

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th November, 1999

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Paper were laid on the Table:-

The Report of the Departmental Committee on Finance, Planning and Trade on:-

The First Monetary Policy Statement, July to December, 1997

The Second Monetary Policy Statement, January to June, 1998

The Third Monetary Policy Statement, July to December, 1998

*(By the Chairman of the Departmental Committee
on Finance, Planning and Trade)*

ORAL ANSWERS TO QUESTIONS

Question No.436

REPAIR OF ROADS IN NAIVASHA

Mr. Kihara asked the Minister of State, Office of the President, how much of the emergency road repair funds given by donors to Kenya for *El Nino* related damaged roads has been given to Naivasha.

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

The *El Nino* funding obtained by the Government from the World Bank and the African Development Bank does not cover Nakuru District, in which Naivasha Constituency is situated.

Mr. Kihara: Mr. Deputy Speaker, Sir, did you hear that unbelievable answer by the Minister, that the whole of Nakuru District did not get any funding from the *El Nino* Emergency Fund? Does it mean that Nakuru District did not suffer the effects of the *El Nino* rains? What criteria did the Minister use in disbursing these funds?

Mr. Nassir: Mr. Deputy Speaker, Sir, the criterion used is how much damaged a road is. Also, the area Member of Parliament, the DC and the councillor,

who sit in the District Development Committee (DDC), should give relevant information to our office.

Mr. Kihara: Mr. Deputy Speaker, Sir, I am still very dissatisfied with the answer given by the Minister. We have got some of the most inaccessible areas in Nakuru District, particularly in Naivasha Constituency, where we have to carry our dead on our shoulders from the main road, and our sick on makeshift stretchers or donkey carts. The Minister is very well informed because the Ministry has got officers in the field and they sit in the DDC. Can the Minister tell us when some action will be taken to rectify the situation in these inaccessible areas, come rain or sunshine?

Mr. Nassir: Mr. Deputy Speaker, Sir, it is the World Bank which decides which road should be given priority. The DDCs and the World Bank officers must sit together---

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to tell this House that the World Bank tells the KANU Government what to do? Is he in order?

Mr. Deputy Speaker: If that is what the World Bank does, then he is perfectly in order!

Mr. Nassir: Mr. Deputy Speaker, Sir, this is the World Bank's money and it knows what to do with it.

Mr. Wamae: Mr. Deputy Speaker, Sir, will the hon. Minister agree with me that these funds were not disbursed in Nakuru District and Central Province because these are strong Opposition areas, and not for the reasons he has given?

Mr. Nassir: Mr. Deputy Speaker, Sir, the Kenya Government has done a lot in Opposition constituencies and districts. If you can see for yourself, most of the roads we have in Kenya are mud roads, which are not passable during the rainy season.

Dr. Kituyi: Mr. Deputy Speaker, Sir, the hon. Minister said that Members of Parliament, councillors and other members of DDCs are sometimes responsible for the availing of the *El Nino* funds. My understanding was that the DDC prioritises projects when the Government has allocated some *El Nino* funds. Can the Minister tell this House how DDCs get money from the *El Nino* Emergency Fund?

Mr. Nassir: Mr. Deputy Speaker, Sir, when we formed DDCs in Kenya, we went to Kabete for everybody to learn about the DDCs. Maybe, Dr. Kituyi was not in Parliament at that time. The idea is that each DDC member should present his people's needs in the committee.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. After that doctored history by hon. Shariff Nassir, how can a resolution of a DDC generate money from the *El Nino* Emergency Fund? Could he now proceed to answer my question.

Mr. Nassir: Mr. Deputy Speaker, Sir, my colleague is more educated than me. With regard to projects in the districts, they have to be presented to the DDCs, who will then come to our office and meet the *El Nino* Emergency Fund group and others.

Mr. Kihara: Mr. Deputy Speaker, Sir, since this KANU Government has been ordered by the World Bank not to disburse money in Nakuru District, can the Minister then undertake to utilise taxation money to, at least, pave some of our roads which are impassable now, if he cannot do what the World Bank has not ordered him to do?

Mr. Nassir: Mr. Deputy Speaker, Sir, this KANU Government, which covers all areas in the country, can do something if the hon. Member approaches it in a proper manner.

Question No.584

RETIREMENT OF CHANGWITHYA CHIEF

Mr. Deputy Speaker: Is Mrs. Ngilu not here? We will leave her Question until the end. Let us move on to the next Question.

Question No.644

RECOGNITION OF ROLE OF VILLAGE ELDERS

Mr. Kalulu alimuuliza Waziri katika Ofisi ya Rais:-

- (a) ikiwa anaelewa kuwa katika utawala wa kila kijiji, kuna watawala wasiojulikana na Serikali; na,
- (b) ikiwa Waziri anaweza kueleza Jumba ni nani anawalipa.

The Minister of State, Office of the President (Maj. Madoka): Bw. Naibu Spika, naomba kujibu.

(a) La, sielewi kama kuna watawala vijijini ambao hawatambuliwi na Serikali. Kitu ambacho ninajua ni kwamba, katika kila kijiji, kuna wazee ambao huchaguliwa na wenye kijiji kama washauri. Hao washauri mara nyingi hushirikiana na watawala ili kutatua matatizo ambayo huenda yakatokea katika vijiji. Hawa wazee hawalipwi pesa zozote.

(b) Kufuatana na jibu hilo, sehemu ya (b) ya Swali hilo haihitaji kujibiwa.

Mr. Kalulu: Bw. Naibu Spika, nafikiria labda Waziri haelewi ni wazee gani ninaowataja. Ni wazee ambao hutumiwa na machifu na manaibu wao kiholelaholela, na hawapewi chochote. Wao wenyewe hutumikia sehemu ambazo wamechaguliwa na machifu na manaibu wa machifu kutumikia. Kule sehemu za kwetu, huitwa wazee wa kijiji. Kwa lugha ya kikwetu, huitwa "*atumia mo tui.*" Je, hao hulipwa na nani? Ukitembea katika sehemu zote, utawapata wana angaishwa na machifu!

Maj. Madoka: Bw. Naibu Spika, kufuatana na vile nilivyosema hapo awali, kila kijiji kina wazee wa kijiji. Huchaguliwa na wenye kijiji wenyewe, na hawalipwi pesa zozote. Wanajitolea kusaidia watawala.

Mr. Gitonga: Bw. Naibu Spika, Waziri anaonekana hajui vile mambo yanavyoendelea kule vijijini. Wazee hao huchaguliwa na machifu na manaibu wao. Wanazunguka kila pahali wakitaifuta pesa za Harambee na wakizipata, wanawaletea machifu na manaibu wao. Hawachaguliwi na wenye kijiji.

An hon. Member: Wanatunyang'anya kuku, Bwana! Kuku wamekwenda! Hakuna mambo ya kujitolea!

Maj. Madoka: Bw. Naibu Spika, mimi mwenyewe natoka kwenye kijiji. Najua wazee hao wanachaguliwa. Ikiwa wazee hao hawachaguliwi na wenyeji katika sehemu anayotoka Mbunge, hilo ni jambo lingine ambalo laweza kuangaliwa.

Mr. Kathangu: Bw. Naibu Spika, ningelitaka kujua ikiwa Ofisi ya Rais inawalipa wazee hao, ama ikiwa imetoa amri kuwe na uchaguzi wa wazee hao. Hii ni kwa sababu kwetu hakuna uchaguzi! Hata sio chifu anawateua; ni manaibu wa machifu kutoka vijijini. Hao watu kazi yao ni kukusanya kuku, mahindi na maharagwe na kuwapelekea machifu ambao huenda kuuza kwenya minanda ili waweze kulipwa! Kuna tofauti kati ya Taita na kwetu Embu?

Maj. Madoka: Bw. Naibu Spika, kama kuna wazee ambao kazi yao ni kukusanya kuku au mahindi ya wananchi bila idhini ya wenyewe, basi kuna kasoro hapo. Kama kuna watu kama hao ambao wanaweza kutambuliwa, wakiletwa kwetu, sisi tutachukua hatua.

Ms. Karua: Bw. Naibu Spika, ningependa Waziri aeleze Jumba hili ni sheria gani inayohusu hao wazee kuchaguliwa. Ni taratibu gani za uchaguzi zinatumiwa wakati wazee hao wanachaguliwa? Je, Waziri anaelewa kwamba wazee hao ni majambazi?

Maj. Madoka: Bw. Naibu Spika, ikiwa Ms. Karua anajua ni majambazi, basi atueleze na tutachukua hatua. Kitu ambacho nasema ni kwamba, kule kuchaguliwa kwa wazee hao siyo eti kuko ndani ya Katiba. Ni katika zile mila za kienyeji. Ni jambo ambalo limekuwa likiendelea. Kuna wazee ambao wameheshimiwa na watu wa kijiji fulani na huchaguliwa na wananchi ka hiari yao.

Mr. Kalulu: Bw. Naibu Spika, Waziri labda anaeleza mila nyingine! Lakini anaweza kueleza Jumba hili, kwa sababu hawa ni wazee ambao wana watoto na wake zao, ikiwa anaweza kuleta sheria ambayo itatambua juhudi zao, ili waweze kupata malipo kama machifu na manaibu wao?

Maj. Madoka: Bw. Naibu Spika, kitu kilichoko ni kwamba, kama kijiji hakitaki wazee wowote kuwa washauri, ni haki yao. Hawatakuwako. Lakini Serikali haiwezi kuwalipa hao wazee ambao wamechaguliwa na wenyeji wa vijiji.

Mr. Katuku: Bw. Naibu Spika, ningependa Waziri atueleze ikiwa anajua ya kwamba, hasa huku mjini, katika mitaa ya mabanda kama Kibera, Korogoshi na mitaa mingine, kuna wazee wanaojiita "wazee wa kijiji?" Ni wazee wa KANU na wanahangaisha wananchi katika mitaa hiyo. Una habari hiyo? Ikiwa huna habari hiyo, unaweza kuagiza wazee hao wa KANU, ambao wanajiita wazee wa kijiji, wafutwe mara moja?

Maj. Madoka: Bw. Naibu Spika, kama hawajaandikwa, hawawezi kufutwa. Hii ni kwa sababu hawajaandikwa!

Question No.655

EVICTON OF ZIWANI LOCATION RESIDENTS

Mr. Deputy Speaker: Is Mr. M.A. Galgalo not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.469

IMPORTATION OF SUGAR

Dr. Kulundu asked the Minister for Agriculture, in view of the improved crushing capacity of Mumias Sugar Factory, and the decreased purchasing power of Kenyans, whether there is any justification for importing sugar into the country.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. I.K. Ruto): Mr. Deputy Speaker, Sir, I beg to reply.

The Mumias Sugar Company increased its crushing capacity from 7,000 tonnes of cane per day, to 10,000 tonnes of cane per day, in 1997. However, the increase does not meet the national demand for sugar as reflected in the overall national production and consumption figures for the last three years. For example, in 1998, the total production was 449,132 tonnes, while consumption was 600,000 tonnes. There was, therefore, a deficit of 150,000 tonnes. Importation is, therefore, justified because despite the increased production levels, there still exists some deficit in the national sugar requirements. In addition, the demand for refined industrial sugar is 80,000 tonnes per year, and none of

our factories is currently producing this specialised sugar, which is used for the manufacture of confectionaries, beverages and pharmaceuticals.

Dr. Kulundu: Mr. Deputy Speaker, Sir, first of all, I must say I have not received any written reply to this Question.

However, in a Ministerial Statement on 15th April this year, the then Minister for Agriculture, hon. Mudavadi, had this to say to this Parliament, in explaining why there was so much unsold sugar in Mumias. That was in response to a Question asked by hon. Osundwa. He said:-

"Currently, it is estimated that purchasing power of the consumers has declined by between 30 to 40 per cent."

Then he went on to say:-

"Mumias Sugar Company crushing capacity has increased to 10,000 tonnes of sugar-cane, which produced 3,000 metric tonnes of sugar per day."

This is from the HANSARD. Now, with 3,000 tonnes of sugar per day, and assuming that Mumias Sugar Factory only closes for two months in a year, that would bring the total production of the Factory to 900,000 tonnes. This is according to the Ministerial Statement. This is way above our national requirement of 600,000 tonnes. Could the Assistant Minister tell this House whether it is his answer that is wrong, or the Minister's Statement, which must have been made after thorough investigations?

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, the hon. Member must be confused by funny figures that he seem to be having! The correct position is that the Mumias Sugar Factory produces 10,000 tonnes of crushed cane per day. I think he indicated even in this statement, that, that is the situation.

Mr. Kamande: On a point of order, Mr. Deputy Speaker, Sir. How can the Assistant Minister term the words of the hon. Minister as "funny words" and "funny figures?" It is a record of this House and it is here! How many Governments do we have?

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, what the hon. Member is having is not necessarily a Ministerial Statement! What I am quoting is the correct figure!

(Loud consultations)

Mr. Deputy Speaker: Order! Order, hon. Assistant Minister! The hon. Member is quoting from the HANSARD! The HANSARD is not a concoction from Lurambi. It is a record of this House! So, if you are challenging those figures, just say so!

An hon. Member: He is challenging the Minister!

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, unless the hon. Member forwards that document to me, I am unable to confirm that what he is quoting are the correct figures. But the statement I am making is the correct position as of now.

Dr. Kituyi: Mr. Deputy Speaker, Sir, now that hon. Ruto has shown that he has such a flair of statistics, by saying that Mumias Sugar Company crushes 10,000 tonnes of cane per day, can he tell us how many tonnes of sugar that can translate into? From there, we can see whether Mumias Sugar Company alone is producing the 600,000 tonnes of sugar, which is the national requirement as he has proclaimed.

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, I mentioned 10,000 tonnes of cane being crushed per day, and he is confusing that with tonnes of sugar!

Mr. Deputy Speaker: Order, hon. Members! Indeed, hon. Dr. Kulundu was quoting from the HANSARD. You cannot ask a Member of Parliament to lay on the Table a copy of the HANSARD because it is an official record of the House! Once anything has gone into the record of this House, it is assumed that all hon. Members are in possession of that information. So, I am assuming that the hon. Assistant Minister has this information within his knowledge. So, he should proceed and answer the question put to him by Dr. Kituyi.

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, let me put it clearly that the total production of sugar per year amongst all the sugar factories is 600,000 tonnes. I mentioned that Mumias Sugar Factory increased its capacity of 7,000 tonnes of crushed cane per day to 10,000 tonnes of crushed cane per day. I did not say that Mumias Sugar Company produces 10,000 tonnes of sugar per day. I talked about the crushed cane. That is the capacity which the hon. Member had talked about. He had said that Mumias Sugar Company had increased its capacity, and the overall production of sugar per year is 600,000 tonnes but still, there is a deficit of 150,000 tonnes.

Dr. Kituyi: Mr. Deputy Speaker, Sir, this Assistant Minister does not know what he is talking about. He is definitely not attempting to answer the questions put to him. Is it not in order that the Chair obliges him to go and find a more relevant reply?

Mr. I.K. Ruto: Mr. Deputy Speaker, Sir, unless he tells me which questions I have not answered, I cannot agree with that.

Dr. Kituyi: We were talking about the tonnes of sugar which Kenyans consume per year, and you have told us that Mumias Sugar Company crushes 10,000 tonnes of sugar-cane. Can you translate that into tonnes of sugar and tell us how much sugar Mumias Sugar Company produces per year?

Mr. I.K. Ruto: If you want to know the amount of sugar that Mumias Sugar Company produces per year, I will produce the figure tomorrow. But I have mentioned what the national requirement is per year.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! Definitely, there is some confusion here because the then Minister for Agriculture, hon. Mudavadi said:-

"This, of course, shows that there is an indication of over 3,000 metric tonnes of sugar which the factory is now producing per day."

So, get hold of the HANSARD, see what the then Minister for Agriculture said, reconcile those figures which he gave to this House and the figures you have, and then report back to the House. I will, therefore, defer this Question.

(Question deferred)

Question No.137

ALLOCATION OF EASTLEIGH SEWERAGE PLOT

Mr. N. Nyagah asked the Minister for Local Government:-

(a) who the people allocated the old sewerage plot in Eastleigh South are; and,

(b) whether he is satisfied that the right procedure was followed in the allocation process.

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

(a) Mr. Deputy Speaker, Sir, there are 121 people whose names are listed in the Appendix to this reply. This is a list of all allottees of the old sewerage plot in Eastleigh South. The list is long. So, that we do not get into a situation where I am told to table it, I beg to table it in advance.

(Mr. Kiangoi laid the document on the Table)

(b) I am not satisfied that the right procedure was followed in allocating the plot. Preliminary investigations indicate that there was no council minute or the Minister's approval to the allocation.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, the Assistant Minister has admitted in his answer that there was no council minute or the Minister's approval for the allocation. This shows the manner in which land was given out by the former Director of Planning and Architecture and the former Town Clerk. This land was allocated to very many councillors who now own land in that place. Today, in that place, we have got people who are Mayors of the Nairobi City Council. In view of this answer, can the Assistant Minister show that they have got the muscle to revoke those allocations, and liaise and co-ordinate with the Ministry of Lands and Settlement, so that no title deeds are given out since there was no authority whatsoever that was given?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, the Ministry has the muscle to do that which the Local Government Act provides. As I have indicated several times in the immediate past, we have just appointed a team of inspectors and this is one area that they are looking into. I will only give you a definite reply after they come out with their findings. After this, we shall definitely take action, and that action may involve revocation of the plots.

Mr. Mwenje: Mr. Deputy Speaker, Sir, there is nothing to investigate here. The Assistant Minister has accepted very clearly that there are no minutes for this allocation. This means then, this allocation was illegal. Can the Assistant Minister, therefore, as a matter of urgency, cancel these allocations and extend the same to all those plots which have been allocated in the same manner?

Mr. Kiangoi: My answer is: Let us be patient. It is only two months. Let us find out. I have said: "Initial investigations indicate". Let us come out with a definite finding to this so that we can take that required action.

Mr. Kaindi: Mr. Deputy Speaker, Sir, the question of plot allocations not just in Nairobi is a thorny one. There is a conflict of interests between the powers that are given the authority to allocate, the powers of the Commissioner of Lands and the powers of the local communities. Can the Assistant Minister assure this House that he is going to give a policy guideline indicating the procedures for allocation of Government land and Trust land so that, that conflict between the Commissioner of Lands and the local authorities is cleared since the situation is very difficult?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I will not give the policy guidelines on the procedure to allocate Government land because that would be outside my province of jurisdiction. However, I can assure you that I will deal with the matters relating to local authorities, and I shall give guidelines on allocation.

Mr. Kihoro: Mr. Deputy Speaker, Sir, most likely, what will happen two months from now is that we are going to be told: "An investigation has been carried out and it has been found that these two plots were wrongly allocated". We have already been told that there is evidence that this was a wrong allocation. Can the Assistant Minister confirm to this House that no allottee will be allowed to transfer any of the 121 plots that have already been misallocated by the Nairobi City Council?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I do not think it is proper to anticipate the results of the investigations. However, the Ministry will do all that it can to ensure that this particular matter is handled to the satisfaction of this House.

Mr. Mwenje: Mr. Deputy Speaker, Sir, the Assistant Minister is not in order if he were to anticipate---

Mr. Deputy Speaker: No! That is not for you to judge.

Mr. Mwenje: Okay. Is the Assistant Minister really in order to say that we do not need to anticipate when he has accepted here that they were illegal and not limited and he is now talking of anticipation? Is he really in order to talk of anticipation when he has accepted that this is truly illegal allocation?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I was answering what the hon. Member of Parliament for Nyeri Town had asked. He had said that two months from now, he is going to get an answer of a certain nature and that is what I called anticipation. I have repeated again and I can do so now, that my answer states that it is our initial investigations that have shown that these allocations were illegal. Therefore, be patient so that when we get a concrete answer to this; a definite confirmation with documentary evidence or lack of it, then indeed, we shall take the required action.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I think the Assistant Minister is indulging in semantics here. He did say clearly that their initial investigations showed that these allocations were made without a Council Minute. Whether those investigations were initial or final, the fact is that the allocations were made without a Council Minute and that is enough for him to revoke these allocations. Why is he pussy-footing about a matter that is so clear?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I am not disputing the fact we shall revoke these allocations. What I am saying is that we will do this after we have carried out thorough investigations that will confirm in definite terms what our initial investigations have shown. This Question was asked the other day. We have come up with this answer. We are giving an answer that, indeed, the allocations were irregular. So, why do you not give us time so that we may finalise the matter?

Mr. Deputy Speaker: Order, Mr. Assistant Minister! They are asking you in the meantime, can transactions continue on this land, including transfers and development?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I have already answered that and I have said that we are going to take immediate action to stop any transactions concerning the same properties until we revoke or act otherwise.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, one of the things we have been asking in this House is to get Minutes for all the allocations of land that this Ministry has given. This has not been forthcoming even though it is on record that they are going to present them. However, in the meantime, would the Assistant Minister call for all the Minutes from the Minute Book so that they are not tampered with so that they can have that record because some of the Chief Officers and Councillors are sitting in that Council today?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, I stand on a point of clarification. I would like to know whether there is a limit to what the Member is asking. Are they the Minutes from 1950 or from last year?

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, this allocation happened in 1992 onwards. What we need are the Minutes from the beginning of multi-party politics. That is when the Chief Officers went berserk. Can you do that?

Mr. Kiangoi: Mr. Deputy Speaker, Sir, we can do that and, indeed, we have already given instructions that we should be furnished with all the copies of records since 4th August, 1992.

Question No.325

CONSTRUCTION OF MBITA-MAGUNGA-SORI ROAD

Mr. Nyauchi asked the Minister for Roads and Public Works:-

(a) when Coastal Construction Limited, who were awarded a contract to repair the road from Mbita

via Magunga to Sori (D210) worth Kshs374,000,000 in January, 1999 will commence construction of the road; and,

(b) how much the contractors were paid as deposit.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry does not have immediate plans to commence construction of the road from Mbita via Magunga to Sori (D210) due to non-availability of funds. Although the Suba District Tender Board met on 25th February, 1999 and recommended to award a contract for construction of the road by M/S Coast Construction Limited, my Ministry could not award the contract as funds for the works were not available.

(b) No money has been paid as deposit since no contract was awarded to this firm.

Mr. Nyauchi: Mr. Deputy Speaker, Sir, I am rather dismayed at this answer. To begin with, on what basis did the District Tender Board meet and decide to make an award of a tender? Secondly, on whose behalf were they acting when they did so?

Eng. Rotich: Mr. Deputy Speaker, Sir, I think they were acting on assumption. There was a road which was gravelled and when it was completed, they assumed that this would continue. So they went ahead and did it. However, we do not have the money to finance that project at the moment. The contract was done by PM Construction Group.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is rather sad that one arm of the Government does not seem to know what the other arm is doing. But I recall that, during last year's Budget, an amount of Kshs374 million was voted for Suba District for purposes of road works. We also know that Kshs6.2 billion was voted last year for the construction of roads of the kind that is in question here today. Could the Assistant Minister tell us why that money, which was voted for the construction of roads last year was not utilised for constructing this road? A little over Kshs400 million was voted for Suba District and we have records for that.

An hon. Member: Hizo pesa zilienda wapi?

Eng. Rotich: Mr. Deputy Speaker, Sir, I am not aware of those records the hon. Member is quoting, but the Kshs6.2 billion is for the whole country and not for Suba District alone, but includes it.

Mr. Ojode: Mr. Deputy Speaker, Sir, could the Assistant Minister inform the House what arrangement he has in place to grade Magunga-Sori Road, now that he has said that, they do not have money to pay the contractor? What do they have in place to grade this particular road?

Eng. Rotich: Mr. Deputy Speaker, Sir, the plans we have are for routine maintenance and we have allocated some money to the District which can be confirmed later; it is about Kshs1.2 million.

Mr. Nyauchi: Mr. Deputy Speaker, Sir, the Assistant Minister is talking about millions. It is like it really does not matter or it looks like he wants to impress us with millions of shillings. But when he says that they are planning to spend a few million shillings to construct the roads, one of which is the Magunga-Sori Road; when exactly is that money going to be made available because that is what is of interest to us?

Eng. Rotich: Mr. Deputy Speaker, Sir, I did not say "a few million shillings", I said Kshs1.2 million, which is already with the District Public Works Officer, Suba District.

An hon. Member: How much?

Eng. Rotich: An amount of Kshs1.2 million!

Question No.461

STANDARD WIDTH OF MAGADI ROAD

Mr. Mutahi asked the Minister for Roads and Public Works what the standard width of Magadi Road from the Junction of Bomas of Kenya, Off Langata Road to Kiserian Trading Centre is.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I beg to reply.

The average width of Magadi Road, from the junction of Bomas of Kenya, off Langata Road to Kiserian Trading Centre, is 5.5 metres.

Mr. Mutahi: Mr. Deputy Speaker, Sir, the Assistant Minister could be lucky because hon. Saitoti, the hon. Member for that area is not around and hon. Gitonga and Dr. Leakey are not around.

Mr. Deputy Speaker, Sir, when I found out that this Question was going to appear on the Order Paper today, I went and measured that road myself and it has a width of three metres only!

I am asking this Question because there is an average of three fatal accidents on that road because of its width and there occurs an ordinary accident every day. Could the Assistant Minister tell us what he is intending to do in order

to increase the width of that road by two metres?

Eng. Rotich: Mr. Deputy Speaker, Sir, I do not know where he measured the width of that road. But the average width is 5.5 metres. The required average standard width of the road is 6.5 metres. At the moment, we do not have any plans to expand the road to 6.5 metres because we cannot afford it.

Mr. Mutahi: Mr. Deputy Speaker, Sir, the road is very dangerous and it is known by all the hon. Members who reside in those areas. That is where I live!

Could the Assistant tell us, because I measured the road at random--- First of all, I started at the Bomas of Kenya, then I went to Ongata Rongai and then at the end Kiserian. Is the Assistant Minister saying that, the measurement that he is giving to this House is what is in the records, or it is what is on the ground? This is because I measured the width of the road on the ground. To make it worse---

Mr. Deputy Speaker: Ask one question at a time!

Mr. Mutahi: Could the Assistant Minister tell this House whether the measurements that he has are the measurements on the ground or they are on record? It was yesterday---

Mr. Deputy Speaker: Order! Order!

Eng. Rotich: Mr. Deputy Speaker, Sir, it is not possible that two vehicles can pass each other on a three-metre width road. Half of the road is supposed to be 2.5 metres minimum. So, three metres width, making half of the road to be 1.5 metres, is not possible for the vehicles to pass one another. Otherwise, other vehicles could stop to allow the ones from the other side to pass. So, it is not possible that the road is 5.3 metres wide.

Mr. Gitonga: Mr. Deputy Speaker, Sir, the Questioner said that the hon. Member for the area is here. I have used this road for the last ten years and I am sure that this road is very dangerous.

Is the Assistant Minister aware that the number of vehicles on this road has increased tenfold since 1988?

An hon. Member: Sabotage! Sabotage!

Eng. Rotich: Mr. Deputy Speaker, Sir, we are not sabotaging anybody. The traffic volume has increased over the years. When this road was built, it was constructed for Magadi Industry, but it was not envisaged that we shall get that volume of traffic. It is possible that the shoulders along some sections of the road have been eaten away, but it is not possible that we can get three metres.

Mr. Kihoro: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has accepted that this road is actually narrower than it should be; it is only 5.5 metres as the Assistant Minister has said and he agreed that it should be 6.5 metres and, therefore, it is narrower. Does the Assistant Minister accept liability in contributory negligence when there are accidents and that he has actually contributed to some of the accidents that are occurring on that road?

Eng. Rotich: No, Mr. Speaker, Sir, we do not accept.

Mr. Deputy Speaker: Next Question, hon. Charity Ngilu!

Question No.584

RETIREMENT OF CHIEF OF
CHANGWITHYA LOCATION

Mrs. Ngilu asked the Minister of State, Office of the President:

(a) when the Chief of Changwithya Location is due for retirement; and,

(b) why he has continued to renew the contract of the said officer.

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

(a) The Chief is due to retire on 31st December, 1999.

(b) The Government renewed his contract as a result of his good performance and good health.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the Minister may not be aware that this Chief had retired and this is the third time he is going to retire and his contract renewed. He retired for the first time in 1993; his contract was renewed for two years. He was given another contract in 1996 and now the Minister is telling us about 1999. When the Minister talks about "good health and good conduct"--- Let me inform him that this particular Chief is very ill. In fact, he can hardly walk and the other thing---

Mr. Deputy Speaker: Ask your question now!

Mrs. Ngilu: Mr. Deputy Speaker, Sir, this Chief was arraigned in court for having also---

Mr. Deputy Speaker: Hon. Ngilu, if you do not ask your question, I will move to the next Question.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the Minister is misleading this House. Could the Minister say exactly when and why the contract of the Chief has continued to be renewed when we have so many young people who can take up his position?

Maj. Madoka: Mr. Deputy Speaker, Sir, I do agree with the hon. Member that the Chief retired four years ago and his contract was renewed and it was renewed again for the second time and he was on contract terms. He even asked for a further renewal but that has been rejected and he will definitely be retiring at the end of this year.

An hon. Member: How old will he be then?

Maj. Madoka: He will be 60 years old!

Mr. Deputy Speaker: Next Question, Mr. M. Galgalo?

Question No.655

EVICTON OF ZIWANI LOCATION RESIDENTS

Mr. Deputy Speaker: Mr. M. Galgalo is not here. The Question is dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

ATTACK ON MEMBERS OF PARLIAMENT

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

(a) Is the Minister aware that eleven KANU and Opposition Members of Parliament and other leaders were prevented from attending and addressing a licensed public political rally at Mukuyuni Market in Kaiti Constituency on 7th November, 1999?

(b) Is he also aware that some of the Members of Parliament were physically attacked and their vehicles damaged by a rowdy gang in full view of the police officers in Mukuyuni?

(c) What action has the Minister taken against the organisers and perpetrators of this barbaric act?

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

(a) Yes, I am aware of this particular incident.

(b) I am also aware that the windscreen of hon. Munyao's car was damaged.

(c) We are trying to carry out investigations to try and get the youths who caused this fracas.

Mr. Katuku: Mr. Deputy Speaker, Sir, it is very surprising that the Minister is still investigating, while in part "b" of the Question; it is very clear that all this was done in full view of the police. What action has he taken against the police officers who were there when this was happening? Were they sent by you or by who? Of course, you know who sent them!

Maj. Madoka: Mr. Deputy Speaker, Sir, the police officers were aware of this meeting and indeed, they sent policemen to the venue. But these youths tried to stop these hon. Members about two kilometres away from the venue. At that point, there were no policemen and therefore, this incident did not happen in full view of the police.

Mr. Maundu: Thank you, Mr. Deputy Speaker, Sir. Let us not beat around the bush because this particular incident was executed, organised and finally, finished by the area Member of Parliament in that particular constituency. Since that is available evidence, what action is the Minister going to take against his colleague whose claims are sycophantic, may be, to earn a little cash to clear off some of his debts?

Maj. Madoka: Mr. Deputy Speaker, Sir, we cannot discuss an hon. Member here. If he wants to discuss the Member, he has to bring a substantive Motion.

Mr. Maundu: On a point of order, Mr. Deputy Speaker, Sir. The point here is that this thuggery was properly executed by the area Member of Parliament. I have not named anybody so far, so it is for the Minister to confirm or deny.

Mr. Deputy Speaker: Order! Order! No matter how fast the foot-work you do, you cannot escape if you are talking about Mukuyuni and Kaiti Constituency; you are talking about only one Member of Parliament. If you want to discuss that particular Member, move a Motion and I will allow you all the time you need to discuss him but do not do it selectively.

Hon. Members: We will!

Mr. Munyao: Mr. Deputy Speaker, Sir, we would like to give notice that this matter is not going to be taken lightly. We are going to invoke Standing Order No.20(1) to discuss this matter on a Motion of adjournment and we will also invoke Standing Order No.73 to discuss the Member. These are the consequences the Minister must be aware

of.

Mr. Deputy Speaker: Order! Order, Mr. Munyao! You should not threaten to do, just do it!

(Laughter)

Mr. Munyao: Mr. Deputy Speaker, Sir, there were photographs and the people who did this are known. They are not thugs. Some of them were councillors and the police were there. These people were ferried by GK vehicles, including a Pajero bearing inscriptions of the "Bureau of Statistics". The Minister is aware. How many people have been arrested and what action has been taken against them? This is the second time that the OCPD down there has been organising these matters with the area Member of Parliament.

Maj. Madoka: Mr. Deputy Speaker, Sir, I am not aware that these people were transported by GK vehicles. If he has any evidence or photographs, let him present that evidence and then, we will take the appropriate action.

Mr. Kitonga: Bw. Naibu Spika, mara kwa mara tumeona vitendo vya kiunyama vikifanyika katika Wilaya ya Makueni. Wakati ule mwingine wa siasa, mimi mwenyewe nilitwangwa na kuvunjwa mkono na mhe. Muihia alikuwepo. Hata yeye pia alitwangwa bila kujali kama ni mzee, afadhali mimi kijana. Serikali ama Waziri amechukua hatua gani dhidi ya polisi waliotutwanga na wale waliofanya mpango wa kututwanga pamoja na yule "thug", Ndambuki? Pia, tunawajua watu wale waliotaka kumnajisi Mama.

(Applause)

Mr. Deputy Speaker: Order! Order, Mr. Kitonga! You cannot refer to an hon. Member of this House as a thug. I require you to withdraw and apologise.

Hon. Members: He should withdraw!

Mr. Deputy Speaker: Order! I am dealing with Mr. Kitonga! Mr. Kitonga, I have told you something which I am sure you heard. Can you comply and if not, the next action will follow?

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

Mr. Deputy Speaker: Order! There is no point of order until this one is finished.

Mr. Kitonga: Mr. Deputy Speaker, Sir, it will be against my conscience to run away from the truth.

(Applause)

Mr. Deputy Speaker: Order! This is not a joking matter.

Mr. Kitonga: He is a Member of Parliament who is a thug!

Mr. Deputy Speaker: Order! This is not a joking matter. It is because of this kind of behaviour that you end up fighting in the House and bringing this House into disrepute.

Hon. Members, this is your House, it is not mine. I am a Member like you and nothing pains me more than having to take punitive action against a colleague because that brings down the honour and dignity of this House. Please, do not force the Chair to behave like a headmaster in a school.

Mr. Mutahi: But Ndambuki does not see it that way!

Mr. Deputy Speaker: Hon. Mutahi, it could appear that sending you out is not good enough. So, hon. Kitonga, I am giving you one last chance to withdraw that remark. Everybody in this House has a conscience but that conscience does not make us deliberately ignore the provisions of this Standing Order. You may be as virtuous as St. Francis of Assisi but when it comes to behaviour in this House; this is the Bible. It does not allow you or me, or anybody else to call hon. Members names that are regarded as unparliamentary or derogatory. So, I give you one last chance to withdraw those remarks.

Mr. Kitonga: Mr. Deputy Speaker, Sir, I withdraw the word "thug" and substitute it with the word "brutal".

Mr. Deputy Speaker: Order! Order, hon. Members! Mr. Kitonga, I want you to withdraw and apologise unconditionally. If you want to refer to the hon. Member as something else, wait until you are on the Floor. For now, that is all you are going to do.

Mr. Kitonga: Mr. Deputy Speaker, Sir, as I insist that he is brutal, I withdraw and apologise.

Mr. Deputy Speaker: Thank you. Hon. Members, I will not allow anybody to raise a point of order on that matter. Mr. Kapten, proceed.

Mr. Kapten: Mr. Deputy Speaker, Sir, this incident happened on 7th November, 1999; it is 10 days since then. How many of them have been arrested since then? Those who were involved are known. In fact, some of them

are councillors.

Maj. Madoka: Mr. Deputy Speaker, Sir, no one has been arrested yet.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Order! Hon. Members, I know you want to ask questions. So, it is of no use standing up and shouting: "Point of order!". In fact, most of you do not raise points of order. So, if you want to ask a question, just stand up to catch the Chair's eye, and you will get a chance to ask your question. I know that this matter is emotive, but a point of order is not the route of what you want to say.

Mr. Kathangu: Hoja ya nidhamu, Bw. Naibu wa Spika. Hii ni mara ya sita kwa Waziri wa Afisi ya Rais kuja hapa na kutwambia ya kwamba upelelezi bado unaendelea, na kwamba hakuna mshukiwa aliyekamatwa katika sehemu za Meru, Makueni, Siaya, Nakuru, Homabay, na kadhalika. Ningependa kujua kama Waziri huyu, ambaye anahusiana sana na maswala ya usalama katika nchi hii, amekubali polisi waendeleo kuwapiga Wabunge. Na kama ni hivyo, ningependa Waziri atufahamisha nafasi ya Bunge katika nchi hii.

Maj. Madoka: Bw. Naibu wa Spika, ningependa kuwaomba wale Wabunge waliohusika katika kisa hiki wakaandikishe nyaarifa katika kituo cha polisi kama kweli wanawatambua wale waliowashambulia katika mkutano ule, ili tuweze kulifwatilia jambo hili. Haina haja kudai tu kwamba watu wale wanatambuliwa; tungependa wale wanaowatatambua wajitokeze. Kama Wabunge hao wana ushahidi, tungependa waufikishe kwa polisi, na tutachukua hatua inayofaa.

Mr. Muturi: On a point of order, Mr. Deputy Speaker, Sir. In his written reply to the Question, the Minister said that, for (a), he was aware; for (b), he said that he was also aware, and went on to give the smashing of hon. Munyao's vehicle windscreen as an example. Subsequently, the Minister further explained that the incident happened some two kilometres away from the view of the police, yet part (b) of the Question says very clearly that this was done by a rowdy gang in full view of police officers in Mukuyuni. So, could the Minister tell us which of the two answers this House is supposed to believe?

Hon. Members: Yes!

Maj. Madoka: Mr. Deputy Speaker, Sir, that is not amusing. I said that it is true that, that incident happened, but I did not accept that it happened in full view of the police. In fact, I said that I did not accept that it happened in full view of the police officers in Mukuyuni.

Mr. Deputy Speaker: The last one, Mrs. Ngilu.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I would like to bring to the attention of the Minister the fact that I am the one who notified the OCS, Mukuyuni, of our intention to hold that meeting on that material day. The OCS told me that he was, first of all, going to consult the Minister.

Hon. Members: Shame!

Mr. Deputy Speaker: Which Minister did the OCS say he was going to consult?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the OCS said that he was going to consult Mr. Ndambuki, the area Member of Parliament. I asked the OCS to check for the relevant resolution of the Inter-Parties Parliamentary Group (IPPG) on that particular matter and find out what the law requires him to do.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Proceed, Mrs. Ngilu.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, is the Minister aware that the police officers did not act legally by dispersing the meeting, or by ordering those people to disperse the meeting? What is he going to do about it? Could he undertake to educate the police on this matter?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am not aware that the OCS said that he was going to seek authority from any particular person before he could confirm the provision of security for that meeting. I have heard of this now, and I will check on it.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! Order! The last one, Mr. Katuku.

Mr. Katuku: Mr. Deputy Speaker, Sir, the Minister has asked us to go and identify those people at the police station. A photograph published in *The Daily Nation* newspaper---

Mr. Deputy Speaker: Order! Order! Mr. Katuku, you know that you cannot produce newspapers as evidence in this House.

An hon. Member: But he is referring to a photograph.

Mr. Deputy Speaker: Order! Whether the hon. Member is referring to a photograph, a news report, or an advertisement, my answer is "no". Proceed!

Mr. Katuku: Mr. Deputy Speaker, Sir, the Minister said that, 10 days after that incident, he has not arrested anybody, yet those who were involved in dispersing the meeting are well known. Each of them was paid Kshs1,000 and given a "stone" of bhang by the local Member of Parliament. If a Government Minister can give bhang to our people, where are we now? Why does this Government not take a bold step and put that Minister behind bars?

Maj. Madoka: Mr. Deputy Speaker, Sir, Mr. Katuku's allegation that the hon. Member in question gave bhang to those people is serious. If the hon. Member has evidence to that effect and he does not bring it forward, he will then be one of the accomplices.

Mr. Deputy Speaker: Very well, let us go to Mr. Musila's Question by Private Notice.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! Order, hon. Members! The House is getting very cumbersome. Proceed, Mr. Musila!

(A number of hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! I have already advised you to move a Motion and then you will have all the time to say everything you have, but you cannot exhaust all your issues during Question Time.

(Mr. Shill murmured something)

Mr. Deputy Speaker: Order, Mr. Shill! Order, hon. Members. Proceed Mr. Musila!

Hon. Members: On points of order, Mr. Deputy Speaker, Sir.

(A number of hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order, now!

(Mr. Maundu stood up in his place)

Order! Hon. Maundu, I will require you now to leave the Chamber for the rest of this afternoon sitting.

(Mr. Maundu withdrew from the Chamber)

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

(Mr. Wambua stood up in his place)

Mr. Deputy Speaker: Hon. Wambua, I will also require you to leave the Chamber for the rest of this afternoon sitting.

(Mr. Wambua withdrew from the Chamber)

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

Mr. Deputy Speaker: Hon. Ndilinge, I will require you too to leave the Chamber for the rest of this afternoon sitting.

(Mr. Ndilinge withdrew from the Chamber)

An. hon. Member: This is unfair!

(A number of hon. Members started withdrawing from the Chamber)

Order! Order, hon. Members!

Hon. Members: Shame! Shame!

Mr. Deputy Speaker: Order! Order, hon. Members!

*(A number of hon. Members sang the
National Anthem while at the Bar)*

Order! Order, hon. Members! Proceed hon. Musila!

CONFISCATION OF MRS. KITHEKA'S GOODS

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

(a) Is the Minister aware that on 28th August, 1999, five employees of the Mwingi County Council raided a kiosk owned by Mrs. Agnes Kakima Kitheka and confiscated goods worth Ksh19,239.90, while demanding payment of licence fees?

(b) Under what law was this confiscation done?

(c) Could the Minister order the Clerk to the Council to return the confiscated goods and refrain from illegally confiscating goods belonging to wananchi whenever they fail to produce licences?

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

I wish to advise the hon. Member that the matter raised in this Question is already before a court of law for determination.

Mr. Musila: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the answer he has give this House. I do appreciate the fact that since this action was taken the police have taken action to charge these people. Therefore, I thank the police for taking that action. Despite this fact, the practice of revenue collectors from Mwingi County Council confiscating goods from petty vendors, particularly women and *Jua Kali* artisans persists even today. So, could the Assistant Minister tell us under what law this is happening? Why are revenue collectors from this council, whenever they ask businessmen to produce licences and find that they do not have them, they confiscate their goods?

Mr. Hashim: Mr. Deputy Speaker, I seek your guidance because the matter raised in this Question is *sub judice*. It is before the Senior Resident Magistrate of Mwingi. The criminal case No.854 of 1999 is in connection with the offence of stealing by three Mwingi County Council employers, where Mrs. Kitheka is the complainant. I think this matter is *sub judice* and we cannot discuss it.

Mr. Musila: On a point of order, Mr. Deputy Speaker, Sir. I do not want to interrupt my friend, but I did say that I am not following this particular case because the Assistant Minister has said that it is in court. But despite this fact, the practice of revenue collectors from Mwingi County Council confiscating goods from traders, particularly, women traders and *Jua Kali* artisans is still going on even as I speak here. Could the Assistant Minister tell us under what law these revenue officers are confiscating goods when they miss licences?

Mr. Hashim: Mr. Deputy Speaker, Sir, we have given instructions to the Clerk to the council to ensure that no law reinforcement is done without following proper laws.

Mr. Deputy Speaker: But he is asking you the law they are using now to confiscate goods from traders!

Mr. Hashim: Mr. Deputy Speaker, Sir, they are using council's by-laws.

Mr. Musila: Mr. Deputy Speaker, Sir, could he tell this House under what law this is being done? I think the Assistant Minister is not sure of what he is telling us because he is not answering my question. Now, that he has confirmed that there is no law that is being applied, could he confirm to this House that he will order the Clerk to the Mwingi County Council to stop this practice immediately and also ensure that the goods which have so far been confiscated, which I know are in the stores of the county council are returned to the traders? Could he confirm to this House that, that will be done?

Mr. Hashim: Mr. Deputy Speaker, Sir, by taking this matter to court it meant that we agreed that our officers were not doing the right thing.

HIGHER CHARGES FOR SINGLE BUSINESS PERMITS

(Mr. Muya) to ask the Minister for Local Government:-

(a) Has the Minister given approval for higher charges by the City Council of Nairobi for the year 2000 under the single business permit?

(b) What is the percentage increase and the reasons thereof?

Mr. Deputy Speaker: Is Mr. Muya not here? His Question is dropped!

(Question dropped)

COST OF MURANG'A TOWN SEWER SYSTEM

(Mr. Kariuki) to ask the Minister for Local Government:-

(a) Could the Minister confirm whether the Murang'a Town sewer system, whose initial contract cost was Kshs61 million, will end up costing Kshs641 million due to highly inflated variation orders?

(b) Why have the contractors, Kirinyaga Construction Company, left the site while some of the works are defective e.g. the defective water ponds, incomplete roads and lack of electricity supply to ponds, yet a huge sum of money has been released to them?

(c) Are Murang'a rate payers justified in repaying loans which were contracted and varied by the Ministry headquarters without approval of the relative local authority?

Mr. Deputy Speaker: Is Mr. Kariuki not here? His Question is dropped!

(Question dropped)

EVICTON OF QUARRY LIMITED SHAREHOLDERS

(Mr. Raila) to ask the Minister for Lands and Settlement:-

(a) Is the Minister aware that over 2000 members/shareholders of Quarry Limited, proprietors of Njiru Quarry Land (L.R. Nos.8469, 8479, 8480, 8481 and 11344) in Kasarani, Nairobi, are in the process of being evicted from their land by the Directors of Mukinye Enterprises who have grabbed the said land?

(b) Could he take immediate action to restitute ownership to Quarry Limited in order to avert imminent suffering and disaster?

Mr. Deputy Speaker: Is hon. Raila not here?

Mr. Ojode: Mr. Deputy Speaker, Sir, hon. Raila requested that his Question be deferred because he is committed somewhere.

Mr. Deputy Speaker: Then his Question is deferred! That is the end of Question Time.

(Question deferred)

POINTS OF ORDER

FAIR COVERAGE OF PARLIAMENTARY PROCEEDINGS

The Minister of State, Office of the President (Mr. Nassir): Bw. Naibu Spika ningependa kupata mwongozo, hekima na uwezo wako katika Bunge hili. Bunge hili ndilo haki, ngao na mlinzi. Imekuwa kawaida siku hizi kwa watu wa magazeti, radio na televisheni kutoandika yale mambo ambayo yanasemwa katika upande wa Serikali na Upinzani. Ningependa kama Wabunge wa Upinzani wameongea juu ya mambo fulani yaandikwe yote na watu wa magazeti, na lile tunalooonga katika upande wa Serikali pia liandikwe. Hata kama gazeti fulani linaunga mkono chama fulani, ni lazima liandike mambo yote yanayojadiliwa hapa. Inafaa hata radio na televisheni zifanye hivyo. Si kwa sababu ya jana pekee yake. Vitendo hivi vimetokea kwa siku nyingi. Hata miaka iliyopita, wakati mmoja *Nation* ilizuiliwa kuingia hapa kwa sababu ya tabia kama hiyo. Ningependa utoe uamuzi wako ili watu wa magazeti, si lazima waliandike jina langu kama Sharif Nassir, lakini waseme: "Serikali imetoa jawabu fulani." Magazeti yanaandikwa---

Mr. Deputy Speaker: Order, hon. Nassir! The Chair cannot direct the newspapers on what to write. The record of the House is contained in the HANSARD in which every Member is quoted verbatim. It is in their own interests as newspapers to report fairly and objectively. If they have not reported you, me or any other Member, let us

just request them to give us all a fair crack of the whip. I cannot direct from the Chair that they must report so and so. I would just request them to report fairly and give us a wider coverage as possible, of people who have contributed in the House.

INDEPENDENT INVESTIGATION
AT EGERTON UNIVERSITY

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I stand on a point of order to seek a Ministerial Statement from the Ministry of Education, Science and technology with regard to the growing unease within our universities, with particular reference to two issues. One is on forged or fake certificates and the other one is on using of unorthodox means by lecturers to give students marks. Considering that the Staff Union has been disbanded by the Government and they do not have a collective forum at which they can raise their concerns, and in view of the fact that 40 lecturers from Egerton University did accuse the university administration of awarding students degrees or certificates that they do not deserve, can the Minister give a statement saying why they cannot appoint an independent investigating body rather than relying on that body that has been appointed by the university which will be biased?

VIOLENCE IN COFFEE FACTORIES

Mr. Ndwiga: Thank you, Mr. Deputy Speaker, Sir. Last week I did request a Ministerial Statement from the Office of the President on the escalating security situation in Embu more so, with particular reference to Mikiki Farmers Co-operative Society. To date, the Minister in charge of security is busy looking for money now. I had requested the Ministerial Statement from the Minister in the Office of the President, but to date nothing is forthcoming. This is behaviour which cannot be condoned by this House. When we request Ministerial Statements, Ministers think that if they relax and say nothing, the matter will just end. Last night there was a lot of fighting in Kithimu Market. I am sure the Minister will say nothing about it. We want the Ministry to tell us, categorically what they want in the coffee industry. The Office of the President and particularly, the DC, Embu, in cahoots with Thika Coffee Mill are responsible for the insecurity in Mikiki Co-operative Society. Could you order the Minister to bring that statement tomorrow?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, as he did rightly say last time the hon. Member could not decide which Minister was to answer which question. We agreed that this particular question and the Ministerial Statement will be made by the Ministry of Agriculture under which the coffee industry falls. I have just seen the Minister walk in. I know he was out of the country, but I think he will be prepared to make that Ministerial Statement.

Mr. Ndwiga: On a point of order, Mr. Deputy Speaker, Sir. The bone of contention here is not whether we are growing coffee or not. It is insecurity, the lack of action by the police force and the involvement of the Provincial Administration in coffee politics. We are not talking about how we are going to grow coffee. We have already done that. The issue is insecurity. So, it has got nothing to do with the Ministry of Agriculture.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, insecurity has a cause. As I have said we know who is to answer that question. I also wish that politicians could keep out of the coffee industry.

Mr. Ndwiga: Mr. Deputy Speaker, Sir, did you hear what the Minister said? When a Member of Parliament seeks a Ministerial Statement it is not for the Government or the Minister to ask politicians to keep out of an issue which a Member brings before this House. If the Minister wants to run away from his responsibilities, he should say so. The Chair has the onus to direct that this matter be closed somehow. We need a statement. My people are suffering. The issue is not debatable. I do not want politics brought into it. My people are suffering and I think the Chair should direct on where we will get the statement.

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I have said we will get the statement. I would rather leave the issue to my colleague who is responsible for it. I will try and push it maybe, for Thursday, next week.

SALE OF SIMBAOTI FARM

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of Agriculture regarding the matter of Simbaoti Farm where the character of certain different Kenyans is being assassinated by them being called "land grabbers." These people responded to an advertisement of sale of part of the

Simbaoti Farm. Those who won the bids paid for the farm and they have since settled there and yet they are being called land grabbers.

The Minister for Agriculture should give a statement on whether they are land grabbers or people who responded to an advertisement---

Mr. Deputy Speaker: Order, hon. Angwenyi! You raised that matter this morning. I informed you that, that was the subject of a report which the Minister laid on the table also this morning. If you want to raise a matter that affects you personally, then you can rise tomorrow being zero hour, and seek a statement regarding yourself. In respect of those other people, there is a report already in the House which Members must be given an opportunity to peruse. If necessary, you can raise a debate and we will discuss it. Next order.

BILL

Second Reading

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL

The Minister for Finance (Mr. Okemo): Mr. Deputy Speaker, Sir, I beg to move that the Parliamentary Pensions (Amendment) Bill, be now read a second time. The principal Act came into force on the first of July, 1984. It is supposed to be reviewed every ten years, but it has not been reviewed for the last 15 years and is, therefore, long overdue for review. The objective of the Bill is to increase the rate of interest on the amount of refunded contributions to former Members of the National Assembly from three per cent to 10 per cent. The definition of Pensionable emoluments is also expanded to include a nominated Member's allowances and ex-officio Member's allowances and accommodation allowances.

Mr. Deputy Speaker, Sir, Clause 3 of the Act seeks to amend Section 8 of the Principal Act, to reduce the minimum age for entitlement to a pension from 50 years to 45 years, and also to increase the amount of pension payable to a person under that Section, to a sum which is equal to one-five hundredth of his pensionable emoluments for each completed month of the aggregate period of reckonable service. The existing fraction is one six-hundredth. Therefore, this will occasion an increase in the payments of future pensions.

Mr. Deputy Speaker, Sir, Clause 4 seeks to amend Section 10 of the Act, to ease his computation of the pension by the removal of the deadline date, but to require such exercise to be in writing and to be final and irrevocable.

Clause 6 seeks to amend Section 19 in order to specify the functions of the Parliamentary Pensions Management Committee. These functions include, the grants through the Treasury of pensions and gratuities and the refund of contributions to persons who have been Members of the National Assembly, or to their dependants. The Pensions Management Committee is also mandated from time to time, to make to the approved actuary such recommendations as it may deem necessary for the better carrying out of the objects of the Act.

Mr. Deputy Speaker, Sir, I intend to introduce some amendments to the Bill at the Committee Stage, following recommendations by the Pensions Management Committee, who have studied the Bill in detail, as well as a report by the actuary who made the report thereon as requested by the Pensions Management Committee. The proposed amendments will be of a minor nature and mainly geared towards streamlining computation of the figures and also to clarify the provisions in the existing law. The enactment of this Bill will occasion additional expenditure of public funds to be charged on and issued out of the Consolidated Fund, without further appropriation than the proposed Act.

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

Mr. Mkalla: Mr. Deputy Speaker, Sir, I stand to second the Motion on the Parliamentary Pensions (Amendment) Bill. But in my secondment, I would like to request the Minister to include computed mileage allowance in the pensionable emoluments because it is a monthly income for hon. Members. It is not something that we are in doubt of because it is paid monthly. We would also like the miscellaneous allowances reflected in our pay-slips and sitting allowances be included in the pensionable emoluments, so that hon. Members can have a good pension when they retire.

Mr. Deputy Speaker, Sir, I am also recommending that, the minimum age be lowered from 45 years as recommended by the Minister, to 35 years, considering the current life expectancy in this country. Before, life expectancy was 45 years, but with the current events in this country, people are dying fairly younger and considering that hon. Members in this House today are relatively very young. Some hon. Members are at their late 20s. So, if they will serve for ten years, they will be only 35 years at the time of retirement. So, I appeal to the Minister to consider

pensionable age of 35, instead of 45 years.

Mr. Deputy Speaker, Sir, I support the amendment of the interest to be paid on the monies, at 10 per cent, instead of three per cent. However, I would like also to request for an amendment on the child who qualifies to receive the pension. The recommendation in the Bill is that, the child should be not less than 16 years. But most of our children who are in school at this time, we should recommend the age of 18 and not 16. As regards our children who will be undertaking higher studies in the universities, I am recommending that, the age should not be 21 years, but it should be 26 years for those students who are undergraduates in the universities.

I am also recommending that this period of service should not be pegged on ten-years, but it should be reduced to one term in Parliament. That is, if he served for one term, he should qualify for pension because you do not know what happens after that one term. One term is five years or it will depend on how long we decide it to be.

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

(Question proposed)

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Deputy Speaker, Sir, I wish to support the Parliamentary Pensions (Amendment) Bill. I am a Member of the Parliamentary Pensions Management Committee. I agree with what is proposed in this Bill. However, the Minister should be aware that, Section 8(b) on the reckonable period of service at ten years, was amended by this Parliament. Since it has not been updated in the Act, we must make sure that, it is included in the amendments. The reckonable period of service should be two terms and not ten years.

Mr. Deputy Speaker, Sir, hon. Members deserve good pensions. Prior to 1st July, 1984 when this Act came into being, the former hon. Members who left this House became paupers. There have even been stories in papers of former hon. Members that, they can no longer wear shoes or trousers because they are very poor people indeed. In the eyes of public, former hon. Members are extremely poor after their retired from this House. Hon. Members render good service to this country. Therefore, they deserve pension. After hon. Members have retired and although they are professionals, cannot be employed anywhere because most employers think that they will ruin their companies by introducing politics. That is why hon. Members need good pension.

Mr. Deputy Speaker, Sir, finally, I would like to say this: If pension of hon. Members was enhanced, most hon. Members might wish to retire because they will not retire into poverty, but to something honourable. When they know that they will retire and become paupers, then they will never retire. So, I think that is one of the reasons why Africans do not retire from politics. So, it is good that hon. Members after serving for two terms, get good pension and live comfortably after Parliament and continue to be honourable.

Mr. Deputy Speaker, Sir, with those few remarks, I support.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the spirit of this Bill is very good because it will take care of hon. Members and encourage them to serve the country diligently. Even more important, it will give an indication as to how we should handle our pensioners throughout the public service.

Mr. Deputy Speaker, Sir, as it has been rightly pointed out, when former hon. Members of Parliament retire, within one or two years because of the little amount of pension they get, they become destitutes or beggars. It is very embarrassing when you go out there, maybe, after serving for one term or two terms, and you see your colleague who was here for three or five times, leading a destitute life. End J

So, the proposed amendments by the Chairman of the Finance, Planning and Trade Committee are in the right direction, which I support them, like with regard to having one Parliamentary term as a basis of getting pensions. This is because it is not your choice to be here for one, two or three terms. The decision for you to be here for so many terms is the choice of the people who elected you. So, you may be swept by the wayside although you were a hard-worker in this House. So, if we agree on one term, then, that would guarantee every person who comes to this House gets pension when he or she is thrown out by his or her constituents and work diligently while in the House.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the other aspect that I would like to touch on is the one which was said about being 18-year-old. In Kenya, the laws do not recognise somebody as an adult until he or she is above 18 years. So, I do not see how a child of a Member has to wait for 15 years to be considered for pensions. You cannot get an ID

unless you are 18-year-old. So, you remain a child until you are 18-year-old. So, the amendment on "18-year-old" should be supported.

Mr. Temporary Deputy Speaker, Sir, the other thing is that we should have an amendment so that we have 26 years as at the upper limit for somebody who is under the care of his or her parents. We do know, especially in public universities, that a student goes there when he or she is 20-year-old and when he or she has no ID. He or she waits for about three years before getting admission to the university and spends about six years because of frequent closures of the universities before he or she can graduate. So, he or she is under the care of his or her parents until he or she is about 28-year-old. So, that amendment should be supported.

The Temporary Deputy Speaker (Mr. Musila): Order! You talked of an amendment and it appears that it is not in the Bill. Could you tell us which section of the Bill you are talking about?

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, regarding the amendment, I am referring to Section 2 Clause(c).

The Temporary Deputy Speaker (Mr. Musila): But it just talks about the age!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I am proposing my amendments to it. I am saying that we should support the amendment that sitting, commuter mileage and miscellaneous allowances be included. Because of HIV/AIDS and famine in most parts of this country, the economy is deteriorating and our life expectancy is being reduced from 55 years to about 45 years.

In fact, even in the Government, they have now said that you can retire at 40 years, because they have seen the phenomenon which have destroyed our life expectancy rate. So, I am in support of the proposed amendment to Clause(a) of Section 3, that the age qualification should be 35 years. I am also proposing that there should be an amendment on Section 3 Clause (i)(a). This is where I said that we need "18 years" and in Section 3 Clause(i)(b), we need "26 years." The other amendment I would like to propose is the one on Section 10(v) where it has been stated---

The Temporary Deputy Speaker (Mr. Musila): Order! You are talking of things which are not in the Bill! In Section 3(a), there is nowhere it gives reference to "18 years."

Mr. Angwenyi: Do you have the same Bill that I have?

The Temporary Deputy Speaker (Mr. Musila): Yes!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, look at page 350---

The Temporary Deputy Speaker (Mr. Musila): But you said Section 3(a)! What is being discussed is not what you are referring to. What you are talking about is different, and when you talk of Section 3(a), I wish to refer you to page 347, because you are now talking of what is intended to be repealed. We would like you to stick to the Bill.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, in that case, I would like to propose an amendment on 2(c) on page 347 and page 348 3(a) regarding the age.

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

Mr. Obwocha: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Bill for Members. I do not know whether my colleagues do appreciate the importance of this Bill. If you met some of the Members who have been in this House before and look at the state in which they are in, you would really sympathise with them. You would wish that you never came to this House. As an hon. Member, I would expect that they have given dedicated service to their nation and the nation should reward them accordingly. It is in that light that I would like to make a few comments and associate myself with some of the comments made by a few of my colleagues.

Mr. Temporary Deputy Speaker, Sir, Clause 1 talks of the day on which this Act is going to be effective. It is unfortunate, first of all, that it has taken so long to review this Act, a matter which should have been done much earlier. I would like to start with Clause 2 which deals with the definition of "Pensionable Emoluments." Clause 2(c), states as follows:-

"By deleting the definition of the expression "pensionable emoluments" and substituting therefore the following new definition:-

"Pensionable emoluments includes salary, responsibility allowance, constituency allowance, nominated Member's allowance, ex-officio Member's allowance, house allowance and accommodation allowance."

Mr. Temporary Deputy Speaker, Sir, I am an accountant, and let us face the facts the way they are. We do not want to take the people of Kenya for a ride. The salary of a Member is Kshs10,000; responsibility allowance is Kshs7,700; constituency allowance is Kshs5,200 and house allowance is Kshs33,333.30. Now, if you add up all that, that gives Kshs76,033.30. If you compute that annually, it will give you Kshs892,000.

Mr. Temporary Deputy Speaker, Sir, now in ten years time, assuming that you complete ten years in

Parliament, you would have earned a total of Kshs8.9 million. Under that calculation, you are supposed to get one of five hundredths of that. That means you would get a pension of Kshs15,840. How can you live on Kshs15,000 in these ages when you have served the country with the dedication, spirit and all the troubles for ten years? In the life-time of a Member of Parliament, there are so many people who come to their houses in the morning to line up for handouts which he or she does not have. There are those who want school fees, money for medical care, money to repair houses that have been burnt, money to effect divorce and the rest. In normal circumstances, a Member of Parliament cannot save any money during their period of service to their constituents.

Mr. Temporary Deputy Speaker, Sir, I would like to give notice to the Minister for Finance, that I will propose an amendment to that particular section, that the emoluments must also include mileage, both commuted and the one we receive every week. If that is included, the figure would appear slightly reasonable. It is not reasonable, because, as a chartered accountant, if I was in private practice, my monthly salary would be Kshs1.4 million. So, what is Kshs70,000 that we are talking about? I am only admitting that kind of salary because I have given myself to give service to the people of West Mugirango. That is the only reason why I am taking that Kshs70,000. If I was selfish, I would go to practice and earn Kshs1.4 million. My sons, daughters and my two wives would be very happy.

Mr. Temporary Deputy Speaker, Sir, this is an important Bill. Hon. Members of Parliament should get this in our senses; that we need to make our lives better. There is nobody who is going to make our lives better if we do not face it. After you have served this country with dedication, that is what you need. It is not something we are begging. The people of this country should appreciate that we have sacrificed all that money we would have got in private practice.

Mr. Temporary Deputy Speaker, Sir, I would also like to comment on Clause 2 about the rate of interest. Clause 2 intends to amend Section three of the Act to increase the rate of interest on the amount refunded contributions to a person who has ceased to be a Member of the National Assembly, from three per cent to ten per cent. The definition of "pensionable emoluments" is also expanded to include, a nominated Member's allowance and ex-officio Member's allowance and accommodation allowance. That is for Mr. Speaker and the Attorney-General. My complaint is that, if you look at the financial sector of this country, the kind of interest rates that are being charged by banks and financial institutions that are taking our money is between 25 per cent and 40 per cent. That is the kind of interest that is being charged. Now, what is this ten per cent the Minister is proposing? If our money stays in that account for ten years, then the appropriate interest rate, at least, should have been a half of what the banks are charging, which should be between 15 per cent and 20 per cent. That would look reasonable. We are also going to propose an amendment to that percentage; that the percentage that should be paid to Members' contributions which have stayed in the bank for ten years should be 20 per cent. That would compensate people adequately for the money that the Government has used for all those years.

Mr. Temporary Deputy Speaker, Sir, Clause 3 intends to amend Section eight of the Act, by reducing the minimum age of entitlement to a pension from 50 years to 45 years, and to increase the annual amount of pension payable to a person under that Section to a sum equal to five hundredths of the pensionable emoluments for each completed month of his aggregate period of a reckonable service. The quarrel I have with that Section is the age. Those periods when very old people, like the late Jackson Harvester Angaine who was 98 years old is gone. May God rest his soul in eternal peace. He was a good Member of Parliament.

The kind of Members we have here is a new generation which even President Moi does not understand. I could give two examples here: There is hon. Keynan who was born in 1969 and hon. Khaniri who was born in 1972. He could be as old as my son who is now in university. How are these young people going to wait until 45 years to get pension, and the life expectancy of Kenyans has been considerably reduced. These medical doctors in this House could bear me witness. If Prof. Ongeru was an honest man - normally he is not honest - he would tell you---

The Minister for Public Health (Prof. Ongeru): On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect to hon. Obwocha, I think he must have a sense of humour, not to try and cast aspersions. Could he withdraw? I am an honest man!

The Temporary Deputy Speaker (Mr. Musila): Mr. Obwocha, I hope you are not going to take this House to what we went through some weeks ago. In that respect, could you, please, withdraw that aspersion and apologise?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, that was with a light touch. I wish to withdraw and apologise to the Professor who read in----

Mr. Temporary Deputy Speaker, Sir, it is true that the life expectancy of Kenyans has been reduced considerably. If you think you are going to live up to 90 years or 106 years, which Moi's brother lived, you are cheating yourself. You are only going to live up to about 49 years. If you are lucky and you do not get these school girls and get AIDS, then you will finish 49 years. All I am saying is, the age of the current crop of Members of Parliament is much younger, and we would like to propose that to the Minister, that to be eligible, this should be reduced to 40 years. That would be reasonable. We do not want to put it at 35 years, because many of these Members

of Parliament are around that age.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of information, Mr. Temporary Deputy Speaker, Sir. Although it is said at the age of 45 years, if you leave Parliament at the age of 40 years, you will be required to wait for another five years before you get the pension. But it does not mean that if you leave Parliament at the age of even 30 years, you are not entitled to pension. It is only that you will have to wait until you attain the required age then you will start earning your pension.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, that information is now very important to allow me to make the most important point. Precisely, that is why we are saying that to wait until 45 years, you would be dead by that time. Even with the kind of famine which is in Mwingi, you will not live to that age. So, we are saying that 40 years is a reasonable period for a hon. Member of Parliament, at least, to enjoy the nine years live expectancy he has. In any case, that is the period when you want your children to have access to good education. That is when you need that money to assist your family.

Mr. Temporary Deputy Speaker, Sir, I would like also to touch on the issue of the period that has been proposed in order for one to be eligible for the pension. This Bill says that one has to complete two terms of five years each. You know as much as I do, that the period that you stay in this very good House, does not depend on your will. It is based on the will of some people elsewhere, who may misunderstand you the way they will understand our brother again.

An Hon. Member: Which brother?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I have not named anybody. I hope hon. Members will not put words in my mouth. I have very many brothers. If they misunderstand you, you will never see the four walls of this House like, of course, they misunderstood hon. Shikuku. Hon. Shikuku was well-intentioned, but he did not know that coming to this House and spending two hours lecturing people who did not understand and who were committed to corruption, would not make them hear what he was saying. He did not know that they would elect one lecturer from a university and chase him away.

(Laughter)

The Minister for Public Health (Prof. Onger): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to once again cast aspersions on the voters of this country, by saying that they are corrupt?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, that is why sometimes I doubt who gave Prof. Onger the professorship.

(Laughter)

The Temporary Deputy Speaker (Mr. Musila): Mr. Obwocha, you are adding insult to injury. Let us be serious! You are making very useful contribution to this Bill, but then you are diverting attention into areas which are not serious enough.

The Minister for Public Health (Prof. Onger): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member might be having a lapse of memory. I, therefore, will gracefully invite him to look at my credentials.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I want to say again that I had no ill-motive. I was saying that there was corruption and the people who were not well intentioned were in the Government that hon. Shikuku was lecturing.

The Temporary Deputy Speaker (Mr. Musila): You will be well advised, Mr. Obwocha, to be relevant to the Bill!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, the relevance here is that the people who decide how many years you will stay in that Chair are somewhere in Mwingi South Constituency. You have no control over them. They may misunderstand even what you do. That is the point I am trying to make.

So, I am proposing that the period that is provided for in this Bill, be reduced from two terms, which add up to ten years to five years. If an hon. Member has been elected to this House for five years, he should be eligible to some kind of pension. The kind of hard work and sacrifice you have given to this nation is just too much. Some of these people even if you gave them one day here, they cannot survive.

Finally, because other hon. Members would like to contribute to this Bill, I want to say that the hon. Members who are in the Parliamentary Pensions Committee, normally many of them are pensioners and say that they are the people who will understand this issue better. I do not agree with that contention. I would like to propose that this

Parliamentary Pension Committee should be expanded to five Members to include those pensioners who are currently there - I know hon. Karauri, hon. Michuki and hon. Omino are there.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to refer to all of us as "pensioners?" I am not a pensioner and I am in that Committee.

The Temporary Deputy Speaker (Mr. Musila): Mr. Karauri is not yet on pension!

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, he appears to be a very well informed Member of Parliament.

The Temporary Deputy Speaker (Mr. Musila): He is a Member of the Pensions Committee.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, that is a good Member of Parliament. If the Merus were going to select their leader, he should be their leader.

All I am saying is that this Committee should be expanded to include other people. We have examples of the former Members of Parliament. Many of the Members of Parliament do not know that if you go to the bottom of this House, there is a room. In that room, there is a list of all the Members of Parliament who have died since this Parliament started in 1963 when we gained Independence. They do not know that there is a Chapel. Maybe, I should tell them because I am a christian. It is below this House. You should go there and see the number of hon. Members who have died. The majority of them are people who came from the farthest end; Western Kenya, Coast Province and North Eastern Province. Mr. Temporary Deputy Speaker, Sir, a former holder of the Chair is also there; so you are in danger.

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to wish the Chair any calamity at all?

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, you will be the last person, as the Chair, to be wished that bad omen because you are a great man! In fact, when you were a Provincial Commissioner, the Provincial Administration was making sense. When we take over, we will abolish the Provincial Administration.

In West Mugirango, I am the ninth Member of Parliament. Some hon. Members here are second or third from their constituencies. I take five hours to go to Kisii and the road is very dangerous. Two very articulate former Members of Parliament from that Constituency have died on road accidents; one Thomas Mong'are Masaki died in 1965 and the second was the late George Justus Morara, who was killed by the Special Branch of this Government between Kakamega and Kisumu. I hope they will not kill hon. Obwocha also. If you see the other former Members of Parliament from that Constituency, you will be a very sad man.

Mr. Temporary Deputy Speaker, Sir, if you look at the kind of houses where they live in; the kind of clothes they wear; their access to cash to take their children to school; you will really wonder whether they were Members of Parliament of that great Constituency, which I am now representing. So, all that I am saying is that, five years are enough to get some little pension, so that you can look like a person who has served this country.

I am sure that I have made very many points. We would like that very reasonable Minister for Finance, hon. Chrisantus Okemo, who is in my Church - we are both Catholic - to get the feelings of the Members. Those points are so important to our lives that we will not leave them to go unchallenged. In fact, if the Minister will not take them seriously, he is going to see a repeat of "no Parliamentary Service Commission, no Appropriation Bill." So, those are important matters which touch on our hearts. We will not give in. We would like to see a different Member of Parliament when you have been voted out.

With those remarks, I beg to support this Bill.

The Assistant Minister for Roads and Public Works (Mr. Mwakalu): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to make a very brief contribution, to the Parliamentary Pensions (Amendment) Bill, 1999.

If this Bill was introduced ten years ago, and the beneficiary was to get pension ten years hence, the inflation factor and defective purchasing power of the money you get, would be very difficult to sustain the level of life at the present moment. I would, therefore, like consideration to be given, so that the pension quantum - the amount of money paid in actual shillings - be, all the time, made relevant to the inflationary process, to the effective purchasing power of that shilling. A shilling ten years ago cannot buy anything now! That is what I am trying to suggest. Adjustments should be made relative to, and on account of, the various inflationary pressures and processes, doing the rounds in the political economy of the day.

My second and last contribution on this Bill is: Probably, as merits in backdating the effectivity of this Bill, to cover past Members of Parliament, it is not unknown in law to have a Bill on an Act retro-activated. If that is within the real consideration with regard to the lifestyle, the poverty, the demand facing former Members of Parliament, that a similar situation encountering us in the future will equally be very difficult, then I do submit that we should probably consider past Members of Parliament, to somehow be brought into this picture, so that alive as they are, or beneficiaries of those Members of Parliament, can also benefit from a mistake that should have been foreseen many

years ago.

Thank you, Mr. Temporary Deputy Speaker, Sir. For that, I beg to support.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of information--

The Temporary Deputy Speaker (Mr. Musila): Order! Mr. Karauri, there is no need to call for a point of information. Hon. Mwakalu has already finished his contribution!

The Assistant Minister for Education, Science and Technology (Mr. Karauri): But he has not refused my point of information! What I wanted to inform the hon. Member--

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Karauri! Mr. Mwakalu, you have already finished your contribution. Is that not so?

The Assistant Minister for Roads and Public Works (Mr. Mwakalu): Yes, Sir!

The Temporary Deputy Speaker (Mr. Musila): So, there is no need for a point of information!

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, then, let me rise on a point of order! This is because there can be misleading information.

The Temporary Deputy Speaker (Mr. Musila): What is your point of order?

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Mr. Temporary Deputy Speaker, the information he brought out is misleading to show that we were not sympathetic to the Members who were here before 1984, when the Act came into place. All over the Commonwealth, the pension of Members of Parliament is contributory. There is a deduction made to your salary. Since it was not made to the salaries of the old Members, that is why there is a provision that, if any old Member came back to the House, then he will find that period. Otherwise, because they were not contributing, it becomes difficult to include it.

Ms. Matano: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa fursa hii, kuchangia Mswaada huu. Hakika, hali ya maisha leo nchini Kenya inaeleweka. Maisha ni mazito! Tukiangalia ndugu zetu Wabunge waliotangulia kuwa hapa, ambao hawakubahatika tena kurudi hapa, wengi wao maisha yao si ya kuridhisha; ni ya kusikitisha! Ni hali ya maisha ambayo yamkumba kila Mkenya hivi sasa. Twasikitika hususa sisi tuliobahatika kuja wakati huu, ambao kwamba ni mzito sana, kulingana na hali ya nchi ilivyo, hali ya uchumi imezorota na biashara hakuna. Leo, mimi nikiwa Mbunge nikisimama hapa, sina biashara hata ya vitunguu na viazi, kulingana na hali ilivyo. Na leo, mimi ni Mbunge. Nafikiria maisha yangu kesho ambapo mimi, itakuwa pengine sikubahatika kurudi katika Jumba hili. Zamani pengine kipindi cha nyumba, kulikuwa na kubahatika kupata viwanja hapa na pale. Leo, sisi Wabunge, hatujapata hata nukta nane kwa hekari ili itusaidie.

Kwa hivyo, kwa kweli, kuwa Mbunge leo, badala ya kuwa mheshimiwa, sisi twasema ni "waishiwa!" Hususa huko kwetu Pwani, ukishakuwa Mbunge, wewe unafilisika. Karo ya shule ni wewe. Pesa za kununua vitabu ya shule ni wewe; pesa za kununua mavazi ya shule ni wewe; malipo ya mahospitali ni wewe; kuchangia maiti kupelekwa nyumbani ni wewe. Harambee hizi na zile ni mtu mmoja wewe, kwa mshahara huu unaopata hapa, ambao hauturuhusu. Harambee ni mwito wa umoja wa kusaidiana. Lakini, leo, Harambee imekuwa ni nguzo la kila swala. Kila kitu ni Harambee! Na kila Harambee ni Mbunge! Mbunge huyo huyo mmoja ambaye anategemewa kwa kila sampuli. Kwa kweli, mtu anaposikia kwamba fulani amekuwa Mbunge, anategemea mabadiliko mengi kimaisha na kimaendeleo.

Nikisema kimaisha, ninamaanisha pengine nyumbani waliposikia kwamba nimekuwa Mbunge, walitegemea maisha yatabadilika na huenda yakawa ya hali ya juu zaidi. Lakini jambo la kusikitisha ni kwamba, badala ya kwenda juu, tunarudi chini. Kimaendeleo, wananchi wanakutegemea kwa mambo mengi. Ndiyo pale tena unapoambiwa ukitoka hapo, hukufanya hivi; hukufanya vile. Huwa kwa kweli, si lengo lake Mbunge kutofanya yale. Ni wakati na uwezo huwa haumruhusu.

Swala la kusema mpaka upitie hapa miaka kumi, ni swala la uonevu. Unakuta kwamba wengi wetu si rahisi kubahatika kurudi hapa baada ya miaka mitano. Isitoshe, mimi binafsi naona kwamba ni kama uonevu kwa vile wengi hawatarudi. Kwa hivyo, Serikali iangalie swala hili. Miaka mitano nafikiri inatosha. Ukisema miaka kumi, itakuwa unalazimisha kwamba baada ya miaka kumi, lazima turudi. Hakuna anayejua kwa hakika kama atarudi. Hayo ni mambo ya Mungu. Vile vile hatukujua tunaweza kuwa hapa na kurudi tena. Hayo ni mambo ya Mungu. Kwa hivyo, nafikiri miaka mitano inatoshelesha. Kile kiwango kinachotolewa ni kidogo. Twataka asilimia hiyo iongezwe ili ukitoka hapa kama Mbunge, ata kama wewe si tajiri, lakini angalau uwe na maisha ya kujiendelea wewe na familia yako nyumbani, na pengine uweze kumsaidia mwananchi na jirani kwa hali ndogo ndogo, ijapokuwa wewe si Mbunge. Lakini leo, ikiwa wewe umetoka hapa, ulikuwa ukipeleka gari kwa hali ilivyo, utatoka hapa upeleke baiskeli.

Bw. Naibu Spika wa Muda, kwa kweli maisha ya Mbunge ni magumu sana. Hali ya uchumi katika nchi hii ni ya tutoridhisha kabisa. Kama nilivyotangulia kusema, Mbunge ana mahitaji mengi na pia anategemewa hususan na wananchi. Wananchi wanategemea Mbunge kama nguzo yao. Wanategemea kwa njia yoyote ile. Mhe. Mbunge

akishindwa katika uchaguzi, hatatambuliwa tena, na watu hawataenda kwake kwa kikombe cha chai. Hii ni kwa sababu akitoka katika Bunge hili, hawezi kuwapa watu wake kile kikombe cha chai tena! Nisiporudi katika Bunge hili, na nishindwe kuwasomesha watoto wangu, halitakuwa jambo la kufurahisha. Hayo ndiyo mambo yaliyowapata ndugu zetu waliotangulia. Kwa hivyo, tungependa kuliangalia jambo hili, ili tutakapotoka hapa, tuweze kujiimarisha katika mambo madogo madogo.

Bw. Naibu Spika wa Muda, Mbunge akiwa kwake watu humpangia foleni hivi kwamba utadhani yeye ni Rais. Hawa watu huwa na taabu kadha wa kadha. Mambo yote haya yametokana na kutokwa na uwezo wa kuwapatia kazi hususan vijana. Si mapenzi yao kutuhangaisha, lakini ni kwa sababu hawana kazi na maisha ni magumu. Matumaini yao ni kwamba sisi tuna uwezo lakini hivyo sivyo hali ilivyo. Sina biashara hata ya kuuza viazi na nyanya ila tu ninategemea mshahara wangu. Kwa hivyo, yafaa tuangalie maswala ya nchi na pia maslahi ya Wabunge. Wabunge wanategemewa sana katika nchi hii. Kila mtu katika nchi hii anapeleka shida zake kwa Mbunge wake. Inafaa maslahi ya Wabunge yaangaliwe ili tukitoka hapa, maisha yetu yaweze kuimarika.

Kwa hayo machache, naunga mkono.

Mr. Kirwa: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to make my contribution on this very important Bill.

Mr. Temporary Deputy Speaker, Sir, quite a number of hon. Members have made very honest contributions, as far as this Bill, is concerned. My main contention is that we are looking at this pension scheme only in terms of the amount of money which an hon. Member - once he ceases to be one of us - is going to draw at the end of the day. I would like to look at this particular issue in a more wider sense than just the amount of money a Member is going to get. Once we are Members of Parliament in this country, we automatically become Members of the Commonwealth Parliamentary Association (CPA). What I have witnessed for the last ten years or so as a Member of this House is the frustration which former Members of Parliament go through when they come to Parliament Buildings. There is no clear provision for those Members to have access to certain facilities which they require to communicate with. It does not mean that somebody is a leader only when he is a Member of Parliament and he ceases to be one immediately he leaves the House. So, what I am suggesting is that we should look at this particular issue in a wider sense than just the amount of money a Member of Parliament is going to get once he ceases to be a Member of this particular House. I am happy that the current hon. Members are making clear contributions because the reflection that we get from former Members of Parliament erodes our dignity as Members of this National Assembly. The frustrations they go through, as leaders of this country, are clearly reflected in the kind of situation we are likely to face. There is one problem in this country because we tend to forget the leaders who came before us as soon as possible. This is because we always have paranoia that they are likely to come back and give us some competition. This is why it is evident that Members of Parliament will always resist any opportunity they can get in form of retirement because they feel that they are not going to be recognized as leaders in this country.

Mr. Temporary Deputy Speaker, Sir, I would like us to look at this issue in a wider sense that we can make use of these Members of Parliament, even outside; so that when one retires from this House one still knows that one can be useful to this country. By extension, the treatment meted out to former Members of Parliament may explain why the President has been giving double standard statements as far as his retirement is concerned. The same fears which Members of Parliament have about retirement are likely to be the **[Mr. Kirwa]** same reasons that are prompting the President not to want to retire because he feels that he is going to be consigned to oblivion and face the frustrations that other former Members of Parliament are facing.

Mr. Temporary Deputy Speaker, Sir, having said that, I would also like to comment on the duration which one has to be a Member of this House in order to qualify for pension. It is clear that to be a Member of Parliament, it requires entering into a contract between the Member and the electorates or the appointing agent in case of a Nominated Member of Parliament; and the contract can last for five years or to the length of the life of that particular Parliament. Therefore, taking it on ten years basis is a great punishment to the leadership of this country. If somebody who has served for ten years is going to get a certain amount, let the person who has served for five years get 50 per cent of that amount. I am not saying this because I am driven by any fear. When it comes to that requirement, I have been here for the last 11 years. I am saying this because this is a contract between the hon. Member and the electorates. It is not like a job that you are going to serve until the age of 55 years. One does not have to make a mistake to lose the Parliamentary seat. As eloquently put by hon. Obwocha, one can easily be misunderstood and the turn over of Members of Parliament during the last three General Elections which I have had a chance to participate in, is over 50 per cent. This particular House has more than 100 new Members of Parliament without Parliamentary experience whatsoever. This means that 100 former Members of Parliament lost their seats to pave way for these new Members. An institution with that kind of turnover is a very dangerous one. Therefore, when you are calculating the pension, do not use the normal Civil Service calculations. This is a very dangerous job!

It is not for everybody. So, let us understand that 10 years should only be a guide, but five years should be the

minimum time allowable so that once you get to this particular House, you become automatically unemployable elsewhere. Whether you are a university professor or a high school teacher, the only job you can do is to become a farmer and not many of us have farms. If they have farms, they come from semi-arid areas like you. What kind of meaningful farming are you going to undertake to make sure that you make sense in that particular locality? So, I am pleading that let us make it five years.

Mr. Temporary Deputy Speaker, Sir, given the fact that many Members of Parliament come to this House either during the general elections or in by-elections, let us see what we can do. What does the Act provide for Members who come during by-elections? Since the last general elections, we have had more than six by-elections occasioned by defections which is very unfortunate or other calamities like death. Therefore, we have six new Members of this Eighth Parliament who came in after the rest of us had served for a certain period of time. What consideration are we going to have for that? This is because he is a leader, entitled to the privilege that other Members of the Eighth Parliament ought to enjoy. This is an issue that they ought to consider.

Mr. Temporary Deputy Speaker, Sir, the other issue is the question of 45 years. I do not know the rationale that was used to arrive at 45 years. Is it because it is five years less than 50? For somebody to qualify to be a Member of this House, in addition to other qualifications, when it comes to age, he has to be 21 years of age. So, if a Member of Parliament is elected at 21, five years later he will be 26 and, therefore, he ought to qualify for the same pension. This is because, to be elected when you are young is a privilege and it is also a sacrifice. This is because some Members of this House chose to stay in the Civil Service until they were 55. So, they came to this House after they were already earning an earlier pension. I came here only after serving two years as a teacher. I had not even completed the probation period. So, I do not have any other pension. This is my pension. Do I have to wait until I am 45 for you to give me the pension? Let the age not be a factor. As long as you have served for five years, get your pension and go home. If you have a chance to come back, then the pension should be calculated as a cumulative period between the first time and the next time you shall have served in this particular House.

I do not know why I have to wait to lose an election for me to qualify for pension. If I have served for five or ten years, let me get pension to the extent of ten years. Then, I will also be contributing to the next scheme so that by the end of 15 years I will be getting pension that is slightly higher than the other Members of Parliament. This is because like you, you are drawing a pension from your previous job and now you are here waiting for another pension. So, why do I not get pension because this is the job that I have been given and I have served the longest period in my life? This is the issue; that we have to make every job attractive, otherwise, we are making this particular job of Members of Parliament like a prison of some kind.

Mr. Temporary Deputy Speaker, Sir, I hope those who are dealing with this pension will realise this fundamental fact; that age should not be a factor. Secondly, I should be getting my pension so that I am not like the Members who just came the other day. I should be senior here, but you are giving me the same salary and no pension. When are you going to give me my pension? Must I fail to be elected? How about if my constituents still want to elect me for another two to three terms? For how long shall I wait for my pension?

Mr. Temporary Deputy Speaker, Sir, once I have said that, let us get to the other issue of delay in bringing Bills to this House. As you can see, this Bill ought to have been brought to this House in 1994. We do not understand and, particularly, I do not understand. Everytime when it comes to Christmas, we are rushing for recess which goes up to April. For example, last year's recess lasted for a record 16 weeks and yet we were earning a salary for coming to this particular House. Why do we not spend less recess time, come to this House, pass all the relevant Bills to ensure that there is smooth transition in this country? This is the problem that we find ourselves in every now and then. When we bring a Bill here, we want to rush it because we want to go to the next one so as to go for recess. We are not children to be going back to school or back home after school.

The Assistant Minister for Health (Mr. Koskei): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to discuss the programme of the House when we are actually looking at the issue of pensions? Do you not think he is really becoming irrelevant?

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Koskei!

Mr. Kirwa: Mr. Temporary Deputy Speaker, Sir, this is why I am saying that I should not be earning a salary like that of hon. Koskei because he does not understand the relevance of this Bill and that of recess.

(Laughter)

The Assistant Minister for Health (Mr. Koskei): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think hon. Kirwa is not really in a position to judge me personally and, hence, he should not cast aspersions on my character in this particular issue.

The Temporary Deputy Speaker (Mr. Musila): Mr. Koskei, I do not think in the first place, Mr. Kirwa

discussed about the programme of the House. He was raising a fundamental issue on whether we should go on recess and I do not think he is particular about that. The issue of Mr. Kirwa saying that Mr. Koskei does not understand, I think, is perfect and you may wish to respond to what he has said.

Mr. Kirwa: Mr. Temporary Deputy Speaker, Sir, you know I do appreciate why you are earning a pension and that is why you are giving a wise counsel on this particular issue. The question of recess is tied up by the fact that in both cases, we move Motions of Adjournment and we rush over the Bills. There are quite a number of them and I have been in this House long enough. There are so many Bills that we have passed here and we are forced to bring them back for further debate and amendment because we passed them hurriedly. This is why I was saying that we are actually paid to be here and we ought to take a bit of our time to look at every Bill that is brought before the House and give it due consideration. I am happy that we now have departmental committees which go through some of these Bills. However, that is not adequate. Let us also give time to Members of Parliament to deliberate on these Bills.

Mr. Temporary Deputy Speaker, Sir, however, my main point is that the Attorney-General, being the legal adviser of the Government and the person responsible for most of these Bills, should be timely in bringing Bills to the House.

Mr. Temporary Deputy Speaker, he should not only be timely, but also accurate. This is because we have had an occasion where the Attorney-General had to redraft a Bill he had brought before the House. That was before we had departmental committees. Having said that, I have to raise one important point that; let us not look at the salaries of Members of Parliament alone. I think there is an institution in this country which ought to be considered seriously, if we want to do our business, as a nation, and this is the Presidency.

Mr. Temporary Deputy Speaker, Sir, I have the following submissions to make:

One, the salary of the President, being a Member of this august House, should be pegged on a figure that allows him to make the kind of contributions he makes in Harambees and at the same time, to lead a comfortable life. My figure is Kshs5 million per month. I have done serious calculations to arrive at this particular figure and I have realised that for a President to earn Kshs5 million per month, he will have earned Kshs50 million per year, and in five years, he will have earned Kshs300 million. Many Kenyans will wonder why I am so generous with the Presidency. This is because I believe that, once somebody is elected the President, he should not be allowed to do any other business directly or even by proxy; so that he has enough money, to avoid some of the issues that are transacted in the corridors of power, in terms of donations to Harambees. For example, if somebody gave me a briefcase of money for Harambee; three briefcases or four briefcases for Harambee, then the next time he brings a brief case with an envelope, with a small request for me to do for him some job in order to facilitate the same process he has been doing for me, I will be shy not to assist him. So, I would want to ensure that when we are talking of pensions for Members of Parliament, we should also think about the salary of the President of this country. I am not casting aspersion on any holder of that particular office, now or in future, or imagining that the holder of the office might be practising that kind of thing, but I am just giving it as a caution. The Kshs300 million in five years is better than so many scandals in the same period.

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

Mr. Shitanda: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving this opportunity to contribute to this very important Bill. This Amendment Bill seeks to improve the pensions for Members of Parliament, although not in a substantial manner.

Mr. Temporary Deputy Speaker, Sir, pension is a very important element in any worker's life. The pensions being paid, not only to Members of Parliament, but to other employees do not, to say the least, qualify to be called so because pension is supposed to be an amount paid to a person to make life a little bit affordable in retirement. Most former Members of Parliament, who are on pension are living a very pathetic life. If you need a testimony, you will not need to go very far to come across such cases. If you walk to the TV Room here in Parliament, you will see what I am talking about. Most former Members of Parliament lead lives that one would not even call "hand-to-mouth". They lead lives like those of dogs. Most of them are beggars in the streets and most of them sleep in the streets because they do not know where their next meal is going to come from.

Mr. Temporary Deputy Speaker, Sir, the components used in the calculation of pension are based on the hon. Members' income excluding the commuted mileage. The amount of money being paid to pensioners is a testimony that we have to seek ways and means of trying to improve the pensions of former Members of this House. It is a shame for this country to have former Members of Parliament leading very pathetic lives.

We have people who were very important in this country and who made a lot of contributions in this country, and who are leading very, very miserable lives. We have people like Paul Ngei, the Kaggias, the Achieng'-Onokos and the Otiendes of this world who lead miserable lives- It is like the country forgot about them as soon as they left this House.

While supporting this Amendment Bill, I would suggest that we bring amendments to this House to try and change the formula used in calculating pensions for Members of Parliament, and divorce it from the formula used in

calculating pension for civil servants.

Mr. Temporary Deputy Speaker, Sir, former Members of this Parliament, some of them were here for 15 to 18 years and who have retired, are earning a pension of about Kshs8,000. With the current cost of living at the moment, Kshs8,000, to say the least, is an abuse to a former Member of Parliament. Some of them are not even able to board a matatu to travel a distance of 100 kilometres. It is very difficult to find a former Member of Parliament driving a car because he cannot afford it. Some of them cannot even afford to buy a bicycle. Some of them were Ministers in this Government, as late as four years ago, and yet they are riding on bicycles; they are walking on foot in the streets begging. We need to address the issue of hon. Members pensions, a little bit more seriously, than we are looking at it now.

Currently, the pension being paid to former Members of Parliament excludes their commuted mileage. The kind of pension paid to a Member of Parliament who has served this Parliament for ten years, is not more than Kshs10,000.

If you go out there, you will notice that a primary school teacher who has retired lives a more comfortable life than a Member of Parliament who is on pension. A primary school teacher who attained the age of 55 years and went home on pension is more stable in his home than a Member Parliament who served this House even for 20 years and went home. We must look at the pensions of Members of Parliament from that point of view and ascertain that the expectations of Members of Parliament are also taken into consideration. The Parliamentary Pensions Scheme must seek to address something more than just mere pension when a Member retires. In other countries, we have a lot of social welfare programmes for retirees. However, it would appear that in this country, the Government is normally in a hurry to let somebody go in the name of pension. It is not just the Parliamentary Pension Scheme alone, if you go to the countryside, you will find old men there who get pension of Kshs90 per month. Sometimes, they have to travel a long distance where they spend up-to Kshs300 in terms of bus fare to go and collect Kshs90 as pension. While seeking to pass this Amendment Bill, we must also look at the plight of dependants of a Member of Parliament when he passes away while he is on pension. In most cases, dependants of pensioners have been subjected to a lot of problems by the authorities after these Members die. You find some of them living very miserable lives for no mistakes of their making. We must seek to incorporate in this Bill a requirement that dependants of pensioners should not be subjected to the bureaucracies in the event of death or related calamities.

Mr. Temporary Deputy Speaker, Sir, in the olden days, may be, shortly after Independence, the calibre of Members of Parliament, who came to this House, were people who inherited the reigns of power from the Mzungu. I am sorry to say this. Most of those Members of Parliament at that time were grabbers, looters and they saw no need of having a favourable pension scheme for Members of Parliament. Parliamentary work is very stressing especially to those of us who are used to working in an office or working under a professional environment. This kind of job is very stressing. I am sure if a lucrative pension scheme was put in place, we will not have problems of very old men struggling to come back here. Some of them are tired and they want to sit home and rest. But because they have nothing to keep them at home, they have no food at home, they keep roaming in the streets and walking into offices looking for handouts. Some of them are leading delegations to State House to cheat the old man that this is what is in such-and-such a place. If a lucrative package was offered, I am sure this Parliament will have only young men seeking to come here to serve the people of Kenya.

Finally, Mr. Temporary Deputy Speaker, Sir, parliamentary work is very involving, very voluntary and it would be wrong to subject hon. Members to the 10 year rule instead of having a Member become pensionable after serving for one term. Maybe, we will push for amendments to have one term as the minimum age that qualifies one for a pension.

With those few remarks, I beg to support.

The Assistant Minister for Health (Mr. Koskei): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also contribute on this very important Bill.

I would want to start by supporting the sentiments that have been expressed by my colleagues. When one looks back at the status of some of our colleagues who have served before us here in Parliament, one is actually touched by their plight. I believe none of the sitting Members of Parliament will also want to fall into that quagmire. Well, it was a rude shock to me, personally, when I joined Parliament last year and actually met those Members who had served, but were not able to come back to Parliament. I was taken aback by the kind of live they lead. This is one thing that we have to look into and one thing that all of us must really share, given the fact that it calls for a sacrifice to actually serve in this House for the five years that one is elected to this Parliament, given the expectations the electorate places on our shoulders. So, at the end of the day, if you are committed to doing your work here in Parliament, you find that you might not be in a position to do anything for yourself. At the end of the day, these people believe in overworking you like a donkey because they would want to overwork you from morning to evening. But it might not really be possible for you to spare sometime to attend to your own personal work. Hence, the need to compensate one for the sacrifice that one makes in coming to this Parliament and be willing to serve.

I have gone through the proposed amendments in this Bill, and I must say that whoever sat down and came up with these amendments and really not take the interests of this House in mind when drafting this Bill. It does not make sense for somebody to actually suggest that a Member should get his pension at the age of 50 after serving in this august House. The question I would want to pose to the House is this: Are we ready to attract the best people because one has to be given an incentive to come and serve in this House? I also believe that for the good of this country, we need to attract the best people to serve in this august House, but they cannot come unless they are given some incentives. By bringing these amendments in this Bill, what incentives are we giving to the very best in this country to be willing to make a sacrifice to serve in this august House? Even if some of us were to serve for two terms, we shall fall way short of the 50 years. What incentives are we giving to those of similar age-brackets like us to come and serve in this House? That is why I am saying that there is need for us, as a House, to look at some of these issues critically, so that as we make the necessary amendments we also look into our needs and identify the actual kind of people who would like to come to into this House.

Mr. Temporary Deputy Speaker, Sir, I concur with the hon. Member who said that some of the hon. Members who are sitting with us here are having either one or two pensions; they could have been former serving senior Government officials. Some of them must have served the Government or appointed to head some parastatals, and you will find that the total pension for such hon. Members is quite enormous. However, those of us came to this House without having served for long in formal employment, might only have to look to the pension that is provided for under this Bill for us to, really, claim that we are looking forward to getting pension at any given time in our lives. Therefore, I would like us to ensure that we do not just pass the Bill without having put the interests of this House into focus. Hence, I would like to propose that there should not be any age bracket within which one will qualify for his pension in this particular case. If one comes to Parliament at the age of 21, which is the minimum age requirement for one to serve in this august House and serves for two terms, we will find that such a person will actually be way off the qualifying age bracket. So, in order to attract the people needed to serve this nation in this House, the sum total of the two terms that have been proposed should be considered. Those serving in this House should be able to rise to the challenges of serving in this House. Hence, really, we have to attract the best people to this House. So, what I am really saying is that we should not be very particular about the age.

Secondly, we should also look at the total package that we are offering. It does not make any sense to offer somebody a package that does not at all have any correlation to the inflationary trends that tend to affect the economy of this country. Year in, year out, the value of the shilling keeps falling. Unless we provide a package that will take care of this inflationary trend in our economy, the pension that we shall be offering hon. Members will be meaningless because, at the end of the day, they will have to get time to come within the corridors of Parliament Buildings. As hon. Members are aware, there was a very sad case of a former Member of Parliament, who after serving for so long, it had to take the efforts of sitting Members of Parliament to actually organise for some harambees to try and bail him out of his financial predicaments.

Mr. Temporary Deputy Speaker, Sir, if Parliament had a pension scheme in place, which catered adequately for the needs of hon. Members, the hon. Member would not have been in that kind of position. So, it will not make any sense in the event of us passing these amendments, without looking at the entire problem. Really, we need to look at the whole problem of the pension and the total package that we are talking about before we approve it because, at the end of the day, it will be meaningless to pass the amendments if these amendments are not going to take care of the needs of hon. Members once they leave this place. So, I would like to insist that, really, we need not put a limit on the age and the number of terms one serves in this House. Five years should qualify one for pension.

With those very few remarks, I beg to support.

Mr. Mwakiringo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Bill. Any newcomer into this House, or anybody who has never been to this House, will always feel we do not do much here because the business here is about debating, doing this and that. However, I can now vouch and say that Members of Parliament are the busiest people in the whole world. I am sure that even Jesus does not do, as much as we do here per day, wherever he is in Heaven.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Mwakiringo! You know that in whatever way you would want to put your point across, you cannot invoke the name of Jesus in this House, in that manner. So, could you, please, withdraw?

Mr. Mwakiringo: Mr. Temporary Deputy Speaker, Sir, I beg to withdraw and apologise.

The Temporary Deputy Speaker (Mr. Musila): You should also go to church and confess your sins. You may continue.

Mr. Mwakiringo: I go to church every Sunday, Mr. Temporary Deputy Speaker, Sir.

I said that we are the busiest people because, whenever we are here, we are leading. Thereafter, we come to this House to debate and deliberate on issues affecting this nation. Back in our homes, our telephones remain on 24-

hours service a day, which means we work 24 hours in a day. What I am trying to say is that a hon. Member should qualify for retirement benefits after serving for one term. After serving for one term, an hon. Member will have done a job that is equivalent to what is done by someone who has served for 15 to 20 years elsewhere. So, I fully support the idea that we should be eligible for pension after serving one term. Also, the age limit for our beneficiaries should be increased from 15 years to 18 years. I am sure that we, as parents, doubt whether at 16 years old, our children will have matured or not. However, at the age of 18 years, a child can make a decision on his or her own. So, it is in that context that I am saying that the age limit of our beneficiaries should 18 years instead of 16 years.

Mr. Temporary Deputy Speaker, Sir, the kind of food that people eat and the kind of experiences they go through nowadays enables them to mature faster than usual. The margarine and the other fats we take make us grow faster than normal; a boy of the age of 24 years appear like he is 50 years old. So, what I am saying is that the age of 45 years should not apply. We should bring it down to 35 years, because some hon. Members come to Parliament at the age of 20 or 22 years. If such an hon. Member serves in this House for two terms, he becomes 32 years old. This is the case with hon. Affey. So, 45 years is quite a big number of years. Some hon. Members will not reach that age; 35 years should be the ideal age that will enable hon. Members to start reaping the benefits of having worked for at least one term in this House.

Further to this Bill - we will bring a Bill later on regarding this matter - people should be made to join this House when one is at the age of between 20 and 30. If possible, he should serve for just two terms, which will qualify him to be exactly 50 years old, which is the age at which his family would need him more than when he was younger.

I agree with what is in pensionable emoluments should include the salary, responsibility allowance and constituency allowance. So, if one serves two terms in this House, the pension should go up by 10 per cent. If an hon. Member is elected or nominated to Parliament for the third time, his or her retirement benefits should go up again by 10 per cent so that he or she does not get the same pension as the person who has only served for five years. So, the benefits should rise as one comes back to this House. If possible, if one serves for one term, and he is not elected in the subsequent election, but makes it after another five years, it should be taken that he or she has served two terms. This is because he or she equally worked very hard to come back to Parliament for the second time.

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

Thank you very much.

Mr. Mwenje: Thank you, Mr. Temporary Deputy Speaker, Sir. I also beg to support the amendment of this Bill. For those of us who have been here for sometime know very well why we need to have the Pensions Act. This being a job like any other job, pension is necessary for hon. Members of Parliament. At times, people tend to think that hon. Members of Parliament are immune to problems and poverty that affects the other people. If you go back to history, you will find that most hon. Members of Parliament who have been in this House are very poor people.

It is unfortunate that hon. Members of Parliament have been reduced to guests of honour of Harambees. That is what we are today! The public tends to think that we have so much money that cannot get finished. I would like to inform this House that every month, I attend or I am a guest of honour of about 10 to 20 Harambees. This means that at the end of the day, I will become a very poor man. Indeed, I have ended up being a very poor man although nobody cares for my future.

I would like to inform hon. Members that when I will get out of this House and I am a very poor man, members of the public will say: Look at this man; he was in Parliament and look at the way he is now! They will say that I am a poor man because I did nothing when I was in this House, and yet, I was actually serving my people to the extent of spending my last coin. On several occasions, I have to leave my house without some money. This is because I give the little that I have to somebody who stands at my gate, because I believe that he has more problems than I have. My gate has become a "toll station" whereby whenever I leave my house, I find many people with a lot of problems which I have to solve. If this matter is not looked at properly, hon. Members of Parliament risk remaining very poor after they leave this House, and for the rest of their lives.

Mr. Temporary Deputy Speaker, Sir, one case that we see, and I dare make that reference, is the former Minister, hon. Ngei, who is always at the entrance of this House. If there was pension, it could have helped him. The situation is very pathetic. We always see hon. Ngei here; a man who had been occupying the Front Bench for many years. If pension was increased and paid promptly, this man would not have come here to beg. He will not be a beggar here! He would not need the Harambee we held for him. The situation is pathetic! All those people who come to us for help should see us as people who need prayers, help and pension. It is a situation that needs to be looked into seriously, so that hon. Members of Parliament are also regarded as people who have families. This is because we have families and children just like anybody else.

Mr. Temporary Deputy Speaker, Sir, sometimes I look at my predecessors in Embakasi Constituency and wonder. I have the advantage of coming across nearly all of them from the first hon. Member of Parliament to the last one. We had hon. J. D. Kali and hon. Karungaru. Even if you look at the previous two hon. Members, you will find

that they are very poor people. It is even difficult for them to wear clothes, leave alone driving! That is a clear indication that I will not be an exceptional; I am also heading for the same! If the trend will not be reversed by this Session, then it means that soon, I will also be a beggar!

Mr. Nderitu: You are not poor!

(Mr. Nderitu murmured something)

Mr. Mwenje: Mr. Nderitu, you will get your time. The situation is pathetic. Without going to any other constituency, but just taking my constituency, I think this is a situation that needs to be looked into. In fact, this should have been done long time ago. Whoever wrote that pension will only be retroactive up to 1994 did not consider the fact that there are some hon. Members who have been in this House for the last 40 years. If anything, it should be taken back to 1952 or 1953. This is because some hon. Members, for example, the hon. Member for Baringo Constituency have been in this House for over 40 years. Some people tend to think that it is only one or two terms, but there are some hon. Members who have been in this House for over 40 years. These hon. Members also need to be looked after in this pension scheme like the hon. Member for Baringo, who is one of the oldest hon. Members in this House.

So, Mr. Temporary Deputy Speaker, Sir, the question of taking it back to 1994 does not make sense at all. I am as old as 1988, but I have not benefited. As one hon. Member put it, even for the term that I served, I have not benefited. I had to try very hard to make sure that I come back to earn another term so that I can, at least, qualify for the 10 years, which is the current position. That should not apply to everybody, because from my last experience, the hon. Members who made it to this House after the last term are only 88 Members.

*(Mr. Affey consulted loudly
with Mr. Karauri)*

Mr. Temporary Deputy Speaker (Mr. Musila): Mr. Affey, consult quietly. Proceed, Mr. Mwenje!

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I am saying that half of the Seventh Parliament hon. Members did not make it to this House and do not stand a chance of coming back here. That is what I have seen from my past experience. In Nairobi Capital City where I am the oldest hon. Member of Parliament, I do not expect anyone to come back. I do not even know whether I would have come back if I was not a very popular man. You can imagine a popular man like me could not even come back last time because of what happened to FORD(A). You never know what will happen next time. I particularly, sympathise with those hon. Members who are on the KANU side. This is because they will hardly come back to this House. They will be very lucky if they make it to this House!

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to insinuate that KANU Members are not popular when I know that he is only being proud of the popularity of his party in his constituency, but he himself is not popular?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, I have been in this House on a KANU ticket and I know the red light that I was given by the people; that as long as I remained in KANU, I will never come back to this House. That is why I lost in the election one time. So, I am sympathising with these "guys" on my opposite direction. However, it is---

Mr. Nderitu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Mwenje actually in order when he refers to hon. Members and Ministers as "these guys in the House"?

The Temporary Deputy Speaker (Mr. Musila): He is certainly out of order. Continue, Mr. Mwenje!

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, a "guy" is a man who is respected because of his strength. However, I agree with him that they are hon. Members. I have every respect for hon. Members because some of them were even my Provincial Commissioners and I have known them for a long time. So, I have no quarrel with any individual. All I am saying is that we should all strive to make sure that this "thing" is a success. I would like to agree with those hon. Members who have said that one should qualify for a pension after serving for one term.

Every time we have a term, that pension dues should be paid on the last day when we leave this House because we are not sure of what is going to happen next when we leave here.

When I was working in the bank, I contributed to NSSF. I am told even now that I cannot enjoy that money until I attain 50 years of age. I still have a long way to go before I reach 50 years. I should enjoy my money when I am strong and living. This business of getting paid money when you are just about to die should not be allowed because is only enjoyed by your children and yet you are the one who worked for it. My children will lead their lives and I am leading mine. I should be paid what is mine on time so that I can enjoy it. There is this tendency of Africans to think

that they are working for their children. Who told you that your children will not work for themselves? It is important that we enjoy our pension money.

I work for the Embakasi people and myself. My children will work for themselves when their time comes. Let us be paid what is ours. Let us enjoy what is ours. Let us get that money to help the constituents who we represent. If it is possible, let us even get that money to go for harambees. That is the job that I have chosen to do. I want to thank the Committee that looked into this Bill and made several amendments. I hope when the Minister comes, he will agree with the Committee that has made substantial changes from what was there in the original Bill. Now that we, as Parliament, are independent from the Executive and can talk about our ways of working, I feel this Fund should also be equally maintained by this House so that it is paid off immediately you leave.

There is no reason why the Treasury should have anything to do with this pension. This money should be managed by this Committee under the supervision of this House which attained independence last week.

Mr. Nderitu: Why do you not conclude your speech?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, may I ask that you tell hon. Nderitu that I represent Embakasi Constituency and I have nothing to do with Mwea Constituency.

The Temporary Deputy Speaker (Mr. Musila): Order, Mr. Mwenje. You should not listen to he is saying. Can you address the Chair.

Mr. Mwenje: Thank you, Mr. Deputy Speaker, Sir, for reminding me of that. I was saying that we need this Committee. Just like we have agreed that things like the car loan accounts will be managed from here instead of having to go and beg from people who do not understand our problems like the National Bank of Kenya this Pension Fund should be managed from here. The National Bank of Kenya, should be told that even those Members who have taken loans there should take them and run them privately so that we can also run our own from **[Mr. Mwenje]** this end. Equally, this fund should be maintained and managed in the same way.

If your mind and body are not comfortable, there is no way you can serve your people well. You need to know that you are well taken care of so then you can take care of your constituency and this country. That is why we are telling this Government that we must stop this disease called corruption. We are suffering today because nobody can trust Kenyans or our Government. Nobody can give us even a Kshs10 loan because when we take the money we do not make use of it in the way we had promised to do. Although we have got all the money to repair the roads, this has not been done because someone somewhere still wants to sit on that money and maybe eventually get interest from it.

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

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

We must now learn to be honest and trustworthy in this country. The time has come when we have to forget the question of debating here and preach to those who have been sinning and have made this country lose its faith. Even if this Fund is put in the hands of Members of Parliament for managing, let us hope that nobody will tamper with it and try to mess about with this money. This is what happened in NSSF where money was taken to other projects which were not viable at all and have managed a lot of public funds. Non-existent plots have been bought with that money.

We have got to train Kenyans and it has got to start from this Parliament. Every time we enter here we pray, assuming that we are very godly people. Are we that godly? Are we not the same people who are stealing public funds? Are we not the same people who go to the church and the mosque to be baptised, and then come and sit here and pretend to be holy and then we steal, particularly those who have been doing so? We have got to start from this House. We have got to start with our Ministers including my friend in the Treasury. By starting this Pension Fund can we show the world that we are responsible people. If we can manage our own Pension Fund, why can we not manage the country's finances in the same way?

The Assistant Minister for Education, Science and Technology (Mr. Karauri): What is he talking about?

Mr. Mwenje: I am talking about the Bill and how to manage this money.

The Temporary Deputy Speaker (Mr. Poghio): Order! Mr. Mwenje, address the Chair.

Mr. Mwenje: Thank you, Mr. Temporary Deputy Speaker, Sir. The problem is that hon. Karauri likes pestering other people. He is known for that, anyhow. I was, therefore, saying that the pension money needs to be managed. We do not want to hear that there are problems like the ones we have been hearing from the NSSF. The

Committee which is that will be managing public funds must be one of integrity. It must prepare itself on time before Members leave this House. Before Members go to the next elections, they should be given whatever is due to them so that they do not have to come back and start loitering here. The other day all the old Members were trying to form an organisation called Old Members of Parliament Organisation. This organisation is the one that would have been pushing things like this one, but it has not been registered to date. Those who are opposing it at the Attorney-General's Office, the Office of the President or from whatever corner are Members of Parliament today and they should know that they will also face the same fate when they leave this House. We now need an organisation that will look after the welfare of the Members of Parliament when they leave this House. The organisation has applied for registration severally. As we are sitting here, the application is lying at the Attorney-General's office yet it has not been registered up to now. I have always seen the man who was going to be the chairman sitting in the galleries, maybe trying to remind us that: "Gentlemen, you will also be like me. You will sit in the galleries or outside at one time. Register this organisation so that at least you can look after your privileges when you leave this House."

The Temporary Deputy Speaker (Mr. Poghio): Mr. Mwenje, you know the galleries are really out of the area we are talking about here. You cannot address the galleries.

Mr. Mwenje: I am not addressing the galleries. I am saying that the man who was supposed to be the chairman at that organisation is now sitting in the galleries. We can see the gallery from where we are.

Hon. Member: He is a stranger!

Mr. Mwenje: You will also be a stranger very soon. He was in this House like you, but now he is out. You will soon go out. Therefore, let us consider our fate now. After all, that is the essence of this Bill today because we know one time we will also be out. We want our predecessors to also enjoy the same facility.

Mr. Temporary Deputy Speaker, Sir, I went to Thika High School for my secondary education. We have Thika High School Old Boys Organisation which looks after the wellbeing of students at the school. Little did I know that, even my son would join that school. If we had messed up that school, today, my son also would be suffering.

Mr. Temporary Deputy Speaker, Sir, what I am trying to emphasise is that, the Pensions Management Committee must look into the best ways of improving the welfare of hon. Members after they have retired. The pension should be effected immediately, because it is not a good picture to see former hon. Members of Parliament coming here to ask officers to prepare their pensions. In the earlier arrangement hon. Members were supposed to pay for a period when they were not in this House. That is not right. If an hon. Member is entitled for pension, then he should be paid on a pro rata basis. Those who were elected during the by-election should also be considered in the same pro rata basis, for the years that they have served. We should not ask them to pay for the time when they were not in this House. How do you ask somebody who has no income to pay for the period when he was not here? You are only telling him to borrow money from other people to pay for his pension. This is not possible, except for the few former hon. Members who have a lot of money because they stole from the Government and we have discussed them in this House. The others are ordinary people and they have no money. However, those who stole from the Government are the same people who want us to pay for the period when we were not here. This is because they have money and assets they stole from the Government.

Mr. Temporary Deputy Speaker, Sir, the impression we have created for this country is not good at all. Those who have soiled the image of this country need to be told that they have messed up our country. They should confess their mistakes, so that we rectify the situation.

Mr. Temporary Deputy Speaker, Sir, when we compare ourselves with our counterparts in Tanzania and Uganda, we see that they have good facilities. I am a Member of the Defence and Relations Committee, which will be visiting Tanzania tomorrow. We will see how legislators in Tanzania are treated. They keep on telling us how they enjoy pensions and good facilities, contrary to what we believe; that, Kenya is a very good country in Africa. We are rated among the lowest paid hon. Members and our Parliament ranked as having the poorest facilities in Africa.

We cannot compare ourselves---

Mr. Obwocha: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform my colleague, hon. Mwenje, that the amount of salaries and allowances earned by Members of Parliament in Uganda, is Ushs4.5 million. If you convert it into Kenya shilling at the rate of Kshs120, you will see how much they earn.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, if what hon. Obwocha has said is correct, then that means an hon. Member in Uganda is paid Kshs260,000 per month. This shows that they are much ahead of us and yet, we still boast that we are among the best in Africa.

Mr. Temporary Deputy Speaker, Sir, the pension should not be taxed because we will share whatever we receive with our people. This is because, even when we will retire, we will still be called upon to preside over Harambees as guests of honour. For example, when hon. Karauri or hon. Keah will retire, they will still be regarded as hon. Members and people will expect them to contribute generously in Harambees. So, we will need a good income after we have retired from this House. Therefore, we need to look into this. We should debate this Bill, irrespective of

our political party affiliations because problems do not know whether we are from KANU or DP. This is because when we retire, our people will come to us for assistance. The only lucky people are KANU Members because they have stolen too much from the Government. However, not all of them have stolen, but at least, most of them and they know themselves. This other side of the House is disadvantaged because we have not stolen from this Government.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Mwenje, mind your language. You know what is accepted in this House.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, my language is accepted because, if you steal, there is no other term we can use.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Mwenje, there is Parliamentary language which is acceptable!

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, they have misappropriated public money. But it means the same. This is because misappropriation and defrauding means the same thing, according to the Oxford English Dictionary. That is the truth.

Mr. Temporary Deputy Speaker, Sir, this Bill should function from 1st July 1994 as recommended by the Committee. The pension should be managed by the Committee. It should be pegged on one term, that is, five-years. It should be paid immediately, preferably, on the last day of this Parliament because there is no guarantee that some of us will come back to this House. This is not because we are not serving our people well, but because of other logistic problems that might not allow us to come back to this House.

Mr. Temporary Deputy Speaker, Sir, the question of age is not an issue. If you are an hon. Member of Parliament at the age of 90 years like the late Angaine was, or at 27 years and some hon. Members in this House, you are charged with the same responsibility. So, the question of age should not arise.

Mr. Temporary Deputy Speaker, Sir, for those of us with many wives as it is stated here, it is important like my friend Ng'eny, to say which wife will be paid, so that we avoid the problem of who will be paid.

An hon. Member: How many wives does Mr. Ng'eny have?

Mr. Mwenje: With a light touch, I do not know how many wives Mr. Ng'eny has. I have been told that he has 20 wives, but I believe they are less than that.

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

The Assistant Minister for Lands and Settlement (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to the Parliamentary Pensions (Amendment) Bill.

First and foremost, we would have appreciated it more in this Parliament, if we understood the contents of this Bill and if there are calculations to show what exactly this Bill is all about. I am saying so, because certain calculations have shown that, what we are talking about here is something like Kshs15,000 per month. If that is the figure we are talking about, then I am afraid that this amendment really falls far, too short of the expectation. Therefore, I want to appeal to the Members of the Pensions Management Committee to show some computations and calculations in this amendment. We are saying here, for example, by reducing the number of years to 45, the contribution element in order to achieve so much, may be so astronomical that, it is not worth it. So, what I am appealing is to have a set of calculations which will show quite clearly, what the effect of this Bill is all about. This is my honest request.

Mr. Temporary Deputy Speaker, Sir, let me now go to the Bill and make certain observations. I would like to observe that while proposing the amendments, we need to know that this a contributory pensions, and I want to ask the following questions: Does this fall under the Retirement Benefits Authority (RBA) Act? Will this be captured under the administration of the RBA Act? If so, with what effects? That is very important for us to know. At the moment, we know that there is a storm; indeed, a hurricane of a war is going on with regard to the regulations and rules of the RBA, which are unresolved. Some of the pensions schemes even want to wind up because of these rules. Some insurance companies are likely to be put out of business, because of those rules. Are we going to be part and parcel of that problem that exists? In fact, I take this opportunity to call upon the Minister for Finance and all the experts to resolve the impasse that exists at the moment with regard to the RBA rules and regulations vis-a-vis the pensions industry and the stakeholders in that particular industry - the RBA, insurance companies, the fund managers and others.

Mr. Temporary Deputy Speaker, Sir, I will come specifically to each Clause in the Bill. Regarding the increase from three per cent to ten per cent, it has been recommended by my colleagues that this should, in fact, be 15 per cent. Could we be told what effect ten per cent and 15 per cent will have? This is because I am all for the 15 per cent, and I support the amendment that has been moved by hon. Obwocha. But I am afraid that I seem to be supporting it blindly. Maybe, until I see the effect of that 15 per cent on a calculated sample of pensions.

Let us go to the next one. By adding the words, "on the recommendation of the Treasury at the end of the definition of approved actuary." Why the Treasury? Why not the Parliamentary Service Commission (PSC)? But there could be good reason why the Treasury has been picked on. Since we have the PSC; do we now leave this to the

Treasury, or the Treasury plus somebody else? I think we are going to subject ourselves back to square one as we have been trying to avoid by having the PSC. I think that point needs to be looked into so that we can harmonise and not have laws conflicting with one another.

Clause 2 (c), "by deleting the definition of the expression pensionable emoluments and substituting therefore the following definition, "Pensionable emoluments includes salary, responsibility allowance, constituency allowance --- ." You have excluded transport and sitting allowances.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it fair for the Assistant Minister to continue addressing strangers in the House? He should be addressing the Minister and not officials from the Ministry.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Keah, you are actually addressing the officials from the Ministry other than the Chair.

The Assistant Minister for Lands and Settlement (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I am blind to anybody else other than you and the Members of this House. I do not see how hon. Karauri could have entered into my head, turned to be my eyes and my conscience and see that I am addressing strangers instead of you.

The Temporary Deputy Speaker (Mr. Poghisio): And, please, stick to the microphone, because you are actually moving away from it.

The Assistant Minister for Lands and Settlement (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I am sorry. I am actually addressing you.

[**The Assistant Minister for Lands and Settlement**]

(Laughter)

This Clause has excluded the transport and sitting allowances. In fact, this Clause should include all our allowances that we get because they are part and parcel of what we take away as our package from the House. And if, therefore, there is good reason, we need to know why. What is the effect of including the transport and sitting allowances and what is the effect of excluding them? Maybe, there is a very good reason for excluding them. We need to know that.

Let us go to the next one. I support the recommendation by hon. Obwocha subject to the calculation of the figures. Next is the 50 year or 40 year rule and 40 years has been suggested. Other hon. Members have suggested limitless years. It does not make logical sense that if I came to this House at the age of 29 years and I have to wait until I am 40 years before I can withdraw my pension. There ought to be some measure of flexibility so that I can withdraw my pension, because from here, I may be going to another employer. I may not necessarily be employed by wananchi to serve them in Parliament. It is too tight; there is no flexibility there and it should be possible to have this pension transferrable to another employer, particularly, when one is young. I imagine that one will get a job somewhere else and he or she should be able to transfer this pension to another employer. If he or she does not get any employment anywhere else and even the pension, he or she will die before reaching 40 years because there is nothing to eat. How does he or she survive in that case? That element ought to be considered, but again, I am asking what is the effect of having no-age limit to the pension contribution? We would like to see the effect before we go to the Committee stage.

Well, I have no problems with item No.4: "Such date as may be approved by the Committee." The Committee is there to manage. On No. 13, I have no problem again and the pension may be determined on the direction of the Committee in the event of remarriage. I have no problem with that; I only have one wife. Then, on Clause 19, there is hell. That is the Parliamentary Pensions Management Committee. I think this Committee is the one that needs to be synchronised and tied with the RBA Act and *et cetera* and there ought to be something mentioned there with regard to the correlation and relationship between this pensions, our Management Committee and, indeed, the RBA Act. I have no problems with the members, but again, we have the Treasury. I guess that the Treasury will always be there and I have no problem with the Treasury provided that the majority of the members are our Members. Again, there is no mention here of the PSC. I would have liked to see some kind of synchronisation between that and the PSC.

Then, amendment of Section 20 of the principal Act, is amended by inserting the following new section, "all expenses incurred in the administration of the provisions of this Act shall be met out of the Consolidated Fund." I agree with that. Finally, the Bill will be effective from 1st of July, 1994. Why the date of 1st of July, 1994? There must be a good reason. I tried to look for the reason in the Bill and I have not seen it. But this is something that needs to be explained. But personally, if I had a choice, I would have chosen the beginning of a term of Parliamentary period.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to inform the hon. Member that 1st July, 1994, is the date we were supposed to have revised this Act. That is why we are saying that it is long overdue. So, we want to backdate it to the

time we should have reviewed it.

The Assistant Minister for Lands and Settlement (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, I would like to thank the hon. Member for offering that information. The Treasury is now saved from explaining that bit of information.

Mr. Temporary Deputy Speaker, Sir, then we had a figure of one over six hundredth and we are now revising it to one five hundredth. I would like to know why we should not revise it to one over three hundred. It could even be one over two hundred or one over one hundred. You can now see why I am asking for calculations, to satisfy myself why we have moved from one over 600 and are choosing one over five hundred. Could the Minister give us the calculations and tell us what the impact of that would be. We would then be in a better situation to make the correct and right choice.

Otherwise, I would like to agree with the previous speakers who have said that the management and availability of the funds are absolutely imperative. We do not want a situation where this pension scheme is managed by an institution like Kenya National Assurance Company, and when it winds up, we are left without any pension. That is absolutely imperative. I would also like to speak for those who are not over 40 years of age and appealing for flexibility. I am also appealing that these funds be managed in a manner that we will find the money there when the right time comes.

Mr. Temporary Deputy Speaker, Sir, with this contribution, I hope I have been impactive enough for proper information to come. I would like to ask hon. Obwocha who said that Ugandan Members of Parliament earn Ushs4.5 million. But if

[The Assistant Minister for Lands and Settlement]

you look at the rate of the Uganda Shilling to the Kenya Shilling, if it is 20 to one I think you were right, and I would like to grant you for being correct.

I beg to support.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to impute improper motive that I am asking the Members of Parliament to earn Kshs4.5 million? I said that the Ugandan MPs earn Ushs4.5 million. If you convert that to Kenya Shillings, it is Kshs250,000 and we only earn Kshs70,000.

The Temporary Deputy Speaker (Mr. Poghisio): Order! I understood the Assistant Minister to be congratulating you.

Mr. Ochilo-Ayacko: Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill.

Last week this House passed the Constitutional Amendment Bill, and due to the passage of that Bill, this House is supposed to be autonomous. When a Bill of this kind that is very important is brought before the House, and it has not been synchronised with the recent autonomy that this House has acquired, there is an anomaly. So, when we debate this important Bill, we should first and foremost make sure that the passage of this Bill does not infringe upon the autonomy of this House. If it does, then it will negate what we did last week. I believe that is the most important thing that we did. In fact, with the passage of that Bill, I believe everything will be very good for every hon. Member in this House. In fact, this particular Bill becomes even superfluous, because part of the objective of the Parliamentary Service Commission is to look into the welfare of present and former hon. Members, and that will be adequately addressed in that area. As we debate this particular Bill, we should strive to harmonise it with what we did last week. I am very grateful to all the hon. Members for what we did last week.

Mr. Temporary Deputy Speaker, Sir, in this particular Bill, there are certain provisions that talk about 40 years of age as a qualification for pension. There are certain proposals that those who should benefit from this pension should be people above 35

years. I do not want to disclose how old I am, but if the

age is 40 years, then even if I was to be re-elected next time, I would still be ineligible. Why I am so particular about this issue regarding age is, because, when I was campaigning, I believe I promised my constituents as much as the hon. Member for Baringo Central promised his constituents. I also believe my constituents look up to me for delivery of the promises I made to them, as much as they look forward to delivery of such promises by the Front Bench. So, the challenge is the same in Nyanza, North Eastern Province and elsewhere. If today we were to be defined as hon. Members of Parliament, I believe that the issue of age would not arise. Why is it in this Bill, that somebody who is over 40 years should benefit and not somebody who is above 21 years old? If all of us have been elected for one term and then, I, who is not near that age is left to suffer for all those years, yet we have spend the same amount of money and the same kind of keenness in attending to our constituents, I think the issue of age should not arise. It is particularly burdening on us, because some of us also pay school fees for our constituents and brothers. At the time we are paying such school fees, our children have not yet gone to school. I am sure hon. Wanjala's child has not yet gone to school right now. So, by the time he is kicked out of this place or retires, he will be more desirous of that pension than any other person who is over 40 years old. People who are over 40 years have adult children and probably will cushion the harshness of economic adversities for them. If for example, their sons or cousins are working, when they are in distress, they can easily be bailed out. The issue of age should not arise in this matter.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Hon. Members it is time for interruption of business. The House, therefore, stands adjourned until tomorrow, Thursday, 18th November, at 2.30 p.m.

The House rose at 6.30 p.m.