

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 11th June, 1997

The House met at 9.00 a.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.108

LIFTING OF RESTRICTIONS ON BANNED PUBLICATIONS

Dr. Otieno-Kopiyo asked the Minister of State, Office of the President whether the Government could consider lifting restrictions on all banned publications.

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

The answer is no.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, first of all, this idea of banning publications was originally a colonial idea. In the later years, it was left to the purview of communist governments and dictatorial African regimes. Now, since they profess that Kenya is a democratic country, why do we not allow for free flow of ideas? It is so absurd that 34 years after Independence, the Mau Mau Movement is still a banned organisation. Mr. Minister, are you aware that the Kikuyu Central Association is still a banned organisation? Are you also aware that the word "Kenya Parliament" is still a banned terminology?

The Temporary Deputy Speaker (Mr. Wetangula): What is your question, Dr. Otieno-Kopiyo?

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, I am just explaining the idea of banning associations and publications, so that there is no free flow of ideas and information in society. But, I was also amplifying that the Government which benefited from the struggle of Mau Mau has not seen it fit to lift that ban on Mau Mau which was imposed by the colonialist.

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, the Question was about publications and, in fact, these banned publications are in two categories: Seditious and immoral publications.

The Temporary Deputy Speaker (Wetangula): Prof. "Mugaa".

Prof. Ouma: Mr. Temporary Deputy Speaker, Sir, I am Prof. Muga, not Prof. "Mugaa". I would like to tell the Minister that every evolving society has got evolving ideas; what was bad yesterday could be good today. What was bad yesterday in the light of yesterday's environment can change and be a good thing today. One time, Mzee Kenyatta was a banned man and the next day, he was a President. Could the Minister tell us whether they have got a review committee which goes over these banned publications and banned ideas, so that they can review them, otherwise, are they as dead as a dodo?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, I cannot allow mere questioning, but if they bring a Motion here, it will be discussed.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, could the Minister provide us with the list of those seditious and immoral publications which are banned?

Mr. Nthenge: Exactly!

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, there are 30 publications in number. If you allow me, I can read them.

Mr. Achola: You have a lot of time.

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, they are as follows: *Revolution in Africa; Africa and the World; US News and the World; Sauti ya Urafiki; News; Who Rules Kenya; The Reds and the Blacks; Personal Adventure; Cheche Moja Yaweza Kuanzisha Moto Mbugani; Quotations from Chairman, Mao Tse Tung.* Any

publication depicting or containing any symbol emblem, device colours, slogans, motto, words or letters signifying any political object or political organisations. The African communist, purporting to be writing by Youth African Communist Party. *A Play Boy; Adams; Cavalier; Men Only; The Uganda Crisis 1968; The Nationalist; World Revolution; Sauti ya Mwananchi; The African and the World; Voice of Africa; Kenya Return to Reason; In No Law; Pambana; Beyond; The Satanic Verses; Financial Review; Mwakenya; Development Agenda;* and all publications purporting to be published by the Foreign Language Press of Peking.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, considering that there is an express statement that Government bans publications with symbols purporting to represent political parties, why is FORD(K) allowed to use it manifesto with a symbol with a lion on top? Why do you not take us to court?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, I had not clarified

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, can the Minister tell us whether he is prepared to set up a Committee to review the ban on these publications? I think time has come for the ordinary Kenyan to be allowed to read them without having to hide as they are doing now.

Mr. Kalweo: No.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, can the Minister tell the House the reasons for banning those publications?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, there are various reasons which led the Government to ban those publications.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, since it is clear that some of these publications were banned before the advent of multipartyism, and more particularly the reference to publications containing slogans---

The Temporary Deputy Speaker (Mr. Wetangula): The publications are a schedule to Cap.63, if you want to look at them.

Dr. Otieno-Kopiyo: Yes, I have looked at that, but what I am saying is this: Since some of those publications were banned before the advent of multipartyism, now that we have several political parties with publications that bear political objects, why does the Minister not lift the ban on those publications? It is absurd to say you cannot have a publication with a political symbol or a slogan, yet we have the *Jogoo, Simba* and all those others. It is a contradiction in terms.

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, this can be reviewed accordingly where necessary.

Question No.192

COLLECTION OF FUNDS BY CHURCH ORGANISATION

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

(a) whether he is aware that there is a church organisation by the name of *Ground of Truth Church of God* with its secular department called *Saints Evangelical and Relief Services*, all operating in Kirinyaga, Embu and Tharaka Nithi districts;

(b) if he is further aware that some of the pastors in this Church are collecting Kshs400 from parents, under the pretext of sponsoring education for their (parents) who are under 12 years of age; and,

(c) how many children have benefitted from this scheme todate.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. In this Question, there is a very curious development. In part (b), it is stated that there are parents in hon. Mutani's constituency who are under 12 years of age. I am just wondering if we can be informed. This would be an interesting scientific development. Can he clarify that? Obviously, something is amiss.

The Temporary Deputy Speaker (Mr. Wetangula): It is not scientifically impossible for individuals under the age of 12 years to have children.

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

(a) I am aware.

(b) I am aware.

(c) It is difficult to know the number of children who have benefitted because there were no records kept by the church.

Mr. Mutani: Mr. Temporary Deputy Speaker, Sir, first, according to my original draft, I had asked: Is he aware that some of the church pastors are collecting Kshs400 from the parents under the pretext of sponsoring their children? I did not ask about their parents. This part of the Question is about their children, who are below 12 years of age. So, I think there is a typographical error.

Mr. Kalweo: Mr. Mutani, are you amending your Question?

Mr. Mutani: No, Mr. Temporary Deputy Speaker, Sir. I am saying that this part of the Question refers to children and not parents; children who are 12 years of age.

The Temporary Deputy Speaker (Mr. Wetangula): So, you want to delete "parents" and insert "children?"

Mr. Mutani: Mr. Temporary Deputy Speaker, Sir, these are children, according to my Question.

Dr. Lwali-Oyondi: On a point of order, M. Temporary Deputy Speaker, Sir. The Minister has just told us that he is aware of 12 year old parents in Tharaka-Nithi, Kirinyaga and Embu. Could he elaborate on that because that is quite chilling?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, what is happening in Kirinyaga is that there is a church which goes round collecting money from the parents claiming that they can pay fees for their children and so on. It is an organisation and we do not know how those people came into that agreement on how to collect this money. So, those who pay such contributions should refuse to do so.

Mr. Mutani: Mr. Temporary Deputy Speaker, Sir, the Minister says he is aware and the Government has not carried out investigations. These people in this organisation are collecting Kshs400 from every parent to enrich themselves, not to assist the Church or the parents. What does the Minister say on this one?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, these people were charging between Kshs250 and Kshs400 for the alleged programme to educate the children who are under 12 years of age.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Kalweo, hon. Mutani is alleging the commission and conceiving of a fraud. The simplest thing is, if you do not have the facts, why do you not send the police to investigate?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, I was saying that there was an agreement between the contributors and the recipients of this money. The contributors of this amount of money have not complained to the police. Therefore, I cannot involve myself in the investigation, unless there is a complaint brought to my attention.

Mr. Maundu: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister agrees that he is aware that money is being collected by some unscrupulous church for that matter, as alleged by the questioner. Has this Minister licensed the collection of money from parents for this particular endeavour? If so, is he ensuring that this money is being used for the right purposes? He should not just say that there is the right to ask and to give.

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, the rules of different churches in this country vary. So, when they sit in the churches or their meeting places and agree on what to do---I can only involve myself if those who are asked to contribute report or complain to the police.

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, the Minister is deliberately refusing to answer the Question. The questioner is asking whether the Minister is aware that there is illegal collection of funds which is taking place in Kirinyaga.

The Temporary Deputy Speaker (Mr. Wetangula): He has already said that he is aware.

Mr. Gitonga: If he says that he is aware, what is he doing about this illegal collection?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, they should complain to the police there.

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, now that he is aware that there is an illegal collection of money, does he undertake to investigate and bring the culprits to book because this is illegal?

Mr. Kalweo: No, Mr. Temporary Deputy Speaker, Sir, simply because---

Dr. Oburu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to refuse to answer a legitimate Question in this Parliament? Is it also in order for him to direct us to the police when the police is under his Ministry, and we have complained to him in Parliament? How can he send us to police when he is the one in charge?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, this is a church---

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, I am getting disturbed by the Minister because he either understands a question in an ordinary language or he does not. Please, can you help us to assist this Minister to know that we are asking a very legitimate Question? For the sake of avoidance of doubt, the question is as follows: Is he aware that there is illegal collection of funds from the public for illegal acts? Is he going to undertake to make sure that this is stopped and the culprits brought to book? If he understands that, can he answer?

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, those people who have fallen victim of this church organization have not complained to the police and, therefore, nothing can be done unless they forward their

complaints.

Mr. Mutani: Mr. Temporary Deputy Speaker, Sir, we are enraged by the Minister's reaction. I have a form here which clearly states that each parent is required to pay Kshs400. Now, the Minister has agreed that there is an illegal collection, yet he says that this is a matter between the children and the parents. What is the Minister going to do about it?

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are we to understand that when my constituents come to me and complain that something illegal is happening and I bring that to this legitimate forum, which is Parliament, it is not recognized by the Minister? He is insisting that a complaint should be lodged when there is already a complaint before Parliament.

Mr. Kalweo: Mr. Temporary Deputy Speaker, Sir, the procedure here is that if something wrong is happening, the matter should be reported to the police. That is our way of conducting the affairs of this nation. There are too many conmen around and this is why I am saying that such a matter should be reported to the police. That is the procedure within which we conduct the affairs of this nation.

Question No.191

EMPLOYMENT OF UNIVERSITY GRADUATES

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

- (a) how many local and overseas Kenyan University graduates have been employed by the Government in the years 1993, 1994 and 1995; and,
- (b) whether he could table their names and home divisions respectively.

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

(a) The Government does not keep records of candidates who graduate locally or from overseas universities. All graduates are treated equally for job opportunities within the Civil Service, provided that they are from recognized universities and fulfil the set out job requirements in the advertisements.

(b) In the three years of 1993, 1994 and 1995, a total of 2,203 university graduates were recruited into the Government service. They were graduates from local and overseas universities and institutions. The breakdown per year is as follows:-

1993 - 690 graduates were employed.

1994 - 707 graduates were employed.

1995 - 806 graduates were employed.

I wish to inform the hon. Members that the Government has not employed university graduates on the basis of the areas people come from, but on their qualification and performance in the interviews. I, therefore, want to table the list of those 2,203 graduates who were employed during those years.

(Mr. Manga laid the document on the Table)

Mr. Ojode: Mr. Temporary Deputy Speaker, Sir, first of all, I would appeal to the Minister to give us the total number of university graduates who graduated in 1993, 1994 and 1995. It is common knowledge that anybody who is employed bears an identity card. Why I asked the Question is because, there are some people who are favoured by this Government. I have over 2,000 graduates in Ndhiwa and none of them has been employed. Could the Assistant Minister answer part "b" of my Question?

Mr. Manga: Mr. Temporary Deputy Speaker, Sir, first of all, in answering that Question, I would need to prepare a list of all those names. I have said that employment into the Government service is not done on the basis of areas they come from.

Prof. Ouma: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has given the total number of graduates who were employed during those years as 2,000. Certainly, over the three years, the number of graduates has gone over 10,000. He does not have the figures and that gives only 20 per cent of the graduates employed. Do we have such an open-ended system and yet, we have the Ministry of Labour and Manpower Development? Do we have such an open-ended system that we do not even know those who have dropped from the universities? We just educate them and we do not know how they are going to benefit the country. Can the Assistant Minister tell us what percentage of the graduates are employed, on the tarmac and those who have gone overseas, so that we can know how effectively we are supplying manpower to this country?

Mr. Manga: Mr. Temporary Deputy Speaker, Sir, I am not in a position to answer that question. I want to say that the Government will be willing to absorb all the graduates, but as the hon. Member knows very well, job opportunities are very limited. I also want to point out that some of the graduates---

Prof. Ouma: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have got a lot of respect for my hon. friend Mr. Manga, but I would like to help him to answer the question straight-away. What we are asking is whether there is a system through which they are checking to know whether those who have graduated are usefully employed or they are just dumped, so that we can have a corrective measure. There is no point in educating and dumping. Do they have or do they not have?

Mr. Manga: Mr. Temporary Deputy Speaker, Sir, if the hon. Member wants those figures, we can bring them.

Mr. Ojode: Since the Assistant Minister has not given us a satisfactory answer, could he come up with the names of those who graduated in 1993 and 1994, indicating how many were employed during those years? The reason why I am asking for that information is because a number of my constituents, those who graduated in 1993 and 1994, have not been employed. The Assistant Minister knows very well that 90 per cent of all those graduates employed come from Keiyo. I want the Assistant Minister to tell us the number of graduates who graduated during these years, how many were employed and their home divisions because you cannot employ somebody without an identity card.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Ojode is my colleague in the Opposition but these statements which are meant just to malign other people are not necessary. The list which has been tabled here has very few Kalenjins indeed. This is simply because Kalenjins are very few all over the country anyway. They cannot be 95 per cent! When you look at this list here, they are not 95 per cent. I think we should be responsible enough to be able to say things that we can stand up and justify.

Mr. Manga: Mr. Temporary Deputy Speaker, Sir, I wish to thank hon. Dr. Otieno-Kopiyo for clarifying that issue.

But I would like to inform hon. Ojode that if he wants the break-down of the graduates that have been employed and those who have not been employed, he should put it in a Question. I have answered his Question and the only thing which I would now state is that we do not employ these graduates on the basis of the areas which they come from. We do it strictly on their qualifications.

Question No.261

COLLECTION OF CESS BY MURANG'A COUNTY COUNCIL

Mr. R.K. Mungai asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) how much coffee cess was collected by the Murang'a County Council from Makuyu Division during the years 1995 and 1996; and,
- (b) what projects and the relative amounts for each, benefited from the cess money for each year in question.

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

(a) The Coffee Board of Kenya collected cess amounting to Kshs1,256,026 from Makuyu Division in 1995/96. Of this, Kshs971,944.92 was remitted to Murang'a County Council for use in Makuyu Division. Owing to stringent policies on how this should be used, Kshs294,081.84 was and it is still held by the Coffee Board of Kenya. The Coffee Board of Kenya will release this money plus the collection of 1996/97 cess to the new Maragwa District, when a bank account will be opened by the farmers in that area.

(b) Cess is normally collected by the Ministry of Local Government for use of infrastructure of farming communities from whom the cess is collected. In this case, when cess is collected by the Coffee Board of Kenya and handed over to the Ministry of Local Government, the Coffee Board or the Ministry of Agriculture, Livestock Development and Marketing does not follow up to see which projects the cess is being utilised on. It is up to the councillors who come from the constituency of the hon. Member to follow it up now at the Ministry of Local Government and see if the cess is being properly used for the infrastructure of the farmers.

Mr. R.K. Mungai: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Assistant Minister for that educative answer because the written answer I have here is very different from what the Assistant Minister has just said. I cannot understand why, because I was relying on the facts given on this figure. However, now that he has explained the position and since there has been a change of Government policy and the cess money is currently being

held by the Coffee Board of Kenya since last year, can the Assistant Minister tell this House, how much money the coffee Board of Kenya is now holding in trust for the farmers and when is it going to be released for their benefit?

Mr. Osogo: In my written reply I said that of the balance for 1995/96 coffee cess collected, Kshs294,081.84 plus what has so far been collected in 1996/97 and the year ending on 30th September for the coffee cess - what has been collected so far, and not yet released by the Coffee Board of Kenya is Kshs844,981.20. That added to the balance of the previous years is the amount which is being held by the Coffee Board to be released to the new Maragwa District when a bank account has been opened.

Mr. R.K. Mungai: Mr. Temporary Deputy Speaker, Sir, can the Assistant Minister tell this House whether this money which is being held by the Coffee Board of Kenya on behalf of the farmers is earning any interest? If so, at what rate?

Mr. Osogo: Mr. Temporary Deputy Speaker, Sir, the money is not earning any interest. Immediately they open a bank account and they inform the Coffee Board of Kenya, the money will be banked. A bank account has not been opened by the new district's county council if it exists.

COMMUNICATION FROM THE CHAIR

HON. S.H. ADAMJI: VISITING TANZANIAN MP

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Members! I wish to take this opportunity to introduce a colleague from Tanzania, the hon. Shainudin Hayabaldi Adamji, a Member of Kawe Constituency in Dar-es-Salaam Region of Tanzania who is visiting Kenya. He is also a Member of the Foreign Affairs Committee of his Parliament and the Chairman of the Board of Directors of *the Daily News* newspaper in Tanzania.

(Mr. Adamji stood in his place and bowed to the Chair)

(Applause)

(Resumption of Oral Answers to Questions)

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

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Gatabaki, we have already left that Question. Next Question Dr. Kituyi!

Question No.266

HARMONISATION OF FORM ONE INTAKE

Dr. Kituyi asked the Minister for Education what methods the Government is using to reduce disparity between pupils in private schools and public schools in acceding to form one classes in national schools.

The Temporary Deputy Speaker (Mr. Wetangula): Is there anybody from the Ministry of Education? That Question will be deferred.

(Question deferred)

Question No. 126

ELECTRICITY SUPPLY TO MIHARATI TOWN

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Githiomi not here? His Question is deferred for the moment.

Next Question, hon. Tola Kofa!

Question No. 139

DISMISSAL OF BRIDGE CONSTRUCTION WORKERS

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Tola Kofa not here? His Question is deferred for the moment.

Next Question, hon. Busolo! I had been informed that you were unwell and your Question should be deferred. Do you want to ask it now?

Mr. Busolo: Yes, Mr. Temporary Deputy Speaker, Sir.

Question No. 160

NUMBER OF NATURAL DEATHS IN PAN PAPER MILLS

Mr. Busolo asked the Minister for Labour and Manpower Development whether he could list all the formal notices of deaths reports under Section 13(1) of the Employment Act, reported to the Ministry by the Pan African Paper Mills (E.A.) Limited in each of the past fifteen years to June, 1996 indicating:

- (a) The deceased's name, the work department and duration of work in the department.
- (b) Medical history of the deceased, the postmortem results and the names of the doctors who performed it, and,
- (c) Implementation status of the deposit of monies of the deceased under Section 13(2) of the same Act.

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) During the last fifteen years, 61 formal notices of natural deaths were reported by the management of Pan African Paper Mills Limited. The deceased employees hailed from various departments where they worked for durations ranging from one to 22 years.

(b) In all cases where employees have died of natural causes, the company has never found it necessary to demand death certificates from the deceased's next of kin. Consequently, the medical history and postmortem results of the deceased employees are not available.

(c) The company has paid a total of Kshs82,923.10 in form of dues accrued to deceased employees. The same has been disbursed to the appropriate dependants by the Bungoma Labour Office. Only fifteen claims are still outstanding.

As for details, I wish to table statistics related to death cases for the last fifteen years.

(Mr. Ali laid the document on the Table)

Mr. Busolo: It is, indeed, correct to say that for any employee who dies, the factory has to report that such an employee has died. So, why is it that under part (b) of the Question, the Assistant Minister has said that the factory has not found it necessary to report, other than reporting to the deceased's next of kin? Is that not a breach of the law?

Mr. Ali: Yes, Mr. Temporary Deputy Speaker, Sir. Section 13 of the Employment Act deals with deaths of employees. As for natural deaths, such postmortem reports are not necessary, but reports are normally made to the labour offices. Also, the dues are normally dispatched through the labour offices, which in turn disburses them to the deceased's next of kin.

Mr. Busolo: Could the Assistant Minister not agree with me that the reason why the deaths are not reported is due to deaths resulting from the working conditions? In the Pan African Paper Mills, there is a full-fledged chemical factory whose products are very toxic to the people working there, and the Assistant Minister has not taken care, to make sure that the working environment is safe enough. Is that not the reason why these deaths are not reported?

Mr. Ali: I am not aware of the situation prevailing in the factory. But if it is specifically reported, we will take serious action on such cases.

Dr. Kituyi: The smiling Assistant Minister is supposed to be representing the Government in thinking about the interests of workers. If he is informed of a hostile working environment, it is his responsibility to visit Pan African Paper Mills and come back to report to us what he finds out, instead of waiting here for people to report to him.

Mr. Ali: I find it not necessary for me to go to Webuye personally. I have competent labour officers who

do their work properly.

Mr. Anyona: In view of the cases that we hear of about Pan African Paper Mills, could the Assistant Minister tell this House what measures are in place to ensure that workers are protected in accordance with the law?

Mr. Ali: The country has laws to protect workers. The Ministries, particularly the Ministry of Labour and Manpower Development, takes the workers plight at heart. Measures are being taken. Since these cases have not been reported by my officers from Bungoma, I have nothing to offer at this moment.

Mr. Anyona: I know that the law provides for protective measures. But the point is that these measures are not in place. So, I am asking him to tell us which laws are in place.

Mr. Ali: All laws are in place.

Dr. Lwali-Oyondi: First of all, I wonder whether the Assistant Minister is in order to entirely rely on his labour officers, who are known to be the most corrupt officers, probably in the whole world. Is he in order not to visit that stinking factory in Webuye, which is affecting animals, plants and everything, to find out whether it is safe enough to work in, not only for the factory workers, but also for the inhabitants of the surrounding areas?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, may I seek your guidance for substantiation from the hon. Member, related to his question!

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Ali, just answer him!

Mr. Ali: Well, as I said earlier, it is not necessary for me to go there physically, because I would have to go round the country to hundreds or thousands of other factories. We have competent officers in the field, and they have not reported this matter.

Prof. Ouma: Webuye Pan African Paper Mills is representative of some of the most noxious industries we have in this country. See how the roofs are rotting! How much more are the lungs rotting, especially the lungs of those who inhale this poisonous gas everyday? The laws may be there and the Assistant Minister may say there are so many factories, but there are some that draw special attention. Prevention is better than cure.

Could the Assistant Minister undertake to, at least, do a spot sample in one factory, that is Webuye Pan African Paper Mills, to find out what preventive measures exist, so that the workers do not die in middle and late ages because of rotting lungs and other forms of silicosis and asinosis? Can the Assistant Minister undertake to do this because, if the roofs are rotting, what about the lungs?

Mr. Ali: Due to persistent reference from the hon. Members, I will appoint a very senior officer to undertake this investigation.

Mr. Busolo: While I appreciate the Assistant Minister's position to appoint a senior labour officer, could I request him that instead of doing that, he should appoint a commission of inquiry into the working conditions at the Pan African Paper Mills? That will yield more results.

Mr. Ali: It is not necessary to appoint a commission because we have professionals in the Ministry, who can undertake this investigation.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has said that he is going to appoint a very senior labour officer to investigate this matter. This Assistant Minister is here to protect the interests of the employers. There are two instances where he undertook to go and do further investigations and come back to this House, after we presented facts to him. One of them was in the case of Orbit Chemicals. He has not brought a report to this House. There was another one about Minar Restaurant. Another one was in relation to the East African Road Services. In all these cases, he has never come back with a report to this House. What guarantee is there that this time round, he will go and bring a report? This is because in any case, when this kind of question arises, we merely create opportunities for these people to "eat".

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Assistant Minister, when will you avail the report?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, first of all, may I have the opportunity to answer hon. Anyona. The Minister for Labour and Manpower Development acts as the bridge between the workers and employers. As regards his other demands, it is entirely his responsibility to come back or rather read the question again, if he so wishes, in order to know more. As for the investigations, I promise to send an investigator to Webuye Pan African Paper Mills. Upon receiving the report, I will come back.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Assistant Minister! The investigation will be meaningful if Parliament gets a report. How much time do you want to bring the report?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, in two weeks time.

The Temporary Deputy Speaker (Mr. Wetangula): We will go back to Dr. Kituyi's Question for the second time.

HARMONISATION OF FORM I INTAKE

Dr. Kituyi asked the Minister for Education what method the Government is using to reduce the disparity between pupils in private schools and public schools in acceding to form one classes in national schools.

The Temporary Deputy Speaker (Mr. Wetangula): Nobody from the Ministry of Education? Question deferred.

(Question deferred)

Mr. Mwangi Githiomi's Question.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, with the permission of hon. Mwangi Githiomi, I would like to ask Question No.126.

The Temporary Deputy Speaker (Mr. Wetangula): When did you get the permission Mr. Gatabaki? When I first called out---

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, the hon. Member of Parliament for Kipipiri has lost his brother and he is grieving.

The Temporary Deputy Speaker (Mr. Wetangula): That may very well be true. When I first called the Question you were here and you did not indicate your permission.

Mr. Gatabaki: Mr. Temporary Deputy Speaker Sir, I have just come in.

The Temporary Deputy Speaker (Mr. Wetangula): Then go ahead and ask the Question on behalf of Mr. Githiomi.

Question No. 126

ELECTRICITY SUPPLY TO MIHARATI TOWNSHIP

Mr. Gatabaki, on behalf of **Mr. Githiomi**, asked the Minister for Energy when Miharati Town, which serves as the headquarters of Kipipiri Division will be supplied with electricity.

The Assistant Minister for Energy (Mr. Nang'ole): Mr. Temporary Deputy Speaker Sir, I beg to reply.

Miharati Township will be supplied with electricity when funds are available, having due regard to the Nyandarua District Development Committee as a priority for rural electricity in the district.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, this is a very disappointing answer by the Assistant Minister. We are talking about a divisional headquarters which does not have electricity. This is one of the areas where vegetables and fruits come from. It is a major constituency which provides a considerable income for this nation and it lacks electricity, and yet this Government can afford to supply electricity to Baringo, Marakwet and the area belonging to the Minister in the Office of the President where there is nothing agricultural. Could this Government be kind to other people of Kenya by supplying them with electricity? Electricity is badly needed for the economy of this country.

Mr. Nang'ole: Mr. Temporary Deputy Speaker, Sir, the hon. Gatabaki is fond of taking a lot of opportunities in talking about unwarranted things in this House and, especially, I am dismayed that he is so ignorant of where I come from. We generate a lot of electricity in Turkwell Gorge and yet we do not have any supplied to the Pokot people, for the information of Mr. Gatabaki.

An hon. Member: So what are you admitting?

Mr. Nang'ole: No! No! I am being truthful. I am trying to tell him what he does not know. On what he said---

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, Gatabaki! You do not just stand up and start addressing the House. You must be given the authority to do so. The Assistant Minister is answering the long question that you asked.

Mr. Nang'ole: Mr. Temporary Deputy Speaker, Sir, as I said, this area will be supplied with power after we have procured some funds. After all, I want to inform the hon. Member that these divisional headquarters are not a priority of the District Development Committee.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has told us that when funds become available they will provide electricity to Miharati. Could this Assistant Minister tell us how

long this will take? If the hon. Mwangi Githiomi, the Member of Parliament for Kipipiri, was to defect to KANU now, would the funds be found faster or not?

(Laughter)

The Assistant Minister for Energy (Mr. Nang'ole): The answer is "No"!

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. During the Kipipiri by-election campaign two years ago, the Kenya Power and Lighting Company sent its constructors to begin supplying power. The electricity posts were taken to Ol Kalou and His Excellency the President, while campaigning in Geita, promised that the rural electrification programme would come to Kipipiri during the life of this Parliament. Could the Assistant Minister deny that the Kenya Power and Lighting Company was forced to remove its personnel and materials which were already on site because the Kipipiri constituents voting overwhelmingly for the Opposition?

Mr. Nang'ole: I deny that.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. What is the Assistant Minister denying? Is he denying the fact that promises were made or that the poles were supplied and later removed as a result of the failure of the KANU candidate to win the by-election?

Mr. Nang'ole: Mr. Temporary Deputy Speaker, Sir, what was promised has been done, but as to the issue of removal of the electricity poles, I deny.

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister confirm or deny that a commercial company, that is the Kenya Power and Lighting Company, has been used and continues to be used as a political tool against areas that support the Opposition?

Mr. Nang'ole: Mr. Temporary Deputy Speaker, Sir, before I come to that and for the information of the House, from last year we have spent over Kshs40 million in this particular constituency and that is really a lot compared to what we have spent in other constituencies. You will agree with me that it had nothing to do with the campaign.

Mr. Gitonga: Could the Assistant Minister tell this House if they have an electrification programme for Miharati Township and, if so when will this programme commence?

Mr. Nang'ole: Mr. Temporary Deputy Speaker, Sir, I have said that if we secure some funds, we shall have to commence the electrification programme, depending on the priorities of the district.

The Temporary Deputy Speaker (Mr. Wetangula): Next Question.

Mr. Moiben: Mr. Temporary Deputy Speaker, Sir, on behalf of Mr. Tola Kofa I beg to ask Question No. 139.

The Temporary Deputy Speaker (Mr. Wetangula): Do you have the authority to ask it?

Mr. Moiben: Yes Sir.

The Temporary Deputy Speaker (Mr. Wetangula): But when I first called the Question you were here.

Mr. Moiben: No, No. I had just sneaked outside and then I came back. I apologise.

The Temporary Deputy Speaker (Mr. Wetangula): Okay, go ahead and ask it.

Question No.139

DISMISSAL OF BRIDGE CONSTRUCTION WORKERS

Mr. Moiben, on behalf of **Mr. Kofa**, asked the Minister for Labour and Manpower Development:-

(a) whether he is aware that seventeen (17) employees of China Road and Bridge Construction at Garsen were dismissed without being paid benefits;

(b) whether he is further aware that one of them, a Mr. Clement Bagaja Gwiyo, who had been suspended for allegedly stealing diesel, has not been reinstated, although he has been cleared of the charge by the Gamba Police; and,

(c) when will they be paid their dues.

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) I am only aware of the case pertaining to Mr. Clement Bagaja Gwiyo. He was dismissed for negligence of duty and he was paid all his dues amounting to Kshs1,452.50.

(c) In view of the answer to "a", the issue of terminal dues does not arise.

Mr. Moiben: Mr. Temporary Deputy Speaker, Sir, 17 workers were jointly sacked. How can the Assistant Minister only say that he is aware of one employee? Can the Assistant Minister tell this House and assure us that the 17 workers will be reinstated?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, we have a District Labour Officer in Malindi controlling Malindi and Tana River Districts. We have not a single case---

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Orengo to call hon. Moiben a cattle rustler?

The Temporary Deputy Speaker (Mr. Wetangula): The House did not hear that!

(Laughter)

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, neither the employer nor the District Labour Officer, Malindi, covering Tana River District has any information about the 17 employees.

Mr. Orengo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Can I defend myself because an allegation has been made about---?

The Temporary Deputy Speaker (Mr. Wetangula): There is nothing for you to defend. The Chair did not hear it and the House did not hear it.

Dr. Oburu: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has admitted that Clement Bagaja Gwiyo was dismissed for stealing from the company. Is it for the company to determine the offense of theft or a court of law? In which court of law was this man charged so that he was found guilty of an offence of theft to warrant being denied his terminal benefits?

The Temporary Deputy Speaker (Mr. Wetangula): Dr. Oburu, the Assistant Minister said the man was dismissed for negligence of duty; he did not say stealing. Is that what you said, Mr. Assistant Minister?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, I said that. In addition, under the Employment Act, Cap.226(17), the employer had a right to dismiss Mr. Gwiyo because of the theft.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Assistant Minister, was he dismissed for negligence or theft?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, both actions indicate total negligence and failure to care of the employer's properties which were stolen, not by him. But they were stolen and later on they were recovered. So, he could be a suspect and that was total negligence.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, you can see that the hon. Assistant Minister has problems understanding the difference between negligence and theft. Hon. Dr. Oburu has asked him: "Under what authority did the employer decide that this man was a thief without him being convicted in a court of law?" But as usual with this Assistant Minister, he is rushing to justify what the employer did, not to explain what authority the employer had to determine that this person was a thief. Even as the Assistant Minister said, Mr. Clement Gwiyo was not involved in the stealing himself.

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, as I said earlier, if you are left with the property of the company or employer, and it is stolen, you are either party to the theft or you are totally negligent. It is total negligence which led to this property of the employer being stolen.

Mr. Moiben: On a point of order, Mr. Temporary Deputy Speaker, Sir. Can the Assistant Minister confirm that this employee was negligent? If he was, why did they not take him to court? Why did they have to conclude that he was a thief? Can the Assistant Minister ensure that this man is reinstated because he was not even a thief, neither was he negligent?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, Mr. Gwiyo was taken to a police station, but his relatives pleaded with the employer not to take him to court. The employer took advantage of Cap.266(17) to dismiss him summarily.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Under Section 17 of the Act, each one of these grounds for summary dismissal are legally defined. If it is negligence, it is negligence and it is defined. If it is theft, it is theft. The Assistant Minister is attempting to provide his own definition of what these terms mean. Can he tell this House whether this man was dismissed summarily for negligence, and define what negligence is in accordance with Section 17, or whether he was dismissed because he was suspected of theft, which he was cleared of by the police? Which was which? He is misleading the House.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Anyona, the Assistant Minister said very clearly this man was not involved in the theft.

Mr. Anyona: In that case, Mr. Temporary Deputy Speaker, Sir, because the Question refers to theft and he

has confirmed that there was no theft, so, why was this man dismissed? He is trying to cover-up the employer so that he can benefit indirectly!

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, if hon. Anyona wants more details about Section 17 of the Employment Act, it covers both. But this is gross misconduct for this worker to have left the property of the employer to be stolen.

Mr. Ruhiu: Mr. Temporary Deputy Speaker, Sir, since of late there seems to be a litany of various companies not paying terminal benefits to their employees and especially companies that are owned by Asians, and at the same time, labour officers collude with Asian companies and they get some token to ensure that these employees are not paid their terminal benefits, what is the Ministry doing to ensure that there is no corruption between these Asian companies and the labour officers so that the employees are paid their terminal benefits?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, I am not aware of the prevailing situation, unless the hon. Member has a specific case.

The Temporary Deputy Speaker (Mr. Wetangula): End of Question Time.

POINTS OF ORDER

DIPLOMATIC PASSPORTS FOR MPS

Mr. Sifuna: Mr. Temporary Deputy Speaker, Sir, I am rising on a point of order in connection with the list of MPs who have diplomatic passports which was laid here yesterday on the Table. It is true I was issued with a diplomatic passport in 1987 and after the 1988 general election, when I was rigged out, the Government withdrew that diplomatic passport from me. It was very misleading for the Assistant Minister to come into this House and lay a list on the Table which indicates that hon. Sifuna is still holding a diplomatic passport, when they withdrew it in 1988. Could he now tell this House to withdraw this name or tell me to go and collect that diplomatic passport?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I apologise to the House because the list which was tabled here had hon. Sifuna's name which was wrong.

MINISTERIAL STATEMENT SOUGHT: REGISTRATION OF VOTERS EXERCISE

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I rise on a point of order to seek a Ministerial Statement on a very serious matter. This is in connection with the current registration of voters. The first issue on which the House requires a clarification in the statement is as to which Minister is responsible for the registration because, under the Act, it is the Attorney-General who is supposed to be in charge of implementing that Act. We understand that since 1993 that responsibility was transferred to the Office of the President (OP). We want to know whether the Attorney-General or the Minister of State in the OP is responsible for this function. That is the first clarification we want the Ministerial Statement to make.

Secondly, we want a clarification regarding the fact that the current voter registration does not comply with the law. Under the National Assembly and Presidential Elections Act and the regulations--- For instance, under Rule 4 the format of the application form and the format of the elector's card under Rule 6 are prescribed by law. You cannot change that format unless you change the law in the first place. In the circumstances, both the application form and the elector's card have been changed. As far as I know, the law has not been changed. No subsidiary legislation has been brought to this House under section 34(2) to regularise the changes. In this case, both the form and the card are illegal. Can he make a statement about that issue?

Can the Minister also make a categorical statement about the use of old and new identity cards, both for registration and voting purposes? If someone registers as a voter using the old identity card, what right do you have to tell him or her that they cannot use the same identify card to vote? Can the Minister also make a statement as to the issuance of new identity cards to new applicants, because unless they have them they cannot register as voters? What will happen to them? Can he also explain the chaotic nature of voter registration, particularly in Nyanza Province where the entire exercise for the last three weeks has been a complete failure? The voters' cards already issued have been declared invalid, but the public has not been asked to go for new voters' cards. Can he explain what happened and what is going to happen? Three weeks have already been lost!

Can he also explain why the registration clerks, at least in Nyamira District, have not been paid? I have been in Kitutu-Masaba Constituency and know that they have all not been paid since the exercise started. Where has the money gone? Lastly, in view of the fact that this exercise is a flop, both legally and in terms of logistics, can he make a categorical statement as to whether the exercise is going to be extended, so that Kenyans are assured that they will exercise their democratic right? Otherwise, at this stage we shall go to court and stop the whole mess from going on.

(Applause)

(Mr. Kalweo stood up in his place and bowed)

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Quite pertinent questions have been put to the Minister of State in the Office President, but he just stood up, bowed and sat down. What does that mean?

The Temporary Deputy Speaker (Mr. Wetangula): It is so simple: He was acknowledging the questions and will bring a reply here. Mr. Kalweo, what did you mean by nodding?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, hon. Members should understand what I meant. I have accepted the questions and will give a Ministerial Statement, maybe, on Tuesday next week.

(Mr. Orengo stood up in his place and raised his hand)

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Orengo, you do not need to raise your hand to catch my eye!

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the limitation of time accorded to the registration of voters exercise, is Tuesday next week not too far? We have only 12 days to go!

The Temporary Deputy Speaker (Mr. Wetangula): In view of the many questions that hon. Anyona has raised, Tuesday next week is not too far.

Mr. Orengo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Tuesday next week is too far because, for example, in Siaya District the entire registration exercise has been cancelled. In fact this happened for the whole of Nyanza Province. If the Ministerial Statement will be made on Tuesday that will mean we will have only two more days for the registration process. So, the Minister should bring the Statement here tomorrow because this is a matter of urgency. We are not going to wait until Tuesday!

The Temporary Deputy Speaker (Mr. Wetangula): I do not find Tuesday unreasonable, but if the Minister can do it tomorrow, that is all right.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, I do not think it is possible to bring that Statement here tomorrow. But we should know that it is the Commission itself which stopped that exercise. Maybe they have something in mind in connection with the registration exercise. I stand by my promise to bring the Statement here next Tuesday.

MOTIONS

ESTABLISHMENT OF REHABILITATION CENTRES FOR THE HOMELESS

THAT, in view of too much vagrancy in our towns; noting the need for the Government to protect and provide for its citizens; aware that there is an ever increasing number of street children in our major towns; this House urges the Government to urgently provide funds to build rehabilitation centres for the homeless until such a time when a lasting solution to this problem is found.

(Mr. Obure on 14.5.97)

(Resumption of Debate interrupted on 14.5.97)

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, I rise to continue with my contribution to this Motion. It is a Motion that I have reason to believe the Government will support without introducing any amendment at all because its subject affects every town in this country. It is a big pity that in Kenya, where the UNICEF is based, children are not considered as Kenyans at all: They are considered as vagabonds. They live without food, shelter and medication. They are allowed to stay in the streets and effect pregnancies. You will find pregnant children of 12 and 13 years, and yet the Government is doing absolutely nothing about this. What a pity! Only this week, young Odhiambo was killed in the streets of Nairobi by the police and nothing is being done about it.

Mr. Temporary Deputy Speaker, Sir, it is a pity that the Government cannot even find a little money to settle

these children. This Motion urges that rehabilitation centres be set up for these children. I urge the Government to set aside at least Kshs100 million for such centres in the towns countrywide. At least Kshs50 million should be set aside for Nairobi. Such centres should be set up in Athi River, Ruiru and other suburbs of this City for the settlement of these children as a matter of urgency.

I remember that last Christmas time, these children went for cakes and other delicious food at State House. But this is not enough because the children are back in the streets, desperate and dying. If KANU ever hopes to make an impression of any sort in this City the question of street children must be tackled bravely and urgently. This is because the children are making the City look poorly managed. Tourism is affected by these children: They harass citizens, tourists, shopkeepers, restaurant owners and everybody else. So, this question must be tackled now and not later.

Regarding vagrancy, which is emphasised by this Motion, first of all I would like to thank the President for saying that kiosk owners in the periphery of this City must not be harassed any more. He said that hawkers outside the Central Business District of the City must be left alone to run their businesses. But when the President gives such directives they are ignored by civil servants and other public officers. It is important for the Nairobi City Council to consider compensating the kiosk owners. They went out of their way to demolish kiosks and carry away a lot of property worth millions of shillings of these kiosk owners. In fact, the City Council officers took the property to their homes and not to the Council premises. So, the Council must immediately compensate these people.

Mr. Temporary Deputy Speaker, Sir, it is also important that there must be a hawkers meeting for all elected leaders in Nairobi and even the Head of State. We must convene a big meeting of hawkers so that there is a major discussion. This city must be managed like all cities of the world. If you go to London, for example, there is a lot of hawking going on, but it is regulated hawking done in such way that certain sections of the streets are closed so that this business goes on.

Mr. Temporary Deputy Speaker, Sir, if this city has to be managed in a better way, this so-called *jeshi la mzee* must be stopped if it exists at all. Because if it continues, it will be countered by *jeshi la mungu*. You know *jeshi la mungu* is going to be stronger than *jeshi la mzee*. If indeed this is a fact, then it must be stopped because what is likely to happen is that there will be tension in the city. To create---

(Question proposed)

The Temporary Deputy Speaker (Mr. Wetangula): There being no contributor, I will call upon the Government Responder to reply.

Mr. Kamuyu: I am here!

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Kamuyu! You know that you cannot speak twice on the same Motion.

Mr. Mutiso, do you want to respond?

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Yes, I would like to respond.

The Temporary Deputy Speaker (Mr. Wetangula): Let Prof. Anyang'-Nyong'o speak first, if he is a contributor.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I want to contribute to this Motion on vagrancy. It is important that this Motion comes in the wake of the National Crime Research Centre Bill which we discussed yesterday. One of the cardinal principles of the justice system in this country is that one is innocent until proven guilty. But we see that the Government is not respectful of this principle. For example, recently the reform advocates had a peaceful rally at Uhuru Park. The principle should be that, if somebody stands to speak in public against any law, he or she should be arrested and taken to a court of law to be charged with the offence he or she has committed. It is not for the police to open fire or exert any violence on such person, because that, in itself, is against the law. This is very much in line with, for example, what Martin Luther King used to do in the States when they were demonstrating against racial injustice in the States which was defended by the law in Alabama and such places. The Government sent in troopers to arrest them and charge them in a court of law. In our case, instead of arresting people and charging them in the court, the police and GSU always go out to exert violence on people. This means that the police are taking upon themselves to judge these people guilty before they are taken to the court of law which is contrary to the law of the land.

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

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, this is also the case with vagrancy particularly with regard to young people. These young people are caught in the streets or arrested by the police and the first thing which is done is to beat them. I want to remind you of a *Sunday Nation* article on 8th June, 1997, which read as follows:

"Parking Boy Beaten to death by City APs. A 16 year parking boy was beaten to death yesterday by Administration Police officers in Nairobi. The APs on a morning patrol in the City Centre reportedly pounced on a group of parking boys hurdled behind Odeon Cinema and beat Eric Otieno to death. The boy, Otieno, was asleep as he was unwell following the previous night's beating by the police who were in the company of the City Council askaris; said one of the parking boys. His companions managed to escape the police only to find Otieno's lifeless body in a pool of blood. The parking boys said that the deceased had on Thursday suffered a leg injury after two APs caught him asking for money from passers-by. He limped to his father's shop who bought him some tablets and later he joined us at our base behind Odeon Cinema, said another boy."

Mr. Deputy Speaker, Sir, there are thousands of such stories of innocent boys and girls in this City who are being beaten by the police to death. I would like to tell the Government that one of the reasons why we have unemployed youths in town is not their mistake. It is because the social and economic system does not cater for them due to socio-economic injustices in our society. One of the ways of dealing with these socio-economic injustices is not to kill the offender, but to find socio-economic solutions to these problems. For example, we have Dr. Bernado's Home. This is a home that has been there since the colonial times. Apart from Dr. Bernados's Home, how many homes for juvenile children who do not have homes have been established in this Town since Independence? This Government has been collecting a lot of money. Starehe was, from the colonial times, meant for the poor. But it was taken over by the elites for the education of their own children and not for the children for whom it was meant. This Government has been collecting a lot of money for the so-called Youth Development Fund which we have not been told what it is going to be used for. There is no way you can develop an economy perpetually on Harambee because harambee is a spontaneous issue. You develop an economy by planning and taxing people correctly and using that tax for that purpose.

Mr. Deputy Speaker, Sir, Kenya is one of the highly taxed countries in the world. Kenyans pay more tax than anybody else. One of the ways in which they pay tax is this constant extraction of forced contribution from Kenyans. Every time I visit my constituency, I find that the day before, the ordinary peasants were expected to pay Kshs10 because the DO was having a party, or because Madaraka Day is being held or because Jamhuri Day is being held. People are paying Kshs10 every now and again. It would be much better if the Government told the ordinary mwanachi that he will pay a tax of Kshs30 per year for this purpose because when this money is collected on an impromptu basis, it just ends up lining the pockets of those bureaucrats in the rural areas called Provincial Administration because the money is never receipted, it is never accounted for and it goes to waste. It really demoralises the ordinary people. That is the kind of money that could be used to establish juvenile homes for those infants who have lost their mothers and fathers and who have nowhere to go.

Mr. Deputy Speaker, Sir, you must know that with the advent of diseases such as AIDS which sometimes kill, a mother and father together and leave children without any parental care, we are going to have a lot of homeless children and the way to deal with them is not to say that they will be punished under the so-called Vagrant Act in town. The way to deal with them is to establish social amenities that will take care of them.

Mr. Deputy Speaker, Sir, one of the reasons why the Opposition feels that there should be a constitutional reform is because we have a lot of laws in our law books which are contrary to the Constitution, and which go against the Bill of Rights. For example, when a juvenile is violated, defiled, raped or paedophilled, I want to submit that they have very little defence under our laws. They are taken to court, and the first thing that a Judge says is that the evidence of a juvenile is not acceptable in court until corroborated by an adult. If a juvenile who has been raped by an administration policeman is taken to a court--- yes, they do rape these juveniles, there are such cases. We have a centre here for defence of violence against women which has compiled lots and lots of information on how administration policemen, regular policemen and City Council askaris arrest little children and rape them. If you go to the Central Police Station, you will find little children under the age of 15 years packed in a little cell with adults. There are many cases. I was arrested and taken to Kamukunji police station. Apart from the maggots who were my companions in that cell, the others were juveniles. These are the inhuman conditions to which we subject our young ones to under the so called laws of vagrancy. For example, that very act of taking juveniles to court and denying them the chance to give evidence of their own because that evidence cannot be accepted by the Judge unless corroborated by an adult, is a constitutional travesty, because a juvenile, like any other Kenyan, is a human being. These are the laws we want to be revised and be put in line with modern democratic governance and principles. First of all, why should

somebody be regarded as a vagrant in his own country? If you are walking in town at night as a Kenyan citizen, why are you expected to be a vagrant? The very idea of vagrancy is a colonial thing because in colonial times, natives were not expected to be in the town of Nairobi; they were expected to be in their own quarters in Bahati and Majengo. Look at the names that they gave to the areas where the Africans lived; Bahati and Majengo, while the Europeans lived in Milimani, areas with much more respectable names. Why should an African be in a place called Bahati? Bahati gani? If you were found in town after 6 p.m., then you were arrested because of the so called Vagrancy Law. Why should we have those laws after so many years of Independence in our law books?

Mr. Deputy Speaker, Sir, I beg to support hon. Obure's Motion and I beg to ask this Government to look twice at the proposal that there should be a complete revision of our laws and a constitutional reform so that Kenyans can enjoy their true democratic life in a modern bourgeois democratic republic.

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu wa Spika, nina furaha kumwona mheshimiwa mwenzangu

akizungumua mambo yanayohusu wananchi wa Kenya. Anazungumza mambo ambayo wajibu wetu kama Wabunge ni kuyafanya na kuona kuwa yametimizwa. Ninafurahi kwamba amejua heshima ya Serikali ya Kenya na akaiomba ichunguze namna watoto wetu wanavyoishi katika Kenya.

Hii shida ya watoto wanaorandaranda ilianzia Nairobi lakini leo, imeenea Mombasa na sehemu nyingine katika Jamhuri ya Kenya. Kama tulishindwa kuwatunza wale wa kwanza, basi taabu yetu itakuwa kubwa sana na uongozi wetu utakuwa hauna maana kwa sababu hawa watoto ndio viongozi wa kesho. Wengi wa hawa watoto, wakike na wakiume, ni wachafu, wanavuta gum na sijui ni Serikali gani inaweza kuongoza hawa watu kwa sababu ni wengi, hawapati elimu na hawana makao. Ni wajibu wa Bunge kufikiria haya mambo ya taabu zaidi kuliko mambo ya Katiba. Katiba itatusaidia na nini kama tuko na taabu? Utamtegeze nani Katiba, uipambe, uipake mafuta mazuri, uipeleke katika kanisa na Mskiti, ikiwa wananachi wenyewe wako na taabu? Haitakuwa na maana yoyote kwao. Tuna wajibu wa kuitazama nchi yetu na tujue ya kwamba kila kiongozi atakayechaguliwa, hachaguliwi vile timu ya mpira huchaguliwa; kwa kucheza pale na kushindana. Hapana! Tushindane namna ya kuwatengezea hali binadamu wa Kenya. Tusishindane kuwa mini ni hodari zaidi, mimi ninaweza kuzungumza zaidi au ninaweza kuwa mkali zaidi. Hapana! Tuangalie jinsi watu wetu walivyo na vile wanavyoishi.

Ukosefu wa kazi umeongezeka. Huyu maskini Mkenya tunayemtetea ana taabu ya chakula, hana karo ya shule ya mtoto wake, lakini kwetu sisi, siasa imekuwa kitu cha kwanza kushinda vile Mkenya anavyoishi na shida zile anazo. Zamani, watoto ambao walikuwa wakiomba mjini walikuwa na heshima kidogo, lakini leo, wamebadilika. Wanaomba na baada ya kuomba, wanatunyang'anya. Ikiwa uliacha kitu ndani ya gari, ataingiza mkono na kuiba, na chochote kile atapata anachukua. Watu wa Kenya ni watarabu, kuna makabila na dini nyingi na Mungu ametuweka salama mpaka leo kwa sababu tunapendana. Ijapokuwa maneno machache hutokea hapa na pale, lakini mapenzi ya watu wa Kenya ni kazi ya Mungu, si wanasiasa. Mungu anapenda tupendane. Sisi kama viongozi yafaa tuunde kamati katika kila constituency kuangalia mambo ya watoto na hizo kamati zijue taabu zao halafu tuiambie Serikali: "Huu ni uwezo wetu tumeweza kufanya", na zile hatuwezi kufanya, Serikali itusaidie.

Watoto kama hawa ni wengi duniani kote, lakini nchi nyingine zimeanzisha vyama vya ushirika. Kupitia vyama kama hivi, watoto hawa hupewa ardhi ya kulima, pesa na tingatinga, na hawaji mjini. Pia kuna wakubwa wao wa kuwatunza. Kile tumekosa katika Kenya hii yetu ni mapenzi ya Wakenya. Lakini Mungu ametupatia ardhi nzuri, bahari, maji mazuri na akatupatia na vitu vingine. Lakini kwa sababu hatupendani sisi wenyewe--- Kila mtu anaona mapenzi si kitu, "lazima niwe kiongozi mkubwa". Kiongozi mkubwa ni Mungu na sisi binadamu tutaishi hivi. Ninawaomba wenzangu, kwamba tuyafikirie maneno haya kama hii Hoja iliyoletwa na Mhe. Obure. Tusifikirie kuteta bila kuwasaidia wananchi wetu walio na taabu katika Kenya. Mungu ametupa watoto katika Kenya na wengi wao ni viongozi. Tutafute njia ya kuwasaidia maskini wa Kenya. Ukosefu wa kazi ni jambo ambalo linaikumba nchi hii. Pia, inafaa tufahamu kwamba sehemu kubwa ya ardhi yetu imo katika mbuga za wanyama.

Bw. Naibu Spika, taabu tulio nayo ni kwamba matajiri hawashughulikii maskini. Mungu atusaidie ili tuweze kujisaidia. Hivi sasa karibu kila nyumba kuna shida ya ukosefu wa kazi. Ikiwa kila mmoja wetu ataweza kuwasaidia maskini itakuwa afadhali sana. Tuonyeshe mapenzi kama viongozi ili tuwasaidie watoto walio na taabu. Ukienda katika mitaa yetu, utasikitika sana kuona jinsi watoto wetu wanavyoishi. Hapo zamani ilikuwa nadra sana kuwapata maskini mitaani wakiomba pesa. Leo, watoto chungu nzima kutoka kila kabila wamo humo wakiomba pesa. Kama Mungu amekujalia baraka basi nawe watazame wale watu ambao Mungu hawajajalia baraka. Inafaa jambo hili litazamwe sana na kila kiongozi, iwe ni wa KANU, FORD, NDP au chama chochote kile. Tushikamane kuwalinda hawa watu na jambo la nani atakayekuwa kiongozi tumwachie Mungu. Si mikutano itasaidia bali ni Mungu mwenyewe.

Ninasikitika sana kuona kwamba Wabunge wa kutoka Upinzani hawapo katika Bunge leo. Ni Wabunge watano tu waliopo hapa. Mambo kama haya ndiyo yanafaa kusemwa wala sio jambo la kuuliza kubadilisha Katiba. Jana nilisema kwamba kama Katiba itabadilishwa tutafanya hivyo kufutana na---

Prof. Mzee: Jambo la nidhamu Bw. Naibu Spika. Ni sawa kwa mhe. Nassir kusema kwamba Wabunge wa Upinzani ni watano? Kweli nyani haoni kundule! Angetazama nyuma yake angeona kwamba Wabunge wa KANU pia hawapo. Bw. Nassir, nyani haoni kundule!

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika, ni kweli kwa sababu Prof. Mzee ni mjomba wangu. Mama yake na mama yangu ni ndugu. Tumerithi mashamba pamoja. Jana alikuwa hapa nilipokuwa ninatukanwa na kuitwa Mwarabu. Basi kesho aende Mombasa akatafute IPK---

Kwa hayo machache, naunga mkono.

Mr. Wamae: Thank you, Mr. Deputy Speaker, Sir. It is quite clear that any society which does not protect its weakest beings is not really civilized. We cannot say that we are free if our children who are in the streets have no protection. We know that this issue is bigger than we realise it. Before, we did not have these street children in Nairobi, but now they have occupied all the towns in Kenya. Even in a town like Karatina now we have about 46 of them and I am sure by the end of the year there will be 100 and the number will continue to grow. Unless we have a programme indicating how we are going to tackle this problem, we are going to be a heartless society. These children are born by us. The fact that they are in the streets because their parents have died or are too poor is no reason why they should be condemned by the society. We should have a way of rehabilitating them and create an environment where they can grow to become important citizens of this country.

This Motion is really important and timely. We should have in the Budget some money which will build these homes and look after these children. I believe that we should have a department within the Ministry of Social Services dealing with street children. It is such an important issue that we should have children's officers in the provinces, districts and constituencies. These officers should be trained to identify these children's problems, bring an understanding between these children and their parents and so on. We should have a programme where these children are given the opportunity to study.

I am also saying that we can expand the National Youth Service Programme by recruiting some of these children when they attain the age of 18. They need to have a form of training so that when they come out they can become useful members of the society. That programme should be expanded so that these children can be trained.

We will also need a programme to train our police officers because most of them are very hostile to these children. It seems as if our policemen are every cruel to these children. When they see them in the streets they harass them. The police should have sympathy on these children. They should have an understanding attitude towards them instead of being cruel to them. In training our police officers in Kiganjo and other training institutions, they should be trained how to handle children.

We should also take into account what sort of citizens we shall be breeding in our streets. These children are going to be criminals, murderers and so on. We have to wait for the problem to arise and we arrest them because of their criminal activities and then take them to prison. By doing that, we have to spend money to feed them in prison and so forth. It is better for us to do it now when they are still young and they can be moulded, trained and shown how to lead a better life, than to wait for them to grow in the streets and become hardcore criminals who will be difficult to rehabilitate and change. It is, therefore, very important that all of us without any regard to political parties, should support this Motion. This Motion talks about all the children who are in the streets and who are suffering now and I think everybody should support it.

With these few remarks, I beg to support this Motion.

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Mr. Deputy Speaker, Sir, I wish to state right from the onset that this Motion is a very important one, although we are moving an amendment to it. That amendment will put things in line with what the Ministry intends to do and what it has been doing and also enlighten the House and the hon. Members on what the Government has actually been doing. It does appear to me, from what the hon. Members who have spoken have said, that none of them has even indicated the existence of any centre of rehabilitation of these children in his own area or his district. These centres do exist. It may be only that the information has not come to the knowledge of the hon. Members. For instance, the view of the Government is that we should have these centres supported. This is what we are going to appeal to the hon. Members to do. The hon. Members and all other interested persons should help us come out of this situation.

Mr. Deputy Speaker, Sir, as many hon. Members have said, these street children are causing great concern to the country because some of them have come of age already and maybe, they are the source of the crime that we have in our town centres. When we have children brought up in a way which the child is teaching himself or herself how to earn a living without parents, they pick up all sorts of behaviours and eventually, they become a big problem to the nation. Because of this, I feel that the Government should actually support this idea and this is why we are appealing to the House, and the country at large, to support what the Government is doing and we should look for more funds to establish and enlarge the centres that we do have.

Hon. Anyang'-Nyong'o had asked me where these centres are. We do have, Murang'a Street Children

Rescue Centre which is situated in Murang'a, Laikipia Street Children Rehabilitation Centre in Murang'a, Eldoret Rescue Centre, Lodwar Rehabilitation Centre, Kalolivel Centre in Embu, Njoro Rehabilitation Centre, Kamoja Boys Rehabilitation Centre in Nakuru, Meru, Molo, Mwembe Tayari in Mombasa, Nyeri Rehabilitation Centre, Kisumu and Kiambu. In the city here, we do have 12 rehabilitation centres. We have AIC Mathare Children's Centre, Bethlehem Community Centre, Child Survival Education Programme, Christ Care Children's Centre, Kibera Community Self Help Programme---

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to enumerate privately initiated rehabilitation centres which is the initiation of private individuals or groups rather than what we are asking for - Government established rehabilitation centres for juveniles who are on the streets?

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Mr. Deputy Speaker, Sir, what I have mentioned here is a situation which is peculiar to Nairobi alone but those others which I mentioned earlier on are run by the Government but these are also institutions initiated by NGOs. There are those which are also run by the Government but they are doing the same thing and this is--

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister is misleading this House. He has to tell us one of these centres which is fully run by the Government. Even the centres which he has mentioned like Mwembe Tayari Rehabilitation Centre do not even exist! He is misleading the House by telling us untruths!

The Assistant Minister for Home Affairs and National Heritage (Mutiso): The hon. Member is not aware of the existence of this centre. He has not done any research to find out and, therefore, he cannot say this centre does not exist in Mombasa. I challenge him to go and find out whether they do exist or not and let him come here next week to challenge me. This is what I am telling him. These centres do exist and are run by my Ministry.

Mr. Moiben: On a point of order, Mr. Deputy Speaker, Sir. Can the Assistant Minister tell us how many of those centres are run by the Government and how many are privately run - to cut the long story short?

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Mr. Speaker, Sir, it is easy for one to label an allegation that, "you do not know".

Prof. Mzee: But you do not know! Can you tell us one of them which you know?

Mr. Deputy Speaker: Order! You are out of order, Prof. Mzee. You should always address the Chair.

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Mr. Deputy Speaker, Sir, I am not going to enter into that argument. I have stated that these centres, whether Governmental or none-Governmental, do exist and the Government is rendering support to those which are not run by the Government and this is actually the reason why I am making this recommendation; that the hon. Members and the House in general, should support the efforts that the Government is making, to really try and alleviate this problem. There is no need of making allegations which one has not even gone into, to look as to whether these institutions do exist and in what line they are operating.

QUORUM

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. The House has too few Members to constitute a quorum.

Mr. Deputy Speaker: I note that there is no quorum and I direct that the Division Bell should be rung.

(The Division Bell was rung)

Mr. Deputy Speaker: Order! Order, hon. Maore! We do have a quorum now.
Proceed, hon. Mutiso.

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Thank you, Mr. Deputy Speaker, Sir. As I was saying, the Government, in conjunction with other private institutions, has established the centres I have just named throughout the country. In Nairobi, we have 12 centres, which have got a Government input together with some private organisations to help them run. The idea that the Ministry wants to put across to the House is to request it to support what I am about to move. This is because the problem of street children is enormous. They are in almost every town. Therefore, Nairobi is in a peculiar state since the situation in Nairobi is more serious in comparison with other towns. Because of this, we need a lot of support and help from hon. Members, non-governmental organisations and opinion leaders throughout the country. The Government alone cannot tackle this problem. Even this Parliament can come out with recommendations of funding the rehabilitation centres throughout this country. This will help because the problem is big and it will become worse in the coming years.

Because of that, I quite agree with the views expressed by hon. Obure, and I have indicated to him and the House that we intend to move a slight amendment which actually seeks support of what we are doing. We also want hon. Members to come up with full support of what the Government is doing, so that we can put together our efforts to minimise this problem.

With that, I want to propose the following amendment:

THAT, the Motion be amended by deleting all the words after the words, "this House" in the third line to the end, and substituting in place thereof, the following: "recommends that all hon. Members of Parliament, opinion leaders, religious organisations, business community, various interest groups and local authorities do support the district children's advisory committees countrywide, to enable them to establish rehabilitation centres for the homeless children with the objective of re-integrating them into the community".

Mr. Deputy Speaker, Sir, the major idea here is to really rehabilitate these children, make them useful citizens, and take them back to their own communities. As such, we need to have well equipped centres throughout the country, and especially in major towns, so that once these children are collected from the streets, they are taken to these centres and fed, clothed and given an opportunity to learn and be educated. At the same time, they should be rehabilitated to be better citizens. Once that is done, they can be re-united with their own families.

So that we have to look at the problems critically. This is because this problem of the street children, if not really tackled at the right moment, it is going to be a very serious one. That is why I want to thank the hon. Obure for bringing this idea, so that we can have the opportunity to seek the support of the honourable House for this purpose including all those people who would like to see Kenya come up with good future citizens that are educated and trained to come to our aid. The reason why I wanted to make it clear that the Government has not been idle over this issue, although in a sort of limited way is because of the financial constraints which everyone of us is aware of.

Mr. Deputy Speaker, Sir, the Government is also establishing the district committees on advisory capacities and we now want these to be real centres which can tackle the problems very effectively with the support of the honourable Members, religious organisations, other opinion leaders and the wealthy who can donate some of their wealth to these centres. This is to enable the country to have the opportunity to really clear our streets and towns and have these vagrants trained, educated and brought up in a better way and make them better citizens of tomorrow. This is because if this issue is left unchecked, it will pose a very serious and dangerous situation to everyone of us.

Mr. Deputy Speaker, Sir, it is the concern that the Government has been harbouring and because of the financial constraints that it has not been able to do much. But, I am appealing to the hon. Members of this House, opinion leaders throughout the country, businessmen and rich people of this nation that now that this occasion has availed itself, they should now donate and contribute towards equipping these centres for rehabilitating our children, so that they can become better citizens. Since I think the Minister for Labour and Manpower Development has some vital information that he can give to the House since he has in one way or another been involved in this matter, I will leave the remaining minutes to him to second the Motion.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Deputy Speaker, Sir, I rise to second this Motion as amended. In general, I want to thank the hon. Member who brought up this Motion. It is a very important Motion and I only hope that whatever amendments that we are making are not amendments that are making the Government run away from what the hon. Member is requesting to be done at all. If anything, what the hon. Assistant Minister is trying to say in the amendment is to actually heighten the situation as it is happening.

Mr. Deputy Speaker, Sir, street children are definitely a problem. Since they are a problem, we have to find out how best we are going to sort out this problem because they are our leaders of tomorrow. If we are not careful, we are going to have the country being led by crooks and it is the duty of us all to make sure that the situation is reverted. Now, obviously the situation cannot be left to the Government alone. On the other hand, the Government cannot run away from its responsibility of making sure that these children are properly rehabilitated. We have reasons for the existence of these street children. Why do we have these children in the streets? We have these children in the streets for various reasons. There are those children who are in the streets because they come from poor families. Their families cannot afford to keep and maintain them. Therefore, these families have to send the children to the streets to help them, as it were, to earn a living for the parents. There is another group of these children and that is the orphans. With the current situation in Kenya, you will find that many of the communities are not ready to adapt the children within the community, the way things used to be before. So, the children have got to run to the streets or to the towns to feed for their livelihood. Now, we also have the children who have well-off parents, but they cannot be controlled by the parents and you get these delinquents and so on. That is why sometimes these delinquents are rounded up and taken to court and sent to the rehabilitation centres. Obviously, at the moment, we have quite a number of approved schools and rehabilitation centres which are being run by the Government. But if we insist that the Government alone should build more rehabilitation centres, we would be more or less hindering those volunteers and we have many of them in

the field to assist in this respect.

Mr. Temporary Deputy Speaker, Sir, while the Government should go on since it has the funds to create more rehabilitation centres, the NGOs and other well-wishers should come up and assist the Government. Already, the Government has asked the International Labour Organisation (ILO) to help in this respect and, I, as the Minister for Labour and Manpower Development, on behalf of the Government, we have managed to convince the ILO which in turn has, for around four to five years, been giving the Government money, but not for the use by the Government. This money has come in through my Ministry and my Ministry has merely been used as a conduit to give this money to the organisations that assist these children. We have a programme here which is known as IPEC, that is the International Programme for Elimination of Child Labour. We have on behalf of the Government received over Kshs40 million within this past period of about four to five years and this money has been distributed to the NGOs. For example, the Child Welfare Society of Kenya has been given quite a bit of money. That is a few millions. The City Council of Nairobi has been given money. The Ministry of Home Affairs and National Heritage has been given money. The Central Organisation of Trade Unions has been given money and the Federation of Kenya Employers has also been given money. Now, such money has also been given to Undugu Society and a number of other organisations which are running centres which keep these children. Now, I think this needs to be co-ordinated. The ILO has special co-ordinators stationed in my Ministry. But if we insist by saying that the Government alone should put up rehabilitation centres, then we are actually narrowing down---

Mr. Obure: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead this House when he knows very well that the private people have come up to assist these centres? Instead of this money being used for the children, it is being used to benefit individuals and other corrupt people in the Government who are claiming that they are assisting these children. That is why there are so many children in the streets. Is that really in order?

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Deputy Speaker, Sir, I have clearly mentioned here that this money does not go to the Government. Therefore, the question of corrupt people in the Government using this money does not arise. All I would say is that the NGOs and the groups that are being helped by IPEC, they should use this money in rehabilitating the children, but not for their own salaries, maintenance and entertainment. I agree with the hon. Member that this money should be properly utilised, but I do not agree that the Government or corrupt civil servants are using the money. It is not going to them at all because it is being channelled to these bodies. I have already named them here and if there are any of these bodies I have named that claim they have not received money for this purpose, they should come up and say so. But on the whole, I think that these bodies should help us to remove the children from the streets.

Also, I would like to appeal to the public not to encourage these generous donations within the streets because if we go on giving this money to the children in the streets, as many as are being removed from the streets, others are coming, while the others are escaping from the rehabilitation centres to the streets to get the money. Part of the money from IPEC is also supposed to help these children who are being removed from the streets to pay fees for those who want to continue with education. If the children are on the streets because the parents are too poor, these parents should also be helped to make the home fairly comfortable, so that when these children are removed from the streets and are put in schools, they can comfortably go and stay with their parents. So, the Government is trying its level best.

While I agree that the Government should continue and, if possible, establish the rehabilitation centres, we should also encourage the way the Minister has put it that NGOs should be encouraged to run these affairs.

There is one thing I would like to point out. Many NGOs are coming up and they want to keep these children. I would suggest, perhaps, that the NGOs which are interested to help the Government to remove the children from the streets, they should decide among themselves so that one NGO is merely to get the children off the streets and put them into one centre, where they will screen why these children are on the streets. If they find that children are on the streets because their parents cannot afford to support them, let another NGO take over those children, so that these children can be sent to school and IPEC is able and willing to pay fees for these children. It is also able to help the parents of these children, at least, to come up with some Jua Kali work to help themselves while we help the children.

I have cases where children have been removed from hazardous working conditions and placed in schools. I know that IPEC is paying fees for these children. We should help each other in the respect.

I would, however, want to emphasise again that these generous donations we are dishing out in the streets is encouraging these children to come back to the streets. We should discourage them from coming to the streets by having them outside there. The screening now should get hold of the children. We have a lot of orphans who have been made orphans because of the dreadful disease that we have. These children should also be looked after in this special manner so that they do not find their way into the streets to feed themselves.

Mr. Deputy Speaker, Sir, with those many remarks, I would like to second the Motion as amended.

(Question proposed)

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

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

(Debate on the original Motion resumed)

Prof. Mzee: Ninakushukuru sana, Bw. Naibu Spika, kwa kunipa nafasi hii kuzungumza juu ya Hoja hii. Watoto ni muhimu sana katika nchi yoyote. Watoto ndio watakaendesha Serikali na nchi yetu. Pia watoto ndio watakaendesha desturi katika siku zijazo na Waswahili husema, "Mtoto umleavyo ndivyo akuavyo". Mtoto akilelewa kwenye barabara, akijizozesha madawa ya kulevya, kuiba na mambo mabaya, mtoto huyo atakuwa mbaya. Kwa hivyo, Hoja hii inataka Serikali iwe katika mstari wa mbele wa kujenga nyumba za kurekebisha watoto ambao wamekosa watu wa kuwalea na majumba ya kukaa. Kumrebisha mtoto tabia yake ni kitu muhimu sana. Ijapokuwa Waziri na Naibu wa Waziri wametaja mashirika ambayo yanaangalia hali ya watoto, Serikali haiendeshi hata shirika katika mashirika hayo, yanaendeshwa na watu binafsi. Serikali ambayo inakusanya kodi kwa wananchi ina jukumu la kurudisha pesa hizo ambazo zimekusanywa kutoka kwa wananchi kwa kuzitumia katika kutatua shida ambazo zimewakabili wananchi. Taabu tuliyo nayo sasa ni kuhusu watoto wasio na mama na ambao wanaishi barabarani. Tumeambiwa kwamba pesa nyingi sana za kuwasaidia watoto zimekusanywa. Lakini hatujui pesa hizi zinaenda wapi. Hatujui pesa ambazo zilikusanywa ili kuwasaidia vijana zimetumiwa kwa njia gani. Bunge hili liliidhinisha kiwango fulani cha pesa za kuwasaidia vijana.

Bw. Naibu Spika, kuna mashirika ya Serikali yanayozitumia pesa za Serikali kukipongeza chama cha KANU magazetini kwa sababu kuna siku kuu ya KANU. Kwa nini Serikali hii haitofautishi baina ya pesa zake, za watu binafsi na za KANU? Pesa za Serikali zimeibwa na kuwa za KANU, Rais Moi na Mawaziri!

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): On a point of order, Mr. Deputy Speaker, Sir. The Hon. Member is really fond of misleading the House. I am not aware of what he is saying. I challenge him to substantiate his claim that Government money is being spent on advertising or congratulating KANU? Municipal councils and other institutions only spend money on advertisement on national days, which are not KANU days. He should know the difference between KANU and national days!

Prof. Mzee: Bw. Naibu Spika, mhe Mutiso hajayasoma magazeti ya leo na hajui kinachoendelea. Ninamwambia kwamba Coast Development Authority ni shirika la Serikali ambalo linapewa pesa na Bunge hili. Shirika hili na mengine leo yanakipongeza chama cha KANU yakitumia pesa ambazo zimetolewa kwayo na Bunge hili. Hii ni haramu na wanaohusika watazilipa pesa hizi.

Ikiwa Serikali haitatoa pesa za kuwasaidia watoto walio barabarani, watoto hao watatumiwa na "Kabila" wa nchi hii kuiondoa Serikali yenyewe mamlakani. Hata Sheikh Balala atapata uraia wa nchi hii na kuiondoa mamlakani Serikali hii dhalimu ambayo imemnyima pasipoti. Sheikh Balala ataingia msituni ili kuiondoa Serikali mamlakani ikiwa haitampa pasipoti yake. Inafaa Serikali hii ijihadhari kwa sababu haiwezi kuwadhulumu watu na waendeleo kuvumilia.

Kama nilivyosema, ni lazima watoto warekebishwe kwa kuondolewa barabarani. Umasikini umetuingilia sana. Watu hawawezi kujilisha wala kujivicha. Hakuna hata kazi na wazazi wanawatupa watoto wao barabarani. Serikali ya KANU imewafanya Wakenya masikini kiasi cha kumfanya mama ambaye amemzaa mtoto kwa uchungu kumtupa mtoto wake barabarani. Hii inafanyika kwa sababu wazazi hawawezi kupata pesa za kujilisha wao wanyewe na watoto wao. Watoto walio barabarani wanaonyesha kutojali kwa Serikali kuhusu wananchi wake. Mtu anawezaje kujilisha ikiwa hana kazi? Wanaume asilimia 40 wenye afya nzuri hawana kazi humu nchini. Zaidi ya hivyo, wachuuzi wanakatazwa kuuza vitu barabarani, ingawa hakuna sheria yoyote inayotumiwa. Watu hawa wanaharibiwa na kuibiwa mali yao. Hata askari wanawanajisi watu. Hii ni Serikali gani inayoruhusu mambo kama hayo kufanyika? Ni Serikali gani ambayo haioni shida za watoto waliozaliwa humu nchini? Mapua ya watoto walio barabarani yamechubuka kwa sababu ya kuvuta petroli na ngamu.

Hii ndiyo sababu wizi umeongezeka. Pengine Serikali iliingia katika ubalozi wa Yemen ili kuiba pasipoti moja na kusema ni ya Sheikh Balala. Lakini wale waliojaribu kufanya hivyo walishindwa kupata kitu chochote. Ni lazima Serikali iache kufanya haramu la siyo sisi tutahakikisha kwamba imeondolewa mamlakani kwa njia ambayo hatufurahii. Sisi hatufurahii Serikali hii kuondolewa mamlakani kwa njia isiyo ya haki. Lakini kama Bunge hili linadharauliwa na maamuzi yake hayatekelezwi na Serikali hii, itatulazimu kuirekebisha Katiba ili wananchi wawe na

heshima.

Bw. Naibu Spika, ni haramu kwetu Waislamu kumkubali Rais Moi. Hii ni kwa sababu Rais Moi anasifiwa kama Mungu na hali sisi Waislamu tunasema kwamba haifai kumshikirisha mtu na Mungu. Kwa hivyo, kwetu Waislamu kumpigia Rais Moi kura ni haramu.

The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso): Jambo la nidhamu, Bw. Naibu Spika. Namuuliza mhe Mzee ikiwa maneno yake juu ya kubadilishwa kwa Katiba na Rais Moi yanahusiana na Hoja hii? Si yeye anazungumza kinyume cha kanuni za Bunge hili?

Prof. Mzee: Bw. Naibu Spika, umasikini tulio nao, ambao umesababisha kuwa na watoto wengi barabarani, ambao hawana malazi na chakula, umesababishwa na Serikali mbaya ya KANU. Serikali mbaya inaleta maisha mabaya, na huu ni msemu wa KANU. Tumeona kwamba siasa mbaya ni maisha mabaya. Nikisema kwamba tuna watoto barabarani ambao hawana malazi kwa sababu ya siasa mbaya najua nasema ukweli.

Upande wa Serikali ulikuwa ukitaka kuirekebisha Hoja hii ili kuepuka wajibu wa kuwasaidia watoto hawa. Mlikuwa mnataka kamati ya ushauri sawa na vile Mkuu wa Sheria akiulizwa kila kitu anasema "kuna task" force inayolishughulikia jambo hili au lile. Kamati ya ushauri itatusaidiaje? Tunataka Serikali iwaondoe watoto barabarani na kuwapeleka katika vituo ambako watapewa mafunzo. Inafaa tuhakikishe kwamba watoto wengine hawatakuja barabarani. Kwa hayo machache, naunga mkono.

The Assistant Minister for Commerce and Industry (Mr. Galgalo): Thank you very much, Mr. Deputy Speaker, Sir. Back in 1985 I moved a Motion in this House requiring the Government to rehabilitate delinquent children who are in our streets. The Government then said that centres would be set up in every district to rehabilitate children who were in the streets. Unfortunately, nothing has been done in that regard. The streets of Nairobi are full of children. I do not know what the law says regarding children but vagrants, who are people without fixed abode or employment, should, according to the law, be arrested and taken back to their home areas.

Mr. Deputy Speaker, Sir, I think we have to execute the requirement of our laws in this country. We always lament about crimes in the streets. I am without a watch right now; it was snatched by somebody in the streets. I was sitting in the car and somebody just grabbed my watch and ran away. This is because we have failed to execute the requirement of the laws of this nation. It is very unfortunate that today we have children in the streets. We have got prostitute children in the streets here and we have become a nation with a lot of blemish because children---

[Mr. Deputy Speaker left the Chair]

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

Mr. Obure: Mr. Temporary Deputy Speaker, Sir, this is the first Motion that I have moved before this Parliament and it is an honour for me and the people of this country that the Government has accepted that really we have a problem in our streets. This kind of Motion has been highlighted by very competent Members of Parliament. I have much to be grateful for because this problem that we have today is not because we do not see; not because we do not know, but because of sheer negligence, abdicating responsibility first as parents and second as legislators of this august House.

Mr. Temporary Deputy Speaker, Sir, in reply, the Government has largely accepted that our streets today are not safe. I quite agree with Members of Parliament just as we agree in our nation that our streets today are full of children not from other countries but from our own homes and from our country that we love and cherish. When I started analyzing this Motion, I said that all of us at one given point, even our own President and our own Ministers, were children. If we were not brought up by our parents then we could not be in Parliament here today and we could not be the Kenya that we are today. I am urging this nation to know that Kenya is not made of trees, beautiful houses or flowers. I want to stress to the hon. Members of this august House that the only favour that they can do to this country today is to pass this Motion for the good of the people and for the good of this nation. The beauty of Kenya lies in its own children. It makes me feel like crying when I walk on the streets and see a mother with a beautiful baby on her hands while the other children are running up and down. The mother tells them to follow the tourists. This morning I had only three loose shillings and a note of Kshs20. I did not know whether to give Kshs20 or Kshs3. I had to divide the Kshs3 among the children who were surrounding me near a very beautiful hotel here. What was funny and perturbing is that the three children started fighting for the Kshs3 which could not buy anything. As a nation, if we want a competent Parliament, a competent President and religious leaders in the future, this nation has a responsibility of taking care of its own children. It is a shame to look at these pictures showing children collecting rubbish; this is child abuse. This picture shows a child who has been burned by a parent. We do not have adequate laws that protect the child or Kenya as a nation. When we talk of a child, we talk of Kenya. We have to protect this country. If you

look at this article which appeared in the *Kenya Times* of 8th June, 1997, you will see a child of about 10 years, a girl, subjected to hard labour.

(Mr. Obure displayed the picture)

If you look at this article again, you will see a Kikuyu girl of seven years carrying something on her head. This is a shame. Hon. Members and Ministers of this nation, there is something wrong in this country. We have got to help our country. In the *Kenya Times* of 10th June, 1997, there is an article which reads: "Three infants killed by their parents". They did this because they cannot take care of them, including feeding them. The article goes on to say: "One was drowned while for the second one, the father took a very sharp knife and stabbed the child. In a similar incident, a man, (name withheld) drove a knife into his one and a half year old son's chest and killed him on the spot". Such incidents are happening because we do not have adequate laws to protect children.

Mr. Temporary Deputy Speaker, Sir, if you look at these children in the streets--- I said from the beginning that we have a time bomb. Let us diffuse this time bomb. I stated it earlier and I will state it again. A time will come when this bomb will explode. When it does explode, it will not spare anybody in this country, including you. A few minutes ago, an hon. Minister said here that he has lost a watch to these youths. Whenever I walk in the streets of Nairobi, I have to hide the only watch I have. But since you hon. Ministers and senior Government officers travel in beautiful cars, you have not had the opportunity to walk along these streets and to see what is happening.

When we had a rally here last month--- this *jeshi la mzee* is a reality. It did not have anything to do with the rally. It is composed of a tribe that this country is bringing up. It is a tribe called *jeshi la mzee*. Nobody cares for this tribe, but it will come up. It will have its own government and it will protect itself. When this tribe gets the chance to protect itself, it will topple our Government. This is what has happened in Zaire. The Zaire Government was toppled by *jeshi la mzee*.

Let us build rehabilitation centres. I thank the various religious communities which have contributed a lot towards the rehabilitation of these street children. What we are asking is for all of us to take care of these children. We need to provide them with school fees, education and shelter. During rainy season, you find that these children use plastic papers to cover themselves. I want the Minister to walk along our streets and see what is happening. I want Kenyans to see what is happening and ask themselves where they are heading to in the next century. Something must be done. We must have adequate laws that protect the child because by protecting the child one is protecting the country. In future, we are not going to have doctors, engineers and so on, if we continue abusing these children. Our country is ridden with diseases, but the first one is the street children. My humble appeal is that we pass this Motion unanimously and with human feeling for our country.

With those few remarks, I beg to move.

(Question put and agreed to)

SELECTIVE PRIVATISATION OF CITY COUNCIL HOUSES

Mr. Ruhii: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, considering the fact that the Nairobi City Council has not repaired its houses in various estates for the last 15 years and being aware that the Council has not put up new estates for a considerable number of years, this House urges the Government to consider privatising selectively some City Council houses and that those currently residing in these houses be given priority and further that the proceeds from the sale be utilized to put up new houses for mortgage by lower income groups.

Privatization is a quiet revolution that is sweeping the world. Some countries have engaged in some form of process of selling state enterprises or contracting out Government services. For many developed and developing countries, privatization is an idea that has taken root. In less developed countries, privatization has been hampered by unawareness created by budgetary practices and by realization that state-run enterprises are usually white elephants that lose millions of shillings each year. Privatization is in the broadest sense the transfer of the assets or services from the tax-supported and politicized public sector to the private sector.

Mr. Temporary Deputy Speaker, Sir, the British Government took the lead to make Britain a nation of home owners. When Margaret Thatcher came into power in 1979, one home out of three was Government owned and rented at a subsidised rate and after six years, one million homes were sold to individuals and they became owners of those million homes.

Mr. Deputy Speaker, Sir, one of the basic necessities for health and welfare of human beings is shelter. In

Kenya, the possession of these elementary needs creates a serious problem, especially in urban centres. The influx of the population from the rural areas to the urban areas has created a very major problem in our urban centres. The majority of our population live in make-shift houses in some areas. Most of them live in some outdated and dilapidated Nairobi City Council houses which we know, for example, Shauri Moyo, Kaloleni, Starehe, Ziwani and many others in this city. These estates are virtually slums and, therefore, I am proposing in this Motion that not all City Council houses should be privatised. I am proposing that we privatise all estates in the city other than Eastlands. Estates like Woodley, Buru Buru, Mariakani, Ngara flats, Pangani flats, Kariokor flats, Buru Buru flats, Kariobangi South flats and maisonettes, Buru Buru maisonettes and Bungalows Huruma maisonettes and flats and Jamhuri Estate and that the Eastlands area should be replanned for high-density houses to be sold on tenant-purchase basis.

Mr. Temporary Deputy Speaker, Sir, it is true that the Nairobi City Council has not repaired their houses for the last 15 years and the tenants have taken upon themselves to repair these houses at their own expenses after every five years and yet, the Nairobi City Council continues to receive rent from these tenants. I have copies of letters addressed to the Town Clerk sometime in 1994 by tenants of various estates, requesting the Nairobi City Council to sell these houses to those who are currently tenants. I have a letter here signed by about 116 tenants of Woodley Estate, which was addressed to the Town Clerk on the fifth of May, 1994. If you may allow me to read the letter, it reads as follows:

We wish to formally submit our application for the purchase of houses which we currently occupy at the above estate, for the following reasons:

- (a) These houses have not been maintained by the Council for many years, and are in need of urgent repair, which will cost your council millions of shillings to carry out.
- (b) The majority of the tenants - the list of some of these is attached hereto - have lived in these houses for the last 13 years. Some have lived in them for the last 30 years. They have now regarded these houses as their homes.
- (c) House ownership will give us a feeling of belonging which is so vital to the urban life and will undoubtedly, promote close attachment to and love for our city.
- (d) Most of us have made major repairs and improvement internally and externally over the years through our own resources, in order to live in attractive and well-maintained houses.

We therefore, plead with the Council to let us purchase these houses and ensure that only those renting these houses will be given priority to buy them.

I have copies of letters from tenants of other states, but because of shortage of time, I am not in a position to read them at this stage. It suffices to say that Nairobi City Council has neglected these estates for many years. Tenants have taken it upon themselves to ensure that they repair them for their own comfortable life. They state with good reason that it is the duty of the landlord, who receives monthly rent, to maintain them in good order.

The Nairobi City Council houses are in three categories. We have senior staff houses which have already been sold to senior staff of the Council and private individuals. We have tenant purchase houses and also, rented houses of the council. I am proposing that the following estates be sold selectively to the public, and that priority should be given to the incumbent tenant. According to the colonial masters who constructed Eastlands estates like Shauri Moyo, Kaloleni, Ofafa Kunguni and other estates, we have a state of complete slum deterioration in the sense that these houses were not built for human habitation. If you look at an estate like Shauri Moyo, you will see that it was not built for human habitation. They were built as stables by the colonial masters. This is because the so-called natives in those days were not supposed to live in decent and comfortable houses. No houses with facilities were reserved for the natives because they were considered ignorant of using those facilities. This is why we have estates like Shauri Moyo, Ofafa Kunguni, Ziwani, Starehe, Mbotela and Kaloleni, which are virtually slums on their own. Some houses give the impression that they were built for horses and animals, and not for human beings.

I am proposing that these estates should be replanned and re-developed. High density development should be respected by the Council to accommodate the majority of our low income groups.

Mr. Temporary Deputy Speaker, Sir, it is important that these planners, architects, medical officers of health, the Director of Social Services and Housing, the Chief Engineer and other officers to be required to work closely as a team headed by the Department of City Planning and Architecture to improve the Eastlands estates by rebuilding decent, comfortable and habitable houses for our low-income groups in the city.

Mr. Temporary Deputy Speaker, Sir, you are aware that these tenants will be required to obtain mortgage facilities in order to pay initial deposits to the council for these houses. We have financial institutions like the Housing and Loans, East African Building Society (EABS) and the Housing Finance Company of Kenya (HFCK) which are prepared to offer mortgage facilities for the tenants living in City Council houses for a period of 10 to 25 years. Therefore, the tenants who are currently living in these houses will be required obviously to offer a deposit to the council as a mortgage instalment.

Mr. Temporary Deputy Speaker, Sir, we have for instance, a very shameful spectacle every morning when you walk in estates in Eastlands which have apparently been marginalised by the Government like they were marginalised during the colonial days. When you look at the Eastlands area, you notice that because those estates are occupied by Africans, the infrastructure is neglected, the roads are impassable, sewerage systems are not tended to and even for that matter, the facilities in these houses like bathrooms, toilets are used communally. You will realise that early in the morning if you walk across Bahati Estate or Shauri Moyo you will see a very shameful spectacle of tenants queuing up for these facilities. They queue up for bathroom and toilet facilities and it is a shame that if you go and see the kind of toilets and bathrooms that they have in some estates like Shauri Moyo which are cemented patches. You will find a long line of tenants squatting and helping themselves. You will, indeed, be surprised to see that even those who come without toilet paper can always borrow from the next colleague who is helping himself.

It is a terrible spectacle and as you know it is only after Independence in the early sixties that these estates were improved because we used to provide or the colonial master used to provide bucket latrines which were to be emptied every morning and hence the term in Kiswahili *chura*. He was supposed to come and collect human waste every morning and he replace the buckets which were full of human waste.

Even, today, Mr. Temporary Deputy Speaker, Sir, you would find that they queue early in the morning for these facilities such as communal bathrooms and toilets. Therefore, these estates must be improved for our own people in Eastlands. I decry the marginalisation of Eastlands, the so-called "African Republic". Time has gone when a native was not supposed to own a motorcar, but a bicycle. We need good roads, sewerage and drainage systems in Eastlands. If you go to Muthaiga, Lavington, Milimani and all these other areas where the so-called "Wadosi" live, they are very comfortable areas. Why? Why is our own Africans neglected in the Eastlands and left to rot there? We need to improve that area so that it is comparable with other areas in Nairobi City.

This Government is behaving like the colonial Government as far as Eastlands is concerned. They should pay attention to Eastlands. They should make Outering Road a double-carriage way to ease traffic. They should not start making, as I heard in this House, that the programme will start with Lang'ata Road and Ngong' Road where the wealthy people stay. Why not start in Eastlands area?

Mr. Temporary Deputy Speaker, Sir, with these few remarks, I beg to move.

Mr. Raila: Mr. Temporary Deputy Speaker, Sir, this is a very important Motion, particularly to us MPs from Nairobi. Let me begin by revisiting the genesis of this problem. The problem of housing not only in Nairobi, but in all our urban centres comes about as a result of the influx of the people from the rural areas to urban centres. This is a problem that applies all over this country. This is because of the failure of the Government to create attractive conditions in the rural areas. This is the cause of the exodus of the population from the rural areas to urban centres in search of employment.

Mr. Temporary Deputy Speaker, Sir, the population of Nairobi City has grown more than 10 times since Independence, yet the Government has not been able to increase the social facilities and amenities to be able to cope with this high influx of population in Nairobi.

We have problems of transportation as evidenced by the long queues at matatus centres all over the town both in the morning and evening. We also have the problem of sewerage and garbage disposal. But the most acute of all the problems is that of housing. The mushrooming of slums all over our city is as a result of the failure of the Government to provide adequate housing. If you look at most of the estates that we have in this city, most of them were built during the colonial period. Since Independence very little has been done by the way of constructing new estates to be able to accommodate the heavy influx of the population.

Mr. Temporary Deputy Speaker, Sir, under the colonial system, we had a segregation system of accommodation. We had the estates which were called Eastlands and which were left exclusively for the use of the Africans. Somalis were living in Eastleigh and Asians lived in Pangani. We then had the so called high class areas which were reserved for the whites only. The entire Eastlands was meant for the African population. That is the reason why it was neglected and the houses which were constructed there were not meant for human habitation. They were meant for a species between an animal and a human being.

Mr. Temporary Deputy Speaker, Sir, the independent Kenyan Government should have come up with corrective policies to be able to provide adequate housing for our population. The reason being given these days for lack of houses is that the Nairobi City Council (NCC) does not have adequate funds to construct houses for its population. That is the reason why this Motion is important. We can borrow from experiences in other countries. Here I have in mind the City of London, where under the Conservative Party Government, the City embarked on a privatisation programme, whereby it sold most of its estates to the tenants to raise money for construction of new houses. I think that this example is very relevant to our situation in Nairobi today. The NCC should be allowed to sell some of its estates, some of which are over 50 years old, to the incumbent tenants in order to raise adequate funds for construction of new estates for the growing City population.

I would like to specifically mention two estates in my constituency. These are Woodley, which is also one of the oldest estates in the City, and Madaraka Estates. It is known that Woodley Estate is quietly being sold to some few individuals. The residents of Woodley Estate have actually sent a petition to NCC requesting it to sell those houses to the tenants who have lived there for over 20 years instead of selling them to the rich and mighty, who do not need them. Likewise the tenants of Madaraka Estate have petitioned the Government to allow them to buy those houses, instead of the houses being sold to a few individuals. This will enable the NCC to raise more revenue in terms of mortgage repayments to be able to provide houses for other people.

The grabbing of land and City Council property is something that has been talked about in this House time and again. Some time two years ago a Mr. Kuria wa Gathoni, the City Planning Officer, was sent on compulsory leave. A few months ago the same Mr. Gathoni reappeared at City Hall without any proper explanation. Mr. Gathoni has been responsible for sale of several NCC properties under the table.

Three years ago I tabled in this House a document showing how Mr. Gathoni and several other NCC officers were selling NCC property below the market price. Today I have with me a document which shows that NCC plot LR No. 3734/550, situated in Lavington, was allocated to a company called "Brighton Properties Limited" without any proper payment. A search done at the registry of lands shows that the directors of M/s Brighton Properties Ltd to be a Mr. James Mungai, a farmer, and a Mr. Kuria wa Gathoni, a farmer. This is the same person who is the Director of City Planning and Architecture. He is registered here as the Director of Brighton Company Limited, as a farmer.

The Temporary Deputy Speaker (Mr. Wetangula): How do we prove that it is genuine?

Mr. Raila: Unless he can prove otherwise, this document remains authentic. I want to lay this document on that Table and demand that somebody of the calibre of Mr. Gathoni does not deserve to hold any public office as a result of his conduct in the past which lead to his being sent on compulsory leave.

(Mr. Raila laid the document on the Table)

Unless the Government can give a satisfactory explanation why Mr. Gathoni has been reinstated, the Government stands accused of complicity in the sale or theft of City Council property.

Mr. Temporary Deputy Speaker, Sir, the residents of Nairobi should be served well and they would like to have better housing, roads and a much more efficient transport system. They do not want to be seeing open sewerage systems, rather they would like to see garbage properly collected in our city and the sooner the Government addresses itself to these problems, the better for our people. The Government has embarked on evicting hawkers from the streets of our city. Nobody condones hawking in the city centre, but these people deserve a right to livelihood. So, it is the responsibility of the Government to provide them with alternative sites where they can locate their businesses rather than moving at night when people are sleeping and bulldozing the kiosks which have been constructed at very heavy costs by the very poor people under the excuse that the Government is cleaning up the City. There are better and more civilised ways of dealing with the situation like this of hawking in the City Council. We would like the Government to use those methods.

With those few remarks, I beg to second.

(Question proposed)

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Speaker, Sir, I rise to support very strongly this Motion. For one reason, as the two speakers have already said, hon. Ruhiu and hon. Raila, housing is one of the basic needs of the people. In this City since the colonial times Africans were always discriminated against in terms of housing. In colonial times there were very few Africans in this City, almost none, at all owned his own home, whereas Asians, Europeans and people of Arab descent owned their homes. This can be characterised by the way in which the colonial regime named African areas; Shauri Moyo, Shauri Yako, Bahati and so on. So, if you have a shelter over head, bahati yako, Shauri Moyo, Shauri Yako.

Mr. Temporary Deputy Speaker, Sir, 34 years after Independence, we cannot treat housing as "shauri yako". Housing is a very basic need and, I think, hon. Ruhiu has brought this issue at the right time. Even our own brothers and sister because of the terrible conditions that they live in, they describe their areas in very sad terms like "Mlango Kubwa," "Soko Mjinga" and so on. I think, we need to have some dignity in this City.

There is one other thing that should be done. Estates like Shauri Moyo were built like stables and not for human beings. They were built as if pigs and cows were going to stay in those houses. But they occupy fantastic land. I agree with hon. Ruhiu that the National Housing Corporation (NHC) and the Housing Finance Company of Kenya (HFCK), have in the past done a very good job. But since this Nyayo era started, they have been ruined by corruption and mismanagement. These state bodies should be properly managed and be mandated to modernise these

areas. The only African estate which was built with some dignity is Kaloleni. There, you find that there is space and very permanent housing, but they do not have proper amenities.

In this day and age, it would be very good if the Government just put in a little bit more money to modernise these estates and give the individual the chance to buy these houses. If you calculate the amount of rent a tenant in Kaloleni has been paying since the 50s--- I first came to this city in 1956 and I stayed with my uncle in Kaloleni in House No.X.11. My uncle stayed there until he died and his son took over and X.11 is still part of our family. If you calculate the amount of rent the family has paid for X.11, you will find that they have more than bought that house. So, it is time that the Government calculated this rent, like Margaret Thatcher did in Britain, and commuted them and credited the rent payers with that money so that it becomes part of the amount they are paying to buy this house. This is what happened in Britain and it should happen here. If you go to estates like Joseph Kang'ethe or Woodley, people who have been staying there have paid more than the value of those homes. Now what the NHC or the HFCK should do is to give them a mortgage to modernise those buildings so that they can stay in them. In any case, were you to ask the City Council of Nairobi, they will tell you as hon. Ruhiu has said, that they have not spent that money to maintain these houses.

Mr. Temporary Deputy Speaker, Sir, I have been to Madaraka Estate. The City Council has not spent an ounce of paint to paint Madaraka Estate ever since that estate was built. The City Council has not spent any money to repair the ceiling boards in that estate ever since it was built. Sadly enough, the City Council has not spent any ounce of murrum or bitumen to repair and maintain the roads within that estate. When it rains, that estate is in a miserable condition. Were the residents of that estate to be told that; "you are now going to own your own homes, contribute some money so that the infrastructure in the estate can be properly maintained", that estate would rise up to be one of the best estates in this city. So, since the City Council does not have the resources to maintain these estates, the most logical thing is to sell them to tenants and to credit these tenants with the amount of money they have been paying in terms of rent since they moved in there.

If you look at the amount of money the Government has spent in literally subsidising middle income housing projects which have been bought by individuals on mortgage since Independence, it is substantial. For example, if you take the value of houses in Buru Buru or in Golf Course today, the value of those houses has gone up more than four or five times. So, the owners of those homes are sitting on a gold mine. If you compare the amount of money they are paying in mortgage and interest, you will find that they made very good investment. It is that kind of comparison and comparative advantage that should now be given to those people who have been tenants to City Council houses. They are no different from other Kenyans. Those people living as tenants in City Council houses are the same as those Kenyans who have received mortgage financing for their houses in Buru Buru, Golf Course and other estates.

So, Mr. Temporary Deputy Speaker, Sir, what we are asking for--

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Order! It is now time for the interruption of Business. Prof. Anyang'-Nyong'o, you have five minutes to go. You will carry on with your contribution on Wednesday next week.

Hon. Members, the House is adjourned until 2.30 p.m. today.

The House adjourned at 12.30 p.m.