

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 10th June, 2003

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ADMINISTRATION OF OATH

The Oath of Allegiance was administered to the following Members:-
 Hon. (Mrs) Jayne Njeri Wanjiru Kihara
 Hon. Mohamed Ahmed Khalif

NOTICE OF MOTION

RURAL ELECTRIFICATION
 PROGRAMMES IN SUBUKIA

Mr. Wamwere: Bw. Spika, naomba kutoa arifa ya Hoja ifuatayo:-
 KWAMBA, ikifahamika kuwa makundi mengi ya wananchi huko Subukia yaliahidiwa kwamba yangewekewa umeme na shirika la kutoa nguvu za umeme nchini, Kenya Power and Lighting Company (KPLC), iwapo wangelipa asilimia kumi ya gharama, ikijulikana kwamba mengi ya makundi hayo yalikamilisha malipo hayo chini ya mpango wa kusambaza umeme mashambani na kuidhinishwa na kamati ya maendeleo ya wilaya, (DDC); Bunge hili linahimiza Serikali itekeleze ahadi hiyo haraka iwezekanavyo.

ORAL ANSWERS TO QUESTIONS

Question No.297

CASH WITHDRAWAL FROM MERU BARCLAYS BANK BRANCH

Mr. Speaker: Is Dr. Ali not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.038

PAYMENTS TO CONTRACTORS
 IN LATE 2002

Mr. Speaker: Mr. Mwenje's Question, as he requested, has been deferred.

(Question deferred)

Question No.254

REPORT ON VIABILITY OF NYAYO
PIONEER CAR PROJECT

Mr. Sungu asked the Minister for Transport and Communications:-

- (a) whether he could table the report of a feasibility study undertaken by the Government on the viability of the Nyayo Pioneer Car Project; and,
(b) what the status of the project is.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Speaker, Sir, this Question has been referred to the Office of the Vice-President and Ministry of National Reconstruction.

Mr. Speaker: Mr. Sungu, what is your reaction?

Mr. Sungu: Mr. Speaker, Sir, I am shocked by the Assistant Minister's remarks since we belong to the same Government. The Ministers are in the same Government and should have consulted earlier and come to the House with a response. Due to the supremacy of Parliament, we should respect it. An amount of Kshs2.7 billion, belonging to the taxpayers, has been lost, and it seems that the answer to this Question will be delayed for another two weeks or so. I have no objection, but I would like to record my concern that the Question should have been referred to the Office of the Vice-President and Ministry of National Reconstruction earlier than that.

Mr. Speaker: Very well. The Question is deferred. Mr. Ligale, you should have used the one month that we were away to sort out this issue. But, as you know, this is the first day and Mr. Speaker is very generous.

(Question deferred)

Question No.272

MEASURES TO PRESERVE
RIVER UASO NYIRO

Mr. Lesrima asked the Minister for Water Resources Management and Development:-

- (a) what measures she is taking to prevent the drying up of River Uaso Nyiro caused by massive farming activities in Nyandarua and Nanyuki areas; and,
(b) what the outcome of the African Development Bank (ADB)-funded study which was carried out in 1998 at a cost of Kshs100 million on the planning and development needs of the River Uwaso Nyiro basin is.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Speaker, Sir, I beg to reply.

- (a) My Ministry is aware that River Ewaso Nyiro is drying up downstream mainly due to:-
(i) High demand for water arising from increased human settlement and livestock numbers along the tributaries of Ewaso Nyiro in Nyandarua and Laikipia districts.

(ii) Destruction of forest, within the catchment area, coupled with poor land use, has caused water levels to reduce leading to the drying up of the river downstream, once a dry spell sets in.

My Ministry has taken the following measures to address the problem:-

(i) A total ban on all irrigation activities has been imposed until the onset of the long rains. Officers from my Ministry are patrolling the river course to monitor the water usage and any illegal obstruction to ensure compliance with the ban.

Mr. Speaker, Sir, this answer was put together before the onset of the rains.

(ii) In addition, my Ministry will rehabilitate hydrological stations within Ewaso Nyiro River and other rivers in the country to gather data that is required for monitoring flows and planning water use.

(iii) In line with the Water Act 2002, my Ministry will be decentralizing water resource management activities by setting up new institutions namely; the Water Resources Management Authority, supported by Catchment Advisory Committees, thereby increasing effectiveness in monitoring and control of water resources usage.

(b) Mr. Speaker, Sir, finally, the study funded by ADB on Ewaso Nyiro River Basin was carried out by Ewaso Nyiro North Development Authority. Ewaso Nyiro North Development Authority falls under the Office of the Vice-President and Minister of National Reconstruction and I have referred the matter there for appropriate action.

Mr. Lesrima: Mr. Speaker, Sir, arising from that answer, is the Minister aware that the major problem lies with the major horticultural growers upfield, who are using more water than they should?

Ms. Karua: Mr. Speaker, Sir, I have admitted that part of the problem is illegal water obstruction for irrigation. We are intensifying policing and we are going to ensure that the law is complied with, and that some water users do not obstruct all the water to the detriment of other water users.

Mr. Rotino: Mr. Speaker, Sir, is the Minister aware that there are Provincial Water Boards, and if she is, what are their functions?

Ms. Karua: Mr. Speaker, Sir, I have just mentioned the reforms under the new Water Act 2002. Those Provincial Water Boards are being replaced with appropriate institutions and in that case, they will be the Water Resources Management Authority and the Catchment Advisory Committees. We are in a transition stage and once we set up those institutions, we are going to effectively tackle the problem.

Eng. Muriuki: Mr. Speaker, Sir, first of all, the hon. Questioner should know that there are no massive farming activities involving Ewaso Nyiro River in Nyandarua District.

Mr. Speaker: Order! Order! To the best of my knowledge, the Minister for Water Resources Management and Development is Ms. Martha Karua and not Karue! So ask your question!

(Laughter)

Eng. Muriuki: Mr. Speaker, Sir, my name is "Karue" and not "Karua"! Eng. Muriuki! Anyway, what I was saying is that there are no massive farming activities involving Ewaso Nyiro River in Nyandarua District.

Mr. Speaker: So, what is your question?

Eng. Muriuki: Mr. Speaker, Sir, what is the Minister doing to ensure the rehabilitation of the main source of the water of Ewaso Nyiro River, which is Lake Ol Bolsat?

Ms. Karua: Mr. Speaker, Sir, although the Question was fashioned to talk about massive farming activities in Nyandarua and Nanyuki areas, the answer did not touch on the two. We have talked of increased human settlement and livestock numbers along the tributaries of the river. We have also talked of a total ban on all irrigation activities, whether small or massive, because of the

shortage of water. I have stated that we are in the process of setting up the water institutions which, I can promise, will come in the next few weeks. The Catchment Advisory Committees are going to ensure effective management of the resource base.

Mr. Sasura: Mr. Speaker, Sir, while I really thank the Minister for banning all irrigation activities upstream, could she ensure that the Catchment Advisory Committees involve those people who are downstream because when irrigation is done upstream, they are the ones who are mainly affected? So, when we talk about catchment areas, they might not be participants in the Catchment Advisory Committees.

Ms. Karua: Mr. Speaker, Sir, may I clarify that the ban is effected only when the water levels are low; during the dry spells.

May I also say that when we form the Catchment Advisory Committees, we will look at the entire basin, upstream and downstream. Everybody will be included.

Mr. Speaker: Are you satisfied with the answer, Mr. Lesrima?

Mr. Lesrima: Yes.

Mr. Speaker: Mr. Sungu?

Mr. Sungu: Mr. Speaker, Sir, in view of the fact that most of those rivers from catchment areas--

(The Attorney-General (Mr. Wako) was applauded as he entered the Chamber)

Mr. Speaker: What is going on?

Mr. Sungu: Mr. Speaker, Sir, Members are happy with the Attorney-General! My question is--

Mr. Speaker: Order! Whether you are happy or unhappy with the Attorney-General, business must continue! Now, proceed!

Mr. Sungu: Thank you, Mr. Speaker, Sir. In view of the fact that most of those rivers from catchment areas in Kenya like Nyando, Nzoia and Yala are causing widespread devastation through flooding in the lower regions of Lake Victoria Basin, could the Minister consider damming some of those rivers, to ensure that the excess water is pumped to drier areas? After all, Egypt is a signatory to the Treaty on the River Nile and it is already pumping water out of the River Nile Basin to Sinai. That is the only thing!

Mr. Speaker: Order! You have just hijacked this Question. How does Ewaso Nyiro go to Lake Victoria?

Mr. Sungu: Mr. Speaker, Sir, what I was asking is whether the Minister could consider damming some of those rivers and take the water to the drier areas of North Eastern Province, Athi River Basin and other areas.

Mr. Speaker: Would you like to respond?

Ms. Karua: Mr. Speaker, Sir, I want to inform the Member that plans are underway to dam some of those rivers as a way of mitigating flood disasters. We are also seriously considering inter-basin transfer of water.

Mr. Speaker: Next Question, Mr. John Koech!

Question No.294

REHABILITATION OF CHEPALUNGU
WATER SUPPLY

- Mr. Koech** asked the Minister for Water Resources Management and Development:-
- (a) whether she is aware that Kshs3.7 million was given for rehabilitation of Chepalungu Water Supply in the last financial year;
 - (b) how the money was utilized as the water supply is not functioning properly; and,
 - (c) what plans she has to rehabilitate the project.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Speaker, Sir, I beg to reply.

I am aware that Kshs3.7 million was allocated for the rehabilitation of Chepalungu Water Supply in the 2000/2001 financial year when we were not in the Government and not during the last financial year. However, only Kshs1.85 million was disbursed that financial year due to budgetary constraints faced by the former Government.

The Kshs1.85 million was utilized to execute rehabilitation works as follows:-

- (i) Construction of a weir at the intake across River Nyangores;
- (ii) Purchase of a new standby pump set;
- (iii) Repair of the intake sump set;
- (iv) Repair and lining of the gravity canal; and,
- (v) Repair of the existing pump set;

Rehabilitation remains incomplete due to inadequate funding and that is why the water supply is not functioning properly.

My Ministry plans to continue with the rehabilitation of Chepalungu Water Supply. The Ministry plans to spend Kshs12 million in the 2003/2004 financial year to carry out rehabilitation works as follows:-

- (i) conventional water treatment plant;
- (ii) a 300-cubic metre concrete storage tank;
- (iii) install a 50-cubic-metre-per hour high lift pump set;
- (iii) rehabilitation of 160mm and 100mm diameter pvc pipeline; and,
- (iv) install a 50-cubic metre-per hour low lift pump set.

Rehabilitation of the scheme is expected to be completed within the next financial year after which the water problems currently faced by the community will ease.

Mr. Koech: Mr. Speaker, Sir, while I thank the Minister for the answer she has given, and the funds she will provide in the next financial year, I would like to inform her that this water project is very extensive. This is because it does not only cover Chepalungu Constituency but also covers Sotik Constituency. I am afraid that the Kshs12 million the Ministry will provide for this project may not be sufficient. Does the Minister have any intention of increasing this amount of money so that it can cover the whole area which was originally covered by this same scheme?

Ms. Karua: Mr. Speaker, Sir, our Estimates show that the amount of money allocated towards this project will be sufficient but, if it is not, my Ministry will look into the matter and ensure that the project is successfully completed.

Mr. Speaker: Let us move on to the next Question by Ms. Mwau!

(Loud consultations)

Order, hon. Members! I appreciate that we are meeting for the first time and some exchanges are necessary but let us do it---

Ms. Mwau: Thank you, Mr. Speaker, Sir.

Mr. Speaker: Order!

(Laughter)

Ms. Mwau, you do not cut the Speaker mid-sentence! You wait until I have finished! Now, you may proceed!

Ms. Mwau: Thank you, Mr. Speaker, Sir, for correcting me.

Question No.296

HEALTH CARE PRACTITIONERS TO
HANDLE GENDER VIOLENCE VICTIMS

Ms. Mwau asked the Minister for Health:-

- (a) whether she is aware that there are no special hospitals outside Nairobi that specifically deal with gender-based violence and that most health care providers have no special skills in identifying and handling the violence; and,
- (b) what she is doing to provide at least one skilled and experienced health care practitioner (doctors and nurses) in each sub-district and district hospital to deal with such cases.

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

(a) I am aware that there are no special hospitals outside Nairobi which specifically handle gender violence. The Ministry is encouraging Non-Governmental Organizations (NGOs) to put up women hospitals like the one in Nairobi to supplement Government efforts in handling gender violence.

(b) The Medical Superintendent in each Government hospital will appoint one focal person to attend to these emergencies.

In addition, the Ministry is training health care providers to handle and counsel women who are sexually assaulted.

Ms. Mwau: Mr. Speaker, Sir, I thank the Assistant Minister for the answer he has given to this House. The problem of gender-based violence is recognised in both private and public circles. Is the Assistant Minister aware that it is only Government hospitals which are licensed to give medical reports on gender violence? Is he also aware that the distances the victims have to cover before they reach these hospitals deny them justice, and sometimes justice is delayed because it is only Government hospitals which are supposed to give medical reports? Could he identify some sub-district hospitals or private hospitals and license them so that they can give medical reports on gender violence? This will ensure that justice is done and it is not delayed.

Mr. Konchella: Mr. Speaker, Sir, the Provincial Medical Officers (PMOs) and other medical officers have been orientated on this critical issue. If they have not been dealing with the private medical providers, we will ask them to do so and give them orientation on counselling so that reporting can be done just like in any medical centre.

Mr. Angwenyi: Mr. Speaker, Sir, could the Assistant Minister give us the statistics of gender violence in every division in the country so that we can allocate funds for special doctors to deal with this vice?

Mr. Konchella: Mr. Speaker, Sir, this was not part of the Question. Maybe, the hon. Member can ask that Question later on.

Mr. Shitanda: Mr. Speaker, Sir, could the Assistant Minister explain to this House what "gender violence" is?

(Laughter)

Mr. Konchella: Mr. Speaker, Sir, I believe that all Kenyans have a right to privacy and their life, and if you violate their rights as guaranteed by law, that particular question will arise.

Mr. Sasura: Mr. Speaker, Sir, this Assistant Minister is evading a very important question. It is only last year when a very serious rape case of a student was reported to the gender-based violence place. The Nairobi Women Hospital.

As the hon. Questioner said, that hospital was not authorised to give a medical report to a court. The victim was referred to Kenyatta National Hospital (KNH) for the medical report and yet the Nairobi Women Hospital was dealing with this case. Could the Assistant Minister now tell us, without evading the question, why the Ministry cannot authorise all private hospitals dealing with gender violence-related cases, to issue medical reports to the victims?

Mr. Konchella: Mr. Speaker, Sir, I have just said that the PMOs, and all medical officers, will give orientation to even private medical providers. This will ensure that people know who will provide this service but the reporting will be made through the Government machinery.

Question No.295

MEASURES TO BOOST TV
TRANSMISSION IN KIBWEZI

Mr. Ndile asked the Minister for Tourism and Information:-

- (a) whether he is aware that residents of Kibwezi Constituency do not receive any television transmission; and,
- (b) whether he could state what urgent measures the Ministry will put in place to ensure that Kibwezi residents receive the said transmission.

The Assistant Minister for Tourism and Information (Mrs. Mugo): Mr. Speaker, Sir, my Ministry has requested that this Question be deferred. I had spoken to you earlier on about this matter. Could the Chair defer this Question if the hon. Member is in agreement?

Mr. Speaker: How much time do you want?

The Assistant Minister for Tourism and Information (Mrs. Mugo): Mr. Speaker, Sir, you can defer it until tomorrow or Thursday.

Mr. Speaker: What is your reaction, Mr. Ndile? She wants your Question to be deferred!

Mr. Ndile: Sawa sawa tu!

Mr. Speaker: Well, I will defer this Question to Tuesday next week!

(Question deferred)

(Loud consultations)

Order, hon. Members!

(Mr. Munya stood up in his place)

Order, Mr. Munya! We are not communicating! I think we are consulting too loudly. We need a situation where we can communicate!

Let us move on to the next Question by Dr. Khalwale. I hope I have pronounced your name right!

Dr. Khalwale: Mr. Speaker, Sir, you are quite right.

Question No.266

REVIVAL OF IKOLOMANI GOLD MINES

Dr. Khalwale asked the Minister for Environment, Natural Resources and Wildlife:-

(a) whether he is aware that people in Ikolomani continue to die in goldmines while prospecting for gold; and,

(b) what urgent plans are there to revive goldmining, which was abandoned by the Government in the early 1960s.

The Assistant Minister for Environment and Natural Resources (Prof. Maathai): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that illegal prospectors in Ikolomani are using unsafe mining methods to recover the gold-bearing rock or ore in unlicensed mines resulting in several cases of fatal accidents.

(b) As regards the Government's plan to revive gold mining in the country, I wish to inform the hon. Member that the following actions are being taken:-

(i) Exploration by the Ministry and private companies to establish mineable reserves.

(ii) Formulation of a mineral policy and review of the mineral laws which is expected to be completed in 2004.

(iii) Sensitization of the local prospectors to organize themselves into self-help groups or co-operative societies in order to legalize their activities

(iv) Sensitization barazas on the requirements of the mining and Environmental Management and Co-ordination Act and provision of technical advice by the Department of Mines and Geology.

Dr. Khalwale: Thank you Mr. Speaker, Sir. The Minister is reassuring me that there are good plans for gold mining to be established in Ikolomani. However, the first part of the answer gives the impression that the only reason why people die is because they are illegal prospectors. Even school children die when they fall into these holes. Could the Minister tell this House what plans she has to compensate the victims of these kind of incidents and, also, what plans she has to fill the holes?

Prof. Maathai: Mr. Speaker, Sir, as I responded, these activities carried out by local communities are largely illegal. As such, much of what the Ministry can do is to sensitize the community so that they do not engage in illegal activities. They ought to know that once these activities are carried out without expertise, it is very easy for these mines to collapse. What my Ministry is doing is to sensitize and educate the community so that they do not engage in these activities, but rather leave them to companies that have been licensed to explore. They can move in and be licensed

to mine when we are sure that they will be safe to do so.

Mr. Khamasi: Thank you, Mr. Speaker, Sir. When the British left this country, they had done a bit of gold mining in Ikolomani and Shinyalu. In the process, they left many open pits in the area which have caused many deaths; by people straying into them. Domestic animals also fall into these pits. Could the Minister tell this House what this Government is doing to make sure that, that does not occur so that we know that this Government is responsible?

Prof. Maathai: Mr. Speaker, Sir, I am not sure that I heard everything that the hon. Member requested for, but it seems to me that, in as much as the Ministry does not have legalized activities and that the local communities venture into mining in areas that are dangerous--

Mr. Khamasi: Mr. Speaker, Sir, the Minister is answering a different question. I did ask about the open pits which were left by the colonial Government. I also asked what this Government is doing to make these pits safe so that we do not lose lives of individuals and domestic animals.

Prof. Maathai: Mr. Speaker, Sir, my Ministry will do its best to ensure that the holes are filled. But it is also up to the communities to be responsible so that they do not dig where they are not allowed to dig. This is because once they dig, it becomes a continuous process of filling the holes that

are constantly being dug up.

Mr. J.K. Kilonzo: Thank you Mr. Speaker, Sir. Could the Minister give us the number of people who have died in Ikolomani in these gold fields, and also tell us how the Government is going to compensate these people?

Prof. Maathai: Mr. Speaker, Sir, I have answer to some of the questions, but not all of them. In 1997, in Ehunza, Vihiga District, we lost eight people and in 1998, in Shinyalu, Kakamega District, we lost two, while in the year 2001 in Lirhembe, also in Kakamega District, we lost one person. I do not have any answer to the other part of the question. So the hon. Member can ask and I will find the answers for him.

Dr. Khalwale: Mr. Speaker, Sir, gold mining is very important in Ikolomani. In fact, that is why the constituency is called Ikolomani, which means "a gold mining area". In view of the importance of this activity in my constituency, could the Minister give me the list and addresses of the companies that are presently doing feasibility studies so that I can follow up the matter for the purposes of speeding up the investment?

Prof. Maathai: Mr. Speaker, Sir, the following companies---

Mr. Speaker: How many are they?

Prof. Maathai: They are four. The first one is Migori Mining Company Ltd. Then there is Sun Mapping Mining Research and Investment Company Ltd., while the third is Zadimu Exploration and Mining Company Ltd and the fourth is R.P.O. Barbados Limited, also South African.

Dr. Khalwale: Mr. Speaker, Sir, is the Minister purposely avoiding to include the name of Goldenberg International Company Limited because of---

(Applause)

Mr. Speaker: Order! Order, Members! We are not communicating! Dr. Khalwale, you are not the Minister! Maybe you just want to be heard to have said "Goldenberg" and you have said it! That is good enough.

Proceed Prof. Oniang'o!

Question No. 159

NUMBER OF UNEMPLOYED GRADUATES/NON-GRADUATES

Prof. Oniang'o asked the Minister for Labour and Human Resource Development:-

- (a) given the promise to create 500,000 jobs annually, if he could give the percentage of unemployed graduates and non-graduates in the country; and,
(b) what specific plans the Government has put in place to achieve the jobs target.

The Minister for Gender, Sports, Culture and Social Services (Mr. Balala): Mr. Speaker, Sir, I beg to reply.

I can assure the hon. Member that the NARC Government has pledged to provide 2.5 million jobs in five years, which translates to 500,000 jobs every year. The Government is committed to meeting this target. Currently, there are 25,248 unemployed university graduates, representing 1.4 per cent of unemployed persons, and 1.8 per cent against 10.5 million persons in employment.

Secondly, the Government has developed a comprehensive national employment policy and strategy to be presented to the Cabinet for adoption. The strategy is aimed at strengthening the National Manpower Development Committees, the export of skilled Kenyan labour, strengthening of public and private sector partnership in employment promotion through a programme that we have

just created which is called Jobconnect, establishment of career guidance and development centres throughout the country and finally, streamlining the issuance of work permit to control the employment of expatriates.

In addition, the National Rainbow Coalition (NARC) Government has initiated strategies for the provision of free primary education, which translates to an additional demand for teachers, revival of the tourism sector and the general economy, revitalisation of stalled projects under the Office of the Vice-President and Ministry of National Reconstruction, rehabilitation and expansion of the collapsed infrastructure, revamping of the agricultural sector through the revival of agricultural marketing boards as well as financial and credit institutions.

Prof. Oniang'o: Mr. Speaker, Sir, the Minister has just given us a long story. It is very clear that over 50 per cent of Kenyans continue to live in abject poverty. The unemployment rate currently stands at 50 per cent. We have over two million youths at both Form Four and university graduate levels, who are still unemployed, not to mention other Kenyans who are unemployed. Given that during the run-up to the previous general election, the NARC Government leaders used employment creation as one of its campaign strategies, could we be told what it has put in place to ensure that we monitor and track its successes, so that we do not continue hearing stories of how well it is doing?

Mr. Balala: My Lords, I have told the hon. Member all the story that she needed to hear. That was a good answer to her Question.

Mr. Mwandawiro: Bw. Spika, je, Serikali inafahamu kwamba sera ya ubinafsishaji wa mashirika ya umma, na hivyo kupuuza sekta ya umma, haitaiwezesha kubuni nafasi mpya 500,000 za kazi kila mwaka? Serikali inafahamu kwamba bila ya kuyafufua na kuyastawisha mashirika ya umma, haitaweza kubuni nafasi zaidi za kazi?

Mr. Balala: Bw. Spika---

Mr. Speaker: Order! Order! Mr. Minister, you had better continue to respond in English since you started doing so in English.

Mr. Balala: Mr. Speaker, Sir, I thought that you would allow me to respond in Kiswahili since the hon. Member and I come from the same region, and I also understand the language.

Mr. Speaker, Sir, the issue raised by the hon. Member would be another Question, which I would be very willing to reply to.

Mr. ole Ntimama: Mr. Speaker, Sir, could the Minister, on behalf of the Government, assure this House that the managements of tourist hotels will not take advantage of the current problem facing the tourism industry to sack their staff on the pretext that tourists are not coming to the country, so that we can attain the 500,000 jobs target this year? I believe that, on behalf of the Government, the Minister should assure us that our people are going to be taken care of rather than be sacked maliciously.

Mr. Balala: Mr. Speaker, Sir, since the NARC Government came to power, there has been a lot of crises in the country. However, we are trying as much as possible to handle the situation. We are aware of the situation affecting the tourism sector currently. We are working with the Ministry of Tourism and Information to ensure that jobs in the tourism sector are safeguarded and that staff are not declared redundant. We are working out a formula of how best to assist the tourism industry to get back to its feet through the development of a new marketing strategy for Kenya as a tourist destination as well as creating a new image for the country.

Mr. Speaker: Hon. Members, we will have the last supplementary question from Prof. Oniang'o on this issue but before we do so, I would like to remind you that Question Time is supposed to be over in 15 minutes' time. You realise that I have many Questions by Private Notice to dispose of. I will try to cover as many of these Questions as possible. I wish to bring to the attention of the House that, because today is our first day after our one-month recess, I will attempt to go beyond 3.30 p.m. However, I would like you to note that, that is not the rule.

Proceed, Prof. Oniang'o.

Prof. Oniang'o: Thank you, Mr. Speaker, Sir. It is clear that this Question deserves more time. I hope that we will come back to it later on. It is clear that the Minister has not given the Question the seriousness it deserves. Everybody in the country wants to know what the Government is doing about the problem of unemployment.

Mr. Speaker: Prof. Oniang'o, I am afraid that you will have to wait for six months before you can bring this Question again before the House.

Mr. Minister, would you like to comment on the hon. Member's sentiments?

Mr. Balala: Mr. Speaker, Sir, I would like to assure the hon. Member that the NARC Government is very serious. If she wishes, she may come to my office, so that I can show her how serious I am.

(Laughter)

Prof. Oniang'o: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! Proceed, Prof. Oniang'o.

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members, we must be able to communicate. There is an hon. Member rising on a point of order, and she will be heard.

What is your point of order, Prof. Oniang'o?

Prof. Oniang'o: Thank you, Mr. Speaker, Sir. I do not know what the Minister is insinuating. He should be serious and tell us how many jobs the NARC Government has created as of now.

Mr. Speaker: What is your point of order?

Prof. Oniang'o: Mr. Speaker, Sir, the Minister is out of order. I do not want to go to his office. He should answer questions put to him right here.

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

Mr. Balala: Mr. Speaker, Sir---

Mr. Speaker: Order! Order! What is your point of order, Mr. Kajembe?

Mr. Kajembe: Mr. Speaker, Sir, is the Minister in order to ask the hon. Member to go to his office?

An hon. Member: A lady!

(Laughter)

Mr. Speaker: Order! Order! Could we hear Mr. Kajembe?

Mr. Kajembe: Mr. Speaker, Sir, is the Minister in order to avoid talking about the subject matter of the Question on the Floor of this House by inviting the hon. Member to his office, so that they can discuss it privately?

(Loud consultations)

Mr. Speaker: Order! Order! Hon. Members, although you think that this is a laughing matter, there is a fundamental issue being raised here, namely, whether the Minister is responsible to Parliament or to his office.

Mr. Minister, you are certainly responsible to Parliament. So, you must tell Parliament how

serious you are. You cannot take parliamentary business back to your office.

(Applause)

The Minister for Roads, Public Works and Housing (Mr. Raila): On a point of order, Mr. Speaker, Sir. The Minister was basically trying to say that there was some information in his office, which he could avail to the hon. Questioner.

Hon. Members: No! No! No!

*(Several hon. Members stood
up in their places)*

Mr. Speaker: Order! Order, Members! First of all Mr. Raila, Mr. Balala is a Minister on his own right and if he is unable to answer to the House, leave him to be roasted alone. Obviously, he is a very fluent Member. I have understood him very fluently; he does not stammer. He is very fluent and communicates very well.

I think the only problem he has is that he has not been here for long and as such we must teach him a little, and that is what I am trying to do.

The Minister for Roads, Public Works and Housing (Mr. Raila): On a point of order, Mr. Speaker, Sir. I did not in any way attempt to help hon. Balala. I was trying to raise an issue connected with your ruling and I was trying to ask if the Ministers are in order to say that there is information which they do not have, and they can give it to the hon. Members in their offices.

Mr. Speaker: Order! If that is what you attempted to do, even then you are grossly wrong. You will not shun your responsibility to Parliament and take it back to your office. There will be certain things that obviously do not concern the House like the address or the money owing to an individual Member but, on matters of policy and on action taken, the Parliament ought to know. Private issues, details of individual clients or the amounts left on a certain project, may be dealt with in the office, but certainly not on what the Government is doing to create 500,000 jobs. You will not go and explain that in your office. You cannot do that!

Sorry, that is all over now! Would you like to respond?

Mr. Balala: Mr. Speaker, Sir, I want to tell you I am very capable, no wonder I am running two Ministries. I can tell you I can even run the third Ministry. I was just being very humble to the hon. Member by saying that there is a lot of information in the office that I would be willing to share with this Parliament, if it is brought here.

Mr. Speaker, Sir, the hon. Member was asking specific questions which I have answered. I have never asked her to meet me at home but I can easily work overtime to answer her questions.

(Applause)

Mr. Speaker: Order! Order, Members! Mr. Balala and company, you are now warned by the Chair. You seem to be taking the Chair for a ride. I am not going to have that joke any more. If the Chair has made a ruling, you obey it and if you do not obey, move a Motion to overrule it but I do not want somebody to overrule me from the benches every time I make a ruling. It cannot happen that way.

Anyway, let everybody relax now!

Mr. Mganga: On a point of order, Mr. Speaker, Sir. I think it is unfair for the Minister to issue such psychological threats and exhibit violence against an ordinary Member. Could the Minister be asked to withdraw that threat and apologize to the House?

Mr. Speaker: Order! I am at a loss. Was that understood to be a psychological threat? I did

not understand it that way.

(Applause)

Would you sit down Mr. Angwenyi? Hon. Members, I said that I am generous on the first day but if I am pushed to the wall, then the wall will not have to move. Somebody will have to move out of the House. Can we now relax? I did not understand the Minister's answer to be insulting. That is the best I can say. Next Question!

Mr. Nyachae: On a point of order Mr. Speaker, Sir. Would you agree with me that this matter is serious? The unemployment situation in the country is a serious matter and, therefore, the Question has not been answered satisfactorily. Can we ask the Minister to come and give us a comprehensive statement? We are not blaming him; unemployment is a problem for all of us. Let him give a comprehensive answer so that we can assist each other to look for employment for our young children.

Mr. Speaker: Order! I think it is in that light that I had said that the Minister cannot answer it in his office, but he should answer it here. We have given enough time on this and any Member aggrieved can proceed under Standing Order No.18, and move a Motion of Adjournment of the House to discuss that particular issue and that should settle the matter.

Dr. Ali's Question for the second time!

Question No. 297

CASH WITHDRAWAL FROM MERU BARCLAYS BANK BRANCH

Dr. Ali asked the Minister for Finance:-

- (a) whether he could inform the House how Barclays Bank, Meru Branch, withdrew Kshs323,250 on the 28th of June, 1999 and Kshs129,400 on 22nd of July, 1999 without authority;
- (b) if he could provide the original statement for Account No.2000301 at Barclays Bank of Kenya, Meru Branch, for the months of December 1998 and July 1999;
- (c) whether he could further explain what happened to Cheque Nos.427, 444 and 440 of December 1998; and,
- (d) if he could provide all original cheque leaves issued by account holder, Mr. Abdusalat Maalim, for the months of December 1998 and January 1999.

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

(a) No monies were withdrawn from the customer's account by the Barclays Bank of Kenya Limited, Meru Branch, as alleged. The two cheques Nos.000438 for Kshs323,250 and 000435 for Kshs129,400 were issued by the customer, Mr. Abdusalat Maalim, on 4th and 5th December 1998, in favour of M/S Japhet M'Mugambi (K) Limited and M/S Maisha Flour Mills Limited, respectively which were Mr. Maalim's debtors. Mr. Speaker, Sir, there is confirmation, from the two traders, to the effect that the said cheques were received by them and they were banked in their respective accounts, that is Account No. 1106114 with Barclays Bank, Meru Branch, for M/S Maisha Flour Mills Limited and Account No. 281-693-404 with Kenya Commercial Bank, Meru Branch, for M/S Japhet M'Mugambi (K) Limited.

Mr. Speaker, Sir, unfortunately, Mr. Maalim's account was not debited with the above amounts until six months later. This was as a result of the migration of accounts from the Isiolo Branch, where Mr. Maalim's account was previously held to the Meru Branch when the former branch

was closed and the delays in clearing cheques that were on transit to the head office. This was communicated to the customer by Barclays Bank of Kenya Limited on 22nd of August, 2001 and an apology tendered. For any inconvenience caused, the bank committed to pay the customer Kshs33,000 being the commission on unpaid cheques, penalty fees and interest charges during the period of delay.

Mr. Speaker, Sir, from the above explanation, it is clear that the Barclays Bank, Meru Branch, never withdrew monies from the customer's account without authority as alleged since the two cheques in question were drawn by the customer and the proceeds paid to the accounts of his debtors.

The admission and the failure on the part of the bank, that the actual debits were not reflected in the customer's account until six months later, is the only issue and the bank is willing to compensate the customer for the loss.

Dr. Ali: On a point of order, Mr. Speaker, Sir. I cannot hear what the Assistant Minister is saying. There are loud consultations going on.

Mr. Speaker: Order! Order, Dr. Ali! That is part of the disorder. You are actually also contributing to the disorder! You stand up there and you start talking without being given the Floor!

(Loud consultations)

Order, hon. Members! Order! Can we give hon. Members an opportunity to hear what is going on? Shall we proceed now?

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, I was saying, lastly on that part of the Question, that the admission and the only failure on the part of the bank was that the actual debits were not reflected in the customer's account until six months later, for which inconveniences the bank was and is willing to compensate the customer.

(b) I am reluctant to provide the original or copy of the statement for Account No.2000301 held by Mr. Abdi Salat at Barclays Bank, Meru Branch. This falls under the rule of confidentiality between the customer and the bank. If it is necessary, I will expect a written request on this matter so that I can give that information.

Mr. Speaker: What are you reading? Are you replying?

Order! Order! What are you doing, Mr. Katuku? Are you answering a Question or giving a Ministerial Statement?

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, I was giving an explanation because the Question is so detailed. But I am on the last part of it now; "c".

(c) Mr. Maalim has never complained to the bank with regard to transactions involving cheque Nos.427, 444, 440 nor transactions involving his account in the months of December, 1998 and January, 1999.

Dr. Ali: Mr. Speaker, Sir, as you have heard very well, the Assistant Minister has stated that the gentleman did not get his statement for six months. He deposited these cheques in December, 1998, but the money was deducted from his account in July and August, 1999. What was the reason for that delay because transfer of assets from Isiolo to Meru should not be the cause? Why was that person denied his statement when he asked for it?

Mr. Speaker, Sir, he has the right to receive his statement and that is why I am asking for the statement for December of that year. He was refused. Why did the bank deny to give him those statements, if they think they did the right thing?

Mr. Katuku: Mr. Speaker, Sir, I do not know whether it is the hon. Member who did not hear me explain the reason. But this being a matter involving a customer and his bank, and because the mistake was on the part of the bank taking time to debit the account of its customer, I would advise the customer to take legal action against the bank in relation to the delay.

Mr. Manoti: Thank you, Mr. Speaker, Sir. From the day a cheque is drawn, it is supposed

to last for six months. But according to the Assistant Minister's answer, these cheques were paid after six months. Could he tell us why these cheques were honoured after six months?

Mr. Katuku: Mr. Speaker, Sir, I did not say it was paid after six months; I said within six months.

Dr. Ali: Mr. Speaker, Sir, could the Assistant Minister tell us who is going to pay for the loss of business and confidence on the part of the customer? He has lost a lot of business because very many cheques which he had given to other customers have bounced. Is the bank ready to compensate the customer? The Kshs33,000 is his money; it is not the bank's money.

Mr. Katuku: Mr. Speaker, Sir, the bank is willing to pay Kshs33,000 as compensation for the inconveniences. But if the client is not satisfied--

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

Mr. Speaker: Can we hear one Member at a time?

Dr. Ali: On a point of order, Mr. Speaker, Sir. The Kshs33,000 is the money they deducted for the cheques which bounced; at the rate of Kshs1,500 and Kshs2,000. But when they realised that the mistake was theirs, they decided to refund him the Kshs33,000. Who is going to pay for the loss of business and loss of confidence in his business status?

Mr. Katuku: Mr. Speaker, Sir, as a Ministry, we have advised the client, or the person concerned, to seek civil remedy in court.

Mr. Speaker: That is correct. I may have to deal with two or three Questions and defer the rest.

QUESTIONS BY PRIVATE NOTICE

ROLE OF CACCS

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

What is the purpose of Constituency AIDS Control Committees (CACCS) since the HIV/AIDS funds are now being channelled through the Community-Based Organizations (CBOs)?

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

The purpose of Constituency AIDS Control Committees (CACCS) is to represent the National AIDS Control Council at the constituency level. They play the following important roles:-

(i) To supervise the activities of the Community-Based Organizations (CBOs), Faith-Based Organizations (FBOs) and Non-Governmental Organizations (NGOs).

(ii) To approve HIV/AIDS proposals from CBOs, FBOs and NGOs for funding by the NACC.

(iii) To monitor the implementation of HIV/AIDS activities and forward returns of expenditure from the organizations named to the NACC.

Mr. Obwocha: Mr. Speaker, Sir, this is the fifth time this Question is coming here. Two weeks to adjournment, this Question kept on being deferred every time it came here. It is a very important Question for Members of Parliament. When we established the CACCS, we expected to work towards eliminating this pandemic and yet the Assistant Minister says that we are supervising the CBOs, which is not true. The NACC has disbursed money directly to these CBOs without passing through the CACCS. How can you supervise money which does not pass through the CACCS? Could he be honest and tell us whether this money is going to be channelled through CACCS?

Mr. Tarus: Mr. Speaker, Sir, I do appreciate the sentiments expressed by the hon. Member and, indeed, we do recognise that, in the past, some of these anomalies did happen. But as the hon.

Member has suggested, I would like to inform this august House also that the NACC will be holding a retreat on 13th and 14th June to develop appropriate guidelines which will assist in the disbursement of funds to the CACCs. I am sure that, that problem will not recur.

Mr. Angwenyi: On a point of order Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House that the policy of disbursing funds was formulated on the 14th of June, 2003 during the retreat when, in fact, we had already established these committees two years ago? Is he in order to say that the money that we will vote in this House will be discussed on the streets instead of the Ministry's headquarters?

Mr. Tarus: Mr. Speaker, Sir, the retreat that the National AIDS Control Council (NACC) will hold was mooted after they presented a proposal to the Cabinet Sub-Committee on HIV/AIDS pandemic. Some of the problems that have emerged in the past have been addressed. As soon as the proposals are forwarded, they will be addressed by the Ministry.

Dr. Galgalo: Mr. Speaker, Sir, the Assistant Minister says that they will discuss formalities on how to disburse these funds. The HIV/AIDS scourge was declared a national disaster many years ago. The problem with this programme is the fact that it is in the wrong Ministry. That is the whole problem. The Ministry of Health has the capacity to handle this kind of a project, and not the Office of the President. Could he consider surrendering that project to the Ministry of Health so that it can start performing?

(Applause)

Mr. Tarus: Mr. Speaker, Sir, with all due respect, the Question is about the purpose of the Constituency AIDS Control Committees (CACCs). The hon. Member says the NACC is not supposed to be under the Office of the President. However, we have facts to present to this House on the justification of why the NACC is under the Office of the President. I imagine that the hon. Member's concern would be better addressed if it is filed as a different Question.

Mr. Kagwe: Mr. Speaker, Sir, could the Assistant Minister explain to us, what happens in the event of these committees becoming completely useless and unable to function at the constituency level? Could he allow hon. Members of Parliament to disband these committees and create new ones with immediate effect?

Mr. Tarus: Mr. Speaker, Sir, I do not think it is possible to disband the committees when they are inefficient and non-functional. Hon. Members are part of these committees.

Dr. Godana: Mr. Speaker, Sir, could the Assistant Minister undertake to table before the House the details of the total amount of money spent so far and how much was allocated to each constituency?

(Applause)

Mr. Tarus: Mr. Speaker, Sir, we shall table the list.

Hon Members: When?

Mr. Tarus: Mr. Speaker, Sir, I do I have part of the list here, but considering the additional questions on what the Ministry plans to disburse to the constituencies, I undertake to bring to the House a complete list later.

Hon. Members: How long will you take?

Mr. Tarus: Mr. Speaker, Sir, I need a week to table the list.

Mr. Speaker: Very well. Could we have the list on Tuesday, next week?

Mr. Tarus: Yes, Mr. Speaker, Sir.

Mr. Nyachae: Mr. Speaker, Sir, could the Assistant Minister tell us whether the policy statement and the mandate that was given last year to the CACCs, to be responsible for the disbursement of funds, has been cancelled and withdrawn? We would like to know whether the Government has withdrawn that policy.

Mr. Tarus: Mr. Speaker, Sir, the Government has not withdrawn that Policy.

Mr. Obwocha: Mr. Speaker, Sir, if the Government has not withdrawn that mandate from the CACCs, where is the money? With all sincerity, many of these gentlemen and ladies were on this side saying this particular programme should be moved to the relevant Ministry. Why have they put it under the Office of the President where it is not working? The Ministry of Health has professionals.

Could the Assistant Minister tell us what is the current policy on these funds? How are they distributing these funds and how much has been distributed to each constituency?

Mr. Tarus: Mr. Speaker, Sir, we shall provide the guidelines on the disbursement of these funds.

However, I would like to inform the House that much of the funds that have been disbursed in the past to the constituency, district and provincial levels were disbursed as a result of proposals prepared by organisations.

Hon. Members: No! No!

Mr. Tarus: Mr. Speaker, Sir, a week ago, the NACC did make public all the funds that they had disbursed to different organisations across the country. I believe the funds benefitted people in Mr. Obwocha's constituency.

Mr. Omingo: On a point of order, Mr. Speaker, Sir. The morality of the Government is being put to question. Is the Assistant Minister in order to say that the regulations of managing these funds are efficient and yet the money is disbursed through Community Based-Organisations (CBOs)? These CBOs are systems of misappropriating funds.

Mr. Speaker: Mr. Tarus, in what country is this NACC operating? Is it in Kenya?

(Laughter)

Mr. Tarus: Mr. Speaker, Sir, it is in this country.

Mr. Speaker: That is the end of Question Time. All the other Questions are now deferred.

EXISTENCE OF MILITIA GROUPS IN KENYA

(Mr. Kamama) to ask the Minister of State, Office of the President:-

- (a) How many militia groups exist in Kenya?
- (b) What elaborate plans does the Minister intend to put in place to weed out these militia groups from our midst?

(Question deferred)

SETTLEMENT OF THARAKA/ TIGANIA BORDER DISPUTE

(Mr. Munya) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware of the existence of a protracted border dispute between Tharaka and Tigania East constituencies that has occasioned loss of lives and property and disrupted development in the area along the border?
- (b) What action is he taking to settle this dispute?

(Question deferred)

CLOSURE OF MUMIAS SUGAR COMPANY

(Mr. Oparanya) to ask the Minister for Agriculture and Livestock Development:-

(a) Is the Minister aware that Mumias Sugar Company has been closed as a result of a strike by the tractor drivers and the reduction of sugar price from Kshs2,015 to Kshs1,750?

(b) What action is he taking to ensure the factory is opened?

(c) Who will compensate the farmers for the sugar cane, which had already been harvested and is not collected?

(Question deferred)

DIVERSION OF RIVER WASEGES

(Mr. Korir) to ask the Minister of Water Resources Management and Development:-

(a) Is the Minister aware that River Waseges has been diverted for irrigation upstream around Subukia area, leading to scarcity of water downstream?

(b) What steps is he taking to ensure that the river course is not tampered with to avert conflicts, which may arise as a result of water shortages?

(Question deferred)

(Loud consultations)

Mr. Speaker: Order! Hon. Members, I have been over-generous. There are some hon. Members who want to seek some Ministerial Statements before we proceed to the business of the House. I will now proceed to recognise them; beginning with Dr. Galgallo.

POINTS OF ORDER

LAND MINES IN MOYALE DISTRICT

Dr. Galgallo: Mr. Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Minister of State, Office of the President. Yesterday, a vehicle in my constituency hit a land mine along Moyale-Isiolo Road. The owner of the vehicle died on the spot. The vehicle was totally damaged and eight other people were badly wounded. Three of them are now in critical condition.

This phenomenon of land mines on roads in Moyale District has been going on for many years now and we believe it is as a result of the activities of militia groups fighting in a neighbouring country.

Whenever there is trouble in a neighbouring country, land mines are laid on our roads. We suspect this is done by the agents of that neighbouring country. I want a Ministerial Statement from the Minister so that we know whether our roads are safe. What action will the Minister take to make sure that our roads are safe?

Mr. Speaker, Sir, right now, there are no vehicles either entering or leaving Moyale Town. The whole district is in a state of panic. We want the Government to move fast and assure Moyale residents that our roads are safe.

(Mr. Wamwere stood up in his place)

Mr. Speaker: I thought the only hon. Member who consulted me on a point of order from the Government side is the hon. Member for Molo. Mr. Wamwere, who gave you the Floor? Will you, please, sit down?

Proceed, Mr. Sasura.

IDENTITY OF MR. LEMMA AYANU

Mr. Sasura: Mr. Speaker, Sir, I stand to seek a Ministerial Statement from the Minister of State, Office of the President. Prior to this year's Madaraka Day celebrations, Kenyans witnessed an interesting saga of one Lemma Ayanu from Ethiopia, purportedly a former freedom fighter---

(Applause)

Mr. Speaker: Sorry, Mr. Sasura! I thought I had said that issue is coming as a Question by Private Notice. Please, you will leave that now.

Mr. Sasura: Thank you, Mr. Speaker, Sir.

WITHDRAWAL OF BRITISH AIRWAYS FLIGHTS

Mr. Mukiri: Mr. Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Ministry of Foreign Affairs and by extension, the Kenya Government---

(Loud consultations)

Mr. Speaker: Order! Can we listen to this hon. Member please?

Mr. Mukiri: Mr. Speaker, Sir, the clarification I seek from the Minister is for him to explain the cogent reasons that caused British Airways to withdraw its flights from the Kenyan airspace.

I also seek further clarification on what measures the Minister and the Government have taken so far to save the tourism industry in Kenya, avert the panic and the negative publicity which may cause dire economic consequences to the economy.

Lastly, Mr. Speaker, Sir, I would wish to know from the Minister what measures the Government has taken to avert the reduction of salaries of the workers in the tourism industry. What are they doing about the threat that we have been reading in the newspapers about imminent dismissals?

SUSPENSION OF PROCUREMENT OFFICERS

Mr. Billow: Mr. Speaker, Sir, I rise to seek a Ministerial Statement on an issue that is not only urgent, but also of national importance and it affects lives of thousands of Kenyans and has a potential impact on the operations of the Government.

Mr. Speaker, Sir, sometime last month, the Minister for Finance summarily suspended or sent home over 2,000 procurement officers ostensibly to fight corruption. The impact of that suspension has been felt all over the country. It has not only created insecurity to the staff who were working for the Government, but also demoralised many who thought they had job security. It has been a collective punishment and has also affected projects.

Mr. Speaker, Sir, we have been trying to get certain projects carried out without success. This is because contracting of Government services has

been suspended and activities of this nation have come to a halt.

Mr. Speaker, Sir, I think the timing and the manner in which that action was taken by the Minister for Finance was wanting. I will, therefore, seek leave of the House to ask the Minister to issue a Statement on why that action was considered necessary. The sacking of thousands of supplies officers has affected the tendering procedures.

Mr. Speaker, Sir, I would like the Minister to give a Ministerial Statement as a matter of urgency and, with your permission, preferably tomorrow.

Mr. Speaker: Very well.

Next Order!

BILLS

First Readings

THE CONSTITUENCY DEVELOPMENT FUND BILL

(Mr. Shitanda stood up in his place)

Mr. Speaker: What are you up to? You are not a Minister! The only person who can seek to refer a Bill to the relevant Departmental Committee is Chairman.

Mr. Shitanda: Mr. Speaker, Sir, in accordance with Standing Order No.101, I move that the Bill be referred to the relevant Departmental Committee.

Mr. Speaker: Very well. As you do that, could you, as a Committee, please, look at the clause relating to public expenditure. I will now put the Question.

(The Bill was read the First Time and referred to the relevant Departmental Committee)

THE PRESIDENTIAL RETIREMENT BENEFITS BILL

The Assistant Minister for Finance (Mr. Katuku): Mr. Speaker, Sir, I beg to move that in accordance with Standing Order No.101(a), the Presidential Retirement Benefits Bill be referred to the relevant Departmental Committee.

Mr. Speaker: So, ordered!

*(The Bill was read the First Time
and referred to the relevant
Departmental Committee)*

Next Order!

THE SUPPRESSION OF TERRORISM BILL

The Minister for Home Affairs (Mr. Awori): Mr. Speaker, Sir, I beg to move that the Suppression of Terrorism Bill be referred to the relevant Departmental Committee.

Mr. Speaker: It is so ordered!

Next Order!

*(The Bill was read the First Time
and referred to the relevant
Departmental Committee)*

Second Reading

THE PENSIONS (AMENDMENT) BILL

(Mr. Musila on 17.4.2003)

*(Resumption of Debate interrupted
on 17.4.2003)*

Mr. Speaker: Who was on the Floor?

Hon. Members: It was hon. Haji.

Mr. Speaker: Since he is not present, it is presumed that he completed his contribution.

Hon. Raila!

The Minister for Roads, Public Works and Housing (Mr. Raila): Asante sana, Bw. Spika, kwa kunipatia nafasi ya kuongea juu ya Mswada huu. Huu Mswada unahusu watu ambao ni wazee na kwa hivyo mimi nataka kuongea kwa lugha ya Kiswahili.

Bw. Spika, mambo ya pesa za uzeeni na kuinua mgongo wa wafanyakazi ambao wamestaafu ni neno muhimu zaidi. Jambo hili ni muhimu kwa sababu linahusika na maisha ya watu baada ya kufanya kazi katika Serikali kwa muda mrefu. Watu wengi wamekuwa na shida nyingi zaidi wakati ambapo wanastaafu. Wakienda nyumbani wanakumbwa na shida ya kupata malipo baada ya hao watu kufanya kazi kwa maisha yao yote katika idara za Serikali. Wakati ambapo mtu hana kazi, nguvu au mapato yoyote, ndipo anakuwa na shida hizi.

Mimi naunga mkono kwa dhati Mswada huu ambao unapendekeza kwamba kama mtu anastaafu kile kina cha kuinua mgongo wake kitayarishwe na alipwe hapo hapo kabla hajaenda nyumbani. Ikiwa hatalipwa ichukuliwe kwamba yeye bado yuko kwenye kazi mpaka siku ile ambapo atapata malipo hayo. Tena inatakikana kwamba akistaafu, yale malipo ya kila mwezi yawe yanaendelea kutolewa mpaka afariki. Na akifariki, yale mabaki ya malipo yake yalipwe katika muda wa siku 90. Kama hajalipwa katika muda wa siku 90 hizo, basi yalipwe pamoja na riba. Naona jambo hili litafanya wale ambao wanahusika kuona sababu ya kufanya kazi yao kwa njia ya haraka.

Bw. Spika, mambo haya kuhusu malipo ya uzeeni yameendelea kwa muda mrefu sana na tumeyazungumzia hapa katika Bunge hili kwa muda mrefu, lakini hakuna chochote ambacho kimefanyika. Hii ni kwa sababu ya ufisadi ambao ulikuwa umeenea zaidi katika utoaji wa huduma za Serikali katika siku zilizopita. Mara nyingi katika ofisi za Serikali watu wakienda huko wanaambiwa kwamba faili zimepotea. Faili hizo zinaendelea kupotea mpaka marupurupu mengine yatolewe ndipo zipatikane.

Bw. Spika, unakuta mzee ambaye ametoka mbali na ametaabika kuja hapa Nairobi na alale kwenye hoteli ili aende kila siku katika ofisi kudai malipo yake. Hiki ni kitu ambacho hatutaki kuona kikiendelea tena. Hayo ni maneno ambayo yalikuwa yakifanyika katika Wizara nyingine za Serikali. Unakuta kwamba katika haya mambo ya malipo ya uzeeni, zile pesa ambazo zimewekwa kama malipo ya uzeeni zilikuwa hazitumiki kwa njia inayofaa.

Unakuta, kwa mfano, katika shirika la NSSF, pesa za wafanyakazi zilikuwa zinachukuliwa na "zinakulwa" na wale watu ambao walikuwa ni watumishi wa Serikali. Unakuta nyumba za Serikali zinachukuliwa na kupewa watu binafsi. Hao watu wanachukua hizo nyumba tena na wanarudi kuziuzia NSSF kwa bei za juu zaidi. Mambo kama haya ndiyo imeadhiri maendeleo ya shirika la

NSSF. Pesa za wafanyakazi zinatumiwa kufaidi watu binafsi. Watu hao wamekuwa kama kupe kwa Serikali.

Bw. Spika, kwa hivyo, sisi kama Serikali mpya tunataka kuleta mabadiliko. Lazima ijulikane kwamba shida ambazo tuko nazo katika nchi hii zimesabibishwa na Serikali ya KANU. KANU ndiyo imefilizisha shirika la NSSF maanake wengi wa wafanyakazi wa umma ni watu wakubwa leo na wengine wako katika Bunge hili - kwa sababu walikuwa wamepewa maploti na nyumba za Serikali. Kama katika Upper Hill, nyumba za Serikali zimechukuliwa na kupewa watu binafsi. Halafu baada ya kupewa hizo nyumba, wanabeba barua za allotment na kuenda nazo NSSF, kuziua nyumba hizo kwa NSSF kwa mamillioni ya pesa. Hiyo inaonyesha kwamba hawakuwa na haja na nyumba hizo kwa sababu wao ni matajiri na hawana haja na nyumba ya Serikali. Wanapopewa nyumba hizo wanaziua.

Bw. Spika, mimi naongea namna hii ili kuthibitisha umuhimu wa jambo hili maanake mimi ndiye Waziri ambaye anahusika na mambo ya nyumba za Serikali.

Bw. Spika, kuna ripoti muhimu ambayo imetaja majina ya watu, hasa wale ambao wamefanya hivyo. Kwa hivyo, unakuta kwamba wale wote ambao wangepata pesa ya malipo ya uzeeni hawalipwi pesa hizo. Malipo ya uzeeni yako katika tumbo za wale "samaki" kubwa, na ndipo wananchi wakidai pesa zao, hawalipwi. Pesa hakuna! Unakuta kwamba wakati ambapo mzee fulani alikuwa karibu kustaafu alioa bibi wa pili na sasa watoto bado wako wachanga na karo ya shule inatakikana. Watoto wanafukuzwa kutoka shuleni na yeye mwenyewe ana pesa ambazo angestahili alipwe lakini pesa hizo haziko.

Bw. Spika, hayo ni maneno ya kusikitisha kabisa ambayo sisi lazima tutatue. Bunge hili lina nguvu na uwezo wa kutatua shida hizi. Tukiweza kutatua shida hizi tutasaidia watu wetu wengi zaidi. Ni lazima tujue kwamba ukongwe ni lazima. Kila mmoja wetu anaelekea huko. Kwa hivyo, wewe mwenyewe ujue kwamba wembe ni ule ule. Wembe ambao ulikuwa unanyoa nao wengine, utakuja kunyolewa nao wewe mwenyewe. Kwa hivyo, fanyia wenzako kile ambacho ungetaka wewe mwenyewe ufanyiwe.

Kwa hivyo, ningelitaka Bunge hili lichukue hatua ya haraka kabisa kwa kupitisha Hoja hii. Hoja hii haitakikani kuendelea kwa muda mrefu zaidi. Inatakikana kupitishwa kwa haraka zaidi.

Bw. Spika, tumefikia wakati ambapo tunataka tiba. Tunataka watu watubu. Kuna wale watu ambao wanajua makosa ambayo wamefanyia uchumi wa Kenya au wale ambao wanajua kwamba hao wenyewe ndio wamefukarisha nchi hii. Wametoroka. Hawako maanake wanajua ukweli utatajua hapa na ndipo wametoroka. Lakini hata kama wametoroka, tunajua yale Bw. Mwangale alisema hapa kuhusu jiwe na fisi. Kama wewe unajifanya hujasikia, tunajua kwamba umeyasikia maneno haya. Hao jamaa wameadhiri umma ya Kenya. Wamefukarisha nchi yetu. Wameleta shida zaidi katika nchi yetu lakini wanasema kwamba siku za mwizi ni 40. Siku 40 za wale wezi zimefika. Mwangaza umekuwa na fisi imeanza kujificha. Tuko katika Serikali mpya ya NARC na Wakenya walipiga kura kwa wingi zaidi maanake walitaka ukombozi. Ukombozi umekuwa. Serikali imekuja ya NARC ambayo inajali maslahi ya wananchi wa Kenya.

Bw. Spika, tunataka kusaidia watoto ambao wamezaliwa ili waende shuleni, wale watu ambao wanafanya kazi walipwe vizuri na wale ambao wamestaafu pia wapewe haki yao maanake hao ndio wanahitaji msaada zaidi. Hawawezi tena sasa kuajiriwa kazi. Mswada huu usichukue muda mrefu zaidi.

Mimi naiunga mkono kwa dhati Mswada huu.

Mr. Kimathi: Thank you, Mr. Speaker, Sir. I beg to support this Bill. It is a very important Bill. I also want to add that when pension dues have been given to the pensioners, we should not go ahead to tax the pension money because by doing so, it is like stealing from a person who has worked for 30 or 40 years and he or she is only waiting to die because he or she has no other means of earning a living.

Mr. Speaker, Sir, I want to take this opportunity - even though I am an Opposition Member -

to extend my appreciation to the NARC Government because it has not been vindictive. Those of us who are in the Opposition and those in the Government have been co-existing well like brothers and sisters. I would like that to be the trend.

Very soon we shall take over from NARC, as a new KANU - because we were not there in the past - and we will also treat our brothers in NARC the same way because they have not been vindictive to us. That is why I said in my maiden speech that you do not dig a deep hole in your neighbourhood for you might fall in it.

Mr. Speaker, Sir, I beg to support.

(Applause)

The Minister for Energy (Mr. Ochilo-Ayacko): Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Bill that is being debated.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the basis of corruption in the Public Service is that those who have the opportunity to serve the public would want to acquire all that they must acquire so that when they retire and they are sure that there is no pension, they are able to take care of themselves. So, if we want to fight corruption in this country, we must be very encouraging and positive to our pensioners.

In fact, the corrupt persons - if you look at those who are serving in the Public Service, the chiefs, the District Commissioners, the Permanent Secretaries, and the whole Public Service in general - what they are doing, is to use their offices to ensure that when they retire nobody laughs at them. What the public has in mind is: "What did you do for yourself when you were working?" What they mean by that is: "Why are you suffering when you have retired?" The reason for which you are suffering after retirement is because you are unable to access your pension fund.

Mr. Temporary Deputy Speaker, Sir, in all our offices, even in your office, you will find that retired teachers come to queue and ask you to write to the Director of Pensions so that he can intervene and have their pensions paid. This has accelerated the life expectancy in this country. You will find that somebody is healthy this month but when he retires and does not get pension for the next two months, that person dies. I think that is very terrible. When that person dies and leaves liability or children who are still in school, it becomes a further problem because the dependants are not paid the pension in good time.

Mr. Temporary Deputy Speaker, Sir, this particular Bill is very timely. It is a confirmation that the new administration running the Government together with the Mover of the Bill, hon. Musila, are very considerate to the larger public.

Mr. Temporary Deputy Speaker, Sir, corruption can never be won merely by paying people high salaries. In this situation, if we do not pass and implement this kind of Bill, we will be encouraging people to treat their jobs as an opportunity to acquire more than they have acquired.

Mr. Temporary Deputy Speaker, Sir, I believe that when somebody has worked very hard for a long time and the person is elderly, it is not proper to subject that person to long journeys and endless sittings on the benches trying to process documents in the name of getting paid pension.

Mr. Temporary Deputy Speaker, Sir, if we handle the issue of pension very well, we will also be handling the issue of hospital bills well. If you are in your constituency, you will find the elderly -

and they are becoming many by the day - coming to your home to tell you that their pension is stuck and they cannot meet their hospital expenses. When you retire or get retrenched, that is when you start being sick. When you are sick and you are owed money which has not been paid to you, it does not help when issues of health begin to visit you. So, when we pass this Bill and begin to implement it, we will be able to address the issues of health, particularly the health of our elderly persons. They will not be a bother to their children because when your mother or father is retired and they are sick, and cannot get their pension, what they will do basically is to come and live in your house. This will make your family and your parent both miserable. I think it is not proper to encourage misery in your house.

Mr. Temporary Deputy Speaker, Sir, I am asking both sides of the House to speak with one voice in supporting this Bill and ensure that elderly persons are not given what we call a back-handed compliment. They should be given the proper compliment for the work they have done for this country, particularly if they served throughout their lives and never stole a penny from the public. They should be paid pension promptly and, in fact, it should be enhanced to be commensurate with what the inflationary trends are.

Mr. Temporary Deputy Speaker, Sir, some of the pensions that people desperately look for are such small amount of money. Therefore, if it is delayed and coupled by the fact that it is a small amount of money, this leads to enormous misery. So, it should be considered when implementing issues related to pension, that the pension should be something that is able to take care of somebody's desire.

Mr. Temporary Deputy Speaker, Sir, with those few remarks I urge both sides of the House to support the Bill.

Mr. Wario: Asante sana, Bw. Naibu Spika wa Muda. Tunasema, ahsante ya punda ni mateke. Kenya huenda ndiyo nchi ya pekee isiyotambua huduma iliyopewa na wananchi waliostaafu. Hii inatupa sura mbaya na ndiyo chanzo cha wengi wa wale wanaofanya kazi leo kukaa na kuona giza mbele yao. Hofu yao ni kwamba watakapotoka katika wajibu wao watakumbana na giza kubwa.

Hivyo basi, visa vingi vya ufisadi katika nchi hii ni kwa sababu wale wanaotufanyia kazi hawapewi malipo yao baada ya wao kustaafu. Kwa hivyo, kila mtu huokota wakati ule angali kazini. Iwapo sisi tutaangalia maslahi ya wale waliostaafu, basi ufisadi huenda ukapunguka kwa kiasi kikubwa zaidi.

Bw. Naibu Spika wa Muda, siku moja, nakuomba, ufike Uchumi House uende uzungumze na Mkurugenzi wa mambo ya malipo ya uzeeni. Utasikitika. Yeye atakuona kama wewe ni mtu aliyestaafu na atakuzungumzia kwa dharau vile awafanyiavyo wale wazee ambao wamestaafu tayari. Madharau yanayoonyeshwa na kitengo hiki cha malipo ya uzeeni ni aibu kwa taifa hili. Kwa hivyo, iwapo Mswada huu utapitishwa na Bunge hili, basi wafanyakazi wetu hata watakapostaafu, utu na hadhi zao zitazidi kuheshimika.

Bw. Naibu Spika wa Muda, ni muhimu sana sisi kuwalipa watu hawa hata kabla hawajaenda nyumbani kwao. Malipo yanafaa yatangulishwe ili mtu aambiwe wakati wake umeisha kwa hivyo aende kwao baadala yake kuenda kwao bila hata pesa za kununua sabuni. Watoto wako watakuona vipi kwa sababu wewe mzazi wao ndio tegemeo yao katika maisha? Leo ukiwachishwa kazi na huna tegemeo lingine katika maisha utakuwa mwombaji. Hili ni jambo la kusikitisha sana. Iwapo tutajali masilahi ya nchi yetu ni lazima tujali masilahi ya wale waliostaafu.

Kwa hayo machache, ningependa kuunga mkono Mswada huu.

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill for reasons that most of my colleagues have advanced, but also to underscore one important issue; that when people retire, they continue to be productive.

Mr. Temporary Deputy Speaker, Sir, some of the most productive years of some people is when they have retired. This is the time when they have an opportunity to exploit their potential which

they could never exploit under the conditions which they worked before.

Mr. Temporary Deputy Speaker, Sir, we know for certain that ours is the kind of society where employment opportunities are very limited and indeed for a very long time the Government has been the biggest employer. This was mainly because we had a command economy in which the Government had to invest in the promotion of productive sectors because under colonialism these sectors were ignored. So, at Independence, it was a rash decision by the African Government to establish its corporation which could do two things: One, help africanise the economy; and two, help indegenialise capital. In this regard, many of our people who were themselves entrepreneurs became employees of the State, both in running the State machinery in terms of Civil Service Administration, but also in running State Corporations.

Mr. Temporary Deputy Speaker, Sir, in many cases, some of these people were in themselves, by their very right, entrepreneurs. But precisely because they were called: "I-by-my-mission" and because they wanted to serve their country, or scarce human resources since the Government had to Africanise the economy with the Africans available, most of these people spent the most productive time of their early youth and middle age being public servants. When they retire it is a shame that the same Government cannot then pension them properly in reward for their services and to give them the opportunity to exploit their potential as entrepreneurs in their own right.

It is in this regard that I think this Bill is both timely and important. It is timely in the sense that this Government would like to create 500,000 jobs for Kenyans and would like to go in partnership with the private sector, both domestic and foreign, in doing so. It would be a very good partnership if indeed those who are retired get their pension and use it for entrepreneurial activity.

In this regard, I think we are being poundwise and penny foolish. We are being poundwise because we know that we can use our few pennies to invest in people who will go further to increase productivity and also to live a useful life.

Having said that, it is important that we realise that when people retire they still need support services to use this pension money properly.

(Mr. Wamwere consulted loudly)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Wamwere!

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): In this regard it is important that we have financial institutions that are user friendly. These should be institutions which will also serve those retirees when they are using their pension.

It is very unfortunate in this country that we have had an extremely unfortunate history of lawyers and financial institutions who collude to do in people when they retire.

Mr. Temporary Deputy Speaker, Sir, I have known instances of people who got their golden handshake of Kshs40,000 or sometimes more than that and because they never had bank accounts--- I know of many employees of the Kenya Railways Corporation - of which my dear friend Mr. Nyamunga had the pleasure to serve - who were pensioned off. They ended up getting cheques without having accounts because they were ordinary workers. They approached lawyers to help them. I must say that those lawyers and financial institutions were not useful to these people because of sheer dishonesty and corruption.

We must have friendly financial institutions in which Kenyans can deposit their money and get just rewards for such deposits. At this point in time, Treasury Bills are paying an interest rate of about 3-6 per cent. Banks are lending their money at 22 per cent. The difference is too big to be true.

We must ask our banks in this country to understand that they are partners in the development of this nation and that we do not need shylocks as merchant bankers in this country feeding on the

blood of our people.

Mr. Temporary Deputy Speaker, Sir, when I read quite occasionally the amount of profits that some of these banks make annually in this country, and when you interrogate them to what extent they use this for certain social welfare activities in this country to give back to the economy what they have earned in profits, it is very little.

I would like financial institutions to come up in this country which are user friendly. They should be financial institutions which will give retirees certain products they can invest in that will help them valorise their money after they have retired.

I know for certain that micro-financing institutions in this country run by Kenyans or Savings and Credit Co-operative organisations run by Kenyans have been very user friendly. Indeed, there are many Kenyans who have bought their houses and set up their businesses using Savings and Credit Co-operative organisations charging low interest rates and giving their members very easy terms to borrow money and pay back. These are the kind of institutions we would like to be set up so that pensioners can use.

When somebody retires in Kenya, he wants to leave the urban areas and go back and commune with his ancestors in the rural areas. This is a method by which culturally we transfer resources and try and develop rural areas. When retirees retire and go to the rural areas to commune with their ancestors, it is important that they do not lose the standard of living they were used to in urban areas. This is the only way by which we can bring up rural areas. In this regard, it is important in the coming five years that we all join hands to ensure that services like electricity, water, roads and so on are provided in the rural areas. This will make it possible for our retirees to live in the rural areas and not lose the standard of living they were used to.

Mr. Temporary Deputy Speaker, Sir, I am glad to announce that in this coming year as was demonstrated yesterday by His Excellency the President when he was opening the Housing Seminar in Langata, that the Government will revive the National Housing Corporation (NHC). Many years ago the NHC used to give credit to rural dwellers to build their homes. I was a beneficiary of that loan when I was teaching at the University of Nairobi. Without the NHC I would still be living in my timber building, but thanks to the NHC I built a house for myself and my wife and this was the pride of my time.

I would believe that these are the kind of facilities that retirees are looking forward to so that in case somebody retires in Nairobi, they have their pension. If they want to retire in rural areas and commune with their ancestors, they will have the services of a body like the NHC to get a loan for retirees where they can put up a house and use their pension to pay for a short time and live decently as human beings and honourable citizens of this Republic.

Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Omingo: Thank you Mr. Temporary Deputy Speaker, Sir, I wish to support this motion. I wish to commend the Mover of this Motion, who is now the Deputy Speaker, for having the foresight of saving the old people. Members of Parliament for example, are the messengers of our people. Teachers and other civil servants who have retired in the last 4 and 5 years, have not received their benefits. The reason given is that there are some documents which are supposed to be submitted. This should have been done when such a person was alive and was being paid for the particular service he or she was providing. We want this to be effective so that we put the employers on their toes. After all, there is no person who does not think about computerization. If the employer concerned can be able to notify the retiree of the Government on age, they must know that he or she is turning 55 and there is no reason why they should not pay his or her dues immediately before leaving office. Mr. Temporary Deputy Speaker, Sir, the elderly people are treated in a very unfortunate manner. You find that these people are ignored because they have not properly washed before going to the Government offices. Sometimes, they wear their worn out socks four or five times, and the stench from the socks disturbs the offices and therefore, they do not get the service they deserve. Thank

God, the delegates at the Bomas of Kenya National Constitutional Conference are addressing the issue.

Mr. Temporary Deputy Speaker, Sir, as we are thinking about the child and gender issues, let us think about the elderly and give them what they deserve because they are human beings, living among us. There is a case I read about in the newspapers, where a teacher went to receive his pension in Homa Bay and he was treated with hostility. That man did not have anything to lose and amazingly, what he did was to strip naked, dropped his human waste in the office and walked away. That shows the pain people are going through. When an African male strips naked in public in broad daylight, there is a problem. It is only done when they are cursing. I know there must have been someone cursed. To avoid such incidents, let us have this issue discussed and as long as an employer has not paid the retirement benefits of an employee, he should continue being on his payroll until the person is paid.

The issue of interest rates is another welcome one. After all, why are we saying that interest should be paid on tax that has not been paid on time and yet, the Government sits on slumberland with people's funds. We are talking about civil servants who retired under the Structural Adjustment Programmes (SAPs) in the Civil Service. I want them to enjoy their dues starting 1st July 2003. Interest should start accruing on the dues that the Government is supposed to pay them.

Mr. Temporary Deputy Speaker, Sir, some of them are only entitled to Kshs 200,000, which you may think is a little amount, but give them the little that they have worked for, while they are still strong. This will reduce corruption. The paper-work keeps on increasing the mistakes that people bring into those offices when they present their cases. If this is done in good time, it will reduce paper-work and give information about employees before they retire. All dues should be included into the National Social Security Fund (NSSF). Employees should not be kept waiting until they are 55 to be given their NSSF contributions. I think it is really unfair. Let me use my little savings to sustain my family because I have retired. Let us take care of the elderly and give them the dues that they deserve.

I beg to support.

Mr. Shitanda: Thank you, Mr. Temporary Deputy Speaker, Sir. This Bill seeks to address the problems our pensioners go through. The Pension Department in this Government is the most inefficient that you can find around. Most pensioners, after they retire from the Civil Service, spend up to three or four years chasing their pension in the departments where they were working and they do not find the files. They find that some records have been removed from the files, and finally when the file reaches the Pensions Department, there are other procedures that the pensioners are taken through. Most of the time, you find that people die before receiving their pension dues. This Bill will seek in a way, to make the Government more responsive to the problems the pensioners go through, both at their places of work and at the Pensions Department. Maybe, the Government should quickly address the problems that are facing this Department.

Mr. Temporary Deputy Speaker, Sir, such problems range from very low morale among the workers, to utmost corruption in that department. Most of the officers working on pensions in the Department are junior level civil servants who earn very little and therefore, the temptation to demand bribes from a pensioner is very high. The Government should try and improve the terms and conditions of service of the Pensions Department officers or maybe, make the Pension Department autonomous so that they can offer more efficient services to people when they retire. Mr. Temporary Deputy Speaker, Sir, the problems of pensioners are just not confined to the Ministries, and the Pension Department. When some of these dues are forwarded to the District through the district treasuries, you find that the dues have been stolen by the district treasury officials. Sometimes these days, they channel the dues through Post Bank, but this has not solved the problem of delayed receipts of the pension dues. If anything, it has compounded the problem. You will find a pensioner

travelling to the nearest post office to receive his dues, but he or she has to go there two or three times before his dues are released. Maybe, the Government should look at ways of reviewing the pensions of people who retired in the 1960s and 1970s because somebody who retired in the early seventies earns as little as Kshs200 as pension. This is not enough, considering the rising cost of living.

Mr. Temporary Deputy Speaker, Sir, the Government should look into the possibility of taking care of those people, even in retirement. There is also the issue of helping the pensioners. It may appear like once you retire and go home, and you are given your little dues, the Government completely forgets about you. When we talk about having a social welfare scheme, pensioners should be considered in a more favourable way. When one has retired, the Government should be able to look after one's health care. We have had a lot of problems which have extended to the pensioners because of the manner in which we have handled our financial affairs in this country. These problems are not only confined to the Pensions Department, but they have spread to NSSF. In that institution, the employees' money has been embezzled to an extent where when one attains the mandatory age of receiving his or her dues from the NSSF, the money is not available.

Mr. Temporary Deputy Speaker, Sir, before most people are paid by the NSSF, a Member of Parliament has to go there to try and influence, while that is not supposed to be the case. Considering the shortened life expectancy of Kenyans, it is unfair for us to have a law that requires one to wait until the age of 50 before his NSSF dues are paid. If one loses his job or opts to go home at the age of 40 or 45 five, let him or her be paid his or her NSSF dues. He can utilise this money to do one or two things.

Mr. Temporary Deputy Speaker, Sir, I want to condemn those banks and district treasuries that have been involved in stealing pensioners' money. Most banks in this country where pensioners hold accounts never release lumpsum cheques to the retirees and when the cases are followed, the cheques are found to have been cashed through the same account by other people, than the beneficiaries of the cheques. The Government must seek ways and means of addressing that particular problem, so that such cheques get to the retirees.

We want the Government to also address the problem of missing documents and files. The Teachers Service Commission (TSC) is very notorious on this particular one. We have teachers who retired four to five years ago and yet, their files have not been processed by the TSC so that they get their dues. This issue should be addressed so that once one retires, he or she is paid his or her dues before going home. I can see that the TSC is going to lose a lot of money when this Bill is put in place. What happens in that place is inefficiency. Why can the Government not post pension officers to all the departments? Their work on daily basis should be to peruse the files belonging to those about to retire so that by the date of retirement, the files should have been processed.

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

Maj. Madoka: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi kuunga Mswada huu mkono na nashirikiana na wenzangu kusema kwamba ni muhimu watu walipwe upesi iwezekanavyo. Lakini kitu muhimu zaidi ni kwamba wale wanaopata malipo ya uzeeni, pesa hizo ni kidogo sana. Mimi ni mmoja wa wale ambao wanapata malipo ya uzeeni kulingana na miaka niliyofanya kwa jeshi.

Sitaki kusema kwa sababu ni pesa kidogo sana. Katika miaka 30 tangu nistaafu, zimeenda juu kwa shilingi mia nne peke yake. Ni muhimu tufikirie wale waliostaafu, na malipo yao yaongezwe kulingana na hali ya maisha ya siku hizi. Pia, sisi ambao tunafanya kazi, ni muhimu tusingojee mpaka tunapomaliza miaka ya kustaafu, ndipo tuanze kufikiria tutafanya nini. Ni muhimu wakati tunafanya kazi tuweze kuifanya mipango yetu, ili tukistaafu tuweze kuishi maisha ambayo yanalingana na yale tuliyoyaishi tulipokuwa tunafanya kazi.

Utaona ya kwamba mtu anangojea mpaka wakati atakapostaafu, zile pesa za jumla atakazopewa ndizo atakimbia kuenda kuanza kujenga nazo nyumba. Mara nyingine, hizo pesa hazitoshi kumaliza kujenga hiyo nyumba, na hata akimaliza kujenga, zile pesa anazopata kila mwezi

hazimuruhusu kuishi maisha alikuwa anaishi. Kwa hivyo, ni muhimu tuhakikishe ya kwamba tunajitayarisha kwa maisha yetu tunapostaafu. Ni muhimu makampuni na hata serikali kuwa na kongamano ya kuelimisha watu wao na kuwaeleza umuhimu wa kutayarisha maisha yao ya siku zijazo. Zile pesa za kustaafu ndizo watu wengi wanatumia kuo a mke wa pili, au wa tatu. Baadaye maisha yao hayafai.

Ninaunga Mswada huu mkono, lakini ninasema sisi wafanyi kazi, ni lazima tujitayarisha kwa maisha baada ya kustaafu.

The Assistant Minister of Gender, Sports, Culture and Social Services (Mrs. Chelaite):

Thank you Mr. Temporary Deputy Speaker, Sir, for giving me the chance to support the Bill. I do not want to repeat what other speakers have said, but I would like to say that this Bill has come at the right time because most of the Public Servants have suffered. I would like to speak more about the public officers' dependants, especially the widows. In the past, when a public officer died, the dependants suffered a lot when claiming for the benefits of the deceased.

We have Public trustees in Government offices, but they have been very corrupt people and I hope after this Bill is passed, the Government will be vigilant to see that these officers are dealt with and corruption stopped with immediate effect.

They have been denying dependants, especially women and children, their right to get the benefits from fathers or mothers. They say there is no money when what they have done is either to tell people the files have been lost or hidden, so that the Officers can be bribed to look for the file.

In supporting this Bill, I would like to say that those offices and the records must be put right and files must be available anytime they are required.

Mr. Temporary Deputy Speaker, Sir, I do not know why payments of pensions are delayed. Retirees are often told that their records are missing, yet when they are appointed to offices, they are required to produce all the relevant documents to be filed by the employer. However, when it comes to the payment of benefits, there are no files always! The Pensions Department is a department where corruption has been harboured for a long time. Public trustees have compromised everything and in most cases, when a man dies, his legal wife or wives do not receive his pension, but it ends up with the wrong women. I strongly feel that pensioners should be protected by the law.

I also want to say that a retiree should not be sent home if there is no money to pay him his pension. He should be retained in service until that time when he is paid his pension, which should also earn interest. The Pension Fund is run by the Government. Why should there be no money to pay pensioners yet they contribute every month towards the Pensions Fund? The Fund should always have money to pay officers on their retirement. Public servants who have retired have suffered so much. They have been forced to leave Government houses even when they have not been paid their pensions. I would also like to propose that retirees should not be evicted from Government houses before they are paid their pensions. They should stay in the Government houses until they receive their pensions.

The most unfortunate and under-privileged people in this country are the women. When their husbands die, they are left to look after the family. They struggle so much to get their late husbands' pensions in order to pay school fees and fend for their children. So, pensioners should be paid their pensions on retirement.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, they say that a community that has no regard for its elders is not a community, and will not survive. The moment you become past tense in Kenya, you are regarded as useless. Our ancestors who were civil servants and teachers have never been regarded by the Government as important.

This is a very important Bill, and I want to take this opportunity to thank Mr. Musila for thinking about people who are now regarded as past tense. The truth is that when a teacher or a civil

servant retires in this country, he is always pushed up and down while chasing for his pension. A retiree is told that one document is missing from his file or his whole file is missing. He is told to produce a certain certificate. One wonders how the Government or the Teachers Service Commission (TSC) employed the officers without the documents.

Officers at the Pensions Department remove some documents from the retirees' files so that the retirees can bribe them to locate the documents. A retiree who frequents the pensions offices in Nairobi is paid his money earlier than a retiree who does not frequent there. We have teachers who retired four years ago and have been told that their letters of promotion are not in their files. They have been told to provide their letters of promotion. One wonders who promoted them if they have to provide their letters of promotion.

We are blaming the Civil Service and the TSC, but the truth is that the Director of Pensions and his officers are confused. I want to propose that the TSC should pay the retired teachers their pensions the same way it pays salaries to the teachers in service. The TSC receives money from the Central Government to pay the teachers. The Pensions Department should give the TSC money to pay the retired teachers. It is easier for a teacher to follow up his pension from the TSC than from a stranger in the name of the Director of Pensions. The Director of Pensions has no regard for retired teachers.

I am wondering why young men want to be blessed when they are making their parents cry. Tears of an elder are a total curse to the youth. Why should young men force old men to walk in the streets of Nairobi, crying?

QUORUM

Mr. Oparanya: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are discussing a very important Bill, but I realise that there is no quorum in the House.

The Temporary Deputy Speaker (Mr. Khamasi): It is true there is no quorum in the House. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! There is a quorum now. We can continue. Proceed, Mr. Bifwoli!

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, I was saying that our elders, or the so-called senior citizens, when they retire--- I want to propose that before a teacher or a civil servant is removed from the payroll, he must be paid all his dues. Somebody, whose dues have not been prepared, should never stop working until he is paid everything. That is one point that we must emphasize and I support it on a serious note.

Another thing that should be included in this Bill is retirees benefits to be reviewed alongside the salaries of those who are still in the service. Let us pay a certain percentage of the retirees over the service. Let me give an example of a P1 teacher. If you retire as a P1 teacher earning Kshs20,000 and you qualify for a monthly pension of Kshs5,000, when the P1 teacher's salary is increased to Kshs30,000, they should also increase the retired P1 teacher's pension to around Kshs9,000, that is 25 per cent. If we put it in the Act, our colleagues who retire and live longer will not end up earning peanuts. I have an example of a person who retired earning Kshs90 in the early 70s and up to now, the old man is still earning the same amount and he was a civil servant. What can Kshs90 do now? How can it help the retiree? Another group is our brothers who depart from this world early enough before they retire. For their dependants to benefit from the death gratuity, it becomes real suffering. Maybe,

the wife does not know where the Teachers Service Commission and the Pensions Department are. That lady will be humiliated and frustrated. The old woman would be walking in the streets of Nairobi and at home, children have been sent away from school. The people who are supposed to pay the death gratuity are so ungrateful. They imagine they will never die one day.

Mr. Temporary Deputy Speaker, Sir, the truth of the matter is that we should have one day to go and pray for those civil servants, the people dealing with retirement benefits and death gratuity, so that they can be converted, get saved and do the right things for our brothers and our fore-fathers who have retired.

Mr. Temporary Deputy Speaker, Sir, this Bill is very important and we are saying that our Government should do exactly what we shall pass today.

With those few remarks, I beg to support.

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to support this Bill, which has been brought to the House at the right time.

This Bill is long overdue and I do not know what the Government was doing all this time before bringing this Bill. Our pensioners are suffering a lot. If you look at the Bill, the Mover has proposed 90 days maximum. I will even reduce it further to 30 days. The Government knows exactly the number of employees who are supposed to retire. They know when their employees are supposed to retire. They should prepare a list of those members who are supposed to retire. They know the month because they have the files. I would like to reduce that time to a maximum of 30 days and when an officer retires, he or she should be paid his or her dues within 30 days.

Mr. Temporary Deputy Speaker, Sir, there is an officer who is very notorious in the Office of the President. The retirees are tossed here and there, especially the retired chiefs and assistant chiefs. They are tossed between the Treasury, Income Tax and the Office of the President.

The Assistant Minister, Office of the President (Mr. Tarus): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to say that the Office of the President is notorious?

Mr. Rotino: Mr. Temporary Deputy Speaker, Sir, I would like to say that the Office of the President is notorious because if you go to the First Floor of that office, you will find so many retired chiefs who have stayed in this City for more than two weeks. This is the case, and yet the Office of the President does not know where they live. For example, I assisted one of the retired Assistant Chiefs from Sigor Constituency in West Pokot District.

Sigor Constituency is about 1,200 kilometres from the City of Nairobi. A one-way ticket costs, at least, Kshs1,200. This old man did not have a place to stay in here in Nairobi and I assisted him. When I went to the Office of the President, I got a rude shock because the officers who work there did not know who I was at that time because I had not introduced myself. The trouble I went through in that office before I identified myself was more than enough. It was after I had identified myself that the officers started running up and down trying to find the file. The officers at the Office of the President will tell you to go to the Pensions Department at Uchumi House and when you get there, the officers who work there will tell you that the file has not been taken there. There is only one messenger who is supposed to take the files personally to the Pensions Department at Uchumi House. That messenger is supposed to take all the files from the Office of the President to the Pensions Department at Uchumi House once a week.

The Chair can imagine an old man coming all the way from Kapenguria, he is told to go to the Pensions Department at Uchumi House, which is at the far end, and wait for his file to be taken there from Monday to Friday. That man travelled by bus on a Sunday night and arrived in Nairobi on a Monday morning. When he goes to the Office of the President for his retirement benefits, he is told to go to the Pensions Department at Uchumi House and wait for his file there. What embarrassment is that? This is the case, and yet the Government knows very well that, that particular officer is

supposed to retire on such and such a date. The Government should have known that, that officer was going to retire and paid him his retirement benefits immediately. This affects all of us because we deal with people in our constituencies. We handle cases of retired teachers and assistant chiefs.

Mr. Temporary Deputy Speaker, Sir, the salaries some of these officers earn is too little and it is a punishment for them to come to Nairobi and live in a hotel where they pay Kshs500 per night. Some of these officers end up living in hotels in River Road where they are robbed of their money. This is not good when the Government has a system in place to speed up payment of their retirement benefits. I would like to propose that those who have retired should be paid their benefits within 30 days.

I would also like to propose that some of these activities be decentralized and be done in the Pensions Department. This will ensure that people who come from North Rift can get their pension processed either in Eldoret Town or Kitale Town. The Government should not only decentralise these departments, but should also give the officers in district offices authority to handle these cases. For example, the National Social Security Fund (NSSF) has been telling us that it has decentralised some of its services to Kitale, but when you go to the Kitale office, the officers there refer you to their headquarters here in Nairobi. They tell you that you have to wait for their head office here in Nairobi to act. As a result you have to wait for more than five or six months for the head office to act on your case. Some of us have been involved in some of these cases. We have to travel all the way to Nairobi, for example, in the case of the NSSF. This is the case, and yet they tell us to go to Kitale and when you go there, you find that the officers there are ill-equipped to assist you. This punishes our people. Our people are suffering. For example, many of my constituents, especially the retired chiefs have forgone their money. They say "Let that money disappear" because they do not have money, first of all, to enable them travel all the way from that place to Nairobi to follow up their retirement benefits. Those chiefs do not also have relatives here in Nairobi who can accommodate them when they are following up their retirement benefits because we have very few of our people working here in Nairobi. It is painful to talk about some of these cases.

I have sat at the Pensions Department at Uchumi House for almost half a day. If I can sit there for half a day, what about somebody who has come all the way from Moyale, Marakwet or Mombasa? Such a man will sit there for a whole day. This can be the case and yet he is an old man, in the first place, and cannot sit there for a long time. Some of these retirees have forgone their money, especially when it is to be paid by the NSSF. There is some money which is put in what we call the "Consolidated Fund". This is very painful.

I would like to further say that every Ministry or Government Department knows when its officers will retire. Therefore, it should be able to prepare for their retirement. You will find that in some of our societies many people marry two or three wives. When these people retire, they still have young children in nursery and primary schools. We should prepare them for that time when they will be at home. We should train them on how to venture into businesses and manage small-scale business. This is because when some of them get this money, they are tempted sometimes to invest it wrongly. If they invest the money wrongly, after three or five years, their businesses collapse and they end up being paupers. As a result you will find a senior chief, who was respected very much in the society, going to the Member of Parliament's house to ask for some money to pay school fees for his children. We should stop this by preparing these people who are supposed to retire so that they can know the amount of money they will get when they retire. This will enable them to prepare well. This will also make them not believe that they will build a big house or start a big business when the money they will get will be very little. The Ministry should give them time, tell them how much money they will get and prepare them for retirement.

I would like to talk about the taxes which some of the retirees are supposed to pay. These people get very little money and the tax they pay is a lot. This leaves them with a meagre amount out

of their retirement benefits. So, I would like to plead with the Government to consider lowering the taxes they pay when they get their pension. The Pensions Authority which will be created, should help the poor people in the rural areas so that they can lead a good life.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Bill.

The Assistant Minister for Health (Mr. Konchella): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Bill. I would like to thank Mr. Musila for bringing this Bill to the House this time. This is because it will save many of our people from the harassment and intimidation they would have encountered. It will also ensure that our people do not face the problems they encounter as they pursue their retirement benefits. When somebody has worked for so many years for the Government or for an institution, he should be respected and treated well. But what has been happening over the years is that our people have been treated very badly to the extent that many of them just give up, stay at home and wait for death.

Indeed, when a military officer retires and gets his little pension, he does not live for more than two years. They all die. Why does this happen? It is because the life they have been used to while serving this country is such that when they retire, they are not busy and cannot afford recreation facilities. They start drinking illicit brews like chang'aa and die. So, can we, as a nation, treat the people of this country, who have served it so well, as is the case in the rest of the world. Indeed, senior citizens in other countries have vouchers to enable them travel. There is no need for an old man from Lokichoggio, Kisumu or Trans-Mara to come all the way to Nairobi using the little money he has to come and get his pension. This man should be given a voucher by the Government or free transport. The Government should pay his bus fare to come to Nairobi to get his money. But why should the Government do all this? One thing we should do, as a country, is to establish a Pension Authority which will take care of all our pensioners.

There is need to establish this authority so that every retiree's file is handled professionally and everybody is paid his money. Right now, the Treasury and Government Departments wait for monies, after which they pay the pensioners. They should be the first ones to be paid. I suggest that all Government Departments, parastatals, commissions, the Judicial Service Commission, and the Teachers Service Commission (TSC) should all submit their money to the pension authority at the end of each month so that this money is disbursed to the pensioners. I also want to suggest that this authority should be computerised and have officers attached to all District Commissioners' offices so that they handle the pensioners' requirements. Indeed, the pensioner should have no business coming all the way to Nairobi to collect his money. He should go to the district where he will meet the District Pensions Officer who will look after his interests.

Mr. Temporary Deputy Speaker, Sir, this country is an urbanised society. We have a new culture of Kenyans who have no land; they live in towns and are pensioners. How can we look after their interests? These pensioners also need to be housed; they need to be protected so that our people do not live in squalor after spending their lives serving their country. I am suggesting that the National Social Security Fund (NSSF) should formulate a policy where, if somebody has contributed money to the Fund for 20 years or more, he is entitled to get a house free, paid for by the NSSF through the National Housing Corporation (NHC). These are Government institutions which belong to members and anybody who has contributed money, up to a certain level, should be entitled to a free house in town, in addition to his pension. This way, pensioners will not live in slums after their retirement. They should be able to live in decent houses because they served this country.

I also want to suggest that we should also grant our pensioners presidential honours. We need to remember that these people have served this country, they have been loyal to this country, and have not looted the resources of this country. They should be the first ones to be honoured by this nation by giving them the necessary recognition. Senior citizens of this country, for example, teachers, should be respected. We should realize that at the age of 60, not everybody is mobile and not everybody is

interested in leaving his home. Let us enable these people to enjoy a certain measure of comfort that is commensurate to the lives they have led while serving this country.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I wish to support this Bill.

Dr. Wekesa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this very important Bill. Before I start, I would like to commend my friend, Mr. David Musila, the hon. Member for Mwingi South, who has been a distinguished retiree, having served in the Civil Service for many years. Obviously, he knows the problems of civil servants because he faced them when he retired. I have not spoken to him, but I hope his pension has been paid. I know he retired some many years ago. We are not talking about civil servants alone, we are talking about people who have retired. We know that the Government has been the main employer for many years in this country because of our set-up. But we are also thinking of people who work in the private sector; people who work in private companies. I am referring to people who work in private companies and farms. All these people are entitled to getting their retirement benefits on time.

Mr. Temporary Deputy Speaker, Sir, I hope that by now many Government offices have been computerised. So, as some of my colleagues have said, there is no point in public officers chasing for files in offices. Indeed, there is no need for any retiree to travel from his rural home to Nairobi to chase his benefits. I am old enough to remember that in the colonial days, one only needed to write a letter to the officials in the Civil Service. It did not matter where in Kenya you stayed. You would receive a reply. There was no need for you to travel to Nairobi.

Indeed, as the Member for Sigor said, it is terrible to subject retirees to travel from, say, Sigor or Kwanza Constituency, to Nairobi in order to get a reply from a Government official. We are talking of a Government which had failed in the discharge of its duties, and it is now sitting on the Opposition side of this House. I wish to protect my Government by saying that we have only been in power for the last four or five months. So, I hope that members of the public have not had problems with the National Rainbow Coalition (NARC) Government. The problems we are talking about have been created by the Kenya African National Union (KANU), which was in power for 39 years. So, as we talk about these problems, let us remember that NARC has just taken over power, and that the Ministers who are with us---

Mr. Koech: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to claim that the previous Government is to blame for delays in the processing of payments to retired civil servants? Why is this Bill being introduced now that the NARC Government is in power?

The Temporary Deputy Speaker (Mr. Khamasi): The hon. Member on the Floor is entitled to his opinion. When you have a chance to contribute to this debate, you will also make your opinion known.

Dr. Wekesa: Thank you, Mr. Temporary Deputy Speaker, Sir. We now expect the NARC Government to ensure that there is a change of attitude amongst all workers in both the public and private sectors. The process of effecting change of attitude amongst workers should endeavour to incorporate transparency and dedication to duty, so that a retiree who lives in Kwanza Constituency, where I come from, should be able to communicate with the relevant Government official in Nairobi without having to come to Nairobi. When the civil servant, who sits in a beautiful office furnished with a red carpet, receives a letter from anybody, he must reply to it. In addition to telephone services, we now have electronic mail (e-mail) services. So, retirees should be able to communicate with their former offices from their places of retirement. So, there should be no need for them to travel to Nairobi.

Mr. Temporary Deputy Speaker, Sir, I do not know whether you have been to the Ministry of Lands and Settlement and tried to get a title deed.

An hon. Member: He does not have one!

Dr. Wekesa: Millions of people mill around Government offices, chasing documents and their

retirement benefits. We want a change of attitude amongst workers. Now that NARC is in power, civil servants should discharge their duties without having to wait for the individuals interested in any given matter. With time, this should be achieved. Given the enthusiasm with which the NARC Government has started to address issues affecting *wananchi*, I hope that Government officials will recognise the fact that every Kenyan has the right to receive a reply to an ordinary letter, or an e-mail, or a telephone call, directed at them.

Mr. Temporary Deputy Speaker, Sir, I have a bone to pick with employers. There are some employers who keep their workers as casual labourers. I happen to come from a farming community, and I know that some companies keep their staff on the job for even 30 years as casual labourers. How does a casual labourer earn his pension? This is an issue which the Government should address now. I know that the Kenya Seed Company in Kitale and the Agricultural Development Corporation have kept some of their workers for more than ten years as casual labourers. I am sure that a casual labourer is not entitled to the social service facilities that we are talking about. So, we have to look into this malpractice, which has been embraced by most employers. When I specifically refer to my district or constituency, I am not alluding that this happens only in those areas. I am sure that this happens all over the country.

Another issue that I would like to address is the age at which workers retire in this country. I do not want to tell you my age, but you may guess. If I were to retire at the age of 50, for the next 15 years, I would just be sitting and fiddling with my fingers. You now realise that, at my age, I am still quite able to do many things. So, why should we ask our workers to retire at the age of 50? I do not know how this came about. It really pains me to see people who have just clocked 50 years, and who have massive experience in their fields of study, being asked to retire. Given that the world is currently medically advanced, we are talking of Kenyans who are retiring when they are medically fit due to existence of good medical facilities. As Members of Parliament, therefore, we must re-visit this issue in order to protect the people who are being asked to retire prematurely. I am sure that you have heard of people committing suicide. I have heard of cases of suicide amongst people who have retired without proper preparation.

So, I wish to commend the Member for Sigor, who talked against people being retired without being prepared to look after themselves in retirement. I believe that as a Government, we have a duty to educate our workers on how to prepare for retirement. If you retire at 50 years of age, you will have 20 years of active life. What will you do with your life after retirement? I know that many Kenyans have this problem. The civil servants who are now able to give good advice to their institutions and Government are being asked to retire. I think there is need to raise the retirement age to 65 years so that we can utilise these people. However, somebody will ask what our youth will do if we keep the older people in employment.

Mr. Temporary Deputy Speaker, Sir, as Chairman of the Parliamentary Procedural Committee, you have had a chance to travel widely in this world. In many countries, you will not find people retiring at the age of 50. This is the time that people have amassed a wealth of experience and are able to share it with their employers and Government. I would like to suggest that we revisit that issue. I also want to urge my Government that when vacancies arise in senior positions of chairmen of parastatals or directorship, we should target these people because of their wealth of experience, amassed over the years. We should keep the young people doing the actual jobs, but also get some work for the retired people because this improves their lifestyles.

I am also speaking as a typical African. I do know, particularly in the area where I come from, that we have always married more than one wife. Our culture is such that you do not marry a second wife unless you are able to look after her. The culture has thus been that people always marry second wives after the age of 35. It therefore means that these people who are retiring at the age of 50 have many children in primary and secondary schools, and yet we as a Government have not taken this into

consideration. We are trying to copy the *Mzungu* way of doing things. We are Africans and we must accept our culture because there is nothing wrong with it.

Therefore, this is why I am saying I have a problem.

Mr. Mwenje: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for this typical African to imply that we should become unchristian by allowing people to marry second wives so that they can be retained in employment when we have youth who should be given these jobs?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, I think the hon. Member is not following my reasoning. I am saying that the culture of the African; the culture of Kenyans is that a whole lot of us have known our society accepting polygamy. You happen to be a Christian but not everybody is a Christian; I can see across there, hon. Members from North Eastern who are not Christians. You are assuming that many of us are Christians.

The truth of the matter is that many Africans marry second wives and usually do so at an advanced age. These are the people we are asking to retire, people we have not prepared to deal with unemployment and yet they have children at primary and secondary schools. We must have a change of attitude because we must take into account our lifestyles and cultures.

Mr. Temporary Deputy Speaker, Sir, I also want to draw the attention of my colleagues to these benefits that we are talking about. If, indeed, it is true that the delay in payment of pension is because of the Government's inefficiency, then it should be paid with interest. If a retiree was supposed to get his benefits four years ago, then by *pro rata*, there should be an element of interest so that he gets his rightful payment.

Also, I want to support the idea that the payments should be in line with the rate of inflation in the country at the time the retiree is being paid. This is because for people who retired 30 years ago, like Maj. Madoka said, being paid many years later, when the rate of inflation has gone up, the payments must be in line with the rate of inflation at the time the retiree is being paid.

Mr. Temporary Deputy Speaker, Sir, I would like to end by asking the House to pass this Bill because it is going to save us a lot of problems. I came to this House in 1988, and I can recall a number of times, each one of us had to raise issues about payment of NSSF and pension benefits. I would like to ask my colleagues to join me to thank Mr. Musila, who has brought this Bill because it is going to save us a lot of time. I thank him very much.

With those few remarks, I beg to support.

Prof. Mango: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Bill and thank Mr. Musila for having brought it up.

The people who serve the Government and retire should be rewarded because they have faithfully served the Government. They never committed any crime and they are being sent off in grace. Therefore, they should be facilitated. By the time the letter of retirement comes into being, the benefits should have been worked out and the retiree should go home with his pay package. Instead, the retiree is sent home empty-handed and he has to come back to chase his benefits. Every morning, in my constituency, I receive about three to five people who come to ask me to do the messengerial job of coming to chase their pension benefits. These people, as my colleagues have said, cannot afford fare to come to the Government offices to chase their pension.

The first thing the Pensions Department should do is to devolve its services; open offices in the districts to serve the retirees. In addition to that, they should computerise their services so that they know who is retiring when, and prepare their benefits. At the end of the day, the retirees are reduced to beggars. They are so harassed and when they go to those offices, nobody remembers them any more. They do not know where to stay and they are literally humiliated as though they did not serve the Government with dedication. The retirees should be rewarded so that they look forward to their retirement. Instead, when people face retirement, they feel as though they are going to die. They are going to be forgotten; they are going to be without earning and they are just facing suffering. We

should change the scenario. These are our people; they have served the Government and the Government should show gratitude by paying them their benefits on time.

In addition to that, the retirees should not go home without medical care. They should be given medical facilities so that wherever they are, they do not die at home for lack of ability to pay their medical bills. They should be respected as senior citizens so that they go home with dignity. Therefore, the Pensions Department should, within two years of retirement, train the retirees so that they can be deployed in other services. They should not just go home to languish and look like spent forces who have nothing to contribute to the nation and yet they have contributed to the nation with their service. At the time they leave, they should leave with their cheques within 30 days instead of 90 days. In addition, they should get their regular payments monthly so that they do not go chasing them around.

The retirees suffer and many of them have children for whom they still have to pay school fees. Many times their children drop out of school because their pension is not coming on time. They should be catered for so that they do not suffer these inconveniences.

When the retiree dies, many times the spouse, particularly the wife, if she has not been working does not know where to start. She does not know which office to go to and at the end of the day, she may give up chasing the pension because she does not know where to access the file. She may not even know the file number. Such situations would be averted if the office is in the district where she can go and be assisted. For instance, the National Social Security Fund (NSSF) has offices in the districts and yet those offices are not efficient. Eventually, someone has to come to Nairobi. When you come to Nairobi, that NSSF office is like a market place. Retirees get there and nobody is willing to serve them. They are shunted here and there and told to come tomorrow or the next day, until they almost give up. That is not the kind of reward we should give our retirees.

I do not know how the NSSF works out the interest on the money saved by the retiree. I do not know whether it is compound interest or simple interest or whatever.

Mr. Temporary Deputy Speaker, Sir, Parliament needs to look into this and find out what kind of interest is given on the pensioners' money. It can either be calculated on simple or compound interest basis. The pensioner saves the money for about 20 to 30 years and ends up with a meagre benefits of Ksh70,000. This does not make sense at all, whatever interest the savings accrue.

The retirees should be prepared to take care of themselves when they retire. When they retire at an early age, say, between 40-50 years, they can be deployed to do other services. They can stimulate a lot of economic activities in the rural areas. Therefore, there should be a proper programme to train them, so that they can be deployed to do other services in the rural areas instead of just leaving them to "rot" away, feeling sorry for themselves, and dreading the idea of retirement.

The current Pensions Act states that when a man dies, his wife will get pension for a period of five years. That Act should be repealed because it is not gender-sensitive. The Act should apply equally to both spouses. We should not limit the period when a wife should be paid pension after the death of her husband. In case of a deceased wife, the husband should continue to draw pension until he dies. Such rules should be amended so that they are gender-sensitive. Those rules were drawn when women were not working and, therefore, they were not gender-sensitive.

Mr. Temporary Deputy Speaker, Sir, the pensioners serve a very useful purpose in the country and they should never be made to feel that they are redundant. Therefore, the NARC Government should re-train the pensioners before they go home so that they can invest their money well. The National Social Security Fund (NSSF) money was looted by the politically-correct individuals. There are some housing projects that have stalled. The NARC Government should complete those houses and allocate them to members of the NSSF scheme instead of letting them "rot" away, especially the estate near Embakasi. This project was started by one of the politically-correct persons, but it has stalled. That is wasting the pensioners' resources, and letting them go home to live in mud huts while their money is benefitting other people is not fair. The NSSF had a lot of money to an extent that it

became a honey-pot for the politically-correct individuals. Whoever wanted to set up a bank would loot money from NSSF to do so. Whoever wanted to put up any kind of investment looted NSSF money at the expense of the pensioners. I believe the NARC Government will correct the situation. Let us not have a situation where a few people get rich at the expense of many Kenyans. Let the resources be shared by all Kenyans. Wherever a Kenyan puts his shilling, let him get fifty cents on top of it. We should not allow a few Kenyans to accumulate millions of shillings at the expense of the poor.

This Bill is very appropriate and has come at the right time, when we are experiencing changes initiated by the NARC Government. Therefore, the NARC Government should take this Bill seriously and make the necessary amendments so that the money which Kenyans save for their pensions benefits them. This will also make the retirees feel recognised, instead of them feeling that they are of no relevance.

In our African culture, we respect the aged people. We should start here by respecting the retirees so that our youth will also respect them. If the Government mistreats the retirees who have served it faithfully, how do you expect the youth to respect them?

Mr. Temporary Deputy Speaker, Sir, we are running into a situation where the youth feel that it is only the "*dot.coms*" who can work. Let us respect the wisdom in age and we can do it right here by paying the retirees in time and making them feel wanted. Let us give them transport vouchers so that they do not have to walk long distances feeling irrelevant. Let us respect them as senior citizens.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Bill.

Mr. Twaha: Mr. Temporary Deputy Speaker, Sir, I rise to support the Bill as proposed by Mr. Musila. He has been a champion and hero of old folks in the country. It is with his initiative that a Motion seeking to introduce the Pensions (Amendment) Bill was passed by the Eighth Parliament. Today we have the privilege to debate this Bill. Every old man and woman in the country is waiting earnestly to hear the outcome of this important Bill. I hope it will be positive.

Mr. Temporary Deputy Speaker, Sir, on Madaraka Day, His Excellency the President gave a rallying call for Kenyans to work hard. I support that call 100 per cent. However, I am afraid that to a sizeable portion of Lamu population, that call is hollow. I am talking about the hunters and gatherers in Lamu District who have been forced to retire at the age of 18 and 20 years through something known as conservation programme. This programme is economically finishing our people, especially the hunters and gatherers. Our economic activities depend on fishing, mangrove harvesting and other natural resources. Therefore, the ban on mangrove harvesting, which was unreasonably imposed, has made our youth "retire" early from their economic activities. There is no social security to cushion them throughout this difficult period or any support in form of training so that they can involve themselves in agricultural and other activities.

Mr. Temporary Deputy Speaker, Sir, the consequences of conservation are good, but it is being abused by foreign powers to marginalise some sections of the Kenyan society. We have non-Governmental Organisations (NGOs) which brainwash people on the concept of conservation, but their main principle is to impoverish them. Conservation is good, but too much of a good thing can be bad. I am very glad that the hon. Assistant Minister, Prof. Maathai, is here. I want to appeal to her, not only as an hon. Member and a Minister, but also as a mother, to lift this ban on mangrove harvesting because it has made our youth retire so early and, yet there is no pension to cushion them.

Mr. Temporary Deputy Speaker, Sir, whereas the Bill is supposed to redress the problem of delays in pension payment, our people have no pension at all to support their families. The arguments which have been put forward to support the banning of mangrove harvesting, such as soil erosion or rainfall patterns, does not apply here because mangrove trees grow in the sea. Therefore, there is no soil erosion in the sea. The mangrove poles were used for construction of houses in the Middle East.

However, they use steel to build modern skyscrapers. Even in Dubai and Saudi Arabia, they do not use mangrove poles any more. The main market for mangrove trees is just the poor Swahili people along the Coast Province, who use them to build their poor little houses, or the farmers to build their *manyattas*. If this industry is let loose and we lift the ban, the market itself will regulate how much material will be required because the people who buy it are poor, and cannot buy so much. We have hundreds of kilometres of coastline covered by mangrove trees. There is no way we will exhaust this resource. By the time we finish cutting down the mangroves in one area, the other area will have been regenerated and life will go on, unless she can show me that this plant has been extinct or has been completely wiped out. No! We have our own way of cutting down these plants. We cut down a few plants and then we move forward and life goes on. So, Madam, please, we urge you, when you go back to your office, to do something about it. It is really a serious problem because people are suffering. Old men and ladies are suffering.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Twaha, please, address the Chair!

Mr. Twaha: Yes, Mr. Temporary Deputy Speaker, Sir. I am sorry for being very emotional. If you knew where I come from, you would understand.

Mr. Temporary Deputy Speaker, Sir, I want to support the Bill as moved by hon. Musila, and I am sure all Kenyans will be very pleased when it is passed. I hope it will be properly implemented and the civil servants who process these pensions should remember that they will also grow old and one day retire. They will also need to be treated with consideration when they come to claim their own pensions.

With these few remarks, I beg to support.

Mr. Kingi: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niweze kuongeza sauti yangu na kilio changu kuhusiana na Hoja hii ambayo iko mbele yetu hivi leo. Kwanza, ningetaka kuwaunga mkono wenzangu ambao wametangulia kusema kwamba Hoja hii ni muhimu; ina nia njema kwa sababu madhumuni yake ni kuondoa uhasama na matatizo mengi ambayo wananchi wengi wa Kenya ambao wanatumikia taifa hili hupata wakati wanapostaafu.

Bw. Naibu Spika wa Muda, naunga mkono wale waliopendekeza kwamba kuwe na mpango maalum wa kugawanya kazi hii ya malipo ya uzeeni na kuifanya rahisi. Ninafikiria kwamba kuna uwezekano wa kulipatia jukumu hilo kwa Wizara tulizonazo na mashirika tuliyonayo ili yaweze kuchukua jukumu la kuwalipa wafanyakazi wao malipo ya uzeeni. Kama Wizara au shirika linaweza kuwalipa wafanyakazi wake baada kulitumikia taifa hili kutoka mwanzo baada ya kuajiriwa, nafikiria inawezekana mashirika hayo na Wizara kuwa na idara maalum za kulipa malipo ya uzeeni. Napendekeza kwamba kwa sababu notisi za kustaafu zinapeanwa mapema, iwezekane kwamba marupurupu ya mwezi ya mwisho kwa kila mfanyakazi iyajumlishe pia malipo ya uzeeni, ili mtu anapostaafu aweze kuchukua marupurupu yake na aende nyumbani bila matatizo. Ninaamini kwamba mpango huo unawezekana na ukifanywa utaondoa matatizo mengi ambayo wananchi wengi wanapata mara tu wanapostaafu.

Bw. Naibu Spika wa Muda, kulingana na hali ilivyo hivi sasa, ni wazi kwamba unavyozidi kuzeeka na unavyozidi kukaribia kustaafu, hali yako ya maisha inabadilika na unakuwa mtu wa wasi wasi na hofu nyingi kwa sababu unajua kwamba mara tu utakapostaafu, utapata matatizo. Matatizo haya yamesemwa mara nyingi na nafikiri ni wakati wetu sasa kuhakikisha kwamba tunaleta tofauti kati ya wakati uliopita na wakati wa leo.

Bw. Naibu Spika wa Muda, kuna jambo lingine pia ambalo nafikiri linaweza kuangaliwa, na hili ni la pesa hizi za NSSF. Mimi nimetumikia chama cha KNUT kwa muda mrefu na mara kwa mara niliona mambo ya kushangaza sana. Unapata mwalimu amekatwa pesa zake za mshahara na anaonyeshwa kwenye cheti chake kwamba pesa hizi zimeenda kwa NSSF, lakini wakati anapostaafu anaenda kwa NSSF na anaambiwa kwamba hakuna hata senti moja ilipelekwa kule kwa NSSF na mwajiri wake. Sasa unajuliza kwa miaka kumi au 20 mwalimu huyu alipokuwa akitumikia taifa hili na

mshahara unakatwa na anaambiwa kwamba pesa hizi zimeenda kwa NSSF, huwa zinaenda wapi? Nafikiri ni uhalifu kufanya kitu kama hicho. Ikiwa ni uhalifu, basi Serikali inatakikana kuchukua hatua kali dhidi ya waajiri wa namna hiyo ili tuweze kuwaokoa wananchi wenzetu.

Bw. Naibu Spika wa Muda, kunalo jambo lingine pia na hili linahusiana na malipo duni ambayo hupewa wafanyakazi, hasa wale ambao huaga dunia kabla ya siku za kustaafu. Nafikiri ingekuwa vyema malipo haya yaweze kuimarishwa na yawe mazuri kwa sababu ya familia zile ambazo zinaachwa na wafanyikazi hawa wanapoaga dunia. Mara nyingi pia malipo haya huchukua muda mrefu sana kulipwa. Kwa hivyo, uwezekano ni kwamba watoto ambao wazazi wao wanaaga dunia, mara nyingi pia hukosa kuendelea na masomo yao. Kwa hivyo, tungetaka ya kwamba malipo haya yalipwe mara tu kifo kinapotokea. Ikiwa ni kuchelewa sana, labda iwe baada ya mwezi moja ili elimu ya watoto hawa ama ya wale vijana wanaowachwa isiweze kutatizwa.

Bw. Naibu Spika wa Muda, kuhusu malipo haya ya uzeeni, nakubaliana na mwenzangu aliyesema kwamba malipo ya afya pia yangukuwa yanalipwa kwa wale wanaostaafu kwa sababu pia ni binadamu kama sisi ambao bado tuko kazini, na kuwanyima malipo haya ya matibabu ni kama kusema kwamba wao sasa, kwa sababu wamestaafu, si binadamu tena na kwa hivyo hawastahili kulipwa pesa za matibabu. Nafikiri itakuwa vyema waweze kulipwa pesa hizi za matibabu ili wanapougua, waweze kuwa na urahisi wa kwenda kwenye vituo vya afya na waweze kupata matibabu bora.

Bw. Naibu Spika wa Muda, kwa kumalizia, ningetaka kusema kwamba nimefanya kazi na chama cha walimu kwa muda mrefu, na tunapozungumzia hali ya matatizo ya watu wanaostaafu, ninayo kesi moja ambayo ni ya kushangaza sana. Ni kesi ya mwalimu ambaye alistaafu mwaka wa 1993 na mpaka hivi tunavyozungumza, mwalimu huyo hajalipwa malipo yake ya uzeeni. Kumekuwa na hali ya kupiga mpira kushoto na kulia. Mara ya kwanza mwalimu huyu aliambiwa kwamba malipo yake yamepelekwa Mariakani ambapo ndipo alipokuwa anasemekana ana akaunti, hali akaunti yake ilikuwa Kilifi. Hakujulishwa mapema mpaka benki ya Mariakani ilipopeleka pesa hizo kwa idara hii ya malipo ya uzeeni.

Kwa hivyo, tulipofuatilia, cheki ikatayarishwa upya ili mwalimu huyo aweze kulipwa, lakini la kushangaza ni kwamba mara ya pili ilipotayarishwa, cheki hii, badala ya kupeleka Kilifi, ilipeleka Kericho, na kule Kericho ikaenda ikapatana na mtu ambaye ana jina sawa na lile la huyo mwalimu wa Kilifi. Ana nambari za kitambulisho kama zile za yule wa Kilifi na particulars zake zote zilikuwa zimefanana. Kwa hivyo, huyu mwalimu wa Kericho, akaweza kupata marupurupu yale ya yule mwalimu wa Kilifi. Tulipoenda kuulizia, idara inayohusika ilituambia kwamba mwalimu wenu alilipwa na alienda kuchukua malipo yake huko Kericho na tukasisitiza kwamba mwalimu huyo hajalipwa. Tukaambiwa kwamba hiyo ni kesi ya polisi na "nendeni polisi", na tukaenda polisi. Polisi walituzungusha mpaka sasa tumepeleka kesi hiyo kwa Idara ya Kupambana na Ufisadi, lakini mwalimu huyu kutoka mwaka wa 1993 mpaka sasa, malipo yake hajaweza kuyapata. Ndio maana tunasema kwamba hii ni dhuluma na ni lazima Serikali yetu ya NARC ilete mabadiliko na kuwapatia Wakenya tamaa na moyo wa kuendelea kuishi. Mwalimu huyu anaitwa Justin Karisa na ninaamini Bunge hili lina uwezo wa kuweza kufanya mwalimu huyo alipwe malipo yake na atashukuru.

Asanteni na naomba kuunga mkono Mswada huu.

The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I would also want to add my voice to those who are supporting this Bill.

QUORUM

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

The Temporary Deputy Speaker (Mr. Khamasi): Yes, Mr. Gachagua!

Mr. Gachagua: Mr. Temporary Deputy Speaker, Sir, I do not think we have a quorum in the House.

Temporary Deputy Speaker: (Mr. Khamasi): We do not have a quorum and I order that the Division Bell be rung.

(The Division Bell was rung)

The Temporary Deputy Speaker: (Mr. Khamasi): We have a quorum now. Order!

The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I was speaking in support of this Bill. First and foremost, pension is a right and not a favor. Most of the officers who handle our retirees and pensioners have been treating them as if they were seeking a favor, and thus they do not get their rights.

Mr. Temporary Deputy Speaker, Sir, a case in point is the large number of people who come from Tana River District. I would like to reiterate here that some of the districts are so far away from Nairobi that there is always a hope that in frustrating the retirees by telling them: "Come tomorrow", they will give up and never come for their dues.

Mr. Temporary Deputy Speaker, Sir, I would like to agree with my fellow colleagues that we need to devolve this service especially in the outmost districts. We have a problem and my hope is that this House will come up and truly say what the people want to hear. The people want to hear that the pension problem is now a thing of the past.

Mr. Temporary Deputy Speaker, Sir, if we go to the substance of the Bill, which talks of public servants, you realise that when these people are employed in Government service, they are given an oath and one of the things that bind them is that they must be willing to work in all parts of the country at any time. They accept transfers and to operate from the stations where their employers send them to. If you take an example of people from Tana River District and Garsen Constituency in particular, they are so many of them. You find that someone has worked in Embu, Wajir, and Western Province. Over his years of service he has been an education officer or an agricultural officer, and throughout all that time he has not had time to build his base at home. So, when he is told to go back home, he does not have a place that he can actually call home because people at home assume that he is what they call "staff", he is better than them. He does not have plots or anything else because he has been depending on the salary that he has been getting. If he is an honest officer who has not been grabbing plots, he does not have anything under his name. He is only depending on that pension to go and build his home, whether it is a small *manyatta*, a mud house, and also to acquire a plot from one of the relatives. This same person is asked to leave his station of work; maybe he is in Embu. I have a particular man in mind. He is asked to leave his station of work and go back home and he does not have anything. They became so difficult that they were refusing to give them the transport that they used to give them to go home. Many people have got sick and many have died because of the shock they get. I would urge that this House, in recognition of the fact that many public officers have suffered, should pass this Bill without any amendments.

Mr. Temporary Deputy Speaker, Sir, another thing is that those public officers who survive the trauma of being sent home without a penny are still regarded as public officers even at home. You will find that they are the same people we go back to when we need to put people in the District Environment Board or District Education Board. Many hon. Members in this House have depended on them even in their campaigns. We should be faithful to them this time and pass this Bill for them and for us. You never know; maybe, one day, we might even be sent home and we will also need pension.

We we have already taken care of ourselves here in Parliament. Why should we not take care of these people who are serving us today?

I would urge that the House comes out to make a very strong statement that we are rejecting the people who mistreat our pensioners in those offices and those who make them feel as if they are beggars. We are rejecting any form of mistreatment of pensioners.

Mr. Temporary Deputy Speaker, Sir, I beg to support this Bill.

Mr. M. Kilonzo: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Bill for a number of reasons. I strongly believe that a country that cannot honour and respect its elderly people is a country that is encouraging a culture where people will be ignored even by their children back home.

The current system of paying retirement benefits after so many years and after such a long struggle has, in fact, engendered in this country a new class of lawyers who are specialising in collecting retirement benefits. The majority of those people who retire and go home cannot actually get their retirement benefits unless they go to a lawyer who writes demand letters and so on. You will find that even the lawyers demand letters are rarely acknowledged.

I dare say that it is as a result of this culture which was developed during colonial times that we are having difficulty in recognising our own heroes because you cannot be 15 years old and become a hero. You can only become a hero in old age. One of the methods of establishing a culture of respecting our heroes is to make sure that a man collects his retirement benefits on the day that he retires, or, preferably, a little earlier so that he can bank it before he goes home.

I would like to highlight the issue of health. The older human beings grow, the more their health deteriorates. If you have reached the age of 55 years and you have retired--- Although in my own perspective, 55 years is rather *manyanga* for retirement. The fact is that every day that passes after the age of 55 years, it means that you will have problems of ill health and deteriorating health. If you are still waiting for your retirement benefits to reach you, then you are exposed to serious health problems. In this country, not only do we not have old people's homes, but we also do not have a health care system that can take care of these people when they need health care most.

The other thing that has caused enormous problems with our retirees is the problem of currency depreciation and inflation. If somebody retires today and has to go home, he has to wait for 10 years to recover his retirement benefits. Technically, the money that you give him does not have the value of the money that you would have given on the day of his retirement. Therefore, I support and agree with the Mover of this Bill that the law must be amended in order to ensure that our retirees get their money on the day they retire.

Mr. Temporary Deputy Speaker, Sir, the other issue I wish to address is the problem of bureaucracy. I dare say and challenge the NARC Administration that the amount of bureaucracy involved in collecting your retirement benefits in this country is so outrageous that the sooner it is changed, the better. Since I do not trust the NARC Administration, I suggest that this law be passed so that they are enjoined by the law on the day of retirement that they pay the money because I cannot trust them to support the bureaucracy that exists in this country at this time.

Mr. Temporary Deputy Speaker, Sir, I wish to raise another point and it is extremely critical. As we move forward, when KANU comes back to power, I do assure you that we will introduce a programme for retraining retirees so that they can become useful to our country. If I look at some of the faces here, like my good friend, hon. Bett, he is probably nearly on his retirement age, but he looks so fit and able. I think I would like to "recycle" him and many other Kenyans in this country at the age of 55. "Muthoniwa" is also sitting here and you can see how fit and able he is. I dare say that most countries have now come up with a system for retraining people who are retiring. In fact, in countries like England, the period beyond which you cannot go to university is the age of 50 or 52. So, when KANU comes back to power it will introduce a system of retraining retirees.

With those few remarks, I beg to support this Bill and urge that it be passed without amendments.

Mr. Mwenje: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I want to speak in Kiswahili.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Mwenje! You have started in English, therefore, you have got to continue in English.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I also want to join Mr. Musila in supporting this Bill because he must have brought this Bill to the House after seeing how many people have suffered.

I always find people at my gate literally every morning coming to ask me about their pensions. They cannot get their pensions because whenever they go to get them, they are told that their files are lost.

Previously, to get a file in a Government office, you needed to be well "equipped" in your pocket. If you were "equipped," the file would be found. If you were not, the file would take one or two months and would never be found. I first of all want to ask the officers who are working under the NARC Government that they should never be seen to be doing that. Files should not be like those of Goldenberg where they can be found today, get lost tomorrow and later be found. Mr. M. Kilonzo should tell us how these the files get lost and are found the following day.

(Laughter)

It is important that the files should be available, so that pensions of the retirees can be processed as fast as possible. One section in this Bill says that they must be paid before they leave. It should not be used to retain officers just because they are not paid. The implication and intention of the Mover is that these people be paid because the senior officers may decide to retain them with an excuse that it is not possible to pay them their pensions. This would make them work for two or three more months. If private entrepreneurs are able to pay their employees on the spot, there is no reason why a Government which is equipped with computers and all kinds of officers should retain somebody just because it is not able to pay him or her. They should be able to pay them on the spot, and I believe that particular section in the Bill will not be used to retain officers who are supposed to have retired. This is because by retaining them, even if you are going to pay them for those two months, you are delaying them to accomplish the plans they had after retirement.

Mr. Temporary Deputy Speaker, Sir, the other section in the Bill says that they will be paid and if there is any delay, they should be paid at bank interest rates. Bank interest rates are not uniform. Being a former banker, I know that banks have different rates. The rates at the Barclays Bank of Kenya are different from those of National Bank of Kenya and Kenya Commercial Bank; so, I do not know which particular bank the Mover had in mind. The best thing to say is that it would be paid over and above the prevailing Treasury Bills rate. This way, everyone knows how much they would be paid and if we leave it generally and say "bank rates," it might be confusing because one would want to be paid according to the bank with the higher rate. We need to clarify this during the Committee stage and amend it, so that we put a fixed rate which can later be amended if we find it is low or high. The most convenient way is to place it at a particular rate over and above the Treasury Bill rate prevailing at the time the person is being paid. We need to correct that to avoid any anomaly that would come later when people are being paid their money. It can become a serious source of confusion and can also cause delays in payment and you know the repercussions that come with this. For those who are living upcountry, that money is paid through the District Commissioner's Office or the Public Trustee. I do not know what the people in North Eastern Province do because there is no office of the Public Trustee. I am yet to hear a Member of Parliament from North

Eastern Province coming here - like Dr. Galgallo here - and raising an issue as to why there is no office of the Public Trustee in North Eastern Province. There is not a single one! I was assuming that Dr. Galgallo comes from there because he is a "Waria."

Dr. Galgallo: Mr. Temporary Deputy Speaker Sir, Mr. Mwenje referred to me as someone from North Eastern Province and I am not. He went on to call me this "Waria" and I am not. Can he withdraw that remark?

(Laughter)

Mr. Mwenje: Mr. Temporary Deputy Speaker Sir, it is assumed that most people from North Eastern Province are actually *Warias*. If he is not one, I withdraw the statement.

I am saying that in North Eastern Province, there is not a single office of the Public Trustee and, therefore, the people from North Eastern Province must be finding it very difficult to be paid pension and other payments made through the Public Trustee.

I would like to request the Minister in charge to look into the issue very urgently. I see the hon. Githae here.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Mwenje can you address the Chair.

Mr. Mwenje: I am saying I thought it falls under Mr. Githae's office. There should be an office somewhere in that province, so that those people can be served, particularly now that we are in the NARC Government. We soon want them to join the Government, even for those who are in KANU. It is important that we open an office so that we can serve them, but on condition that sooner or later, they become members of the NARC party.

(Laughter)

I therefore want to join my friends, but I also want to say this: I do not agree with a previous speaker, the hon. Dr. Wekesa, who said that people should be allowed to continue working up to 65 years, which is his age. We have to give those coming from school an opportunity; if you get your pension at the age of 50 or 55, then go and start farming or establish a small business, but do not insist that you should continue being employed just because you are strong or healthy. People do not go home because of not being healthy or strong, but it is because their time is over and somebody else should take over that job. We must give opportunities to all people within our country.

I disagree with them that just because you want to marry a third or fourth wife and have more children, then you should continue working. If that was the criteria, everybody would want to marry a second or third wife, so as to be retained in office. Let people retire at the right time and this should never go to the age of 65.

With those few remarks I beg to support.

The Temporary Deputy Speaker (Mr. Khamasi): We have a few seconds; so, Mr. M. Kariuki, you can start and then continue tomorrow.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. It is timely and I think it has got an overwhelming support from the Floor. I would like to say that the major culprit under the provisions we are trying to amend has been the Government. It is the Government which has failed to live to its side of the bargain. I would like to say that in 1999, a large number of civil servants were retrenched under the "Golden Handshake" arrangement.

Mr. Temporary Deputy Speaker, Sir, up to now, they have not got a single penny of what was due to them. They are languishing at home and their children have stopped going to school because they have not been given what is rightfully theirs.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Hon. members, it is now time for the interruption of business. Therefore, the House, stands adjourned until Wednesday, 11th June, 2003, at 9.00 a.m.

The House rose at 6.30 p.m.