

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 10th December, 1996

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Nyayo Tea Zones Development Corporation for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations)

*(By the Assistant Minister, Office of the President
(Mr. Sunkuli) on behalf of the Minister of
State, Office of the President)*

Annual Report and Accounts of Shipping Agency Limited for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations)

*(By the Assistant Minister, Office of the President
(Mr. Sunkuli) on behalf of the Minister for
Commerce and Industry)*

ORAL ANSWERS TO QUESTIONS

Question No.906

HEAD-COUNT OF RESIDENTS

Dr. Kituyi, on behalf of **Mr. Busolo**, asked the Minister of State, Office of the President what was the purpose of the head-count of the Bukusu and Teso residents of Myanga, Kimaeti, Khasokok, Malakisi, Tamulega, Changara, Machakha, Lwandanyi and Lwakhakha by the areas' chiefs in April, 1996.

The Assistant Minister, Office of the President(Mr. Sunkuli): Mr. Speaker, Sir, I beg to reply. I am not aware of any head-count of the Bukusu and Teso in those areas.

Dr. Kituyi: Mr. Speaker, Sir, arising from the hon. Assistant Minister's reply, if the Office of the President is not aware of an exercise carried out by Provincial Administration in an area of the country, who is supposed to be aware?

Mr. Sunkuli: Mr. Speaker, Sir, the matter involves a head-count which did not happen. What the hon. Member must have been referring to was an exercise conducted by chiefs in the areas of Tesos, Bukus and Sabaots to determine the boundaries of the new districts that were being carved out. It was a manner of trying to determine the homogeneity of the communities residing within particular locations.

Dr. Kituyi: Mr. Speaker, Sir, considering that Teso District was created exclusively out of the old Busia District, under what authority did chiefs in Bungoma District carry out a head-count on the basis of ethnicity, and how did Bungoma District's census of tribe relate to a sub-division of Busia District?

Mr. Sunkuli: What I said was that, when creating Teso District, there were some locations that were in dispute and it was upon the chiefs to try and find out which locations would go to Teso and which ones would remain.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister confirm or deny that there was something sinister behind this exercise?

Mr. Sunkuli: I deny.

Question No.1209

MEMBERS OF THE MONEY MINTING COMMITTEE

Mr. Ndubai asked the Minister for Finance:-

(a) whether he could inform the House who are the members of the Money Minting Committee and the qualifications required for one to be a member; and,

(b) whether he could consider including in the said Committee, two members from the Opposition and two members from

the ruling party KANU.

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

(a) There is no committee known as Money Minting Committee.

(b) In view of the answer in "a" above, part "b" does not arise.

Mr. Ndubai: Mr. Speaker, Sir, I am very surprised to hear that we do not have a money minting committee in our Government system. In our Constitution, this country is supposed to have a money minting committee to guide the Central Bank. Unless we have this committee, then we have no way of controlling the printing of paper money. If we look back at what happened in 1992, it was because the currency was left to few individuals---

Mr. Speaker: Are you asking a question, Mr. Ndubai?

Mr. Ndubai: Mr. Speaker, Sir, would the Assistant Minister promise this House that this Government would form a money minting committee under the chairmanship of the official leader of the Opposition to control the printing of paper money?

Mr. Keah: Mr. Speaker, Sir, the authority to print notes and coins has been vested to the Central Bank by this august House. If the hon. Member wishes to remove that responsibility that has been given to the Central Bank of Kenya, he is at liberty to bring a Motion or amend the Central Bank of Kenya Bill.

Mr. Achieng-Oneko: Mr. Speaker, Sir, will the Assistant Minister confirm that in 1992, there was surplus money floating in the country which had adverse effects on the economy of this nation?

Mr. Keah: Mr. Speaker, Sir, we have all read statistics and economics and we have said in this House that there was surplus money at that period. This was a factor of what we call in simple language, too much money chasing too few goods and the like. In other words, we had excess liquidity which was due to various circumstances. There is no justification in the hon. Member asking me whether there was surplus money floating in the country, because that is public information. The truth of the matter is that there was no excess printing of money.

Mr. Ndubai: Mr. Speaker, Sir, from the answer the Assistant Minister has given, I would like to request him to consider establishing this committee because we do not know at what time they decide to print certain amounts of money. I would request the Assistant Minister to promise this House that there will be no printing of new currency until the General Elections, to be held in 1997, are over. After that, I would also request this House to bring a Motion or a Bill proposing to remove the portrait of the head of State from our currency, because we can never consider a portrait of a living head of state to be printed on our currency. His portrait should appear on our currency after say one century, but not a living head of state. I would like the Minister to promise---

Mr. Speaker: Order! Order, hon. Ndubai!

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead the House to say that there should not be a living person's portrait on our currency when we know very well that the portrait of the late Mzee Jomo Kenyatta functioned while he was alive and it was a legal currency?

Mr. Ndubai: Mr. Speaker, Sir, the mess must be corrected. We cannot continue with this mistake of the nation, because it was made by the first President as the head of the State.

Mr. Speaker: Mr. Ndubai, I gave you a chance to put a question to the Assistant Minister and not to debate. Will you put the question? If you have no question, fine. Next Question, Mr. Ojode.

Question No.1201

ALLOCATION OF FUEL LEVY FUNDS

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

(a) what the total amount of money allocated for gravelling of roads in 1996/97 financial year from fuel levy is; and,

(b) if he could give a breakdown of the allocation per province.

Mr. Speaker: Is anyone here from the Ministry of Public Works and Housing? None.

Mr. Ojode's Question for the second time.

Mr. Ojode: Mr. Speaker, Sir, for the second time, I wish to ask Question No.1201.

Question No.1201

ALLOCATION OF FUEL LEVY FUNDS

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(a) what the total amount of money allocated for gravelling of roads in 1996/97 financial year from fuel levy is; and,

(b) if he could give a breakdown of the allocation per province.

Mr. Speaker: Is anyone here from the Ministry of Public Works and Housing? Well, there being no Minister, I am afraid, the Question is deferred.

(Question deferred)

Mr. Ojode: On a point of order, Mr. Speaker, Sir. Why can you not wait for the second round?

Mr. Speaker: Order, Mr. Ojode! That is the last ordinary Question.

Mr. Ojode: Mr. Speaker, Sir, I understand there are only three ordinary Questions.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. This is an extremely important Question and given the fact that the House is apparently set to go on a long Recess today, is there no way in which this Government can make a statement about this matter because roads in the whole country are in a terrible mess?

Mr. Speaker: I am afraid, Mr. Anyona, you know very well that I am not the Government!

Mr. Achieng-Oneko: On a point of order, Mr. Speaker, Sir. Since in the Front Bench there are Ministers, why do we not ask one of them and more particularly, the Leader of Government Business, and if the Leader of Government Business is not here, at least, the Minister for Education is here and he can easily take the responsibility?

Mr. Speaker: Well, I suppose they know it. If they do not volunteer, there is nothing I can do about it!

The Minister for Education (Mr. Kamotho): I think the hon. Members should understand that, this is a very specific Question requiring a specific answer. We do not have the answer from the Ministry and, therefore, I cannot stand here and "cook" figures about the money allocated for roads from the fuel levy.

Mr. Achieng-Oneko: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Achieng-Oneko! There is a saying that: "You cannot flog a dead horse." There is no way I can help you in this matter. Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

KILLING OF PEOPLE BY GANGSTER

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

(a) Is the Minister aware that on the night of 24th November, 1996 at Makutano in Mbeere District, three people were killed and three others injured by a heavily armed gangster and a vehicle was stolen in the process?

(b) Is he further aware that on the night of 30th November, 1996 at the same Market a Mr. Francis Maina was attacked and robbed money?

(c) What urgent steps is the Minister taking to alleviate this menace?

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

(a) Yes, I am aware, although it was two people who died and five injured not three people killed and three injured.

(b) Yes, I am aware.

(c) The Government has already set up a police patrol base at Makutano.

Mr. Nyagah: Mr. Speaker, Sir, I do not want to go into an argument as to how many people died, but I can state to him that two watchmen died and one shopkeeper was killed. So, those are three killed and three others are still in the hospital, one in Nyeri and two in Embu.

Mr. Speaker, Sir, when I asked a Question regarding a police station at this particular point some four weeks ago, I was told that there was a police post at Karaba which is ten kilometres away. And therefore, the security would be looked at probably at that point. My question to the Assistant Minister is: We still have the plot there and there is no police vehicle ten kilometres away. The thugs said that within two weeks they would come back. They came back within a week when I was there and they robbed off a Mr. Francis Maina Kshs10,000 and ran away. On Saturday, they came back again and terrorised people. What are you going to do about it?

Mr. Sunkuli: Mr. Speaker, Sir, as I said, the need for a police base at Makutano has been seen. My information is that the police have already established a patrol base at Makutano. I will try and ensure that this has actually happened, so that the hon. Member should not complain again and say we have given him false promises. We will try and ensure that.

Mr. Nyagah: Mr. Speaker, Sir, while appreciating that answer from the Assistant Minister, is he aware that the local people, anybody who has a plot in Makutano, through a committee which was chaired by the DC, Mbeere, John ole Misiani, it was agreed that everybody should contribute Kshs1,000 for the seven Administration Policemen (AP) who have been posted there? Since it is the responsibility of the Government to ensure that security is given to all, can the Government take charge and pitch tents in their own plot in Makutano as opposed to charging the poor people of Makutano Kshs1,000?

Mr. Sunkuli: Mr. Speaker, Sir, we will try as much as possible within our resources to do that. If the hon. Member's constituents are also willing to help, they are welcome.

Mr. Ndicho: Mr. Speaker, Sir, the issue of insecurity in this country is going out of hand because the police are very poorly equipped. What measures is the Government taking to ensure the police have got good communication operators, guns and vehicles, not Mahidras which cannot be compared to bicycles? The thugs are capitalising on the poor equipment of the police force. What is the Government policy on this?

Mr. Sunkuli: Mr. Speaker, Sir, security is not going out of hand, but the Government is making a lot of efforts to ensure that the policemen are well equipped. Well, I have also answered before this House that a number of equipment have been ordered from abroad and a lot of it has already arrived to enable the police to have proper VHF communication and a number of vehicles have also been ordered for the police. We are sure that within a short time, most of this will be in place.

Mr. Speaker: Next Question, Mr. Ndicho.

DONATIONS TO NATIONAL YOUTH FUND

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

(a) Is the Minister aware that during Moi Day on October 10, 1996 at Thika Municipal Stadium, the Thika District Commissioner announced that he had by then collected Kshs1.6 million for the National Youth Development Fund?

(b) Is he further aware that on 24th October, 1996, the DC held a meeting with all Ruiru Asian businessmen who donated over Kshs800,000 for the same Fund?

(c) Given that the Kshs1.6 million the DC announced on Moi Day and over Kshs800,000 from Ruiru businessmen donated amount to over Kshs2.4 million, why did the DC then contribute only Kshs1 million on November, 1996, during the District National Youth Development Fund (NYDF) Harambee at Thika.

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

(a) Yes, I am aware.

(b) On 24th October, 1996, the DC held a meeting with all Ruiru Asian businessmen who pledged to support the Harambee. They later contributed Kshs190,000 to the Fund.

(c) The DC contributed Kshs800,000 collected from Thika town businessmen and Kshs190,000 collected from Ruiru businessmen and Kshs10,000 himself, amounting to Kshs1 million.

The Divisional DOs then contributed a total of Kshs870,633.

Mr. Ndicho: Mr. Speaker, Sir, this is the saddest day for the people of Thika because the person who answered this Question is the District Commissioner (DC) himself. This is the man who we are accusing of taking this money. According to the information that I have, Thika Asian businessmen contributed Kshs1 million, Ruiru Asian businessmen, Kshs800,000, Gatundu Division Harambee, Kshs800,000 and Thika Municipal Council, Kshs400,000. The DC's kitty as he announced on 10th, that is Moi Day, at the Thika Stadium was Kshs1.5 million. The Harambee on 24th November, 1996, which was presided over by hon. G.G. Kariuki and hon. Kamotho raised Kshs2.9 million. That is a total of Kshs6.5 million.

On 7th, that is last, Saturday at Uhuru Park, Thika District contributed Kshs4.1 million. The difference is Kshs2.4 million, which is the money that the Asian businessmen in Thika and Ruiru, and the people of Thika are asking this Government to make sure that the DC contributes that money to this Fund. What I am asking is this: Can the Assistant Minister agree to send a probe team to Thika, and set up an inquiry where all the people who contributed money can be questioned and the right figure of the amount contributed reached? This is because the people of Thika have been discouraged from contributing to further Harambees, if the money they contribute is going to be "eaten" like this.

Mr. Sunkuli: Mr. Speaker, Sir, the information that I have is quite comprehensive. My information is that on Moi Day, the DC of Thika announced that the District Officers and Chiefs had collected a specific amount.

I have a full list of the businessmen from Ruiru, who actually contributed the money. If the hon. Member is aware of any other businessman who is not on the list, then it would be valuable information for me to investigate on. Otherwise, there is a short list of persons here. They are: Alfred Limited, Spinners and Spinners, Oshwal Bakery, Tropical Sunshine, all of which contributed Kshs25,000. Then, Bhafra - Kshs15,000, Devji Megji - Kshs25,000, Hilji Rajan, Jay Supermarkets, Dave Kesh Supermarkets, Ruiru Hardware, Patrick Emporium, Super Steel, all of which contributed Kshs5,000 each. Ruluken Emporium - Kshs10,000 and Dr. Sharma - Kshs5,000.

Mr. Speaker, Sir, I am not aware of any other money that is pending outside. The figures that I have are here. But if the hon. Member has more information, I am quite ready to receive it.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. You have heard that there are two lists here. One is held by the Assistant Minister and the other one by the Questioner. Is it in order to ask them both to lay those lists on the Table, so that the facts can be verified?

Mr. Speaker: You are right! Proceed, Mr. Anyona!

Mr. Anyona: Mr. Speaker, Sir, in view of the general controversy surrounding this fictitious Fund---it is fictitious because it is not based on any law or any policy, but it is just a whim! But money is being collected!

Can this Government, in order to instil confidence in Kenyans, and particularly the Kenyan youths, give a detailed account of all the funds raised across the country? This is because, even in Nyamira District, Kisii District and Kitutu Masaba, the money which was collected was never remitted during the fund-raising. Can they do that in order to save their own faces and political skins?

Mr. Sunkuli: Mr. Speaker, Sir, in the first place, there is nothing like fictitious, with due respect to hon. Anyona. The Fund was a properly thought out one, and it was based on the policy of the Government, that is, its concern for the welfare of the young people of this country.

The funds were collected in a systematic manner. The accounts of those funds are readily available everywhere in the country, and the amounts were publicly announced, and the money was banked in a reputable bank in this country, and they are going to earn---

An hon. Member: Which bank?

Mr. Sunkuli: The Kenya Commercial Bank. The money is going to earn a properly computed interest, and it is going to be disbursed in a properly thought out manner.

Mr. Mathenge: Mr. Speaker, Sir, can the Assistant Minister assure this House that the colossal sum of money that has been collected for the proposed National Youth Development Fund will not come to nought, like the former Kenya Industrial Estates?

Mr. Sunkuli: Mr. Speaker, Sir, the money will be properly utilised.

Mr. Ndicho: Mr. Speaker, Sir, I personally attended that Harambee on Saturday because I supported it. The truth of the matter is that the Provincial Administration in this country has completely let the President down by stealing a lot of money.

On that day, there was a conspiracy between Mr. Kuria Kanyingi and the Central Provincial Commissioner (PC), to say that Central Province had contributed Kshs2 million. It was hon. Kamotho who intervened and told the PC that it was not Kshs2 million because even Thika alone had contributed Kshs2.9 million.

My question is this: Can the Office of the President ensure that the DCs will not be in the disbursement committees of this money to the youth? This is because if they stole it before it reached the President, they are going to steal everything when the President takes the money back to them. There is not going to be anything. Can the Office of the President ensure that the provincial administration is kept completely away from the remaining funds after what they have stolen?

Mr. Sunkuli: Mr. Speaker, Sir, what I can assure the hon. Member is that the disbursement of the money is going to be transparent. Hon. Members of this House are going to be fully aware of the manner in which the money will be disbursed.

Mr. Speaker: Next Question!

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I am rising on a point of order with regard to Question No. 3 by Private Notice.

I am seeking your guidance as to whether, in your opinion, it is in order for a tribal question like this which contains tribal insults, to be admitted in this House. Somebody is insinuating that when Kikuyus meet, then it is secret and illegal. However, when we wanted to "roast" the Minister for Agriculture, Livestock Development and Marketing here, all the Kisiis went to a hotel and pledged to protect the Minister. So, when the Kikuyus meet, it is illegal and tribal, but when the others meet, it is neither tribal nor illegal.

I seek the guidance of the Chair as to whether this Question is properly before the House.

An hon. Member: Who are you protecting?

Mr. Ndicho: The Kikuyus!

An hon. Member: Which ones?

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

Mr. Speaker: Order! Order! Order, hon. Gitau! I have said several times, and it is quite apparent on its own face, and hon. Members had better take note of it, that anything that has a tribal touch is so sensitive in this country that, even in this House, when you mention a tribe, the House goes on fire!

Now, hon. Anyona, you have heard the sentiments of hon. Ndicho. What do you have to say?

(Loud consultations)

Order! Order! There is really nothing to be agitated about. Can we have the hon. Member ask his Question?

Mr. Anyona: Mr. Speaker, Sir, I wanted to correct part "b" of the Question. It should read: "The aims" not "the aim". I have not raised any "tribal" Question. There is no tribe mentioned here but I have just mentioned a part of the country. There are Kenyans all over the country and so there is no question about tribalism in that Question.

ILLEGAL MEETINGS IN MURANG'A

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

In view of the series of secret illegal meetings being held in Murang'a, Thika, Kiambu, Laikipia, and Nairobi by prominent politicians, Senior Civil Servants, Parastatal Chief Executives, Businessmen and Professionals from Central Province, will the Minister tell this House:

- (a) The names and positions of the participants in these meetings?
- (b) The aims, objectives and resolutions of these meetings as discussed at Ndakaini in Gatanga on 3rd August, 1996 and Laikipia West on 1st September, 1996?
- (c) What measures has the Minister taken against those involved in these illegal activities?

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

(a) I am not aware of any series of illegal secret meetings being held as alleged and, therefore, the issue of names and positions of participants does not arise and, therefore, parts "b" and "c" do not also arise.

Mr. Anyona: Mr. Speaker, Sir, this is not a "tribal" Question. It is an important Question and I will be

the last to talk about tribal politics in this Parliament. It is a question that concerns the security of this nation and the proper and open political system of this country. The Assistant Minister says that he is not aware. Sometime recently I tabled a document on the Table of House this to indicate that there was a conspiracy involved in matters of security. The Assistant Minister, first all denied and later said that he would investigate and come back with a statement, but he has never brought that statement. Now, as a follow up to that statement, meetings have been taking place in areas I have mentioned, which confirms the statement which I laid here in the House. The Assistant Minister is now saying that he is not aware, and it appears that this Government is not interested in maintaining security particularly, in Central province where we have got incidents of insecurity and the people are being terrorised and we do not know those who are terrorising them and now the meetings are taking place. Can the Assistant Minister deny or confirm that on 3rd August, 1996, at Ndakaini in Gatanga at the home of Mr. S.K. Macharia, Chairman of the Royal Card, a meeting took place which was attended by a number of people? The report that I have reads as follows:-

"The meeting held on 3rd August, 1996, at Ndakaini in Gatanga at the home of S.K. Macharia, Chairman Royal Card. The members present were:-

Hon. J.J. Kamotho, Hon. G.G. Kariuki, Samuel Gichuru, Managing Director, KPLC; Mr. Mutitu, PS Ministry of Energy; Mr. Kaguthi, PC Nyanza; Mr. P.G. Mureithi, Managing Director, Insurance Company; P.C. Kirubi, Businessman; Dr. F. Njenga, Mr. Muigai, a lawyer; S. K. Macharia, Royal Card; Mr. Karanja, Manager Royal Card; Mr. Pius Ngugi, Chairman Thika Coffee Mills; Mr. Kirundi, lawyer; Mr. Isaac Githuthu, Businessman; Mr. C.M. Kimeria, Businessmen.

Those invited but sent apologies:-

Mr. Murage, PS Ministry of Transport and Communications; Mr. S. G. Githunguri, businessman and Vice-Chairman, Kiambu KANU Branch.

That is one sort of information that I would like the Assistant Minister to deny or confirm before I give him the aims, objectives and resolutions.

(Mr. Anyona tabled the list)

Mr. Sunkuli: Mr. Speaker, Sir, I do not know how the report is drafted because it looks like a directory. I would like to inform the hon. Member that, that list is not genuine, because there was no meeting held. It is a concocted list of a meeting that did not take place.

(Several Members stood up in their places)

Mr. Achieng'-Oneko: Mr. Speaker, Sir, whether genuine or not genuine, the Assistant Minister is being reminded that Mr. J.J. Kamotho defended the meeting which took place in Murang'a. I am sure that the Minister is not going to deny what hon. Kamotho said, and he was in particular referring to the list that has been read out to us.

Mr. Sunkuli: Mr. Speaker, Sir, no. Hon. Kamotho was not referring to the list which the hon. Member has read out to the House. He was referring to meetings that have been taking place in connection with National Youth Development Programme, Harambee.

(Several hon. Members stood up in their places)

Mr. Farah: On a point of order, Mr. Speaker, Sir. Can the Assistant Minister confirm that there was actually a legal meeting taking place? Although the Question talks about "an illegal meeting" because there are legal meetings being attended by Kikuyu elites, including J.J. Kamotho which have been taking place under the authority of the President with a view to wooing the Kikuyus to rejoin KANU because he confirmed that.

Mr. Sunkuli: Mr. Speaker, Sir, other than hon. Farah bringing in name of the President, I will be very pleased to hear that hon. Kamotho and other Kikuyu elites are trying to woo people to join KANU.

Mr. Mathenge: Mr. Speaker, Sir, I think we should respect freedom of association and freedom of assembly. But in this case, if hon. Kamotho and those whose names have been mentioned here are trying to woo the Kikuyus in Central Province to go back to KANU, they will find it an uphill struggle because those who have been mentioned are those who have benefited from this KANU Government through corruption.

Mr. Speaker: Put your question, Mr. Mathenge.

Mr. Mathenge: Does the Assistant Minister agree that KANU is its own enemy in Central Province?

Mr. Sunkuli: Mr. Speaker, Sir, as you very well know, hon. Isaiah Mathenge was the Rift Valley Provincial Commissioner at a very important time of our history.

Mr. J.N. Mungai: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. J.N. Mungai!

Mr. J.N. Mungai: On a point of order, Mr. Speaker, Sir. It is very important.

Mr. Speaker: I know it is important, but Mr. Kiraitu Murungi's Question.

ATTACK ON VILLAGERS

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

(a) Under what circumstances were the following villagers of Ruthitu Village, Kithangati Sub-Location, Abogeta Division: Jenniffer Manyara, Robert Mbae, Tabitha Manyara, Margaret Mboroki and Mutwerandu Nkirata, mercilessly slashed with pangas on October 14, 1996.

(b) What are the names of those involved in these heinous crimes?

(c) What action has the Government taken to bring them to book?

Mr. Rotino: On a point of order, Mr. Speaker, Sir. Hon. Anyona has not exhausted his Question. The objectives and the aims have not been given said.

Mr. Speaker: Mr. Rotino, since when did you become the Speaker?

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

(a) The victims were attacked by a group of fellow villagers as they were returning home from a chief's baraza.

(b) One suspect, Mr. Mbae M'Arimi was arrested and charged while four others namely: Florence Mbae, Gilbert Kinyua, Esther Kinyua and Ignasius Kinoti are being sought by the police in connection with this attack.

(c) One suspect has been charged in court, vide Nkubu Court File No.1715, 1996. While Nkubu criminal case File No.464/410/69 is pending under investigation in respect of the four other suspects.

Mr. Murungi: Mr. Speaker, Sir, the Assistant Minister has got his facts wrong. The villagers were not attacked as they were returning from a chief's baraza. The villagers who were attacked are a group of Christians who decided to visit a neighbouring village to stamp out traditional liquor. As they arrived at the village, the villagers who were drinking traditional liquor came out and slashed the Christians with pangas. A list of not less than five villagers was immediately given to the police, but no action was taken until this Question was asked. Can the Assistant Minister tell this House why the KANU Government has totally failed to protect the rights to life and security of the people in this country, including the people of this area?

Mr. Sunkuli: Mr. Speaker, Sir, the Government has not failed but after the hon. Member asked this Question, I, myself, took a particular interest in the matter. I have instructed the police to make sure that investigations are carried out expeditiously and that these suspects, whose names I have read out here, are apprehended immediately.

Mr. Murungi: Mr. Speaker, Sir, there have been complaints that the police have been bribed and that is why there have been cover-ups and these suspects who are alleged to have disappeared are comfortable in their homes in this village. Could the Assistant Minister assure this House that he is going to investigate what has caused the police not to arrest these suspected villagers who are in their homes?

Mr. Sunkuli: Mr. Speaker, Sir, I am going to follow it up personally but as I said, the police have been informed that they must do this job expeditiously.

UNDERPAYMENT OF TEA BONUS

Mr. Mbui: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and Marketing the following Question by Private Notice.

(a) Is the Minister aware that tea farmers from Kangaita Tea Factory were underpaid their bonus for the year 1995/96?

(b) Is he further aware that this underpayment to the tune of Kshs10 million is seriously affecting the financial obligations of the farmers?

(c) In order to assist the farmers obtain money to pay school fees and meet the other commitments in January 1997, could the Minister arrange to pay the farmers this money forthwith?

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

(a) I am aware that farmers from Kangaita Tea Factory were paid their 1995/96 bonus at the correct rate of Kshs9.73 per kilogramme of green leaf delivered to the factory.

(b) It is the policy of the Kenya Tea Development Authority that whenever a new factory is being built, it should be supported by the mother factory, which in this case is Kangaita Tea Factory, for a period of three years. This support comes in the form of second payment pooling where surpluses for both factories are combined and a uniform rate worked out. This method ensures that the farmers involved are not disadvantaged by carrying the financial burden alone.

(c) I am not in a position to arrange for payments to the farmers since Kshs10 million was used to improve the bonus for Manunga from Kshs8.92 per kilogramme of green leaf to Kshs9.73 per kilogramme. The beneficiaries were farmers drawn from Ndima, which is the new factory and Kangaita Tea Factory. In pursuance of the KTDA policy of pooling, both Ndima and Kangaita tea factories have given support to Manunga and this arrangement has been in place since 1993/94 Financial Year.

Mr. Mbui: Mr. Speaker, Sir, I would like to draw the attention of the hon. Assistant Minister to the fact that Kangaita Tea Factory had made a profit of Kshs13 million for the first nine months but when it came to the end of the year, this amount dropped to Kshs6 million. Assuming that it would have made a profit of another Kshs3 million for the 12th month which totals to another Kshs10 million, could he tell us what made this profit which had already been made by the factory to drop to Kshs6 million on the 12th month as indicated in his draft?

Mr. Saina: Mr. Speaker, Sir, as I have said earlier, the new factory of Manunga was actually supported by the mother factory, that is Kangaita. Kangaita Tea Factory delivered 12,824,161 kilogrammes of green leaves and they had declared a bonus of Kshs10.52. However, working out an average for the three factories, it comes to Kshs9.73 and this was worked out for all the three factories in the same original catchment area. That is why the Kshs10 million was "swallowed" to support the new factory.

Mr. P.N. Ndwiga: Thank you Mr. Speaker, Sir. We are getting used to this Ministry talking about farmers income as if it is a gift. The KTDA, last year, earned Kshs12.7 billion from the sale of tea. Farmers around the country were paid a total of Kshs8.4 billion, including the second payment. Now, KTDA, therefore has Kshs12.4 billion as operating expenses, a situation which is already unacceptable. KTDA has, therefore, over Kshs6 billion which belongs to the farmers for the second payment which they kept for over 14 months. At an average simple rate of 20 per cent, that would mean that KTDA earned an interest in excess of Kshs1.2 billion. Could the Assistant Minister tell us what they are doing with that interest and why is it that in the past, that interest has not been paid to the farmers?

Mr. Saina: Mr. Speaker, Sir, the hon. Member is asking a different question. His supplementary question has nothing to do with the factory that is in question here. This is just a general question. But, I would like to inform the hon. Member that these bonuses are paid with the approval of the farmers.

Mr. P.N. Ndwiga: On a point of order Mr. Speaker, Sir. The Assistant Minister says that this is a different question. The question here is why is it that farmers of Kangaita Tea Factory were underpaid. The reason for this underpayment was that part of the interest was not paid to the farmers. How does that make this a different question? What happened to the interest that belonged to the farmers?

Mr. Saina: Mr. Speaker, Sir, there is always a variation in payment between the farmer East of the Rift Valley and the farmer in the Western part of the Rift Valley. So, the hon. Member should understand that the interest he is talking about is not related to this question at all.

Mr. Obwocha: Mr. Speaker, Sir, when this bonus was paid, a number of tea farmers in the country had their payments withheld. Could the Assistant Minister assure this House that he is going to send an audit team particularly to Nyamira and Kisii Districts, to hasten the release of that have been withheld by KTDA?

Mr. Saina: Mr. Speaker, Sir, there must be a reason why the payments were withheld. This is something that I do not understand. I request the hon. Member to furnish me with that information so that I undertake to make a follow-up of the matter.

Mr. Mbui: Mr. Speaker, Sir, bonus is the second payment. What I mean is this: The interest accrued by the second payment dropped by Kshs10 million. Where is that interest? Why was it not paid to the farmers? Could you make arrangements to pay the Kshs10 million bonus, otherwise we take the Managing Director to court by tomorrow?

Mr. Saina: Mr. Speaker, Sir, I thought the hon. Member understood me. I said that the average payment for Kangaita Tea Factory which was declared was Kshs10.52. For Manunga Kshs8.92 and for Ndima Kshs9.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. The Assistant Minister is deliberately misleading

the House. The question is straight forward. I am a tea farmer and I represent tea farmers. The only reason - and I documented it - why the farmers were not paid is because KTDA kept 30 per cent of the farmers' earnings.

Mr. Speaker: Order, hon. Gatabaki! You must learn what a point of order is. You are rising to advance your argument. Catch my eye! Proceed and finish your answer!

Mr. Saina: Mr. Speaker, Sir, I said earlier that an average was worked out to pay the farmers in three tea factories. That is, Kangaita, Manunga and Ndima and the average was Kshs9.73. What was declared in the mother factory - that is Kangaita, was Kshs10.52. Because of this average, that Kshs10 million was "swallowed" to facilitate or improve the payment to farmers in the same geographical area for the three respective factories.

PROVISION OF MEDICAL SERVICES IN SABOTI

Mr. Moiben: Mr. Speaker, Sir, I beg to ask the Minister for health the following Question by Private Notice.

- (a) Is he aware that residents of Saboti Division are suffering due to lack of adequate medical services?
- (b) How much money has the Ministry allocated to Saboti Health Centre?
- (c) When will it be operational in order to provide vital medical services to the wananchi?

The Assistant Minister for Health (Mr. Mutiso): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that residents of Saboti Division are suffering due to lack of adequate medical services. The residents of Saboti Division are served by four Government rural health dispensaries and one church hospital known as Kiminini Hospital. Patients require referral advice to go to Kitale District Hospital.

(b) No funds have been allocated in 1996/97 Financial Year to complete Saboti Health Centre.

(c) My Ministry is concerned that it should be completed to provide vital medical services to wananchi. Since there is no provision for it in 1996/97 estimates, my Ministry is looking for ways and means of raising some funds from within the Ministry votes provisions to complete the project.

Mr. Moiben: Mr. Speaker, Sir, is the Assistant Minister aware that Kiminini Health Centre is not in Saboti Division? It is in Kiminini Division and thus, Saboti residents are really suffering because there is no health centre in Saboti. Can the Assistant Minister be serious and confirm when this hospital will be operational? Because as of now, it is being used as a residence for APs.

Mr. Mutiso: Mr. Speaker, Sir, I do not understand what the hon. Member means. Does he mean what I am talking about is a different division or the division he has referred to in his Question?

Mr. Moiben: Mr. Speaker, Sir, what the Assistant Minister is talking about is a different division. Saboti Division has no dispensary and I was asking the Assistant Minister when the Ministry will make this health centre operational, because it is almost 80 per cent complete?

Mr. Mutiso: Mr. Speaker, Sir, I do not understand what the hon. Member is talking about because the question is about Saboti Division. He complains that people in that division are suffering for lack of medical services and my information is that, there are four Government dispensaries including a missionary hospital. So I do not see why he should complain.

Mr. Kapten: Mr. Speaker, Sir, the Assistant Minister does not seem to know what he is talking about. The Question is about Saboti Division. There is no hospital in Saboti Division. There is no hospital in Trans-Nzoia known as Kiminini Hospital. In any case, Kiminini Health Centre is not in Saboti Division. Can you answer the question as asked?

Mr. Mutiso: Mr. Speaker, Sir, there are five health facilities in Saboti Division and not hospitals. They are Toweet, Saboti, Gituamba and Bondeni Government dispensaries, and Kiminini Cottage Hospital. All these are within that Division. If it is not correct, then I cannot claim to know the geography of the area and I would like to have the correct information from the hon. Member.

Dr. Kituyi: Mr. Speaker, Sir, we need guidance of the Chair on this. If a hon. Assistant Minister of the Government stands before the House and reels over an answer, and expresses his ignorance about the facts on the ground, can we accept that as an answer?

Mr. Speaker, Sir, the hon. Assistant Minister for Health has reeled off names of places in divisions other than Saboti and then concluded by saying that he does not know the facts about what he is reading. Is it in order for the Assistant Minister to give an answer whose meaning he does not know?

Mr. Mutiso: Mr. Speaker, Sir, I have given the answer according to the facts I have before me. If the hon. Member challenges the correctness of these facts, that these dispensaries are not within Saboti Division, I am prepared to have those facts and I will undertake to give an appropriate answer to that.

RELEASE OF MR. KOIGI WAMWERE

Mr. J.N. Mungai: Mr. Speaker, Sir, I beg to ask the Minister for Home Affairs and National Heritage the following Question by Private Notice.

(a) Could he consider releasing Mr. Koigi Wamwere in view of the medical report by Kenyan renown cardiologist Dr. Gikonyo?

(b) Could he as well allow Koigi's family to see him on daily basis, to avoid stresses which may worsen his health conditions?

The Assistant Minister for Home Affairs and National Heritage (Mr. F. L. Lotodo): Mr. Speaker, Sir, I beg to reply.

(a) Mr. Koigi Wamwere has lodged an appeal against his sentence and conviction. The results of his appeal are still being awaited and under these circumstances, I am not considering releasing Mr. Koigi Wamwere.

(b) Visits to prisoners is always allowed as laid down by the Law and this is done under Prisons Act Section 53(1), Sub-Section(b), which reads:-

"The second stage prisoners shall be entitled to one letter every four weeks and a visitor for 20 minutes duration."

Mr. Wamwere's family cannot, therefore, be allowed to visit him on a daily basis as required by the hon. Member.

Mr. Muite: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to mislead this House that Mr. Wamwere has lodged an appeal whose result is being awaited, when he ought to know that, that appeal cannot be heard because copies of the proceedings of the trial case have not been given to Mr. Wamwere and have not even been typed? The typing of those proceedings has not even started. So, there is no way in which this appeal can be heard. Is the Minister in order then to mislead the House?

Mr. F.L. Lotodo: Mr. Speaker, Sir, I am not misleading the House. Even if we wait for five years, the proceedings will have to go before the High Court and it will have to decide the appeal using the typed proceedings.

Mr. Sankori: On a point of order, Mr. Speaker, Sir. I seek your guidance on this issue. Hon. Muite is Mr. Wamwere's lawyer and he should declare his interest in this issue. This is not a court for him to represent his client! This is Parliament.

Mr. J.N. Mungai: Mr. Speaker, Sir, I hope the Minister will handle this Question with a lot of passion based on humanitarian grounds. Whether or not Mr. Wamwere has lodged an appeal against his sentence, is different from what I am asking. All that I am asking is whether the Minister can facilitate the release of Mr. Wamwere. In view of the medical report on Mr. Wamwere's health by a renowned doctor, Dr. Gikonyo, and the fact of Mr. Wamwere's health being at risk, could the Minister consider releasing him on humanitarian grounds to enable him to go for treatment at a hospital which has the right facilities? He can release him and have him accompanied by six jets on each side of the jet which will carry Mr. Wamwere to hospital? When they get to their destination the prison officers can escort Mr. Wamwere to a hospital bed in the country where he will go for treatment. What matters is that the prisoner should be saved from death from this very dangerous disease. I want the hon. Minister to put himself in the position Mr. Wamwere is in. He has been a jailbird himself and he should put himself in Mr. Wamwere's position, and ensure that, on humanitarian grounds, he is enabled to go to a doctor who can treat him.

Mr. F.L. Lotodo: Mr. Speaker, Sir, the prisoner can only be released by the Court of Appeal and not by me.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead the House that he has no power over prisoners when the laws of Kenya give him such powers?

Mr. F.L. Lotodo: Mr. Speaker, Sir, the Minister can exercise his powers when no appeal is pending in court.

Mr. Anyona: Mr. Speaker, Sir, I would like us to approach this issue with a lot of concern, seriousness and sobriety because it concerns a prominent citizen of this country. We are not addressing this Question to just the Minister for Home Affairs and National Heritage: We are addressing it to the entire Government. Those who have not been in prison cannot know the anguish and suffering that families of prisoners and the prisoners go through. Could this Government now consider several options? One, it can waive the requirement that the Minister has just read out to us, which applies when a prisoner is in Kamiti Prison, regarding letters and visits and allow the family to visit Mr. Wamwere as a patient. Or, it can allow Mr. Wamwere, unless it wants him to die, to be treated where treatment for him is available. That treatment is obviously not available in Nairobi Hospital.

Under Section 27 of the Constitution of Kenya, this Government has power of clemency. It has power to release Mr. Wamwere to night. Would this Government consider those options?

Mr. F.L. Lotodo: Mr. Speaker, Sir, the Government of Kenya is not going to consider any of the three requests made by the hon. Member.

Mr. Raila: Mr. Speaker, Sir, I rise with a very heavy heart because the matter we are talking about is very serious, indeed. I also speak as somebody who has been in prison and who has also been admitted into hospital for treatment while in prison. The medial report by Dr. Gikonyo states in part:-

"Mr. Wamwere requires to undergo a full electro-physiological study to asses his risk of serious cardiac rhythm disturbance as a matter of urgency. Facilities for this type of test are not presently available locally. Mr. Wamwere would, therefore, have to travel to either South Africa or Europe."

The Assistant Minister for Local Government (Dr. Wameyo): Why not here?

(Shouts and jeers against Dr. Wameyo)

Mr. Speaker: Order! Order! What is happening? Any hon. Member who does not want to participate in the proceedings of this House interjects when the Chair is in the process of communication. Proceed, Mr. Raila.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. As hon. Raila was putting his question, hon. Wameyo shouted so loudly against the question that the whole House got annoyed with him. Would the Chair warn hon. Wameyo that, his behaviour is not in accordance with the rules of this House?

Mr. Raila: Mr. Speaker, Sir, I said at the beginning that, this is a very serious matter, indeed. The report further says:-

"The major medical problem with Mr. Wamwere is the documented features of non-obstructive hypertrophic cardiomyopathy, with active and tricusulus condition anomaly and junctional rhythm during exercise. Hypertrophic cardiomyopathy is a heart muscle disorder which, if not properly treated, can be complicated by further heart rhythm disturbances that may cause sudden death".

Therefore, we are talking about a question of life and death of a Kenyan, being a prisoner notwithstanding. Can the Government, on purely humanitarian and compassionate grounds, consider immediately releasing Mr. Wamwere, to enable him undergo these tests in Europe?

Mr. F.L. Lotodo: Certainly, it is not possible, Mr. Speaker, Sir.

Mr. Murungi: Mr. Speaker, Sir, we are getting surprised by the short answers given by the Minister. Recently, at a public rally in Nakuru, two guerrillas who were out to kill President Moi and other leaders of this Government were pardoned publicly. They also shared a platform with the President. Mr. Koigi Wamwere is convicted of a simple robbery, not even aggravated robbery. What is the logic of pardoning guerrillas who can plunge the entire country into chaos and not release Mr. Koigi Wamwere who is a dying man in hospital?

Mr. F.L. Lotodo: Mr. Speaker, Sir, hon. Kiraitu is mixing up two people. The President is not Lotodo, and Lotodo is not the President. What the President did is quite different with this Question. I am not going to do that.

Mr. J.N. Mungai: Mr. Speaker, Sir, either the Minister is very incompetent to answer this Question by the way he is giving short answers, as if he is not even sympathetic to a life which is soon going to be lost. Can the Minister tell this House why he cannot use his Ministerial discretion, not to release Mr. Koigi from his criminal charges, but to bail Mr. Koigi so that he can go for medical treatment abroad?

Can the Minister tell us why he cannot use his Ministerial discretion and whether he is unable to use it because his hands are tied? Mr. Koigi is required to go abroad for further medical attention, because Nairobi Hospital does not have the necessary facilities, and we, as members of the public, we are ready to cater for his travel and medical expenses abroad.

Mr. F.L. Lotodo: Mr. Speaker, Sir, I cannot do what the hon. Member wants me to do for a simple reason, that Mr. Koigi is waiting for his appeal. Why do you not wait for the appeal?

Mr. Kapten: On a point of order, Mr. Speaker, Sir. I do not know if the Minister is aware that he has wide discretion powers under the Prisons Act, to allow relatives of a sick prisoner to visit him? Why is the Minister refusing to allow Koigi's mother and relatives to visit him when he is in hospital?

Mr. F.L. Lotodo: Mr. Speaker, Sir, Section 63(1)(d) of the Prisons Act allows me to allow one person every four weeks, including the mother to visit the sick prisoner. That is what I have said. I cannot give more time than that.

Mr. J.N. Njenga: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Next Question, Mr. Alphonse Musyoki.

ASSISTANCE TO FARMERS

Mr. Musyoki: Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice.

(a) Is the Minister aware that the New Iveti Co-operative Society was paid part of the coffee sales, a sum of Kshs35 million and the same amount was recovered by the bank that had financed the society?

(b) How is the Ministry going to help these farmers to get fertilizers and other farming equipment so that they may be able to pay their children's school fees in January, 1997?

(c) Who are the authorized signatories of the bank accounts held by this society and how much is in each account?

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

(a) I am aware that the New Iveti Co-operative Society was paid part of the coffee sales amounting to Kshs26,510,159 and not Kshs35 million. The same amount was recovered by the Co-operative Bank as part of the outstanding overdraft and loans amounting to Kshs44,189,234.80.

(b) The District Coffee working group meeting held on 8th November, 1996, where the Ministry was also represented, the Society was advised to apply for SCIP II farm inputs loans scheme. The Society, therefore, applied through the Co-operative Bank, Machakos Branch and was given Kshs16 million, which was then used to purchase farm inputs for 1996/97 crop year.

(c) The authorized signatories of the bank accounts held by the Society are: The Chairman - Mr. John Mutiso, Vice-Chairman - Mr. Jackson Nzioki, Secretary-Mr. David Nzuki and the Treasurer - Mr. Francis Nthenge.

Mr. Musyoki: Mr. Speaker, Sir, it is good that the Assistant Minister has admitted that the New Iveti coffee farmers were paid part of their coffee sales in this year and the rest of the money was taken away by the Co-operative Bank. He has also said that the Bank lended the farmers Kshs16 million to buy farm inputs this year. How can he expect these farmers to survive since January upto this time without any money, even to feed their children? How is he going to assist them to get money also to enjoy Jamhuri and Christmas, because they have no money now?

Mr. Titi: Mr. Speaker, Sir, I sympathise with the Questioner, because the Ministry cannot direct the Co-operative Society to pay the money. They normally have their own meetings where they pass resolutions. Therefore, they know what they can do themselves. In fact, the Ministry has no money. It is a question of approaching the bank to give them further credit facilities, not the Ministry of Co-operative Development.

Mr. Nthenge: Mr. Speaker, Sir, does the Assistant Minister understand that peasant farmers depend on their crops because they have no other source of income? Under the circumstances, they borrowed Kshs16 million. Can the Ministry, with its powers, influence the Co-operative Bank to recover the Kshs16 million in four instalments of Kshs4 million during each payment until the Kshs16 million is over, so that the farmers can get something for themselves, not to take all their earnings and leave them without any single penny? **Mr.**

Titi: Mr. Speaker, Sir, I share the views expressed by the hon. Member, but the matter is squarely for the members of the co-operative society themselves, to organise themselves and approach the Co-operative Bank. But if they would encounter any problems, they can then write to the Ministry and we will see how much we can influence. But they have not done that, and, therefore, the matter goes back to the committee of the society.

Mutahi: Mr. Speaker, Sir, the Assistant Minister is aware of the problems in Machakos and Kitui Districts. The General Elections are just around the corner and they are just about to be lured by a "kimbo" of maize and beans. Can he consider the situation in these ASAL areas and do something, because we are now going to January, February and March when the areas become very dry and there is no produce?

Mr. Titi: Mr. Speaker, Sir, I am not in a position to answer that question, because it is a general question. But all the same, all the problems must be sorted out by the Co-operative Society itself. If the question is general, I cannot really be of any help to the Questioner.

Mr. Musyoki: Mr. Speaker, Sir, the money which the Assistant Minister is saying that the New Iveti Co-operative Society borrowed from the bank, was borrowed without the farmers consent by the Committee. The farmers are suffering under the hands of the Committee that is running the New Iveti Co-operative Society. Can the Assistant Minister assist those farmers to get some money?

Mr. Titi: Mr. Speaker, Sir, the Committee passed a resolution on this issue, that they were going to

approach the Co-operative Bank of Kenya. So, it was not directed by the Ministry. It was done by the society and I testify to that effect. So, there is no way we can intervene but I can only ask the hon. Member to go and advise the members to pass a resolution to that effect. If they find that the Committee is not working according to their wishes, they can vote them out.

Mr. P.N. Ndwiga: Mr. Speaker, Sir, today, for the first time, we are hearing coherent answers from the Ministry of Co-operative Development and we do hope that this continues. The Assistant Minister has told this House that the farmers in Machakos will be saved by borrowing from SCIP (II) through the Co-operative Bank. The Question here is that the farmers have not got their money, because the bank took all the money which the farmers were owing. Could the Minister, therefore, tell this House how the farmers from Machakos can borrow money from SCIP (II) and they are already in trouble for having borrowed from SCIP (I)? How are they going to get out of this problem?

Mr. Titi: Mr. Speaker, Sir, I cannot give an answer to that question. I wish we had some money to give to the co-operative society. I wish to advise the hon. Member that if he wants these people to get out of this problem, organise a harambee and raise money for them and they will get out of the problem.

DEATH OF MRS. PLISTER ANYANGO OUCHO

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

(a) Is the Minister aware that on 13th November, 1996, the late Mrs. Plister Anyango Oucho was admitted to Siaya District Hospital on transfer from Bondo Sub-district hospital for complicated delivery at 8.30 a.m. and that, the said patient died because of gross negligence by the Hospital authorities at 4.00 a.m. on 14th November, 1996 with the child inside her womb?

(b) Is he further aware that the body of the dead woman was left among other patients and the child had not been removed from the womb upto 4.00 p.m. on 14th November, 1996 because of the absence of the Medical Superintendent who was in charge of the patient?

(c) If the answers to (a) and (b) above are in the affirmative, what urgent step is the Minister taking to punish the errant officers, put a stop to this dangerous trend and compensate the family of the late Mrs. Plister Anyango Oucho for the loss of two innocent lives as a result of criminal negligence?

The Assistant Minister for Health (Mr. Mutiso): Mr. Speaker, Sir, I beg to give the following reply.

(a) It is true that the late Mrs. Plister Anyango Oucho was transferred to Siaya District Hospital from Bondo Sub-district Hospital on 13th November, 1996 with a diagnosis of obstructed labour. Prior to admission at Bondo Sub-district Hospital, the patient had laboured at home for two days. On examination at Bondo Sub-district upon arrival, the patient was very weak and the baby was already dead. The patient was immediately transferred to Siaya District Hospital where she arrived in a state of shock. The doctor reviewed the patient and it was found out that she could not withstand a major operation under general anaesthesia because of her state of shock. Resuscitation was therefore, started using Oxygen Intravenous fluids and drugs. Unfortunately, the patient died the following morning before she could be strong enough for operation. There was, therefore, no negligence on the part of the medical personnel.

(b) When the patient died at around 4.00 a.m. the following morning, the body had to stay in the ward upto 8.00 a.m. in the morning when the mortuary staff reported on duty. Therefore, there was no delay in removing the body among patients. Regarding the removal of the child from the womb of the dead mother, it was done late in the day at the mortuary. There was no need to do this as an emergency because both the mother and the baby had already died.

(c) My Ministry does not intend to take any disciplinary action against the medical personnel as they did everything within their scope to save the life of the late Mrs. Plister Anyango Oucho. As for the child, it was already dead before the mother reported to Bondo Sub-district Hospital. Therefore, any compensation claim does not arise.

Dr. Oburu: Mr. Speaker, Sir, I am very dissatisfied by the answers given by the Assistant Minister. It is an insult to my people, to say that a woman could have lied at home for two days without going to the hospital. For the information of the Assistant Minister, that woman stayed within Bondo Township and there is no way she could have stayed at home for two days without going for an operation. The fact of the matter is that the doctor who was in charge at Siaya District Hospital was not seen from 8.00 a.m. when this woman was admitted upto 9.00 p.m. when he reported there drunk. When he reported there, he punished the sister who complained that he could not be found the whole day and asked her to run around the hospital block three times as that was a school.

I have a document which I wish to table for the Assistant Minister to read in order to understand the facts of this matter. What I am asking for is that the Assistant Minister should investigate this matter. In fact these answers have been written by the doctor who happens to be the criminal who killed two innocent lives in this case. I think the Assistant Minister should investigate it because this document which I am tabling is from an eye-witness who was present and I want the Assistant Minister to promise that he is going to report back to this House and tell us what happened. Can the Assistant Minister promise this House that he is going to investigate this matter?

(Dr. Oburu laid the document on the Table)

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Before the Assistant Minister answers that question, can the hon. Questioner tell us what that document which he has laid on the Table says?

Mr. Mutiso: Mr. Speaker, Sir, surely, this matter concerns life and it is connected with the Ministry of Health which is in charge of human life. We will deal with it with a lot of seriousness. If the document which the hon. Member has laid on the Table of the House has any substantial proof to his allegations, I undertake to investigate and I will make a further statement in this House.

Mrs. Asiyu: Mr. Speaker, Sir, this woman died in the process of giving life, through negligence by a professional doctor. Can the Assistant Minister remove this doctor for the time being while carrying out investigations to find out what the true situation is, because he is the same person who has given the written response to this Question that was put to the Ministry? There is no way we can be convinced that the baby had died in the womb before birth, because the woman spent 12 hours in the hospital before she was seen by the doctor who was drunk and she later died at 4.00 a.m. in the morning. We are losing too many women through child birth and it is too bad that they are even dying in hospitals now. Can the Assistant Minister investigate this matter, but first of all remove this doctor?

Mr. Mutiso: Mr. Speaker, Sir, I think I have given an undertaking to this House that if the evidence given by the hon. Member has any substantial proof of the allegations, appropriate action will be taken.

Prof. Muga: Mr. Speaker, Sir, the hon. Lady has asked a very simple question. It is not possible for the doctor to investigate himself. Therefore, the hon. Assistant Minister will not get the right answer if the same person who is supposed to have committed the offence is there. The question is: Could the Assistant Minister agree to transfer or suspend this doctor while investigations are going on so that we do not get "cover ups"? That is the question the hon. Member is asking.

Mr. Mutiso: Mr. Speaker, Sir, so far, there is no evidence contrary to what I have. I have said that if the allegations and the documents the hon. Member has presented before this House have any facts, then appropriate action will be taken. Therefore, it follows that we cannot now punish the doctor before we have got facts.

Mr. Speaker: Final question from Prof. Anyang'-Nyong'o.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, following the Assistant Minister's answer in which he said that the late Philister Anyango Oucho left Bondo hospital for Siaya District Hospital, and on arrival there, she was determined to be too weak to undergo surgery; can he inform this House whether there is an Intensive Care Unit (ICU) at the Siaya District Hospital to which this woman, who was weak, and awaiting surgery could have been taken? If there is no ICU in Siaya District Hospital is he right to call that a District Hospital?

Mr. Mutiso: Mr. Speaker, Sir, I am sure the hon. Member will agree with me that not every District Hospital has got an ICU. Therefore, I cannot agree with him that Siaya District Hospital cannot be called a District Hospital because it lacks that facility. That facility entails a lot of financial commitments and at the moment, I do not have the facts as to whether that facility does exist there.

Dr. Oburu: On a point of order, Mr. Speaker, Sir. In fact, we have proof that on the lady this lady died, the particular doctor was in Yimbo, he was not at all in Siaya. But that notwithstanding, I would like to ask the Assistant Minister whether he is aware that this particular case which I have brought here today is just one of those very many cases at Siaya District Hospital which are happening on daily basis as a result of negligence of this particular doctor, called Dr. Omondi.

Mr. Mutiso: Mr. Speaker, Sir, this is the first time I have handled this case from hon. Dr. Oburu. I am not aware that he has presented similar cases here before. But, I am concerned with the type of case he has presented, and I have the undertaking of the Ministry to investigate the matter and take the necessary action if we are convinced that there was negligence.

Mr. Maore: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Could the Minister table details of tenders awarded in the last five years for water and sewerage in the following municipalities: Nanyuki, Nyeri, Murang'a, Mombasa, Eldoret, Voi and Machakos?

(b) Who were the highest three and lowest three bidders?

(c) How many variation orders on each contract have been effected so far and why have most of the said projects stalled?

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Speaker, Sir, I beg to reply.

(a) (i) The municipalities of Murang'a, Mombasa, Voi and Machakos are not water undertakers. Murang'a water is supplied by the Ministry of Land Reclamation, Regional and Water Development. For the Mombasa, Voi and Machakos municipalities, the water supply is managed by the National Water Conservation and Pipeline Corporation. In Nanyuki, the Water Supply Project was awarded and implemented in the mid 80's and hence is not covered by the question. In Nyeri, there is an on-going study by Gauff Engineers and the funding agency is KFW of Germany.

(ii) The Eldoret Water Supply - Phase II was in two contracts, namely, Moiben Dam and the Civil Works Contract. Both contracts were awarded in December, 1992.

The Moiben Dam Contract was awarded to the Dam Construction Unit (MDCU) of the Ministry of Land Reclamation, Regional and Water Development at a tender sum of Kshs196,112,931.30. This is a Government Institution whose skills and expertise were employed to reduce construction costs. As such no bidders were invited.

(b) (i) Nine Tenders were invited for the Civil Works Contract but only five responded.

The Tenders were as follows:-

<u>Name</u>	<u>Kshs</u>
Kundan Singh	226,042,513
Spenco Services	243,903,922
Sogea	296,590,219
MJ Gleeson	321,331,405
Oriental	341,728,812

The tender was awarded to the third lowest, Sogea. KFW, the funding Agency also sanctioned the award to Sogea.

(iii) For Eldoret Water Supply - Phase II Civil Works Contract, there were no variation orders as this was a fixed price contract. There were no delays during the implementation and the project was completed on 31st March, 1995.

(ii) The only tender awarded in the last five years for Sewerage Construction was the Murang'a Sewerage Project.

The Tenders for Murang'a Sewerage project were as follows:-

<u>Name</u>	<u>Kshs. (Million)</u>
Kirinyaga Construction Co.	60.6
Karsan Ramji	62.8
Karuri Civil Engineering	65.2
Intex	71.35
Kundan Singh	80.2
Come Cons	81.0
Broadway Construction	85.0
Spenco Services	86.5
Niazsons	108.0
Kay Construction	125.0

The lowest tender namely: Kirinyaga Construction Company was awarded the contract.

(c) There have been no variation orders for the Project, but the Contractor was compensated for price escalation due to increasing costs of materials as provided for in the contract.

Mr. Maore: Mr. Speaker, Sir, the question entails two parts, which was water and sewerage. If you have noted, the Assistant Minister has just answered about the water and he was denying things about water. In the Financial Estimates for 1994/95 and 1995/96, there was a major budget of about K£45 million on issues regarding township sewerages alone and that is why I was after the information. We need the figures for the sewerage as well. My question is: How much was the compensation the Assistant Minister has mentioned on

the Kirinyaga Construction Company? If it was not a variation, how did the Minister decide to just to lump money on the contractor when he had not asked for it because if he did, it would have been a variation.

Dr. Wameyo: Mr. Speaker, Sir, may I plead with the hon. Member to repeat the question. I did not get the message.

Mr. Maore: Mr Speaker, Sir, my question is: If the Assistant Minister says there were no variation orders, how did he arrive at the figure which he paid the contractor in the code name of "price escalation"; and how much was it?

Dr. Wameyo: Mr. Speaker, Sir, I have already said that there were no variations. I am not aware of the variations the hon. Member is quoting.

Prof. Mzee: Mr. Speaker, Sir, the Assistant Minister is aware of the Mombasa West Sewerage Project which was implemented by the Mombasa Municipal Council and funded by the South Arabian Government. About two months ago, the South Arabian Government withdrew its support for this project because the Mombasa Municipal Council was unable to account for the money given. Can the Assistant Minister tell this House what steps his Ministry is taking to ensure that that money is fully accounted for?

Dr. Wameyo: Mr. Speaker, Sir, I do not have information to that matter, but I will investigate and inform the hon. Member accordingly.

BREAKDOWN OF SEWAGE DISPOSAL SYSTEM

(Mr. Ruhiu) to ask the Minister for Local Government:—

(a) Is the Minister aware that the sewage disposal system in Dandora and Umoja estates has completely broken down causing rivulets and rivers to flow all over the roads?

(b) Is he further aware that as a result of these sewers over-flowing all over these estates, the outbreak of cholera, typhoid and other water-borne diseases is imminent?

(c) If the answers to "a" and "b" above are in the affirmative, what urgent action is he taking to avert this tragedy?

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Due to the seriousness of this Question and in view of the fact that hon. Ruhiu is a sickly man, can the Chair use its privilege to defer this Question?

Mr. Speaker: It is not possible. If he requests me to reinstate it, I can do that, but that is my discretion. Since hon. Ruhiu is not in the House, the Question is dropped.

(Question dropped)

IRREGULAR ALLOCATION OF PLAYGROUND

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

(a) Is the Minister aware that the land serving as a playground for Muthurwa schools (Kamukunji Secondary School and Muthurwa Primary School) has been irregularly allocated to a private developer?

(b) Is he further aware that the said developer, M/S Inter-countries Importers and Exporters Limited of P.O. Box 31293, Nairobi, has planned to erect residential buildings on the said playground, but has been refused entry through the Secondary School?

(c) Could the Minister order immediate cancellation of this allocation to save the schools' playground from the interests of this private developer.

The Minister for Lands and Settlement (Gen. Mulinge): Mr. Speaker, Sir, I am afraid this Question was transferred to the Minister for Local Government.

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Speaker, Sir, I apologise for not having an answer to this Question. I had discussed it with my fellow colleagues, but although it has been forwarded to our Ministry, we have yet to receive the letter that was forwarding it. So, we do not have the information and, therefore, I do not have an answer.

Mr. Speaker: Mr. Nthenge, I understand the Question was transferred on Friday to the Ministry of Local Government. Maybe, they have not received it.

Mr. Nthenge: Mr. Speaker, Sir, as you can see, this Question concerns very many children and parents. I wanted this issue to be addressed very soon before any mess is done in my constituency. Can the Minister for Local Government and the Minister for Lands and Settlement get together during recess and prevent

these greedy people from interfering with the school's playground while waiting for the reply in the House?

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Speaker, Sir, we will give an answer when we receive the Question. **Mr. Raila:** Mr. Speaker, Sir, the point which the hon. Member is raising is very important. The Question is now before the House and no reply has been given and the House is likely to go into recess. The point which hon. Nthenge is raising is this: In lieu of the fact that this matter is now before the House, which is equivalent to a matter being *sub judice*, is it possible for the Minister for Local Government, in conjunction with the Minister for Lands and Settlement, to stop any action on this property until the Question is answered before this House?

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Speaker, Sir, this is a very important Question dealing with a very important matter. When it reaches us we will take the necessary step to make sure that nothing embarrassing happens until proper action has been taken or the hon. Member has been given an answer.

POINTS OF ORDER

DOCUMENTS REGARDING THE DEATH OF PC CHELANG'A

Mr. Gatabaki: Mr. Speaker, Sir, I thank you for this opportunity. I stand on a point of order regarding the promise I made last week to table some documents regarding the death of the late PC, Eastern Province, Mr. Chelang'a. I have been bothered by this question. I have been telephoned and received a lot of threats. I have even been followed by many people. I have documents which I want to table, but before I do that, I want to make a statement on the same issue---

Mr. Speaker: Order! Order! The House was promised by you that on Tuesday, which is today, you would table in the House the documents which you promised. This afternoon, you did tell the Chair that you were prepared to table those documents as promised. I have allowed you to do exactly that. When you consulted the Chair about your tabling of documents, that is exactly what you requested and I am giving you the opportunity.

Hon. Members: We cannot hear you!

Mr. Speaker: I am sorry. I have a duty to be heard. When the hon. Member for Githunguri promised the House, last week, that he was going to table the documents today, the chair was sure that he was ready to table them and it has allotted him the time to do so. That is exactly what I am asking the Member to do.

Mr. Gatabaki: Mr. Speaker, Sir, I find it very difficult, that whenever I stand on a point of order, I get this rude shock; either I am out of order or something happens. With your guidance, I cannot just table the documents without some explanations. I think this is the normal pattern that I see in this House.

With due respect to your office and the Chair, I find a lot of intimidation---

Mr. Speaker: By the way, Mr. Gatabaki, I have given you the Floor like every other Member.

Mr. Gatabaki: The late hon. Chelang'a was a victim of a major conspiracy by the Rift Valley mafia. The lives of these gentlemen in front of us are also in danger of the same mafia. Recently, the President shifted from State House to Harambee House because of the same mafia who are controlling this Government. Every Kenyan knows about the existence of two groups struggling to control the State House---

Mr. Speaker: Order! Order! By the way hon. Gatabaki, I did not give you an opportunity to deliver a speech. You were given an opportunity to table documents. You have the opportunity now to table the documents.

Mr. Gatabaki: Mr. Speaker, Sir, I will table the first document. According to the HANSARD statement, I told the Assistant Minister in the Office of the President that one of the documents is a thorough study by my paper, *The Finance*. It has well-documented facts about who caused the death of the Late Chelang'a. There are some pertinent issues that I raised which are well researched. That is one document.

Mr. Speaker, Sir, the next document is a letter we received. I receive a lot of letters as a publisher and as an Editor-in-Chief. We go through the documents to decide which one is to publish and not to publish. We do not publish the documents without telephone contacts and other factual requirements. This letter bothered me. It comes from certain Administration Police (AP), Nakuru and before I table this document, I would like to read it.

Mr. Speaker: Table the document, the hon. Members are capable of reading!

Mr. Gatabaki: Mr. Speaker, Sir, the letter says this: "I read your issue of 15th August, 1996 regarding the peculiar---

Mr. Speaker: Order, hon. Gatabaki! Table the document!

Mr. Gatabaki: Mr. Speaker, Sir, this letter raises some interesting questions. It says the late

Chelang'a was a victim of an assassination attempt by forces aligned to Mr. Joshua Kulei and supported by the Cabinet Minister, Mr. Kipkalia Kones. The letter goes on to say---

Mr. Speaker: Table the document!

Mr. Gatabaki: Mr. Speaker, Sir, I have already tabled the document.

Mr. Speaker: Very well!

Mr. Gatabaki: Mr. Speaker, Sir, the other document is about the front page of *the Daily Nation* entitled: "Chelang'a Widow Robbed in Attack." This is a continuation of the harassment of the widow of the late PC, Mr. Chelang'a, by the same forces who were in search of documents. I table the next document.

(Mr. Gatabaki laid the documents on the Table)

Mr. Speaker, Sir, those documents are very comprehensive in stating categorically---

Mr. Gatabaki: Very well, Mr. Gatabaki! Order! Order!

(Applause)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, needless to say, hon. Gatabaki has tabled no documents at all. What he has tabled are extracts of his despicable newspaper; documents which he wrote outside this House cannot be evidence of anything, especially knowing, that *the Finance* is written by one of the opponents of the Government, who is hon. Gatabaki himself. Newspaper extracts are never proof of anything before this House and it is really a shame that the hon. Member undertakes to go and bring documents and instead of bringing documents, he brings newspaper extracts that he has written himself.

The letter that the hon. Gatabaki is purporting to have brought here is a letter written by "nobody!" It is an attempt to concoct evidence and bring it before this House. And I wish to demand an apology and a withdrawal from hon. Gatabaki because he has not discharged the duty of bringing before this House documents. I would like to know, in the opinion of the Chair, if newspaper extracts are documents capable of being tabled by the hon. Member. The hon. Gatabaki must apologise.

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

Mr. Speaker: Order, Mr. Mwaura! You should know better than interrupting when somebody is replying to another point of order. In my view we have now finished Question Time to which we have given more than two hours. I think it is the "lengthiest" Question Time in my experience that we have ever had. Next Order!

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Wrong Paper Tabled by Minister. My point of order is in connection with hon. Mulinge. Last week, he laid a paper purported to be a letter from the County Council of Meru where he claimed that the County Council had decided to give the bus park to individuals. When I took that letter and read it, it had nothing to do with the bus-park. So, he misled the House. The Clerk knows about it because I pointed it out to him, and hon. Mulinge should be gentleman enough to apologise to the House for misleading it and laying a document which had nothing to do with the bus park. It was to do with residential plots, not the bus park. Could he apologise to the House for misleading it or bring the right letter?

The Minister for Lands and Settlement (Gen. Mulinge): Mr. Speaker, Sir, I have no apology to make.

The letter that I tabled here was written by the Clerk of the County Council, Meru, requesting for the change of user of that particular plot from bus-park to something else. That is the letter I laid on the Table of this House.

ADJOURNMENT MOTION VALIDLY BEFORE THE HOUSE

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. I seek the guidance of the Chair on a grievous problem we have as a matter of procedure before the House. I am a Member of the Sessional Committee of this National Assembly. Apart from Government Business being given priority at any one time, matters of debate as to whether the House has to adjourn or not is a matter to be decided by the Sessional Committee. Last Tuesday, the Sessional Committee agreed to meet this evening to decide whether we are adjourning tomorrow or on 19th December, 1996. Therefore, the matter purporting to be a Motion of adjournment appears on the Order Paper irregularly. I, therefore, suggest that the Chair does concur that if this matter has not been decided by the Sessional Committee, it be referred back to the Sessional Committee for decision.

Mr. Speaker: Order! Order! I think you are not serious. The only matter of procedure is this: Is the Motion before the House defective? If it is not defective, why do you invite the Chair to get involved in your

internal party politics? I do not sit in the Sessional Committee. I am saying this: Is the Motion before the House proper or not proper? If it is not defective, it proceeds. You can vote against it or support it. That is not my problem.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Dr. Kituyi and Mr. Orengo! The two of you must learn one thing: That, the Chair has the duty of managing the business of this House, your defiance, notwithstanding. You should never defy the Chair the way you are doing. If you have anything to put forth to this House, do it in a respective and dignified manner. It does not pay to think that you can take on the Chair. I have nothing to do with this. The Motion is: "THAT, this House do now adjourn *sine die*." What I would like to know from any hon. Member objecting is: what Standing Order does it breach?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir---

(Mr. Orengo and Dr. Kituyi stood up in their places)

Mr. Speaker: Order! Order! As far as the Chair is concerned, this is a valid Motion. Any hon. Member who does not like it can vote against it. But you cannot stop it from going on. It is legally before the House, it is right, and it will continue. Proceed, Prof. Saitoti!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir---

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

Mr. Speaker: Order, hon. Members! It is my business to ensure that the business of the House proceeds at the time appointed. If any hon. Member for any reason, has any issue to raise on any issue before this House, he will do so after the Question has come before the House. As of this moment, no issue is before this House. So, until the issue comes before this House, no hon. Member shall be heard. Proceed, Prof. Saitoti!

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE *SINE DIE*

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I beg to move that this House do now adjourn *sine die*.

Mr. Speaker, Sir, in bringing this Motion, I would like to say that we have taken into account that much of the business that we had agreed should be transacted in this House at the time we adjourn, has actually been decided upon.

We had agreed that the Public Investments Committee (PIC) Report was going to be discussed. We had also agreed that the Central Bank Amendment would be discussed. It had also been agreed that we would adjourn on the 11th of December, 1996.

Mr. Speaker, Sir, if, indeed, we are not going to adjourn today, we would then, have started the debate on the Public Accounts Committee (PAC) Report.

Hon. Members, and especially hon. Members of the Opposition will appreciate---

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I was going to raise an objection to this Motion being moved, but I did agree with your ruling that since there is no business before the House right now, we will wait until that moment comes, in which case, the Vice-President and Minister for Planning and National Development should continue to move the Motion, and not to address the Question that we are going to raise as an objection. Is he in order?

Mr. Speaker: Very well! Will you move the Motion, Prof. Saitoti?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I believe that I can move the Motion the way I wish to move it, provided I do not break any Standing Order.

I want to say that if we had started the debate of the PAC Report, which is a particularly important Report and cannot be deliberated upon within ten days since it requires a lot of time, we would not have finished before we adjourned. So, once we reconvene next year, it would appear as if we had not touched on the Report. Save as that maybe, it is this House that is to decide whether to adjourn or not, and not any Committee.

Secondly, I also want to state as follows in this Motion. I think all the hon. Members of this House

should take into cognisance that of late, the behaviour of this House, as exhibited by some of us, has tended to lower the dignity of this House. I refer to the fact that not too long ago, some hon. Members were implicated here, when they took away the mace. This mace symbolises the authority and the dignity of this House. We can disagree, but for goodness sake, let us do so in a dignified manner. Let every side put its case as firmly and as persuasively as possible. But for goodness sake, and I hope that when we do reconvene here, we are going to uphold the dignity of this House. We can have different, deviant views, but let us respect this House.

The other point that I want to state here is that I believe that the unity and the stability of this nation is something that is very dear to the Kenyan people and ourselves. We are looked upon for that one. I hope that as we go now for the Christmas break, let us respect the common people. Let us allow the Kenyans to enjoy their Christmas in peace. Let us, all of us, at least, leave our Kenyans for the time being. Then, maybe, come next year, we can begin our battles. But for goodness sake, let our own people be entitled to this holiday. All Kenyans are entitled to enjoy their Christmas in peace. Let us respect them.

In saying this, I want to take this opportunity to wish every hon. Member of Parliament here, and his own family, a merry Christmas and a very happy new year. I bear no hatred and I only wish you well. I hope that we are all going to meet here next year.

One other thing that I think is important is that when some of us have risen on a number of points, we have tended to become rather parochial. Observers could accuse us of being parochial. We could even be accused of preaching and promoting tribalism. Let us put away all practices that can break this nation. But I want to put it this way to all of us, that it does not matter which party you belong to. If there is chaos in this country, it is going to haunt you in your home and even members of your family. So, why do we disagree? Let us, at the same time, make sure that whatever we do, we are building this nation.

I want to end by taking this opportunity to commend and congratulate His Excellency the President for a very mighty Harambee he conducted last Saturday.

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

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I stand to second the Motion, and thank all my fellow hon. Members of Parliament, for the efforts that they have put in during this Session. It has been so tremendous that besides some of them being hon. Members, they wanted to give themselves the additional title of "Sergeant-at-Arms" by interfering with the mace.

I also want to take this opportunity to thank His Excellency the President for the efforts he is making in creating peace within the Great Lakes region. It is not only that he is calling for peace in the region, but he has constantly called for peace in Kenya.

Mr. Speaker, Sir, over the weekend, I was very happy to read a statement by hon. Kibaki, stating that he knows criminals who have left prison and are being imported to Kiambu to cause problems. All areas of this country need peace, including Kiambu. I would request hon. Kibaki to go further and name those who are enticing these criminals to disturb the peace that everybody cherishes in this country.

I want also to take this opportunity to thank His Excellency the President for doing a very serious public relations exercise for our nation overseas. That is in Italy, Netherlands and in Britain. I think we have to make every effort to ensure that we support His Excellency the President in all the efforts that he is trying to make, for the comfort of this country.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I wanted to thank the President for the very successful harambee that took place during the last weekend. It is a pity that only one or so of the Opposition Members were there to contribute towards that harambee. The money that was raised set a record since Independence. It is going to help the youth of this country regardless of the parties to which they belong. However, in view of the fact that we as the hon. Members are breaking off today, we should go and assist these youths whether we contributed the finances towards them or not. We should go and assist them in promoting the projects that they have and make sure that whatever money they get, is put to proper use in order to create gainful employment for themselves so that they are able to support themselves.

Mr. Speaker, Sir, I also want to call upon the Ministry of Culture and Social Services and any other NGOs that are willing to come and assist these youths. But they should not to take this opportunity to gain the credit for themselves instead of educating our youth so that they can specialise in running those projects. That is the only way to make these projects a success in order to help our unemployed youths to sustain themselves and their families.

Mr. Speaker, Sir, with those many remarks, I beg to second.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! I do not know why hon. Members cannot understand. You cannot debate on the Motion until the issue is before the House.

(Question proposed)

Mr. Anyona: On a point of order, Mr. Speaker, Sir. As we indicated earlier, some of us have a feeling that, in some ways this Motion before the House is not proper. At least, in the spirit in which this House should operate. I agree that under Standing Order No.22 and No.45 (b).

Mr. Speaker: One moment, No.22 first. Yes.

Mr. Anyona: And under Standing Order No.45 (b), I do agree that this Motion can be moved in the manner in which it has been moved, but this House is a lot more than what is stated in the Standing Orders. There are traditions and practises and other things. At a time when we are going for Christmas recess and Jamhuri, it is not the right time for this House to start wrangling. In other words, we should order our business in such way that we usher in the mood and spirit of Christmas in the House and across the country.

Mr. Speaker, Sir, under Standing Order No.145 (2), the business of this House is managed by the Sessional Committee. This Parliament has decided that the business of this House should be managed this way. The Sessional Committee manages the business on behalf of the House and that must carry the spirit of the House.

We have just been told that, indeed, when the Sessional Committee met last they did not decide that there was going to be an adjournment today, but they did decide that they would meet today to decide whether the adjournment will be on 19th, as we had been told. Indeed, already there is a programme of Parliamentary Business for today, tomorrow and the day after Jamhuri day. In which case the House is now being ambushed by somebody, by some invisible gangs which generate this spirit and it does not augur well with the Christmas recess.

Mr. Speaker: What is it that you are now complaining about?
Are you contributing or what is it that you are saying?

Mr. Anyona: Mr. Speaker, Sir, I am coming to that. I was going to---

Mr. Speaker: Order! I thought your rose on a point of order, Mr. Anyona. I had given the Floor to Mr. Kibaki. If you really have a point of order, it is incumbent upon you to make your point as precisely as possible and do not take the opportunity to generally debate. What is it that you are complaining about?

Mr. Anyona: Mr. Speaker, Sir, I wanted to lay the foundation which I have done. I now want to seek the guidance of the Chair whether it is satisfied that this business has been brought to the House by the Sessional Committee as required by this House and, therefore, this Motion has been brought to this House in the spirit in which this House would have liked it to come. In terms of our traditions and our practises and the kind of situation that we want adjourn for Christmas, I just want to seek the guidance of the Chair, I do not think it is the question of technicality, but I think it is a question of how best to manage the business of this House.

Mr. Speaker: Order! The issue as I can see is this; I really have no idea about the spirit and I wish the Motion is... What I know is, as you rightly pointed out, it has been brought before this House under Standing Order No.22, rightly. The other thing I may wish to respond to, is that, if you look again at the Standing Order that says that the Government has the right to place on the Order Paper any business they deem necessary, except of course on a Wednesday morning, and today not being a Wednesday, I am afraid the Government is entitled to put on the Order Paper any business that they deem right to do. So, as far as the legality of the issue before the House is concerned, it is perfectly legal. Which of course does not mean that hon. Members are not entitled to oppose. You are entitled to oppose, support, amend if you can, and do whatever it is that is within the Standing Orders. So, can we go on, Mr. Kibaki now.

ADJOURNMENT OF DEBATE ON
MOTION FOR THE ADJOURNMENT

Mr. Orenge: Mr. Speaker, Sir, I rise under Standing Order No.45 (b) which gives me the opportunity to move any Motion without notice. The Motion that I intend to move is this:-

"The debate on the Motion that this House do now adjourn *sine die* which appears in today's Order Paper, be adjourned."

I am moving this Motion on the basis that an important aspect of Parliamentary responsibility is being overlooked in accordance with the Constitution.

The Controller and Auditor-General is required in every Financial Year to lay before the House, through

the Ministry of Finance, an audited report on the accounts of the Government of Kenya. Time is of essence. If you look at the Exchequer and Audit Act, again time is of essence. It would be a grave irresponsibility on the part of this House to discuss this Report when the Controller and Auditor-General has brought out important issues relating to how the finances of this Government which this Parliament authorises, have been spent. He has come out with a report showing incidents of irregularity and corruption.

Mr. Speaker, Sir, I think it is important that this House does not adjourn before we consider the report of the Controller and Auditor-General. If we adjourn, then we are not going to have the opportunity to look at the report vis-a-vis the report that is being considered by the Public Accounts Committee.

They are going to make recommendations before they lay the next Report before the House. If we adjourn at this stage before looking at that Report and making resolutions on it, then we are interfering with the work of the Public Accounts Committee, which is an important Committee of this House. If it is a question of misusing our time, there were many Motions which were brought before this House which were not as important as the Report of the Public Accounts Committee. If Sessional Paper No. 2 which wanted to amend Standing Orders No. 148 and 147 was not brought before this House and if the National Intelligence Services Bill was not brought before this House before they were properly considered, we would have had sufficient time to consider the Report of the Public Accounts Committee.

Mr. Speaker, Sir, let Parliament not be blamed. Already the two committees are blaming the Government and corporations for submitting their reports late. It will be wrong for this Parliament also to delay in considering and making resolutions on the Report of the Public Accounts Committee unless we are afraid that the elections are around the corner and we do not want to debate that Report. This is because if you can suspend discussions on that report today, I am sure you can still delay discussions on that Report when you reconvene in March or in April.

Mr. Speaker, Sir, my Motion is not requiring this House not to adjourn. I am asking that we adjourn and consider the Report of the Public Accounts Committee and thereafter, as is the tradition of this House, we can then proceed to discuss the present Motion.

Mr. Speaker, Sir, finally, I am just pleading that this House, before we go into recess, we have some sense of focus. The sense of focus is going to be on how we can review the work that we have done in the last one year. Those are the Bills, Motions and the Questions that have arisen during this Session. We must have that focus and go back to the people knowing what we are going to tell them what we have achieved during this Session. If our report is going to be that we have not considered the Report of the Public Accounts Committee, we would have not complied with the requirements and the general spirit of the Constitution of Kenya. You have heard from the Members of the Sessional Committee that, in fact, this question of adjournment is strange to them. They were not aware that this Motion was going to be discussed today and we are being ambushed in the familiar fashion. Out of experience, in the last four years, when the House is ambushed in the way we are being ambushed with this adjournment, I know there is something that this Government is trying to hide during this Session.

There is definitely something that the Government is trying to hide. Part of the reason would be probably that now in your coffers you have Kshs500 million which was collected from the public and you have not formulated how this money is going to be used; whether it is going to be scrutinised by the Public Accounts Committee --- You have not done all this.

I am sure that one of the reasons why you want us to adjourn is to give you time to see how you are going to use this money.

Mr. Speaker, Sir, secondly and finally, I am pleading with the opposite side. The Constitutions of the Opposition say that we shall strive to replace this Government. We say so in broad daylight. The Attorney-General has records of the Constitution of FORD (A), FORD (K) and that of the Democratic Party of Kenya. Part of our mission is to get this Government out of power. But I want to tell you that when Njonjo was the Attorney-General, it was an offence to imagine the death of the President; just to imagine! The two KANUs that is KANU "A" and KANU "B" are worried about the death or the termination of office of President Moi and everybody is sitting and waiting for their day to come to take over office. So, we should not go on recess when this issue is not resolved.

I ask hon. Anyona to second.

Mr. Anyona: Mr. Speaker, Sir, as I have indicated, we at least, on this side of the House, are unhappy about the manner in which this business of the House is being managed. I think the other side of the House should share the same responsibility. I am not happy about the manner in which the business of the House is being managed. If there is any attempt, and there have been many attempts, to ambush and sabotage Parliament then that is treason. Time and again, we have had cases where we think that we are going ahead with business in the normal manner, then someone springs up a surprise, an ambush. We have failed to understand what the reason for this is. We have failed to understand why this Government should feel that the right to way to run the business of the House and of the nation is by ambushing Parliament and Kenyans.

Mr. Speaker, Sir, we have the Sessional Committee that does not seem to function. This is because when the Committee meets and they make a decision that they are going to meet next time round to review the business of the House, someone somewhere goes against a decision of the Committee. Then that shows that we are flouting the procedures of the House. I want to say that it had better be understood that the Sessional Committee is not the Government's Committee. It may be chaired by the Leader of Government Business but a Committee is a Committee of the House and its work is to manage the business of the House; to give the Government its due share of business and the other side as well.

Mr. Speaker, Sir, the Leader of Government Business who is also the chairman of the Committee ought to realise that he owes this House, first of all, loyalty and if you ambush the House then you are not loyal to the House. He owes this House proper management of the business of the House and every time we have not had that. It means that Prof. Saitoti, apart from being the Leader of Government Business, if he wants to mess up Government business we would, in fact, be very happy because very soon we shall show him the door. But, he cannot mess up the business of Parliament. We will not allow him to do that. That is why we have had all these wrangles because this matter has not been properly handled.

Mr. Speaker, Sir, as I said earlier on there has been a programme which shows that the Sessional Committee, indeed, decided that we shall transact business up to tomorrow and then break for Jamhuri holiday and come back and continue until the 19th day of December. The fact that, that order has been changed is a clear measure of ambush. Already, it was in the air that this Government had been directed by the World Bank and the IMF that there are certain things that they must have in place before Parliament goes on recess. For that reason the adjournment had been projected for the 19th December. Now, there is a change of mind and we are entitled to think that there is something in the air; there is something in the offing and particularly when you know that you are dealing with a fractional ruling party where there is KANU "A" and KANU "B" or where KANU "A" does not know what KANU "B" is doing; the left hand does not know what the right hand is doing ---

(Applause)

The only thing that can result is the mismanagement of this nation. We have said that the Public Investments Committee Report must be authorised by Parliament. We have already hampered the Committee because last time they could not proceed because the Report was not Tabled and when Parliament went on recess, the report was not ready. It is not possible for the Treasury to indicate what has been done with the recommendations of the Report and what the House has approved. Now if we go on recess, the Government cannot do anything until we come back and we may pass the Report maybe in June, and there is no time.

Mr. Speaker, Sir, if we shut out Government accounts by the Auditor-General (Corporations), then we are interfering with his constitutional duty and responsibility. Now, this Parliament cannot do that consciously. This Government has no business - as I said the other day - breaking the very Constitution that they think will enable them to win power next time.

Mr. Speaker, Sir, on that account I would like to propose that from now on, in the next Session of Parliament, we should better have a fixed Parliamentary calendar like it used to be in the past, so that we can avoid this ambush. There is total lack of goodwill either on the whole lot of that side or among some of them either in KANU"(A)" or KANU"(B)". The other day we were told there is even KANU "(D)" and a "kitchen Cabinet".

I beg to support.

(Question proposed)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I stand to oppose this particular amendment that has been put across. The reason why I want to oppose this Motion is because the reasons which have been given are all based on suspicion. Let me draw the attention of the hon. Members to the fact that we have always adjourned *sine die* at about this particular time.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is the hon. Leader of Government Business in order to purport to be opposing an amendment when the matter before the House is not an amendment, but a Motion that the business be adjourned? Can he say what he is discussing now?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I forgive him. Maybe, he needs to see a doctor to make sure that his hearing is properly done.

Mr. Speaker, Sir, many Members who have spoken have said that maybe the Government is afraid of having the discussion on the Public Accounts Committee Report being brought here. On the contrary, if indeed we

are afraid of that one, we would not have brought the Public Investments Committee Report here for debate. I would also like to say that if, indeed, we have got any good reason to feel that there are certain recommendations in the PAC we will not pass them, and it is this House to do so. The reason we have brought this Motion like I said - and we have brought it under Standing Order No.22, and the Motion is legitimately before this House - because we normally adjourn around this period. There is no doubt that the majority of the Members of Parliament want to go for holiday, but that of course will be put to question and then this House will decide who actually wants to adjourn today or not. But I want to assure this honourable House that the Government has not brought this particular Motion in order to cover up or delay the deliberations of PAC. As a matter of fact, come early next year - because the problem, I believe with many hon. Members is that they believe that maybe, the elections are going to be called immediately. We have yet to carry out the registration of voters, and I believe all of you know the period which it takes, and so there is no hurry - the first issue which will be deliberated and disposed of will be the PAC Report. But at the same time let me remind this honourable House that, that particular report of the PAC requires sufficient time to be debated.

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

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): But hon. Anyona has already contributed!

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I think there is an important Constitutional point here. Is Prof. Saitoti in order to tell this House that elections are not going to be called immediately, when under Section 59 of the Constitution, it is the sole prerogative of the President to do so even tomorrow?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, not at all. I think you can look at the whole logistic. I want to say that I am pleased to know that a number of hon. Members here have talked about the spirit of co-operation between the two "houses". I want to draw the attention---

Hon. Members: Which two Houses?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Of the disgraceful manner in which some of the Members of the Opposition actually behaved last time. There was, for example, the case of the National Intelligence Bill, and I remember we were requested to adjourn the debate on that one, so that there could be some consultations between the Members of the Opposition and the Attorney-General.

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

Mr. Speaker: Sorry, Mr. Munyasia!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Such consultations were held - and I remember well - between the Attorney-General, the Official Leader of the Opposition and even hon. Orenge was there and it was all agreed that, that Bill would be introduced into this House, provided it will indicated on the Order Paper which Clauses were going to be amended. But what happened is that, hon. Members especially hon. Orenge and others, who were party to that so-called good spirit of co-operation---

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

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I do not think you have called him. You sit down!

Mr. Speaker: Order! Order, the two of you! Order, Members! This is a timed debate, I do not encourage unnecessary discussions.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, a number of hon. Members, having given the signal that they are for that co-operation, came here and recanted their promises and then acted in total disregard of what they had agreed to.

I beg to oppose.

Mr. Kibaki: Mr. Speaker, Sir, the Motion moved by hon. Orenge shows, in fact, the only honourable way for this House can behave. It is the only way. The route we had taken earlier was a total disgrace to this Parliament and, in fact, a total disgrace because the Chairman of the Sessional Committee is the same one who came to move that Motion here.

Mr. Speaker, Sir, sitting in the Sessional Committee, it was agreed as has been said, that we would meet and then decide when to adjourn. Before we have met, unilaterally and on his own, he has decided to disgrace this House, to show no respect and to ambush this House to say that we want to adjourn now. That has never happened in this Parliament since 1963. It has never happened. It is the first time and it has been done by people who have shown this kind of disrespect for the institutions. We heard the other day, the President of this nation telling the

Chief Justice not to listen to certain types of cases, and that is against the Constitution. Now we are seeing abrogation of procedure in this Parliament a procedure of the most important Committee of this Parliament - the Sessional Committee. That is what is aggrieving to us and the only honourable way to get out of the situation is to adjourn this debate, let us go and discuss when we shall adjourn this Parliament and above all, let us give time for the Public Accounts Committee Report to be heard during this sitting before we go for Christmas. There is enough time. That Report will not be debated for more than a week and, in fact, there are two weeks during which we can discuss before we go anywhere. It is important that, that Report be debated.

Mr. Speaker, Sir, in fact, if indeed it was true as the hon. Leader of Government Business is saying, that they are not trying to evade debate on Public Accounts Committee Report if it was true, he would not have moved this Motion. This Motion has been moved precisely because the Public Accounts Committee Report is not to be debated this particular time. As he is saying, they may not be able to eat Christmas! I do not know what would happen. I do not know whether they would die or what would happen, if we debated the Public Accounts Committee Report? There are no new issues in the Public Accounts Committee Report; there is only exposure of the robbery by Government of taxpayers money and misuse of it and the more we debate it, the healthier the hon. Members should become because they have been exposed to the world, and there is nothing more to hide and they do not need to cover-up. Now that they do not need any cover-up, why are they afraid of debating this matter? Because no cover can cover the evil that has been done. All I am saying in all honesty is that, there is no reason for this misbehaviour, to destroy an institution of Parliament only for the purpose of hiding for three months. In six months time we shall debate the Report and you will not have become different, even if you will have eaten Christmas, no facts will have changed. The same Report which is now available will be the same one to be debated. Whether in heaven or not does it matter whether we debate it now or in three months time?. But whatever decision the Members of the Sessional Committee have not made it, we Members of this Committee, whether in the Opposition or in Government side have not made this decision. This decision has been made by the Leader of Government Business and his own special "kitchen cabinet". He has his own small "kitchen cabinet" with which introduced this Motion here and we are saying we do not accept it.

Mr. Speaker, Sir, I know the temptation running through the minds of the hon. Members on the other side of the House. You can see it! This is why they are smiling. They want to use their numbers. I say to every hon. Member that the number is important because they will support evil. But they will have committed their own souls for supporting evil. The hon. Members have been led into it without even being consulted or even being regarded as intelligent people who require to be consulted. This decision will have been made by only the Leader of Government Business and his three colleagues in his special "kitchen cabinet". But I cannot be associated with this kind of destruction of an institution that we have built over so many years. Parliamentary procedure should be honoured.

Finally, since we have a way out, which is to adjourn this debate, I appeal to everybody to agree that we adjourn this debate on the adjournment Motion, otherwise, we are failing the House.

The Minister for Education (Mr. Kamotho): Thank you, Mr. Speaker, Sir, for giving me a chance to also oppose the adjournment of debate on the adjournment Motion. First of all, I would like to start by castigating the allegation from the Opposition about the existence of KANU "A" and KANU "B". What the whole country knows is that the Opposition in this country is more divided than the ruling party KANU. We know that in this House we have FORD(K) (Wamalwa) and FORD(K) (Raila, FORD(A) (Matiba) and FORD(A) (Shikuku).

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

Mr. Speaker: Order! There is only five minutes for each hon. Member and I will not accept unnecessary interruptions.

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, we also know very well that there is DP (Kibaki) and DP (Muigai). The only opposition party which is intact is that of hon. Anyona, and this is because it is a one-man-band. Therefore, it is wrong for anybody in the Opposition---

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

Mr. Speaker: Order! Order! May I give some guidance to the House? We are discussing whether or not to adjourn debate on the Motion of adjournment *sine die*. I am not interested in the least about health of the various political parties. Proceed, Mr. Kamotho.

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, I said so because they started that debate.

Thirdly, any nonsense---

Mr. Muluya: On a point order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Mulusya! I think it is in your own interest to remain in the House. Proceed, Mr. Kamotho.

The Minister for Education (Mr. Kamotho): Finally, Mr. Speaker, Sir, we have just witnessed---

Mr. Mulusya: On a point of order, Mr. Speaker, Sir. You have heard with your own ears hon. Kamotho saying whatever the Opposition is saying is all nonsense. Is he in order to say that?

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members, it is really a bad show for us to behave this way in the presence of our own children. Proceed, Mr. Kamotho.

The Minister for Education (Mr. Kamotho): Finally, it is wrong for these hon. Members of the Opposition to say that the Government has been ambushing this House---

Prof. Ouma: On a point of order, Mr. Speaker, Sir. This House will lose its civility if those who are supposed to be civil use uncivil and unparliamentary language. I heard from this corner with my two living ears somebody who is supposed to be an educator, who is supposed to tell people the truth, saying that this side is speaking nonsense. Can he own up, and then withdraw and apologise?

Mr. Speaker: Order! Mr. Kamotho, may I put this question to you quite firmly: Did or did you not say that the hon. Members of the Opposition are talking nonsense?

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, I maintain that I did not say it.

Finally, it is wrong for the hon. Members of the Opposition to claim that the Government has been ambushing this House. We have just witnessed, a few minutes ago, hon. Orengo and hon. Anyona ambushing hon. Kibaki.

With those words, I beg to oppose.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! I will give hon. Shikuku a chance and then dispose of this issue.

Mr. Shikuku: Mr. Speaker, Sir, this is a sad day for some of us who believe in order and the rule of law. According to the African tradition, anybody who is married and has children qualifies to sit with elders. It is completely out of order for such a man to tell lies or to say things that are not true.

The truth is that Standing Order No.145 states very clearly that the business of this House shall be organised and tabled in the House by the Sessional Committee, which is made up of members from the Government and Opposition sides. This is what Standing Order No.145 says.

I would like to ask my hon. friend, the Leader of Government Business to deny in the name of God--- This is a serious matter. This House is the only institution in this country which is so far functioning, and I am not going to be a party to its destruction. I was in the Sessional Committee meeting. Therefore, I want the Leader of Government Business to stand up and deny in the name of God that he proposed from the chair that we meet today, Tuesday, and decide whether we can adjourn the House on 11th December or 19th December in view of the business that we have. To my surprise, in the course of moving this Motion, he did not tell the House that holy truth. I am a member of the Sessional Committee and I know that we were supposed to meet this evening to decide whether we should adjourn on 11th December or 19th December. When he stands up to speak I want him to deny saying that from the chair. And I leave him to God to be punished.

Secondly, Mr. Speaker, Sir, I think hon. Kamotho was present, although I am not quite sure. I am glad he is nodding his head. This is the way hon. Members should behave. An hon. Member is somebody who is not expected to mislead or tell untruths. But once you do that, then you cease to be an hon. Member. I have given a challenge to the Leader of Government Business to deny in the name of God that it was not him in the Chair last Tuesday, who proposed that, in view of the business that we have, we meet today, Tuesday, to decide whether to adjourn the House on 11th November or 19th November, 1996 in view of the PAC Report. To my surprise, he has already come and that is why we said he has "ambushed" us. We are hon. Members. He comes with a Motion to adjourn the House *sine die*. How "honourable" can that hon. Member be?

The Vice-President and Minister for Planning and National Planning (Prof. Saitoti): Mr. Speaker, Sir, I believe that hon. Shikuku is misleading this House. We had also agreed in that Sessional Committee that we were going to dispose off only two items prior to going for the adjournment. It was to be the PIC Report and the Central Bank (Amendment) Bill. I think the hon. Member should say that and these two have already been disposed off.

Mr. Shikuku: Mr. Speaker, Sir, I am a Christian and I have been an hon. Member of this House for a long time. All I can say is that, as a result of the statement made by the hon. Member, and I can confirm it from the minutes, I can only believe that he cannot belong to the same God I believe in, but only to satan!

Mr. Speaker, Sir, we cannot go the way they are going. I think my hon. friends on the other side of the House, particularly the Leader of Government Business, belong to the religion of satan!

The Assistant Minister for Finance (Mr. Koech): On a point of order, Mr. Speaker, Sir. I do not know whether it is Parliamentary to say that an hon. Member of this House belongs to a religion of satan?

Mr. Speaker: Order! In all fairness, hon. Martin Shikuku should do better than that. I think that language is not only insulting, but also provocative. Please, do not use it again.

Mr. Shikuku: Mr. Speaker, Sir, I said that there are two religions in this world, one of God and that of Satan. So, if he does not belong to the one of God, then he must belong to that of Satan!

Mr. Speaker: Well, your time is up. I must now dispose of that issue.

Hon. Members: Division! Division!

Mr. Speaker: Order! Order! There must be a better way to manage yourselves. How do you ask for a division on no issue? Anyway, I will put the question.

(Question put and negatived)

(Several Opposition MPs stood up in their places)

Mr. Speaker: Stand up because I want to count how many of you support Division. Well, it does look to me on the face of it that the Members demanding for a Division are more than the requisite number, 20, and, therefore, I order for a division.

Mr. Speaker: Order! Order, hon. Members! I now direct that the Bar be drawn and closed. Before we go for the Division, I wish to advise the hon. Members that I will first announce the Tellers and then put the question. Those who would be voting for "Ayes" should proceed to my right, and those who are voting for "Noes" should proceed to my left. I wish also to bring to the attention of the hon. Members that no Member is obligated to vote on this issue. You can refuse to vote and if that is your position, that you do not wish to vote either way, please, record your name with the Clerk-At-the-Table. I think it is now clear. **Mr. Speaker:** Order, hon. Members! Although the House is in Division, no hon. Member of this House is allowed to block the access of officers of this House into the various parts of this House. So, can the hon. Members, please, desist from taking the law into their own hands?

Proceed with the Division!

(Loud Consultations)

Order, hon. Members! What I have said is this, a division is not an excuse for any hon. Member to make himself the custodian of the premises of Parliament, for example, by blocking those who are going into the voting booths. All the doors into the voting booth must remain open for the hon. Members to vote!

DIVISION

(Question put and the House divided)

(Question defeated by 84 votes to 50)

AYES: Messrs. Abdi, Angatia, Arte, Awori, Ayah, Biwott, Boy, Chebelyon, Cheserek, Ekidor, Dr. Godana, Messrs. Gumo, Imana, Kamotho, Kaino, Kamuren, Kariuki, Keah, Col.Kiluta, Messrs. Kirior, Koech, Kofa, Komora, Kones, Leshore, Ligale, Lotodo F.P.L., Magwaga, Makau, Dr. Manduku, Messrs. Manga, Marita, Masinde, Mbela D.D., Mbela D.M., Mcharo, Mohamed A., Mohammed H.M., Moiben, Mokku, Dr. Momanyi, Messrs. Morogo, Muchilwa, Mudavadi, Gen.Mulinge, Messrs. Mumba, Munyi, Muoki, Musyoki, Mutinda, Mutiso, Mwamzandi, Nang'ole, Mrs. Ndetei, Messrs. Ndotto, Ndzai, Prof. Ng'eno, Messrs. Ngala, Ntimama, Nyachae, Mrs. Nyamato, Rev. Ommami, Messrs. Otieno, Osogo, Oyondi, Rai, Rotino, Saina, Prof. Saitoti, Messrs. Salat, Sambu, Sankori, Shabaan, Shamalla, Shidie, Sing'aru, Sumbeiywo, Sunkuli, Bishop Tanui, Mr. Titi, Dr. Wako, Dr. Wameyo, Messrs. Wawire and Wetangula.

Tellers of the Ayes: Messrs. Mutahi and Rai

NOES: Messrs. Achieng-Oneko, Achola, Akumu, Aluoch, Prof. Anyang'-Nyong'o, Mr. Anyona, Mrs. Asiyo, Messrs. Gatabaki, Gitau, Gitonga, Icharia, Kamuyu, Kapten, Kibaki, Kiliku, Kinyua, Dr. Kituyi, Messrs. Karan, Kareng'e, Mak'Onyango, Maore, Mathenge, Mbeo, Michuki, Muite, Mulusya, Mungai J.N., Munyasia, Mohamed Farah, Mutahi, Mutani, Mwangi Gichuki, Mwangi Githiomi, Mwaura, Prof. Mzee, Messrs. Ndicho, Ndwiga P.N., Mrs. Ngilu, Messrs. Nthenge, Nyagah, Messrs.. Ojode, Dr. Oburu, Messrs. Obwocha, Ojode, Omino, Dr. Opere, Mr. Orengo, Prof. Ouma, Messrs. Raila, Shikuku and Wamae.

Tellers of the Noes: Messrs. Rotino and Ojode.

ABSTENTIONS: Nil.

*(Resumption of Debate on the
Motion for the Adjournment)*

Mr. Speaker: Order, hon. Members! Under Standing Order No.17, I direct and order that one hour be added to the original debate, and this House shall rise after one hour from now, or as soon as that issue is disposed of.

An hon. Member: Tutakataa!

The Minister for Health (Mr. Angatia): On a point of order, Mr. Speaker, Sir. I beg to move that the Question be now put.

(Loud consultations)

Mr. Speaker: Order! Order! Once I order, I suppose, the House must, at least for now, respect the ruling I have made, which is, to add one hour.

Hon. Members: Why?

Mr. Speaker: Under Standing Order No. 17, I have directed---

An hon. Member: Why?

Mr. Speaker: It is the discretion of the Speaker.

Hon. Members: Ah! Ah!

Mr. Muite: Mr. Speaker, Sir, I rise on a point of order to seek the guidance of the Chair. The Constitution, and I refer specifically to Section 56 of the Constitution---

An hon. Member: Which one?

Mr. Ndicho: Wewe, kimya!

Mr. Muite: Mr. Speaker, Sir, this is the country's Constitution; it is not Mr. Muite's Constitution.

Under Section 56 of the Constitution, the marginal note reads:-

"Regulation or procedure in the National Assembly.

"Subject to this Constitution, the National Assembly may:-

(a) Make Standing Orders regulating the procedure of the Assembly.

(b) Subject to Standing Orders made under paragraph (a), establish Committees in such manner and for such general special purposes as it thinks fit."

This is the original jurisdiction under which this National Assembly acts. Therefore, when the Sessional Committee is established under Standing Order No. 145, that Sessional Committee is established by the National Assembly in order to decide on the management of business in this National Assembly.

The guidance I seek from the Chair is that under Standing Order No.33, it is clearly stated that:-

"The Government shall have the right to have Government business placed on the Order Paper in such sequence as the Government may determine."

But the Government is different from the National Assembly. Clearly, the correct interpretation of Standing Order No.33 is that the Government has got priority only to list the priority in the Order paper, not to decide what the Sessional Committee is to decide on what is to be discussed. Therefore, is it right? Are we not violating Standing Order No.33?

Therefore, it is right that we are not violating Standing Order No.33. By extension of time, we are going against the letter and spirit of Section 56.

Standing Order No.22, under which the Leader of Government Business seeks to move the Motion of Adjournment, would only apply after the Sessional Committee, established by this National Assembly, pursuant to

Section 56 of the Constitution, has actually determined what business is going to be placed in the Order Paper. Once the Sessional Committee has done that, then the Government has got the right to decide on the arrangement of sequence in the Standing Order.

Mr. Speaker: Mr. Muite, I want to ask you a very simple and logical question. That issue which you are raising now was raised by hon. Anyona at the very beginning of the sitting this afternoon, and I did make a ruling on it. Nothing whatsoever in Standing Order No.22 directs the Chair to go behind what is on the Order Paper to know what has been and what has not been, decided by the Sessional Committee. In any case, I had already made that ruling much earlier, and I do not think this is the right time to revisit it. I had already made that ruling.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Did hon. Angatia ask you to put the Question of the extension of time?

Mr. Speaker: I declined to put it.

Mr. Anyona: Mr. Speaker, Sir, we, on this side, are very democratic and the Chair is very democratic because we have gone through a division. We have been defeated and we accept that, but we are not just about to accept what is going to happen next.

It is not possible to extend the time of the House under Standing Order No.17. Standing Order No.17(1) states the following:-

"Unless for the convenience of the House Mr. Speaker otherwise directs, the House shall meet at 9 a.m. on Wednesday mornings and at 2.30 p.m. on Tuesday, Wednesday and Thursday afternoons, but more than one sitting may be directed during the same day."

We shall be going into a different sitting, not same sitting. We are not extending the same sitting. That is the first objection. In which case, there will have to be a move to seek to sit again to establish a different sitting. You cannot extend this sitting on the same day.

I will proceed to read.

"17(2) Unless for the convenience of the House Mr. Speaker or the Chairman (as the case may be) directs earlier or later interruption of business at 6.30 p.m. or (if it is an Allotted Day) at 7 p.m. on the occasion of an afternoon sitting and at 12.30 p.m. on the occasion of a morning sitting, Mr. Speaker or the Chairman or Committee shall interrupt the business under consideration and if the House be in committee the Chairman shall leave the Chair and report progress and ask leave to sit again".

That does not even apply to what is going on now.

"(3) If at the time appointed," and the time appointed today is 6.30 p.m., "for the interruption of business, any division is in progress, or a question is being put from the Chair and a division results immediately thereon, such interruption shall be deferred until after the declaration of numbers."
Mr. Speaker, Sir, that is why we have voted for a few minutes for that process to be completed.

(Applause)

So, we have finished that process quite in accordance with the Standing Orders and quite democratically, not what we are about to do now.

"(4) Upon the conclusion of all proceedings under paragraph (2) or (3) of this Standing Order, or upon the earlier completion or deferment of all business standing upon the Order Paper for the sitting, Mr. Speaker shall either adjourn the House," that is one option, "without question put," which is the normal way, "or if notice has been given of a matter to be raised upon a Motion for the Adjournment of the House under the provisions of Standing Order 18 (Adjournment Motion - End of Sitting) shall call upon a Minister to move "That this House do now adjourn."

Mr. Speaker, Sir, what that means is that when I am not satisfied with an answer to a question here and I seek to have the House adjourned after the normal hours for half an hour, for me and the House to ventilate on that Question, and that notice has been given to the Speaker, and the Speaker has appointed a day when that can be done, it is only then that you can extend the sitting of the House and not otherwise.

(Applause)

(5) Upon the Conclusion of any debate arising under the provisions of the last preceding paragraph of this Standing Order, Mr. Speaker shall put the question "That this House do now adjourn."

Mr. Speaker, Sir, that means, at the end of the division, the normal thing to do is to adjourn the House,

or if there had been notice of a Motion for the adjournment of the House under Standing Order 18 to discuss a particular matter, at the end of that debate, the Speaker then adjourns the House.

Mr. Speaker, Sir, I beg to say that it will be unprocedural and contrary to Standing Order 17, if this House were to extend its sitting in the manner that it is proposed to do because there is no notice of a Motion for the adjournment of the House so that, that matter can be debated. What has happened is that we had a normal business on the Order Paper and we have come to the end of the normal appointed time and the normal thing to do is to adjourn.

(Applause)

Mr. Speaker: I thank the hon. Member for Kitutu Masaba for his views on Standing Order 17.

The hon. Member for Kitutu Masaba has given his views on Standing Order 17, putting emphasis, of course, on Standing Order 17(3). My reading of Standing Order No.17(1) is plain, that the Speaker can direct. In fact, I think, the Standing Order, the way it is worded itself, must be missing something. But it does give to the Speaker a discretion to extend the time outside 6.30 p.m. in the evening, and 12.30 p.m. in the afternoon. That is the plain English of Standing Order 17(1).

I have already made that ruling, and I have given one hour to complete the debate that was going on.

The Minister for Health (Mr. Angatia): On a point of order, Mr. Speaker, Sir. With all due respect, I seem to have been misunderstood when I proposed my Motion. I accepted your ruling that we sit for another one hour, and I put my Motion so that it can be disposed of within that hour.

Mr. Speaker, Sir, my proposal was on the Motion that the House do now adjourn *Sine Die*.

Can I move that the Question be now put, Mr. Speaker, Sir?

(Question put and agreed to)

Hon. Members: No! No! We want a Division!

Mr. Speaker: Order! Order! I order for a Division! Ring the Division Bell!

(The Division Bell was rung)

Mr. Speaker: Order! Order, hon. Members. In division round two, I have again the duty to explain a few things before I put the question. After I have proposed the question those who are voting for "Ayes" shall move to the right while those who are voting for "Noes" shall move to my left. No hon. Member is obligated to vote for either way. If you feel that you want to abstain, record your name with the Clerk.

Proceed with the Division.

DIVISION

Mr. Speaker: Order, hon. Members. First of all before I announce the results of the Division, I would like to let the House know that I have had the occasion to look at the papers that were laid by the hon. Member for Githunguri, which he alleged to be documents. There was one which was supposed to be a letter that was not signed, another was a copy of a newspaper and a third was a copy of his own magazine.

Hon. Members:.....*(inaudible)*

Mr. Speaker: Order! In my view, none of them is a document, so they will be expunged from the records of the House.

(Question put and the House divided)

(Question carried by 91 votes to 52)

AYES: Messrs. Abdi, Abdullah, Angatia, Arte, Awori, Biwott, Ekidor, Galgalo, Dr. Godana, Messrs. Gumo, Imana, Kaino, Kamuren, Abdi, Ayah, Boy, Chebelyon, Cheserek, Kamotho, Kariuki, Keah, Khaniri,

Col.Kiluta, Messrs. Kirior, Kirima, Kirwa, Kochalle, Koech, Kofa, Komora, Kones, Kosgey, Leshore, Ligale, Lotodo,F.O.L., Magwaga, Makau, Dr. Manduku, Messrs. Manga, Marita, Masinde, Mbela, D.D., Mbela, D.M. Mcharo., Moiben, Mokku, Dr. Momanyi, Messrs. Morogo, Muchilwa, Mudavadi, Gen. Mulinge, Messrs. Mumba, Munyi, Muoki, Musyoki, Mohamed A., Mohamed, H.M., Mutinda, Mutiso, Mwamzandi, Nang'ole, Mrs. Ndetei, Messrs. Ndotto, Ndzai, Ngala, Prof. Ng'eno, Ntimama, Mrs. Nyamato, Rev. Ommani, Messrs. Osogo, Otieno, Oyondi, R.O, Nyachae, Rai, Rotino, Saina, Prof. Saitoti, Messrs. Salat, Sambu, Sankori, Shabaan, Shamalla, Shidie, Sing'aru, Sumbeiywo, Sunkuli, Bishop Tanui, Mr. Titi, Dr. Wako, Dr. Wameyo, Messrs. Wawire and Wetangulta.

Tellers of the Ayes: Messrs. Achola and Ndotto.

NOES: Messrs. Achieng-Oneko, Achola, Akumu, Aluoch, Prof. Anyang'-Nyong'o, Mrs. Anyona, Mrs. Asiyo. Messrs. Farah, Gatabaki, Gitau, Gitonga, Icharia, Kairu, Kamuyu, Kapten, Kibaki, Dr. Kituyi, Messrs. Karan, Karengi, Mak'Onyango, Maoka, Mathenge, Mbeo, Mbui, Michuki, Muite, Mulusya, Mungai J.N., Munyasia, Murungi, Mutahi, Mutani, Githiomi, Mwaura, Ndicho, Ndwiga, Mrs. Ngilu, Messrs. Nthenge, Nyagah, Nyanja, Mr. Obure, Dr. Oburu, Messrs. Obwocha, Ojode, Omino, Dr. Opere, Mr. Orenge, Prof. Ouma, Messrs. Shikuku and Wamae.

Tellers of the Noes: Messrs. Sankori and Icharia.

ABSENTIONS: Nil

ADJOURNMENT

Mr. Speaker: Hon. Members, the House is, therefore, adjourned *Sine Die*.

(Loud consultations)

The House rose at 7.30 p.m.