

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 17th July, 1997

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.471

DISTRIBUTION OF NATIONAL YOUTH DEVELOPMENT FUND

Mr. Speaker: Mr. Leshore's Question is deferred.

(Question deferred)

Mr. Speaker: Bishop Allan Njeru's Question.

Question No.453

MEASURES TO COMBAT CRIME IN KANGAI LOCATION

Mr. Speaker: Bishop Njeru not here? Dr. Kituyi's Question.

Question No.331

AMENDMENT OF INSURANCE ACT

Mr. Speaker: Dr. Kituyi not here? Mr. Musyoki's Question.

Question No.044

FINANCING OF RURAL ELECTRIFICATION PROJECTS

Mr. Musyoki asked the Minister for Energy:-

(a) how much money was budgeted for rural electrification projects for Machakos Town Constituency between 1985 and 1995; and,

(b) how much money was spent and on which projects.

The Assistant Minister for Energy (Mr. Nang'ole): Mr. Speaker, Sir, I request for more time to enable me get a sufficient answer to this Question. Most probably, I will be able to answer it on Tuesday next week.

Mr. Speaker: Mr. Musyoki, what is your response?

Mr. Musyoki: Agreed, Mr. Speaker, Sir.

Mr. Speaker: Fine.

(Question deferred)

Mr. Speaker: Mr. Maundu's Question.

*Question No.349*PROVISION OF ELECTRICITY TO
MAKUENI DISTRICT HEADQUARTERS

Mr. Speaker: Mr. Maundu not in? Dr. Lwali-Oyondi's Question.

*Question No.168*SALE OF WATER METERS TO
NAKURU MUNICIPALITY

Dr. Lwali-Oyondi asked the Minister for Local Government:-

(a) whether he is aware that water meters worth several thousands of shillings, most of which were from the Water Department of the City Council of Nairobi, were sold to Nakuru Municipal Council at the prices of new water meters; and,

(b) if the answer to "a" above is in the affirmative, what steps he is taking to bring the culprits to book.

The Minister for Local Government (Mr. F.P.L. Lotodo): Mr. Speaker, Sir, I beg to apologize for not being in the House three times.

Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the Nakuru Municipal Council bought water metres in 1992 and 1993. Among these were old meters some of which were from the Nairobi City Council.

(b) I have instructed Nakuru Municipal Council to take a firm action against persons or firms found engaging in that malpractice.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, could the Minister tell us why it has taken so long for a well known thief or a handler of stolen property; meters belonging to Nairobi City Council to be brought to book? These meters were cleaned a little bit; with the NCC mark not being rubbed off and they were sold to the Nakuru Municipal Council at the price of new meters. Since the person who is dealing with them and the buyer are known, why has it taken so long for the culprits who devastate the meters in this Town to be brought to book?

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, thieves and other criminals are clever people. We know as well as he knows, that the buyer of these water meters is the Nakuru Municipal Council, But we do not know the thieves, and I am sure he also does not know them. I have instructed Nakuru Municipal Council to track down the thieves from whom they bought the meters and bring them to book.

Mr. Kapten: Mr. Speaker, Sir, this matter has been going on from 1992. The Municipal Council of Nakuru must be knowing the people from whom they bought the meters. Is the Nakuru Municipal Council not having a tendering system? How did a full Council buy meters from individuals. If the individuals are known, why has the Minister not taken action from 1992 to date?

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, the Question has spent less than two months in my office and I have given instructions, as I said in response to the first supplementary question, to Nakuru Municipal Council to trace the culprits and bring them to book.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, I think the Minister is misleading this House or he has been misled. I asked a similar Question two years ago and at the same time, the councillors of Nakuru Municipal Council have debated this matter and quarrelled a lot about it. It has also been brought to the attention of the Permanent Secretary that the seller is the Nakuru Iron Mongers who sold them on tender. Could the Minister explain to us further because he does not seem to be telling us the whole truth?

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, I am talking about this particular Question. If there was another Question about the same items in 1992 or 1993, which the hon. Member represents the Municipal Council and he should give the information he has just given to the House, to the Municipal Council; that the culprit who supplied the water meters to the Nakuru Municipal Council is so-and-so.

Mr. Speaker: Mr. Mulusya's Question.

Question No.293

RECARPETING OF ROADS IN NAIROBI

Mr. Speaker: Mr. Mulusya not here? Mr. Nthenge's Question.

Question No.357

EMOLUMENTS FOR DOCTORS

Mr. Speaker: Mr. Nthenge not in? Mr. Nyagah's Question.

Question No.206

DISCONNECTION OF TELEPHONE SERVICES
AT KARABA HEALTH CENTRE

Mr. Nyagah asked the Minister for Health if he could step in and pay the outstanding amount so that the Embu Provincial Hospital, which serves as a referral hospital, can serve the residents of Karaba Location effectively since telephone services in Karaba Health Centre have been discontinued.

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

My Ministry owed the Kenya Posts and Telecommunications a total of Kshs8,033 in respect of telephone bills for Karaba Dispensary before the line was disconnected in 1990. The Corporation was paid the above quoted amount of money in November, 1995, with a view to reconnecting the line. The telephone line, however, cannot be immediately re-connected to the health facility because the telephone wires in the area have been stolen and the Kenya Posts and Telecommunications Corporation is devising ways and resources to replace the telephone lines.

Mr. Nyagah: Thank you, Mr. Speaker, Sir. I would like to begin by advising the Minister to confirm what I am going to tell him. It is not true that the telephone connection within that area is not working. All the lines have been working even as of this morning when I spoke to Mwea. With that information, could he have the telephone reconnected back to this health facility because the lines are working? I can assure him that the lines are working by giving him several telephone numbers in Karaba which he can use to confirm after this, outside here, that the telephones are working.

Gen. Mulinge: Mr. Speaker, Sir, what I have said is that the telephone bills have been paid but the wires have been stolen. If the wires are there, and the hon. Member knows of any unpaid bills pending there, I would like him to let me know so that, that bill can be settled and the telephone can be re-connected.

Mr. Nyagah: Mr. Speaker, Sir, now I probably understand the Minister's answer. He is referring to the wire between the post and the health centre, but not the whole area. If that is the case, let me make one request. The whole of this area has no other facilities of moving people to the referral hospital in Embu. Can you kindly accept, as a Ministry, to provide a vehicle to move patients from Mwea, bearing in mind that the whole of Gachoka Constituency does not have a single ambulance? The last one that existed had an accident two weeks ago, where two people died. Therefore, we are rendered useless, we cannot move our patients from anywhere within Gachoka to the Provincial Hospital in Embu. Can the Ministry consider donating one ambulance to Gachoka, either old or new, from the lot that was given to State House the other day?

Gen. Mulinge: Mr. Speaker, Sir, I wish I had an ambulance somewhere which I could donate to Karaba. The problem of lack of ambulances is countrywide. We do not have enough and we do not have enough money to buy them. If I happen to get one, I will be happy to donate it to the people of Karaba.

Question No. 402

REPLACEMENT OF ROAD SIGNS

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

- (a) whether he is aware that all the road signs and billboards erected along Thika Road are in a dilapidated state; and,
- (b) what plans the Ministry has to replace them with others which are legible and of more durable material.

Mr. Speaker: Anybody from the Ministry of Public Works and Housing?

(Mr. Mwamzandi was seen walking out of the Chamber)

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Can you see the Assistant Minister running away? This is a joke. Wewe, rudi hapa ujibu maswali. He sees his Question next on the Order Paper and then he runs away.

Mr. Speaker: Order, Mr. Ndicho! Is there anybody from the Ministry of Public Works and Housing ready to answer that Question?

Mr. Ndicho: Mr. Speaker, Sir, Mr. Mwamzandi is there.

(Loud consultations)

The Assistant Minister for Public Works and Housing (Mr. Khalif): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that some of the road signs erected along Thika Road are in a dilapidated state. This Ministry is not responsible for installation and maintenance of billboards along Thika Road.

(b) The Ministry has plans to rehabilitate the dilapidated road signs along the road in question in the course of the current financial year, 1997/98.

Mr. Ndicho: Mr. Speaker, Sir, this is a confused Ministry. In reply to part "a" of the Question, he says that the Ministry is not responsible for installation and maintenance of billboards along Thika Road, and in reply to "b", he says that this Ministry has plans to rehabilitate the dilapidated road signs along the road in question.

The Assistant Minister says that these signs are not within the purview of his Ministry and so he is not responsible. Then in "b", he says that they are considering rehabilitating the dilapidated road signs in the course of the current financial year, 1997/98. Can you help us in this particular case?

Mr. Khalif: Mr. Speaker, Sir, the responsibility of installing those facilities is not directly under the purview of the Ministry. However, we realise that this public utility is very important, and, therefore the Ministry is committed this year to finance the rehabilitation of those sign boards.

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. I am becoming a bit confused with the Question.

I thought billboards were for advertising products like Coca Cola and so on. I was wondering whether the Ministry was really responsible for putting up billboards on Thika road.

Mr. Khalif: Mr. Speaker, Sir, I beg your pardon, the Ministry is responsible for road signs. There are 27 road signs along the Thika-Nairobi road which need to be rehabilitated. In addition, there are 72 road signs which are missing due to vandalism.

The Ministry will repair and replace these signs at a cost of approximately Kshs600,000 this financial year.

Mr. Wamae: Mr. Speaker, Sir, would the hon. Assistant Minister tell us who is responsible for billboards? Billboards are erected on a road reserve and your Ministry is responsible for that area. If those billboards are not kept properly, and they are an eyesore, it is for you to say that they should be removed.

Mr. Khalif: Mr. Speaker, Sir, my Ministry is not responsible for billboards. It is for the hon. Questioner to find out who is responsible for that kind of facility.

Mr. Ndicho: Mr. Speaker, Sir, last year, the Minister himself, Prof. Ng'eno, said on the Floor of this House that these road signs would be repaired in the 1996/97 fiscal year, and now that year is ended.

(Loud consultations)

Mr. Speaker, Sir, there are a lot of consultations. I am sure the Assistant Minister cannot even hear what I am saying.

Mr. Speaker: Proceed!

Mr. Ndicho: Mr. Speaker, Sir, I was saying that the Minister himself, hon. Prof. Ng'eno, said on the Floor of this House that these road signs would be repaired in the 1996/97 fiscal year and now that year is ended. These road signs are very important since they inform drivers of corners, roundabouts and other signs. In the absence of these 72 road signs, there are a lot of road accidents and a lot of lives have been lost along Thika Road.

Can the Assistant Minister consider now installing these road signs immediately to reduce the road carnage?

Mr. Khalif: Mr. Speaker, Sir, I said the Ministry is going to use an amount of Kshs600,000 to put up those road signs. So, I do not see why hon. Ndicho is worried. The Ministry has been allocated Kshs600,00 for this year, the money is already there and it is going to be used as soon as the Vote of the Ministry is passed by the House.

Mr. Speaker: Question No. 443 is deferred.

Question No.443

TARMACKING OF GARISSA-MANDERA ROAD

(Question deferred)

Next Question, Mr. Gatabaki!

Question No.154

ARREST OF ROBBERY SUSPECTS

Mr. Speaker: Is Mr. Gatabaki not here? We will leave his Question for the moment. Mr. Muite's Question.

Question No.071

ESTABLISHMENT OF INTERNATIONAL
CRIMINAL COURT

Mr. Speaker: Mr. Muite's Question for the second time. Is Mr. Muite not here?

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

Mr. Speaker: Order! Since Mr. Muite is not here, his Question is dropped.

(Question dropped)

Mr. Speaker: Mr. Gatabaki's Question, for the second time.

Question No.154

ARREST OF ROBBERY SUSPECTS

Mr. Speaker: If Mr. Gatabaki is not here, the Question is accordingly dropped.

(Question dropped)

Mr. Speaker: Mr. Nthenge's Question for the second time.

Question No. 357

EMOLUMENTS FOR DOCTORS

Mr. Speaker: Mr. Nthenge is still not here? His Question is dropped. We will move on to Mr. Mulusya's Question, for the second time.

(Question dropped)

Question No.293

RECARPETING OF ROADS IN NAIROBI

Mr. Speaker: Mr. Mulusya is still not here? His Question is also dropped.

(Question dropped)

Question No.349

PROVISION OF ELECTRICITY TO MAKUENI
DISTRICT HEADQUARTERS

Mr. Maundu asked the Minister for Energy:-

- (a) when Makueni District Headquarters will be supplied with electricity; and,
- (b) whether any funds have been set aside for this project.

The Assistant Minister for Energy (Mr. Nang'ole): Mr. Speaker, Sir, I beg to reply.

(a) Makueni District Headquarters will be supplied with electricity when funds to complete the on-going project become available.

(b) The Ministry has set aside Kshs10 million to cover part of the project, but an additional Kshs22.5 million will be required before the power line reaches Makueni.

Mr. Maundu: Mr. Speaker, Sir, this is a very important project because it serves Makueni District Headquarters and a district hospital whose mortuary has collapsed. Dead bodies in Makueni are now preserved using sand because of lack of power supply to the District Headquarters. Could the Assistant Minister take supply of power to Makueni a lot more seriously and tell the House when he expects to ensure that electricity reaches Makueni District Headquarters?

Mr. Nang'ole: Mr. Speaker, Sir, while I sympathise with the situation in that district which the hon. Member has described, I have said that we have already set aside Kshs10 million. However, this money will not be enough and we, therefore, require an additional Kshs22.5, which I cannot say when we will get.

Prof. Ouma: Mr. Speaker, Sir, very often Questions are asked about when particular centres will get electricity. My concern is about rural industrialisation, especially in the light of the recent Government statement to the effect that it wants this country to become a newly industrialised country by the year 2020. This piece-meal provision of electricity will not lead us to that. Could the Assistant Minister tell the House whether the Government has a master plan to ensure that we shall industrialise up to every locational headquarters? This is how we can have industrialisation in rural areas. Without electricity, which is not a luxury, we cannot industrialise. Do we have a master plan for electrification? If we do not have it, when shall we have it? If we do not get it, shall we industrialise by the year 2020?

Mr. Nang'ole: Yes, we have a master plan. Before I describe the master plan, let me say that it is true that we in this country really have a power shortage. That is why we had to come up with Sondu Miriu and Kipevu Hydro-electric projects. These two projects will be completed by the year 2002 and will supplement our current power output. **Mr. Maundu:** Mr. Speaker, Sir, I sympathise with the Assistant Minister but I believe that he can still find funds to make sure that this project is completed. I remember an incident about two months ago where, during a lunch break somewhere, a sum of over Kshs1 billion was allocated to tea and coffee farmers of a particular area. Why is it not possible to get a mere Kshs22 million to supply a whole district with electricity?

Mr. Nang'ole: Mr. Speaker, Sir, the money referred to was allocated to coffee factories under a World Bank project. It is not money which is provided by this country. I would like to inform the hon. Member that the World Bank has come up with a plan to supply all the coffee factories with electricity. It is not possible for us to get the money hon. Maundu talked about to finance a particular project.

Mr. Maundu: Mr. Speaker, Sir, Makueni may be a small area in this country, but could the Assistant Minister plead with the same World Bank which is giving billions of shillings to a particular project to give at least Kshs20 million for the benefit of the Kamba people in Makueni?

Mr. Speaker: Dr. Kituyi's Question for the second time.

Dr. Kituyi: Mr. Speaker, Sir, I wish to apologise for not having been here when my Question was first called out.

Question No.331

AMENDMENT OF INSURANCE ACT

Dr. Kituyi asked the Minister for Finance whether in view of the importance of wider insurance

cover to reach the rural people of this country, and considering the declining capacity of poorer people to access medical services without a viable insurance cover, he could consider introducing a bill seeking the amendment of the Insurance Act to allow for the formation of rural insurance mutuals.

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

It is necessary to assess the viability and modalities of administering insurance mutuals before consideration could be given to the amendment of the Insurance Act to include them. A study on this subject matter will be carried out and appropriate action taken thereafter. The Government has also requested the insurance industry to design insurance policy packages that are suitable and able to meet the needs of the majority of Kenyans.

Dr. Kituyi: Mr. Speaker, Sir, insurance companies are businesses. Where governments have not created instruments for insurance companies to extend their services to cover the majority of the population, the governments offer core insurance, particularly in health, without subscription by those who cannot afford to subscribe. Further on to hon. Magwaga's question, instead of putting some of the NHIF money into wasteful things like the purchase of aeroplanes by certain mysterious companies, can the Government use some of that core money to offer a minimal insurance cover to the poor who cannot afford to pay any premium?

Mr. Barmasai: Mr. Speaker, Sir, when the insurance industry tells us whether it can have new insurance policies, we could proceed from there.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, I think the Assistant Minister has been asked whether he could make use of the NHIF money, which has been wasted on things other than medical expenses, and make insurance cover available to the ordinary mwananchi.

Mr. Barmasai: Mr. Speaker, Sir, I think, I have answered that Question. We cannot do that before we know what measures the insurance industry will come up with.

Dr. Kituyi: On a point of Order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to pretend that the insurance industry has not approached the Government about the inadequacies in the current Insurance Act, which limits the cover that can be extended to rural areas when the proposal of establishing rural insurance mutuals is a request which has been made to the Government by the insurance industry as constituted today?

Mr. Barmasai: Mr. Speaker, Sir, I am not aware of the requests that the hon. Member is talking about.

Mr. Speaker: Bishop Njeru's Question for the second time.

Question No.453

MEASURES TO COMBAT CRIME
IN KANGAI LOCATION

Bishop Njeru, asked the Minister of State, Office of the President:-

(a) whether he is aware that Kangai Location in Mwea is a crime prone area especially in Wamuu villages; and,

(b) what urgent measures are being taken to combat these criminal activities countrywide.

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

(a) No, I am not aware.

(b) Arising out of my reply in "a", "b" does not apply.

Bishop Njeru: Mr. Speaker, Sir, it is very sad that the hon. Member can answer me in that manner. This is because on 4th May, 1997, Mr. Kibaara Samuel was killed in Kangai Location. Mr. Muchiri Frederick was killed on 9th May 1997, at Kimbimbi Location. In February, 1997, Mr. Njogu Isaac was killed in the same location of Kangai. Mr. Kim was killed in the next village on 7th May, 1997.

Mr. Speaker, Sir, could the hon. Assistant Minister tell us whether he is not aware of all these murders and if he is not aware, could you order him to go back and confirm to this House the occurrence and cause of these murders which took place within one week? Is he the man that takes the blood here?

Mr. Awori: Mr. Speaker, Sir, in the last 18 months, there have only been 32 incidents in that particular village. I do not consider that as a crisis.

Bishop Njeru: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead this House when I, as the sitting Member of Parliament for Mwea, insist, and I will continue insisting, that Mr. Kibaara Samuel died on 4th May at Kangai Location; Mr. Frederick Muchiri died at the same spot; Isaac Njogu died on 11th February at the same spot and, lastly, Mr. Kim died at Ngurubani on 7th May?

Mr. Speaker, Sir, could you order this hon. Member to go back to Kirinyaga District, and precisely Mwea

Police Station, and confirm to this House whether these people are still alive or they died?

Mr. Awori: Mr. Speaker, Sir, if the names that the hon. Member has quoted are of people who have died in that village, then they are part of the 32 incidents that I mentioned as having died within 18 months.

Bishop Njeru: Mr. Speaker, Sir, the hon. Member is evading my question. Could he confirm or deny in this House whether these people that I am referring to died within one week on the same spot? Are you a devil worshipper?

(Laughter)

Mr. Awori: Mr. Speaker, Sir, how can I deny or confirm names that are---

(Bishop Njeru stood up in his place)

Mr. Speaker: Order! Order, hon. Allan Njeru! You are supposed to be a bishop. I am sure, Bishop Allan Njeru, you are trying to create a scene in order to be sent out.

Bishop Njeru: No, but my people have died!

Mr. Speaker: Order, you are trying to create a scene. You are not serious.

Prof. Ouma: On a point of order, Mr. Speaker, Sir. Did I hear the Rev. Bishop call the Assistant Minister a 'devil worshipper'? If I did hear that, could he prove it?

Mr. Speaker: Order! I think I did. Bishop Njeru asked whether the hon. Assistant Minister is a devil worshipper.

Bishop Njeru: Yes, I asked him.

Mr. Speaker: Order, Bishop! I have said before that bishops do not behave that way. Would you like to answer him?

Mr. Awori: Mr. Speaker, Sir, it does not bother me one minute whether the bishop believes that I am a devil worshipper or not. I am a mature man and what he says means very little to me. He has a right to have his own opinion, and to reply to his substantive question---

Mr. Mathenge: On a point of order, Mr. Speaker, Sir. Could my friend, who is a reputable bishop, pray for the Assistant Minister, so that he could come to light and do his duties without being frivolous?

Mr. Speaker: May I say this hon. Mathenge: I preside over the proceedings of the House and not prayers. Proceed!

(Laughter)

Prof. Mzee: On a point of order, Mr. Speaker, Sir. I am really worried. We have an Assistant Minister here who refuses to deny that he is a devil worshipper. The whole nation is worried that they have an Assistant Minister in this Government who would not deny the fact that he is a devil worshipper. Does he want to make the country believe that he is a devil worshipper?

Mr. Awori: Mr. Speaker, Sir, I wish and hope that the Professor would listen very carefully. What I said was very simple: That the opinion of Bishop Njeru means very little to me and that he can hold that opinion.

Mr. Speaker: Order! We are not interested in that question any more.

Bishop Njeru: Mr. Speaker, Sir, but I am interested in it!

Mr. Speaker: Order now, Bishop! If you really want to participate in the proceedings of this House, you must behave like an hon. Member, and particularly an hon. Bishop.

Bishop Njeru: On a point of order, Mr. Speaker, Sir. I am insisting and I will continue doing so, regardless of whether I am going to be thrown out of this House or not. Could the Assistant Minister confirm or deny that these people whose names I have given have died at Kangai on those dates or they are still alive?

Mr. Awori: Mr. Speaker, Sir, that is much better. Sanity is a much better commodity to deal with now. If the hon. Member will give me the names of these people, then I will check up. How does he expect me to confirm or deny whether the names that he is mentioning are real and I do not know whether the people have been killed or not. What he should do is to now give me the names and I will come back and confirm one way or the other.

Mr. Speaker: Bishop Njeru, please, lay the documents on the Table.

(Bishop Njeru laid the papers on the Table)

Very well. Questions by Private Notice.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. I am told that today, you went through the Order Paper

backwards, which is abnormal. It happens that my Question is No.8 in the Order Paper and I arrived 20 minutes late and yet, I am told that my Question has already been called out. Could you explain why you have behaved in an abnormal way?

(Laughter)

Mr. Speaker: Mr. Nthenge, it is the prerogative of Mr. Speaker to begin from page one or to begin from the last page. So, I did that just to make sure that next time you are in time. Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

DISPLACEMENT OF MR. BUSAN'S FAMILY

Mr. Sifuna: Mr. Speaker, Sir, may I ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that Mr. Makhanu Asani Busan and his entire family of 20 people have been displaced from his land, despite the Western Provincial Commissioner's letter Ref.No.LND 16/2/2/4A dated 14th November, 1996, to the Principal Magistrate's Court, Bungoma, for stay of execution of Misc. Case No.116 of 1996?

(b) Could the Minister take urgent measures to ensure that Mr. John Olwika is restrained from interfering with that land and allow Mr. Busan to stay in his land until the case is determined?

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

(a) I am aware that Mr. Makhanu Asani Busani sold the land in question in 1967 to John Wanyonyi Olwika and moved elsewhere. The issue of displacing his family does not, therefore, arise.

(b) The appeal is still pending before the provincial land appeals committee whose decision will be filed in court. Mr. Busan should, therefore, await the outcome of the pending appeal.

Mr. Sifuna: Mr. Speaker, Sir, as we are now asking this Question, a family of 20 people of Mr. Busan is staying at Bungoma bus park. I have three letters all from the Government officers. We know land cases are being handled by village elders chaired by chiefs. According to one letter which I will only read the last paragraph says: "Mr. Busan should be given four and a half acres of land and Mr. Olwika six and a half acres of land." Mr. Olwika refused, went ahead and chased away Mr. Busan. Mr. Busan appealed before the Principal Magistrate's Court, Bungoma, under Criminal Case No.2063/94. I will also read only the last paragraph where the Magistrate said: "I cannot establish trespass of Mr. Busan, the accused is, therefore, acquitted under Section 2 of Criminal Penal Code." The last letter came from the office of the Provincial Commissioner, Western Province, dated 11th November, 1994 which stated that Mr. John Olwika is restrained from interfering with the position of the land until further notice when the case will be disposed of. Now, could we be told why Mr. Olwika went ahead and disregarded all these letters from the court, Provincial Commissioner, and DO and chased away the family of 20 people?

Mr. Awori: Mr. Speaker, Sir, in quite a number of rural areas, certain people, when they have problems, tend to sell their land, but years later they want it back. This is such a case. This man, Mr. Busan, sold this land in 1967. In 1994, 27 years later, he goes back and he wants his land back. In the meantime, the person to whom he had sold the land has already got a title-deed. The paragraph which hon. Member is quoting is only referring to cases where elders are trying to prevail upon Mr. Olwika to give him part of the land. That is what is now pending in the court.

Mr. Kapten: Mr. Speaker, Sir, it appears from this Question that this matter went before a competent subordinate court. The Assistant Minister is saying the matter is pending before the provincial land tribunal. Has a land tribunal got jurisdiction to hear cases where the matter has already been deliberated in a court of law?

Mr. Awori: Mr. Speaker, Sir, land matters are normally, like in this case, sent to the elders. From there, they went to the tribunal where the owner of land was given the rights. This man appealed and that is why it is now pending before the provincial land tribunal.

Mr. Kapten: On a point of order, Mr. Speaker, Sir. Has a land tribunal got jurisdiction to hear matters which have already been done and finalised by a court of law?

Mr. Awori: Mr. Speaker, Sir, the matter has gone through the correct channel and I do not see any contradiction in the answer I have given.

Mr. Sifuna: Mr. Speaker, Sir, can the Assistant Minister tell this House why Mr. Olwika went ahead and chased away Mr. Busan's family from the land when the ruling stated that Mr. Busan should continue staying in that land? The ruling is here by the court. Why did he go ahead to chase away Mr. Busan from his land?

Mr. Awori: Mr. Speaker, Sir, because Mr. Olwika holds the title to that land.

Mr. Sifuna: On a point of order, Mr. Speaker, Sir. Why did Mr. Olwika disregard the ruling of the court stating that Mr. Busan should have his share and Mr. Olwika should have his share? Mr. Olwika has taken over the whole land and now a family of 20 people is staying in the cold!

Mr. Awori: Mr. Speaker, Sir, I do not have that information.

Mr. Speaker: Very well. Next Question, Mr. Kairu.

DISBURSEMENT OF FUNDS UNDER IFAD PROGRAMME

Mr. Kairu: Mr. Speaker, Sir, I beg to ask the Minister for Land Reclamation, Regional and Water Development the following Question by Private Notice.

(a) How much money was earmarked for the dry areas of Kieni Division, Nyeri District, under the IFAD Programme, Phase I (1991-1998)?

(b) How much was disbursed and to which project during the years 1994/95, 1995/96 and 1996/97?

(c) How much is the unutilized balance and what arrangements have been made to ensure that the allocated grant funds are disbursed before June 30th, 1998)?

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

(a) A total of Kshs89 million was earmarked for drylands of Kieni East and Kieni West Divisions in Nyeri District under the IFAD Programme for the period between June, 1991 and December, 1999.

(b) Since it is an integrated development programme where agriculture, livestock and water development, as well as the primary health care, are the main components, the money is allocated to the line Ministries to implement their planned activities. In this regard, the funds disbursed to the water component of Nyeri Dry Area Development Programme are as follows:-

<u>Year/Project</u>	<u>Amount (Kshs)</u>
1994/95(i) Kamburaini Water Project	5.8 million
(ii) Waraza/Lusoi Water Project	2.8 million
(ii) Watuka Water Project	<u>0.2 million</u>
Sub-total	<u>8.8 million</u>
1995/96	No funds were disbursed to the water supply projects
1996/97(i) Kamburaini Water Project	1.3 million
(ii) Kirinyaga/ Nyanga Water	0.9 million
(ii) Waraza/Lusoi Water Project	2.0 million
(iv) Embaringo Water Project	<u>1.2 million</u>
Sub-total	<u>5.4 million</u>
Total for the three years	<u>14.2 million</u>

(c) The unutilized balance for the water supply projects is Kshs10.4 million. Since the money is in the Printed Estimates for 1997/98 financial year, it will be disbursed by way of Authority to Incur Expenditure (AIE) in two equal instalments of Kshs5.2 million between now and December, 1997, and between January and June 1998.

Mr. Kairu: Mr. Speaker, Sir, I would like to thank the Assistant Minister for the answer he has given, but there appears to be a lot of discrepancies in the figures. For example, part "a" in 1994 the President of IFAD visited Kenya and my constituency. In his address, he revealed that the money which was earmarked for that area was close to Kshs300 million. So, the figure of Kshs89 million is not correct. With regard to part "b" of the Question, the Assistant Minister has not told us why money was not disbursed in 1995/96? With regard to part "c", the amount to be disbursed in the current year, added together to what has been given for the last three years, amounts to about 30 per cent of the total allocation whereas the total allocation for water was 60 per cent. The report which was initiated by the IFAD together with the Government is dated April this year. The report shows unclaimed amounts to the tune of Kshs420 million which is covering Nyeri, Kilifi and Kwale districts. If the Minister wants, I would like to offer him

that information, so that he can go back and put these figures together because the answers he has given are not correct.

Mr. Speaker: Would you like to ask him a question?

Mr. Kairu: The question which I want to ask him is: Why were funds not disbursed in 1995/96; and the second question is whether he wants more time and information to bring a comprehensive answer next week?

Mr. Ligale: Mr. Speaker, Sir, the hon. Member for Kieni has made reference to a speech by the President of IFAD where he referred to a total of Kshs300 million. I have no quarrel with that figure. That was covering the whole package. I am referring to the package relating to water. Money was not disbursed in 1995/96 financial year because most of the money went to the other components of agriculture and livestock. With regard to the reconciliation of figures, I have no particular problem. I am aware that a consultant was commissioned to reconcile the figures and give us the unclaimed balances. The report the Member has referred to is dealing with the whole project because it covers a number of other districts. The figure of Kshs420 million which he quoted covers districts like Kilifi, Kakamega and Kwale. For that component that relates to Nyeri and in particular Kieni, we can try to work out with him and see whether those can be provided for in the next financial year.

Mr. Wamae: Mr. Speaker, Sir, the hon. Assistant Minister should agree that 60 per cent of Kshs89 million should have gone to water in Kieni and 60 per cent is nearly Kshs53.4 million. Upto now the Ministry has not paid the Kshs53.4 million of the water component. How is the Minister going to spend this money before the expiration of this programme?

Mr. Ligale: Mr. Speaker, Sir, the whole purpose of commissioning a consultant was precisely to establish the unclaimed balances, so that they can be included in the financial year for disbursement.

Mr. Kairu: Mr. Speaker, Sir, phase one of the IFAD Programme is ending in June, 1988. Part (c) was asking what measures the Minister had taken to ensure that no money will be returned unused, but he has avoided answering that question. I am also aware of the arrangement between the Government and the donor. Whereas the Government is required to contribute 20 per cent to every project, the donor, that is IFAD, provides 80 per cent. If the Government has not done that, would the Minister undertake, if the community puts down 20 per cent, the Government or the donor will pay the 80 per cent margin to complete that project?

Mr. Ligale: Mr. Speaker, Sir, the Government does appreciate when the community makes a contribution to any particular project and we do appreciate the efforts that the Kieni people are making. Definitely, if they are able to come up with some matching funds, we would ensure, as a Government, that the donor comes up with their own contributions. Let me also confirm here that we have agreed with the donor---

(Loud consultations)

Mr. Speaker: Order! Order, hon. Members! The hon. Member for Kieni is entitled to hear replies to his Question. Hon. Ligale is also entitled to hear the questions framed by the hon. Members in this House. Can the House consult in low tones?

Proceed!

Mr. Ligale: Mr. Speaker, Sir, I was confirming to the hon. Member that we have an agreement with the donor that funds will not be returned. Although phase one is ending at the end of June next year, we shall have phase of the same project and any unclaimed balances by that time can be rebudgeted in the next phase.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in order, to say that he is agreeing with the donor to extend the programme when we would like the money to be spent during this financial year? Kieni people are ready to contribute the 20 per cent in order to utilise all the balance of the funds available.

Mr. Ligale: Mr. Speaker, Sir, if the hon. Member had listened carefully, he would not have raised this point of order. I have said that if there are any unclaimed balances--- We are going to spend as much as possible this financial year, but if there are any unclaimed balances which may not have been spent for whatever reason, they will not be returned. They will be rebudgeted for the next phase. That is all that I am saying.

Mr. Kairu: Mr. Speaker, Sir, I am demanding an undertaking from the Assistant Minister. Since the figures from the Assistant Minister have got a lot of discrepancies, can he agree to look at the report and then bring back a comprehensive answer? We need to spend the money and not to extend it to the next phase.

Mr. Ligale: Mr. Speaker, Sir, the report was commissioned by the donor and the Government and it is our property. So, we are definitely studying it and whatever figures we eventually come up with, they will guide us. I do agree with him.

POINT OF ORDER

PAYMENT OF RENT BY SHAURI MOYO RESIDENTS

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Some two weeks ago, I asked the Minister for Local Government for a Ministerial Statement regarding an order whereby residents of Shauri Moyo were directed to pay rent directly to the City Council and now they have been told to pay through the agents. Does he still remember that, or he has forgotten the issue?

The Minister for Local Government (Mr. F.P. L. Lotodo): Mr. Speaker, Sir, I still remember and I would like to promise the Member of Parliament for Kamukunji that I will issue the Ministerial Statement on Wednesday in the afternoon next week.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

IN THE COMMITTEE

[Mr. Speaker left the Chair]

*[The Temporary Deputy Chairman
(Mr. Wetangula) took the Chair]*

THE NATIONAL CRIME RESEARCH CENTRE BILL

(Clauses 2, 3, 4 and 5 agreed to)

Clause 6

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

THAT, subclause (2) of Clause 6 be amended as follows:-

(a) in paragraph (a), by inserting the words "or his representative" immediately after the words "Attorney-General";

(b) by inserting the words "or his representative" at the end of paragraphs (b), (c), (d), (e) and (f);

(c) by deleting paragraph (g) and inserting the following new paragraph -

"(g) three persons appointed by the Minister being persons eminently qualified in the fields of criminal law, sociology or criminology, to represent public universities in Kenya".

Mr. Temporary Deputy Chairman, Sir, these amendments have been proposed with a view of enabling the Attorney-General to be deputised or represented in this Council. The Attorney-General intends to delegate most of the responsibilities to the Director of Public Prosecutions (DPP) to represent him on a number of these meetings. The other persons such as the Chief Justice, the Commissioner of Police, the Commissioner of Social Services, the Commissioner of Prisons and the Principal Probation Officer may be represented in person because they hold offices that sometimes may not enable them to attend the meetings.

The last amendment is to enable the participation of persons from other universities. We had proposed only one university, but it is important now that we have persons from different universities to enable this Council to be enlarged. It is also to take into account that the skills of criminology and sociology are required in this particular Council, and that is why we want to increase their participation.

Therefore, I beg to move.

(Question of the amendment proposed)

Dr. Lwali-Oyondi: Mr. Temporary Deputy Chairman, Sir, the amendment proposed on paragraph (g) has no indication whatsoever that these persons are going to be appointed from the universities. The Minister can nominate them from anywhere to represent the universities.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, if the hon. Member can read paragraph (g) again, it states, "three persons appointed by the Minister, being persons eminently qualified in the fields of criminal law, sociology or criminology, to represent public universities in Kenya".

Dr. Lwali-Oyondi: Mr. Temporary Deputy Chairman, Sir, the Assistant Minister has read it quite well and it does not indicate that these three persons must be appointed from the universities. My worry is that the Minister can

appoint them from anywhere to represent public universities. Can he tell us that they are going to be appointed from the various universities in Kenya?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, I do not know whether that would be the proper way of doing it, but we could amend that amendment further: "To be appointed from the public universities in Kenya".

Mr. Otieno: Why not "universities in Kenya"? Why are you assuming just "public universities", Mr. Assistant Minister? You could remove the word "public" because in future we may have better universities in this country which may specialise in criminology and these other relevant courses, and not necessarily the public universities.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, I want to delete the word "public" and replace it with "to be appointed from universities in Kenya".

The Temporary Deputy Chairman (Mr. Wetangula): No, it does not make sense. If you say "three persons appointed by the Minister", then you cannot say "to be appointed from the universities in Kenya". Then you should say "three persons appointed by the Minister, being persons eminently qualified in the fields of criminal law, sociology or criminology from universities in Kenya".

The Assistant Minister, Office of the President (Mr. Sunkuli): Yes, Mr. Temporary Deputy Chairman, Sir, that is even better!

Mr. Otieno: It does not imply that those degrees must have been obtained from universities in Kenya. In fact, we could even put the fullstop at criminology, it does not even matter.

Mr. Temporary Deputy Chairman, Sir, I thought it could be sufficient just to say "three persons appointed by the Minister, being persons eminently qualified in the fields of criminal law, sociology or criminology."

The Assistant Minister, Office of the President (Mr. Sunkuli): No, Mr. Temporary Deputy Chairman, Sir, the problem there is that it does not address hon. Dr. Lwali-Oyondi's question.

Mr. Otieno: Otherwise, you have to use "to represent universities in Kenya".

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, that brings me back to what it was before. I think it would be better to say "three persons appointed by the Minister, being persons eminently qualified in the fields of criminal law, sociology or criminology---

The Temporary Deputy Chairman (Mr. Wetangula): Just strike out the word "public" and it makes a lot of sense because in another 10 years, we shall have as many private universities as we have public universities. They will have as many eminent criminologists as we have in public universities and they would be qualified to be appointed. I think that is what hon. Otieno is saying.

Mr. Otieno: Delete the word "public" and leave the rest.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, I have no objection to that.

I beg to move that the amendment to paragraph (g) be further amended by deleting the word "public".

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to
be inserted in place thereof
be inserted, put and agreed to)*

(Clause 6 as amended agreed to)

(Clause 7 agreed to)

Clause 8

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

THAT, Clause 8 be amended in subclause (4) by deleting the word "seven" and inserting the word "eight".

Mr. Temporary Deputy Chairman, Sir, you will realise that the amendment in Clause 6 has necessitated the increase of members by two and, therefore, it is also necessary to increase the quorum.

I beg to move.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 8 as amended agreed to)

(Clauses 9 and 10 agreed to)

Clause 11

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

THAT, Clause 11 be amended as follows:

(a) in subclause (1) by inserting the words "of service" immediately after the word "conditions";

(b) by inserting the following new subclause immediately after subclause (1) -

(2) The Director shall be a person competent to direct the research functions of the Centre, who holds such qualifications as the Council may determine.

(c) by renumbering subclauses (2), (3), (4) and (5) as subclauses (3), (4), (5) and (6) respectively.

Mr. Temporary Chairman Speaker, Sir, this amendment will take care of a few things. Subclause (1) as it stands is vague and the insertion of the words "of service" immediately after the word "conditions" will make it clearer.

It is important to know that the conditions we are discussing are the conditions of service and not those of weather or anything else.

Subclause (2) will take care of the fact that the Director must be qualified in order to perform his duties.

The third amendment is meant to make sure that the new clause we have created is accommodated comfortably.

I beg to move.

(Question of the amendment proposed)

Mr. Raila: Mr. Temporary Deputy Chairman, Sir, I do not see the difference between the proposed amendment and the original Clause 11 (b) (2). What are those qualifications that the Director must have? He has not talked about academic qualifications, yet we know clearly the kind of research we are talking about.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, having established a broad-based Council comprising of the Attorney-General, officers of the Government and public universities representatives, it is competent enough to look for quality. I think that has been taken care of.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Chairman, Sir, I do not think the answer given by the Assistant Minister is quite correct because we know terrible things that have been done by the Attorney-General with all his qualifications. We should be specific and not assume that somebody will be competent enough to make use of his common sense. Once there is a loophole in law, people exploit it. So, the Assistant Minister should specify the kind of qualifications he wants. He should say whether this person should be qualified in criminology, law and so on.

The Temporary Deputy Chairman (Mr. Wetangula): What they are asking is: When you talk of the phrase "who holds such qualifications", what do you mean?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, we consider that the discretion of the Council should not be limited too much because at one time we might need a criminologist and another time a sociologist. We do hope that the person who will be appointed will be appointed by a competent council and once this House has established the Council, it must trust it. If we do not trust the Council, then we would better put more checks on the Council rather than limit the discretion of the Council.

Mr. Raila: Mr. Temporary Deputy Chairman, Sir, the reason why we are saying that the clause should be more specific is because such boards have been abused in the past. When we are talking about such qualifications as the Council may determine, we may be referring to height, woman, man, sister, brother and so forth. If you are talking

about academic qualifications, you can specify them. You need to be more precise than you are doing here. **The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, I think the hon. Members are asking for an impossibility because in reality law should be dynamic enough. We cannot say that today we want a Director who holds a Bachelor of Arts degree and the next day a different qualification. Kenyans are getting more educated and in future the minimum qualification of a Kenyan might be a Bachelor of Arts degree. It is just like saying every hon. Member must have a Bachelor of Arts degree. This is curtailing other talents. We do hope that the House is satisfied that it has created a Council that is competent enough to look for competence.

Mr. Mbeo: Mr. Temporary Deputy Chairman, Sir, I believe we are actually revising a Bill here---

The Temporary Deputy Chairman (Mr. Wetangula): We are not revising any Bill. The opportunity I have given you is to look at the proposed amendment and if you do not agree with it, simply tell the Assistant Minister what your suggestions are.

Mr. Mbeo: I am still complementing what has been said here. I am saying that we are not getting a proper answer to the question. It does not matter what happens, we need to specify minimum qualifications for what is supposed to happen here. So, if we are going to have somebody appointed, we need to know the minimum qualifications that are required so that we have a framework of operation.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Osogo): Mr. Temporary Deputy Chairman, Sir, I would like to assist the Assistant Minister in answering my friends' question. The amendment reads as follows:

"The Director shall be a person competent to direct the research functions of the Centre..."

The operative word there is "research". The word "research" is defined in the Bill itself on page 176. So, it is the person who is going to be competent in research and the word "research" is defined in the Bill.

Mr. Raila: Mr. Temporary Deputy Chairman, Sir, I quite agree with what the hon. Member is saying, but who determines the competence? We have known incompetent people who have been appointed to direct research. In other words, competence is not an academic qualification. If we are talking about a research institution and we know about that particular profession, we can either talk about academic or professional qualification and we can state that. We can then go ahead and say that the Director must have a degree in BA, criminology or be a member of this and that professional society. If we do that, we do not leave it to the discretion of the Council. They can decide that a person is competent when he is not actually competent.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, I do not find any other amendment that defines competence. This is because I would like to leave this issue to the discretion of the Council, which I think is established competently enough.

Dr. Lwali-Oyondi: I wish to request the Assistant Minister to accept the following compromises: That the director shall be a person competent to direct the research functions of the Centre, and holds such relevant academic qualifications as the Council may determine.

If we can insert the words: "such relevant academic qualifications", between the words "research and qualification", it may direct these people on what to do. There are people who have been appointed to head soil conservation bodies and they have never done any soil conservation. They have even never read the letter "a" in a classroom. We have practically seen such things. I am almost certain that there are going to be such people appointed.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, you realise that Dr. Lwali-Oyondi also leaves that to the discretion of the Council. The Council even determines the question of academic competence, even if we accept that here. It leaves out other things like integrity and calibre. But I think I would not go along with that amendment.

*(Question, that the words to be left out
be let out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 11 as amended agreed to)

*(Clauses 12, 13, 14, 15, 16, 17, 18, 19,
20, 21 and 22 agreed to)*

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The National Crime Research Centre Bill, and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE NATIONAL SOCIAL SECURITY FUND
(AMENDMENT) BILL

Clause 2

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 2 be deleted and the following new clause inserted:-

Amendment of 2. Subsection (1) of section 2 of section 2 of the National Social Security Fund Cap.258

Act (in this Act referred to as "the principal Act") is amended -

(a) in the definition of "financial year", by deleting the expression "31st day of December" and inserting "30th June in every year".

(b) in the definition of "Minister" by inserting the words "matters relating to labour and" immediately before the words "social security".

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

(Clauses 3, 4, 5, 6, 7, 8, 9, 10 and 11 agreed to)

New Clause

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the following new clause be inserted immediately after Clause 3:-

Amendment of 4. Section 3 of the section 3 of the principal Act is amended in Cap.258 subsection (1) by deleting the words "under the control of the Minister".

Amendment of 5. Section 4 of the section 4 of principal Act is Cap.258 amended by inserting the following new subsection -

(4) The Board of Trustees shall report to and consult with the Minister on a regular basis.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a new clause be inserted immediately after Clause 6 as follows:-

Amendment of 7. Section 19 of the principal Act section 19 of is amended-
 Cap.258 (a) in subsection (1), by deleting the words "with the concurrence of the Minister for the time being responsible for finance" appearing in paragraph (f) and inserting the words "on the recommendation of the Board of Trustees";
 (b) by deleting subsection (2) and inserting the following new subsections:-
 (2) Except as otherwise provided, the amount of the several descriptions of benefits shall be the total standard contributions paid in respect of the member together with investment income earned by the member, calculated at the appropriate rate.
 (3) In Subsection (2), the expression "appropriate rate" means the rate of investment income required to be credited to the accounts of individual members of registered defined
 Cap. 470 contribution pension schemes under the Income Tax Act.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

Mr. Otieno: Mr. Temporary Deputy Chairman, Sir, I have a lot of difficulties with this clause, and I thought the Minister would have brought in an appropriate amendment. The truth as of now is that, this is a members' Fund and every penny, every asset in the Fund belongs to the members. But the practice as of now is that, the members who are exiting from the Fund only get what they have contributed together with a share of the investment income calculated at an appropriate rate. Now, if you look at the accounts of the Fund as of now, the last ones I saw were as at June, 1993, the total Fund was worth Kshs35 billion. Out of Kshs35 billion, Kshs25 billion is composed of members contributions and their share of the investment income calculated at this appropriate rate.

Mr. Temporary Deputy Chairman, Sir, there is Kshs10 billion still remaining in the Fund which is not allocated to the members. We presume it will be allocated to the members in future. But what happens to the members who are exiting now and are claiming their retirement benefits? They are leaving a huge chunk, at present one third in actual cash in the Fund.

Mr. Temporary Deputy Speaker, Sir, if you take into account the appreciation in the value of the properties of the Fund and the appreciation in the value of the shares in which the Fund has invested, they are leaving in excess of one third of their money. So, they are paid so little and once they have left, they are gone. So, I had expected that the Minister would come with an appropriate amendment, so that the share is what you have contributed together with the investment income and your share of capital appreciations in the Fund.

Mr. Temporary Deputy Chairman, Sir, this is a rather complicated measure that the Trustees must consider carefully. What we need now is for the Minister to give an undertaking that there will be further appropriate amendments to this particular clause, so that equity is conferred to the members who are exiting the Fund. This is because, if I tried to put in the words here, we may not agree.

Mr. Temporary Deputy Chairman, Sir, under Sub-section 3, I have difficulty with limiting the distribution of the Fund to members to what is under the Income Tax Act. If that is restrictive, it will still leave a lot of members

money in the Fund when those members are retiring and dying. This inequity has to be corrected. At present, there is Kshs10 billion in accumulated surplus which is not being distributed to retiring members. In a way, we are swindling the members of the Fund who are leaving today for the benefit of members of the Fund who will leave in future. I do not know what the Minister can say as regards this terrible inequity in the distribution of the surplus of these funds?

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, I would like to thank the hon. Member for raising this issue. However, as he has mentioned, it is a rather complicated exercise which we cannot enter right now. Because, we have had no assessment on appreciation of the assets like land, buildings and so on for many years. So, it would be inappropriate at this moment to include this before we see how it is going to work. I would, however, like to undertake that when get set, the Trustees will look into the issue carefully and if necessary, we could bring up an amendment under miscellaneous amendments.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Chairman, Sir, could the Minister having grasped that suggestion, to advise suggest to the Fund to take about half of this idle money and give it out as dividends every year to go a long way in trying to appease those contributors?

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, as I have mentioned, after looking at the whole situation and seeing the surplus money which should go to the contributors, I am sure the Trustees will find out on how to give it to the contributors whether in form of dividend or just as terminal withdrawals. But we should bear in mind that we are now thinking of turning this into a pension scheme. So the question of withdrawing and leaving some money behind has also to be looked into. Because, that might not be the exercise in the near future.

*(Question, that the new clause
be read a Second Time,
put and agreed to)*

*(The new clause was read
a Second Time)*

*(Question, that the new clause
be added to the Bill, put
and agreed to)*

New Clause

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the following new clause be inserted immediately after Clause 9:-

Amendment of 10. Section 34 of the principal Act be
section 39 of amended-

Cap.258 (a) by deleting the word "inspector" wherever it occurs and inserting the words "enforcement officer";

(b) in Sub-section (4) by deleting the words "two thousand shillings" and inserting the following -

"fifteen thousand shillings and where the offence is a continuing one, such person shall be liable to a further fine of
one thousand shillings for every day during which the offence continues".

Amendment of 11. Section 39

section 39 of the Principal Act is

Cap.258 amended by deleting the word

"inspector" wherever it occurs and inserting the words "enforcement officer."

Amendment of 2. Section 48 of

section 48 of the principal Act is

Cap.258 amended by deleting words "fifteen thousand" and inserting the words "twenty thousand".

*(Question of the new clause
proposed)*

(New clause read the First Time)

*(Question, that the new clause
be read a Second Time,
proposed)*

Dr. Lwali-Oyondi: Mr. Temporary Deputy Chairman, Sir, the penalty that the Minister has suggested, looks a bit too harsh. Could he consider watering it down a little bit?

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, we have had a lot of problems in securing these finances. It should also be noted that workers are at work and they are entitled to statutory deductions on their behalf. Therefore, any employer sitting on them is probably making a lot of money out of it and should be punished accordingly.

The Temporary Deputy Chairman (Mr. Wetangula): Mr. Minister, have you considered this clause carefully, because if the fine is not paid, it continues attracting Kshs1,000 a day? Supposing the fellow just refuses to pay, what other penalty do you have? It does make much legal sense, but it is entirely up to you.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Chairman, Sir, what we meant here is different. Supposing the man is overseas or somewhere else or he is indisposed and he finishes a year or so, before coming back you might find that the man will never pay the fine. The idea is to give a rectifying punishment not, a debilitating one.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, we are basically dealing with the employer and if he is abroad, surely, there is somebody else running his business. We expect that we are dealing with an employer who is representing a business rather than an individual. As for what happens when the employer refuses to pay, I am sure we have a section in one of the principal Acts on how to handle the offenders.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Chairman, Sir, we are not actually quarrelling with the punishment. We are just wondering whether this is not a typographical error. To be fined Kshs1,000 each day, at times you may not have even received the letter warning you about it. So, could that not be changed to about Kshs1,000 per month? Whereas we might look at employers as culprits, but we need them also because they look after our people and we do not want them to run bankrupt.

The Minister for Labour and Manpower Development (Mr. Masinde): It is not a typographical error at all. What is here is what is meant. However, the court has the discretion to rule, otherwise.

The Temporary Deputy Chairman (Mr. Wetangula): This Section does not give the court any discretion.

*(Question, that new clause be read a
Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added
to the Bill, put and agreed to)*

First Schedule

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, I beg to move that the First Schedule be amended as follows:-

(a) in paragraph 1:

(i) by inserting immediately after the word "Minister" appearing in paragraph (a), the words "from amongst the trustees appointed under subparagraphs (iii), (iv) of (v) paragraph (d)";

(ii) by deleting the word "and" appearing immediately after the word "banking" in subparagraph (d)(iii) and inserting the word "or";

(iii) by renumbering subparagraph (v) as (vi) and inserting new subparagraph (v) as follows:-

"(v) one shall be appointed by virtue of his knowledge and experience in matter relating to accounting and auditing, law, corporate or business management."

(b) in paragraph 3, by deleting the expression "(v)" and inserting "(vi)";

(c) in paragraph 4, by deleting the expression "(v)" and inserting "(vi)";

(d) in paragraph 5, by deleting the word "five" and inserting the word "six" of whom at least one shall be a representative of employees and one a representative of employers".

(e) in paragraph 10, by deleting the words "upon the recommendation of the managing trustee" appearing in subparagraph (1).

The Temporary Deputy Chairman (Mr. Wetangula): Mr. Minister, why are you calling it the First Schedule when it is the only Schedule?

The Minister for Labour and Manpower Development (Mr. Masinde): Actually, we are deleting the previous one.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to inserted in place thereof be inserted, put and agreed to)

(First Schedule as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The National Social Security Fund (Amendment) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

THE NATIONAL CRIME RESEARCH CENTRE BILL

Mr. Wetangula: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered The National Crime Research Centre Bill and approved the same with amendments.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Labour and Manpower Development (Mr. Masinde) seconded.

(Question proposed)

(Question put and agreed to)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I beg to move that The National Crime Research Centre Bill be now read the Third Time.

The Minister for Labour and Manpower Development (Mr. Masinde) seconded.

(Question proposed)

Dr. Lwali-Oyondi: Mr. Speaker, Sir, now that the Bill has been passed, we hope that it is was aimed at

trying to reduce crime in the country. But, just as we said before, personally, I still have doubts because crime is so evident that nobody needs to do research. You can see it without doing research and you can see the cause of it without doing research. For example, in Nakuru the other Monday, people were being canned, not by the police, but the KANU youths who beat up even councillors and broke their hands. It is funny that instead of getting hold of these criminals, who were beating people unlawfully, they were looking for that particular councillor, Cllr. Wachira. They were waiting for him while he was recuperating. The CID officers were waylaying him all the time. Whenever we went there, they were watching to see whether we were going to escape with him or not. Then at last, when he was discharged, they got hold of him with his crutches and took him to a court of law. Those are some of the indications of how law is misused. Instead of getting hold of the KANU youths, who broke this councillor's legs and hand, they grabbed the councillor who was the victim of the action. I do not know what sort of research we would need to do before we see who the criminal is. I hope that in doing all these, we are just not trying to create a good looking picture to the eyes of the world to show that we are civilised, but we must be civilised in our own activities and intentions. In this particular case, we seem to conclude that it is the Government which is carrying out criminal activities instead of preventing them. I hope the Government will do all it can to try to portray a better picture of itself. Already, it is ugly enough. I hope that they will do all they can to make sure that they appear to be just, and that is what the Government should be doing. If it does not do that, it has no reason to be a Government.

(Question put and agreed to)

*(The Bill was accordingly read the
Third Time and passed)*

THE NATIONAL SOCIAL SECURITY FUND
(AMENDMENT) BILL

Mr. Wetangula: Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered The National Social Security Fund (Amendment) Bill and approved the same with amendments.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister, Office of the President (Mr. Sunkuli) seconded.

(Question proposed)

(Question put and agreed to)

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I beg to move that the National Social Security Fund (Amendment) Bill be now read the Third Time.

The Assistant Minister, Office of the President (Mr. Sunkuli) seconded.

(Question proposed)

Dr. Lwali-Oyondi: Mr. Speaker, Sir, I wish just to say a few things about this Bill after it has more or less passed. The National Social Security Fund (NSSF) has been the most misused Fund by those who misappropriate it. The Minister promised that when this Bill passes, there will be no more misappropriation of the NSSF monies. Let us hope that this will be true, and that this Board of Trustees will use the money for the benefit of the workers, and that most of it will be used for putting up cheap houses, particularly when a surplus is realised, so that those who have worked for this country, for various companies, for the Government and so on, can live happily in their houses.

These days, we no longer tell people to go back home because we know that they should be able to reside in these towns, where they have lived all their lives, like Nairobi, Mombasa, Nakuru, Eldoret and Kitale. They should be able to reside where they have been working. Many of them die at 55 years, immediately after they retire because the environment in which they are placed after retirement is usually not conducive to their continued life. They had been used to urban life and certain conditions, and when you send them in a place they have never been resident for a long time, they tend to die quickly. So, we hope the Board of Trustees of the NSSF will, at least, try construct tenant purchase houses, cheap enough for the workers, so that those who decide to stay in town can stay, so that they may live longer and enjoy their retirement lives.

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

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

BILL

Second Reading

THE FINANCE BILL

*(The Assistant Minister for Finance
(Mr. Keah) on 1.7.97)*

(Resumption of Debate interrupted on 10.7.97)

Mr. Speaker: Since Prof. Anyang'-Nyong'o is not present, he is deemed to have concluded his speech. There being no other contributor, I will ask the Minister to reply.

The Assistant Minister for Finance (Mr. Keah): Thank you, Mr. Speaker, Sir, for the opportunity to reply to the Finance Bill and to, particularly, make comments on hon. Members' contributions.

In the outset, I take this opportunity to thank the hon. Members who have had an opportunity and who, indeed caught your eye and made comments to the Bill. I want to assure them that the comments they have made, the criticisms they have contributed and, indeed, their representations, have been well noted by the Treasury. We are grateful for those comments.

Mr. Speaker, Sir, at this juncture, I want to acknowledge the many representations that we have received from the industrial sector. The industrial sector has come up in a strong way to lobby for the reduction of taxes, particularly in the area of raw materials in order to ensure that we have protected our young industries. Hon. Members have made similar comments, and I want to re-affirm and confirm that we have taken note of these comments. Right now, the Treasury team is busy articulating those comments and making sure that they have been incorporated so that at the Committee Stage, appropriate amendments can be made. Those amendments that can be made through the powers vested upon the Minister are also, accordingly, going to be effected without any delay through the Kenya Gazette.

Mr. Speaker, Sir, if I may turn to a few specific comments made by hon. Members, I have the following to say. Hon. Osogo has pointed out typographical errors and errors of construction. These will be rectified at the Committee Stage. Also, hon. Otieno, delved to a very great extent into the issue of interest rates, which are, indeed, very exorbitant. We are in concurrence. The Treasury is concerned about the high interest rates because with such interest rates, no borrowing can effectively be done for investment for productive purposes. For this reason, the Treasury is continuously in consultations with the banking and financial industry.

Indeed, since this Bill was tabled in the House we have had several meetings with members of the banking fraternity in order to look for ways and means of redressing this high interest rates situation. I can confidently say here that the issue of interest rates has arisen due to a multiplicity of factors within the economy. All that I can say now is that the Central Bank of Kenya (CBK) is working very actively to make sure that the interest rates are, indeed, lowered. I also want to take this opportunity to urge the industry as well as investors to ensure that they use the Nairobi Stock Exchange to borrow money instead of borrowing it from the banks.

In so far as the local authorities are concerned, we want to urge them to ensure that they write their books of accounts timely and expeditiously, so that the funds that are going to be made available to them can appropriately be recorded. In an area where we have chief accountants and other accountants of all descriptions, there is absolutely no reason for not having records of accounts being maintained on a timely basis. As I have said, I do not want to over-repeat myself, but suffice it to say that the Petroleum Development Levy Fund will certainly be accounted for to the last cent, particularly when the Ministry concerned presents its accounts.

With these remarks, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed)

to a Committee of the whole House tomorrow)

MOTION

WITHHOLDING OF APPROVAL TO POSTS
AND TELECOMMUNICATIONS CORPORATION
LOAN GUARANTEE

(Mr. Orengo) THAT, pursuant to Section 5(2) of the Guarantee loans Act, Cap 461, this House declines to approve Sessional Paper No. 5 on Government Guarantee of a loan to Kenya Posts and Telecommunications Corporation laid on the Table of the House on 10th June, 1997.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I do not know whether it will be in order for me to request the indulgence of the Chair to defer this Motion by hon. Orengo because he is held up in court.

Mr. Speaker: That is not enough reason; he should be in the House. If an hon. Member has a Motion standing in his name, he must be present at the appointed time to move it.

Mr. Ndicho: Mr. Speaker, Sir, that is why I am seeking your indulgence---

Mr. Falana: On a point of order, Mr. Speaker, Sir. I think it would have been proper for hon. Orengo himself to have notified the Chair that he would be held up in court. It should not be for hon. Ndicho to speak on hon. Orengo's behalf. How does the House even know that Mr. Ndicho has been mandated to represent Mr. Orengo here?

Mr. Speaker: Well, to the best of my knowledge, Mr. Orengo has not got in touch with the Chair about this Motion. Since he is not present here, this Motion is dropped.

(Motion dropped)

BILL

Second Reading

THE KENYA REINSURANCE CORPORATION BILL

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I beg to move that The Kenya Reinsurance Corporation Bill be now read a Second Time.

In moving this Bill I want to acknowledge, as a preamble, that the Kenya Reinsurance Corporation was established for a good purpose: It was established in order to retain and increase the reinsurance capacity in Kenya. Times have changed and now it has become necessary to bring this Bill to the House at this time, in order to take account of the changes within our economy and the reforms that we have been carrying through.

As hon. Members are aware, the Government has adopted a policy to improve the effectiveness of the public sector through privatization in order to increase autonomy, accountability and self-sufficiency and also to ensure that the public sector enjoys the same legal status and requirements as private firms. This entails subjecting the public sector to the same commercial standards, tax legislation, accounting criteria and competition rules. For this purpose, the Government has formulated defined principles, policies and guidelines on parastatal reform, restructuring and privatisation to enhance efficiency, facilitate private sector participation and progressively reduce direct and indirect subsidies by the Treasury to the parastatals.

As hon. Members know, the present Kenya Reinsurance Corporation is, under section 129, Cap. 487, a body corporate, governed by the provisions of that Act and, like any other parastatal, is incapable, by reason of its present legal status, of floating any shares to the public. Further, as the hon. Members know, in order for privatisation of a parastatal to take place, that parastatal must first be reconstituted into a limited liability company with shares.

So, the main objectives of this Bill are: To provide a statutory basis for the reconstitution of the present Kenya Reinsurance Corporation into a public limited liability company---

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Are you not satisfied that the Assistant Minister is reading a statement instead of engaging in a debate? Is that in order? He should be debating this Bill instead of reading from a prepared paper!

Mr. Speaker: I think he is dealing with a policy issue. But, Mr. Keah, try to avoid that.

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I have specific points to make in moving this Bill. However, I have taken note of hon. Ndicho's concern.

QUORUM

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. There is no quorum in the House.

Mr. Speaker: Well, Mr. Munyasia, I think you are absolutely right: We have no quorum in the House. Can you ring the Division Bell?

(The Division Bell was rung)

Mr. Speaker: Order! We now have a quorum.

Proceed, Mr. Assistant Minister.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Sometime ago you ruled that even if the Division Bell is ringing, as far as you are in the Chair, the rules of the House should not be flouted. When you were in the Chair, hon. Dr. Kituyi entered the House without bowing to the Chair. Also, hon. Falana crossed the Floor of the House. Have you rescinded your earlier ruling on that one?

Mr. Speaker: Order! The House was correctly constituted. The Mace is in place; the Speaker is in place. The only thing that we could not do was to transact business, but the House was there. So, Members must behave themselves accordingly. Proceed!

The Assistant Minister for Finance (Mr. Keah): Thank you, Mr. Speaker, Sir.

As I was saying, the main objectives of the Kenya Reinsurance Corporation Bill is to provide a statutory basis for the reconstitution of the present Kenya Reinsurance Corporation into a public limited company and to provide for the transfer of assets and liabilities to the new public limited liability company. The Bill, therefore, seeks among other things to amend the Insurance Act in order to achieve these objectives. The Government deems it expedient that the intended transfers should be effected economically and without any interference. To this end, it is our intention to invoke Section 30 of the Interpretation and General Provisions Act, Chapter 2 of the Laws of Kenya so that Kenya Reinsurance Company may be incorporated in the name of a public limited liability company under the provisions of the Company's Act, Chapter 486 rather than in its present form as a parastatal. So, with this intended move, the assets and the liabilities of the present Kenya Reinsurance Company will, indeed, be transferred to the new company.

Mr. Speaker, Sir, also when this Bill is passed, the transfers will be made economically. That is at a proper valuation and, indeed, professional valuers will be appointed in order to undertake the valuation exercise. It is intended that there will be no interference whatsoever in this exercise in so far as the transfer of assets and liabilities are concerned.

Mr. Speaker, Sir, I would also add here in order to allay the fears of any creditors or any debtors or whoever they may be, that their interests will be taken care of to the fullest extent in this exercise. There should, therefore, be no fears whatsoever in any quarter or within any third parties that are dealing with the Kenya Reinsurance Company as to whether their assets, or the value of the business will be interfered with. Existing contracts will be honoured. I will also want to say that employees interests as well as their pensions will be taken care of with the passing of the Kenya Reinsurance Bill 1997.

Mr. Speaker, Sir, once this has been done, an offer will be made for a public issue of shares of the new company. This is the reason why we have brought this Bill because under the present circumstances the Kenya Reinsurance Corporation, as a parastatal, cannot do all these things that ought to be done or should be done under chapter 486 of the Company's Act of the Laws of Kenya. It is, therefore, proper that this parastatal is first converted into a public liability company in order to effect the changes that we want in the recognisance with the reforms that we are undertaking. Indeed, the Kenya Reinsurance Corporation is one of those parastatals that have been listed for privatisation. This is the first step towards that privatisation exercise.

Mr. Speaker, Sir, I want to urge the hon. Members of this House to, indeed, pass this Bill. The Bill itself is not that gigantic and I trust that the hon. Members have already read it. As I said, the Object and Memorandum of the Bill is reconstruction of the Corporation; Clauses 4 to 8 contain the provisions of the transfers of the rights, duties and obligations, assets and liabilities of the Kenya Reinsurance Corporation to the proposed new company. The Bill also provides for the transfer of the employees themselves from the Kenya Reinsurance Corporation to the new company. Clause 10 provides exemption from any taxes, duties or fees incidental to the transfer of the property to the proposed new company. Finally, the Bill also contains consequential amendments to the Insurance Act, chapter 487 of the Laws of Kenya, under which the Kenya Reinsurance Corporation is currently established.

Mr. Speaker, Sir, I would like to add here that no addition expenditure of public funds is envisaged by way of passing or reason of the enactment of this Bill.

Mr. Speaker, Sir, with those remarks, I beg to move.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I stand to second this Bill.

It is important that the House considers seriously, the changing of Kenya Reinsurance Corporation to a public liability company.

Mr. Speaker, Sir, while on this, those concerned with the changing of this into a public company should consider that the workers who are there have managed to bring the Corporation to where it is. It is important that the workers' case should be looked into seriously to make sure that when the transfer is formerly made from the parastatal to a public company, their terms and conditions of service must be fully and clearly spelt out so that they know what they are going into. If they do not want to accept the new terms, they can be provided with proper and attractive terms by which they can retire pre-maturely or if they are transferring, they should transfer knowing exactly what they expect to get. More than often, we have heard generalisation where workers are merely told that it is a transfer from a parastatal to a company. After they are transferred, their terms and conditions are revised without their knowledge. When they ask for the privileges that they may be enjoying now, they might be told that those privileges ended with the previous corporation when in reality the Bill is saying that the workers, assets and so on will merely change into the new name, but everything else remain the same. I would like to ask the Minister to make it very clear that the workers' interests are spelt out very clearly before the conclusion of the transfer. When transferring to the new company, liabilities and assets will also go to the new company.

Mr. Speaker, Sir, there is also an occasion where some of those who are taking up shares tend to undervalue properties and assets of the company. Although the Mover has said that there will be proper valuation, I think probably, more than one company of the valuers should do it, so that the valuation is compared to make sure that whatever has been owned by the corporation is worth what the new company is taking over.

Mr. Speaker, Sir, when the valuation has been done, we find that even sometimes when wananchi are supposed to buy shares, they cannot afford. More than often, we find that it is outsiders, non-Kenyans, who buy major shares in these companies. I think there should be a way where wananchi should be lent money to buy shares in this sort of undertaking, so that majority of the shares will be owed by wananchi. It is no use for us to say that it is being moved from Government's hands to private hands, when in reality, it is being moved from the Kenya Government to some foreigners who have no interest in the country apart from siphoning whatever profits they make outside the country.

Mr. Speaker, Sir, if the new company is going to continue with the activities that the Kenya Reinsurance Corporation is handling at the moment, some of these activities are provision of accommodation houses, some are claiming these houses are of low-cost in some towns. This has been done very selectively where we find that if anything, very few towns have been provided with funds to put up rental or tenant purchase houses. I feel that when the new company is formed, they should be quite liberal to make sure that they assist, probably in all districts, to be able to put up low-cost houses so that they relieve the workers of housing problems and so on. They should also make terms fairly attractive, especially for those who will be getting tenant purchase houses, to make it comfortable enough for whoever is entering into that sort of contract to be able to pay in instalments and remain with some money to keep his family and himself comfortably enough as far as their livelihood is concerned.

Mr. Speaker, Sir, there may be some people who have already entered into a contract with the present Kenya Reinsurance Corporation as far as tenant purchase is concerned. These people may wish, at this juncture, to buy the property so that they do not have their transactions transferred into the new company. I think these people should be allowed to pay off for the houses they occupy and the title deeds availed to them. We have the example of the National Housing Corporation where those who entered into tenant purchase terms and have been able to pay off for the houses have not been issued with title deeds. They have to wait until a certain period is covered. I think it is unnecessary that this should happen. If an individual has bought a house through tenant purchase and he has cleared the loans, he should be given his house immediately and the title deed issued, so that he can make use of that title deed for other investments or for taking loans to help to carry out other activities.

With those few remarks, I beg to second.

(Question proposed)

Mr. Nthenge: Mr. Speaker, Sir, it is very important for this nation and more particularly, the rank and file to understand what insurance is all about. It is something that visualises situations that are unfortunate. It is something that can help more than an harambee. For instance, when one is driving, he has to carry a spare wheel so that when one gets a puncture, one changes the wheel and proceeds with his journey. Insurance is just like a spare wheel. If you do not get a puncture, you will still have your spare wheel. It is high time that the Ministry concerned tries to help the people to understand the importance of insurance. When one is unable to take an insurance cover

alone because of one reason or the other, groups can take an insurance cover. For instance, the workers of Mr. Nthenge and those of other people can form a group and take an insurance cover and agree that when one of them gets a problem, the insurance policy will take care of that problem. They can collect money to pay the insurance company. So, I feel that there is little education on the issue and I would rather that we now educate Kenyans to understand and evaluate the values of insurance covers.

I started owning a car in 1955 and I was forced to take an insurance cover for my vehicle because it was a requirement of the law. I came to find it to be a very good thing. I have been paid a number of times whenever I was involved in an accident. If I had not taken an insurance cover, I would have been in a very awkward position. Similarly, once those who have taken these insurance covers get bad luck, they will be helped by the insurance covers they have taken. So, I am calling on the Ministry concerned to try, if necessary to have a lecture on this issue. You do not have to bother on who will deliver the lecture. You can request the assistance of those people in the insurance industry and they will be more than willing to deliver such a lecture in order to explain the value of insurance. There are so many insurance covers and there are experts in those areas. So, we should have seminars--- When I say seminars, I do not mean those which can be attended by intellectuals alone. I would like it to be taken a step further to include even the tea picker, the ordinary driver and the messenger so that these people can get the advantage. For instance, when NSSF was being started, I was an MP and some people thought it was a silly idea for the Minister for Labour to have started the NSSF. But later on, the staff started realising its importance. If it was not mismanaged, the workers would be gaining a lot. Even though it has been interfered with, they are still gaining and insurance policies are similar to such a Fund. If it is something for the rainy day. The rainy day must once come. It does not come to me, it will come to you or the other person. So, I would like the rural people to be reached and be told what insurance is all about.

Mr. Speaker, Sir, the poor food sellers at Gikomba and the other markets should also be made to understand the importance of insurance. If they cannot afford individually, it can be done by a group. Members of particular stalls in a market, for instance, stall one to ten can have one cover and so on. When catastrophes befall such persons, the insurance cover takes care of that rather than calling for an harambee where each of us will be expected to produce thousands of money which we do not have. So, I would like it to be approached as a very, very important institution for a civilised and developing country like ours. We have reached a stage where we no longer go for witchcraft or herbalists. Before I go to a herbalist, I would start with the doctor and you now find that even those herbalists have known that the doctor is more advanced than them and they even go there for treatment. For example, you can be operated on by an ordinary doctor but there is no single herbalist who can operate on anybody. If you cannot feed yourself, the doctor can feed you by scientific methods. The ordinary people cannot do that. They have started accepting. Sometimes we are slow in acting and I am calling upon the Ministry to consider spending a little money to educate people of all classes in this country.

I have had a number of life insurance covers and they have all matured because I am too old. Once you are over 65 years, the game is shot as far as insurance is concerned. I have not died but I have already got my money with the profit that accrued on it. I once had an accident and they paid my hospital bills. I do not want to take the position of a teacher but this should be taught to the ordinary people whom we have the honour to represent. About 90 per cent of those we represent here do not understand these things. They are not as educated as the Minister and other hon. Members in this House. But it is our responsibility to have them at the back of our minds. What can we do for these ordinary people. Therefore, the value of insurance must be taken to the lowest paid people in this country. If there are 10 messengers in a company, they can take one life policy cover. If one of them gets hurt, the insurance will assist him. Insurance does provide such covers.

You can also take insurance for school children. You can take insurance for a one year child for purposes of education. There is so much about insurance which is unknown to most people and particularly the people whom we have the honour to represent. They vote for us because they know that we know better than they do. They know that we have their interests at heart. So, when hon. Osogo gets 100 votes, 90 per cent of those voters look at him as their saviour. Let us now save them because they have given us that honour. When I get 100 votes, 90 per cent of them know that Nthenge knows everything and he can show them the way out. Similarly, if hon. Keah got 100 votes, he will find that 90 per cent of those people are those who say: Nionyeshe tu - just show me the way.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, if we do not show them the way, we are not going to be accepted by

God in heaven because God would say we did not help them. God knows that He created them weak so that they would be helped by their brilliant brothers. If hon. Keah can do things that other people cannot do, God knows. God gave him that brain so that he could help his people because we all belong to God despite the fact that God gave them less privileges. So, let us use these privileges which were given freely. We should also give them out freely to those who lack them because we never paid for the intelligence we have. A brilliant man, like the Assistant Minister, went to school with very many other people who failed their examinations not because they did not want to proceed with their studies; but because they did not have that ability. They look at you and say, if I vote for hon. Keah, he would lead us into prosperity. We want our leadership to take insurance very seriously.

Mr. Temporary Deputy Speaker, Sir, I would like to warn insurance companies to be on the alert of people who present false claims to them. Several claimants go to the insurance companies and claim that their houses and other properties worth several millions was burned and yet it was worth only Kshs100,000. He now wants to be paid 90 per cent compensation by the insurance companies. They have now made insurance companies to be afraid thereby making it very difficult to compensate genuine claimants. I am talking from experience.

Mr. Temporary Deputy Speaker, Sir, in advanced countries, when one takes a comprehensive insurance policy cover, it covers everything; but in Kenya, things are different. Although, I was a legislator, I did not know that insurance companies can put certain technicalities which would deny you compensation in case of an accident. For example, when I had an accident and I lost most of my family, I was told that the car was not insured and yet, the car was comprehensively insured. Why? They wrote that any passengers in the car are not insured if they belonged to me. Who do you carry in a saloon car? In most cases, you carry your family members only. How do you tell hon. Keah that the car he is driving is insured, but his family is not insured? But if you carry a foreigner, yes, the car is insured. They told me: "hon. George Nthenge, we cannot pay you".

I visited the best lawyers in the city and they told me, "yes, it is unfortunate that this is applicable in your own country, but in other developed countries that is not allowed". If insurance companies put such conditions to suit themselves to steal clients money, in other countries they are discouraged by law; but here in Kenya, they told me: "We can go to court and we can lose". I had to give up. I lost eight people in that car and later, another two, all 10; but I did not receive any compensation. Why? They were not insured and yet I had taken a fully comprehensive policy cover for my car, but later I was told, it is fully comprehensive, "but..." So, I would like this "but" to be removed because we are all not learned. When you get into a bus which is insured and if it has an accident, you should be compensated instead of being denied your money because of certain technicalities. Let the insurance companies stop these tricks and emulate other insurance companies in Britain, Canada, and other developed countries where insurance companies are performing well.

I will give you one practical example. According to the medical ethics, doctors are not supposed to tell their patients that they are going to die, but they are supposed to give them hope of recovering by encouraging them to continue with their medication. Similarly, insurance companies should never try to escape liability once the misfortune has come because nobody courted it. But in Kenya, insurance companies can refuse to compensate their clients citing certain technicalities. I understand that somebody once in an influential position allowed these anomalies to go on. Although, I was a legislator, I did not understand these technicalities. I thought once you have a fully comprehensive cover and you are carrying your family, they are all insured, only to be told they are not covering members of your family. Who do you carry in a saloon? It is yourself and your family which is not covered. It is wrong.

I would like to appeal to the Minister and the Attorney-General's Chambers to look into anomalies because they understand these legal jargons, so that the problem is sorted out. If there is a problem, we have experts here in law, like the hon. Wetangula and others who have lectured law, like the Official Leader of the Opposition. We have two lawyers here with doctorate in law in this House. Let us get this problem sorted out for the benefit of our people. It is a big honour to be given several votes by your constituents to represent them in this House. I have people of my age who have tried to become Members of this House, but they have failed. So, that honour is great.

QUORUM

Mr. Ogeka: On a point of order, Mr. Temporary Deputy Speaker, Sir. Whereas hon. Nthenge is contributing, I regret to announce that there is no quorum.

The Temporary Deputy Speaker (Mr. Wetangula): Yes, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Wetangula): Order! There is quorum now. Proceed, hon. Nthenge.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, I was saying that when I first became a legislator, Africans did not have any education. Now, our Africans are highly educated. We even have two Members who are highly qualified in law. We have Dr. Ombaka and Dr. Godana. If the Ministry has a problem in law, the hon. Members can be invited to share their knowledge. I do not want us to behave as if we do not have personnel. It does not mean that people who are working in the Attorney-General Chambers are the only competent people in law. Some of the hon. Members here understand law better than those people. I am begging that we make use of everybody including the learned Members of this House.

(Mr. Nthenge put something into his mouth)

It is natural to do better when people appreciate the talent you have. I am saying that the insurance issue should be handled properly---

The Assistant Minister for Local Government (Mr. Kamuren): On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not wish to interrupt the contribution of my friend on the Floor, but I saw him swallowing something. He did not even bother to take a sip of water. I do not know what it is.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Kamuren, you are being very rude to your colleague and extremely frivolous and discourteous to the House.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, I know the hon. Member is my friend and he will never wish me bad.

We in Kenya have to take an extra step and do better than we are doing. When hon. Keah comes here, he does so, so as to care for the whole country. It is a big honour for him to be able to do that. There are people older than him who have been wishing to become councillors and have been unable to do that. Many people vote for him because they have trust in him. When they vote for him, that is a big honour. To reciprocate that gesture, is to serve those people well. I want us to look at issues with that in mind. We are honourable members because we have been given that honour by our people. Once we serve them well, they vote us back to Parliament. Hon. Moi has been voted back into this Parliament eight times now. Why has this happened? It is because they see that he is good. There are some people who come here and think that they are great. They think that because they can appear in the Press, they are very important. Such people never find their way back into Parliament. If you count how many hon. Members have been voted back to this Parliament since 1957, you will find that they are very few of them. The only hon. Member remaining in Parliament since 1957 is President Moi.

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

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

I would like this House to realise that if you serve people well, even if they do not vote you back, they will always remember you. Many times you find that good hon. Members come back to Parliament despite the propaganda mounted against them. So, serving those people who elect us to this Parliament is very important. I would like every hon. Member to remember that, to win an election does not depend on how much money he has given the voters. You can give them a lot of money but fail to be elected because they know you are not worth representing them in Parliament.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Looking at the Memorandum of Objects and Reasons of the Bill - and, I respect hon. Nthenge's contribution - I do not see the relevance of what he is saying to the Bill.

Mr. Nthenge: I am trying to explain why a Member should be concerned with insurance matters because they touch on his constituents. For example, in Kasipul-Kabondo we have women and men who voted for you and they know nothing about insurance. When Dr. Otieno-Kopiyo fails to care for these people---

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Nthenge is still diverting from the subject. This is a Bill to facilitate the transformation of Kenya Re-insurance [Dr. Otieno-Kopiyo] Corporation into a limited liability company and to privatize it. I think he should stick to that.

The Temporary Deputy Speaker (Mr. Kariuki): Order! I think hon. Nthenge has a right to say what he wants to say.

Proceed.

Mr. Nthenge: Mr. Temporary Deputy Speaker, Sir, a leader is slightly different from an ordinary person. I am trying to say why we are here and why we should support this Bill. The Bill is very good, but it involves something which is wider than we are seeing. Finally, leadership can be compared to a match stick which when struck on dry grass, can produce a fire that can burn one's granary. I am sure other hon. Members would like to contribute, but I strongly advocate for education and care of the ordinary people.

With those few remarks, I beg to support.

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika wa Muda. Nia ya Mswaada huu ni kufanya hili shirika la bima liwe kampuni ili liweze kuuzwa. Kwa hivi sasa, haliwezi kuuzwa. Pia, litaweza kuuza hisa kwa wananchi. Kabla sijafuata Mswaada huu kifungu kwa kifungu kama kawaida yangu, ningependa kusema mambo mawili. Kuna makampuni ya bima ambayo yana ujanja sana. Wanamwambia mtu akate bima dhidi ya jambo fulani, na likitokea, atafanyiwa kitu fulani. Mambo haya huandikwa kwa maandishi madogo, tena mengi sana. Basi, kwa vile wewe unataka kupata bima, unaambiwa utie sahihi au kidole mahali fulani. Ukishatia, unaambiwa mambo yako yamekwisha na sasa uko salama salamini. Kumbe, unapoweka sahihi au kidole chako, unajiuwa wewe mwenyewe! They ensure to ensure they do not pay you! Wanakufanya upate bima lakini ukisoma sawa sawa yale maandishi madogo tena mengi, utapata huna lolote! Pesa zimekwenda na hutapata chochote! Nataka Waziri atueleze atafanya nini kumaliza ujanja huu.

Jambo la pili ni kwamba, makampuni ya bima yanalipisha pesa nyingi sana, hasa kwa premium. Hii inaleta shida kwa mtu mdogo ambaye anajaribu kufanya biashara ya magari. Ijapokuwa tunasema tuweke bima ya magari na maisha ya watu, ukweli ni kwamba, ajali nyingi hupatikana kwa sababu ya ufisadi. Watu wengi hawapiti mtihani wa kuendesha magari. Wanajuana na watu fulani na wakitoa kitu kidogo, wanapata leseni. Ajabu ni kwamba, wanaokufa hawajui ikiwa dereva wa matatu au basi lililowaua, hakuitimu mafunzo yake ya kuendesha gari. Tumepoteza watu wengi.

Pia, kuna utamaduni wa ukorofi hapa nchini sasa. Hakuna nidhamu katika barabara. Mtu anaendesha gari na kuliweka katikati ya barabara, na mwenzake anayetoka upande wa pili, pia anasimamisha lake, na wanaendelea na mazungumzo! Hawamjali aliye nyuma ya magari haya mawili, na hali zote tunatoa kodi ya barabarani. Huu utamaduni wa kutokuwa na heshima na kuwa wakorofi, hasa kwa watu wa matatu, lazima ukome. Wanaona ni raha kukimbia na kupita magari mengine. Hata wanakata vibaya na kusimama mbele yako, na abiria anaondoka au mwingine anaingia. Mengi ya magari haya hayana mataa ya kuonyesha breki. Hujui ikiwa yuaenda au yuasimama. Utashukia tu uko ndani yake, na polisi wa barabarani wako wengi sana! Ukitoka hapa kwenda kilomita tano, utapata polisi! Lakini ajabu ni kwamba, hawashiki hawa watu ambao magari yao hayana mataa ya breki! Hawashiki watu ambao magari yao yana taa moja tu usiku. Utafikiri unakutana na pikipiki yenye jicho moja tu, na unachukua upana wa pikipiki, kumbe waenda kukutana na lori. Na hapo, ndipo ajali hutokea. Polisi wa barabarani wanafanya kazi gani? Haya yote ni shauri ya ufisadi!

Utaona matatu imejaa na watu wameshika huku nyuma, huku mafua yake yakiwa chini kabisa, na wamepita kizuizi cha polisi! Polisi anapewa kitu kidogo na jamaa wanaendelea huku wameshika gari lililojaa kabisa. Kuwabeba watu wengi huleta ajali, na watu wetu wanakufa. Kwa hivyo, ufisadi ni kitu hatari sana.

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

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

Wazee wanakumbuka kwamba, kupata leseni zamani, hasa wakati wa ubeberu, ilimlazimu mtu awe dereva kweli. Mimi nilipata leseni yangu mwaka wa 1959. Wakati huo, wabeberu walikuwa wanatoa mtihani wa kuendesha magari. Ukipita mtihani huo, ulikuwa umepita kweli. Lakini siku hizi, hakuna mtihani wa maana. Siku hizi kuna ufisadi na watu wananunua leseni. Hawa ndio wanaowaua watu wetu barabarani, kwa sababu ya ufisadi. Ufisadi unawaua watu wengi katika barabara zetu. Na wanapozidi kufa na ajali kuwa nyingi, watu wa bima wanaongeza bei.

Bw. Naibu Spika wa Muda, Waluhya husema sana juu wa mnyama anayekula kuku, na ambaye huitwa kanu.

(Loud consultations)

Kanu kwa Kiswahili ni yule mnyama, aina ya paka lakini ni mkubwa kushinda paka, ambaye hula kuku. Kwa Kiluhya, huitwa Lisimba. Huyu kanu ni mbaya sana. Lakini wewe kama mwenye boma, uliamka asubuhi, ukafagia ua lako vizuri, huku ukifikiria kuku wako watakula chakula chao katika mahali pasafi.

Prof. Mzee: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mimi nijuavyo, yule mnyama alaye kuku, haswa jogoo, huitwa kitepe, na hakuna jina lingine. Lakini sasa naambiwa huitwa kanu, na kanu ndio kuku! Sasa, kuku atamla kuku? Mwache kitepe amle kuku!

Mr. Nthenge: Kuna mnyama mwingine ambaye huitwa kanu!

Mr. Shikuku: Bw. Naibu Spika wa Muda, huyu ana agenda yake! Huyu kanu siye yule jogoo. Ni mnyama ambaye hula kuku. Hata akipata jogoo, yeye humla.

Mtu haoni raha wakati kuku wake wanaliwa na kanu. Kama wewe ni mzee ambaye anajua kulinda boma na kuku wake vizuri, unafagia ua lako asubuhi na kuwa safi, unaleta mahindi, maweke na mtama na kutupa pale, ili ukiwafungulia kuku watoke, watapata chakula tayari. Akitaka mahindi, mtama au maweke, atakula. Lakini utapata wanaacha hivi vitu vyote ambavyo umeviweka mahali safi na kwenda huko migombani. Saa kidogo, unasikia: "Kwa kwa kwa kwa kwa"! Na wewe unapiga: "Saaa saaaa saaaa"! Unapiga kelele kusema kwamba huyu kanu atakumaliza kuku! Lakini mwisho wake, unakaa chini na kuanza kufikiria: "Ndio kanu ni mbaya na anakula kuku wangu, lakini, mbona kuku wenyewe waliacha chakula hapa? Walienda kutafuta nini huko migombani?"

An hon. Member: Walienda kutafuta kanu!

Mr. Shikuku: Bw. Naibu Spika wa Muda, tuseme maneno ya bima! Na pia--

The Assistant Minister for Transport and Communications (Mr. Saina): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ningependa mheshimiwa ambaye anaongea atueleze kama anamaanisha "khanu" au "kanu"?

The Temporary Deputy Speaker (Mr. Wetangula): Bw. Shikuku, unazungumza kwa Kiswahili au Kiluyia?

Mr. Shikuku: Bw. Naibu Spika wa Muda, kwanza, ni kinyume cha kanuni ya Bunge hili nambari 62 kuzungumza kwa lugha ambayo haitakiwi katika Bunge hili.

The Temporary Deputy Speaker (Mr. Wetangula): Ndio, ningekukatiza!

Mr. Shikuku: Bw. Naibu Spika wa Muda, ungenikatiza. Mimi nilisema kwamba yule mnyama anayekula kuku hata jogoo, anaitwa kanu.

The Assistant Minister for Transport and Communications (Mr. Saina): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nafikiri alisema, na nilimsikia kwa makini sana, kwamba, huyu mnyama anaitwa "kanu" kwa Kiluyia.

Bw. Naibu Spika wa Muda, Kiswahili na Kiluyia ni lugha za Kibantu. Kwa hivyo, ningependa mheshimiwa atueleze kama ni "khanu" au "kanu"?

Mr. Shikuku: Bw. Naibu Spika wa Muda, hiyo ni shida ya huyo mheshimiwa. Ukweli ni kwamba, huyu mnyama kwa Kiswahili anaitwa "kanu", lakini kwa Kiluyia anaitwa "*lisimba*". Hakuna matamshi kama "khh---".

The Assistant Minister for Transport and Communications (Mr. Saina): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mimi ninaelewa lugha ya Kiluyia kidogo na maana ya *lisimba* ni simba (lion). Lakini yeye alikuwa anazungumzia juu ya mnyama kama paka, na vile ninavyojua, simba hula mnyama mkubwa na sio kuku.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi siko hapa kuzungumza Kiluyia. Niache niendelee--

Mr. Badawy: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni haki hawa watu wawili wa bara kuingilia lugha ambayo hawaielewi vizuri kimatamshi? Maneno hayo mawili yanaandikwa sawa, lakini kimatamshi yanatofautiana. Kuna tofauti baina ya KANU chama chetu, na yule mnyama anayesema Bw. Shikuku hutamkwa "kanu". Matamshi ni tofauti kama vile "mto" na "muto". Kwa hivyo watuachie Kiswahili, wasipotee.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi siyajui matamshi hayo na kwanza mimi si mtu wa Pwani. Isitoshe, sina meno sita, lakini ninajua ninachosema. Huyu mnyama, ambaye ni chama hiki kinachokula wananchi, ni hatari sana.

Bw. Naibu Spika wa Muda, bima huongezwa na kufanywa ghali sana wakati ambapo ajali zinazidi kutokea katika barabara zetu, ambazo pia hupoteza maisha ya wananchi. Kwa hivyo, inafaa tuangalie mambo yote mawili; ajali na bima. Inafaa tuangalie chanzo cha kufanya bima kuwa ghali kwa kupunguza ajali za barabarani. Na haziwezi kupunguzwa hadi tuache hali ya kuwa na vichwa vigumu; hali ambayo imeletwa na madereva wa matatu. Kwamba, ikiwa wewe utaendesha matatu yako vizuri na uegeshe vizuri, hufai kuwa dereva wa matatu, eti, ni lazima uegeshe gari barabarani na ukatae kuondoka. Hata wengine wakipiga honi unabakia pale pale, ukiwaita abiria. Wengine ni kama hawasikii hiyo honi, wanazidi kuwaita abiria waje kupanda matatu zao. Inafaa Serikali iondoe tabia hiyo. Hata hawezi kumpisha yule anayetaka kumpita hata kwa sekunde moja au mbili tu. Yule mtu hukatalia pale pale, na hawezi kumpa mtu mwingine nafasi. Nidhamu barabarani ni lazima itiliwe mkazo. Hakuna nchi ambayo haina mwongozo wa kibinadamu. Lakini katika nchi ya Kenya, mtu hufanya vile anavyotaka bila kujali wengine. Hiyo tabia ni lazima imalizwe. Na haiwezi kumalizwa ikiwa polisi wetu wataendelea kuchukua rushwa kutoka kwa hawa madereva. Ni wafisadi na wanahongwa. Nimeambiwa kwamba, wakati hawa askari wa traffic wanachoka kula sukuma wiki

nyumbani kwao, huwaambia mabibi zao wanunue sukuma wiki nyingi zaidi, kwani, siku hiyo ni lazima watapata nyama. Halafu kwa jambo lolote utasimamishwa barabarani ili utoe "kitu". Ni lazima utoe "kitu" cha kununua nyama ya kwenda kuchanganya na ile sukuma wiki.

An hon. Member: Na kanu!

Mr. Shikuku: Si ya kuchanganya na kanu; kanu ni mnyama. Mbona hawa Waheshimiwa hawafahamu Kiswahili?

The Temporary Deputy Speaker (Mr. Wetangula): Hawakijui!

Mr. Shikuku: Bw. Naibu Spika wa Muda, kanu haliwi hata akifa. Ni mnyama ambaye haliki. Kwa hivyo, askari anakwenda kununua ile nyama ili ichanganywe na sukuma wiki ya mke wake. Na hiyo nyama ndiyo chanzo cha kifo kwa watu wengine. Kwa hivyo, hao wanakula damu ya binadamu na wanaleta bahati mbaya katika familia zao.

Bw. Naibu Spika wa Muda, inafaa askari polisi afanye kazi yake na apewe mshahara wa kutosha ili awache kuwaua watu barabarani. Kama wangukuwa wanafanya kazi yao vizuri, hizi ajali za barabarani hazingetokea. Lakini wao pia wanaendeleza vifo hivi kwa sababu wanataka "kitu kidogo" kutoka kwa madereva ambao wana magari mabovu na hii ni hatari. Askari polisi ni Mkenya, na ikiwa mmjoto wetu atakuwa Rais wa nchi hii, ataangaliwa sana wakati wetu. Lakini atapewa training kali sana. Kwa sababu, yeye anafanya kazi masaa 24 lakini ukilinganisha mshahara wake na ule wa askari wa Jeshi la Kenya, ni tofauti. Nimeambiwa kwamba, mtu wa kiwango cha private katika jeshi anapata Kshs10,000 ilhali askari polisi anapata karibu Kshs3,000 au Kshs3,500. Lakini yule askari wa jeshi kazi yake ni kupangusa bunduki kila siku, kukimbia asubuhi kidogo, kisha anakaa. Hana kazi yoyote. Lakini askari polisi ambaye anafanya kazi usiku na mchana anapata mshahara mdogo sana. Sasa, ili kutoa hasira yake, akipata waheshimiwa, anawavunja mikono. Hapa tuna waheshimiwa wawili ambao wamevunjwa mikono. Na wakiwapata wananchi, wanawapiga na kuwaua. Hii ni kwa sababu hawana motisha. Wangali wanaishi katika zile nyumba za zamani za mabati. Unapata mtu ana bibi na mwingine hana bibi na eti, pazia ndiyo inayowagawanya. Na wengine wamekaa pamoja, na bibi ya mmoja akija, ni lazima watoke kwenda kuvuta sigara ili yule mwingine apate nafasi ya kusema na mama.

The Temporary Deputy Speaker (Mr. Wetangula): That is very fine, but what has it to do with insurance?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ni kwa sababu huyu mtu ambaye hana raha, kwa sababu lazima mtu mwingine aende kuvuta sigara ndipo apate nafasi, akiamka na hasira mbaya na huku hafanyi kazi, ila tu kungojea kupata "kitu" kutoka kwa madereva ambao wana magari mabovu ambayo yanaua watu. Kwa hivyo, mambo yanatoka nyumbani. Maanake hakulala vizuri wala kutosheka. Wale jamaa wanavuta sigara haraka na kurudi, sasa atapata raha namna gani?

Bw. Naibu Spika wa Muda, ningependa ajali za barabarani zipunguzwe, na zinaweza kupunguzwa na askari polisi. Lakini kama huyu askari halishwi vizuri, hana nyumba nzuri na hapati mshahara wa kutosha, hawezi kufanya kazi yake. Na asipofanya kazi yake, ajali zinatokea. Na ajali zikizidi, insurance inaongezwa. Kwa hivyo, wakati tutakaposhikilia hatamu za uongozi, jambo la kwanza litakuwa ni kuwarudisha Kiganjo na kuwafanya wajue kuwa wao ni watumishi wa wananchi, na kwamba kazi yao si kuwaua wananchi. Hii ni kwa sababu wananchi ndio wanaolipa kodi inayotumiwa kuwalipa mishahara maofisa hao.

Pili, yafaa waambiwe kwamba wao watalipwa mshahara wa kutosha kwa sababu wao ni wa pili baada ya madaktari. Mtu ambaye halipwi mshahara wa kutosha ni daktari na anafanya kazi kwa masaa 24, kuwawezesha waheshimiwa kuishi katika dunia hii. Yafaa wapewe mshahara wa juu wakifuatwa na mwalimu. Hii ni kwa sababu bila mwalimu mtu hawezi kuwa Mbunge wala daktari. Mwalimu ni wa kwanza, daktari wa pili na polisi wa tatu katika utaratibu huo. Hivyo ni kulingana na vile "Rais Shikuku" anavyoonelea.

Bw. Naibu Spika wa Muda, wataambiwa ya kwamba---

The Assistant Minister for Transport and Communications (Mr. Saina): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nilimsikia mhe. Shikuku akijiita Rais. Amekuwa Rais? Aliapishwa lini?

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Saina, Mr. Shikuku, has the right to think even that he is what he is not.

Mr. Shikuku: Asante, Bw. Naibu Spika wa Muda. Kwani wale wanaochaguliwa kuwa marais huwa na miguu mingapi? Huyu mheshimiwa anafikiri kuwa mimi siwezi kuwa rais; mtu aliyemletea Uhuru mpaka sasa anakaa hapa katika Bunge hili? Nani angemwona hapa wakati wa Mbeberu? Sijui alikuwa wapi!

Prof. Mzee: Jambo la ufahamisho, Bw. Naibu Spika wa Muda. Ningependa kuliarifu Bunge hili kwamba mtu wa pekee ambaye amekuwa Mbunge tangu wakati wa mkoloni, 1952, ni Martin Shikuku pekee. Kwa hivyo, anapozungumza, yafaa nyinyi mkae na kuisikiliza busara yake kwa sababu mtapata faida. Kisha, tukitoka hapa, mnaweza kumuuliza maswali. Lakini mkianza kuulizauliza maswali hapa, hamtapata faida. Huyu ni Mbunge ambaye amekuwa katika Bunge hili tangu mwaka wa 1952, na yeye si Mbunge maalum! Yeye amechaguliwa na watu wake.

Mr. Badawy: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Prof. Mzee ana haki kutupatia mawaidha

kwamba tunyamaze mhe. Shikuku akizungumza kwa sababu ya sifa alizozieleza? Yeye na mimi tumeingia katika Bunge hili jana, na amezoea kuvunja hiyo Kanuni na kumkatiza mhe. Shikuku na kumweleza mambo ambayo hayajui. Ni haki kwake kufanya hivyo?

An hon. Member: Si haki!

Mr. Shikuku: Bw. Naibu Spika wa Muda, Bunge hili letu ni "mtoto" wa Bunge la Uingereza. Hata Kanuni za Bunge hili zinalinganishwa na zile za Uingereza.

Nitaondoka hapa tarehe 22.7.97, kwenda Angola kuwafundisha Wabunge wa nchi hiyo sheria na utaratibu wa Bunge. Katika House of Commons, senior Member anapozungumza, wengine wanamsikiliza. Ninamshukuru mhe. Prof. Mzee kwa jambo lake la ufahamisho. Kwa sababu utajifunza mengi---

The Temporary Deputy Speaker (Mr. Wetangula): Alikuwa akikufahamisha au alikuwa akikusifu?

Mr. Shikuku: Alikuwa ananifahamisha kwamba sisi wakongwe tunapozungumza, yafaa wengine wasikilize.

Nilitangulia kuja hapa, na sioni aibu kusema hivyo. Nilipokuja hapa, niliwakuta waheshimiwa kama Bw. Nyagah, babake mhe. Norman Nyagah, ambaye alikuwa mmoja wa wale walimu walionifunza kanuni za Bunge, pamoja na mhe. Humphrey Slade. Nilipata waheshimiwa kama Tom Joseph Mboya, Argwings Kodhek, Masinde Muliro na Bw. Ronald Gideon Ngala, ambao walikuwa wanaume. Wacha hawa! Tulikuwa na waheshimiwa hapa, sijui imekuwaje wakaondoka hapa. Mungu ndiye anajua!

The Temporary Deputy Speaker (Mr. Wetangula): Hata hawa ni waheshimiwa Wabunge.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninasema wale wenye ujuzi wa Bunge, Standing Orders na Parliamentary Procedures. Hao ndiyo ninataka, sio kila mtu aliyekuwa hapa. Walikuwa wengi lakini sikuwataja wote.

Nimesema wale wanao ujuzi. Nilijifunza kutoka kwao, na nilikuwa na heshima kwao. Wakikalia viti vya mbele mimi sikai, nilikuwa ninakaa nyuma. Wakiniita ninaenda, baadaye ninarudi nyuma tena. Lakini leo, hiyo adabu haiko. Unaweza kupata senior member of Parliament anakaa kule nyuma, lakini wengine waliokuja juzi wamekaa hapa mbele wamejaa. Hiyo, sio heshima.

Bw. Naibu Spika wa Muda, baada ya kusema hayo machache, ningependa kukuleta kwa Ukarasa wa 224, 3 (ii) - Company to be Successor of the Kenya Reinsurance Corporation, ambayo inasema:

"The company shall be the successor of the Kenya Reinsurance Corporation. Subject to this Act, all rights, duties, obligations, assets and liabilities of Kenya Reinsurance Corporation existing on the appointed day, shall automatically and fully be transferred to the company, any reference to the Kenya Reinsurance Corporation in contract or document, shall, for all purposes, be deemed to be a reference to the company."

Nilipoanza, nilikwambia ya kwamba nia ya Mswada huu ni kufanya hii kampuni iwe ni kampuni ambayo itakuwa inauza hisa kwa wananchi. Na tunapokubali iwe hivyo, tunataka watu wetu wasije wakanyanyaswa na kampuni hii. Sijui tutapata wapi watu ambao wataweza kuiendesha kampuni hii kwa sababu nchi hii imeharibiwa na watu kupenda pesa kupindukia. Pesa zimependwa Kenya zaidi ya Mungu. Leo huwezi kusikilizwa, na maoni yako hayawezi hata kuandikwa. Ninataka kuchukua fursa hii kuwashukuru wale waandishi wa habari, vile tumesoma leo katika gazeti, ambao walikataa kupewa kitu ili watangaze maoni ya watu fulani. Ninawashukuru na kusema waendeleo vivyo, hivyo, na Mungu awabariki. Huo ndio ufisadi nambari moja, ufisadi eti mtu akishasema maneno, anataka atoe kitu ndipo liandikwe. Leo walikataa na wakasema: "hatutaki". Huo ufisadi ukishaingia, ukweli hauwezi kufanyika. Siku hizi kuna wengine ambao wanaandika tu maneno ambayo wanajua si kweli wala hawamuulizi mtu maswali. Hata siku moja, mtu ambaye hakupendi atasema wewe uko na mimba, na anajua huwezi kuwa na mimba kwa vile wewe ni mwanaume. Na hao wataandika.

Hiyo si journalism. Lazima waangalie, wajue huyo anayesema ni nani, na anayesemwa juu yake ni nani. Wengine hupakwa matope na tuko na historia ya miaka mingi ambayo inaonyesha jambo hilo. Unampata mtu anakurukia na kusema mambo mengine, lakini wao waandishi wa habari wanaandika tu. Lakini mtu akifanya vizuri yafaa asifiwe, akifanya vizuri, aambiwe amefanya vizuri, na akifanya maovu pia aambiwe amefanya maovu. Hapa tuaambie waandishi wa habari, "ahsante kwa kukataa", na yule aliyetoa, akome vile alivyokoma matiti ya mama yake. Hiyo ni njia moja ya kuharibu nchi hii.

Tutawatoa wapi watu wa kuisimamia kampuni hii? Watu sasa wanapenda pesa zaidi! Mashirika yote ya Serikali yamefilisishwa na watu 'waliozikula' pesa zake. Unaweza kumsikia mtu akisema: "Mimi na bibi yangu au rafiki yangu tumetoa pesa kiasi hiki". Ukijumulisha pesa mtu anazochanga katika mikutano ya Harambee katika mwezi mmoja zitafika milioni kadhaa. Hii inafanyika na hali tunajua kwamba mshahara wa Mbunge, pamoja na marupurupu yote, ni Ksh70,907.60. Ukiondoa malipo ya mkopo wa gari na bill ya pombe na chakula anavyotumia hapa utaona kwamba Wabunge wengi hawapati chochote mwishoni mwa mwezi. Kama nasema uwongo niambia nithibitishwe. Kama huu ndio mshahara, Wabunge wanatoa wapi pesa wanazochanga katika mikutano ya Harambee?

An hon. Member: They get it from the bank.

Mr. Shikuku: Ni benki gani itakayokupa mikopo bila kikomo? Ukiwa na overdraft ya Kshs600,000, na zikipita kiwango hiki, meneja wa benki hatataka kukuona; atajifanya amekasirika. Pia ni lazima ulipe riba; kiwango

cha 30 per cent. Watu wanapata pesa za Harambee kwa njia ya ufisadi. Wanawaibia wananchi, halafu wanatoa kiasi kidogo cha pesa hizo katika Harambee.

Wale wanaofanya hivi wanasema kwamba wanaleta maendeleo. Maendeleo hayaletwi na Mbunge lakini yanaletwa na Serikali, kwa sababu kila mtu analipa kodi kwa Serikali na si kwa Mbunge. Watu wa Butere wanalifahamu jambo hili. Huko silipi chochote, lakini kura zitakapopigwa redio itatangaza kwamba mimi nimechaguliwa kuwa Mbunge wa Butere.

Wananchi wanalipa kodi kila wanaponunua mkate, soda, kifungo, saa, viatu na kila kitu kingine wanachonunua. Kodi hiyo yote inalipwa kwa Serikali na si kwa Mbunge wa Butere. Hii ndiyo sababu sisi huwauliza Mawaziri kwa nini jambo hili au lile halijafanyika. Hatumuulizi Waziri maswali kama Mbunge lakini kama mwakilishi wa Serikali. Tukipitisha pesa hapa kwa utengenezaji wa barabara tungependa pesa hizo zitumike katika kazi hiyo. Hatutaki kiasi kingine kichukuliwe na kutolewa kama mchango wa Harambee. Wakati huu barabara zetu si barabara tena. Watu wafupi kama mimi wakiingia katika mashimo yaliyo katika barabara zetu hawawezi kuonekana. Hali hii inaendelea ingawa sisi Wakenya pengine ni nambari mbili kwa watu wa Switzerland kwa kulipa kodi ya juu zaidi. Wakenya wanalipa kodi ya juu zaidi lakini hawapati manufaa yoyote. Watu wa Switzerland wanalipa kodi ya juu lakini wanapata huduma. Siku moja nilipokuwa huko niliipanda trolley na nikajaribu kulipa. Baadaye niligundua kwamba huduma hiyo haikuwa inalipiwa: Msafiri alikuwa huru kwenda alikotaka na kurudi bila ya malipo yoyote. Ingawa tunalipa kodi ya juu tunaambiwa ni lazima Mbunge afanye maendeleo. Mbunge anaweza kufanya maendeleo kwa kutumia Kshs2,000 anazopata baada ya mshahara wake kukatwakatwa malipo ya aina mbali mbali?

Bw. Naibu Spika wa Muda, Mbunge mmoja juzi alipata mshahara wa Kshs235 baada ya kukatwa gharama zote. Halafu wewe unamuuliza huyo mhe. Mbunge vile atafanye Harambee. Atakwaambia kuwa wanaofanya Harambee ni wezi. Kwa vile hawa watu wanapenda pesa, basi hatujui tutapata wapi mtu anayeweza kuendesha kampuni hii bila kuwanyanyasa na kuwaibia wananchi ili atoe pesa kwa Harambee. Harambee ndiyo chanzo cha ufisadi katika nchi hii. Harambee pia ndiyo ufisadi mkubwa unaowainua watu ili wapendeke. Mtu hana siasa lakini anazo pesa.

Bw. Naibu Spika wa Muda, wakati sisi wengine tulipokuwa vijana, sura zetu hazikuwa mbaya lakini tulikuwa tumejua kutongoza. Hatukutoa pesa. Kama ulimi wako ni mzuri, utapata mambo. Hata pesa za matajiri wasiojua kutongoza zitakuja kwako. Utanunuliwa shati na viatu. Wengine hawana habari hapa. Kwa hivyo, wale wanaonunua hawajui kutongoza. Nitakuja baadaye kuuliza ni watu gani wataotakiwa kuwa katika kampuni hii. Lakini kitu kimoja ambacho kinalingana na haya maneno anayosema kiko katika Ukurasa wa 229 Kifungu cha 8(1). Kinasema:-

"Any person who is employed by the Kenya Reinsurance Corporation immediately before the appointment shall on that day become an employee of the Company on the same terms and conditions of service as his existing terms and conditions and subject to any subsisting notice of the termination, resignation or variation and such employment with the Kenya Reinsurance Corporation of the Company shall be deemed to be continued".

Ninakiunga mkono kifungu hiki na kuwashukuru kwa kukiweka hapa. Makampuni mengi yanapouzwa hufuta watu na hawalipwi pesa zao. Wengi wao wanatafuta Wabunge na kuwaambia: "Mimi nilikuwa katika kampuni ile iliyonunuliwa na nimefutwa kazi." Yafaa tujenge ofisi hapa nje ya kuwasaidia hao watu. Hii ni kwa sababu huwezi kupita mlangoni bila wananchi kukuelezea taabu zao. Huyo ana shida ya kukatika mkono na hajalipwa; mwingine ana shida kwa sababu baada ya kufutwa kazi, hajakata haki yake au pesa za NSSF. Wakati umefika ambapo Wabunge wanafaa kupewa ofisi ili wananchi waache kuwangojea hapo mlangoni. Mvua ikinyesha wananchi wanalipa pale mlangoni wanakuangalia kwa macho makali wanapokuelezea taabu zao kwa sababu wamenyeshewa.

Bw. Naibu Spika wa Muda, wakati umefika ambapo ingefaa tuwe na ofisi zetu. Kwa sababu ile parking lot haitumiwi, tungetaka wajenge kibanda pale ili wananchi waweze kuwaona Wabunge wao pale. Pia tungetaka zile ofisi mlizowaahidi Wabunge zifunguliwe mara moja ili wananchi waonane na Wabunge wao. Mimi sionani na watu wa Butere hapa. Nina siku yangu binafsi ya kuonana nao huko nyumbani. Lakini tukitoka nje kuna wananchi wanaoambua kwamba wanataka kuwaona Wabunge wao; ijapokuwa wewe si Mbunge wao. Sisi huona mvua ikiwanyesha lakini hawawezi kuwaona Wabunge wao. Mbeberu alikuwa mbaya lakini alikuwa na utu. Sisi ni waovu sana kushinda Mbeberu. Hata hatuna aibu. Kwanza, hatuna utu na hatuoni shida za mwananchi.

Bw. Naibu Spika wa Muda, shida nyingi zinatokana na kutokuwa na haki katika nchi hii. Wizara ya Wafanyakazi ambayo imeleta Mswada huu haifanyi kazi yoyote. Wafanyakazi wengi wanapofutwa kazi au wanapostaafu wanakuja kwangu ili niwasaidie. Nimewahi kuwasilisha kesi nyingi za wafanyakazi kama hawa na mhe. Waziri ametengeneza.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is not a Bill from the Ministry of Labour and Manpower Development, for the information of my dear friend!

Mr. Shikuku: Bw. Naibu Spika wa Muda, tunajua kuna kitu kinachoitwa "collective responsibility." Waziri ni Waziri! Mungu na ayapishe mbali matamshi yangu, lakini wakati wa mapinduzi nchini yoyote ile, watu ambao wanatafutwa sana ni Mawaziri. Wanaamrisha kwenda na kukaa ofisini kwa chifu wakingoja kuchukuliwa na kupelekwa kwingineko!

(Laughter)

Hata hivyo, nakubaliana na sahihisho la mhe. Masinde rafiki yangu ambaye tulisoma naye katika shule moja ya seminary. Tunapenda ukweli!

Bw. Naibu Spika wa Muda, kuna wananchi ambao huja kuonana na wahemshimiwa Wabunge hapa Bungeni.

Hawa wananchi ni lazima wapewe mahali pa kusimama au pa kukaa kwa vile mnafunga mlango wa kulia wa majengo ya Bunge ambako mlango huo ulidhamiriwa wageni wa waheshimiwa Wabunge wawe wakiegesha magari yao upande huo na wananchi wa kawaida waweze kukaa hapo. Kwa hivyo, jengeni vibanda ili wananchi waweze kujikinga mvua. Wananyeshewa kwa sababu wengi wetu tunaogopa wananchi. Tunataka walinzi chungu nzima kwa sababu tunapowaona wananchi tunadhani ni wauaji. Kwa nini mnawaogopa wananchi na huku mnasema mnawapenda? Mnawaogopa kwa sababu ya dhambi zenu! Mnawanyanya na kwa hivyo ni lazima mkiwaona mnawaogopa. Kuna waheshimiwa Wabunge hapa ambao tukiwaambia watoke hapa hadi City Hall pekee yao bila walinzi watalala chini na kulia! Hawawezi kwenda bila walinzi wao kwa sababu ya dhambi ambazo wamewatendea wananchi. Kuna waheshimiwa Wabunge, ambao ukijaribu kuzungumza nao bila walinzi wao karibu, wanakuwa na wasiwasi mwingi sana! Hili ni jambo gani? Hii ni Serikali ya wananchi inayopenda wananchi, Serikali ya maendeleo, Serikali ya chama kinachotawala na kadhalika. Vijana wa chama kinachotawala hawana kazi sawa na vijana wa vyama vingine vya upinzani. Kwa nini chama kinachotawala hakiwapi kazi vijana wake? Bei ya mkate ni moja tu kwa kila mwananchi. Hapana tofauti yoyote. Hata mkitingisha kidole hadi kikatike bei ni ile moja tu! Je, mnatawala nini? Huu ni ukweli mtupu!

Bw. Naibu Spika wa Muda, ukweli ni kwamba wafuasi wengi wa chama kinachotawala, wafuasi wao hawana kazi maalum, hawawezi kulipa karo bali wanateseka kama wafuasi wa upinzani. Je, tofauti ni gani?

The Assistant Minister for Finance (Mr. Keah): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Huyu mwenzetu atutukana sana. Je, ni haki maoni yake kuwa matusi kwa waheshimiwa Wabunge katika Bunge hili? Je, unatosheka yale yote anayozungumza yanahusu Mswada huu isipokuwa kusema waheshimiwa Wabunge wa chama kinachotawala wanawatesa wananchi na kadhalika? Je, nini uamuzi wako?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ni vigumu sana kwa mzee kama mimi kutusi watu. Sijamtusi mtu. Naweza je kumtusi mhe. na mimi ni mzee? Nilipokuwa napigania Uhuru, mhe. Keah alikuwa mdogo sana. Alikuwa kule jikoni akila viazi na mama yake. Kwa hivyo, mimi siwezi kumtusi mhe. Keah. Kwani kula viazi na mama jikoni ni matusi?

The Assistant Minister for Finance (Mr. Keah): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Hivyo ndivyo ninavyomaanisha nikisema kwamba ananitukana. Je, yeye ana haki kusema mimi, mhe. Keah, niliyechaguliwa na watu wa Kaloleni, kazi yangu ilikuwa tu ni ya kula viazi wakati yeye alipokuwa akipigania Uhuru?

Tuko hapa kujadili Kenya Reinsurance Corporation Bill. Sawa sawa, kama aliona jua mbele, hiyo ni bahati yake, lakini sio kusema, mimi--- Hebu tuingiliane kwenye huu Mswada; tuchapane kwenye Mswada huu sawa sawa. Mimi nataka yeye azungumze kwenye Mswada huu na sio kuzungumza na kuwakashifu waheshimiwa wenzake. Sote tu waheshimiwa hapa.

The Temporary Deputy Speaker (Mr. Wetangula): Sasa, ni nini kimekukasirisha? Kula viazi?

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika wa Muda. Ni kitu gani kimemkasirisha? Kwani kula viazi ni dhambi?

The Assistant Minister for Finance (Mr. Keah): Bw. Naibu Spika wa muda, hatuli viazi hapa Bungeni. Tumekuja kuzungumza juu ya Mswada huu na hatukuja hapa kula viazi. Tunakula viazi kule nje. Wapi viazi na masahani ya viazi hapa? Tuko hapa kuzungumzia Mswada huu wa Kenya Re-insurance Corporation. Kama ni kula viazi, basi tungojeane kule nje lakini hapa, tuzungumze juu ya Mswada huu.

Mr. Shikuku: Ahsante sana, Bw. Naibu Spika wa Muda. Nitaendelea.

Nakumbuka wakati moja kulikuwa na mhe. mashuhuri sana kule Kaloleni anakotoka mhe. Keah na yeye ndiye alinifundisha haya maneno. Alikuwa anaitwa, Ronald Gideon Ngala. Nakumbuka wakati huo, Bw. Humphrey Slade alikuwa Spika. Nakumbuka yeye aliambia Mbunge mmoja, lakini sikumbuki jina lake--- Tulipokuwa tukipigania Uhuru, mhe. Keah ambaye ananizozoa zozoa alikuwa nyumbani, jikoni akila viazi na mama yake. Haiukuwa matusi wakati ule. Na ata wewe Bw. Naibu Spika wa muda umemuliza ni kitu gani kinamzuzua rafiki yangu. Ati nimesema amekula viazi--- Si hapa, ni kule alikuwa akila viazi wakati ule tulipokuwa tukitafuta Uhuru. Nyakati zile alikuwa jikoni akila viazi na mama. Si dhambi kula viazi na mama! Siku hiyo, nilikuwa

Lancaster nikitafuta Uhuru wa nchi hii.

Bw. Naibu Spika wa Muda, nimeunga mkono Clause 8 kwa sababu Kenya Reinsurance Corporation imeleta matumaini kwa wafanyakazi ambao watatoka kwa hiyo kampuni. Hawa wafanyakazi wataendelea kuhudumu katika Kenya Reinsurance Corporation bila kuulizwa kutuma upya maombi ya kazi. Kampuni nyingine huwa wanalipa watu na kuwaambia watume maombi ya kazi upya. Hawa wa Kenya Reinsurance Corporation wataendelea kuhudumu na kupata mishahara yao bila shida yoyote. Kwa hivyo, naunga mkono hiyo clause.

Jambo lingine ni lile la ajali iliyohusisha Feri ya Mtongwe. Watu wengi walikufa. Hiyo ni sikitiko kubwa ambayo itaishi katika historia ya nchi hii, kwa sababu watu wengi walikufa na wengi wao walikuwa watu wadogo ambao hawakuwa na insurance cover. Jambo hili liliwasikitisha sana watu wengi. Pia ninakumbuka kwamba ilichukua karibu miaka miwili au mitatu ndio pesa hizo zikaanza kulipwa, hali watoto wa wale waliofariki katika mkasa huu waliacha shule kwa sababu ya ukosefu wa karo. Watoto wale waliokuwa wamezaliwa ni mayatima mpaka leo. Baada ya kupata ajali kama hiyo, hatuwezi kujifunza chochote kutoka kwa ajali mbovu kama hiyo ili tuweze kuona kwamba vyombo vya usafiri vimewekewa bima ambayo itawasaidia wale wanafunzi walioacha shule na wale watoto wengine waliokuwa hospitali wapate usaidizi mara moja?

Huduma ya Public Trustee ni mbovu sana kiasi kwamba watu wengi wamedai marupurupu yao mpaka wakafa kabla hawajayapata. Unaambiwa kwamba pesa hizo zitaenda kwa Mkuu wa Wilaya na mara unaambiwa kwamba zitaenda kwa Ofisa Tawala (DO) na hali mtoto amefukuzwa shule, hawezi kusoma na kwa sababu ya sheria zinazomgandamiza mwananchi---

Mr. Mwavumo: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ningependa kumjulisha mhe. Shikuku kuwa pesa zote zilizokusanywa ni Kshs9 milioni. Raia walilipwa Kshs5 milioni, lakini zilizosalia hazijulikani zilienda wapi. KPA haijalipwa watu wale kwa sababu wao ndio wanaendesha feri ile na bima pia haijalipa. Hatuna matumaini kwamba KPA au Serikali itaweza kulipa pesa hizo.

Mr. Shikuku: Na hii ni Serikali ya nani?

An hon. Member: Ya wananchi!

Mr. Shikuku: Ya KANU! Na niliposema KANU inawanyanya watu, uwongo uko wapi? Hii ndiyo Serikali tukufu inayopendwa sana! Tukisema mambo haya hapa tunaweza kucheka, lakini ukiwaona watu wale wanavyopata taabu, ikiwa una utu utahisi roho yako inauma na hii ndiyo Serikali yetu. Tulipopambana na Wabeberu, tulitaka tuwaondoe ili sisi tukikalia viti tuwatumikie watu wetu kwa mioyo yetu yote, tena mara moja. Mbeberu akirudi hasa yule mzungu aliyekuwa akiitwa Sir Patrick Renson ambaye tulienda kumwona siku moja kule Government House ambayo sasa inaitwa State House, wakati huo hakukuwa na ua pale, ulikuwa unaingia tu lakini sasa jaribu uone ikiwa unataka kuona tofauti. Kama kungekuwa na ua hatungeweza kuingia tarehe 20 Oktoba, 1959, tulipopeleka ile memoranda ya kutaka Mzee Kenyatta aachiliwe huru.

Mr. Maundu: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nimesikia mhe. Shikuku, ambaye ninamheshimu sana, akilalamika kwamba kuingia State House ni vigumu. Je, imekuwa vigumu kwake kuingia katika Ikulu?

Mr. Shikuku: Bw. Naibu Spika wa Muda, mhe. Mbunge hajui kwamba wakati wa kuuliza maswali umepita; tunazungumza juu ya Mswada huu!

(Laughter)

Tunazungumzia Mswada, si kuuliza Maswali.

The Temporary Deputy Speaker (Mr. Wetangula): Bw. Maundu, ulikuwa wapi wakati wa Maswali?

Mr. Maundu: Nilisikia kwamba wakati mmoja, miaka mitano iliyopita, Bw. Shikuku alionekana Ikulu ya Nairobi.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ni aibu kwa Bw. Maundu kusema kwamba nilikuwa Ikulu. Chakula cha jioni hakiliwi Ikulu. Nilienda kula chakula cha jioni nyumbani kwa Rais kwa sababu alinalika. Hata nilikuwa na mhe. Shamalla. Tena mimi ndiye niliyetanganza kwamba nilikuwa nimealikwa na Rais. Isitoshe, tena nikahudhuria shughuli za upigaji kura ili nihakikishe kwamba KANU ingeshindwa na chama cha FORD(A) katika Mkoa wa Magharibi. Hili ndilo jambo unasikia la watu kama mimi "kutupiwa matope" na magazeti yanaandika. Mhe. Matiba alimshinda alishinda Mtukufu Rais katika Mkoa wa Magharibi. Alipata kura nyingi na kama hamwamini, nendeni mkaangalie rekodi zenu.

Ninasikitishwa sana na mambo yaliyoelezwa hapa na mhe. Mbunge. Wakati wa Mbeberu, jambo kama hilo halingetendeka. Mbona mambo yetu yameharibika kiasi hiki na hali tuko chini ya Serikali ya mtu Mweusi? Mbona Serikali hii haina utu? Waliopatwa na janga la Mtongwe Ferry walipatiwa kiasi cha Kshs9 million, lakini wakapata tu kiasi cha Kshs5 million. Hizo pesa nyingine zilienda wapi? Ndizo hizo zinatolewa katika Harambee. Mnakula hata

pesa za maiti! Hamtaingia Mbinguni hata mkienda kanisani.

The Assistant Minister for Education (Mrs. Ndeti): Wewe utakuwa wapi?

Mr. Shikuku: Mhe. Ndeti anajua atakuwa wapi. Yesu atarudi lakini atakuwa katika mawingu.

Hataongea na Mrs. Ndeti. Atamwambia aingie motoni na hatauliza swali.

The Assistant Minister for Education (Mrs. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir. If hon. Shikuku is a true Christian, and the Bible says: "Do not judge", how true is he to judge where he will be or where I will be? Why is he condemning people?

The Temporary Deputy Speaker (Mr. Wetangula): The Bible says: "Judge as you will also be judged".

Mr. Shikuku: Ahsante, Bw. Naibu Spika wa Muda, lakini ukimdhulumu maiti, huwezi kuingia Mbinguni.

The Temporary Deputy Speaker (Mr. Wetangula): Lakini, Bw. Shikuku, huna haki kumwambia mwenzako kwamba ataenda motoni.

Mr. Shikuku: Sikumwambia ataenda motoni lakini kama yeye alikula pesa za maiti, hataingia Mbinguni.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 22nd July, 1997, at 2.30 p.m.

The House Rose at 6.30 p.m.