildlife for this. These ~~poachers~~ poachers have been killing our game and disturbing wananchi's peace. I request the Ministry concerned and the Government at large to make sure that that exercise continues until these poachers stop their bad activities.

I want to say a few things in asking all Government Ministries why

MR. DDAIDDO (CTD.):

so much money is being returned to the Treasury. In Tana River a total of Shs.3 million was not spent at all. This is very bad.

I request the Ministry of Agriculture to start a system of distributing mangoes to the best markets available.

The Ministry of Livestock Development should make sure ~~ix~~ that every part of the Republic, including Tana River, has enough drugs for livestock. Still on the issue of drugs, I would like to say that hospitals, health centres and dispensaries should have enough drugs. When we go home, wananchi from here and there will be disturbing us with this issue. The Ministry of Health should ensure that Government offices are clean. At the moment they are so dirty. If you go to any such office, you will find the cupboards ~~there~~ and the windows dirty, and yet the Government has employed so many subordinate staff. This is very bad.

Senior Government officers in the provinces should go to the districts to ensure that the District Focus for Rural Development Strategy is taking effect and that the projects suggested by district development committees are implemented. The Government is giving a lot of money to some of these projects but this money just disappears. We do not know where the money goes. Investigations should be carried out to find out where this money is going. I have a project in my constituency called Oda Water Project which has been given almost Shs.1 million, but the project has never been ~~str~~ started, and yet the ~~money~~ money has already been spent.

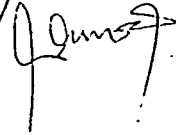
Mr. Deputy Speaker, Sir, the Ministry of Education should make sure that it sends as many vehicles and officers into the field as ~~x~~ necessary in order to ensure that the Ministry's services are well carried out. In Tana River, for example, the Education Officer there has no vehicle. How can he go round and check on schools? This is very sad. I request the Ministry concerned to make sure that that Education Officer gets enough vehicles and officers to enable him to inspect our schools. I say this with a lot of sadness because Tana River was last in the Government examinations of 1986. Perhaps, this time, the district will pull up its socks. However, as far as vehicles

MR. OTWANI (CTD.):

Government to send more security forces, the General Service Unit, if necessary, there. We promise to give them good Christmas because we would like all the people to enjoy Christmas in peace.

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

END R

A handwritten signature in black ink, appearing to be 'R. Otmani', written in a cursive style to the right of the 'END R' text.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina):

Mr. Deputy Speaker, Sir, I also rise to join my colleagues in supporting the Motion for the Adjournment.

Mr. Deputy Speaker, Sir, Kenya, under the leadership of President Moi, is a unique country in the Continent of Africa. It is unique in the sense that it has united all the ethnic groups, including races of all creeds and religions, to live together as a nation. This is one important factor or thing that Kenya has. In doing so, Kenya has earned itself a name at international level so much so that today when you speak of Kenya at international level everybody understands that it is a country to make friends with.

Mr. Deputy Speaker, Sir, Kenya, under the leadership of our President is the only, or one of the few countries which after the drought of 1984 has proved to be a very responsible nation. It is now self-sufficient in food. Indeed, it is the only country south of Sahara and north of Limpopo River that is self-sufficient in food. It has maintained its economy, and indeed its balance of payments, and also the rate of inflation. ~~has been checked~~ ^{checked}

So, Mr. Deputy Speaker, Sir, I call upon my colleagues, hon. Members of Parliament, to unite the people. They should continue uniting the people. Let us forget the little fights of political cult which always crop up here and there. Let us be responsible people. Let us continue with that spirit of Harambee which has been ^{mentioned} ~~said~~ time and again by the previous speakers. Let us visit each other and share the common knowledge that we have earned through this august House.

Mr. Deputy Speaker, Sir, I also wish to support and express my thanks to His Excellency the President for what he has started in the form of Research Fund. We need this money because our research is still fundamental. We yet have to go very far away to research into our potentiality. For instance, the resources of soil, forests and

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina)(Contd.):

our environment.

Mr. Deputy Speaker, Sir, Kenya is a nation which is expanding in population. Indeed, although China claims to have a population of 1.6 billion people, it is not expanding at the rate ~~of~~ Kenya's ^{in expanding} population. We all know that we are increasing. The birth-rate of Kenya is over 4 per cent which is alarming. With the limited resource that we have, I think, this Research Fund will help us to explore our horizon in our resources so that we can supplement the increasing population.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to suppo

MR. MWACHOFI: Ahsante sana, Bw. Naibu Spika, kwa kunipa nafasi nami niungane na wenzangu Wabunge.

Pale mwanzo wakati Makamu-Rais na Waziri wa Mambo ya Nchini alipokuwa akitoa Hoja yenyewe, tulishangaa sana kwa sababu ingawa alisema mambo mazuri lakini hakutuambia ni kwa nini Kamati ya Majira, yaani Sessional Committee, na yeye, walifikiria kwamba ni vyema Bunge liahirishwe leo badala ya kesho. Tunajua kwamba hivi sasa tunayo Miswada ambayo tayari imeshachapishwa kama vile Cotton Lint^{and} Seed Marketing Board Bill, Coffee Bill, na pia tunayo hata hii Statute Law (Miscellaneous Amendments) Bill ambayo haikuweza kumalizika leo. Hizi ni kazi ambazo Bunge linahitaji kuzifanya na kuzimaliza. Hizi ni sababu za kutosha kutokuwa na Hoja ambayo tuko nayo sasa, yaani maana yake ninasema kwamba ingekuwa vizuri kwamba Hoja hii haingelakwa ^{na} kesho tungekutana tena. Hata ikiwchezekana, tungekutana wiki ijayo ili kazi muhimu ya taifa ifanyike kwa sababu wajibu wa Bunge hili, tupende tusipende, ni kuwatumikia wananchi. Mambo ambayo yamepangwa yatekelezwe na ambayo hayakupitishwa, basi pahali yanapolala na haya-fanyiki, basi wananchi wanakosa ulc utumishi. Kwa hivyo, inakuwa ni makosa.

MR. MWACHOFI (Contd.):

Hata hivyo, Bw. Naibu Spika, mhe. Makamu-Rais na Waziri wa Mambo ya Nchini ametupatia nafasi ili tutaje machache. Ningependa kwanza kabisa kuwapongeza wananchi wote wa Kenya kwa kazi nzuri katika mwaka huu, na zaidi kuwapongeza wale ambao walishiriki katika mambo yanayohusiana na majadiliano ya Bunge. Popote tulipokuwa na sheria ambayo ilikuwa karibu kuletwa hapa Bungeni, watu kama Law Society of Kenya, National Christian Council of Kenya na kadhalika walijitokeza wazi na wakatoa mawazo yao. Hili ni jambo zuri kwa sababu linawasaidia Wabunge kujua hali iko vipi ili tukizungumza na tukipitisha mambo fulani yawe ndiyo wananchi wanataka ili tuendeleo kuwa na amani katika nchi hii.

Bw. Naibu Spika, ningependa kuichukua nafasi hii kuwakaribisha Wabunge wenzangu wakati wa likizo hii. Mahali panapoitwa "Wundanyi" hatuogopi "political tourists"! Kwa hivyo, nyote mnaalikwa tarehe 26 mwezi huu au siku ya "Boxing Day" ili mnje tufanye Harambee kule kwangu.

Bw. Naibu Spika, kuna jambo ambalo ningependa kutaja na ambalo ni la muhimu sana. Bunge hili limenyimwa heshima na Wabunge wa Viti vya Mbele. Nasema hivyo kwa sababu ahadi baada ya ahadi zimetolewa mwaka huu na Mawaziri kutokana na Mawaziri ^{Maswali} yaliyoculizwa hapa. Ahadi nyingine kati ya hizi bado hazijatimizwa, na hivi tunavyoenda nyumbani kwa wakati huu wa sikukuu wananchi wakijua kwamba kuna ahadi zilizo-tolewa na bado hazikutimizwa, huko ni kuinyima Bunge hili heshima na ni makosa kwa sababu Bunge hili ndilo supreme.

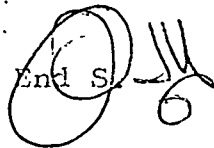
Bw. Naibu Spika, nikifuatana na jambo hilo hilo, ni jambo ambalo linaikitisha sana, na Wabunge walioko hapa sasa wataniunga mkono. Kwamba Mtukufu Rais aliamuru mambo yafanywe katika wilaya ya Taita/Taveta na bado hayajatimizwa mpaka leo. Mambo haya tunayaleta Bungeni, na mpaka sasa bado hayajatimizwa. Hii ni aibu kubwa sana. Kwa mfano, kwa kuelewa na matatizo ya watu wake katika Taita/Taveta, Mtukufu Rais aliamuru au aliagiza kufunguliwe ekari 50,000 kando kando ya mto Tsavo ili wananchi wasio na ardhi katika sehemu ile wapewe makao mwaka 1985.

MR. MWACHOFI (Contd.):

Sasa tuko mwaka 1987 - ni karibu miaka mitatu - na hakuna linalofanyika na ni mkuu wa nchi ambaye amesema mambo haya. Waziri anayehusika anapaswa azibue masikio, na akiondoka hapa aende aitaafute njia ya kuhakikisha kwamba jambo hili limetimizwa.

Jambo la pili, Bw. Naibu Spika, ambalo ni agizo pia ni kwamba Mtukufu Rais kwa kuzitambua shida za watu wake katika Taita/Taveta aliamuru kwamba mapokeo fulani yanayotokana na hifadhi za taifa, yaani national parks, yaingie katika Baraza la Wilaya. Hadi leo Baraza la Wilaya ya Taita/Taveta linaendelea kuwamaskini. Halijapokea hata senti ~~kumi~~ ^{moja} na Mtukufu Rais aliamuru, na hii ni aibu kubwa sana.

Kwa hivyo, Bw. Naibu Spika, mimi siungi mkono kuahirishwa kwa Bunge leo.

End S. 

THE MINISTER FOR FOREIGN AFFAIRS (Dr. Onyonka): Thank you very much, Mr. Deputy Speaker, Sir, for also affording me an opportunity to support this Motion.

Sir, one of the previous distinguished speakers referred specifically to my Ministry and said that there is a need for us to issue statements from time to time, indicating our assessment of the international situation and on what basis we operate. Very briefly, and this is unfortunately not the opportune time for me to do that, I would like to touch on one or two international matters. If the House deems issuing of statements from time to time necessary, then we would be ready to do so periodically. I simply want to emphasise one thing, that this country would very much wish to maintain freindly relations with all our neighbours. We have done our best to do precisely that, and we have demonstrated this in very concrete terms by extending assistance to some of our neighbours. We have, however, had one problem with one of the neighbours, namely, Uganda. It appears to us that despite our determined effort to maintain good relations with this country, it has continued to engage in activities that are not conducive to the maintenance of such relations.

(There was noise in the House)

MR. DEPUTY SPEAKER: Order, hon. Members!

THE MINISTER FOR FOREIGN AFFAIRS (Dr. Onyonka): Mr. Deputy Speaker, Sir, one recent development has left us rather puzzled as to what Uganda is up to. It has come to light, for instance, that they have been circulating documents through their missions abroad, to some of the other foreign embassies accusing Kenya of all sorts of things that we have definitely not done. If this particular country is interested in maintaining good relations with our Republic, then the time has come that they must desist from such activities because we cannot have it both ways. If they are serious about good relations, then they must not engage in such activities.

In the international arena generally, I think there is a need for us to be pragmatic. The tendency for many of the African countries has been to conduct their relations with other countries as if ~~there~~ there is a fixed format or method of approach that suits all of us for all seasons. That, needless to say, is not the

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THE MINISTER FOR FOREIGN AFFAIRS (ctd):

case. We have to be pragmatic and realistic. In my view, the crucial point here is that we must be able to assess where Kenya's interests lie. All other factors considered, what is important to us are Kenya's own interest; other things come thereafter. So, we deal with ~~our~~ ^{our} problems in the international sphere in that context, that Kenya, as a country, has its own very clearly defined interests in the East African context, in the E African context and in the international context.

Mr. Deputy Speaker, Sir, I wish to say a word or two about a new problem that affects Africa very seriously. This is the problem of external debt. I have recently attended a conference in Addis Ababa, and it is quite clear that Africa is headed for a very hard time unless international circumstances change very radically. We are in a situation today where, frankly, most of the outstanding debt which Africa owes is actually owed to governments and not to commercial banks. The balance of the debt is owed to multinational organisations and very little of that debt is actually owed to commercial banks. Only about 10 or so of the African countries qualify to borrow x from commercial banks. However, everything considered, the continent is at crossroads. We are in a situation where our foreign exchange earning capacity for ~~xxx~~ the continent as a whole is not adequate to ~~xxx~~ meet our repayments. We are, therefore, saying that even if Africa was willing----- The leaders clearly say that it is a moral issue and that we feel that there is an obligation that we should x repay these loans, but we do not have the capacity to do so. When our debt service ratio is already over 100 per cent for the bulk of the African countries, where shall we get the resources to do so? We intend to discuss this problem with the Northern countries at an appropriate time.

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

MR. SHIKUKU: Ahsante sana, Bw. Naibu Spika. Jambo la kwanza, nataka kuwashukuru Wahe. Wabunge x wote kwa kazi tuliyotimiza katika Kikao hiki. Tumejanya mengi na ukweli umetokea, na hata watu wengine wameshikwa kwa kunyanyua pesa zetu na kuzipeleka nje. Mungu asifiwe.

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MR. SHIKUKU (cted.):

Jambo la pili, nataka kuwajulisha Wahe. Wabunge wote na wananchi wa Kenya kwa jumla kwamba Mwakilisho ya Butere yako tayari kwa mtu yeyote anayetaka kufanya Harambee. Mtu yeyote akitaka kuja na kufanya mkutano wa Harambee katika Butere, hata bila kunijulisha, anakaribishwa. Harambee ikimalizika, mtu huyo aziwache pesa zitakazokusanywa huko. Hatari itatokea mtu huyo akitaka kuzichukua hizo pesa. Sina ugomvi na mtu yeyote atakayekuja na kufanya mkutano wa Harambee na awache pesa hizo huko. Kwetu tunasema kwamba dume wako akipanda ng'ombe wangu, ndama atakayezaliwa hawezi kuwa wako. Hata maziwa huwezi kusema ni yako. Yeyote atakayetaka kukusanya pesa Butere kwa njia ya Harambee anakaribishwa mradi tu asitake kuchukua "ndama na maziwa". Hata wale wanaotaka kura wanakaribishwa kufanya mikutano ya Harambee kila mahali katika Butere. Lakini watu wa Butere ~~wax~~ wanajua which side of the bread is buttered.

Jambo la tatu, nataka kuongea juu ya maji katika Kakamega. Kuna mtu ambaye amefanya mambo kichinichini na akapewa ~~kwanj~~ ^{Kwale} karibu na mtu tunaopata maji kuja katika mji wa Kakamega. This must be stopped by the Minister for Water Development kwa sababu itaharibu maji hayo kwa vumbi, kitu ambacho kitakuwa hatari kwa watu. Tunataka kujenga hoteli katika Kakamega na hiyo vumbi itakuwa ikiingia ndani ya hoteli hiyo. Ni lazima Waziri wa Maendeleo ya Maji na Waziri wa Serikali za Wilaya wahakikishe kwamba ~~kwanj~~ ^{Kwale} hiyo haianzishwi mahali tunapotoa maji kuja katika mji wa Kakamega. Hata kama watu wamekula rushwa, ~~kwanj~~ ^{Kwale} hiyo ni lazima x isimamishwe.

Bw. Naibu Spika, jambo langu la nne linahusiana na utoaji wa ploti katika mji wa Kakamega. Kuna kamati inayotoa ploti kwa watu, na ploti katika Kakamega zimepewa watu kutoka nje ya Wilaya hiyo ile hali sisi, ambao ni watu wa ~~hi~~ huko, hatujapata ploti. Ile njia ya kutoa ~~makuz~~ ploti kwa watu haifuatwi; mtu anapewa barua na mtu mkubwa na ank akiipeleka huko anapewa ploti. Kamati iliyoundwa sasa haifanyi kazi yake. Ploti ya kujenga ~~kuz~~ kituo cha petroli inaweza tu ~~kutok~~ kutolewa kwa idhini ya Rais, na watu wengine wanataka kupatiwa ploti za aina hiyo bila idhini hiyo. Nawaomba wale wanaohusika wachunge wasiye ~~wakuz~~ wakaanza kuvunja shoria.

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MR. SHIKUKU (ctd.):

Jambo la tano ambalo nataka kutaja ni juu ya uvunjaji wa sheria katika nchi hii. Tumetunga sheria nyingi ahapa, na ni wajibu wa Wahe. Wabunge, wakiwa katika Bunge hili au nje, kuhakikisha kwamba sheria hazivunjwi. Siku hizi sheria zimeanza kuvunjwa, ambapo hata uhuru wa mtu kusema unaingiliwa kinyume cha sehemu ya 79 na sehemu ya 80 za Katiba yetu. Yafaa mtu apewe nafasi ya kusema. Matumaini yangu ni kwamba Bunge litakapoahirishwa baadaye leo, mhe. Mbunge wa Butere ~~na~~ atapewa haki yake ya kikatiba kuongea mambo ya siasa au kufanya mambo ya Harambee. Hii ni nchi ya siasa na tuna haki ya kusema juu ya siasa. Hatutaki iwe kwamba kama hutoi pesa huwezi kuita mkutano. Tulipokwenda Lancaster House hatukwenda kutafuta Uhuru kwamba ukitoa pesa ndipo ~~ni~~ unaposema. Hakuna maana ya watu wa Kenya kuwasomesha watoto wao ikiwa mtu akiwa na pesa nyingi ~~katika~~ ndipo anapoweza kuingia Bunge. Hii ni kwa sababu - nataka wananchi wajue mapema - Bunge hili litajawa na matajiri peke yao. Watu wasio na pesa hawataingia ~~ni~~ katika Bunge hili. Yafaa wananchi wale pesa za wakubwa kwa sababu pesa hizo si za wakubwa; ni za wananchi. Wananchi wanapaswa kula pesa hizo na wawanyime wakubwa kura kuingia katika Bunge hili kwa sababu Uhuru wa nchi hii ni wa watu wote na si wa wakubwa peke yao. Haiwezekani kuwa kwamba ukitoa pesa za Harambee ~~katika~~ ndipo unaweza kusema na usipotoa huwezi kuruhusiwa kusema. Je, hao wanafanya namna hiyo walikuwa ~~katika~~ wapi ^{tulipokuwa} ~~katika~~ London?

Bw. Naibu Spika, watu wakianza kuvunja sheria vile tunavyofanya hapa hata katika Bunge hili---- Hii leo Bunge hili halingeahirishwa kwa sababu nimetoa Hoja kuuliza habari ya pesa zetu zinazoliwa. Kuna watu wengine ambao wanauza pombe na sukari kwa bei ghali kuliko ile iliyowekwa kwa sababu Waziri wa Fedha alisahau kuwasilisha hati zinazotakikana kuwasilishwa Bungeni hapa. Tunafunga Bunge na huku watu wanapunjwa na wale wanaowapunja hawawezi kupelekwa kortini kwa sababu hakuna Official Gazette ~~iliyowasilishwa~~ iliyowasilishwa Bungeni kufafanua mambo hayo. Nimetoa Hoja ili tujadiliane juu ya mambo haya na hakuna chochote kinachofanyika. Hii ni kuvunja sheria. Hivi majuzi Diwani Maitha alifukuzwa kinyume cha ~~na~~ sheria na

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MR. SHIKUKU (ctd.):

baada ya Swali kuulizwa hapa akarudishwa. Kuna mambo mengine mengi ambayo yamefanyik
na ambayo ni kinyume cha sheria. Kama tukianza kuvunja sheria, basi tutavunjika
sisi wenyewe.

Kwa hayo machache, Bw. Naibu Spika, ~~namua~~ naiunga Hoja hii mkono.

AD..... T.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis): Thank you very much, Mr. Deputy Speaker, Sir. First of all, I would like to join hands with my hon. colleagues in supporting this Motion for the Adjournment; it is well-timed. I think that we ought to have a breath at this juncture. It will enable us to go back to our constituents and try to help them in the various development projects.

Mr. Deputy Speaker, sir, having said that, I surely feel that we should spend this time in going out of our way; doing everything possible in order to enhance the development that this country has been doing for a very long time. I, surely, do not agree with those who are hesitant, or who want to oppose this Motion for reasons best known to themselves. We have a duty to our people. As leaders elected by the people, we should be with them, particularly during this month, and preach the gospel that we believe in; the gospel that we very much love, namely peace, love and unity among our people. This Nyayo Philosophy is surely, as we all know, priceless.

Mr. Deputy Speaker, Sir, we must all, as a matter of fact, irrespective of whether we are leaders of the ordinary mwananchi both in urban and rural areas, sacrifice our time and energy for the integrity of this great nation. It is important that we do so; we should cherish it vigorously, and have it instilled into the minds of our people.

Mr. Deputy Speaker, Sir, I want to mention here that it is the responsibility of every true Kenyan to identify our detractors wherever they are hiding, and loudly condemn them in no uncertain terms. Among we Kenyans, there are a few black sheep here and there, who will accept bribes, or corrupt offers, to betray their own motherland. This is a sin not only here on earth, but also in Heaven. So, we should completely condemn them and keep a close watch on them as well. We should identify them, because we are all completely responsible for the stability and peace that we have enjoyed in this country. The Independence that we achieved through a bitter struggle by our former leaders, and some of us who are still here. We should not betray that precious blood which was shed to save this country from the hands of colonialists.

Now, Sir, there are, as my colleague, the Minister for Foreign Affairs, has ~~said~~ mentioned, a few of our neighbours, and some who are not our neighbours. I will mention Libyans, who are not our immediate neighbours at all.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. ole Tipis)(Ctd.):

It is none of their business to try and interfere with our own internal affairs. We can paddle our own canoe the way we want and we should tell them, "hands off". Let them look after their own affairs. We ourselves, are capable of looking after our own affairs without ~~stepping to~~ ^{seeking foreign} indoctrination ~~falling~~ from any quarters. We know what is best for our people.

Mr. Deputy Speaker, Sir, having said that, let us - - -

With those few remarks, I beg to support.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Keriri):

Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion which has been moved by His Excellency the Vice-President and Minister for Home Affairs. First, Sir, I would like to join my colleagues in ~~thank~~ ^{thanking} His Excellency the President for the amount of work he has done for this country, and for the advice and guidance that he has continued to give to all of us, hon. as/Members of this House, and ^{as} wananchi of this country in general. When we get ~~the~~ advice from the President, it is our duty to heed to it if we are really Nyayo people. It is our duty to show that we take the advice of the President by ~~taking action~~ ^{acting}. One of the things that the President has talked to us about ^{where he has} is the fight against corruption. I do not think that the President has had any meeting anywhere ~~and~~ not warned people against corruption. It is not enough for us to merely repeat what the President says. It is for us to show by action that we support him in fighting corruption. It is not enough for someone to go out and say, "Oh, we do not want to be corrupt. The President has told us not be corrupt", and in the same token go ahead and encourage corruption. Those of us who are ~~good enough or~~ lucky enough to be placed in positions of responsibility ^{as} and power, should feel that our duty is to fight corruption, and not to protect it.

It is unethical, Mr. Deputy Speaker, Sir, for anybody in authority to try and divert attention from a point of corruption, ~~by, in fact,~~ - - - If criticism has come from a member of ^{The} public or from one ^{of his} juniors, a person in a responsible position should not try to use punitive measures to protect his corrupt practices. I think it would be anti-Nyayo to do that. We should fight corruption to show the President that we support him.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Keriri)(Ctd.):

The other point which I would like to make, Mr. Deputy Speaker, is that during the time, ^{when I was} ~~I have been~~ working in the Civil Service, and for the last ^{when} four years, I have been on the Front Bench in this House, I have learned one thing, among many ~~other things~~, that is, when we come to this House and we hear a point being raised by an hon. Member of the Back Bench, we in the Front Bench should not try to ^{on back} pass ~~the~~ ^{back}. We should take it ^{as} ~~our~~ responsibility to investigate the matter and find out the truth. We are responsible to this Parliament for any action that takes place in our respective Ministries and Government ~~depart~~ ^{ments}. ~~The~~ The civil servants are not responsible to this Parliament for the actions that are taken. It is us, hon. Members, who are responsible.

It would be unethical, Mr. Deputy Speaker, for any of us to stand here and say that a certain matter is not ^{under} his responsibility, and that it is under the responsibility of So-and-so, who happens to be a public servant. This is wrong because that public servant has no way of coming to this Parliament to answer for any mistakes he has done. ^{If} ~~he~~ has made a mistake, ^{as the Front Bench,} we should answer for it. We should avoid the tendency of blaming others. We, in the Front Bench, should answer for any mistake that ~~is~~ takes place in our Ministries. We take the credit and, therefore, let us also take the blame if anything ^{wrong} happens. I am saying this because ~~xxxxxx~~ a few weeks ago, a certain issue arose in this House, and one or two of us in the Front Bench tried to blame a public servant for the mistake that took place in the Ministry, which really is our responsibility. This is wrong. If a civil servant makes a mistake, the Minister should go and punish him, ^{the Minister} but ~~he~~ should be answerable here. He ~~xxx~~ should not say, "Oh, it was ~~xxxxxx~~ not the responsibility of the Minister for Transport and Communications ^{that of} nor the Minister for Finance. ~~but~~ it was someone else's responsibility when that someone else happens to be outside this Parliament. I think this is wrong.

Finally, Mr. Deputy Speaker, Sir, I would like to take this opportunity to congratulate the hon. Members of this House. Nobody congratulates us in this Parliament ~~xx~~ for what we do. Therefore, I think we should congratulate ourselves for what we do.

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

MR. KIPKORIR: Thank you very much, Mr. Deputy Speaker, Sir, for allowing me to contribute to this Motion for the Adjournment. First of all, I would like to thank His Excellency the Vice-President and Minister for Home Affairs for moving this Motion. We are eager to go on recess and join hands with wananchi in the development of this country. Sir, I would like to take this opportunity to thank the wananchi in my constituency for the unity that they have demonstrated during the last ~~few~~ few years. As a result, love peace and unity has been existing in our district. Everybody living in the district is very happy for the way that His Excellency the President has demonstrated his wonderful love for peace and unity in this country.

Mr. Deputy Speaker, Sir, I would like to take this opportunity to also invite all hon. Members of Parliament including Cabinet Ministers to come to Elgeyo Marakwet to contribute ^{to} Harambee fund-raising meetings there. I am saying this because when we are on recess, we are normally invited to ~~visit~~ attend Harambee meetings ~~for~~ from wherever we are.

Mr. Deputy Speaker, Sir, I would like to ask the Minister for Transport and Communications to look at road communication problems in Kaptalamwa-Kabeigo-Cheso Road. We have been ~~complain~~ complaining about the state of this road, but up to the moment, nothing has been done. Therefore, I appeal to the Minister to look into this problem.

Mr. Deputy Speaker, Sir, I would also like to appeal to the Minister to for Health to consider improving health facilities in my constituency. At the moment, a few dispensaries which were previously being run by the missionaries have been abandoned and I appeal to the Minister for Health to look into the problem of these dispensaries in order to assist wananchi. I would like to appeal to ~~for~~ all the hon. Members of this House to contribute positively and unanimously to the development of this country when they are on recess. I am saying this because nobody can divide Kenya, because they are mature politically and in whatever else they are doing.

Mr. Deputy Speaker, Sir, I cannot forget to thank the hon. Minister for Environment and Natural Resources for the visit he made to Kerio Valley and contributed to our Harambee fund-raising meeting there. Wananchi in Kerio Valley, Sir, were ^{very grateful} /

MR. KIPKORIR (Ctd):

V.4.----9.12.87.

to hon. Nyagah for contributing to the support of primary schools. We are very happy about this and we would like every hon. Member of the Cabinet to come to Kerio Valley. I am particularly ~~inv~~ inviting ^{hon.} Prof. Saitoti to come to Kerio Valley to see the scenery of the valley. He will be able to see the Kimoi Game Reserve and the beautiful land that God gave us.

END V.



MR. KIPKORIR (ctd):

Mr. Deputy Speaker, Sir, I would like to request the Minister for Water Development to look at the problems confronting the wananchi of Mokoro Location as far as water is concerned. The Kaptesowar Water Project has ~~z~~ been delayed for a very long time and yet it was meant to serve a population of more than 6,000 people who live in that location. The wananchi need water very urgently.

I would also like to appeal to the Minister for Foreign Affairs to check on some few elements who are trying to incite our people. The Ministry should be vigilant on that issue, and support His Excellency the President in trying to bring this thing to an end.

I would also ~~ik~~ like to appeal to the Chairman of the Organisation of African Unity to look into the problem of the Libyans who are interfering with other people's affairs. Even Gaddafi should be expelled from the Organisation of African Unity because of his ~~haha~~ behaviour. He should behave like a man of today who undertands the politics of peace, love and unity. I would also like to appeal through the Ministry of ~~Foreign~~ Foreign Affairs that the problem of foreigners should be looked into. Foreigners who come to this country and try to create some misunderstandings among our people, should be warned seriously.

The Minister for Finance should also look into the problem of foreign exchange. The few people who are trying to misuse our national cake should be watched closely. In this way, there will be progress in our country and the economy will be promoted. The welfare of all Kenyans should also be looked after.

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

MR. MUTISO: Thank you very much, Mr. Deputy Speaker, Sir. I also rise to join my colleagues in supporting this Motion because I feel that we have done a lot during this Session. It is now only fair and fitting for us to

on recess and concentrate on Kamu registration and assist wananchi in various activities. I would like to thank those who have helped us, particularly those who have contributed generously in Harambee meetings in Yatta. I had requested several hon. Members in this House for support when I was raising funds in my constituency. Now that we are parting, I am sure we shall be meeting very rarely until we meet again next time. Those who had actually donated some money to me for Harambee, I would like to assure them that that money has been properly used and there will be no quarrel at all as to whether it reached the right place or not. I thank those hon. Members because I think that they have been very generous in their Harambee contributions, particularly to me as the Member of Parliament for Yatta.

Having said that, I would also like to thank His Excellency the President for the tireless efforts he is making in showing us how - those who have the means - to develop this country and we have successfully achieved this goal. Today he was in Nyeri raising funds and the other day he was in Taita-Taveta undertaking the same exercise. He has gone round the whole country and I must say that this is something which is really very unique. Our country and our leader are synonymous. This is because when you talk of Kenya, Sir, you immediately have the picture of His Excellency President Daniel arap Moi in your mind because of the work he has done for this country. Because he cannot speak for himself in this respect, he must be congratulated and thanked for the good work he is doing for this country.

The other thing to which I would like to draw the attention of the Minister for Livestock Development is with regard to the problem which is now brewing up about meat consumption. The Central Organisation of Trade Unions has already asked workers to boycott eating meat because of high prices. I would like to ask both the Minister for Livestock and Development and the Minister for Finance to look into this matter seriously. This is because if this policy is going to be implemented, then it means that a lot

of people are going to suffer. For example, housewives will ~~rather~~ be forced by circumstances not to buy meat and this will bring suffering in their homes. The prices of meat must be looked into. It will be too much for an ordinary man ~~living~~ living in Nairobi to buy a kilogramme of meat for Shs.30/=. It was only the other day when we were talking of having meat prices controlled. What is the difficulty in controlling meat prices?

I beg to support the Motion.

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Mr. Nyagah):

Mr. Deputy Speaker, Sir, I feel very happy that you have managed to give me a chance to contribute to this very important Motion for the Adjournment. I must confess that I am very happy because I am a Kenyan and I live in Kenya. Having had an opportunity of visiting ~~and~~ a few countries in this continent and elsewhere, I do not think that there is a country that can be compared with Kenya in the way that we live.

(Applause)

We enjoy a lot of freedom and peace which others envy us for. The few things that we have been reading about in the Press in the last few weeks, has been as a result of people who do ~~not~~ not want us to continue being stable. Shame on them! Let us not ashame ourselves by letting ourselves doen.

We have a Government that I think is best in the circumstances we are in. We have a Government which has a collective responsibility. In the little section that I look after of environment and natural resources, I feel proud in a way that while His Excellency the President has set the pace for us to have peace and stability for the development of this country, he also talks of making our environment kept at its highest peak so that we can have enough from our farms and from the natural resources. We must preserve our environment. Our forests are the source of water for irrigation, development in the urban areas and for everything that we require.

The source of wealth in this country is ^{mainly} from our farms. The farms

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (ctd):

can never become productive unless we have a good share of rain. When I get a chance of addressing people in my constituency, I tell them how very lucky they are to live along the equator. The disasters that we hear of floods, droughts and serious desertification, are not really serious with us but they could come unless we are careful. That is why I am very happy to share the experience with my fellow colleagues here and in Kenya of trying to make sure that our environment is kept at its best.

The Session which is just ending has been a very eventful one. We have had our share of ~~saying~~ ^{speaking} our minds and of saying what Kenya wants. I am quite sure that the holiday we are going to have, will help us to have a little cooling effect so that when the new year comes, we shall be able to do even greater work ~~in~~ than we have done to-date.

We have seen a President who mixes with the people; we have seen a President who advises people in all subjects. One of the greatest character of a leader is that he is not afraid of mixing with the people he leads. If you do not mix with the people that you lead, they will lose sight of you. That is why we should go back to the countryside, mix with the people that we lead and by so doing, we will be doing ourselves justice. We have a country that we fought for and tried to build together to a certain point. We have a country still to build and which we must dedicate ourselves to make it a country for ourselves and for the generations to come.

END W 

THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES (Ctd.):

I wish we could all ^{listen to} ~~hear~~ ~~see~~ what His Excellency the President says because he has seen this country as it was, at the time there was discrimination of the first order, to a point where he has his vision of a Utopian Kenya; we must ~~like~~ listen to him and follow what he says.

With these few remarks, I wish my colleagues all the best for Christmas and ^{may} the year 1988 be a very prosperous one. I support.

THE MINISTER FOR TOURISM AND WILDLIFE (Mr. Muhoho):

Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to also join my colleagues ~~in supporting my colleagues~~ in supporting this Motion of the Adjournment of the House sine die.

Mr. Deputy Speaker, you realize that we have had a very busy schedule; we have worked very hard, and indeed, we do need this recess. We have been ~~s~~ busy in our constituencies, ~~ix~~ in this House and in our Ministries, and maybe, sometimes we have not had enough time for our families and friends, and this recess will give us that opportunity.

I would want to urge the hon. Members of this House to take this opportunity, indeed, to go round this country of ours and enjoy it. Kenya is renowned for its ~~x~~ tourist attractions, beauty and the recreational ^{facilities} ~~opportunities~~ it has to offer and other interesting features. I hope ~~that~~ ~~these~~ ~~most~~ of us in this House will be leading in trying to persuade our people that tourism is not just there for ~~for~~ the foreigners. We do not have a country which behold beautiful ^{things} and is kept well so that it can be enjoyed by others. A time has now come, and there we can show, that the facilities we have ~~as~~ are equally

THE MINISTER FOR TOURISM AND WILDLIFE (ctd.):

ours as it is for those coming from outside the country. There is no country that has maintained a tourist industry that ~~is~~ was built entirely ~~by~~ ^{for} foreigners. Tourism in other countries is basically supported from within - the ability of the people to move from one side of their country to another; their ability ~~of them~~ to take their families for visits and ~~their ability~~ to mix with the different cultures that, indeed, we are so proud and happy to have in Kenya.

Mr. Deputy Speaker, Sir, Christmas is a time of goodwill and peace. I hope we will promote peace in our own areas that we represent and in our own country and among ourselves.

As we go out, I hope that the campaign language that is bound to be uppermost in our minds, now that we are going to 1988 - the election year, will be done in moderation. We need to show the maturity of the leadership we have achieved. Kenya has gone a long way in developing democratic institutions, and the institution of freedom of speech is one of the most cherished. That, also, has its own responsibilities, and I hope that we, in this House, ~~will~~ will be the first ones to show that responsibility in our utterances and in handling others, even if we believe that they are opposing us, or may have an interest in the areas that we represent. That discipline is the only one that will help us to maintain ^{the} ~~that~~ growth of the democratic institutions. We should grant others ~~as~~ as much freedom of expression as we claim for ourselves.

Mr. Deputy Speaker, Sir, I would also want to take this opportunity to thank His Excellency the President. The people of Juja have been very happy because he ~~has~~ was able to come and visit us this year, as he has been able to do to other areas of the ~~country~~ country and, indeed, other countries.

THE MINISTER FOR TOURISM AND WILDLIFE (ctd.):

I would also like, on behalf of the Ministry of Tourism and Wildlife, to thank His Excellency the President for leading in the fight for protecting the healthy economy of this nation by demanding that those who are privileged to work in this country, and have a chance of dealing with foreign exchange, do ~~it~~ remit that money back into this country. I hasten to say that when we are demanding that foreign exchange owed by anybody in this country should be returned, we also recognize that there are a lot of people ~~who~~ who are doing ~~it~~ just that - not remitting foreign exchange. So, when we are condemning the few individuals who might be abusing this ^{privilege} ~~privilege~~, we also want to acknowledge ^{the} ~~that~~ very many ~~us~~ people, both foreigners and locals, who are working very hard to maintain a healthy economy in this Republic.

With those few words, I beg to support.

MR. OMIDO: Thank you Mr. Deputy Speaker. Christmas brings us a message for peace ~~on us~~ and goodwill to ~~us~~ all men. So, as we take this recess, every leader will take it upon himself to promote this peace and goodwill which His Excellency the ~~p~~ President has struggled so hard to create, since ~~it~~ he took over the leadership of this country.

When moving the Motion for the Adjournment, His Excellency the Vice-President ^{and Minister for Home Affairs} mentioned something about people who imagine things that ~~are~~ do not exist. I would like to appeal to every leader not to imagine ~~it~~ such things because what causes suspicion is other people's behaviour and conduct, which make other people suspect things and start to imagine. So, in our conduct, behaviour and discussions, we must, all the time, remember to emulate the example which His Excellency the President has taught us - to be honest and ~~we~~ always talk the truth. If

MR. OMIDO (ctd.):

every leader spoke the truth, there would be real peace ~~the~~ and goodwill in the country.

Mr. Deputy Speaker, Sir, the problem is that we speak and ~~z~~ then act contrary to what we say. If we act contrary to what we ~~z~~ say, then we are becoming double-faced, ~~my~~ and, therefore, the people we lead will look at us with suspicion and a lot of reservation. Our only loyalty should be according to the oath we took in this House, that our loyalty should be to the President. We should channel our ~~xxx~~ loyalty direct to His Excellency the President.

(applause)

178.D. Everybody knows that we have a President in this country who can go anywhere. He goes even to the kiosks to take tea with the ordinary mwananchi. What other kind of ~~or~~ President do we need; what else ~~w~~ do we need in this country? So, to those few who try to promote ~~by mouth~~ ^{disunity} and at night they ~~are~~ ^{by} holding ~~z~~ meetings to divide the ~~pop~~ people of this country, I call upon the people of this country, and particularly the people of Nairobi, to put on the armour of suit and ~~as a people~~, move forward together to fight and expose those who try to divide the people of Nairobi on tribal grounds.

(applause)

END X. *J. Omondi*

MR. OMIDO (ctd);

Mr. Deputy Speaker, Sir, we have been told that a country called ~~Libya~~ Libya has been trying to mess with our domestic affairs. It is time we took stern action; action which Colonel Gaddafi can understand. We will lose nothing; we will have taken care of the interests of our people. Our Government should close, with immediate effect, the Libyan Embassy in Nairobi. We cannot take chances. Our young men and women at the University of Nairobi are being corrupted. They are being corrupted because somebody somewhere, far away, wants to ~~destabilise~~ destabilise our Government and our ~~country~~ country. So, it is high time that very stern action was taken against Libya.

This should similarly apply to Uganda. No country in this world has done greater and better things to Uganda than Kenya. His Excellency the President himself ~~preside~~ presided over peace negotiations - which lasted months - between fighting factions in Uganda. He was trying to bring peace and ~~unity~~ ~~unity~~ ~~unity~~ unity to that country. If Mr. Museveni, who thought that leading a Government was like taking a cup of tea--- It is time that we told him in no uncertain terms that we are fed up with him and that enough is enough. We should also ~~close his High Commission in Nairobi~~ close his High Commission in Nairobi.

Thank you, Mr. Deputy Speaker, Sir.

THE MINISTER FOR COMMERCE (Prof. Ng'eno): Thank you very much, Mr. Deputy Speaker, Sir. I would like to take this opportunity to express a lot of thanks and gratitude to many hon. Members who came to Kericho to ^{comfort} ~~inform~~ the family of the late Hon. Salat. They did so when they attended the funeral of our ~~late~~ late colleague and Member of Parliament hon. Salat. The presence of His Excellency the President and also the presence of many Cabinet Ministers and also hon. Members of Parliament from this House gave tremendous

THE MINISTER FOR COMMERCE(Prof. Ng'eno)(ctd);

comfort not only to the relatives and friends of the late hon. Salat but also to the residents and leaders of the entire district of Kericho.

As you know, Mr. Deputy Speaker, Sir, the late hon. Salat was a man of tremendous achievements. He displayed his sense of leadership to the extreme. He did his best to try to make his contribution to the development of this country. He contributed to the maintenance of peace and order in this country and most of all he was a prominent leader in Kericho District who will be greatly missed by all the people in the District. But I would like to say that his example will be emulated by those of us who have been left behind and also by generations to come; in trying to make sure that dedication to the service of the people is maintained.

Having said that, Mr. Deputy Speaker, Sir, let me join those hon. Members who have ~~condemned~~ condemned in no uncertain terms the machinations of those countries who envy the success ~~and~~ that we enjoy in this country - development achievements under the ~~the~~ leadership of His Excellency President Daniel arap Moi.

Mr. Deputy Speaker, Sir, of late the behaviour ~~in~~ of Libya towards Kenya has been most unbecoming and it must be condemned in no uncertain terms. An hon. Member has made suggestions which I am sure the Government will look into. I want to say that we, as citizens of this country and as Members of Parliament have dedicated ourselves to do what we can to defend this country. We are prepared to ~~fight~~ fight tooth and nail to make sure that we have continued to maintain peace and stability in this country. We are prepared to protect the Nyayo Philosophy whose architect is His Excellency ~~the~~ the President.

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

Y.3.

9.12.87

(Question put and agreed to)

ADJOURNMENT

MR. DEPUTY SPEAKER: Order! Hon. Members, it is now time for the adjournment of the House. Therefore the House is adjourned sine die.

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

END. P. 11

MR. KHASAKHALA (ctd.):

that the price of each valve had increased to Sh.422,000/-. We then went to another local agent, who deals in the same things, who quoted the price of Sh.225,484/- for each valve. When he was issued with ~~an~~ Local Purchase Order, he changed his price to Sh.395,000/- per valve. Hon. Members should listen to the reply correctly and note that it is not one valve which cost Sh.1 million; there are four valves costing Sh.395,000/- each, and the ^{total} price comes to Sh.1,580,000/- for the four of them.

MR. SHIKUKU: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has avoided answering the question raised by the hon. Questioner to the effect that there was a letter from the Ministry of Finance which instructed the Director of Broadcasting to purchase the valves from a certain person at a certain price, ~~and~~ ~~the~~ ~~Director~~ of Broadcasting refused to do so and did ~~his own~~ it in his own way. Can he tell us why the Director of Broadcasting sidestepped the instructions from the people who know about money? That is what we want to know. It can only be for one reason - to swindle. Let him not defend that swindling; let him tell us why the ~~the~~ Director of Broadcasting refused to take the instructions from the Ministry of Finance.

MR. KHASAKHALA: Mr. Temporary Deputy Speaker, Sir, all finances are audited and a report ~~of~~ produced ---

(noise)

A report is produced to this House by the Controller and Auditor-General. If hon. Members ---

(noise)

THE TEMPORARY DEPUTY SPEAKER (Mr. Karauri): Order! The Assistant Minister is answering the Question. If you want to listen to the reply, then you have to keep quiet, so that you do not have further questions on what he has replied to.

M.3. 16.12.87

THE ASSISTANT MINISTER FOR FOREIGN AFFAIRS (Mr. Mak'Anyengo(Ctd):

Mr. Temporary Deputy Speaker, Sir, with these remarks, I would only like to thank the Ministry for the much they have done so far. But so far, the much they have done is little. So, we would like them to speed up and do more in order to open this area for the general development of this country.

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

DR. OMAKO: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion. I happen to know this road very well. I remember way back in 1963/64 when I was the district agricultural officer there, this road was my headache number one, the Oyugis-Rangwe-Rodi Kopany-Sori Road. I would like to support what my hon. colleagues have said about the necessity of this road being tarmacked. This road is like an artery: other veins and little capillaries get into it.

The Temporary Deputy Speaker (Mr. Karauri) left the Chair/

Mr. Deputy Speaker took the Chair/

U.C.
U.P.11
I remember in 1964 when ^{we wanted} to teach the small farmers modern farming, there was no road cutting across the half of South Nyanza District. You had to go through the periphery: you go to Kisii; enter a tarmac road; then go back towards Awendo, and get on up to beyond Kenhancha. But there was nothing right in the interior to help you get to the farmer.

Mr. Deputy Speaker, Sir, the other point, which the Ministry should take into consideration, is that right now a lot of fuel is being burned by people travelling from Oyugis to Homa Bay via Kisii and Rongo and then into Rodi Kopany. This is because the area between Oyugis, Rongo and Rodi Kopany happens to form a triangle. Now, we were taught in elementary mathematics that the sum of two triangles is greater than ^{third third} the path. The ~~path~~ is always shorter when you add two sides of a triangle.

END

M

Alphonse

0.6.....16.12.87

MR. ANGATIA (Ctd.):

Kakamega n and be left without being maintained. It could even turn into a water gully if it is constructed and not maintained.

END 0.....

J.K.