

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 27th October, 2005

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

REVIEW OF SENIOR CITIZENS' RETIREMENT BENEFITS

(Mr. Munya) to ask the Minister for Finance:-

(a) Is the Minister aware that the recent salaries review for civil servants did not benefit retirees?

(b) Owing to the high rate of inflation in the country and increasing cost of living standards, could the Minister undertake to review benefits for senior citizens?

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

(Question dropped)

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. I want to plead with you regarding Mr. Munya's Question which you have dropped because he will be a bit late. Could you defer the Question instead of dropping it because it is very important?

Mr. Speaker: All Questions are important!

Mr. Mwenje: I agree, Mr. Speaker, Sir.

Mr. Speaker: Mr. Mwenje, every hon. Member knows the telephone number of Mr. Speaker! Therefore, it is the duty of hon. Members to get it right!

Mr. Mwenje: Mr. Speaker, Sir, I plead with you to defer the Question!

Mr. Speaker: Well, I will deal with the matter in a special circumstance. Let the hon. Member come and convince me that he had good reasons for not coming!

EXCLUSION OF SAMBURU FROM JAB'S AFFIRMATIVE ACTION TO ASAL DISTRICTS

Mr. Leshore: Mr. Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that the Joint Admissions Board (JAB) of the public universities has lowered entry points to the public universities for students from ASAL districts except Samburu District?

(b) Could he give reasons why Samburu was not included?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr.

Speaker, Sir, I beg to reply.

(a) I am aware that the JAB of the public universities has lowered entry points to the public universities for students from arid districts but not for semi-arid districts, including Samburu District. That was done this year.

(b) The criteria for defining ASAL areas is set out in the National Policy for the Sustainable Development of ASALs for Kenya, which is a Draft National Policy Paper, dated February, 2005 from the Office [The Assistant Minister for Education, Science and Technology] of the President; under Special Programmes. Samburu is included as a semi-arid district in this classification. However, the entry points for candidates from Samburu and other semi-arid areas were not lowered because the candidates admitted from the semi-arid areas were more than 10 per cent of the total number of candidates admitted to the public universities. In other words, the criteria is applied if the candidates from that region do not comprise, at least, 10 per cent of the total number of students who are being admitted to public universities. Samburu and the other districts that fall under the semi-arid category did not meet that criteria.

Mr. Leshore: Mr. Speaker, Sir, it is sad that the Assistant Minister has said that Samburu District is not an arid district. I know 11 districts in this country that are classified as ASAL districts. I do not know when the Assistant Minister placed Samburu District under the semi-arid category. The district is among the 11 districts that fall under the ASAL category.

Dr. Mwiria: Mr. Speaker, Sir, Samburu District is, indeed, classified under the 21 semi-arid districts. There are nine districts that are classified as arid districts. Those are the ones that benefited from the lowered intake. Those districts included Moyale, Marsabit, Turkana, Mandera, Garissa, Ijara, Wajir and Isiolo.

Mr. Leshore: Mr. Speaker, Sir, I do not know whether the Assistant Minister knows the geography of this country. Moyale District is more of a semi-arid district than Samburu District.

Mr. Speaker, Sir, Samburu District is one of the poorest districts in this country and has the highest percentage of illiteracy in this country and yet, the Assistant Minister says that it is a semi-arid district. Could he consider adding Samburu District to the list of nine arid districts to make the number ten?

Dr. Mwiria: Mr. Speaker, Sir, whereas I empathise with Mr. Leshore, I repeat that the classification of districts is done by the Office of the President. The districts have been classified on the basis of the research that the Office of the President carried out, based on climate and rainfall.

Mr. Speaker, Sir, until there is a re-evaluation, as the Ministry of Education, Science and Technology, we cannot do much other than just go by the classification that we got from the Office of the President.

Mr. Speaker: Last Question, Mr. Owino!

Mr. Owino: Mr. Speaker, Sir, whereas we accept the fact that the ASAL areas are very poor, there are many more poor districts in this country. Kadem, which is in Mr. Ogur's constituency is very poor. What is the Ministry thinking about the other poor districts, so that they can benefit from this kind of arrangement?

Mr. Speaker: Order! I think it will help the House if we listen to what the Assistant Minister says. He has said that he is not the one who did the classification. That question should be directed to the Office of the President.

Mr. Leshore, do you have any final question?

Mr. Leshore: Mr. Speaker, Sir, in the 2003/2004 Financial Year, Samburu District managed to take only four students to public universities. Could the Assistant Minister consider lowering the university entry points for Samburu District? This is because we are at the mercy of the Almighty God!

(Laughter)

Dr. Mwiria: Mr. Speaker, Sir, this is a problem which is felt across the country. I would like to reiterate the point I made earlier on. We will go by the set criteria until the classification of districts is done.

Mr. ole Metito: On a point of order, Mr. Speaker, Sir. I seek your indulgence for this Question to be directed to the Office of the President so that we can get the criteria they use to classify districts. This Question is of great interest to all of us. We want to know what is the difference between arid and semi-arid districts. Could the Question be directed to the relevant Ministry?

Mr. Speaker: Well, I will help you, Mr. ole Metito! Just file in a Question directed to the Office of the President so that they can tell the House how they classify districts into arid and semi-arid. I will assist in dispatching the Question to the Office of the President. The House will benefit if you do it with due haste!

Next Question by Mr. Ogur!

Mr. Ogur: Thank you very much, Mr. Speaker, Sir. I asked a Question about "Ndiwa" Sub-district Hospital and not "Ndhiwa" Sub-district Hospital, which is in Nyatike Constituency. Ndhiwa is in the next door constituency of Mr. Ojode. So, "ND" and "NDH" are different.

(Laughter)

TRANSPORT/ESSENTIAL DRUGS FOR
NDIWA SUB-DISTRICT HOSPITAL

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

(a) Is the Minister aware that Ndiwa Sub-district Hospital which has been a Referral Centre for Lambwe Dispensary, Got-Kojowi and Pala health centres is unable to effectively discharge its duty due to lack of transport?

(b) Is she further aware that the hospital is currently experiencing an acute shortage of essential drugs such as quinine and others used for the treatment and management of malaria?

(c) If the answers to "a" and "b" are in the affirmative, what action is the Minister taking to correct the anomalies?

Mr. Speaker: Mr. Assistant Minister, has that disadvantaged you?

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I did not take that into account. I will make a correction next time. However, the answer I have is meant for the hon. Member.

I beg to reply.

(a) I am aware that Ndiwa Sub-district Hospital lacks an ambulance to refer patients to Homa Bay District Hospital at the moment. However, the ambulance allocated to the district hospital is accessible to all other health facilities for referral purposes.

(b) I am also aware that, currently, the hospital does not have adequate drugs such as quinine and others used for treatment and management of malaria.

(c) Ndiwa Sub-district Hospital is currently classified as a health centre. Therefore, it receives quarterly distribution of drugs. However, due to the prevailing circumstances, my Ministry has urgently dispatched pharmaceutical drugs worth Kshs1.3 million to the facility to meet the immediate requirement while they await for the next distribution in a month's time.

The Ministry, through the Kenya Medical Supplies Agency (KEMSA) distributes drugs quarterly to rural health facilities and on a monthly basis to sub-district hospitals. Meanwhile, the

facility will be considered together with other facilities on a priority basis for allocation of an ambulance in the current financial year.

Mr. Ogur: Mr. Speaker, Sir, the Assistant Minister has said that the sub-district hospital is still regarded as a health centre. What is the difference? A sub-district hospital is superior to a health centre? Could the Assistant Minister tell this House why he is referring to a sub-district hospital as a health centre? They are totally different!

Mr. Konchella: Mr. Speaker, Sir, the hon. Member is right. We supply drugs to sub-district hospitals on a monthly basis and on a quarterly basis to health centres. The situation will be rectified and Ndiwa Sub-District Hospital will receive its consignment on a monthly basis.

Mr. Sungu: Thank you, Mr. Speaker, Sir. I would like to thank the Assistant Minister for ensuring that the drugs reach this very remote area. Why does he have to wait until a Question is asked in Parliament? This area is very remote and it is not easy to reach Homa Bay District because of lack of transport. Patients die because of lack of medicines.

Mr. Konchella: Mr. Speaker, Sir, if you recall, we published in the newspapers, hotlines for all health institutions in the country to reach us when there is an emergency or when there is a shortage of any drug. As I have said, Ndiwa was being classified as a health centre. That is why it is receiving drugs on a quarterly basis. However, because of the high incidences of malaria, the anti-malaria drugs were exhausted. However, we dispatched enough drugs to the hospital immediately we received the information. The drugs must have arrived at the hospital by now.

Mr. Ojaamong: Mr. Speaker, Sir, it is true that KEMSA supplies drugs to most health centres and district hospitals. However, it is unfortunate that the Ministry of Health seems not to be supplying non-pharmaceutical items to public hospitals throughout the country. These are the bandages and injections.

(Mr. Konchella interjected)

The Assistant Minister is trying to interrupt me!

Mr. Speaker: Order, Mr. Assistant Minister!

Mr. Ojaamong: Mr. Speaker, Sir, it is obvious that the Ministry of Health does not supply non-pharmaceutical items to hospitals and many patients are affected. What is the Ministry doing to ensure that non-pharmaceutical items are supplied to health centres and district hospitals throughout the country?

Mr. Konchella: Mr. Speaker, Sir, Ndiwa Sub-District Hospital does not only require drugs, but also non-pharmaceuticals. We have reviewed our check-list to health centres and dispensaries. We have also increased items from 34 to 60 which includes non-pharmaceuticals. All procurement and supplies to every hospital include non-pharmaceuticals. So, that problem has now been solved.

Mr. Ogur: Mr. Speaker, Sir, could the Assistant Minister tell the House why Ndiwa Sub-District Hospital was demoted to health centre status which is completely different facility? When and why was it demoted?

Mr. Konchella: Mr. Speaker, Sir, I said that it was an oversight by the Ministry during its registration to have not informed the Kenya Medical Supplies Agency (KEMSA) to supply it with drugs as a Sub-District Hospital. This has now been rectified and from now on, it will be receiving its compliments of drugs on a monthly basis as a sub-district hospital.

ORAL ANSWERS TO QUESTIONS

Question No.179

AMOUNT OF GM FOOD

IMPORTS SINCE 2002

Mr. Speaker: The Minister for Agriculture has asked for deferment of Mr. Ndolo's Question and Mr. Bett's Question. So I defer them to next week.

(Question deferred)

Question No.572

PINEAPPLE PROCESSING PLANTS FOR
KERICHO/KILIFI/BURETI DISTRICTS

(Question deferred)

Question No.446

BENEFITS ACCRUED FROM
PRIVATIZATION OF STATE CORPORATIONS

Mr. Mwandawiro alimuuliza Waziri wa Fedha:-

- (a) ni mashirika mangapi ya umma ambayo yamebinafsishwa hadi sasa;
- (b) ubinafsishaji wa mashirika hayo umeletea nchi faida gani halisi; na,
- (c) ni kazi ngapi ambazo zimeongezeka kutokana na ubinafsishaji huo.

Mr. Speaker: I saw the Assistant Minister for Finance, Mr. Katuku here. Where is he?

An hon. Member: Mr. Speaker, Sir, he is not here!

Mr. Speaker: Mr. Mwandawiro, what do I do?

Mr. Mwandawiro: Bw. Spika, ninasikitika kwa sababu Swali hili ni muhimu sana. Linawatia wafanyakazi wasiwasi mwingi na kuwakosesha usingizi, hata mimi nikiwemo. Ni muhimu tujue kama hii sera ya kiuchumi inaweza kuhalalishwa na Serikali.

Sijui ni kwa nini Wizara ya Fedha inakataa kulijibu Swali muhimu kama hili.

Mr. Speaker: Very well! I will order that it be answered on Tuesday. So, I will now defer this Question. In fact, I saw Mr. Katuku here, and it is not fair for him to disappear just before this Question is asked.

(Question deferred)

Question No.531

NUMBER OF PARAMEDICS
RECRUITED IN EACH DISTRICT

Mr. Korir asked the Minister for Health:-

- (a) how many paramedics have been recruited in the on-going exercise; and,
- (b) whether she could enumerate the number recruited in each category such as the Kenya Registered Nurses and the Kenya Enroled Health Nurses *et cetera* in each district.

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, I want to once again request---

Mr. Speaker: Was this Question not on the Order Paper yesterday?

The Assistant Minister for Health (Mr. Konchella): Mr. Speaker, Sir, it was on the Order Paper yesterday, I was only required to append a list of clinical officers. I want to apologise because it is still not ready. It is being compiled in the Ministry headquarters and I will table the complete list next Tuesday.

Mr. Korir: Mr. Speaker, Sir, that is okay but he must this time round bring it. Yesterday he promised to bring it today and he is now pushing it to Tuesday. He should wake up!

Mr. Speaker: He is very awake! I defer it to Tuesday because there is nothing complicated about getting that list. So, I think, Mr. Konchella you should get it on Tuesday.

Mr. Konchella: Mr. Speaker, Sir, it is being prepared now. In fact, around this time it may be ready. If you do not mind I could even table it before Question Time is over.

Mr. Speaker: Well, you will do it on Tuesday.

Question No.658

DISTORTION OF CONSTABLE VERONICA
LENGUYO'S POLICE FORCE RECORDS

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

- (a) if he is aware that Police Constable Veronica L. Lenguyo (P.NO. 62501) was struck off the Police records in 1995 on the grounds that she was deceased;
- (b) if he is further aware that the officer is alive and well;
- (c) what disciplinary action he is taking against those who distorted official Government records; and,
- (d) when the officer will resume her duties.

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

(a) No, I am not aware. However, I am aware that the Ex-Police Constable Veronica Lenguyo was dismissed from the service after she pleaded guilty to a charge of desertion before the District Magistrate Court at Isiolo on the 19th of February, 1996.

(b) There has been no official reason to warrant verifying health status of the ex-officer since her dismissal from the force.

(c) Arising from my response to part "a" above, the allegation of distortion of official Government records does not arise.

(d) There are no intentions to rescind the decision that dismissed her from the service.

Mr. Ngoyoni: Mr. Speaker, Sir, the answer given by the Assistant Minister is not satisfactory. Of late the Assistant Minister has specialised in covering up the tainted police force. This officer is still alive and well. There are records to show that she was pronounced or assumed dead by the police force, and that was why she was dismissed.

Could the Assistant Minister lay on the Table of this House any document to prove that Veronica deserted her duties? The records I have indicate very clearly that she was declared deceased by the tainted police force, and that is why she is at home now. Would I be in order to ask the Assistant Minister to go back and get a better answer than this one?

Mr. M. Kariuki: Mr. Speaker, Sir, I do not think there can be better evidence than the court proceedings. This constable was charged before a court for desertion and she entered her own plea of guilty. The magistrate convicted and sentenced her to conditional discharge under section 35(1) of the Penal Code.

It was on the strength of that conviction that she lost her job.

Maj. Madoka: Mr. Speaker, Sir, could the Assistant Minister tell us if the police force goes to courts when officers desert duty? I thought it was an internal matter that the police force discharges the officers. They are never taken to court. Could the Assistant Minister confirm that?

Mr. M. Kariuki: Mr. Speaker, Sir, there are two options; disciplinary proceedings can be initiated internally and, there is also a criminal charge of desertion under the Penal Code. So what was invoked in her case was a criminal charge under the Penal Code, and she entered her own plea of guilty and she was sentenced.

Mr. Ngoyoni: Mr. Speaker, Sir, I am still pleading with the Chair that either the Assistant Minister produces records to indicate that, actually, Veronica was taken to court because that is not there.

I have in my pigeon hole documents to indicate that she was presumed dead. If you can give me just one minute I can bring them. According to the police, she is a deceased person and yet she is alive.

Mr. Speaker: Mr. M. Kariuki, what is the case number?

Mr. M. Kariuki: Mr. Speaker, Sir, I do not have the case number here but I have the dates of her conviction. I will be too happy to have this Question deferred so that the hon. Member can give to me the additional information that he has. I would provide to the House the case file number.

Mr. Speaker: Very well! I defer the Question to Wednesday next week.

(Question deferred)

Question No.133

GOVERNMENT-RUN SPECIAL
SCHOOLS IN EACH PROVINCE

Mr. Speaker: Prof. Olweny has asked me to defer this Question. Are you happy with it Dr. Mwiria?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): That is okay.

(Question deferred)

Question No.401

GOVERNMENT POSITION ON
PROMOTION OF P1 TEACHERS

Mr. J. M. Mutiso asked the Minister for Education, Science and Technology:-

- (a) what the Government position is on the promotion of P1 teachers;
- (b) when the Government will promote P1 teachers who have served for more than ten years and have reached the ceiling; and,
- (c) what constitutes service for a P1 teacher.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Speaker, Sir, I beg to reply.

(a) Recently, the Government promoted P1 teachers who have served for over 15 years on the same grade with effect from 1st January, 2004, to Approved Teacher IV (AT4) scale. We also promoted P1 teachers with "A" level grade to (AT4) scale with effect from 1st July, 2003.

(b) The Ministry has put in place a criteria for promotion of those teachers to AT4 status subject to the following conditions which are stipulated in the Teachers Service Commission (TSC)

Scheme of Service for Non-Graduate Teachers with effect from July, 2005:-

- (i) The candidate must have worked as a P1 teacher for a minimum period of three years.
- (ii) He or she must have passed the Teachers Proficiency Examination II for that grade.
- (iii) He or she must have demonstrated merit and ability to perform effectively as a teacher.

The service for a P1 teacher constitutes a the P1 certificate and must be competent in the duties that a P1 teacher must be involved in, for example teaching, management and so on.

Mr. J.M. Mutiso: Thank you very much, Mr. Speaker, Sir. I would like to thank the Assistant Minister for that answer. You have heard the Assistant Minister, in his answer to part "b" of the question regarding the promotion of teachers who have served for over ten years to AT4, say that one of the criteria is that a teacher must have passed the Teachers Proficiency Examination II for that grade. Could he tell us what method is used to enlist teachers to attend the teachers' proficiency course? That is very important.

Dr. Mwiria: Mr. Speaker, Sir, let me just explain a little bit on that issue, although it is not part of the Question. We promote 2.5 per cent of the total number of teachers of that grade who meet the minimum criteria. We get a global figure across the country and, unlike we do in the recruitment of teachers, we then allocate proportionately, according to the number of teachers in each district. District education officers then invite teachers to apply and, on that basis, they form a committee, look at the applicants' length of service, what position they are occupying in the school and what kind of teachers they are in terms of conduct and so on. They then make recommendations to the Ministry on the basis of the number that is required to be recruited for training, which takes place once every year.

Mr. Omingo: Thank you very much, Mr. Speaker, Sir. The Assistant Minister has stated the method used to upgrade teachers and it actually sounds highly subjective. Could the Ministry actually insist on having a technical and scientific way of evaluating teachers? There are some teachers who die or retire in the same grade depending on how they look or how loyal they are to their bosses.

Dr. Mwiria: Mr. Speaker, Sir, the hon. Member would like us to come up with a scientific criteria which excludes factors like loyalty, sycophancy and so on. Well, those are difficult to measure and that is why we look at years of service, how well you do your work, your conduct and general performance. We will be quite happy to improve on the criteria if we get submissions from hon. Members and others, including hon. Omingo. But for the time being, this is the criteria we are using and, so far, it has worked well.

Mr. Karaba: Thank you very much, Mr. Speaker, Sir. I would like to ask the Assistant Minister to tell us exactly in which category he classifies P1 teachers. If a P1 teacher has been promoted after 15 years while those other civil servants get promoted after three years, how do you place the teachers so that they can also be promoted after three years instead of waiting for 15 years?

Dr. Mwiria: In fact, Mr. Speaker, Sir, the criteria I read out is that after three years, teachers are eligible to be interviewed. So, we also consider them after three years as long as they meet other criteria.

Dr. Galgallo: Mr. Speaker, Sir, this problem is not unique to P1 teachers; in fact, all cadres of teachers suffer the same problem. In my constituency, there are some teachers who have served in the same grade for more than 20 years and others for even 30 years. What plans do you have to ensure that all teachers who are eligible for promotion, and have done all that is required, get

promotion across the board and not just in one particular grade?

Dr. Mwiria: In fact, Mr. Speaker, Sir, I would like to re-emphasize that even P2 and AT4 teachers are considered; it is not only P1 teachers who are considered. Those P1 teachers who have been in service for more than 15 years have already been promoted. But all the other categories of teachers are also being considered.

Mr. Speaker: Last question, Mr. J.M. Mutiso!

Mr. J.M. Mutiso: Mr. Speaker, Sir, you have heard the Assistant Minister tell us that there are other criteria which are used to promote teachers. Could the Ministry come up with a clear objective policy, not subjective one, for promoting teachers? This is because there is a huge number of teachers who need to be promoted, have attained the minimum criteria and are actually jostling to be promoted to the next grade, thus making the process prone to corruption. Could the Ministry come up with a clear objective or criteria for that purpose?

Dr. Mwiria: Mr. Speaker, Sir, you know if we did not believe that this criteria was objective, we would not be using it. If there is any room for improvement, like I said earlier, we would be happy to consider it, especially if we are given evidence of problems that arise as a result of the method we are using. But, as of now, in fact, it is difficult to argue that the criteria is not objective when hon. Members do not even have it. So, for the time being, we think it is objective and we can only improve on it depending on the difficulties we encounter.

Mr. Twaha: On a point of order, Mr. Speaker, Sir. Teaching is an art. Is it in order for the Assistant Minister to mislead the House that it can be objectively evaluated when all art is, by necessity, evaluated in a subjective manner?

Dr. Mwiria: Mr. Speaker, Sir, of course, even what we consider objective will have limitations. But all I can say is that the criteria is as subjective as it can be.

Mr. Speaker: Very well. Proceed, Mr. Muchiri!

Question No.515

UPGRADING OF KARIAMU-
OLBO-MAIROINYA ROAD

Mr. Muchiri asked the Minister for Roads and Public Works whether he could consider upgrading Kariamu-Olbo-Mairoinya Road, D388, which links Ndaragwa to the new district headquarters at Ol'Kalou, to Class C.

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

Road D388, from Kariamu to Mairoinya through Olbo, will not be considered for upgrading to Class C because the functions of the road are purely for a Class D road, which are mainly to link and serve higher class roads and provide access to rural market centres.

Thank you, Mr. Speaker, Sir.

Mr. Muchiri: Mr. Speaker, Sir, I am not satisfied with the answer from the Assistant Minister. Could he tell us why this road has been ignored for a long time, yet it cuts across the constituency and, particularly, it serves Likorogosat area? Could the Assistant Minister tell us why this road does not qualify to be classified as a Class C road?

Eng. Toro: Mr. Speaker, Sir, as I said earlier on in my answer, it does not qualify because it serves two roads; that is B5, Nyeri-Nyahururu Road, and Road C69, Ol-Kalou-Njabini-Thika Road. Generally, the roads in Nyandarua District have been in a poor condition. Before the Ministry can even think about this particular road, there are some other high classified roads in category C which

have also not been tarmacked.

Mr. Chepkitony: Mr. Speaker, Sir, I would like to know from the Assistant Minister whether there is an exercise going on to upgrade roads which deserve to be upgraded from either Class D to Class C, or from Class C to Class B in the country.

Eng. Toro: Yes, Mr. Speaker, Sir, there is an exercise which is looking into the classification of roads. However, it does not mean that we are going to upgrade all Class D roads to Class C, because the end effect will be the same. Currently, the reason why hon. Members want Class D roads to be upgraded to Class C roads is because the Roads Department is responsible for Class A, B and C roads, while the District Roads Boards (DRCs) are responsible for Class D, E and others. So, it follows that if we are to shift the Class D roads to Class C roads, it will mean that the Roads Department will not be able to cope with the extra Class C road capacity. The end effect will be that those roads will be neglected whereas, at the moment, if it is a Class D under the DRC, they can be able to allocate money as a priority from the DRC funds.

Mr. Speaker: Last question, Mr. Muchiri!

Mr. Muchiri: Mr. Speaker, Sir, this road is about 41 kilometres from B5 to C69. Since this is the only road that can make Ndaragwa people access Ol'Kalou Town, which is supposed to be the new headquarters, could the Ministry reconsider their decision? It takes about 80 kilometres to access Ol'Kalou, and this road would be shorter because it is about 21 kilometres from Shamata. Could he reconsider his decision in the near future?

Eng. Toro: Mr. Speaker, Sir, I agree with what the hon. Member is saying; that the distance will be shorter. Since there is the re-classification exercise going on, I would request the hon. Member to liaise with the District Works Officer (DWO) or the District Roads Engineer (DRE) for Nyandarua, so that when the exercise is going on, he can make proper recommendations to the committee that is doing this exercise so that various factors that are inherent within Ndaragwa Constituency can be considered.

Mr. Omingo: On a point of order, Mr. Speaker, Sir. We want to remove this issue of persuasion and personal contact for things to be done. Is it in order for the Assistant Minister to say that the hon. Member should talk to the DRE and then they recommend? Can we not have a specific way of doing things as opposed to canvassing?

Mr. Speaker: What is the use of representation? I thought that is the prime duty of hon. Members among other things?

Mr. Omingo: Standards!

Mr. Speaker: You present certain problems, on behalf of your constituents, to the competent authorities!

Mr. Omingo: Let him answer!

Eng. Toro: Yes, Mr. Speaker, Sir, I agree with you. That is why there are DRCs which sit almost monthly to prioritize the road projects within the districts. If it is the opinion of the DRCs, where Members of Parliament sit, that this road within that district requires special consideration, there is no reason why they should not recommend to this committee, citing conditions under which they want the road to be upgraded.

Mr. Speaker: Very well, next Question by Dr. Ali!

Dr. Ali: Mr. Speaker, Sir, I have not received the written reply and, therefore, I do not know how I can ask further questions without it.

Question No.396

UTILIZATION OF LATF MONEY IN

WAJIR COUNTY COUNCIL

Dr. Ali asked the Minister for Local Government:-

- (a) whether he could inform the House the amount of money sent to Wajir County Council from LATF funds since the Fund's inception; and,
- (b) whether he could further give a detailed account of how the funds were utilized.

The Assistant Minister for Local Government (Mr. Tarus): Mr. Speaker, Sir, before I reply, I would like to inform the House that I expected my office to have sent a copy of the written reply to Parliament for the hon. Member.

We are sorry if he has not received a copy of it.

Mr. Speaker: Just a moment, Mr. Tarus! Dr. Ali, do you feel disadvantaged?

Dr. Ali: I feel very disadvantaged because Part "b" asks: "Could he further give a detailed account of how the funds were utilized?" So, I cannot---

Mr. Speaker: You are right! I will defer the Question to Tuesday, next week. Can you give the hon. Member a written reply?

The Assistant Minister for Local Government (Mr. Tarus): Indeed, Mr. Speaker, Sir. Thank you.

(Question deferred)

Mr. Speaker: Next Question, Mr. Omingo!

Question No.630

REINSTATEMENT OF
MR. WYCLIFFE KIMONGE

Mr. Omingo asked the Minister for Justice and Constitutional Affairs:-

- (a) whether he is aware that Mr. Wycliffe Orina Kimonge, (PJ.19384), a court clerk at the Chief Magistrate's Court, Nairobi, was wrongfully dismissed from duty even after investigations were conducted and no evidence was found to warrant any criminal action against him, and;
- (b) what immediate action he is taking to reinstate him considering that he has been unfairly punished and his reputation tainted.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that Mr. Wycliffe Orina Kimonge, a court clerk at the Chief Magistrate's Court, Nairobi, was wrongfully dismissed from duty.

(b) No further action is being taken to reinstate Mr. Wycliffe Orina Kimonge. The Judicial Service Commission (JSC) considered his appeals but dismissed both of them.

Mr. Omingo: Mr. Speaker, Sir, you can appreciate the fact that some of these Questions are answered mechanically. On "a", the Assistant Minister has said that he is not aware while in "b" he is aware of all the consequences befalling Mr. Wycliffe. The police carried out investigations and found no evidence to charge the accused. They withdrew the case and the accused was acquitted by the court. Why can we not have justice and fairness for Kenyans to get rights to their employment? Mr. Kimonge should have a right to fair treatment because he is not guilty.

Mr. Githae: Mr. Speaker, Sir, I am not aware that he was wrongfully dismissed, but I am

aware that he was dismissed. Mr. Kimonge demanded Kshs5,000 from a litigant in Criminal Case No.471 of 2001, purportedly to take it to the magistrate handling the case. Mr. Kimonge was also involved in the disappearance of a criminal file Case No.734 of 2000. The Judicial Service employees, like Ceasar's wife, must be above suspicion.

Mr. Sasura: Mr. Speaker, Sir, many a times you will find public servants who have allegedly committed crimes being arraigned in to court and eventually acquitted for lack of evidence. However, they automatically lose their jobs. This is not an isolated case. What is the fate of somebody who has been acquitted by the court for lack of evidence? Does he automatically lose his job according to the JSC? He has said that Mr. Kimonge lost his job on the basis of suspicion.

Mr. Githae: Mr. Speaker, Sir, we must make a distinction between the criminal law and administrative matters. Mr. Kimonge was not dismissed because of corruption but because of unbecoming behaviour. This amounted to misconduct. He was asking litigants for money purportedly to take to a magistrate. Therefore, the JSC lost confidence in him. He lodged his first appeal, but it was dismissed because it had no merit. He lodged his second appeal, but it was also dismissed because it had no merit. This Question has been asked several times by his hon. Member. The JSC is not prepared to re-open this case. As far as it is concerned, this matter has been concluded because all the appeals have been dismissed.

Mr. Omingo: Mr. Speaker, Sir, we are dealing with the Ministry of Justice and Constitutional Affairs! This is where justice is supposed to be seen to sprout to the members of the public so that we can build confidence. The Assistant Minister has said that Mr. Kimonge was dismissed on the basis of suspicion. If I could be allowed to produce more information, this young man was acquitted due to lack of evidence. This is an innocent Kenyan - a soul bread winner, who is being punished on the basis of suspicion. Could we be allowed to provide more information so that the case will be reconsidered? This is an innocent soul that is suffering under the injustice of this Ministry.

Mr. Githae: Mr. Speaker, Sir, this is the Ministry of Justice and Constitutional Affairs. That is exactly what has happened in this case. We cannot allow members of the JSC, particularly at the clerical level and executive officers, to misbehave by demanding money from litigants. The evidence may not have been enough to convict him on a criminal case. However, there was no doubt that Mr. Kimonge solicited money from a litigant. There is also no doubt that he was involved in a similar incident where a file disappeared. It is important that we root out corruption. In the process, a few people will suffer. The JSC lost confidence in this clerical officer because of misconduct and misbehaviour.

Mr. Omingo: Mr. Speaker, Sir, the Assistant Minister has told the House that Mr. Kimonge was dismissed on the basis of mere suspicion. Could we help this Kenyan?

Mr. Speaker: Order, Mr. Omingo! Sometimes, we raise certain issues which should not be brought here. If there is a dispute between an employer and an employee as to the legality of dismissal, that matter must go to court.

In any case, I invite hon. Members to look at the provisions of the Constitution as it relates to commissions. Their decisions are not subject to challenge by any authority. That affects us as well. Please, advise him to go to court. Unfortunately, it is the same court which dismissed him; the JSC! That is the law! He will probably have no chance.

Mr. Mwandawiro: Hoja ya nidhamu, Bw. Spika. Ninaomba kudai Taarifa ya Uaziri kutoka kwa Waziri wa---

Mr. Speaker: Bado hatujafika hapo! Subiri kidogo. Ninafikiri hilo Swali limemalizika.

Hon. Members, that brings us to the end of Question Time. However, I have some Ministers who wish to give Ministerial Statements. I will begin with Dr. Mwiria and then I will come to Mr.

M. Kariuki. I am also aware of Maj. Madoka and Mr. Mwandawiro.

MINISTERIAL STATEMENTS

ERRORS IN KCSE MATHEMATICS PAPER 1

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Speaker, Sir. My Ministry acknowledges the concern of hon. Members and the members of public in connection with the mix-up of the three questions which occurred in the Kenya Certificate of Secondary Education (KCSE) Examinations, Mathematics Paper 1, on Monday, 24th October, 2005. In view of this concern, I would like to inform hon. Members the following:-

(i) There is an elaborate quality assurance and accountability system and mechanism in the Kenya National Examinations Council (KNEC) to ensure that mistakes do not occur in the examination question papers. However, if one of the stages in the quality assurance process is overlooked, a mistake could occur in a paper as was in the case with the Mathematics Paper in question.

(ii) My Ministry is investigating which one of the quality assurance steps could have been over-looked and by whom in order to take appropriate action. In the meantime, disciplinary action has been taken by the KNEC against officers who did not carry out their duties as expected.

(iii) In the Mathematics Paper 1, Section II, where candidates were supposed to answer six questions out of eight, there was a mix-up of tables which made one of the optional questions; Question No.24, which was worth eight marks, impossible to answer. When this mix-up was noticed, the KNEC quickly contacted all Provincial Directors of Education (PDEs) and other field officers as well as some schools that could be reached and advised them accordingly.

Mr. Speaker, Sir, in the light of this unfortunate occurrence, my Ministry has asked the KNEC to review all test development processes and procedures in order to enhance the effectiveness of these procedures immediately so as to ensure that such errors do not occur.

I would also like to assure hon. Members that the work of every affected candidate will be handled professionally through a careful analysis of each candidate's performance to ensure that any candidate affected by this mix-up is dully compensated as it is the normal procedure used and accepted internationally when an error of this kind occurs.

Finally, Mr. Speaker, Sir, I would like to inform hon. Members that the KNEC issued a comprehensive Press Statement on Tuesday, 25th October, 2005, on this matter. They assured all candidates and the public in general that this matter would be handled professionally so that no candidate will be disadvantaged. In the same breath, as Minister, I would like to assure the House that no candidate will be disadvantaged.

Mr. Speaker, Sir, on my own behalf and on behalf of the Ministry, I would like to apologise for this inconvenience.

Mr. Speaker: This issue was raised by Mr. Muite, but he is not here. I will give the first chance to Mr. Karaba, as the Chairman of the Departmental Committee on Education, Research and Technology, to seek clarification on the matter.

Mr. Karaba: Thank you very much, Mr. Speaker, Sir. This is a very sad affair, where students have really been subjected to a lot of anxiety. It is true that most of them were affected, especially the bright ones. Is it true that those students who attempted Question No.25 will get a bonus score because this was not their own mistake? In this case, therefore, I would not expect anybody to get a zero score in Mathematics Paper 1.

Mr. Speaker: Mr. Ngoyoni!

Mr. Ngoyoni: Mr. Speaker, Sir, the Assistant Minister has clearly stated that this mistake will not be repeated. However, now that it has occurred, as Mr. Karaba put it, it has caused a lot of anxiety amongst the candidates and a lot of time has been wasted. Who among the Kenya National Examinations Council (KNEC) officials will own up and take responsibility for that mistake?

In his statement, the Assistant Minister also said that a number of schools have been told what to do through mobile phones. Does he know that in some parts of this country those facilities do not exist and, therefore, candidates in those areas have been greatly disadvantaged?

Mr. Speaker: Let us have Mr. Omingo and then the Assistant Minister to respond.

Mr. Omingo: Mr. Speaker, Sir, I thank the Assistant Minister for the concern and the quick action he has taken to punish the officials who were found to have been inefficient. This incident is suggestive of the inefficiency in the KNEC, which has perpetually been compromising and hurting candidates from certain areas, pretending to have been examination leakages. This confirms the prevailing inefficiency in the Council. Therefore, I suggest to the Assistant Minister that there should be a total overhaul of the leadership of the KNEC. Kenyans, particularly those in the area I come from, must not continue to suffer. Last year, candidates from my area suffered due to inefficiency by the KNEC.

Mr. Speaker: Dr. Mwiria, respond to all of them now!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Speaker, Sir, in response to Mr. Karaba's question on what will be done with regard to candidates who answered that question, let me explain that there are two systems of compensation. Usually, if there are questions that have been omitted, the total score for the paper could be marked out of the number of questions that have been answered. If the marks for the questions amount to 80 marks, a candidate's score, in percentage, will be worked out on the bases of a maximum of 80 marks.

Another way of doing this is to compare the student's score in that particular paper with his score in other Mathematics papers. We may also compare the score of the student in this particular paper with his score in other subjects and come up with a mark that we think would be representative of the ability of that student. Obviously, this method cannot be so accurate. However, this is one way of compensation that has been applied internationally. In a sense, it leads to getting to as accurate as possible, a reflection of the student's ability.

With regard to Mr. Ngoyoni's concern on discipline, I would like to inform the House that already, disciplinary action has been taken against officers who were identified to be the ones responsible for the mistake. Before they left, they were asked to do report as to what happened, so that we can continue with investigations. So, action has been taken. Depending on the outcome of our investigations, including the reports we have got from the officers concerned, we will be in a better position to take a more serious decision.

Finally, I would like to respond to the issue of inefficiency raised by Mr. Omingo. I do not think the hon. Member should blame cheating in examinations to this particular incident of inefficiency. That is a different kind of problem. Of course, it may point to the fact that we did put structures in place to ensure that cheating does not occur in Kisii and other parts of the country. So, to that extent, you can say that there was inefficiency.

Mr. Speaker, Sir, with this kind of inefficiency, one can blame people in the Ministry but let us also not forget there is a great deal of secrecy associated with examinations. As much as we would like to proof-read examination drafts as many times as possible, there is a limit to the number of people who can be allowed to do the proof-reading. So, that may have contributed to the unfortunate consequences.

Talking about the issue of overhaul, I would like to remind hon. Members that only recently, we appointed a Secretary for the KNEC. This was not a total overhaul exercise, but the new

Secretary was the Deputy Secretary. However, he was not be blame. In fact, these examinations had already been set up before he took office. We will do our best to ensure that the KNEC, as well as other departments in our Ministry, become even more efficient.

Mr. Speaker: Dr. Mwiria, for instance, in respect of the Mathematics paper, do you not have a human being who goes through it to ensure that it is right? If you do, what happened to the fellow who passed it as being correct?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Speaker, Sir, it could have been a woman. It is not necessarily a man.

Mr. Speaker: Well, it does not matter! What happened to that person?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Speaker, Sir, if we find out that, that man or woman was to blame, then action will be taken. The officials have already been suspended as we await the outcome of further investigations.

Mr. Speaker: Very well! Thank you very much, Dr. Mwiria. You have done your best.

MURDERS OF ELDERLY PEOPLE IN
NDARAGWA CONSTITUENCY

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, on 13th October, 2005, the Member for Ndaragwa, Mr. Gachara Muchiri, rose on a point of order to seek a Ministerial Statement regarding the killings of old people in Ndaragwa Constituency, especially in Kwanjora area in Mathingira Location, and Karagwaini area of Leshao Location.

Mr. Speaker, Sir, it is true that in the last two weeks, there have been some unusual killings of elderly citizens within Ndaragwa Constituency that have raised concern. So far, five people have been killed within the period. Investigations are still on-going to establish those behind the heinous crime. The District Security and Intelligence Committee---

Capt. Nakitare: On a point of order, Mr. Speaker, Sir. I appreciate that the Minister is issuing a very important Ministerial Statement, but I would like to seek clarification from you on the order in which some hon. Members are seated in that corner to your left. As you can see, they are not facing the Chair. They are showing you their backs. What do we do in this case?

Mr. Speaker: Order! Order, hon. Members! Capt. Nakitare is perfectly in order to bring to the attention of the Chair any disorderly conduct. Hon. Members interested in showing the back to the Chair will be asked to show it as they go out of the Chamber.

(Laughter)

Proceed, Mr. M. Kariuki!

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, the District Security and Intelligence Committee has met and also conducted a number of public *barazas* in the affected areas, but has not conclusively established the motive or the perpetrators of the killings. However, the possible causes are thought to be land inheritance and ritual killings.

Apart from intensifying security patrols, community policing groups have been established and mobilised up to the village level. Since the intensification of the search for the killers by members of the public, the frequency of the incidents have reduced. The residents are being encouraged to provide any useful information that could lead to the arrest of the perpetrators. Already, the security machinery has established the descriptive physical features of the suspects and *wananchi* are on the look-out for them.

I wish to reassure the residents of Ndaragwa that every effort is being made to resolve these

mysterious killings and to bring to book the perpetrators of these crimes.

Thank you.

Mr. Muchiri: Mr. Speaker, Sir, I thank the Assistant Minister for his Statement. Could the Ministry give the Divisional Officer (DO) a vehicle because he cannot go round the area without one? Could Karai and Mairoinya police posts be given more strength, so that the police can patrol the whole area other than just along the tarmac road?

Mr. Muiruri: Mr. Speaker, Sir, it is reported in today's media that a similar kind of killing has occurred in Zimmerman area in Nairobi, where a former Army officer was found murdered yesterday under similar circumstances. He had his eyes gorged out and nothing was stolen from him. It is more or less the same kind of serial killing. There is also another case reported. Could the Assistant Minister extensively look into this issue not just in Ndaragwa, but also other areas? There are some serial killers going round killing people without robbing them. I think the situation is extensive and wider.

Mr. Speaker: Let us hear the last one from Mr. Ndambuki.

Mr. Ndambuki: Mr. Speaker, Sir, the Assistant Minister said that some of these killings are being done as rituals. Could he tell us what he means by "rituals"? Which parts of human beings are being used for these rituals?

Again, I think the Ministry is taking too long to establish why all these killings are taking place. To tell us that investigations are going on, is not good enough. Since we have all the arms of Government, could the Assistant Minister take this issue very seriously? These are elderly people who are being murdered for no good reason.

Mr. Speaker: Very well! Mr. Assistant Minister, please, respond now!

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, we are very anxious about these killings, because from the information we have, apart from a child, aged eight, who was with his grandmother, all the other persons are aged 80, 83 and 93. These are fairly elderly people and most of these killings are taking place during the day when most people are in their *shambas* and these elderly people are left at home. So, we need the support of the public and we really appreciate what is happening in Ndaragwa, in that, the community, through the community policing initiative, has tried to track down the killers. The descriptions of the physical features of these persons have now been given. What remains is how we can track them down. You will appreciate our constraints. Police are just as human as everybody else. If these things happen within the sight of anyone, it takes the community to co-operate with the police to track down these people.

It is true there was no theft at all, which really is another area of concern. That is how we came into the conclusion that, perhaps, this has something to do with some rituals of sorts. We know that there are also rapists here and there who defile young children for other reasons. But we are trying to unravel this mystery, so that we can deal with the problem, and we are asking the community to support us.

As far as the issue of the DO's vehicle is concerned, this is a question that we keep getting here. As we have said before, our resources are limited. We are in the process of purchasing a number of vehicles and repairing some old ones. We are giving priority to areas which have been hit by insecurity.

In terms of boosting the security personnel in the police stations, that we are doing. Recently, when there was a pass-out from Kiganjo Police Training College, we were able to deploy additional police officers. We have strengthened chiefs' camps in insecure areas by ensuring that the personnel is between ten and 20. These are measures that we are trying to put in place.

As to the killings in Nairobi and elsewhere, the matter is still under investigation. The

incident in Kahawa is different from the one in Ndaragwa. It involved a much younger person compared to the killings in Ndaragwa which involved very elderly people.

Mr. Speaker, Sir, I wish to appeal to Kenyans wherever these incidents are taking place to co-operate with us. Give us the appropriate information and we will be able to act. It is important that we have safe neighbourhoods and places of work.

Thank you.

POINTS OF ORDER

DENIAL OF USA/UK VISAS TO DR. MURUNGARU

Maj. Madoka: Mr. Speaker, Sir, I stand to seek a Ministerial Statement from the Minister for Foreign Affairs on the question of the denial of visas to hon. Chris Murungari to the United States of America (USA) and United Kingdom (UK). I believe also that other European countries are waiting to deny him those visas.

Mr. Speaker, Sir, we have said in this House before that hon. Murungaru is not just an ordinary Member of this society. He is a Minister and it is the Government's image which is at stake. The Government can no longer keep quiet. It has the necessary machinery to establish the real reasons why this Minister is being denied visas. I believe it owes Kenyans an explanation. Could the Minister, therefore, give us a detailed Statement on this particular question?

(Applause)

PROTECTION OF FUNDAMENTAL RIGHTS

Mr. Mwandawiro: Bw. Spika, nasimama kudai Taarifa Maalum kutoka kwa Waziri katika Ofisi ya Rais anayehusika na usalama wa kitaifa kuhusu swala nyeti la haki za raia na mali yao. Mnamo tarehe 5th October, 2005, polisi wa kawaida na wale wa idara ya General Service Unit (GSU) walivamia mali ya John Njenga Kamunya, kiongozi wa chama cha kisiasa cha Kenya National Youth Movement. Walivuruga na kupiga watu na hatimae wakawatia mbaroni. Mpaka sasa maafisa wa GSU wanaendelea kuvamia hiyo mali ya John Njenga ambaye amekatazwa hata kuingia kwa shamba na nyumba yake. Isitoshe, chakula chake, mbuzi na kondoo wake wanaliwa.

Naomba kujibiwa na Wizara ya Ofisi ya Rais. Je, ina habari juu ya jambo hilo la kuvunja haki za kibinadamu? Je, hilo linaambatanaje na haki za kikatiba, raia na kibinadamu? Je, itakomesha lini uvunjaji huo wa haki za kibinadamu na kuwaruhusu wenye mali hiyo kurudi nyumbani?

Mr. Speaker: Order! *Tosha hiyo!*

Mr. Assistant Minister, are you ready for it?

Mr. Assistant Minister, Office of the President (Mr. M. Kariuki): Bw. Spika, nataka kueleza Bunge hili ya kwamba jambo hili liko mbele ya mahakama. Waliotiwa mbaroni siku hiyo walipelekwa mahakamani na kesi yao inasubiri kusikizwa. Naye mwenye nyumba bado anatafutwa na polisi. Kama mheshimiwa Mbunge anajua mahali yuko, tafadhali aende katika kituo cha polisi aandikishe taarifa. Lakini jambo hili bado liko mahakamani hivi sasa.

Mr. Speaker: Kama yako mahakamani basi---

Mr. Mwandawiro: Hayako mahakamani!

Mr. Speaker: Order, Mr. Mwandawiro! Relax! If the matter is before a court of law, we will not deal with it here.

Mr. Mwandawiro: Jambo la nidhamu, Bw. Spika. Hali ya maafisa wa General Service Unit (GSU) kuvamia na kuishi kwa nyumba ya mwenyewe haijapelekwa mahakamani. Isitoshe, hata Waziri Msaidizi ambaye amejibu Swali hili anamjua huyo John Njenga Kamunya. Hata Bw. Njenga Karume hapa anamjua huyo jamaa.

Mr. Speaker: Kwa hivyo?

Mr. Mwandawiro: Kwa hivyo, Bw. Spika, naomba Waziri atoe Taarifa kueleza ni kwa nini maafisa wa GSU wanaendelea kukalia mali ya mtu binafsi na kuila. Kufanya hivyo ni kuvunja haki za Kikatiba na kibinadamu.

An hon. Member: Hata Karume anamjua?

Mr. Speaker: Tosha sasa! Proceed, Mr. Ndambuki!

Mr. Mwandawiro: Jambo la nidhamu, Bw. Spika. Je, Waziri ataleta Taarifa hiyo lini?

Mr. Speaker: Gani hiyo?

Mr. Mwandawiro: Taarifa ambayo nimedai kuhusu maafisa wa GSU kuendelea kukalia mali ya wenyewe. Hilo swala haliko mahakamani.

Mr. Speaker: Bw. Waziri Msaidizi, kwa nini maafisa wa GSU wanaishi kwa nyumba ya mtu?

The Assistant Minister, Office of President (Mr. M. Kariuki): Bw. Spika, hawaishi kwa nyumba. Wanangoja mwenye nyumba ajisalimisha mikononi mwa polisi.

Mr. Speaker: Na mbona wanakula maharagwe ya wenyewe?

(Laughter)

The Assistant Minister, Office of the President (Mr. M. Kariuki): Hawatumii nyumba kwa njia yeyote. Wanalinda nyumba hio.

Mr. Speaker: Na maharagwe?

The Assistant Minister, Office of the President (Mr. M. Kariuki): Bw. Spika, hakuna maharagwe imetumika. Vile Bw. Mwandawiro amesema, namjua huyo Bw. Njenga. Amekuwa mteja wangu.

Bw. Spika, namuuliza sasa ajitolee kwa polisi ili aeleze ni kitu gani kilichokuwa kinaendelea katika nyumba yake.

Mr. Moroto: Jambo la nidhamu, Bw. Spika. Hilo jambo limedhuru wananchi wengi. Mimi ni mmoja wa wale wanaoishi kule Kitengela. Ikiwa wanatafuta mtu mmoja, hiyo ni tofauti na kuweka askari pale wahangaishe watu wengine! Siyo kwa hiyo nyumba peke yake, wamekuwa wakizunguka usiku wote wakinyang'anya watu mali yao. Ni lini wataondoa hao askari ili hali ya kawaida iendelee? Lazima watumie sheria kutafuta watu binafsi?

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. My concern is not even on the merit of the issue! It is just the way the hon. Member has raised a point of order and the response from the Assistant Minister.

Mr. Speaker, Sir, this issue should be treated in the usual manner we treat requests for Ministerial Statements. The Assistant Minister should give a considered opinion.

Mr. Speaker: Are you suggesting that we are not doing what we are supposed to do?

Mr. Ethuro: Mr. Speaker, Sir, with due respect, all I am saying is that an hon. Member has raised certain issues. Going by the order you gave, hon Members raise issues and Ministers come with Statements. Then we ask questions after the Minister has given his or her considered opinion.

The Assistant Minister, Office of the President (Mr. M. Kariuki): Mr. Speaker, Sir, the police have a statutory mandate to investigate matters and ensure peace and order. Whatever they

are doing in that area, they cannot be stopped. If they feel there is a situation that demands their presence, they should be allowed to carry out their statutory mandate.

Mr. Speaker: Well, I suppose it is for the residents to obey the law!
Proceed, Mr. Ndambuki!

DEFAMATION/INCITEMENT
BY FM RADIO STATIONS

Mr. Ndambuki: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Information and Communications. Of late, FM stations---

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

Mr. Speaker: Order, Mr. Moroto! We will not repeat that now! You will sit down, please! Please, sit down, Mr. Moroto! There is an hon. Member on the Floor!

Mr. Moroto, you will sit down, please!

Mr. Ndambuki: Mr. Speaker, Sir, I stand to seek a Ministerial Statement from the Minister for Information and Communications on Frequency Modulation (FM) vernacular radio stations. Of late, those radio stations have really been defaming many people. If you listen to the way they describe people and incite communities against each other, something needs to be done.

(Applause)

I would like to know from the Minister for Information and Communications whether those radio stations have broadcasting guidelines. Are those guidelines being followed? Do they have a right to talk about somebody, tear him into pieces and yet, he cannot respond?

Mr. Speaker, Sir, for example, we are campaigning for the Referendum; oranges versus bananas. If you listen to the way some FM radio stations describe some other communities, it is going to cause trouble and problems in this nation. What action is he going to take against FM stations that do not follow the laid down broadcasting guidelines?

Could they be stopped from inciting people? Our country has 42 communities.

If we continue inciting one community against others, the situation might get out of hand. We have the case of Rwanda where genocide was started by a radio station. We do not want that to happen in this country.

Mr. Speaker, Sir, we want the Minister to take action. He should tell this House what he plans to do on that issue. We are not saying that they should be closed, but they should operate with dignity.

(Applause)

Mr. Speaker: Is there any Minister who is ready to respond? The Chair shares the sentiments of the hon. Member. I think we are living in a very fluid time in this country. This is the time when everybody must use the greatest responsibility to ensure that this country does not fall victim of inciters. I think the earliest this issue is addressed, the better for the country.

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, I have just risen to say that the request will be conveyed to the Minister for Information and Communications, so that he can issue a Ministerial Statement next week.

Mr. Speaker: Very well! I hope he will come on Tuesday, so that the country can hear what he has to say. Ordinary Kenyans have heard inciting statements from FM radio stations. Anyway,

that is the end of all that!
Next Order!

BILL

Second Reading

THE FINANCE BILL

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, I beg to move that the Finance Bill be read a Second Time.

Mr. Speaker, Sir, I am very grateful to hon. Members of this august House for their continued support to Government policies that are aimed at sustaining economic growth and reducing poverty.

Mr. Speaker, Sir, to be more specific, I thank hon. Members for the support they gave to my last Budget and, especially, to the taxation proposals I announced during the Budget Speech.

As I pointed out in that Speech, the economy is now firmly on the recovery path, having stagnated for over a decade. The real Gross Domestic Product (GDP) grew by 4.3 per cent in 2004, from 2.8 per cent in 2003.

Mr. Speaker, Sir, the taxation measures I proposed during this year's Budget were intended to consolidate and accelerate economic recovery while ensuring that we address the needs of the poor.

Looking ahead, the economy appears to be doing well and we expect it to grow by more than 5 per cent this year. What is even more important is that all other economic indicators are on the upward trend.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the inflation rate, for instance, which was at 16 per cent a year ago is now less than 5 per cent. The Kenya shilling continues to get strong notwithstanding the fact that we have our problems which relate to the campaigns we are making over the new Constitution.

All in all, I think the citizens of this nation can begin looking forward to better times ahead.

Mr. Temporary Deputy Speaker, Sir, as hon. Members are aware, the implementation of the East African Community Common External Tariff took effect on 1st January this year and brought with it some unforeseen difficulties.

As a result of those difficulties, we have received many representations from stakeholders---

QUORUM

Mr. Moroto: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister is moving a very important Bill and yet there is lack of quorum in the House.

The Temporary Deputy Speaker (Mr. Ethuro): You are right. We do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, due to lack of quorum, the House stands adjourned until Tuesday, 1st November, 2005, at 2.30 p.m.

The House rose at 4.05 p.m.