

MR. MWAMZANDI (ctd.):

catch him properly. We would request that these speakers be repaired so that we can rest our ears.

(Applause)

AN HON. MEMBER: It is the failure of the Clerk!

MR. SPEAKER: We will try and do something about it.

Hon. Members, now that we have done away with Questions, the main business of the House is to be conducted as appearing on the Supplementary Order Paper, of which I hope each one of you has a copy.

PROCEDURAL MOTION

THE MINISTER FOR HEALTH (Mr. Kibaki): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, this House orders that the publication period of the Constitution of Kenya (Amendment) Bill (Bill No.11) and the Firearms (Amendment) Bill (Bill No. 12) be reduced from 14 to 5 days.

Sir, the urgency of this matter is, of course, well known to many hon. Members. Of equal importance, it is also our wish that we should complete this business before we go on our normal August Recess. It is very important that we get through the more urgent business of this House before we go for the longer Recess. I know that when the Attorney-General stands up to move the two Bills, he will give us the details of the provisions. Therefore, it would be wrong for me to anticipate the debate by going into the actual nature of the substantive matters within the Bills and what makes us shorten the publication period. As regards Recess and other matters, I am sure that hon. Members understand everything because they have been adequately briefed.

With those few remarks, Mr. Speaker, Sir, I beg to move.

E N D ... E.

THE MINISTER FOR ENERGY (Mr. Biwott): Mr. Speaker, Sir, I rise to second this Procedural Motion.

As is usual with Procedural Motions, it is the responsibility of the House to decide on how best to conduct the Business of the House. All we are asking in this Procedural Motion is to advance the publication days so that these two important Bills can be debated as fast as possible. I do not think the problem of firearms needs to be over-exaggerated. This is because this is a real problem, which we have ignored for a very long time. The Act that deals with firearms dates back to many years ago. Ever since then, advancement in the production of various types of firearms has continued without attention for a long time. In the course of the advancement in the production of firearms, a lot of ^{Sophisticated} ~~sophisticated~~ firearms have been designed and produced. It is, therefore, up to us to make sure that we catch up with the legal provisions for such firearms.

The Constitution amendment that we are seeking for is fairly straightforward. We have read a few points that have been expressed in the press. I would even venture to say that the press is much ahead of us. This is because the press has already started debating an issue that has yet to come to this House. If we consider the fact that those outside this House have had ^{ample} ~~ample~~ time to read and comment on the proposed amendment, then it would not be unreasonable to request the House to agree to this Procedural Motion. If the House does that, then we too can carry on with the discussion on the substance of the Bills before us.

With those few remarks, I beg to second.

(Question proposed)

MR. ANGATIA: Mr. Speaker, Sir, I thank you for this opportunity. As you know, a Motion to reduce the publication period normally takes a very short time.

I just want to make two remarks. First, the Bill on

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firearms is ^{shown} named here as Bill No. 10. But, on the Order Paper, it is named as No. 12. I hope we are discussing the same Bill. If these are two different Bills, then we would like to be informed.

^{Secondly}
~~The second thing~~, Mr. Speaker, Sir, is that while we ^{leave} ~~live~~ the ^{detailed} ~~details~~ of substance for the reasons to come from the Attorney-General like the Mover of the Motion said, I would like to question the idea of bringing matters as weighty as a Constitution ^{and} matters in this House and rushing them the way we are going to rush this one. ^{The} ~~A~~ Constitution belongs to Kenyans. It does not belong to the Parliament, the executive, the court or anybody. It belongs to Kenyans. It is proper that when any change is going to ~~am~~ made in the Constitution, it is published in the normal way. At the same time as much time as possible should be given to the Kenyans to look at it and debate on it. To rush such a ^{matter in one sitting} thing as we are later on going to do in this House ^{today} ~~in one sitting~~ so that the matter is closed before people get time to debate it is wrong. This is because it pre-supposes certain urgencies which should have been given to us during the time of moving the reduction of the publication period. In the absence ^{of this} and since it now looks like there are no proper reasons why the Bill to amend the Constitution should be rushed the way it is being done, it is proper that the Kenyans to whom the Constitution belongs, be entitled and be given the time to look at ^{this Bill} before we agree whether to amend it the way it is being proposed here or not. In fact, as the leader---

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Omido):

On a point of order, Mr. Speaker, Sir. Is the hon. Member on the Floor right to imply that we are not the representatives of the people who have elected us to this House to represent them ⁱⁿ on all matters pertaining to the discussions that go on in this House?

(applause)

MR. ANGATIA: Mr. Speaker, Sir, the hon. Member should have waited until I had finished. I have said very clearly that the Government is for people of Kenya. It is not for the Parliament which is not the owner of the Constitution. The Constitution is for the Kenyans. I do not know the language that I should use to explain that so that the hon. Member can understand me and give me time to debate on this issue.

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Omido): On a point of order, Mr. Speaker, Sir. Are we not the representatives of the people? Were we not elected by the people not only to represent in this House but to also represent them in changes on the Constitution of this country?

(applause)

MR. ANGATIA: Mr. Speaker, Sir, I do not think that there any difference in that. I know that we all elected and are representatives of the people. I do not have any quarrel with that. I have just said that we were elected to discuss matters on behalf of the people of Kenya. We can do that. But what I do not see is why we should rush such matters. It is also proper that the Kenyans themselves should also be given a chance to debate on such a matter. They have, in fact, started debating on this.

THE MINISTER FOR FOREIGN AFFAIRS AND INTERNATIONAL CO-OPERATION (Dr. Ouko): On a point of order, Mr. Speaker, Sir. I kindly request you to make a ruling on this matter. Is the hon. Member really in order to impute improper motives to this Parliament? Under the Constitution of Kenya the country is divided into 188 constituencies and from each of them has come here an elected representative with a mandate of every single Kenyan. Is it in order for an hon. Member of this House who is here by virtue of his election as a hon. Member of this Parliament under the Constitution, to suggest that we are acting other than in the interest of the people we represent?

(applause)

(Dr. Ouko walked slowly back to his seat)

(several hon. Members stood up in their places)

MR. SPEAKER: Order! Order! Mr. Angatia, I hope that you understand what is before us. It is procedural motion, and a question of time. You have to wait for the other facts to come later on when we get into the real debate.

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir. I think the dignity of this House has got to be preserved. When you were standing up, the hon. Minister was still walking to his seat and an Assistant Minister was ^{also} walking in the other direction. This is not in order.

MR. ANGATIA: Mr. Speaker, Sir, you can even see that the Ministers and Assistant Ministers do not know any procedures. They walk around when you, Mr. Speaker, are standing up. This is exactly what I am telling you.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Karauri): On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! Order! Mr. Angatia, it is wrong to say that other hon. Members do not know any procedures. That is really wrong. I do not think that is encouraging the spirit of togetherness.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Onyancha): On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: What is it again, Bw. Onyancha?

MR. ANGATIA: Mr. Speaker, Sir, I do not know why we are---

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Onyancha): On a point of order, Mr. Speaker, Sir. In view of the fact that we are really not moving forward at all as there is no point coming up, could I at this stage request that the Mover be called upon to reply?

(applause)

MR. SPEAKER: It is up to you hon. Members to make your own decisions. I think the House could do that now.

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

THE MINISTER FOR HEALTH (Mr. Kibaki): Mr. Speaker, Sir,

I beg to move.

THE MINISTER FOR ENERGY (Mr. Biwott): Mr. Speaker, Sir,

I beg to second.

(Question put and agreed to)

END F.....