

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 24th July, 1996

The House met at 9.00 a.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No 607

MURDER OF MR. MBAI NJENGA

Mr. Nyanja asked the Minister of State, Office of the President whether he was aware that the former Limuru Sub-branch KANU Secretary, Mr. Mbai Njenga was found brutally murdered on the night of 20th October, 1995, and that to date no one has been brought to book.

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

The body of the late Mbai Njenga was found lying partly on the road on 21st October, 1995, at 9.00 a.m. with multiple fractures on the head, ribs, left leg femur and the chest which was bruised. There were motor vehicle skid marks on the road leading to suspicion that the deceased died after a hit and run accident. Tigoni fatal accident file No 73/95 is pending under investigation.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, I am very much shocked by that absurd reply because the Assistant Minister is misleading this House and the entire nation through the Chair. This Limuru Sub-branch KANU Secretary died as a result of having declared his interest to vie for the KANU Chairmanship Sub-branch in Limuru because his boss had become the District KANU Chairman. On that fateful night he was seen last with the KANU councillor for Tigoni Ward, three of them, and since then, even the Kiambu KANU Chairman has never asked for any investigation to be carried out on the death of the late Mbai Njenga. The late Mbai Njenga was buried without testicles as I said and I ask the Assistant Minister to challenge me. His death is political and he was buried very hurriedly and the police from Tigoni Police Station were found at a kiosk around mid-night asking the people to open and wash the vehicle so that the blood stains are not noticed. Just like the death of the late Dr. Robert Ouko, this is a political murder, and we are asking for police investigation if the Assistant Minister has no facts.

The Temporary Deputy Speaker (Mr. Wetangula): What is your question, Mr. Nyanja?

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, can the Assistant Minister assure this House, in view of what I have said and I hail from the division, that fresh investigations, will be instituted because this is a politically instigated case because of Mr. Kuria Kanyingi?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, I would like to ignore the remarks on the KANU Chairman, Kiambu, because it is well known that the hon. George Nyanja has a bone to pick with Mr. Kanyingi. As I said last time, the ghost of Mr. Kanyingi always haunts hon. Nyanja. But the truth of the matter is that this matter is being investigated. I would personally order that the police do put the file before the magistrate so that an inquest can be held and hon. Nyanja, and other people who have sober evidence to offer, can do it before a magistrate in a court of law.

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

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I would like to bring to the attention of the Assistant Minister through the Chair, that people in Limuru and the neighbouring Constituency of Kikuyu, are living in terror of this short fellow called Mr. Kuria Kanyingi. Can he institute thorough investigations as to whether Mr. Kanyingi who everybody in Limuru, Kikuyu and Lari, know, is the worst person who was involved in the murder

of the late Mbai Njenga? Can you direct the investigations to the principal suspect, Mr. Kuria Kanyingi, Kiambu District Chairman of KANU?

(Applause)

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, I am not aware that my hon. Colleague from Kikuyu, is also living in fear of Mr. Kanyingi. But I am going to order investigations on this matter.

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

The Temporary Deputy Speaker (Mr. Wetangula): No, he was answering the question from hon. Muite.

Mr. Mbui: Mr. Temporary Deputy Speaker, Sir, this is a matter of death and murder, and this was not a chicken which was slaughtered. He was a human being who was murdered.

The Temporary Deputy Speaker (Mr. Wetangula): What is your point of order? I thought he was answering hon. Muite's question?

Mr. Mbui: Yes, Mr. Temporary Deputy Speaker, Sir. Can the Assistant Minister---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Mbui. You are now asking a supplementary question.

Mr. Mbui: I am Sorry, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister---

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, Mr. Mbui. Mr. Assistant Minister, answer Mr. Muite's question.

Mr. Sunkuli: Yes, Mr. Temporary Deputy Speaker, Sir, as I said we will institute thorough investigations on this matter, and I will ask the police to place this file before a magistrate for a public inquest to be ordered, and the hon. Member for Kikuyu, and anybody else with evidence, can go before a magistrate and tell him of any prime suspects that they have in mind.

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, would the Assistant Minister deny or accept that the late Mbai Njenga was last seen with Mr. Kuria Kanyingi and the present councillor for Tigon Ward, who was the only defector candidate who was supported by KANU during the civic by-elections in March, 1996? Would he deny or accept that he was last seen by these two people?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, I have not compiled the file on the inquest yet, so I do not have the full facts on who saw the deceased last. But these are the proper pieces of evidence which should be presented to the magistrate.

The Temporary Deputy Speaker (Mr. Wetangula): Very well.

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

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Imana's Question.

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

The Temporary Deputy Speaker (Mr. Wetangula): You spend all your time making a speech instead of asking questions. Mr. Imana.

Question 754

RENOVATION OF LOIYA POLICE POST

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

(a) whether he was aware that Loiya Police Post buildings in Turkana District which were built in 1940s are in a very poor state and are about to collapse; and,

(b) if the answer to "a" above was in the affirmative, when the Police Post will be renovated considering its importance in maintaining security in this banditry prone area.

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

(a) Yes, I am aware.

(b) An initial sum of Kshs 100,000 has been allocated to the OCPD, Turkana, for the purpose of rehabilitating the building at Loiya Police Post. Further funding will be considered during the course of this Financial Year.

Mr. Imana: Mr. Temporary Deputy Speaker, Sir, these houses in Loiya Police Post are uni-ports and I am wondering how they can be rehabilitated given the fact that Loiya, Kokuro, Lokomarinyang and Kamasia are

all on the international border. These houses are in a state of collapse and the Kshs 100,000 given, is not even enough for Loiya Police Post alone. I fear that very soon this might be another Sunbeam Disaster because these houses can easily collapse. Can the Assistant Minister tell this House, whether they can be able to put up new houses altogether because these are uni-ports which are beyond repair?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, when I looked into the matter, I discovered that the houses in Loiya were roundavals. We advised the Turkana OCPD to ensure that he uses the little money available to, first of all buy out of that money some roundavals. I have promised the hon. Member that we will consider giving him more funds because this Kshs 100,000 is for Loiya alone. It is not for the whole of Turkana District. So, if the OCPD can use this money to rehabilitate the building by trying to buy a few new roundavals, we [Mr. Sunkuli]

are going to give some more money during this Financial Year.

Mr. Kapten: Mr. Temporary Deputy Speaker, Sir, the state of security in Turkana and the surrounding areas is a very serious matter and the Government does not seem to be taking this matter seriously. Why has it taken the Government so long to allocate money for rehabilitation of this police post, taking into account the police post was built in 1940, long before the Assistant Minister was born?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, I hope the hon. Kapten is not the only Member in this House who does not know that we live in a poor country. But out of the few resources that we have, we have eventually allocated some funds for Loiya.

Prof. Mzee: On a point of order Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that we are living in a poor country rather than saying that we are living in a looted country?

Mr. Sunkuli: Mr. Temporary Deputy Speaker, Sir, I am perfectly in order.

Question No. 241

STATUS OF TEACHER NGANYI

Mr. Shikuku asked the Minister for Education:-

(a) to inform the House whether Mr. Washington Oyuka Nganyi, TSC No. 158642 and Index No. 711-1-089, was a qualified teacher; and,

(b) if the answer to "a" above was in the affirmative, why his Professional Teaching Certificate had not been released to him, despite various correspondence and visits to the Kenya National Examinations Council since 1985.

The Assistant Minister for Education (Mrs. Ndeti): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Records held by the Kenya National Examinations Council indicate that Washington Oyuka Nganyi TSC No. 158642, underwent teacher training under the former General Course Programme at Siriba Teachers College between 1978 and 1980 and was awarded a P2 grade under Index No. 711-1-089 by the Kenya National Examinations Council.

Mr. Temporary Deputy Speaker, Sir, all candidates who underwent the General Course and passed the Primary Teachers Examination were asked to furnish the then Ministry of Basic Education with copies of their Pre-Selection academic certificates. Those who had been awarded a P3 and P2 grade, but had higher academic qualifications i.e. EACE Division 3 or better were upgraded to P1 and then issued with a letter of upgrading by the Director of Basic Education.

In the case of Mr. Washington Oyuka Nganyi he should be advised to furnish the Kenya National Examinations Council with the Index No. and the year of his EACE examination to enable the KNEC to process his professional qualifications.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, arising from that reply, is the Assistant Minister aware that she has contradicted herself because my question was whether this man was awarded a P2 certificate. In (a), she says that he was awarded a P2 certificate but down here she says that he should write to the KNEC giving the details so that he can be awarded this certificate.

Mr. Temporary Deputy Speaker, Sir, the fact and the problem in this House is that when a Member of Parliament brings in a question he is not trusted or believed because I know that this gentleman has not had a certificate until the other week when I was at home. Now I am being told here that he was awarded the certificate and then down the answer the Assistant Minister says that he should give the details in order to be awarded this certificate. Now, this is where we have a problem and the Chair must help us. Yesterday, hon. Kapten had to bring

spent bullet cartridges here because he could not be believed. We are no longer hon. Members and whenever an hon. Member says something which is usually true, he is never believed. Does she know that Oyuka, up to last week, had no certificate and yet she says that indeed he was awarded this certificate?

Mrs. Ndetei: Mr. Temporary Deputy Speaker, Sir, if Mr. Oyuka Nganyi forwarded the details as requested by the KNEC, then he will be upgraded. He has not supplied us with proper documents because there is information lacking that he has been told to supply but has not been supplied.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, before one is promoted to the next grade he must have some grade. Does he have any certificate of any grade?

Mrs. Ndetei: Mr. Temporary Deputy Speaker, Sir, he has a P2 certificate and if he submits it to the KNEC with the Index Number. 1 and the year of his EACE examination, then KNEC will be able to upgrade him. That information is lacking from that office.

Mr. Nthenge: On a point of order Mr. Temporary Deputy Speaker, Sir. Did you hear that she did not answer my question. My question was whether he holds any certificate of teaching of any grade; P2, P3 or P1?

Mrs. Ndetei: Mr. Temporary Deputy Speaker, Sir he holds a P2 certificate.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, it is regrettable that we have this kind of answers. Oyuka was not talking about being promoted. He underwent a training which he completed and passed and he is teaching now. What is missing is his certificate. It was not a question of promotion. Now, the answer by hon. Nthenge to the effect that what certificate did he have so that he can be promoted to the next grade is what she is not answering. Could the Assistant Minister go back to the office and tell her officers that she had got a wrong reply. This man underwent a training course which he completed and passed and he has not got a certificate. It is not about a promotion.

The Temporary Deputy Speaker (Mr. Wetangula): Madam Assistant Minister, in all fairness, your answer is grossly contradictory and I suggest that you get more facts because you are saying that he was awarded a certificate and then you are saying that he should provide details to get a certificate. I do not know what you mean.

(Applause)

Mrs. Ndetei: Mr. Temporary Deputy Speaker, Sir, I think the answer is not contradictory. It is very clear and under (a) which is the first section of the answer, he was trained at Siriba Teachers College between 1978 and 1980 and he was awarded a P2 grade under the Index number which is given there. And then he could have been upgraded further if he gives more information.

Mr. Kamuyu: On a point of order Mr. Temporary Deputy Speaker, Sir. You have given a ruling from the Chair that the Assistant Minister goes back and fetches a better answer. I thought that ruling was final.

Mrs. Ndetei: Mr. Temporary Deputy Speaker, Sir, it is not a question of being misadvised. If he does not have a paper to show that he is a P2 teacher but he is being paid as a P2 teacher then we do not see what the problem is but we will investigate and see if he does not have the paper or it was never given to him.

The Temporary Deputy Speaker (Mr. Wetangula): Order! I think to do justice to this Question, Madam Assistant Minister, you will have to get more facts and bring them to the House on Thursday or Tuesday, whichever suits you.

Mrs. Ndetei: I will undertake to provide any more information on the matter.

The Temporary Deputy Speaker (Mr. Wetangula): When?

Mrs. Ndetei: On Tuesday.

An hon. Member: No!

The Temporary Deputy Speaker (Mr. Wetangula): I have not deferred the Question. You will bring the correct answer by way of statements from the Floor. Next Question Mr. Njenga Mungai.

Question No. 665

ASSISTANCE TO TRIBAL CLASHES ORPHANS

Mr. J.N. Mungai, asked the Minister for Education:-

(a) whether he was aware that there were several children of school-going age in Rift Valley Province who do not go to school as a result of tribal clashes which left them with either one or none of their parents; and,

(b) whether he could consider providing these children with facilities to enable them to go to

school.

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) It is a historical fact that prior to the national elections of November 1992 there were ethnic clashes in some parts of this country which left certain people maimed or dead. Naturally, wherever they occurred, the clashes also caused a great deal of disturbances to all human activities and general life of the people including the education of children in those places. While no specific research has been carried out by my Ministry on the extent to which clashes interfered with educational activities, there is no doubt that there are a few cases in the Rift Valley Province of children who left school after losing one or both of their parents. However, there are also many other children today who are out of school for reasons which have nothing to do with clashes all over the country.

(b) My Ministry posted teachers to areas which were affected by clashes in order to facilitate early resumption of normal educational activities immediately the clashes were over. It is upon local leaders and the parents to ensure that the rest of the school facilities are provided in order to resume normal schooling life.

Mr. J.N. Mungai: Mr. Temporary Deputy Speaker, Sir, it is very good that the Minister has really analyzed most of the reasons behind the street children especially in the Rift Valley Province. What is the Ministry intending to do to make sure that this school-going age-group can be facilitated to go to schools? Could the Minister tell this House, in view of the fact that these children cannot go back to schools in their areas because up to this minute most of the parents are still living either in the neighbouring towns or in market centres because they cannot go and live in their farms because of insecurity---

The Temporary Deputy Speaker: What is your question, hon. Mungai?

Mr. J.N. Mungai: Mr. Temporary Deputy Speaker, Sir, I am building the question. Could the Minister organise and see that these children, wherever they are, are given an opportunity to attend schools in those areas where they are. It is not what really caused all these problems that is in question? We know what caused the problems and the Government has been unable to resolve these problems. Could the Minister make arrangements to ensure that these children, wherever they are, go to schools in those areas by either expanding the schools, posting teachers there who are in their former homes or do something about their going to schools?

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, if the hon. Member followed my answer very clearly, I thought that, these events took place before 1992 according to his Question, and that is a fact. As far as we are concerned, life has normalised in those places. There is no evidence whatsoever that children are not going to school today because of those clashes that took place way back in 1992. We have posted teachers there, we have done everything possible to make sure that normal life of schooling is resumed and therefore, there is nothing more that I can do as a Minister.

Mr. P.N. Ndwigwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that they have done everything possible to make sure that education continues in the clash areas, while in his answer, he said that normal life was disrupted, which therefore means that even the local people do not have some kind of income? Yet, he goes further and says that the local leadership should provide facilities while the Ministry provides the teachers. It is quite obvious that they cannot provide the facilities, the schools were burned, the crops were burned. Now that we have voted Kshs1 billion for the Ministry, could the Minister therefore undertake to use some of this money to inject it in clash areas so that we can have facilities as well as teachers?

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, as I stated, and I would like to repeat this very clearly, it is more than four years ago since the clashes took place. It would therefore, seem far fetched for anybody to claim today that children are out of school as a result of clashes that took place four years ago.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker. It is an affront on persons who come from areas where there are orphans of tribal clashes, for a senior Minister of the Government to stand before this House to tell us that as far as they are concerned, there are no people who are suffering because of the clashes.

Considering that the Minister at first, mumbled on and said something to the effect that he is aware that persons were affected by clashes, and considering the fact that there are those of us who know that there are children who have been thrown out of school because their parents cannot pay or do not have parents to pay anyway, children who are now eking livelihood as rural cheap labour because they cannot raise money for school fees and considering further that the Ministry has converted grants into bursaries---

The Temporary Deputy Speaker (Mr. Wetangula): Ask your question Dr. Kituyi!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, considering that in the current Budget, the Ministry which has killed grants to schools has expanded the monies available for bursaries in the light of the reality that there are children who are orphans because of the problems instigated by this Government, what action is the

Minister taking to use some of this bursary money to specifically target orphans and other victims of ethnic clashes?

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, as I said, first of all the Bursary Fund is distributed fairly and equitably throughout the country and in accordance with the needs of each particular area. The point I was trying to make is that, it is not proper to ascribe to clashes, the non-attendance of schools by some children in particular parts of the country. Tribal clashes are now history, and therefore, I do not agree with any Member who would like to make political capital out of something that happened four years ago.

Mr. Busolo: Mr. Temporary Deputy Speaker, Sir, given that this Government has acceded to the Copenhagen conference on social dimensions of development and given that in every Ministry there are some funds allocated to the social dimensions of development, could the Minister undertake to use some of those funds to help these children?

Mr. Kamotho: Mr. Temporary Deputy Speaker, Sir, that is being done because as I said, the money for social dimension is meant to alleviate problems in areas of poverty and in areas which have peculiar problems. The point I was making is that, the children are not out of school---

Mr. J.N. Mungai: On a point of order, Mr. Temporary Deputy Speaker, Sir. I believe the Minister is trying to mislead the House because he is trying to hold the children of Rift Valley at ransom like the KANU Government is still holding the residents of Rift Valley at ransom until they join KANU. Is the Minister in order to mislead the House while we know very well that a lot of people have not yet returned to their homes, and I can mention to him some of the areas where people have not returned. The Kikuyus, the Kisiis, the Luos and Luyhas of Olenguruone Division, who number more than 5,000 families up to this minute, have never gone back. Their children are still in the streets of Elburgon, Molo, Njoro and other parts of the country.

The children of Keringet Settlement Scheme, Nyangachu, Sondu River, where even the schools were burnt down. The children of Murinduko, Haraka---

The Temporary Deputy Speaker (Mr. Wetangula): You are supposed to be on a point of order.

I want you to understand what I am saying. Is he in order to mislead the House that life in the former tribal clash areas has gone back to normal when we know that people in several areas have never gone back to their farms? I am now demanding that the children of the clash victims, whenever they may be, be provided with facilities to enable them attend schools in the areas where they are instead of being left to turn to the streets?

Mr. Kamotho: Mr. Speaker, Sir, first of all, I would like to inform the hon. Member that all the people in Rift Valley have gone back to KANU except him.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order hon. Mungai! You do not have to get me shout myself hoarse before you sit down, do you? Ms. Wanjiru's Question!

Question No. 756

REHABILITATION OF KARANGATHA
HEALTH CENTRE

Ms. Wanjiru asked the Minister for Health whether he could consider allocating funds for the rehabilitation of Karangatha Health Centre in Kinangop Constituency.

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

My Ministry will consider allocating funds for the rehabilitation of Karangatha Health Centre along with others as soon as it receives recommendations of the Nyandarua DDC.

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the reply I have got from the Assistant Minister. We all know that all the programmes which are recommended at the DDC level, when funds reach the DC they are diverted. I have an example of my District, Nyandarua. The former DC syphoned all the resources to develop private property here in Nairobi. We did also recommend that all the health centres be supplied with medicine and Nyayo Wards be opened, but so far, Kinangop has remained as if it does not exist. We are not provided with health facilities. What serious programmes is the Government having of taking care of people's health because we have problems in most of the district hospitals and yet we pay taxes?

Mr. Criticos: Although that is a different question, I would like to say that our policy in the Ministry of Health is to mind about the welfare and health of every single citizen in this country as long as we are given enough money to purchase the relevant drugs and equipment that we require.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to follow up what

the hon. Member for Kinangop has said that the DC syphoned all the funds that were supposed to be used for building this hospital through building a house in Nairobi. Could the hon. Member substantiate that statement because it is a very serious allegation?

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, our former DC syphoned all the resources that were allocated to Nyandarua through building a big building along Jogoo Road, next to St. Stephen's Church. Would I be in order also to request the Government to retrieve that building to the people of Nyandarua so that they can also use the facilities which are provided in that house because that DC built it with the resources from my district?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member should direct those questions to the Office of the President.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Wanjiru, it looks like you have information that can assist the police to make a report.

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, if I am given the platform, I can assist. I am also taking issue with the Assistant Minister. I tabled medicine here to cure AIDS and yet they never followed it up or even brought any patients to treat. What is the policy of the Ministry of Health on saving the lives of Kenyans?

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Having been informed that the money was lost, is the Assistant Minister in order to say that he is not concerned when money belonging to his Ministry had been used and he did not know? Is he in order to be ignorant of the loss of his money?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, obviously, the hon. Member for Kinangop has got a lot of information which can assist the police to arrest the relevant culprit if any.

Mr. Michuki: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Questioner in order to merely refer to a former DC when so many of them have gone through Nyandarua? Is it not in order that she should name the person because the names of many people are going to be tarnished in a situation where we do not know who is who of all these DCs who have gone through Nyandarua?

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, you all know my former DC of Nyandarua.

Hon. Members: Which one?

Ms. Wanjiru: If you do not know the name go to the Office of the President.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order hon. Wanjiru! You have made a very serious allegation and I do not think hon. Michuki is out of order in asking you to give a name.

Ms. Wanjiru: Mr. Temporary Deputy Speaker, Sir, I am using the title because he was the DC.

Hon. Members: What is the name?

Ms. Wanjiru: The name is none other than Ezekiel Machogu and he was transferred to another district.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. May I ask what all this has got to do with the AIDS bottle which was tabled in the House, and in any case, what happened to that bottle?

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Wanjiru, I believe you are asking about your health centre not about your AIDS drug. Next Question!

Question No. 596

RECRUITMENT INTO KENYA MEDICAL COLLEGE

Mr. Kofa asked the Minister for Education whether he could give a breakdown per district of the number of students recruited into the various faculties of the Kenya Medical Training College, Nairobi, between 1993 to date.

The Assistant Minister for Health (Mr. Criticos): Mr. Temporary Deputy Speaker, Sir, I beg to reply. The following is the number of students recruited into the 16 various faculties of the Kenya Medical Training College, Nairobi, between 1993 to date, as per 56 districts.

It is a very long list and I would like your guidance whether I should table it or read it for you.

The Temporary Deputy Speaker (Mr. Wetangula): How long will it take you to read?

The Assistant Minister for Health (Mr. Criticos): It has 56 names of the districts.

The Temporary Deputy Speaker (Mr. Wetangula): Read through quickly.

The Assistant Minister for Health (Mr. Criticos): Nairobi has 50 students---

Prof. Mzee: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Question has a particular interest to the people of Coast Province. Can he give us the breakdown of names of students from the Coast, if he

cannot table it.

An hon. Member: No! He should read the whole of it!

The Temporary Deputy Speaker (Mr. Wetangula): Order! The Question is not for Coast only. If you think it will take too long to read through it quickly, just table it. Proceed, hon. Criticos.

The Assistant Minister for Health (Mr. Criticos): Mr. Temporary Deputy Speaker, Sir, I will try and be as brief as possible. There are 16 faculties and I will combine them for the three years. Between 1993 to 1995, clinical medicine had 4 students, nursing 32, pharmacy 1, environment health science 2, medical laboratory sciences 3, community oral health 0, health records and information 0, public health technicians 5, dental technology 0, radiography 1, community nutrition technician 0, orthopaedic technology 0.

Mr. Salat: On a point of order, Mr. Temporary Deputy Speaker, Sir. If the Assistant Minister will have to read all the figures, including every faculty per district, it will take us the whole morning. Let him give us the breakdown per district.

The Temporary Deputy Speaker (Mr. Wetangula): The Question is not asking about the faculties. He should just read the district and the numbers. Give us the number per district.

The Assistant Minister for Health (Mr. Criticos): I beg your pardon, Mr. Temporary Deputy Speaker, Sir, I did not hear you properly.

The Temporary Deputy Speaker (Mr. Wetangula): Just tell us how many students are there in every district.

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, to save some time, Mombasa has 50 students, Kwale 72, Tana River 48, Lamu 31, Kilifi 110, Taita Taveta 69, Makueni 152, Machakos 260, Kitui 61, Mwingi 43, Embu 86, Tharaka Nithi 80, Meru 171, Nyambene 42, Isiolo 47, Marsabit 47, Moyale 7, Kiambu 126, Thika 34, Murang'a 179, Nyeri 190, Nyandarua 53, Kirinyaga 56, Kajiado 53, Narok 57, Transmara 8, Nakuru 203, Kericho 123, Bomet 119, Marakwet 98, Keiyo 68, Samburu 32, Laikipia 36, Baringo 242---

(Loud consultations)

Uasin-Gishu 157, Trans-Nzoia 84, West Pokot 44, Turkana 25, Nandi 100, Kisumu 153, Siaya 153, Kisii 146, Nyamira 109, Homa Bay 86, Migori 55, Kuria 20, Suba 5, Mt. Elgon 17, Busia 166, Kakamega 176, Bungoma 88, Vihiga 115, Nairobi 57, Garissa 90, Wajir 70 and Mandera 121.

Mr. Kofa: Mr. Temporary Deputy Speaker, Sir, if you compare Coast Province, there are about 300 students in three years. I think you heard the reaction of the House when Baringo was mentioned. Baringo had 242 students in three years. That is almost 80 students per year. If you look at Tana River District, there are only 48 students in three years. That is about 12 students per year. I do not believe in these figures, because only six students came to my house last year. Is the Ministry not creating a situation where Tana River District is going to depend on other districts for staff?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, students are recruited according to their merit and grades. Therefore, I am unable to elaborate further on hon. Kofa's question.

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is saying that recruitment depends on merit. Does he want us to believe that all the geniuses are in Baringo District, and there are none in Tana River, Mombasa and Nairobi?

Nairobi and Mombasa, with 2 and 1 million people respectively has only 50 students, while Baringo District has 242 students. This is the time when this Government is forcing us to cry, because our people have been denied their own rights. Hon. Kofa had asked what is happening in Tana River District because there are no doctors, since nobody wants to be posted there. Hon. Criticos stands up and says recruitment is on merit. Are people in Tana River idiots or genetically morons that they cannot be trained, and that it is only people from Baringo who can be trained? Is he in order to say that?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, I sympathise with the hon. Member, since in my own division, I have the same problem of recruitment of students to KMTC. We are willing to look into KMTC to check and verify how, and in what order, students are being recruited.

Dr. Otieno-Kopiyo: I have heard all the other districts being mentioned, but Rachuonyo District is missing from the list. When is he going to include the figure for Rachuonyo District in his list?

Mr. Criticos: Mr. Temporary Deputy Speaker, I will include it very soon.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, in view of the fact that North-Eastern Province is one area where people from other districts would not like to go, meaning that North-Eastern Province cannot get people from Nyeri, Mombasa or Nairobi to go and work there, could the Assistant Minister give us the total

number of people in the Civil Service who are in the medical department, and have been working in the Province since 1970? On the basis of that, could he make sure that areas that are behind like Garissa, Marakwet, Turkana and the like are given an appropriate portion?

An hon. Member: Including Taveta!

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, obviously I cannot do that because I do not have the relevant information from 1970. I am only human and not a computer to find out the number of people. The hon. Member can ask another question to which we will readily give the answer.

Mr. J.D. Lotodo: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are debating a situation whereby hon. Members are trying to insinuate that certain districts are being favoured. I am trying to give the fact that the figure for Baringo is for two districts, Koibatek and Baringo. So, I do not see why hon. Members should be itchy about it. If we have 80 students, it means that each district has 40 students. So, I do not see why hon. Members are complaining about such a question, given the fact that we have never been considered for medical training.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. J.D. Lotodo answering on behalf of the Assistant Minister or asking a question? Can the Chair consider throwing him out of the House because he is frivolous?

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Mulusya! If you listened to him you would have heard that he stood up on a point of order.

Mr. Kofa: Mr. Temporary Deputy Speaker, Sir, Tana River District is semi-arid, but when students from there apply for admission into the Kenya Medical Training College (KMTC), they are asked to pay Kshs10,000 per student. This is why the number of students in the college from that district is very low. Is it true that there is bribery in the KMTC?

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, obviously the hon. Member knows that we cannot say that, unless he gives us proof. Of course, we do not have bribery and corruption in that college.

Mr. Murungi: Mr. Temporary Deputy Speaker, Sir, it is quite obvious that this Question is raising political temperatures in this House. This is because the total number of students from Rift Valley Province is 2,000 while the number of students from Eastern Province is 1,000; Central Province 600 and Nairobi Area 57. So, if you combine the intake from Eastern, Central and Nairobi Provinces, the total is less than the 2,000 admitted from Rift Valley Province. Is it not the high time the Ministry developed fair criteria of admitting students into this college? I have no objection to disadvantaged districts being given a quota in the medical school but why could we not have a formula whereby such districts are awarded only 25 per cent of the places and the remaining 75 per cent allocated on merit, with a cut-off system like what we have in the universities? In this way, we can avoid creating tribal and ethnic animosities and tension in this House.

Mr. Criticos: Mr. Temporary Deputy Speaker, Sir, there is criteria for recruiting students into the KMTC. Previously the KMTC was admitting more students from certain areas than from other areas during any given year and then less, in the following year. That is the criteria the KMTC was using.

Question No. 632

PIPED WATER FOR KARURI TOWN

Mr. Icharia asked the Minister for Local Government:-

- (a) whether he was aware that Karuri Town in Kiambaa Constituency, a township with a large population, does not have a reliable supply of piped water; and,
- (b) what plans the Ministry had to supply the residents with clean piped water.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that Karuri Township does not have a reliable supply of piped water. The Town is currently served by three boreholes drilled by both the Ministry and Karuri Urban Council, while a fourth borehole has been drilled and is awaiting equipping.

(b) I am looking for about Kshs500 million to implement the designed Kiambaa Dam Water Project, which is meant to supply Karuri Township, as well the rest of Kiambaa Division, with additional water.

Mr. Icharia: Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is most unsatisfactory. As a matter of fact, three years ago I was given a similar answer regarding water supply for Kiambaa Constituency. With a population of about 25,000 people, Karuri Town has a very poor supply of clean

water. The two old boreholes keep on breaking down. With even the extra borehole which was commissioned recently, not even a quarter of the water requirement for the Town is met. If there was an epidemic like typhoid, and God forbid, the lives of Karuri people would be seriously threatened. The Nairobi water supply mains pass next to the Town, and its water is being used for irrigation elsewhere. Can the Assistant Minister, in conjunction the Ministry of Local Government and Nairobi City Council, allow Karuri to tap water from the mains?

We will be prepared to meet any conditions that may be imposed, including the use of a big water metre, so that one cheque can be paid to Nairobi City Council and then, Karuri Urban Council will do the rest of the work inside there. Can we get water tapped from the mains? After all, we have allowed the Nairobi City Council to use our land. We have given them way to pass the water mains---

The Temporary Deputy Speaker (Mr. Wetangula): Please, put the question!

Mr. Icharia: Mr. Temporary Deputy Speaker, Sir, I am asking whether, through the Ministries of Local Government, Land Reclamation, Regional and Water Development and Nairobi City Council, we can be allowed to tap water from the Nairobi City Council water mains which passes near Karuri Township.

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, it is not possible to tap water from Ndakaini. Water from Ndakaini has a designed capacity to meet the requirements of Nairobi City Council and its environs. We have designed a dam project, which is to supply water to Kiambaa Division as a whole, including Karuri Township. As soon as we can raise the money required we will be able to supply Karuri Township with enough water. The Urban Council has drilled a borehole which is awaiting equipping. If the hon. Member for Kiambaa would like to consult with the Urban Council, they may be able to get equipment for that borehole and the immediate requirements of Karuri Township will be met.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Chebelyon's Question.

Mr. Chebelyon: Mr. Speaker, Sir, before I ask my Question may I complain that the Question was to come up in May, 1996? Why has it taken so long to come up in the House for answering?

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Chebelyon, do you want to ask the Question or you do not?

Question No. 641

FILLING OF VACANT JOBS

Mr. Chebelyon asked the Minister for Labour and Manpower Development:-

- (a) whether he was aware that Kenyan Companies advertise job opportunities in overseas newspapers;
- (b) whether he was further aware that there is a likelihood of such opportunities being taken up by foreigners while highly qualified Kenyan youths remain unemployed; and,
- (c) if the answers to (a) and (b) above were in the affirmative, what action he was taking to ensure that such vacancies are filled by Kenyans.

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

- (a) Yes, I am aware.
- (b) No, I am not aware, because only where jobs require special skills not available in the country, are foreigners recruited.
- (c) We have a full department of employment bureau where qualified unemployed youth should register for the bureau to solicit jobs for them in various sectors.

Mr. Chebelyon: Mr. Temporary Deputy Speaker, Sir, how can the Assistant Minister say that he is not aware that the vacancies are advertised in overseas newspapers? Here I have an example: On 25.2.96 M/s Raymond Woollen Mills advertised a job and the address for response was given to be in Bombay. How could Kenyans, therefore, know that a vacancy had been advertised in the *Indian Times*? Again, there is another advertisement in the *Indian Times* of 10.3.96 by a leading plastic industry. The advertisement requires applications for the following personnel - quality assurance manager, plastic engineer and operator cum supervisor. Again, applications for these posts were to be sent to Bombay. How does the Assistant Minister know that these positions have not been taken over by Indians from Bombay?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, we cannot restrict one to advertise anywhere, either overseas or locally. But we have an inter-ministerial committee which screens all foreign employees, recommending them to get permits.

Mr. Chebelyon: Is it not possible, Mr. Temporary Deputy Speaker, Sir, for these positions or vacancies to be advertised in Kenyan newspapers?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, may I know whether this Government understands the concept of economic nationalism? And if it does, does it have a policy on economic nationalism pursuant to which it would not confuse economic liberalization with allowing the multi-nationals to bring people to work in this country; and pursuant to which they would give absolute priority to Kenya citizens? Does this Government have a policy on economic nationalism?

Mr. Ali: Yes, Mr. Temporary Deputy Speaker, Sir, we do have the policy.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, arising from the examples given by hon. Chebelyon about the advertisements that were in those newspapers in India is he aware that part one of the Question is whether the Assistant Minister could confirm to this House that the same companies did actually advertise for similar positions in this country to ensure that those companies did not get Kenyans who would have those qualifications? Secondly, what relationship does his Ministry have to screen the tens of thousands of Indians who are coming here as unskilled labourers and buying the work permits at Nyayo House?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, as for the last one I am not aware that people buy work permits from Nyayo House.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is either living abroad or he does not know what he is talking about. There are Indians who are drivers in Nairobi and yet he is saying he is not aware. There are Indians who are brought in Nairobi to be cooks yet he says he is not aware. Is the Assistant Minister in charge or not? Why are you misleading this House?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, the hon. Member needs to prove his allegations.

Mr. Nyanja: Thank you, Mr. Temporary Deputy Speaker, Sir. The other day, when His Excellency the President had a Harambee at Nairobi Hospital he said that the Government will have Indians coming to work in Kenyatta National Hospital. Could the Assistant Minister tell this House, how far the Government has gone towards that end to implement the President's and the Attorney-General's directives?

Mr. Ali: Mr. Temporary Deputy Speaker, Sir, that question should not be directed to me, perhaps the Member should direct it to the Minister for Health.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. In the line of collective responsibility, we only have one Government in this country. If the "Government" in Nairobi Hospital gives a directive to the Government, is it not in order for this Assistant Minister to be aware of how many Indians have been recruited as doctors and how many have also been recruited to work in the Attorney-General's Offices? The Ministry should be able to know that.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Questions by Private Notice!

QUESTIONS BY PRIVATE NOTICE

RETURN OF HEALTH CENTRES AMBULANCES

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that ambulances for Kibugu and Kianjokoma Health centres were taken for repair more than a year ago?

(b) When will these ambulances be returned to provide services in these health centres?

(c) In the meantime, will the Minister provide at least one vehicle to attend to emergency cases in two health centres?

The Minister for Health (Mr. Angatia): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Yes, I am aware that the vehicles or ambulances for Kibugu and Kianjokoma Health Centres were found to be uneconomical to maintain and the two vehicles have since been bonded.

My Ministry does not have immediate plans to replace the two vehicles due to lack of funds.

Mr. Nthenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Minister speak a bit louder so that we can hear what he is saying?

The Minister for Health (Mr. Angatia): My Ministry is in the process of rehabilitating one Land Rover which we think will be operational by the beginning of August to assist in catering for emergency cases in these two health centres.

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, this is a very, very sad reply. These

ambulances were boarded way back in 1991, and since then, people in these areas are suffering. Women are giving birth by the way-side, and children are dying because we cannot get an ambulance to transport them to Embu Provincial Hospital. The answer we are getting here is that, the Government has no intention whatsoever to introduce ambulances in this place. Could the Government, therefore, tell my people, - this is a very interesting answer to my people - that it has no intention whatsoever to introduce ambulances in these places? Could the Minister be specific? Where do you intend to take this Land Rover? Is it to Kibugu or to Kianjokoma?

Mr. Angatia: Mr. Temporary Deputy Speaker, Sir, this Member is lucky that I am rehabilitating one vehicle for use next month in the two health centres. Other areas are not so lucky and he knows very well that I issued a Ministerial Statement to say that---

The Temporary Deputy Speaker (Mr. Wetangula): Order! Next Question, Bishop Kimani!

ALLOCATION OF FARMERS LAND

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

(a) Is the Minister aware that a portion of land belonging to Ndeffo Engasura Farmers Company, Bahati/Kabatini Block/3798 and 3799, have been allocated to individuals and title deeds issued without the directors' knowledge yet the land was meant for allocation to the 200 landless members of the Company?

(b) Could the Minister order the District Land Registrar to cancel all the title deeds of the allocated land and allow the directors of NDEFFO Company to settle the 200 landless members?

Mr. P.N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Order! I want to bring to the attention of every Member that if you are given an opportunity to ask a Supplementary Question and you take the time to make winding speeches, then you destroy your opportunity to ask another question.

Mr. P.N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Out of order!

Mr. P.N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have the right to be heard.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Ndwiga! Your right to be heard is not any greater than that of other Members in this House. As far as the Chair is concerned, you asked a Question; it has been answered; you were given an opportunity to ask a Supplementary Question and instead you went on making a speech, and you know [**The Temporary Deputy Speaker**]

the rules say, "a question shall not be a pretext for making speeches." If you want to be treated fairly, you must also treat the Chair fairly.

Mr. P.N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Ndwiga! Are you soliciting a punishment?

Mr. P.N. Ndwiga: For what! I want an answer!

Mr. Temporary Deputy Speaker (Mr. Wetangula): Order, Ndwiga! Gen. Mulinge, can you answer the Question!

Mr. P.N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want an answer to my question and I have a right to stand on a point of order as per the Standing Orders at any time.

The Temporary Deputy Speaker (Mr. Wetangula): Is your point of order, in relation to Bishop Kimani's Question?

Mr. P.N. Ndwiga: No.

The Temporary Deputy Speaker (Mr. Wetangula): Then you are out of order.

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, the Standing Orders of this House---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Ndwiga! I believe you are more decent than that!

Mr. P.N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Ndwiga! Carry on, Gen. Mulinge!

The Minister for Lands and Settlement (Gen. Mulinge): Mr. Temporary Deputy Speaker, Sir, I am sorry I do not have the written answer. I request that this Question be deferred until tomorrow.

Mr. Temporary Deputy Speaker (Mr. Wetangula): Do you have any objection?

Bishop Kimani: No objection, Sir.

(Question deferred)

CONSTRUCTION OF GODOWN AT MOI AIRPORT

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Transport and Communications the following Question by Private Notice.

(a) Is the Minister aware that a godown is being constructed within the funnel area of Moi International Airport, Mombasa, alongside the approach lights of the airport on Mombasa-Nairobi Road at Kwa Jomvu?

(b) Is he further aware that this construction within the funnel area is contrary to the Airport Authority's regulations?

(c) Could the Minister stop this construction as it poses risks to aircraft landing at Moi International Airport?

The Assistant Minister for Transport and Communications (Mr. Morogo): Mr. Temporary Deputy Speaker, Sir, this Question, unfortunately, came to the Ministry of Transport and Communications, and we had requested that it be directed to the Office of the President where the Airport Authority operates. As such, we cannot undertake to answer this Question as a Ministry of Transport and Communications.

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, I asked this Question three weeks ago. It was on the Order Paper last week and this Assistant Minister promised to answer it today. He should have said that at that time. There must be something sinister about this issue.

Mr. Temporary Deputy Speaker (Mr. Wetangula): Was this Question not in the House last week?

Hon. Members: Yes, it was!

Mr. Temporary Deputy Speaker (Mr. Wetangula): Mr. Minister, when did you discover that it was not in your Ministry?

The Assistant Minister for Transport and Communications (Mr. Morogo): I discovered it when I attempted to get the answer to this Question. I realised it was not possible within our Ministry, and hence the request to redirect it to the Office of the President.

Mr. Temporary Deputy Speaker (Mr. Wetangula): Which is the relevant Ministry?

The Assistant Minister for Transport and Communications (Mr. Morogo): Office of the President.

Mr. Temporary Deputy Speaker (Mr. Wetangula): Have you advised them in writing?

The Assistant Minister for Transport and Communications (Mr. Morogo): Mr. Temporary Deputy Speaker, Sir, I believe that has been done.

Mr. Temporary Deputy Speaker (Mr. Wetangula): Prof. Mzee, can we have your Question answered tomorrow? I know it has been put off before. I know that being a Question by Private Notice, by its very nature, it is urgent and tomorrow it not too far. Can we have it tomorrow?

Prof. Mzee: Mr. Temporary Deputy Speaker, Sir, tomorrow I will have something else, but next Tuesday, Sir.

Mr. Temporary Deputy Speaker (Mr. Wetangula): On Tuesday, make sure that the Office of the President is informed.

The Assistant Minister for Transport and Communications (Mr. Morogo): Mr. Temporary Deputy Speaker, Sir, I will do so.

Mr. Temporary Deputy Speaker (Mr. Wetangula): Okay! I have three points of order, one from Mr. Magwaga, one from Mr. Muite and another from Mr. Sunkuli.

POINTS OF ORDER

MINISTERIAL STATEMENT SOUGHT: ASSAULT
OF STUDENT BY HEADMASTER

Mr. Magwaga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am rising on a point of order in connection with the news in the newspaper, the *East African Standard* where they alleged that a student in my constituency was beaten last month by her headmaster and he is now blind at Kakamega Hospital. I am requesting the Minister for Education to give a Ministerial Statement on this issue.

Mr. Temporary Deputy Speaker (Mr. Wetangula): Mr. Kamotho, hon. Magwaga says that a pupil in his constituency was assaulted by a teacher and he lost an eye, and he is asking for a Ministerial Statement from your Ministry.

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I heard that matter this morning and we are studying the situation and I would be issuing a statement by early next week on Tuesday.

MINISTERIAL STATEMENT SOUGHT: HARASSMENT
OF OPPOSITION MEMBERS

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I rise on a point of order to request a Ministerial Statement on the issue as to whether it is the policy of this Government to harass and deliberately humiliate elected Opposition Members of Parliament.

On Sunday, 21st July, 1996, I and some colleagues of mine were locked up in the cells at Nanyuki police station for over three hours. As the usual police practice, I was made to remove my shoes, tie, belt, watch and empty all my pockets, including my wallet. With me in the cells were Kenyans who had been locked up for being drunk. The cells were dirty and reeking of urine. Is it necessary to dehumanise Kenyans in police cells? Why is the colonial practice of forcing people to remove their shoes still in force in this country 30 after Independence? Why cannot there be benches or chairs in the cells because, after all, being deprived ones liberty does not dehumanise a person, one remains a human being even in police cells deserving of humane treatment?

The only crime for that humiliation was that I had wanted to donate trophies and balls to various teams in Laikipia District. I thought all of us should be encouraged to support sporting activities by the youth in this country because sports keeps the youth from idleness and crime.

No sooner had I alighted from my vehicle than the officer in charge of police station, Nanyuki, accompanied by DOI confronted me and I quote the OCS, "Hon. Muite, what are you doing here?" Response: "I have come to watch the finals of this tournament and to donate trophies and balls." DOI: "Do you have a permit from the DC?" Response: "Do I need a permit to watch a match or donate trophies?" OCS: "As an Opposition Member of Parliament you need a permit to watch the match. You will not donate any trophy and you should not even set foot in Laikipia District without the permission of the District Commissioner."

Meanwhile, the players, public and those who were watching were set upon with rungun, teargas, gunbutts and mercilessly beaten up.

The use of brutal force against unarmed civilian does not augur well for this nation. Sooner than later, the public will start responding in kind. When they do sooner than later, this nation is going to witness our own Shaperville massacre with police firing and killing unarmed civilians.

I ask for a Ministerial Statement on these matters, including the related incident in Mwea in Kirinyaga. If these actions are not authorised from above I ask what disciplinary action is going to be taken against the DO, OCS and against those in Kirinyaga who called out the dispersal.

(Applause)

MINISTERIAL STATEMENT SOUGHT:
GRABBING OF SCHOOL LAND

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like the Minister for Education to give a Ministerial Statement on the very, very serious issue in Nakuru whereby a land grabber by the name of Mr. John Ngarama grabbed a primary school owned by the Nakuru Teachers Co-operative Society demolished it, and pulled down the national flag, gave it to his wife and kept it somewhere. I do not know what they did with it, but I understand the wife has since returned that flag to the police.

In addition, I wish also to ask the Minister concerned with issuance of identity cards, Nakuru residents, and particularly young people who are 18 years and above are not given any IDs.

The Temporary Deputy Speaker (Mr. Wetangula): Dr. Lwali-Oyondi, you want to raise something about the Minister for Education. He has nothing to do with IDs. Minister, when do you want to respond to what he has raised?

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I would advise the hon. Member to direct that request to the Ministry of Local Government because Nakuru Municipality is an education district which is under the Ministry of Local Government. Were it Nakuru District then it could have been directed to me. But any primary school in a municipality which has an education area, the management and administration of school in such areas are under the Local Authorities, therefore, the Nakuru Municipality. I suggest that the hon. Member directs that question to the Ministry of Local Government.

The Temporary Deputy Speaker (Mr. Wetangula): Dr. Wameyo, do you have any response to that?

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Temporary Deputy Speaker, Sir, when the matter is directed to our Ministry, we will investigate and give a statement.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Dr. Lwali, it is not a debate now. Vice-President and Minister for Planning and National Development, do you have a response to Mr. Muite's complaints?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I would like to inform the House that a comprehensive statement in response to what hon. Muite has said will be issued here on Tuesday next week.

The Temporary Deputy Speaker (Mr. Wetangula): Last one, Dr. Otieno Kopiyo.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Surely, Dr. Lwali-Oyondi, you did not even have the courtesy of informing the Chairman in advance. You just ambushed me, I gave you an opportunity, but you did not quite appear to be systematic in what you wanted to ask and you still want to open a debate on that.

Ministerial Statement Sought:
MASSACRE OF REFUGEES IN BURUNDI

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, I rise on a point of order to request the Minister for Foreign Affairs and International Co-operation to issue a Ministerial statement on the looming human catastrophe which is awaited in Burundi. As we talk here, 300 people are being buried in a mass grave. We have seen what happened in Rwanda in the last few years. Kenya, as a responsible nation, among the community of nations, must take its own share of this responsibility to ensure that something is done, and done soon, about this human crisis before we accommodate refugees here and begin to close embassies.

Thank you.

The Temporary Deputy Speaker (Mr. Wetangula): Is anybody here from the Ministry of foreign Affairs and International Co-operation to give a response?

Next order!

MOTIONS

APPOINTMENT OF PARLIAMENTARY
SELECT-COMMITTEE

THAT, in view of the high rate of deaths occasioned on Kenyan roads through motor accidents, this House resolves to appoint a Parliamentary Select Committee to inquire into ways and means of reducing the death toll on our roads.

(Dr. Otieno-Kopiyo on 17.7.96)

*(Resumption of Debate interrupted
on 17.7.96)*

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, as I was saying last Wednesday, with those few remarks, I beg to move and ask hon. Muite to second the Motion.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, in seconding this very important Motion, may I begin by appealing to the hon. colleagues on that side of the House to support a Motion like this one, because the lives that we are losing on the Kenyan roads, are not necessarily those of Opposition supporters. They are Kenyans and no one can down-play the outrageous situation which we have in this country with lives being lost on daily basis on Kenyan roads. So, it is very important because the hon. colleagues on that side are losing their own relatives. There is no Member of Parliament, either on that side or on this side, who cannot, but be very concerned with the lives which we are losing on the Kenyan roads. So, this is a Motion that should be supported by both sides of the House. This is a Motion that should not be debated on partisan consideration. The sanctity of human lives is something that all of us as Kenyans, should have uppermost in our minds. Therefore, this Motion comes at a very timely time and we, as elected representatives have an opportunity, not only to strengthen

the institution of Parliament, but to strengthen also the procedure of Select Committees because this is how democracy works. This is how we can demonstrate to Kenyans that we are able to rise above party considerations as Members of Parliament, have a committee, consisting of Members from both sides of the House in order to address what can be done.

Mr. Temporary Deputy Speaker, Sir, the major contributory factor to the loss of lives on Kenyan roads is the condition of our roads. It is not even careless driving, over-speeding, breaking the traffic rules, lack of good driving manners or lack of courtesy. All these are minor factors. But the most dominant factor for the loss of lives on our roads is the condition of our roads. It is not possible for a bus, which is carrying full capacity or 60, 80 or 100 passengers to be controlled if, when it is being driven at normal speed, it has to swerve and avoid what people call pot holes. They are no longer pot-holes, but "craters." However careful a driver is while driving a matatu or a private vehicle, given the state of our roads, with these "craters", we must continue having the accidents. A few years ago, Kenyans used to joke here and we thought it was a joke in Nairobi. We kept joking over a beer that if you want to know a drunk driver in Kampala and you see somebody driving in a straight line on the road, then you knew that he was drunk. In fact, in those days, the police in Kampala would arrest any driver who was driving in a straight line since they knew that he was doing so out of drunkenness because the condition of the roads was poor. Now that is the condition here. It is only a drunk driver, on our roads, who will drive in a straight line. Otherwise, everybody else who is sober, has to drive in a zig-zag manner in order to avoid the pot holes.

(Applause)

This is happening at a time when over Kshs3 for every litre of petrol purchased is going towards the Road Maintenance Levy. Only last week, this Government admitted that in breach of the law, they are not putting that money in a separate account, which is what this Parliament demanded, and sanctioned when we gave authority to this Government, to start raising taxation by way of road maintenance levy for every litre of petrol purchased. So, some of the issues that the Select Committee will be going into is to thoroughly investigate how much money Kenyans have paid by way of taxation on the road maintenance levy and how it has been spent. It is the belief of most of us that the money collected in the last couple of years by way of road maintenance levy is sufficient to make our roads as good as one sees when one goes to visit Germany, South Africa and the other countries. Why is it that we are paying tax as Kenyans and yet, even in the City of Nairobi itself, one cannot drive because of the condition of our roads? Is it right? Is it moral for the Government to proceed to spend that money to pay salaries for civil servants and to continue to misappropriate that money?

Another issue which we want the Select Committee to investigate is whether this money, for road maintenance levy, instead of being spent to repair the roads, it is being given out to the many KANU supporters and sycophants. Is it the money that is being handed out in harambees in huge bundles of notes? Is this the money that Kenyans are being bribed with? In order for a country to run properly, it should not be managed on harambee basis. We cannot run our health system and roads on harambee basis or even the other matters that harambee has now taken over. We need to have policies through each enabling item. For example, we need to recognise as a Government and as a country, that infrastructure - the ability for people and goods to move freely from one point to another one by use of all weather roads, is fundamental and critical to economic development. We are not going to take off economically unless each area of our Republic is accessible in terms of roads. I am not talking about tarmacking of roads. We can have tarmac roads where it is possible. There are very many areas that require quarry chips and murrum.

In the olden days, one used to see, wherever one travelled, road maintenance units; even during the colonial times, PWD was there. Today, one can travel all the way from Nairobi to Mombasa without seeing a road maintenance unit. So, what happened to this Government's policy of maintaining roads? Do they have any policy for maintaining roads? When they construct a new road, do they ever imagine that, that road has to be maintained? It is of no use to use millions and millions of money in tarmacking a road, only to wait until that road is completely worn out. Kenya is the only country I know where we treat roads which we tarmac as consumer items. We tarmac a road today, only to wait until that road is worn out so that we can tarmac it again. It is extremely expensive to construct roads in that manner. When we are tarmacking a road, we must bare in mind that, that road requires to be maintained. So, we must have a budget for the maintenance of roads. One does not need to be a road engineer to see what happens. Just travel on a newly-tarmacked road and you will see that the sides of the road are not maintained. All that is needed is to run a tractor through in order to remove the plants on the road side. These are the same plants that start eating into the tarmac. If you look at where the potholes start from, they start from the road side because they are not maintained. One does not need to be a road

engineer to know that drainage is the most important aspect for the maintenance of roads and yet, one does not find the drainage on any of our roads being maintained.

We have unemployment and if this Government had a policy of opening up the drainage and maintaining the roads in time, they would have done a lot. During the rainy season, rain water is going to sip into that pothole and start eating into the tarmac. Instead of filling that little pothole, it is left there for years until it becomes a crater. What are we doing about our roads?

With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Transport and Communications (Mr. Morogo): Mr. Temporary Deputy Speaker, Sir, I stand here to respond to this Motion. This is an important Motion and let me say---

Mr. Kiliku: On a point of order, Mr. Temporary Speaker, Sir. Before the Assistant Minister responds to this Motion, there was a proposal to make a slight amendment to include the names of the Members who are going to serve in this Committee.

The Temporary Deputy Speaker (Mr. Wetangula: Order, hon. Kiliku! You had not notified us of any amendment which you want to put in.

Mr. Kiliku: Mr. Temporary Deputy Speaker, Sir, but even the Assistant Minister did not say that he had any amendment to put in.

The Temporary Deputy Speaker (Mr. Wetangula): But he has not even said anything!

The Assistant Minister for Transport and Communications (Mr. Morogo): Hon. Kiliku, if you were patient, you would first listen to, what I intend to do.

I was saying that this is a Motion which concurs with the Government's concern about the loss of lives on the Kenyan roads. The Government intends to take measures that would control, curb and reduce the road carnage in our country. The spirit of the Motion is okay but the Government intends, and has already set out actions, which concur with this Motion which is on the Floor of the House.

I wish to first introduce an amendment to the Motion. This amendment will be as follows: The words after "this House" in the second line should be deleted and the following words inserted: "urges the Government to urgently introduce a legislation to establish a Road Safety Authority to control and supervise all road safety matters."

This does not take away the spirit of the Motion because we are all concerned with the loss of lives and we are in support of any move that will reduce the loss of lives; the lives of our people which we value in this country.

The Government is soon introducing a Bill for the establishment of Road Safety Authority. This Authority should be autonomous and also is empowered to take every measure to examine all aspects pertaining to road safety. The authority would also deal with all the specifications of our roads and any other issues related to motor vehicle licensing and so on. Such a move would ensure that any matter pertaining to road safety will be enhanced by the Authority. With that kind of body, I believe that any move or suggestion that would help Kenya reduce road accidents would be taken care of by that Authority. So, I feel that at the moment, it would not be good to establish a Parliamentary Select Committee because I believe that if hon. Members of this House have suggestions, and, indeed, members of the public as well, they should express them. If there are any ideas that they think can help in reducing the road accidents, they are welcome to bring them up.

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. I heard the hon. Assistant Minister say that he was moving an amendment. Should we not then debate that amendment first?

The Temporary Deputy Speaker (Mr. Wetangula): He is moving it.

Mr. Muite: Is he still moving the amendment?

Hon. Members: Yes!

Mr. Muite: I thought he was going to the amended Motion.

The Temporary Deputy Speaker (Mr. Wetangula): He is moving it and it would have to be seconded, and then if you want to say something about it, and if would you "catch my eye", you would do so.

The Assistant Minister for Transport and Communications (Mr. Morogo): Mr. Temporary Deputy Speaker, Sir, I was saying that this Authority will take care of all matters that the Parliamentary Select Committee will be looking into. I believe that the information that the Parliamentary Select Committee will obtain will come from the public or from any well-wishers and any persons concerned with safety on our roads. That is already taken care of by my Ministry.

May I also say, Mr. Temporary Deputy Speaker, Sir, that we will soon introduce some amendments to the Traffic Act, and these will also introduce stiffer penalties for traffic offenders. All these put together will take care of the reduction of road accidents in our country. We, as a Government, have also taken steps to educate our people. We have the Road Safety Council, which we intend to change to be the Road Safety Authority and we have been educating people through schools. We have a park near the church at Uhuru Park, where we intend to even invite more school children and anybody who wishes to know more about the road safety so that pedestrians, cyclists and so on, have more knowledge on how to use the roads safely. At the moment, I feel that as a Ministry, we are taking every possible step towards reducing the road carnage and hence, this amendment, so that we do not kill the spirit of the Motion, but at the same time, to allow the Government to proceed with the intentions which it has already activated so that all these measures can be put in place.

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

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

Mr. Temporary Deputy Speaker, Sir, in doing this, we are working together with the Ministry of Public Works and Housing, the Kenya Police, and all the relevant bodies so as to enhance proper road safety. I would urge the hon. Members, to also inform members of the public that these facilities are available and that the Ministry welcomes information and ideas from them, that would help to reduce the road carnage. Indeed, the Parliamentary Select Committee intends to do exactly that and this is why I feel, that for the time being, it would be proper to let us, as a Ministry, put in place the measures that we have already suggested.

Mr. Temporary Deputy Speaker, Sir, as I listened to hon. Dr. Otieno-Kopiyo move his Motion, I realised that all he said were merely all the measures that we as a Government have undertaken. I believe that he has nothing different from what we have and, therefore, I would urge that we all support the amendment so that the Ministry can soon introduce the necessary legislation to enable us to establish this Authority and, quickly, embark on the processes of reducing road carnage.

Mr. Temporary Deputy Speaker, Sir, the hon. Members will, of course, be aware that we have been trying to introduce measures to reduce the speed of the public service vehicles (PSV) on our roads because I believe this is one of the serious issues. The biggest road killer today, is the hurry in which the public buses and matatus have on our roads. They do that with total disregard to the traffic rules and hence, the deaths of many people who travel by public means. We, at the moment, are looking into the best gadgets to use to either reduce or control the speed of the public service vehicles. This is one measure that we as a Ministry are taking to reduce the road carnage on our roads.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move the amendment.

The Vice-President, and Minister for Planning and National Development (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, human life is an issue that cannot attract partisan position. It is the duty of all us in this House to ensure that we do pass legislation so that we can carnage on our roads. There is no doubt that a lot of Kenyans, some of them very young and a number of them very able, who would make a great deal of contribution to the wellbeing of this country, have lost their lives on the roads. It is a matter of very great regret; and it is sad. I want to say that the Government also takes a very deem view of what has happened and here, within the framework of this Motion, what I think we should do is to find out the best ways in which we can reduce carnage on our roads which has claimed, as I said, the lives of so many Kenyans.

I want to thank hon. Dr. Otieno-Kopiyo for having brought this Motion to Parliament, to give us the opportunity to discuss this very fundamental issue; the sanctity of the lives of human beings. There are many issues that need to be looked into here.

First, we do know that on our roads, especially those vehicles which carry members of the public, they do not observe the speed limits. They drive at very, very high speed. Indeed, sometimes when you are driving on our roads, you may find yourself being overtaken by a bus which is full of people, driving even faster than your own saloon car. Here, it is not just a matter even of finding gadgets to control those vehicles, but there is also education for our drivers for them to appreciate that when they are carrying many people, they are carrying human beings and they are not carrying stones. If anything happens, the lives of very many people are going to be lost. We also have many cases where a number of our people do not even observe drinking habits. Even when they are very drunk, you will find them driving, not knowing that if you drive and you are drunk, your own vision is impaired and your own system is already weakened and you cannot control the vehicle. All this is a matter of

education and is part of the development of the national efforts. This is one area which we have to understand. We also do know that we do have problems with our roads and it is easy for somebody to say that the Government has not repaired them.

The Government has not repaired them and it is doing its best to repair them. I want to say here that within the Budget which is being discussed in the various Ministries especially under the Ministry of Public Works and Housing and which we discussed here--- Substantial resources which are being factored under the Ministry of Public Works and Housing will go towards the maintenance of the highways and other roads. In addition, the substantial money which will be available will be for the repair of the urban roads in our country. Hopefully, that in itself will contribute in ensuring that we can reduce the road carnage. This issue is very fundamental and this is why the Government, as the Mover of this amendment has already made clear, is in the process of bringing into this House a Bill to establish a Road Safety Authority. This is an Authority which once established will supervise and control all the various things taking place on our roads and lead to the saving of Kenyan lives. This Bill will be brought to this House in the not too distant future and honourable Members will have the opportunity to examine this Bill seriously, contribute to it exhaustively and if indeed, there are certain areas which the Members feel that they need to be reflected in the Bill, we will be quite happy for those contributions to be made for the very simple reason that this issue is not for the entire Government but it is an issue for the public of this country. It is, therefore, for us to find the best ways of ensuring that we can come up with a framework to save the lives of the majority of Kenyans.

Mr. Temporary Deputy Speaker, Sir, in my own judgement, I think, if we were to establish a Select Committee and yet already there is a Bill coming here, I think there will be a time-lag and yet what we want is the speediest way to put in the machinery to save the lives of our own people. I want, therefore, to urge this House to support the amendment brought here. I am very happy that the Minister has already proposed his amendments in the light of the fact that the Bill is about to be brought here so that we can discuss this issue exhaustively and come up with various recommendations.

Let me also say here that the Government has tried to explore various ways to ensure that we can control the speed of public vehicles which I think we all know. We have talked about issues of the introduction of speed governors. The moment we start discussing this issue, then politics comes in. That becomes another issue because we know that there is a big lobby. There was another issue where politics was introduced but, I think, by and large, and I believe this one very strongly, you can have the best roads in the country but making sure that the people obey and respect traffic rules is another thing and this is where education comes in. On this matter of the road carnage, I have no doubt that apart from the various legislations which are going to be enacted by this House, we must embark on an intensive education of our people, right from the youths in school, for people to appreciate the sanctity of the lives of the people and for them to understand that a vehicle while being a fairly convenient means of transport, at the same time it is a major killer depending on how one handles the vehicle. This, I believe is an education that involves us, and all the leaders here. I hope also that in our own public functions and meetings, let us use those platforms to urge our own drivers to be very careful especially when they drive. We have even seen a number of our schoolchildren dying on our roads. We do not want to see this type of sad thing.

Mr. Temporary Deputy Speaker, Sir, I, therefore, feel that on this case here, we should do the best we can especially by educating the matatu drivers. Let us educate them so that they can understand that one cannot drive safely if one is under the influence of whatever it is; be it alcohol. Let the drivers of the big vehicles, that is the lorry drivers, not assume that in case of an accident it is the only other drivers of the small vehicles who will die. They could also die. Let them also value the fact that if somebody dies, it is still one Kenyan who has died.

Mr. Temporary Deputy Speaker, Sir, hon. Morogo, the Assistant Minister has made it quite clear that the Government is together with the Members of this House and let us unite to agree that we should have a legislation which will look into this matter. When the Authority is formed, although I do not know exactly how it is going to be, but definitely when it comes here, let us make our contribution to ensure that we do have a mechanism to control the road safety aspect throughout this country. This is what is going to help us. I do not believe that the establishment of a Select Committee will actually speed up the solution to this problem.

Mr. Temporary Deputy Speaker, Sir, with those very few remarks, I beg to second this amendment and it is my hope that all the hon. Members will look into this issue from a national point of view that it is the lives of Kenyans which are at stake. It is not politics which is at stake. It is not a question of KANU or the Opposition. We want to come out with a legislation to save the lives of Kenyans.

With those few remarks, I beg to second this amendment.

(Question of the first part of the amendment, that the words to be

left out be left out, proposed)

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, thank you for giving me an opportunity to say something about our roads which are in a very, very serious condition as we know because the sanctity of life is paramount. Nobody is safe on the Kenyan roads today. We lost a Member of Parliament, the late Lawrence Sagini. So, when we talk about roads and road safety we must be serious because nobody is safe. I remember the first Comptroller of State House of this Nyayo Government lost his life through a road accident. So, we have a very, very serious Motion here and no partisan politics should come in.

Mr. Temporary Deputy Speaker, Sir, the KANU Government has been in power all this time. Why then is it a fact that a Member from the Opposition has indicated that a Select Committee must be established by this House composed of Members from both sides? Now KANU realises it is time to have an Authority. How many Authorities do we have that have been formed by the Government? What difference will there be between that Authority appointed by the Government and the Ministry which is already in charge of our roads, together with all the other departments of the Government like the traffic police?

Mr. Temporary Deputy Speaker, Sir, I oppose any amendment to this Motion. The Motion should go as proposed because of the following reasons. There is not a single Member of Parliament here including President Moi himself who has not attended a funeral of a person whose death has been occasioned by a road accident in the last one month or two months. I think the President has more functions of attending funerals than anybody else. So, we have a very important Motion. We have Ngong Road as an example, which now should be dual-carriage way. Every weekend four to six lives are lost. I use that road and hon. Matu Wamae also uses it. We had an occasion where Mombasa-Nairobi Road deteriorated to a condition where tourists from overseas had to stop coming here and hotel bookings dropped and it is only then that this stubborn Government which is sensitive to welfare of its own people--- It is only then that they realised that people were losing lives and bookings in the tourist industry were cancelled and so forth and so on. We are telling you that we can come out with recommendations. This Parliamentary Select Committee will come and point out the weak points and strong points then the Ministry or any other body you want, including the police--- Actually, there is no point talking about educating the road users. The police themselves who arrest these traffic offenders are bribed because their salaries are so low that they are looking also for "*Toa Kitu Kidogo (TKK)*" Chai, "*wacha mtoto asome*"; that kind of thing, *chukua chako mapema (CCM)*. We have to look at the overall, because nobody is safe. The other day, even the Presidential Motorcade had a road accident and two policemen died. So, we have a very important Motion and it should be passed as it is because hon. Dr. Otieno-Kopiyo has found it necessary to bring it. It is up to this Government to take action because next time, it could be the Head of State in a road accident or Prof. Saitoti our Vice-President and Minister for Planning and National Development. So, we are concerned. There should be no partisan politics here. It is concern for our people.

Mr. Temporary Deputy Speaker, Sir, when you look at the design of our roads, there is what we call "defects liability period" which is supposed to be six years. I do not know whether the engineers or the contractors because they are coming from overseas--- Because of this corrupt Government being in power and they want to take theirs early, *wachukue chao mapema*--- Before that period of six years elapses the roads are in ruins and there are craters all over. Somebody should go to court now. These are the things we want to look at and recommend to the Government because it is not in one area, it is in various categories; the police, the road users, matatu drivers.

There is this other aspect. We have the Great North Road. The long carriage hauliers are still using Kenyan roads from Nairobi to Nakuru, from Nairobi to Machakos. They are using the same roads; even those who are going to Zaire, Rwanda and Burundi. Those long distant drivers go at a very slow speed and have no business interfering with Kenyan tertiary roads. This is how these accidents happen and we should look into all this.

Mr. Temporary Deputy Speaker, Sir, we have talked about money and things like that. Yes, we have passed some money. With regard to the Road Maintenance Levy, everybody is paying that money and the levy is being charged at the petrol stations. No tolls now, everybody in this country, those who use diesel even caterpillars, even tractors even saw millers, even combine harvesters, who never passed through roads to pay to the toll charges and things like that, are now paying for road maintenance. So, everybody including maize millers, because they are using diesel, are paying for this. What is happening is that there has been no change. So, we are very sad that somebody wants to move an amendment. There should be no amendment because we are concerned. Nobody is safe including Members of Parliament, including you Mr. Temporary Deputy Speaker, Sir. You are not safe! You travel to Kitui every weekend and I do feel happy when I see you the following week.

Mr. Temporary Deputy Speaker, Sir, I want to touch on the designs of these roads. You realise that here

in urban centres, Nairobi, Nakuru and Mombasa, the roads designers do not provide for the cyclists, pedestrians, donkeys and cows. I know there used to be tunnels here at the University of Nairobi and things like that, but those were days when we were at the university. That was a long time ago but today the population has increased, and that tunnel is not enough and the lecture has to start on time, so you find that even the students and other road users---

Mr. J.N. Mungai: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to cut my friend short here, but is it in order for hon. Henry Obwocha to read a magazine in the House when he is supposed to listen to the Member who is contributing?

The Temporary Deputy Speaker (Mr. Ndotto): He is out of order!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am reading the standing orders. Unless hon. Mungai never went to school, I can give him these notes to read, and these are my notes to enable me contribute to this Motion.

Mr. J.N. Mungai: I went to school, Mr. Temporary Deputy Speaker, Sir. He has been reading a magazine. I went to school, he has been reading this one!

(Mr. J.N. Mungai displays the magazine)

The Temporary Deputy Speaker (Mr. Ndotto): To begin with, it is wrong to bring that magazine to the House. Hon. Obwocha if you were reading it, I think it is not honourable; you should stop reading it.

Mr. Nyanja: Mr. Temporary Deputy Speaker, Sir, let me proceed. It is unfortunate that these hon. Members from the Opposition are taking our time. I want to say something about the design of roads in the City of Nairobi because the traffic lights, most of the times fail. There are no traffic lights. This is one thing you find around the City. I talk about Nairobi because that is where I am most of the time. I believe that is what is happening in Mombasa, and Mr. Nassir is here; that is what is happening in Nakuru; hon. Dr. Lwali-Oyondi is here, and that is what is happening in Kisumu and other towns. So, the traffic lights do not function and then you get accidents. This is very serious. It is as serious as that because when the lights go out, you must know that people will die. Something must be done as a matter of emergency. It is all these that lead to loss of life. So moving an amendment to this Motion is out of the question; we cannot amend safety. The Motion should go on as proposed.

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, this Motion is very important. Indeed, it must have been leaked to the Opposition because the KANU Government has been so concerned about road carnage to the extent that they were preparing for tougher measures to ensure that road safety is improved.

Prof. Mzee: On a point of order, Mr. Temporary Deputy Speaker, Sir. Since we have another amendment, could I ask the Chair to put the question and we vote on the amendment which is being discussed now?

The Temporary Deputy Speaker (Mr. Ndotto): I am going to do that at the appropriate time Prof. Mzee. Yes, continue, hon. Biwott!

Mr. Biwott: Mr. Temporary Deputy Speaker, Sir, we do not need a Parliamentary Select Committee. I think the hon. Members here are better off passing a legislation to enable the Road Safety Authority to go and do the needful so that the safety of our roads can be guaranteed.

Let us look at the problems of our roads today. Our roads today are dangerous because we do not have parking bays where all the broken down trucks can be towed so that they are parked away from the roads. Today, you will find that any vehicle that has broken down is left on the roadside and it becomes a menace and a dangerous object.

We do not have an authority which removes from the roads, all the broken down vehicles. I think that also needs to be legislated.

The roads today are invested with trucks with engines that emit smoke, smoke that in most cases covers the entire roads and blocks the vision of other drivers. Something needs to be done because pollution on our roads is another dangerous cause of road accidents.

Our roads are narrow and they need to be widened so that vehicles can pass without having to squeeze on the road. Again that is a technical matter that cannot be resolved by the Parliamentary Select Committee.

The vehicles that cause accidents are not in most cases up to the standards which one would call roadworthy. So there is need to strengthen the roadworthiness of our vehicles and maintain them.

There is also the problem of the standard of the roads. Our roads have got potholes and they are a major cause of destabilising vehicles that run on our roads. Again, that is a technical area that needs to be looked into by

the experts who can only be appointed through an authority that will ensure the safety on our roads.

The hon. Member who spoke before me also mentioned donkeys which use roads and become hazardous. I think that is also something which needs to be looked into. The issue of cyclists and pedestrians who use our roads and the general standards affecting our roads need to be addressed. If you look at all these problems, you will see that these are problems which need to be addressed through legislation and through an authority that administers the road safety matters. It is something which must be maintained and one that cannot be dealt with by a select committee which would just go out to look at what causes accidents and then report its findings to the House and that would be all. We need this House to pass a legislation which will establish the Road Safety Authority in order, as it is said in the amendment, to control and supervise all roads safety worthiness. It is pointless to politicize such a problem by bringing in a committee of this House to look into a matter that is obvious, a matter that everybody has spoken about, and a matter that has robbed many lives of innocent Kenyans who drive safely hoping to arrive home, but they do not because of the carnage on our roads. I do not want to labour on an obvious matter like this, but I would say that I support fully the amendment as amended because it is the only way we can ensure that we have a road safety network in this country. It is a matter that cannot be resolved by a select committee of this House.

With these few remarks, I beg to support.

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

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

(Question of the Motion as amended proposed)

Mr. Kiliku: Ahsante sana, Bw. Naibu Spika wa Muda. Ajali za barabara katika nchi hii husababishwa na watu wawili. Kwanza, tunaweza kuilaumu Serikali na pili, viongozi.

Wale viongozi walio na matatu katika Bunge hili na wale walio nje ndio wanasababisha kuwoko na ajali katika Kenya. Kwa mfano, kule Mombasa utapata kwamba mtu anampa dereva matatu na kumwambia kwamba kila siku lazima amletee pesa kiasi kama Kshs5,000.

(Several hon. Members consulted loudly)

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. The House looks like a market place. Everybody is on his feet and they are all talking very loudly, and yet we are talking about road carnage.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Members!

Mr. Kiliku: Bw. Naibu Spika wa Muda, hakuna biashara ya kupata faida kiasi sawa kila siku! Leo ninaweza kupata faida kubwa na kesho nisipate kabisa lakini wenye matatu wanasema kwamba lazima kila siku wapate faida kiasi sawa. Hata wanawambia madereva kwamba wao wanahaja tu na ile faida ya Kshs5,000 na ile itazidi, basi itakuwa yao. Ndio sababu unaona kwamba madereva wanapeleka magari kwa kasi ili wapate ile faida ya mwenye matatu na kisha wapate yao. Ninauliza Bw. Waziri akomeshe mtindo huo. Kama ni mwisho wa mwezi, inaeleweka kwamba faida kubwa inaweza kupatikana, lakini kama ni katikati ya mwezi, jambo hili haliwezekani kamwe. Kama mambo ni kama haya, je, tutakosa kuwa na ajali za barabara? Hilo ni jambo ambalo Bw. Waziri anafaa kulichunguza. Hawa watu wa upande ule mwingine wasikie mambo haya kwa vile hawakosi matatu!

Pia, yale magari yanayotoka nje ya nchi hii kama vile Sudan, Rwanda, Zaire na kadhalika, yanaendeshwa katika mkono wa kushoto ilhali sisi hapa tunatumia mkono wa kulia. Kama kuna madereva ambao wataruhusiwa kuendesha magari yao katika Kenya ni lazima kwanza wasome sheria za kuendesha magari hapa Kenya. Wawe wanajua sheria hizo. Kwa sababu mtu anaendesha gari lake ndogo na haonekani na yule mwingine ambaye anaendesha gari lake upande wa kulia wa barabara. Hiyo ndiyo shida moja ambayo inasababisha kuwa na ajali nyingi katika nchi hii. Barabara ya kutoka Mombasa, Nairobi, Nakuru mpaka Eldoret inasababisha ajali nyingi. Watu wengi katika nchi hii wanakufa kutokana na ajali za barabarani, ukimwi na ugonjwa wa malaria. Ajali za barabarani zinaongoza kwa kuwamaliza watu, halafu ukimwi na malaria. Zile pesa nyingi ambazo zinatumiwa

kutangaza kuhusu ugonjwa wa ukimwi, zitumiwe kwa kurekebisha barabara, ili kusiwe na ajali za barabarani.

Sehemu ya Kibarani upande wa Mombasa, kulikwa na bumps za kuzuia magari yasiende kwa kasi. Hivi karibuni, walitoa bumps hizo. Kwa hivyo, kila siku, utapata ajali sizizopungua tatu zimetendeka sehemu hiyo ya Makupa Causeway, Kibarani Mombasa. Lazima ajali zifanyike tatu kila siku. Nilipouliza kwa nini bumps hizo zimetolewa katika Bunge hili, niliambiwa kwamba kuna wizi mwingi wa magari ya wakubwa yakipita hapo usiku.

Watu wakubwa wanashikwa na wezi. Inakuwaje maelfu ya watu wanapokwenda kazini wanapata ajali za barabarani, na mkubwa ambaye ni mkora na anachelewa nje usiku na kwenda nyumbani saa nane za usiku anafikiriwa? Ni kwa nini mtu anachelewa kwanza? Mtu ambaye anachelewa ni mkora. Anachelewa kwa sababu ana gari. Serikali inalinda haki za mtu kama huyo, na kutojali maslahi ya watu ambao wanaenda kazini.

Tumepata uhuru, lakini mtu asiye na kitu katika nchi hii hana uhuru. Mtu asiyekuwa na gari akitembea barabarani hushikwa na polisi na kuambiwa amechelewa. Mtu ambaye ana gari akichelewa, hakuna mtu ambaye anamuuliza. Mbona watu wa magari wanachelewa usiku na hawashikwi? Namuomba Waziri aangalie mahali hapo, ambapo panamaliza watu kila siku. Sisi tunakatwa pesa za Service Charge pamoja na Petroleum Levy na tunaambiwa pesa hizo zitatumia kwa kutengeneza barabara. Lakini hakuna lolote ambalo linafanyika. Imekuwa kwa Serikali hii, kila kitu ni wizi. Hakuna sehemu hata moja ya barabara itarekebisha. Kila kitu ni wizi kila wakati, hata ikiwa ni usiku au mchana.

Kungekuwa na Kamati ya Bunge ya kuangalia jinsi ya kutatua tatizo hili. Ingepatia Serikali mapendekezo yake, na Serikali ilete katika Bunge Mswada kulingana na mapendekezo ya kamati hiyo. Ukisema tuunde halmashauri, tumekuwa na halmashauri ngapi? Kukiwa na halmashauri, mtu atachukua ndugu yake au watu wa ukoo wake na wataleta ripoti kulingana na vile watakavyo. Katika Kenya, kuna halmashauri nyingi sana. Ni kama nchi hii inaendeshwa na halmashauri na tume. Kila kitu ni tume. Kwa Serikali kutengeneza tume ni kuonyesha kwamba Bunge hili haliwezi kuwa na kamati kwenda kurekebisha mambo na kuleta mapendekezo yake. Jambo hilo halizuii Mswada kuletwa hapa Bungeni. Kazi ya kamati ni kuchunguza njia mbali mbali za kutatua shida. Njia hizo ndizo zitatumia kuleta Mswada hapa Bungeni. Bunge litafanya marekebisha yake na Mswada utakuwa sheria. Tukiuliza swala hili, tunaambiwa litatekelezwa haraka iwezekanavyo. Lakini, haraka iwezekanavyo itakuwa ni lini? Lazima tuambiwe ni siku gani.

Ajali katika nchi hii zimekuwa ni nyingi. Kumekuwa na ajali za "white car", na tunaambiwa ni ajali za kawaida. Siku hizi, ukiwa unazungumzia wananchi katika Bunge hili vizuri, ujue ni hatari sana kwenda na barabara, na hakuna njia nyingine ambayo unaweza kutumia. Ikiwa unazungumzia wananchi vizuri, ni Mungu tu anakusaidia unapokwenda barabarani. Ajali zinatumiwa kuwaangamiza wanasiasa wa nchi hii. Hii ndiyo sababu ajali ni nyingi.

Dr. Lwali-Oyondi: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Kiliku amesema kwamba ajali zinatumiwa kuwamaliza viongozi wa kisiasa. Anaweza kuthibitisha jambo hilo?

Mr. Kiliku: Bw. Naibu Spika wa Muda, marehemu mhe. Ronald Ngala, ambaye pamoja na wengine, walianza kupigania uhuru wa nchi hii, tulisikia alipata ajali ya barabarani na akaliwa na nyuki. Hiyo ilikuwa ni ajali ya barabara. Hakuna mtu anayeweza kukataa kwamba hatukuambiwa hivyo. Tuliambiwa pia kwamba, Dr. Ouko alichukuliwa na "white car". Nafikiri nimethibitisha maneno yangu. Ajali ni hatari sana.

The Temporary Deputy Speaker (Mr. Ndotto): Order! I want to tell the hon. Member on the Floor that he is quoting wrong examples. I do not think you should do that. The late Dr. Ouko did not die in a road accident.

Mr. Kiliku: Mimi sikusema ajali ya barabara. Nilisema kwamba magari hutumika.

Kwa hayo machache, naunga mkono.

Mr. Wetangula: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to speak on this Motion.

The problem of road carnage in this country is so severe, that neither the creation of a Select Committee of this House, nor the establishment of a Road Safety Authority is an answer to the problem. This country loses billions of shillings, thousands of human lives every year through road accidents. In my view, the whole problem of road accidents has something to do with the collapse of social discipline in this country.

It does not matter whether we have select committees or authorities, but until and unless, the Kenyan drivers are disciplined and they are ready to observe road signs, give way and to be sober while on the roads, we shall continue crying and road carnage will continue.

Every time we talk of road accidents, the immediate culprit we look at are public transport vehicles. We fail to appreciate that the largest number of motor vehicles in our public roads are, in fact, privately owned and privately driven vehicles, rather than public. Many times, buses veer off the road or collide when avoiding to collide with a drunk civilian in a small car. Maybe some of them are insane, nobody knows for sure.

Mr. Temporary Deputy Speaker, Sir, the training of our drivers must be examined carefully. It is my humble opinion that the Ministry concerned should, in fact, ensure that the licensing of drivers is renewed every year through a practical test. In this way, people who have licences and who can hardly drive do not simply walk to Nyayo House, pay money and walk away with a valid driving licence. These are people who are causing hell on our roads. I would also suggest that we have a component of psychiatric tests on many of our drivers. We do not know whether people driving cars on our roads have mental balance or not. You will find somebody overtaking an overtaking vehicle, driving on the wrong side of the road, climbing an embankment of the road or parking on a yellow line. Nobody just observes the rules. This society has just become sick and we need to address this matter very urgently and carefully.

The police, who are supposed to be checking on offenders, have turned their job into a business. Twice or thrice, I have had to call the police on hot lines to arrest constables who were soliciting bribes on the high way. You will find matatus packed up to the brim, with people sitting on the carriers on top of the vehicle like bags of maize and the vehicle drives straight through police road blocks. Unless something is done about the police who enforce traffic rules, we are still going to have these accidents. If we set up the authority that the Minister has talked about, who is going to enforce the rules of this authority? Is it not the same police. I am afraid that the problem is not going to be solved by simply amending the law or legislating to have an authority. We must ensure that there is social discipline.

Hon. Muite talked about roads being a contributor to the accidents. He could not have been more right. It is time the Ministries of Public Works and Housing and Transport and Communications carefully examined the companies that are given contracts to construct and tarmac roads in this country. Recently, I was driving to Hunters Lodge and saw the road passing through Kilome Junction. There is repair work going on there, but two kilometres behind the repair line the road is wearing away. I believe that this contractor has been paid for this job! There is a road between Mau Summit and Timboroa, which has endless stretches of potholes.

Every time you see the Ministry of Public Works and Housing trying to fill up these potholes, you wonder which company constructed the road, how much was paid to it and whether there was a maintenance clause in the contract. Unless our people, who are charged with the responsibility of the construction of our roads wake up and know that every time they compromise standards through either corruption or other means, they are endangering human lives, we still shall have road accidents.

You will find roads that have not been maintained for a couple of years. Sometimes you will find that in the course of maintaining a road, all that the workmen do is to put some ballast on a tarmac road and leave the chips there, thereby making the road even more dangerous than a potholed one. These are the things that are causing accidents on our roads. We also have the greed of the owners of the public transport vehicles. You will find that buses and matatus are always packed to capacity. They are packed to the extent where the slightest problem will make it impossible for the driver to control the vehicle out of danger. This also causes accidents.

Mr. Temporary Deputy Speaker, Sir, every time you open a newspaper, you read about people dying in road accidents. When Members of parliament, like my friend, hon. Obwocha, have an accident we all get to read about it. What about the small man whom we never get to read about? There are hundreds or thousands of people being maimed, disabled and killed because of our lack of discipline on the roads.

Last but not the least, I want to urge that the Ministry reintroduces the timetable programme that we used to have in the 1960s. I do remember that in 60s and early 70s public service transport vehicles like buses and matatus operated on timetables. If a vehicle left Nairobi, the assumption was that it would take two to two and half hours to reach Nakuru. Any early arrival was a *prima facie* evidence of overspeeding, and the driver would be charged accordingly. Maybe this will help in slowing down the carnage on our roads. I say this because every time a public transport vehicle overturns or collides, with another the danger of losing very many people is much higher than me rolling in my own car and dying alone. So, we must be more careful in handling public service vehicles than even private vehicles when we are talking of timetabling and controlling of speed.

I do know that there are very many hon. Members who want to speak on this Motion and I will surrender the remainder of my time to the next speaker.

Thank you, Sir.

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I wish to thank God for saving my life when I was involved in a very serious road accident in Kericho. The constituency I represent has lost two of its Members of Parliament who represented it before myself. These were the late Messrs Thomas Mung'are in 1965 and George Justus Morara in 1970. So, it was very serious that this kind of thing happened.

I also wish to thank the doctors at St. Leonard AMREF, who flew me to Nairobi, and those at Mater Misericordiae Hospital. But I want to say that this House ought to look into the condition of those of us who have

been so unfortunate as to be involved in road accidents. There is no personal accident policy for hon. Members. Our medical bills were very high and yet when we sought assistance all that we were told was that we write letters to apply for *ex-gratia*. But *ex-gratia* is payment in respect of which somebody can just tell you: "Yes, I can give you some little money to see if you can pay your bills". We need an insurance policy to cover hon. Members. The collapse of the Kenya National Assurance Company has also affected hon. Members. This is because I understand that previously, there was a group insurance policy for hon. Members with the Kenya National Assurance Company, to which premiums were being paid. Now that this company has gone under, I do not know what this House is going to do.

The real causes of road carnage in this country are three: These are our roads, vehicles and drivers and the police. In fact, I should have said that when the Opposition National Alliance forms the next Government next year, the first thing we should do is to increase the salaries of the police, so that they can stop taking "toa kitu kidogo"(TKK) or "wacha watoto wasome"(WWW). Our roads are very bad. For example, there is a road we have been talking about. That is the Kericho/Chemosit/Nyamira/Kisii Road. From 1965 the Government has been saying that it would tarmac this road, but up to now it has not done that. Recently, Kipsonoi Bridge, which is in the area where the Minister for Public Works and Housing comes from, was repaired.

Mr. Temporary Deputy Speaker, Sir, within only one week after its repair, the bridge was already down again. It is very serious and I do not know when these contractors will leave this habit of being given "kitu kidogo," so that the money given to contractors can be used to make and repair the roads.

Mr. Temporary Deputy Speaker, Sir, it was very sad that the Government had to amend this Motion because Members of Parliament in this House have met fates in these road accidents. I remember, hon. Kirwa, hon. Munene Kairu and hon. Mutiso who is not even here. Now, this is indeed a very serious matter that we should have had a Parliamentary Select Committee to look into the issue of road carnage in this country, rather than just saying there is going to be a Road Safety Council or Authority to look into this. Because we believe, this would not come up with specific recommendations for Government to implement in order to reduce this road carnage.

Mr. Temporary Deputy Speaker, Sir, I agree with hon. Wetangula that indeed these buses and matatus should be given a time limit between one place and another so that if any vehicle arrives earlier, it means it is a *prima facie* case of overspeeding, so, that they can reduce speed. In fact, the first people who should heed the reducing of speed are the Presidential Escort drivers. In Kisii, they have killed so many people. For the last two times the President was in Kisii, the Presidential Escort vehicles have been involved in accidents and killed two people. So, I think they should set an example, because, after all, when he is passing we all get our vehicles off the road. So, what is the hurry about?

Mr. Temporary Deputy Speaker, Sir, the speed governors that the Government wants to introduce on the public service vehicles is an avenue of corruption, and the Ministry - I am happy that the Minister is here - should consider ways of getting these gadgets to those who have vehicles instead of leaving it open for businessmen to exploit our people.

Mr. Temporary Deputy Speaker, Sir, I want to say something about licensing. As we know, the current system of licensing is full of bribery. The police are not giving these licences to competent people. I would request the Minister to establish a testing body which is independent of the Police Force. This will reduce or take away these powers from the police who are currently and continuously giving licences to unqualified people; people who have not mastered driving.

Finally, road carnage in this country, I think, is number one killer of our people. I do not think I agree with hon. Kiliku that it is number three. Everyday we read in the newspapers and hear of road accidents and it is upon and incumbent upon the Government to seek ways of reducing this road carnage. The money that is being collected from the Road Levy should be put into proper use. If we ask the Government which of these major roads they have constructed in this country other than the roads that were constructed by the Mzungu, indeed they have none to name. There is nothing they can be proud of other than a few patches here and there. So, it is incumbent upon the Ministry to make sure that the funds collected are put into proper use.

With those very few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to oppose the amendment.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to give a few comments on this very important Motion. Indeed I do support the amended Motion because we have to be practical. The sooner we establish the Road Safety Authority, the better it is. Kenyans have shown very serious concerns on traffic accidents on our roads. Many families have suffered, many people have lost their lives, many have been maimed and disabled and colossal economic losses have occurred when we lose very active people because of the traffic accidents on our roads. In the past, the Government has tried to control this menace by introducing compulsory

safety belts, attempting to introduce speed governors, trying to be strict in issuance of PSV licences and also issuance of driving licences. All these measures have failed and the rate of road accidents is mounting on our roads. Even the law courts have not been able to mete out stiff sentences on the offenders on our roads. This is very serious and if it is true that we are one of the countries in the world with the highest road accidents, then this is devastating. We are a small country, we do not have so many motor vehicles for the small population we have, and if we rank the third in the world, then Kenyans must ask themselves what is wrong. We must not be on the top in matters which affect life. When it comes to AIDS cases, we are also told we are among the highest in the world, we are number three or something like that. This is a serious matter. When it comes to corruption, we also read that we rank number three in the world. Why are we scoring high on evil events? Is there something wrong with our society? Have our moral values degenerated so much that we have lost sense of direction? We have no sense of values in our society. As leaders, are we really serious in tackling some of these issues or are we only spending our time fighting for opposition here and there? Our society faces a lot of problems; from these tragedies to economic hardships and others, and yet we as leaders here keep on talking, trying to out-match one another in public rallies as if everything is in order. When it comes to this particular issue, it is important that, the relevant Ministry takes appropriate action, first of all to institute time charts which we used to see in the early 60s as hon. Wetangula, said. That, all PSV motor vehicles are given times of departure and arrival in various places. After all, what is the purpose of TLB? What is the purpose of this Transport Licensing Board? It is supposed to control and manage our transport network.

What is the purpose of testing 80 kilometres per hour on our PSV motor vehicles? It is a joke of the year because every PSV motor vehicle has some 80 kilometres limit on it, and yet when they are on the road they are overspeeding. What is the role of the police? They are all scattered all over the country with all sorts of restrictions and so on, and yet these motor vehicles manage to pass while overloaded and overspeeding and causing a lot of accidents and yet the police are there. Do they know what they are doing? Or are they so corrupt that they are immune to controlling this menace? Even the law courts, lawyers who deal with cases relating to claims have become exploiters of the disabled people who are trying to get something from the insurance companies and most of the times even their claims cannot be settled on time. These poor people keep on waiting for years and years when their money is deposited in some saving accounts or fixed deposit accounts so that those who have been asked to represent them can make a quick kill.

The insurance companies also have become exploiters of this unfortunate situation when they hike the premium on insurance of motor vehicles, the sufferers are the wananchi. Wananchi are the ones who are dying on the roads and trying to maintain the motor vehicles. What happened with the issuing of driving licenses? Are these people following the normal rules or you can go there and be given a driving licence while driving people around? What morals does the driving unit in the police have in issuing driving licenses? Or even renewing of driving licenses? Time has come for us to test and retest all the drivers who will be mandated to drive PSV vehicles. They should be subjected to passing a proficiency test so as to drive on our roads.

Mr. Temporary Deputy Speaker, Sir, the other question is to establish whether the drivers are using drugs or they are consuming excessive alcohol when driving on our roads. The police should test all the drivers as to whether they have consumed alcohol or not. In this way, we might reduce this carnage.

The quality and standard of our roads along with its maintenance leaves a lot to be desired because the engineers who should be doing this job to the best standards are also susceptible to corruption by the contractors and so on who also want to make a lot of profits. So, everybody wants to benefit, and by trying to benefit, they create disaster on our roads.

The pedestrian lanes and all the traffic signs which are put on the roads, nobody is obeying them because we have become a disobedient society. We have become a society which is on the run to reach somewhere where we never reach. This is very serious, we are on the run to be rich very quickly by being corrupt, bribing people and so on. We are on the run by trying to acquire so much, on the run by trying to be in State House and everywhere. This is the problem of the Kenyan society, it is on the run and the culprits are all of us. That is why I am saying that this is a challenge to the leaders of this country, a challenge to politicians, whether in KANU or the Opposition, to reassess and revalue their stand, what is their goal? What are their aims? What do they expect to achieve for themselves and for this nation? This is the question which we need to look into.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to challenge the President's policy of "being on the run"?

(Laughter)

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr.

Temporary Deputy Speaker, Sir, that is not a point of order!

I am talking about very serious issues which affect this country, issues which wananchi expect us to solve.

If we cannot solve them, then why are we claiming to be leaders? Leading what? When people are perishing because of deaths on the roads, they are perishing of AIDS which we are not giving the right priority. They are perishing because of all sorts of ailments and yet we come here and say "Yes, I am so-and-so." What are you "so-and-so" for when the whole thing is causing chaos? We need to address these issues. The police must do their jobs, driving inspectors must do their jobs, the worthiness of motor vehicles must also be taken care of so that no unroadworthy vehicles should be on the roads. They should be tested and given a certificate of clearance.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Ndotto): Dr. Otieno-Kopiyo, it is your time to reply.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, before I start my reply, I would like to inform you that I would surrender the last portion of my five minutes to hon. Saulo Busolo so that he could make a contribution. But while I was seated, I am rather shocked that the hon. Minister for Tourism and Wildlife who is my friend, whose father lost his life in a road accident, did not attend to this at all. He was just listening to hon. Juma Boy throughout this whole contribution. Maybe, his father did not die in a road accident, he died at Kilimani Police Station.

So, people should take this very seriously. I commend hon. Misoi for observing that all measures have failed. The speed governors were introduced, and once Mr. Kuria Kanyingi went and campaigned with matatu drivers that it should be withdrawn and it was withdrawn.

The second thing that I wanted to point out was that the purpose of introducing this Motion was the desire to introduce sound road safety programmes which will be sustainable and flexible or adjustable to cater for the needs of our future.

The hon. Vice-President encapsulated the gist of our intention when he said that we would like to find out the best way to reduce the road carnage. There are many issues to be looked into by all of us.

The Temporary Deputy Speaker (Mr. Ndotto): Dr. Otieno-Kopiyo, did you say that you were going to surrender your last five minutes to somebody?

Dr. Otieno-Kopiyo: That is right!

The Temporary Deputy Speaker (Mr. Ndotto): You should be the last to speak because you are supposed to move.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, well, bad luck for him since I am already on. I will continue.

The Temporary Deputy Speaker (Mr. Ndotto): I am afraid then he is not going to speak!

Dr. Otieno-Kopiyo: Okay!

I also commend the Government for mentioning their intention that they want to create a Road Safety Authority. But the tragedy in this country is that this Government is full of intentions. This Government has run the country over the last five years full of unkept promises.

The truth of the matter is that this nation cannot trust this Government on this issue of road carnage because they are going to create an authority now and that authority is drawing its experience and expertise from the pool of failed officers. Those same people who did not succeed in providing a solution to the problem that we now have, which has become a national headache and incurable, are the same officers to whom we are now turning on to form what we call Road Safety Authority. To me, that is the tragedy! The Government should resolve to find a solution to this national headache which cannot be termed impressive. Look at how many starts and stops they made in the last few years over the matter. We have been talking about speed governors since 1988 and none other than the "Government" himself has been directing the Government from time to time to institute something, then the "Government" contradicts the Government and interferes with the Government when the Government is about to institute the directive given by the "Government".

(Laughter)

This is a serious matter that, unless the "Government" stops interfering with the Government on this question of road safety, there is going to be no solution. The Government must then take the matters seriously. We have statistics that we have given here. Over 3,000 people are dying every year. What else do we need to prod us into action? What else would need to be done before the "Government" can take action about the Government's inability to do something about the road network?

Mr. Temporary Deputy Speaker, Sir, Kenya has acquired the notorious reputation, if not the distinction, of being the country with the highest rate of road accidents among that category of developing countries. This is not an Olympic gold medal which we should be proud of, but a situation which calls for action. How do we find that solution to this problem? It is by inviting the pool of expertise that is out there in the public. That was the gist of my Motion. I am rather disappointed that once again, the Government has demonstrated its inability to appreciate ideas coming from this side. The intention was very simple, that you open the doors to ideas that will come from everywhere. I hope that the Road Safety Authority, which will be created, will come up with something. But you remember the Vice-President and Minister for Planning and National Development said that he did not know when exactly it is going to be done. So, while Kenyans continue to die at the rate of 9 persons per day, the Government does not know when exactly, the Government will introduce this Bill. But I also hope that when the Bill is introduced, it will have features that will enable it to have consultative capacity with the rest of society at a meaningful level. The Government can no longer tell us that they do not have money to do the necessary things because they are collecting money from the Road Maintenance Levy. They collected toll money for several years, but the roads did not improve. The Government must do something about that.

Lastly, *matatus* continue to operate dangerously and freely all over, without a code of regulation on how that business should be carried out. Anybody with any vehicle of any shape in any form is free to venture into that business. But this disables the police in terms of enforcement of regulations since a code does not exist. You can blame the police, but what is the standard code that the police is supposed to enforce if you can bring a vehicle of any shape which can carry any number of people on the road? I think that, that must be looked into quickly, and soon. The overall effect of road accidents on the economy cannot be over emphasised. Because of the high rate of accidents, the premiums in insurance terms have gone up. This robs other sectors of the economy of vital investment funds, which they could utilise to generate productivity within a broad spectrum in the economy. We must also check the indiscriminate introduction of vehicles into our roads. The growth of vehicle population must be commensurate with the expansion of infrastructure which they utilise. If that is not checked, we are not going very far with this.

Finally, I do not wish to anticipate the Bill that will come before Parliament, but I hope that, that body, the Road Safety Authority, is not going to be headed by one Kuria Kanyingi, the bellicose self-imposed KANU supremo in Kiambu! Kuria Kanyingi must be partly responsible for the conditions in which our vehicles now are because he was the Inspector of Motor Vehicles before he became a millionaire! I hope that he is not going to be brought into the Road Safety Authority to head it, and I am glad my friend, the hon. Assistant Minister for Transport and Communications is here, listening keenly. Make sure that he is farthest from this body because he cannot bring any good into it. He will only bring danger and misery to Kenyan lives and make money for himself.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to reply.

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

Resolved accordingly:

THAT, in view of the high rate of deaths occasioned on Kenyan roads through the motor accidents, this House urges the Government to urgently introduce legislation to establish the Road Safety Authority to control and supervise all the road safety matters.

DEATH SENTENCE FOR RAPISTS

Mr. Gichuki: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that there is a tremendous increase of rape cases and being aware that, most of the rapists are HIV positive and that their victims are in most of the incidents infected with HIV virus, and noting with concern that the courts continue to mete light sentences to the culprits and realising that there is an urgent need to minimise HIV infection in the society, this House calls upon the Government to introduce an amendment to the Penal Code, Cap 63 of the Laws of Kenya, to provide for a mandatory death sentence to rapists, who are clinically proved to

be HIV positive.

Mr. Temporary Deputy Speaker, Sir, just now we have been discussing a Motion about road deaths in this country. It has been observed that the highest cause of death in this country is road accidents followed by AIDS-related cases. As a result of this, we call for this House to pass a legislation for amendments so that this can be included in our statute books. This is because we are having increased AIDS-related criminal cases and this will enable us to pass sentence on these criminals who commit the crimes out of knowledge that they are HIV positive.

When moving this motion, I would like the House and the country at large to know that I am not being callous, unfair, but I am confining myself to AIDS-related criminal cases like rapists because this is a scourge that is virtually going to ruin this country. The AIDS cases are on the increase every other day. May I say that I am confining myself to the latest because it can happen to anybody and it can even happen to me. We have had Members of this House who have died of AIDS and we do not know how many are yet to go. It calls for us, as leaders, to address ourselves to this AIDS issue because it is rampant in our society.

Mr. Temporary Deputy Speaker, Sir, Cap. 63(ii) of our laws includes life punishment but it does not touch on Aids related criminal cases. That is why we are talking about rapists in this Motion. Section 186(ii) of the Penal Code reads:

"Any person who unlawfully or negligently does any act which is, and which he knows or has reason to believe to be likely to spread the infection of any disease dangerous to life is guilty of a misdemeanour."

When you look at this, it is silent on AIDS-related criminal cases like rape. So, it is inadequate in that sense because it talks about misdemeanour, which is punishable with imprisonment not exceeding three years. I submit that this is inadequate in AIDS cases which are rampant in our society and they are on the increase. This is an issue which should be of concern to the leaders of this country. When I was contributing to the Budget Speech, I did challenge the Ministry of Health because they were not able to allocate any substantial funds towards AIDS-related-cases and AIDS campaigns. This has been left mainly to the NGOs and the churches, whereas the Government should be at the fore front because this is an issue that is going to affect the economy of this country in future.

When I talk about rapists, what is happening in our society is that when somebody is detected, or is clinically found to be HIV positive, that person feels that he or she is an outcast. Once this happens, somebody goes on the loose, like loose canon, spreading the disease. If it is women, they go enticing men and, therefore, they continue passing on to other people, this dangerous disease. There is a group of people who, when they find that they are HIV positive, feel that they are rejected in the society and they start raping small girls under 14 years of age and old women over the age of 59 years. When they are taken to court, the magistrates mete out very light sentences, and in all fairness, these are in effect murderers. Some of them say: "I am not going to die alone. I do not know who infected me." So, they go on the loose. If it is the women, they go all over, looking for men. They do not even tell them that they are HIV positive. Some of them have even gone to the extent whereby, before they die, they write a list of all the persons whom they have gone with, so that when they die, the society will know that they have died of AIDS.

So, this Motion calls on us to address ourselves to this issue and I call upon the Attorney-General to take it seriously because, all over the world, AIDS is a menace and all the countries are going to a stage where they are going to include legislation on AIDS related criminal cases in their statute books. Most of the countries did not have this in their statute books, but now, because the scourge is affecting mankind in the whole world; we are going towards this, Kenya should not be an exception.

In Uganda, AIDS is known to have wiped out a whole community, mainly in villages. The situation has been so serious that when people travelled back to their local villages, they found that all the people they knew had been wiped out by AIDS. It went up to an extent where the Head of State of that country had to get involved and take over. He had to encourage AIDS awareness campaigns because he found out that the country was going to be without people, and then he would have no people to rule over. We are going to that level. We understand that after the Head of State of Uganda took over the campaign, there was awareness and everybody was aware that AIDS was real and that people were getting finished. Uganda got a lot of support from the donor community. A lot of money was poured into that programme and we understand that today, the spread of AIDS is going down. When I say this, I am sensitising our leaders. Leaders should be at the fore-front in the AIDS awareness campaign. We should not shy off. We are reaching a stage where, when somebody dies and you go to the funeral, and all the Members in this House attend funerals back at home, we should be bold enough and say: "This person died of AIDS." We should make our people know that AIDS is real.

There was a report the other day from one of the UNagencies which said: "Kenya as a country and several

other African countries are going to lose in terms of human development in three to five years to come."

The AIDS disease is mainly affecting economically active persons between the ages of 35 and 50 years. These are the people who are very active in the economy and even physically. We may even reach a stage where we shall have no personnel if that trend is going to continue. It calls for us, the leaders, to appeal to the Head of State of this country to take the issue seriously and more so, the Ministry of Health.

I have some statistics here of between January and July, 1996. We have had cases of about 100 children being defiled. Out of that figure, about 25 were infected with venereal diseases through raping. About five of them were infected with AIDS. From all those, we have about 25 women who are mature and when you get this kind of figure in six months, it is a serious matter and these are criminal acts because it involved rapists. When they go to court, the sentences they get range between two and 24 years. Sometimes, they are given between eight and 15 strokes during their prison terms. When you look at this, it is a very light sentence because, when you convict a fellow who is out to kill his brethren and he goes on the loose--- Some of them even take loans so that they are able to move around and infect other people, by inducing them with money. These are nothing else but murderers.

The only way to deal with them is to get away of removing them from society and that is why I am moving this Motion. We should mete out this death sentence so that we can curb this problem because it is serious.

The other day, there was a case in the Coast Province where a German couple re-visited the country and who were infected with the virus. They went all over luring everybody in their hotel and when they left, they faxed a list here of the people they had infected with the virus. This is a criminal case. We should come out boldly as leaders and say "enough is enough".

Mr. Temporary Deputy Speaker, Sir, I also would like to make an appeal to the Ministry of Health because, according to the medical ethics, doctors are not supposed to reveal the nature of the illness to the patient. This is becoming tricky because some health workers who have talked to me, especially the nurses and, clinical officers, have bitterly complained that sometimes they are also exposed to contracting this AIDS virus because doctors do not reveal the nature of illness of the patient, and they continue for a long time. This could expose them to contracting this deadly virus. The doctor should be able to say, if he detects this immediately, that the patient he is treating is suffering from AIDS, so that the other health workers and the supportive staff are aware that they are treating an AIDS-related case, because this may also spread to some other unsuspecting personnel. This is not right.

Mr. Temporary Deputy Speaker, Sir, we have Prof. Obel who has claimed to have discovered a cure for AIDS known as Pearl Omega. I submit in this House that instead of condemning Prof. Obel, the Ministry of Health and the Office of the President, should come out in the open, co-ordinate and encourage Prof. Obel and his likes.

There is another herbalist doctor in Nyandarua District called Doctor Githae, who is also claiming that he has discovered a cure for AIDS. The Ministry of Health, and the Office of the President, should be able to bring all these people together, and inject money into AIDS research. They should do more research and present it to the World Health Organisation (WHO) forum, so that we can be able to contribute towards finding a cure for this deadly disease, which is threatening to wipe out mankind.

Mr. Temporary Deputy Speaker, Sir, I am saying this with quite a bit of bitterness. I must admit that for the last three weeks, I have attended about five funerals and all of them have been AIDS-related, and I have gone out of my way to tell my friends that we have reached a stage where we are going to say, "If you die of AIDS, then you have died of AIDS. The reason why we are having this reaction from people who are HIV positive is that the society has taken it upon itself that if you have AIDS, then you are rejected by society. That is why I am insisting that when we have somebody who has tested HIV positive, let us say it and these people will find that they are accepted in the society and they can lead a normal life, and we are going to curb this situation of somebody going out of his way and getting a loan and spreading the HIV virus all over and what-have-you. That is the only way we can help ourselves, by sensitising our people on the deadly scourge and knowing that AIDS is real and our people are dying of it.

Mr. Temporary Deputy Speaker, Sir, the other day we read a report that even developed countries are accepting the existence of this scourge. You can find HIV negative patients even marrying HIV positive patients. This is because once it is accepted as a normal disease, our people will not feel dejected. They will feel as part of the society and that is the only way that we will help curb the AIDS menace, and if we are not careful and not address ourselves to this problem, we are heading to a stage where we will have to even look for expatriates to do particular jobs, because AIDS is finishing people by thousands.

If you look at today's newspaper, half of the people who are in the death and funeral announcements

page, have died of AIDS-related cases, and while I submit this, I believe I am right. The House should pass this Motion without much ado, so that the Attorney-General can bring the necessary legislation to Parliament.

With those few remarks, I beg to move and call upon hon. Munyasia to second the Motion.

The Assistant Minister for Local Government (Dr. Wameyo): Why not pick on me?

Mr. Gichuki: It is a great shame that you have never talked about it and you are a doctor.

Mr. Munyasia: Thank you, Mr. Temporary Deputy Speaker, Sir. The Motion before this House does call for the passing of the death sentence or penalty for offences of killing because this House debated on a similar Motion in 1994 to repeal the death sentence but it was defeated. Before it was defeated, the Attorney-General had in his wisdom advised the following, and I quote:-

"That to abolish the death sentence, you must have some consensus in the society that it must be abolished. You cannot be too far ahead of society in matters of this nature".

So, this House already agrees that the death sentence must stay.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Members, the House is now adjourned until this afternoon at 2.30 p.m.

The House Rose at 12.30 p.m.