

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 8th October, 1997

The House met at 2.30 pm

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.650

CRITERIA FOR DECLARATION OF NATIONAL MOURNING DAYS

Mr. Achola asked the Minister of State, Office of the President what criteria the Government uses in deciding to declare days of national mourning.

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

Mr. Achola: On a point of order, Mr. Speaker, Sir. I have not had my written reply to this Question. Could I have it, so that I can raise relevant supplementary questions?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, my information was that the reply had been sent to the Office of the Clerk of the National Assembly. However, as soon I have read out the reply I will pass my copy of it to the hon. Member.

Mr. Speaker, Sir, I beg to reply.

Days of national mourning are associated with the flying of the flag at half mast. Certain national mourning days may, depending on circumstances, be declared holidays. In this respect, both Caps 99 and 110 of the Laws of Kenya are relevant. However, both Acts are silent on the criteria for declaring national mourning days. Consequently, the declaration of national mourning days is left to the discretion of the Government, depending on circumstances, which may change from time to time.

Mr. Achola: Mr. Speaker, Sir, it would appear that there are no real criteria for deciding when to declare national mourning days. That notwithstanding, could the Assistant Minister explain to the House what led to the lowering of our flags during the mourning of the death of the late Princess Diana? As far as I am concerned, I cannot see what she had done for this country.

Mr. Sunkuli: Mr. Speaker, Sir, I am sure that the hon. Member was as greatly saddened by the death of the late Princess Diana as I was. Princess Diana was a prominent member of the Commonwealth. She was also a member of the United Kingdom's Royal Family. Very many people in the world grieved at the death of the late Princess Diana, and I think Kenya was no exception.

Mr. Obwocha: Mr. Speaker, Sir, that is a very sad answer from the Assistant Minister. When the Leader of the Opposition in this country, the late Jaramogi Oginga Odinga, died in 1994, the Government never declared a national mourning day, and yet it did that for the late Princess Diana. There should be criteria for proclamation of national mourning days. Could the Assistant Minister assure this House that the Government will establish criteria for declaration of national mourning days, so that when Mayor Chelegat dies, a national mourning day is not declared?

Mr. Sunkuli: Mr. Speaker, Sir, the last part of the hon. Member's question is really derogatory and uncalled for. However, maybe, hon. Members would like to amend the relevant laws and enact criteria for declaration of national mourning days. So far, national mourning days are declared at the discretion of the Government. But the late Princess Diana transcended all things, including even politics. The late Jaramogi Oginga Odinga was given a good funeral and I think the hon. Member should appreciate that.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, while I may have no quarrel with the personal attachment the members of the Government had to the lady who had been "sacked" from Buckingham Palace due to her not all that good behaviour, I was wondering why we had to lower our flags! When our people in the Coast Province were murdered, we had a national mourning but the Assistant Minister did not consider our people at the Coast as important

as this lady, who had been sacked from Buckingham Palace!

Mr. Sunkuli: Mr. Speaker, Sir, the hon. Member is citing two different situations. We were all saddened by what happened at the Coast. When we lowered the flags, we were not looking at the weaknesses of the late Princess Diana: We were looking at the most positive acts of humanity which she embodied. We were looking at the philanthropy around the globe that she embodied. We looked at all her positive aspects just like the rest of the world did. We are not an island, but are part of the whole world. So, we were not going to behave differently from the rest of the world. We mourned the late Princess Diana together with the rest of the world and we will continue to do so.

Mr. Achola: Mr. Speaker, Sir, I think the Assistant Minister is not serious. I think, in terms of working for humanity, the late Mother Teresa had done more for the world than what the late Princess Diana had done. If anything, we should have mourned Mother Teresa and not the late Princess Diana. Be that as it may, I think the Assistant Minister cannot deny the fact that the KANU Government pretended to mourn the late Princess Diana because it was trying to make friends with the new Labour Party Government in the United Kingdom. Having supported the Conservative Party Government for the past 18 years, the Government was desperate to get the Labour Party Government to listen to it. Is that not the reason why the Government lowered flags between 2nd and 6th September, 1997?

Mr. Sunkuli: Mr. Speaker, Sir, it is not true because the late Princess Diana was not in the present Labour Party Government, which is committed to cutting down the monarchy. If anything, who was more sympathetic with the monarchy than the Conservative Party Government? It has nothing to do with politics. Mother Teresa was honoured in her way. She was more concerned with matters of the soul. Lowering the flags is a matter of this earth; we were honouring a princess; a member of the British Royal Family and a Member of the Commonwealth.

Mr. Speaker: Mr. Farah's Question.

Question No.628

IMPLEMENTATION OF MOTION
ON QUOTAS IN UNIVERSITIES

Mr. Speaker: Mr. Farah not here? Tom Onyango's Question.

Question No.647

NUMBER OF TRAINED TEACHERS IN NYATIKE

Mr. Onyango asked the Minister for Education:-

- (a) how many primary school teachers in Nyatike Constituency were trained in 1992, 1993, 1994, 1995 and 1996; and,
- (b) whether he could name the schools where they were posted and how many were still in those schools by June, 1997.

Mr. Speaker: Where is the Minister for Education?

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister for Education to refuse to enter the Chamber? I met with hon. Mrs. Ndeti there and she said that, she is fearing this Question because teachers have threatened to eject them out of Jogoo House, and in view of that she is fearing to come into this House and face us because we are going to beat them up. Is it in order to have the Assistant Minister there and she has deliberately refused to come here, knowing very well that this Question needs an answer? This is very serious.

Mr. Speaker: Mr. Ndicho, I have told you on numerous times, uncountable times, that I have no prefect in this House. So, anything outside this House should not be brought to Mr. Speaker. So, could we deal with the matters in the Chamber? Do not be a prefect!

Next Question.

Question No.587

PAYMENT OF SALARY ARREARS TO MR. ASIMETO

Mr. Magwaga asked the Minister for Environment and Natural Resources:-

- (a) whether is he aware that Mr. Harrison Asimeto, who was posted to Kakamega Forest Station on the 18th April, 1995, as a Forest Assistant, has not been paid his salary; and,

(b) if the answer to part "a" above is in the affirmative, when Mr. Asimeto will be paid his salary and accrued arrears.

The Assistant Minister for Environment and Natural Resources (Mr. Abdi): Mr. Speaker, Sir, I beg to answer.

(a) Mr. Asimeto is not in the Ministry's payroll.

(b) However, should the approval be received from the Directorate of Personnel Management or Public Service Commission, necessary action will be taken to pay his salary and all his accrued arrears.

Mr. Magwaga: Mr. Speaker, Sir, I am asking the Assistant Minister whether he is aware that Mr. Asimeto was posted to Kakamega Forest Station. Therefore, the Assistant Minister's answer that he was not in the payroll does not arise. Is he aware that Mr. Asimeto was posted to Kakamega Forest Station as Forest Assistant III by the Permanent Secretary, Ministry of Environment and Natural Resources?

Mr. Abdi: Mr. Speaker, Sir, I am aware and it was the mistake of my Ministry to post him without permission from the Public Service Commission. In any case, we are rectifying the problem and soon, we are going to pay the salary and accrued arrears when we get the letter confirming his employment.

Mr. Magwaga: Mr. speaker, Sir, this is very unfortunate because a man has been punished for almost two years. He was posted in 1995 and up to this time, he has not been given any information and he is working in that station. Could the Assistant Minister pay this man because the mistake is not his?

Mr. Abdi: Mr. Speaker, Sir, as the hon. Member knows, the money does not belong to the Minister; it belongs for the Ministry and the Government. We are ready to rectify the situation and we are going to pay him as soon as we get the letter.

Mr. J.N Mungai: Mr. Speaker, Sir, the Assistant Minister has admitted that the mistake was on the part of the Ministry and here is a Kenyan citizen, who has been punished for two years without earning his livelihood; yet, he has been working. Although we accept that he has agreed to pay the salaries, could he also apologize on behalf of that man on the Floor of this House, so that the same mistake is never repeated again?

Mr. Abdi: Mr. Speaker, Sir, admitting the mistake is already an apology.

Question No.594

PAYMENT OF RETIREMENT BENEFITS TO MR. MULWA

Mr. Nthenge asked the Minister for Environment and Natural Resources why Mr. John Mulwa, a former artisan with the Ministry, P/No.010735, who retired after over twenty years of service, has not been paid his retirement benefits.

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

Mr. Mulwa was not paid pension because he was not qualified in accordance with Regulation No.E 15(1) which states as follows: "Appointment on Pensionable Establishment should normally be restricted to officers below the age of 45 years, who are in a position to complete ten years service required to qualify them for the grant of a pension before they reach 55 years of age of retirement."

Mr. Nthenge: Mr. Speaker, Sir, does the Assistant Minister imply that Mr. John Mulwa was employed in the Forest Department when he was over 45 years and, therefore, by the time he was retiring, he was 70 years? Is that what the Assistant Minister is implying?

Mr. Abdi: Mr. Speaker, Sir, Mr. Mulwa was not qualified for pension because he was serving on a non-pensionable post, a subordinate staff, since December, 1957 to May, 1979, and was already 55 years of age then.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, why did the Government not put this person, who had worked for twenty years, on pensionable terms?

Mr. Abdi: Mr. Speaker, Sir, he was not qualified to be on pensionable terms.

Mr. Nthenge: Mr. Speaker, Sir, why was he not qualified? He was employed when he was a young man, and he thought he was pensionable until now, when he had to approach me and say that his pension has not come. Why was he not qualified? He is a Kenyan and he worked for the Government for about 25 years?

An hon. Member: Because he did not qualify for pension!

Mr. Abdi: Mr. Speaker, Sir, when Mulwa was employed, he was employed as a subordinate staff, and that post is not pensionable. So, for all that time, he had not even tried to see whether he could be promoted or anything. So, it went on that way, until he retired.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister not misleading the House? He

has already accepted that the man was employed in the normal way. He was not a learned man and he says that he was a subordinate staff and according to Government regulations, somebody works for a certain time, and then employed on pensionable staff terms of service. Is the Assistant Minister not misleading the House.

Mr. Abdi: Mr. Speaker, Sir, as I said earlier, Mr. Mulwa was employed as a subordinate staff. Subordinate staff members are not pensionable and it also depends on how somebody could improve himself through examinations, *et cetera*. This gentleman worked as a subordinate staff until he retired, in 1992. So, there is nothing we can do about him now.

Mr. J.N. Mungai: Mr. Speaker, Sir, it is very sad and unfortunate that a citizen can work for the Ministry of this Government for 20 years and after such period, he is just dismissed without any pension. Is it in order for this House to listen to an Assistant Minister dismissing an innocent citizen to go out without pension, and yet we know that just before he answered this Question, he had made another mistake? Could this have been another mistake that he has made to dismiss this person, instead of talking for this person to be paid his pension? He is for it.

Mr. Speaker: Mr. J.N. Mungai, that is a point of argument. I think he has heard you.
Mr. Farah's Question for the second time.

Question No.628

IMPLEMENTATION OF MOTION
ON QUOTAS IN UNIVERSITIES

Mr. Speaker: Mr. Farah still not here? The Question is dropped.

(Question dropped)
Question No.647

NUMBER OF TRAINED TEACHERS IN NYATIKE

Mr. Onyango asked the Minister for Education:-

(a) how many primary school teachers in Nyatike Constituency were trained in 1992, 1993, 1994, 1995 and 1996; and,

(b) if he could name the schools where they were posted and how many were still in those schools by June, 1997.

The Assistant Minister for Education (Mr. Komora): Mr. Speaker, Sir, I am sorry for coming late because I was checking the draft reply to this Question and I am not satisfied. I beg to ask the indulgence of this House and the hon. Member to allow me to answer this Question tomorrow.

Mr. Speaker: What is your reaction, Mr. Onyango?

Mr. Onyango: Mr. Speaker, Sir, I agree that he answers the Question tomorrow.

Mr. Speaker: Very well. Question deferred.

(Question deferred)

(Loud consultations)

Mr. Speaker: Order! Order, Members! I cannot follow the proceedings. There should be order in Mr. Awori's corner.

QUESTIONS BY PRIVATE NOTICE

DEDUCTIONS FROM CHIEFS' SALARIES

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

(a) Is the Minister aware that between July, 1995 and June, 1997, all chiefs and assistant chiefs in Nandi District had their monthly salaries deducted at source?

(b) If the answer to "a" above is in the affirmative, could the Minister explain what the deductions were meant

for, since the employees concerned did not authorise the Ministry to deduct the said money?

(c) Could the Minister urgently refund this money to the employees concerned?

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

(a) Yes, I am aware.

(b) The circumstances under which the money was deducted was that there were several Harambees held in Nandi District and the chiefs decided to sign an imprest on their volition, to take money to those Harambees. So, in view of that answer, it is the imprests that are being recovered and for that reason, part "c" therefore, does not arise.

Mr. Sambu: Mr. Speaker, Sir, we are going back to the same old situation. The Minister previously answered that the chiefs signed on their own volition and so he should produce the documents which they signed. There were no documents. So, we are going back to the same old situation as before. That is a vicious circle. Those chiefs did not sign anything and they never had a meeting with the DC to authorise him to go and pay Harambee money on their behalf. The DC, Mr. Bonnie Yatich simply took an imprest for his own use. Now, that he has been transferred to Samburu District, the money has to be recovered in Nandi District.

Mr. Sunkuli: Mr. Speaker, Sir, I wish to stand by my answer.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. The matter of the Government unilaterally deducting civil servants' salaries is actually a breach of the contract between the Government and the workers. The notion that people signed for an imprest is not always a truth from the Government. In 1979, I was a DO in Busia District. My salary was deducted as a friend of the President, to send a donation to Kabarak High School for a Harambee without consulting me whatsoever. If it could happen to a DO, I know that it is happening to lower officers much, much more. Can this Government tell us when it will stop robbing from civil servants, because of pretensions that they are contributing to Harambees?

Mr. Sunkuli: Mr. Speaker, Sir, when hon. Dr. Kituyi says that it is a breach of contract for the Government to deduct monies from civil servants' salaries by the employees without consent, he is quite right. It just happens that this was not one of the cases.

Mr. Sambu: Mr. Speaker, Sir, if it was not a breach of contract, the House, through you is simply asking for those documents that were signed by the chiefs to fulfil the contract. How can someone deduct the chief's money without somebody signing? We want the documents to be laid on the Table.

Hon. Members: Lay the documents on the Table now!

Mr. Sunkuli: Mr. Speaker, Sir, the hon. Member should take my word on this matter.

Mr. Shikuku: Jambo la nidhamu, Bw. Spika. Hii ni aibu kubwa. Ni aibu ambayo hata Waziri Msaidizi mwenyewe angefaa achunguze. Ni aibu kwa Serikali ya Mwafrika; hata wakati Mzungu alipokuwa hapa, hakufanya hivyo na sheria inasema kwamba huwezi kukata pesa kutoka kwa mshahara wa mtu kama yeye mwenyewe binafsi hajakubali sio kwa mdomo, lakini kwa maandishi. Mhe. Sunkuli amesema kwamba machifu hawa walikubali mishahara yao ikatwe. Imekuwaje vigumu kwake kuleta yale maandishi ambayo yanaonyesha kwamba machifu hawa walikubali misharaha yao ikatwe? Kama hawezi kuleta hayo maandishi, basi ni lazima akubali kurudisha hizo pesa kwa wenyewe. Akikataa, yeye anaunga wizi ambao unatumiwa na walio na madaraka makubwa kuwanyanyasa walio chini.

Mr. Sunkuli: Mr. Speaker, Sir, like hon. Shikuku, I would also like to see the rights of the small man protected and the Government will never condone a situation where the DCs will, without the volition of those concerned, just deduct monies from salaries of Government employees. It is illegal and I want to assure the hon. Shikuku that this will not happen.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in the Office of the President in order to refuse deliberately to answer what he has been asked by hon. Sambu and hon. Shikuku for the sixth time? If these chiefs appended their signatures in that document, can he produce that document here for our perusal?

Mr. Sunkuli: Mr. Speaker, Sir, hon. Ndicho cannot distinguish between Parliamentary Questions and questions related to examinations. I am not answering an exam question. I want to give the hon. Member a genuine answer that he can take home, rather than an answer that he can play around with.

Mr. Maundu: On a point of order, Mr. Speaker, Sir. This is a fairly serious matter. When the Question came here last time, it was sent back for the same reasons. The Assistant Minister is not serious. I believe he is an honourable man from an honourable Ministry. If he cares to keep his dignity, can he agree to refund that little money to these poor chiefs?

Mr. Sunkuli: Mr. Speaker, Sir, if chiefs had not voluntarily accepted, I would refund the money, but I am giving an undertaking to my hon. colleagues that there is no way in which money can be deducted anymore without the volition of those concerned.

Mr. Leshore: Mr. Speaker, Sir, when this situation came here last time, I asked the Assistant Minister to either produce the minutes of that meeting whereby the chiefs undertook to have their salaries deducted or to give consent to the DO to deduct the salaries. He promised to bring those minutes here. Could he now produce those minutes?

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

Mr. Speaker: Order! Order, hon. Ndicho!

Mr. Sunkuli: Mr. Speaker, Sir, the money was deducted voluntarily.

Mr. Maore: On a point of order, Mr. Speaker, Sir. My point of order has something to do with the dignity of this House. The Assistant Minister is stating categorically that there was voluntary consent on the part of the chiefs. Now, the House needs the evidence of this consent or the refund of the money. Now, where are we? We need some guidance because he is becoming intransigent over this issue.

Mr. Speaker: Mr. Sunkuli, where are we?

(Laughter)

Mr. Sunkuli: Mr. Speaker, Sir, we are on my honourable word that this deduction was based on their own volition.

Mr. Sambu: Mr. Deputy Speaker, Sir, there is no rural law in this country which does go by word of honour. It goes by somebody's signature. Are we now legalising in this House, the Government to be deducting monies from salaries of employees just as they wish? I do not see what the difficulty here is. Let the money be refunded to the chiefs and Mr. Yatich be surcharged. It is up to the Government to take any of the two alternatives.

Mr. Sunkuli: Mr. Speaker, Sir, I have said that the Government will never allow any forced deductions and if anything like that happens, let the hon. Member bring it to my attention and I will be the first to act.

Mr. Michuki: Mr. Speaker, Sir, I am trying to find out whether it is really in order for the Assistant Minister to refuse to answer a legitimate Question and thus infringing Standing Order No.88. Could he be disciplined for refusing to answer the specific Question? We need your ruling, Mr. Speaker, Sir.

Mr. Sunkuli: Mr. Speaker, Sir, the hon. Member is asking a Question---

Mr. Speaker: Order! Order! I think, hon. Sunkuli, you can see and feel the attitude of the House. So can you respond?

Mr. Sunkuli: Mr. Speaker, Sir, the hon. Michuki says that I have refused to answer the Question. To the best of my knowledge, refusing to answer a question means either sitting down and not responding or standing up to say that I refuse. But if I give an answer that the hon. Member is not satisfied with, the Standing Orders do provide for further action. It may not be the correct answer, but I have given an answer.

Mr. Arte: Mr. Speaker, Sir, this is not a laughing matter. We are talking of a right. The salary of an individual is his right under the existing regulations. Here is a civil servant who cannot talk for himself; his salary is deducted for reasons not known to us, and here is an Assistant Minister who is refusing to answer the Question asked. It is you, as the Speaker of this House, as you have ruled before, this same Assistant Minister did not give a concrete answer. Could we now seek your guidance?

Hon. Members: Name him!

Mr. Speaker: Order! Order! I would not like to get drawn into the debate, but as a matter of interest, both hon. Sambu and hon. Sunkuli have not disclosed to the House how much money is involved. How much is it?

Mr. Sambu: Mr. Speaker, Sir, as of last time, it was Kshs1.2 million and the deductions are continuing. We have, in Nandi District, over 257 assistant chiefs and over 70 chiefs and the deduction is done at the rate of Kshs1,600. They do not have discretion, because you will find an assistant chief being deducted Kshs1,600 and a chief being deducted Kshs800.

So, Mr. Speaker, Sir, unless there is a separate law for civil servants in Nandi District, which is not applicable to the rest of the country, then we are not here for the welfare of society and the just Government of the whole society.

I request the Chair to give us a ruling and help us on this matter.

Mr. Speaker: What ruling do you want on the Assistant Minister?

Mr. Sambu: Mr. Speaker, Sir, I do not want anybody to be disciplined. I just want him to say that the money will be refunded. I come from the District, I was with the chiefs on Sunday and with some of them on Monday morning. They swear that they never signed any documents. Why are you protecting this Yatich? Why can this money not be refunded? What is the difficulty? I move that the Assistant Minister should be named for misleading this House.

(Applause)

Mr. Sunkuli: Mr. Speaker, Sir, I am---

Mr. Ojode: Thank you, Mr. Speaker, Sir. I, Joshua Ojode, the Member of Parliament for Ndihiwa, second that the Assistant Minister be named under Standing Order No.88.

Mr. Speaker: Order! Order! Can I give a direction to the House about standing order No.88. I think the hon. Member for Kangema raised the same issue in relation to the Minister for Co-operative Development. There is a difference between refusing to answer a Question and giving a wrong answer. As I said last time, there is also inability to answer. Now, you cannot punish an hon. Member for giving a wrong answer or being unable to answer. You can only punish hon. Sunkuli if he sits down and refuses to answer the Question. As to whether the answer given is right or wrong, it is for the House to determine. But in my view, it does not come under Standing Order No.88. So, the House can decide to agree with him or refuse to agree with him.

Mr. Michuki: Mr. Speaker, Sir, Standing Order No.88(2), talks about conduct which is grossly disorderly. This includes the refusal to answer a legitimate Question or act in any other way detrimental to the dignity of the House. Now, the Questioner, hon. Sambu, has requested the Assistant Minister to table the evidence of acceptance by the assistant chiefs and chiefs that their money should be deducted. He has been asked to table the list which has signatures. That he has refused to do although he claims that the chiefs and their assistants actually signed the list.

Now having accepted that there is a list, surely his conduct is disorderly for his refusal to table the paper that he claims he had and which was signed. Therefore, Mr. Speaker, the issue is entirely different from the one involving the Minister for Co-operative Development. I do not want to argue with the Chair but I see it differently and we should support the naming of this Assistant Minister who has been persistently misleading the House in his answer.

Mr. Speaker: Hon. Sunkuli, would you like to respond?

Mr. Achola: No, we do not want him to talk!

Mr. Sunkuli: Mr. Speaker, Sir, how can the hon. Member for Migori say that he does not want me to talk?

Mr. Speaker: Order! Order! Order, all of you! I prefer some form of order now. I think the hon. Member has argued his point, and I have made my communication. Nevertheless, if Members, as it does appear--- I would have been the wiser if I were hon. Sunkuli, taking into account that Kshs1.2 million is being asked of chiefs of one District, to ask for more concrete evidence. But that is up to him. Hon. Sunkuli does not see the reason why he should not ask the House, maybe, to allow him time to get a better answer, then if Members are dissatisfied, they can always proceed under Standing Order No.18, by moving a Motion of Adjournment to question the answer given by him. What is your reaction hon. Sunkuli?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I will take your wise counsel and promise to produce any evidence available, to show this House if it was voluntary or not. On Tuesday, I will come back and give a better answer.

Mr. Speaker: Order! Order Mr. Ojode! Mr. Sunkuli has taken the advice from the Chair. The House must also take advice from the Chair. We will wait until Tuesday.

(Loud consultations)

Order! Order! Hon. Members, that Question, as far as the Chair is concerned, has now left the House until Tuesday. So, have your patience.

Next question.

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

Mr. Speaker: What is it, Mr. Ndicho?

Mr. Ndicho: Mr. Speaker, Sir, you heard hon. Sunkuli say that I do not differentiate between Parliamentary Questions, and Opposition rally speeches. I am one of the Members who have asked the most questions in this House. Can you protect me from that innuendo from Mr. Sunkuli?

Mr. Speaker: Order! Order! Mr. Ndicho, I give you my absolute assurance that the hon. Mr. Sunkuli will not be allowed by the Chair to have any jibes at you, either now or in the future. Can we all, hon. members, be courteous to each other?

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. While I respect your ruling, actually, I just wish to say that I did not say the hon. Ndicho does not differentiate between Parliamentary speeches and Opposition rally speeches. I said he does not differentiate between questions in Parliament and those in the examination room. Therefore, because I do not want to make more jibes at him, I withdraw that.

Mr. Ndicho: Mr. Speaker, Sir, that is even worse!

Mr. Speaker: Order! He has withdrawn.

(Several Members left the Chamber)

Mr. Speaker: Members must not leave when Mr. Speaker is on his feet. Thou shall remain there standing, until I have finished my communication. Secondly, it may also be in the interests of the Assistant Ministers in the Ministry of Education to remain behind.

(Applause)

Mr. Ndicho, Mr. Sunkuli has withdrawn all the remarks against you and, therefore, there is nothing else you can fight against.

Question No. 2 by Private Notice is deferred to next week.

DELAY IN COMPLETION OF CONTAINER
FERRY SERVICES PROJECT

(Mr. Rotino) to ask the Minister for Transport and Communications:-

- (a) Why did the Kenya Ports Authority pay Kshs.524 million for Container Ferry Services (CFS) project which was not completed?
- (b) What steps are being taken to recover the money from the contractor for breaching the contract?
- (c) What steps is the Authority taking to have this project completed in order to improve efficiency at the port?

(Question deferred)

POINT OF ORDER

UNAPPROVED CONSTRUCTIONS

The Minister for Local Government (Mr. P.F.L. Lotodo): Mr. Speaker, Sir, I would like to lay on the Table, a list of 394 buildings which were constructed without approval of the City Council as stipulated in the by-laws of 1968.

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

Mr. Speaker: Yes, what is it?

Dr. Kituyi: I crave the indulgence of the Chair. The Chair did mention to the two Assistant Ministers in the Ministry of Education, that for some matters which I assume they should be capable of understanding, it would be in the best interests of this House and themselves if they remained around for a while. They proceeded out. Could we request the services of the Sergeant-at-Arms to bring back those two Assistant Ministers, to hear the urgent matters that we want to discuss about the Ministry?

Mr. Speaker: Order! Order! I think the hon. Assistant Ministers heard my counsel. They are probably alerting their Ministry on what they have heard from the Government Chief Whip. I suppose, if anything should happen, I will expect there will be a Government respondent. So, in any case, I did not order them to remain. I just told them it may be in their interest to remain, and that is sufficient.

PERSONAL STATEMENT

MISREPORTING BY PRESS

The Minister of state, Office of the President (Mr. Biwott): Mr. Speaker, Sir, I rise to correct a misunderstanding that appeared in the newspapers. First, they said there was stone throwing in Kerio, in Chepkorio and that was absolutely incorrect. There was no stone throwing at that particular area. The following day, there was another article in two newspapers saying that the local people in the area were denying that there was any stone throwing, instead they welcomed the leader of the DP enthusiastically. What they only did was to show him a KANU sign because that area is 100 percent KANU and there was no stone throwing. I have no reason to believe the Member for Kimilili had any ill motive, being a staunch supporter of the IPPG. I have every reason to believe that he spoke in

good faith yesterday, when he wondered whether KANU people, especially in my area, would do such a thing when the IPPG recommendations are being deliberated here.

Now that the person who was affected, that is hon. Kibaki, has cleared the air to say he was welcomed and never stoned, I believe that the correct picture should now be printed clearly by our national newspapers, so that people do not associate Kerio South with stone throwing. Kerio South residents are civilised people, they respect and welcome all visitors and they are not afraid of any political competition. They will never rough up anybody. We do everything in good faith. I believe that hon. Kituyi had no ill-motives.

Mr. Speaker: Order! Order! I do not think hon. Kituyi needed to say anything really. What prompted the issue to come to the Floor of the House is what we read in the papers. Since Dr. Kituyi is neither an editor nor a reporter in that area, I do not think he ought to know more than what he read and, therefore, I do not think he has anything to apologise about. But whoever wrote that article, of course, must have heard Mr. Kibaki and Mr. Biwott, so the matter must end there now.

MINISTERIAL STATEMENT

CATTLE RUSTLING IN TURKANA DISTRICT

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, hon. Imana, the Member for Turkana Central requested me to make a Ministerial Statement in connection with cattle rustling activities which caused loss of lives and properties in Turkana District. In this regard, I would like to state as follows:

On 19th September, 1997, at 5.00 a.m., a report was received that about 40 cattle rustlers believed to be from certain tribes in West Pokot District had raided Kaplagan Manyatta, about 28 Kilometres, east of Loima. The rustlers made away with an unknown number of livestock, belonging to Turkana herdsman. A combined force of Kenya Police and Administration Policemen was sent to the scene to pursue the raiders. On reaching the scene of the incident, security personnel established that the raiders attacked Manyattas in Lokiriama Location and in the process, 12 Lokiriama tribesman were killed by the armed cattle rustlers during the raid. Besides, five cattle rustlers were killed and two were arrested. The two arrested cattle rustlers are Karamojong tribesmen from Lotira area, in Moroto District of Uganda. One G3 rifle and three rounds of ammunition were recovered. The patrol team, comprising Kenya Police and administration policemen led the team in pursuing the fleeing raiders, who were headed towards the Uganda border. The security personnel had contact with the raiders near the Uganda border during which nine Teges tribesmen were shot, but there were no casualties on the security side from Kenya. The stolen animals were recovered as follows: 500 camels, 120 head of cattle. Also recovered were 3,240 sheep and goats.

Mr. Cheserek: On a point of order-----

Mr. Speaker: Would you sit down, Mr. Cheserek! You are out of order! Order! Order!

I do not understand What is exciting Members this afternoon, So, can we follow the proceedings of the House? It is not the fault of the Minister that he is not heard. It is the fault of the House for consulting rather too loudly, including that corner where Mr. Cheserek is sitting.

Mr. Cheserek: No! no!

Mr. Speaker: So, would you be my prefect and keep quiet then, Mr. Cheserek? Proceed!

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, also among the animals recovered, were 80 donkeys. The recovered animals were identified and given back to their owners. Due to the seriousness of the incident, the Government has beefed up security in the entire Turkana District with a view to curbing insecurity. The Government has also been in contact with the Uganda authorities, with a view to seeking a solution to cattle rustling along the border and the resultant insecurity. Lastly, I would like to appeal to the leaders from areas affected by cattle rustling to encourage their people to abandon retrogressive traditions such as cattle rustling and instead, they should engage themselves in acceptable development activities.

Mr. Imana: Thank you, Mr. Speaker, Sir. When I raised the issue, the Minister promised to give me the answer on Thursday, and I was not aware that he was going to give the statement today. However, regarding the statement he has given, I want to tell him that what happened on the ground is that, in Lorengiti, the raiders struck at around 5.00 a.m. Although the border was about three kilometres away, the security personnel have not been able to recover any of the livestock stolen. Those included 2,961 head of cattle, 15,036 camels and 5,000 goats. What he is telling us now, is about Lokirima where 500 camels were recovered as well as the donkeys. But even though three-quarters of the livestock were stolen by that group of raiders from Uganda and Pokot, in the first incident, the raiders were a group comprised of people from West Pokot and Uganda. During the raids, seven people were killed in Lorengiti while 10 women were killed in Lokiriama, and eight women injured. I want to now whether they are going to compensate those who were killed because they were killed by Kenyan Pokots.

Secondly, I demanded that a protest note from Kenya to the Uganda Government be issued, but I have never heard whether they have done that, or if they are going to return our animals. These are said to have been more than 1,000 people armed with AK 47 rifles and assorted weapons and they started their plans very early. The chiefs as well as other leaders in the area knew about it, and even the area Member of Parliament who is in this House, was aware. The people who were there when the livestock were driven away indicated that the Member of Parliament was among the people who celebrated over the incident. So, if we are in such a situation where even the leaders support that kind of action, this menace is not going to end. The two Karamojongs whom they claim to have been arrested, were those who were already in those manyattas, and so, were the Turkanas. Those Pokots assisted the Turkanas to fight because they had made peace with them. On reaching there, the security personnel asked the Pokot men what they were doing and they arrested them.

Finally, we demand the return of the livestock because those families have nothing else to rely on, for their livelihood, and those animals are now in West Pokot. They were given seven days and are now approaching Uganda where the other Pokots are; So, that was a waste of time. Secondly, we request for compensation for all those killed.

Mr. Kalweo: Mr. Speaker, Sir, the Kenya Government is in contact with the Uganda Government and any progress will be reported back. On the Lorengiti issue, I will do more research and inform the House.

POINT OF ORDER KILLING OF MR. NJOROGE

Mr. Michuki: Thank you Mr. Speaker, Sir, for giving me the opportunity to raise a matter of great importance and to seek a Ministerial Statement from the Office of the President, regarding the following matter.

On the 14th of September, Mr. Julius Mwangi Njoroge was arrested by the police at Kangema from his Kiamara village. He was taken to Makuyu, where the anti-robbery squad was based, until we were informed this morning that it has been disbanded. The wife and parents made all efforts to know where he was, but were rebuffed every moment they tried to do so, both at Muranga, Makuyu and Kangema. It was not until 26.9.97 that the wife and brother of the deceased were bundled into a police vehicle and taken to the City Mortuary to sign a consent for a postmortem to be carried out by a Government doctor. They killed him at Makuyu and since last week up to today, I have tried to liaise with the Commissioner of Police, who directed me to the Criminal Investigations Department (CID) Headquarters. I have tried to get a person in authority to authorise the family doctor to do the second postmortem, which now appears to have been refused. The postmortem that was done by the Government doctor states that the man died of pneumonia, when we know that he died of beatings and persistent torture. I think I understand the document I saw and I should defend it. Section 71 deals with protection of life---

Mr. Speaker: Mr. Michuki, you are on a point of order! You are not going to take all the time of the House.

Mr. Michuki: All I am saying is this: Could the Minister issue a Ministerial Statement giving the reasons as to why, first, the family were forced to sign documents purportedly to authorize the postmortem? Secondly, he should say why they have been refused permission to get their family doctor to do the second postmortem. This matter is not going to end there, even if it takes ten years. Even if the courts in that area do not look into it, it will be heard by a court of law somewhere. Can we have this statement? The Minister should order the Police Commissioner to allow the family doctor to go and have the postmortem carried out. They have suffered enough. He should not subject them to any further torture, mental or physical.

Mr. Speaker: Very well, Mr. Michuki now. I think I will give the next chance to Mr. Raila, and then I will go to Mr. Angwenyi before we go to Business. Be very brief, Mr. Raila.

Mr. Raila: On a point of order, Mr. Speaker, Sir. Yesterday, when the Vice-President and Minister for Planning and National Development was busy assuring this House of the Government's sincerity in the implementation of the IPPG recommendations I was being harassed by police officers in Siakago. We had gone to Siakago, and arrived there at 5.45p.m. We were merely greeting the people when the police officers in a Mahindra and a Land Rover vehicles drove in, charged at us, and, without even talking to us, went straight into the crowd and began to viciously beat the people whom we had been greeting. In the process very many people were injured. They arrested one of my officials, a Councillor Mukurwa Mhuri from Embu District. He was locked up in police cells for more than one hour. It was only when we protested that he was eventually released after being held in the cells for one hour.

What we want to know is this: Coupled with the statement that was issued by the DO in Kenya the other day, that he does not know what Parliament debates, nor does he care about what it passes, can the Government tell us which is which? Are we to take seriously what we see practically in the field, or the assurances that we are being given by the Government in this House? The President has said that issuing of permits for political rallies can now be done automatically. For the last two weeks we have been trying to get a permit for a public rally in Nakuru, but the DC for Nakuru District has refused to give us a permit for a rally for this weekend. Can the Government come out and tell

us, or confirm, that the so-called IPPG recommendations are basically a cosmetic exercise to try to placate the donors?

Mr. Speaker: Would you like to answer?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir. I think what hon. Raila has said is complete news. It has not been reported anywhere in the newspapers. However, I want to say once again that the assurance I gave is firm. We have no intention of bending those instructions.

Those who watched the President on television yesterday evening saw that he clearly also made the same statement: That hon. Members are at liberty and completely free to go anywhere in the country and sell their political philosophies. That came from the President. I issued a statement, and what it said remains the Government position.

I also did say that there are forces that would wish to undermine the gains of the IPPG. Now, the newspapers had prominently announced that when hon. Kibaki made a tour of the Rift Valley Province, his convoy, including his own vehicle, was stoned. It is hon. Kibaki himself who appeared on television yesterday and said that what the newspapers actually reported was contrary to what had happened. I thank hon. Kibaki for coming out very clearly on that point.

One must ask oneself the following question: What was the motive of misinforming members of the public by reporting that hon. Kibaki's convoy had been stoned? I do not, in any way, wish to impute improper motive to hon. Raila Odinga, but suffice it to say that he is on record as being vehemently opposed to the IPPG package.

Having said that, let me say that we will investigate what he has said because it had not come to the attention of the Government whatsoever.

Mr. Speaker: Order! Order! We must be mindful of the time. I think I will give the last chance to Mr. Angwenyi.

**NOTICE OF MOTION FOR THE
ADJOURNMENT UNDER
STANDING ORDER NO. 20**

TEACHERS' STRIKE

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. I wish to move a Motion of Adjournment under Standing Order No.20, so that we can discuss a matter of national importance in this House. The matter is about the strike by teachers in this country. As you know, our country is going through a crisis in education right now. All our teachers have gone on strike, and there is a clear conflict between the teachers and their employer, the Government of Kenya. Certainly they seem to be---

Mr. Speaker: You are moving the Motion?

Mr. Angwenyi: I am just making a statement. I am a new man, and need to know about the rules.

Mr. Speaker: We do not do it that way, Mr. Angwenyi. First of all, you seek leave of the House to find out whether I am satisfied that you have raised a definite matter of national importance, which should make the business of this House be adjourned. From what I understand, you are seeking leave to move a Motion under Standing Order No.20. I do find, as a matter of fact, that what you have raised - the matter of teachers' strike - is definite. I further find that the strike by the teachers is also a matter of national importance. Having found that, I will, therefore, ask you whether you have the requisite support to make the House adjourn. Do you have it?

(Applause)

(Several hon. Members stood up in their places)

(Mr. Angwenyi remained seated)

Mr. Speaker: Order! Hon. Angwenyi, it appears that despite your own sitting, you have more than the necessary support to adjourn the House. Therefore, I will allocate one hour at 5.30 p.m. today, so that this House can discuss that issue. So, the House will be adjourned at 5.30 p.m. to discuss the issue you have raised, hon. Angwenyi, unless you have given up your interest in the meantime.

Next Order!

BILLS

First Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL

*(Order for First Reading read - Read the First Time
Ordered to be read the Second Time tomorrow)*

*Second Reading*THE STATUTE LAW (REPEALS AND
MISCELLANEOUS AMENDMENTS) BILL

(The Attorney-General on 25.9.97)

(Resumption of Debate interrupted on 7.10.97)

Mr. Speaker: Would you like to contribute, hon. Shikuku?

Mr. Shikuku: Bw. Spika, leo nitazungumzia juu ya Mswada wa The Statute Law (Repeals and Miscellaneous Amendments) Bill, ambao umeletwa kutokana na mazungumzo baina ya Upinzani na chama kinachotawala cha KANU.

Bw. Spika, walio na masikio wasikie. Hii ni kwa sababu umekuwa mtindo wa waheshimiwa Wabunge na watu wengine huko nje, ambao wamesoma sana mpaka wakapindukia; wengine ni maprofesa na mawakili wanaojulikana sana, lakini ukweli ni kwamba, hao maprofesa, mawakili na Wabunge wengine katika Bunge hili wamechukua fursa ya kutumia akili zao kuchafua mambo katika Kenya. Wamesahau kuna wengine ambao sio mawakili, lakini wana akili kushinda mawakili. Leo hii, nataka kuwaonyesha cha mtema kuni!

Mr. Ndicho: Jambo la nidhamu, Bw. Spika. Mimi si wakili lakini ni haki kwa mhe. Shikuku kutisha mawakili kuwa wataona cha mtema kuni?

Mr. Speaker: Weka nidhamu, Bw. Ndicho! Mawakili hawatishiki!
Endelea Bw. Shikuku!

Mr. Shikuku: Ahsante sana, Bw. Spika. Yafaa nipewe nafasi niseme yangu kwa sababu hata mimi niliwapa nafasi Wabunge wengine hapa Bungeni, kutoa hotuba zao. Mimi si wakili lakini nina akili. Lakini ni aibu kutumia akili kuleta fujo katika nchi hii. Hakuna Mbunge yeyote ambaye amewahi kuzungumza katika Bunge hili--- Wale waliobaki katika NCEC ni "mabaki" kama alivyosema mhe. Karua. Ni wachache; kama watatu hivi tu waliobaki huko - wanaoweza kusema hakukuwa na hatari katika nchi hii! Tungelikaa wiki mbili zaidi, hata wewe Bw. Spika hungekuwa unakaa hapo! Yangukuwa mengine! Kulikuwa na mipango mibovu ya kuleta ghasia katika nchi hii. Hii ndio sababu sisi wengine wanaume tuko tayari kusimama wakati tunahitajika, na kusema wazi kuwa hili ni bofu. Kungekuwa na umwagikaji wa damu katika nchi hii.

Ningependa kueleza kwamba mimi, mhe. Kibaki, mhe. Wamalwa, mhe. Nthenge na mhe. Orengo, tulileta habari ya vyama vya Upinzani kuungana ili tupate mgombeaji mmoja wa kiti cha urais. Tulizungumza kwa miezi mitatu. Nazungumza ili kila mtu ajue mambo haya yametoka wapi, na yamefika wapi. Tulizungumza miezi mitatu kwa siri. Hatukumwambia mtu wa FORD(A), FORD(K) au DP. Tulizungumza na tukakubaliana kwamba katika kura za 1992, tulishindwa kwa sababu tulikuwa na wagombeaji wengi wa kiti cha urais kutoka kwa Upinzani. Tulikubaliana tuwe na mtu mmoja ili tuweze kuibwaga Serikali ya sasa. Mambo hayo si siri. Nia ya Upinzani ni kutumia njia za kihaki kubwaga Serikali ambayo inakalia kiti sasa.

Baadaye, tuliita Inter-Parties Group (IPG) ya vyama vitatu - FORD(A), DP na FORD(K). Tulikutana na kukubaliana kwamba upande wa Upinzani utatoa mtu mmoja kupigania kiti cha urais katika kura zijazo, na kwamba kila mtu anaweza kuwa Rais; na yule atachaguliwa ataongoza na yule ambaye hatachaguliwa ataunga mkono aliyechaguliwa, na ndio tukaenda huko Hilton. Siku hiyo, tulileta jambo la National Opposition Alliance (NOA). Tukaona hivi ni vyama vya siasa vya Wabunge wa Bunge hili, na ilitubidi kuongeza idadi ya Wabunge. Ndipo mhe. Kibaki alileta Wabunge wake watatu wawe katika IPG. Mimi nilileta watatu na mhe. Wamalwa akaleta watatu. Watu wa KSC wakaleta mtu mmoja na idadi ikafikia kumi. Ndio wakaitwa Inter-Parties Parliamentary Group (IPPG), na tukawapa madaraka kuita watu wa dini, mashirika yasio ya Serikali na kila mtu ili tuwe wengi na tuweze kuwa na convention. Jambo hilo lilifanyika, na tukawa na convention huko Limuru. Hiyo convention--- Nataka kujua ni mtu yupi ambaye anaweza kuwa "mheshimiwa" na hali hasemi ukweli? Waheshimiwa Wabunge wengine hapa hawasemi ukweli.

Mr. Michuki: On a point of order, Mr. Speaker, Sir. I do not really want to intervene in what hon. Shikuku is saying, but with your permission, when I raised a similar question yesterday, you ruled me out of order. On what

hon. Shikuku is explaining here, I spent one-and-half months getting 73 signatures with hon. Orengo and hon. Mak'Onyango. When I wanted to give that history yesterday, you refused and ruled me out of order.

Mr. Speaker: Very well. Mr. Shikuku, as you have heard, what hon. Michuki is saying is conversantly right. After he gave a little background, it became relevant. So, can we also come to this?

Mr. Shikuku: Bw. Spika, nimeyaleta haya mambo kwa sababu ninataka kuzungumza juu ya mambo ambayo yako katika karatasi hii ya Kongamano la Limuru. Nimeeleza historia hiyo ili tujue tulitoka wapi na tumefikia wapi. Karatasi hii ina anwani ya: "The Minimum Constitutional, Legal and Administrative Reforms for Free, Fair and Peaceful Elections" as adopted by the National Convention Planning Committee (NCPC) on 15th November, 1996".

Maneno haya katika Kongamano la Limuru yalitolewa na watu wa dini, wanafunzi wa vyuo vikuu, manaba, wachukuuzi, viwete na kila mtu. Tulialika KANU lakini ni mfuasi mmoja wa chama hicho tu aliyehudhuria. Kongomano hilo lilichukua muda wa siku tatu na haya maneno yote yalipitishwa. Kwa hivyo, mhe. Mbunge yeyote kusema dini au watu fulani hawakuhusika, basi afadhali ajulikane kama "asiyeheshimiwa" kwa sababu "msheshimiwa" ni mtu anayesema ukweli. Waluhya, Wamaasai na Wakikuyu ambao hutahiri, iwapo mmoja wao atakuhidi mbuzi, hakuna haja ya kuandika haya mahali popote. Hata kama mbuzi ni mmoja, nikisema kwamba ni ya Bw. Spika, basi huo atakuwa wake. Hiyo ndiyo maana ya mtu aliyekomaa au kuwa msheshimiwa! Ukiwa "mhe. Mbunge" huna maana kama husemi ukweli kufuatana na mila.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Bw. Naibu Spika, katika kongamano hilo tulizungumzia mambo mengi. Hapa tuna mambo mengi lakini nitazungumza juu ya yale juu ya Mswada huu na mengine yatakuja baadaye katika Mswada mwingine. Nikizungumza juu ya Mswada huo, Bw. Naibu Spika, utasema ninazungumza juu ya Mswada ambao hujaletwa hapa.

Bw. Naibu Spika wa Muda, nitazungumza juu ya legal matters kulingana na Kongamano la Limuru. Tulikuwa vikundi viwili katika mazungumzo yetu ya IPPG; kikundi cha chama kinachotawala, KANU, na Upinzani. Na ikiwa mnakutana watu wawili huwezi kupata asilimia moja kwa kila jambo ambalo unahitaji. Mazungumzo yanahitajika wewe useme maoni yako na yeye yake. Lakini hawezi kusema kwamba wewe utatoa maoni asilimia moja bila pingamizi yoyote. Hawa waheshimiwa Wabunge wanaopinga Mswada huu hawasemi ukweli. Ajabu, hawa ni mawakili. Zamani nilikuwa nikifikiria kwamba wakili husema ukweli peke. Lakini nimepata kuona kwamba mawakili wengine ni waongo sana. Wana elimu ya kuwa waongo na huko wanaitana kwa majina ya heshima kama "learned friends."

Bw. Naibu Spika, Public Order Act imetuumiza sana. Hata mhe. Ntimama aliteta sana kuhusu hii Public Order Act. Kila mtu ameumizwa na sheria hii. Tulipokutana katika mazungumzo yetu ya IPPG tuligundua kwamba ndugu zetu waheshimiwa Wabunge wa KANU pia wafinywa sana na Public Order Act. Walitoa maoni ambayo yalinifanya nifikirie kuwa nilikuwa nikiota. Walisema hiyo Public Order Act iondolewe. Hapa tulisikizana.

Bw. Naibu Spika, tangu tuchaguliwe mwaka wa 1992, sijawahi kufanya mkutano Butere kwa sababu ya Public Order Act. Ukienda mahali popote, chifu huwa amefika na Waluhya nao ni matata. Kulingana na salamu zao, ni lazima umshike mtu mkono. Huyu anakusalimia "kalie" hadi watu wanakuwa wengi sana wanaotaka kukusalimia. Mwisho wake unakuwa ni mkutano. Chifu anafika na kuuliza kama una kibali na kadhalika. Baadaye polisi wa utawala wanafika na kuvuruga watu.

Bw. Naibu Spika, nawashukuru waheshimiwa Wabunge wa Upinzani na KANU. Historia itaandikwa kwamba wakati mmoja nchini Kenya, na uzuri ninaona majina ya waheshimiwa Wabunge waliokuwa katika kamati hiyo--- Nakala hizi zote zimetwa majina ya wale waliohudhuria mazungumzo yetu ambayo yalileta amani katika Kenya. Vijukuu watasoma na wajue ni akina nani ambao si waheshimiwa Wabunge kati yetu kwa sababu wanapenda kuona damu ya binadamu ikimwagika. Kwa Kiingereza, hao watu huitwa "bloodthirsty Members of Parliaments".

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Shikuku in order to insinuate that the Members of Parliament who never attended the IPPG talks like myself, are blood thirsty? We are not bloodthirsty, because democratically, we are allowed to differ on such things. So, is he in order to insinuate that we are blood thirsty? We want peace in this country, but we never wanted to be betrayed by KANU. That is why we refused to attend the IPPG talks. We are not blood thirsty; but peaceful people.

Mr. Shikuku: Bw. Naibu Spika, nikimaliza ningetaka umpe huyu "malaika" nafasi aseme mambo yake ya "kimalaika". Wakati huu ninatoa maoni yangu. Lakini ukweli ni kwamba yeye hakuhudhuria mazungumzo ya IPPG ili apate nafasi ya kusema maneno yake ya "kimalaika" wakati waheshimiwa Wabunge walipohudhuria mazungumzo ya IPPG kama waheshimiwa Wabunge lakini si kama vyama vya siasa. Kama mhe. Mbunge wa Juja,

alikuwa na haki ya kuhudhuria mazungumzo ya IPPG na kusema hayo mambo yake ya "kimalaika" na watu wa Thika wanafahamu hayo. Sasa yeye anafikiria yuko Thika mjini. Hapa mhe. Mbunge mmoja anapozungumza yule mwingine afaa anyamaze lakini yeye anazungumza na huko ameketi! Amekuwa hapa miaka minne na nusu, lakini hajui Kanuni za Bunge hili. Pengine namuona mhe. Ndicho kwa mara ya mwisho.

Bw. Naibu Spika, jambo ambalo nilikuwa nataka kuzungumzia ni kuhusiana na Public Order Act. Zamani, mtu alipokuwa akitaka kupata leseni ilimbidi aende kwa chief, DO, OCS au DC. Na akifika kwa DC, mtu anayimwa hiyo leseni. Hii ilikuwa imeharibu maneno. Badaye nitasema kwamba, huu uhuru ambao umepatikana sasa ni lazima upewe muda wa kutekelezwa, ili tupate kula haya matunda ya uhuru wa sasa. There should be an implementation period! Siyo kupitsha leo na kesho tunaenda kwa uchaguzi. Wengine wetu hatujafanya mkutano tangu tuingie Bunge hili mwaka wa 1992. Tunawezaje kupitisha Mswada huu leo na kesho tunaenda kwa uchaguzi? There shall have to be an implementation period. Na tulikubaliana kwamba jambo la utaratibu wa uchaguzi mwaka huu litakuwa mazungumzo baina ya Electoral Commission, KANU na Upinzani ili tuwe na implementation period. Itakuwaje wewe umekuwa ukila na mimi naanza leo na wewe unasema chakula kimekwisha. Wacha sisi pia tule, ili tupate nguvu.

Bw. Naibu Spika, ninataka kukuambia kwamba tumepata mafanikio makubwa. Sasa hatuna haja ya kuuliza leseni. Kinachotakikana ni kumjulisha Bw. OCS kule kwake, na siyo DC pale Kakamega. Pale Butere, nitaambia Bw. OCS kwamba mimi nitakuwa na mkutano hapo Manyala Centre. Yeye tu anajulishwa na kutakuwa na register. Anaweza kuniambia: "Hapo Manyala, Bw. Nthenge atakuwa na mkutano mwingine." Akisema hivyo, nitamuuliza anipatie register. Akinionyesha register, na nione kwamba kutakuwako na mkutano kule Manyala, mimi nitaenda kwenye Manyala Centre. Ni wajibu wa Bw. OCS kuwa pale siku hiyo, ili aangalie kama kutakuwako na magaidi wa kuharibu mkutano, awanyoroshe na kuwaweka ndani, na mimi nitaendelea kutoa hotuba yangu. Sasa, kuna kitu kingine bora kushinda hicho? Lakini wale wanaopinga marekebisho ya IPPG hawataki kusema huo ukweli. Wanaendelea kusema: "Oh! We have achieved nothing!" Huo ndio uongo waliosoma na wakapinduka kusema wanataka NCEC. NCEC wanataka watu wauawe. Hii ndio nia ya NCEC. Ninataka kuthibitisha hayo mambo ninasema. Siku ile tulikuwa na mkutano kule Uhuru Park, maofisa wa polisi hawakuwako, hata mmoja. Kama wengine walikuwako na wakavalia nguo za raia, sijui. Ajabu niliyoona ni kwamba, watu wa Upinzani waliua mtu! Haya ni mambo ambayo mimi siwezi kuishi nayo katika roho yangu. I will never. Sitakubali kamwe. Yule mtu aliyeuawa alikuwa askari wa Special Branch, na hakuja kupiga watu.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Is hon. Shikuku in order to discuss a matter that is before a court of law?

Mr. Deputy Speaker: What is the case number?

Mr. Ndicho: I do not know, but you know as well as I do, that this case is in court!

Mr. Deputy Speaker: If it is before a court of law, it is improper for him to discuss it.

Mr. Shikuku: Bw. Naibu Spika, nasema mambo niliyoyoa. Huyo mtu alikuwa amekaa baina ya watu wengine. Alikuwa anatoka Kibera na watu wengine wa Kibera wakasema kuna kachero hapa; mbwa wa Moi, na wakamtoa hapo mbio. Alifukuzwa kama swara na nyinyi nyote mliona kwa televisheni. Aliuawa papo hapo. Wakati wangu wa kutoa hotuba yangu ulipofika, wengine waliokuwa na hawa thugs. Wale walioshikwa, ni political thugs wa waheshimiwa wengine katika Bunge hili. Walifanya mpango, ili nisiseme kwa sababu walijua ningeenda kusema hivyo. Magazeti pia yanahusika. Jana tulisoma kwa magazeti na gazeti moja likasema mhe. Kibaki alipigwa na hali haikuwa hivyo. Kuna magazeti ambayo yanaunga NCEC. Wao pia wajue kwamba siku ile matata yatakaposhuka, Pressmen will not be exceptional. Kama wameshasikia mwandishi wa habari ameuawa, wao watauawa pia. Wasije wakafikiria wako free. No! Vita ikishatokea, kila mtu anaweza kuumia, hata mimi. Watu wa magazeti wataumia pia. Kwani wao wamewekwa chuma ambayo risasi haiwezi kuingia? Watakwenda.

Tunataka magazeti na kila mhe. Mbunge ahubiri amani katika nchi hii. Kila mtu ahubiri amani nchi hii. Wakubwa wengine wamenunua magazeti ili watu kama mimi wakisema maneno, hayaandikwi. Na waliambiwa na aliye kuwa Mwenyekiti wa FORD(A), na tuliona kwa televisheni: "Wewe na wewe niliwapa pesa." Mpaka leo, hawajamshitaki! Alisema ukweli kwa sababu aliwanunua. They are corrupt. Siyo wale maripota wadogo wadogo kama hawa. Ni wale wakubwa wao. Lakini wao pia wako Kenya. When the Chips will be down, wao pia watakionja.

Kwa hivyo, kusema hatujafanya kitu na sasa tutakuwa tukimjulisha Bw. OCS na siyo kuuliza ruhusa, si ukweli. Tumepiga hatua kubwa sana. Tuna maneno ya NCEC na ulinganishe-- Na magazeti yamekataa. Wao ndiyo warmongers, hasa *Daily Nation*. Hawataki kusema na wana hiyo ripoti ya NCEC na pia wana hii Bill na ile ya Katiba. Lakini wamekataa kuelimisha wananchi ni kitu gani kinaendelea. Niliwaambia waandike ni nini NCEC ilikuwa ikitaka na Bill ya Attorney-General inasema nini, na IPPG imepata nini. Hawataki hiyo kwa sababu wakifanya hivyo, wananchi watajua sana. Ni lazima wafunike hiyo na kusema mawe yemetupwa ili tugongane na kuana.

Bw. Naibu Spika, jambo la pili ni kuhusu Preservation of Public Security Act. Hapa ndipo kuna muujiza, maanake haya ndiyo mambo magazeti yanakataa kuandika. Ukisoma mapendekezo ya NCEC juu ya Public Order Act, wamependekeza kwamba, unaweza kutiwa nguvuni na ukae huko miezi miwili bila kufikishwa kortini. Lakini, tulipokutana na hawa wenzetu, tulisikizana kwamba, mtu asikae hata sekunde mbili kabla hajafikishwa kortini. Ndiyo sababu Mkuu wa Sheria alipokuwa akisema hayo mambo hapa, nilisimama na nikaimba: "Halleluyah". Mabadiliko hayo yametokana na mazungumzo yetu. Na hatukubadilisha bali tulifuta. Je, hicho ni kiwango gani cha mabadiliko? Ni zaidi ya asilimia 100.

Mr. Ndicho: Hapana!

Mr. Shikuku: Bw. Naibu Spika ningependa umjulishe mhe. Ndicho awe na adabu, maanake, umri wangu ni mkubwa kwake. Tena mimi ni Mbunge wa zamani sana katika Bunge hili. Akiweza kuwa na heshima hiyo, itamfaa. Asipofanya hivyo, maneno ya mzee yakimfuata, yeye ndiye atakayepoteza. Maanake yeye hawezi kunilaani, lakini mimi nikimlaani maafa yatampata. Akizungumza tena, nitamlaani na utashuhudia.

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. I am very worried now, and I have to leave because as you have heard, hon. Shikuku has threatened to curse me. I wanted to stay long enough till he finishes his contribution because I would also like to contribute. Is he in order to threaten me with a curse? We are worried; this is not the hon. Martin Shikuku we knew. We are very worried.

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

Mr. Ndicho: I do not want to be cursed!

(Mr. Ndicho withdrew from the Chamber)

Mr. Deputy Speaker: He is perfectly in order. He threatened to curse you if you continue to disturb him. That is what he said.

Mr. Shikuku: Bw. Naibu Spika, heshima ni muhimu. Nilipoingia Bunge hili kwa mara ya kwanza, nilipata wazee wengine wengi hapa, kama vile hayati Mzee Kenyatta, James Gichuru, Masinde Muliro, Ngala na wengineo. Nilikuwa na heshima kwao. Sikuwa ninakaa katika viti vya mbele. Kila siku nilikuwa nikikaa nyuma. Na nilikuwa nikija mbele waliponiita na nilipomaliza kuzungumza nao, nilirudi nyuma. Lakini siku hizi kuna Wabunge waliokuja hapa juzi wanaokaa hapa mbele. Hakuna hata mmoja anayesimamia wazee, mpaka hata wakati mwingine mimi hukaa kule nyuma. Waheshimiwa kama hao, hawatakaa Bungeni kwa muda mrefu. Kama huna heshima ni shauri yako, mimi nilikuwa natoa heshima kwa wazee.

Bw. Naibu Spika, kufutwa kwa mambo fulani na IPPG kutoka kwa Public Security Act ni zaidi ya asilimia 100 ya mabadiliko. Inafaa magazeti yaandike yale mapendekezo ya NCEC kule Limuru juu ya jambo hilo. Utastaajabu!

Bw. Naibu Spika, tumekata shauri kwamba, katika Societies Act ambayo imetusumbua kwa muda mrefu, ule uwezo alikuwa nao Registrar of Societies ung'olewe. Tulumwambia Mkuu wa Sheria kwamba, vile vyama vilivyotaka kusajiliwa visajiliwe siku kumi baada ya kukubaliwa kwa ripoti ya IPPG. Wengine bado wanasema kwamba, yale mazungumzo ya IPPG ni bure, ilhali ukweli ni kwamba, vyama vyote vilivyotaka kusajiliwa sasa vimesajiliwa isipokuwa vitatu tu, ambavyo havijasajiliwa. Lakini ni viwili kwa sababu IPK ilikuwa imekataliwa zamani na nilimsikiza kwa BBC yule msajili akisema kwamba, kesi kuhusu IPK ilipelekwa kortini. Sasa vimebaki vyama viwili tu ambavyo havikusajiliwa.

Bw. Naibu Spika, ningependa kuchukua fursa hii kuuliza Serikali kwamba, ikiwa sababu ya kutosajiliwa kwa chama cha SAFINA ni jina "SAFINA", inafaa wabadilishe jina hilo ili wasajiliwe na tukutane uwanjani. Kwa sababu, wasiposajiliwa, watadai kwamba, kama wangesajiliwa tungeona cha mtema kuni. Inafaa wasajiliwe ili waondoe safina. Jana nilimsikia mhe. Maalim akisema kwamba, yeye ni Muislamu, mhe. Muite nafikiri ni muumini wa CPK, ilhali Bw. Leakey hana dini. Na katika Biblia na Koran, neno hili "safina" liko. Kwa hivyo, huenda ikawa kwamba, hili ni neno la dini. Kwa hivyo ikiwa chama cha SAFINA hakijasajiliwa kwa sababu wanatumia neno la dini ambalo liko kwa Bibilia na Koran, basi wabuni jina lingine na wasajiliwe ili tukutane kiwanjani. Wengine wanafikiria kwamba ni wakubwa sana na hali ni wadogo.

Bw. Naibu Spika, tulipokuwa tukiitisha mikutano kule Uhuru Park, Kamukunji na kwengineko, ndipo nilijua kwamba mtu haitwi mwanamume kwa kuvaa suruali ndefu, maanake hata wanawake siku hizi wanavaa suruali ndefu. Wengine miongoni mwetu hawakuwa wakihudhuria mikutano hiyo. Walikuwa wakienda Chester House badala ya kuenda kiwanjani. Wakitoka Chester House wanaenda kukaa katika hema lililoko hapa Bungeni. Wafanyakazi wa hapa Bungeni walinichekesha waliponiambia kwamba, tulipokuwa Uhuru Park, wenzetu walikuwa wamekaa hapa kwa hema, wakinywa soda. Hawa ni wanaume gani? Wengine hata mliwaona kwa televisheni wakijificha chini wakati wanatupia missile. Wanapenda matata, lakini yakifika hawaendi mbele.

Bw. Naibu Spika, wakati umefika wa kuambiana ukweli. Wale wanaotaka matata yafaa wawe mstari wa

mbele na sio kuwasukuma watoto wa watu mbele. Wakati tulipokuwa tukienda Uhuru Park niliwashika ili tuende mbele nao. Na tulipofika karibu na College House, ofisi ya Bw. Matiba, na polisi wakatokea, niliona ndugu zangu wakianza kurudi nyuma. Na nilipowaambia, tuende tukutane nao, walikataa. Niliwaacha mikono na nikaenda kuwambia polisi kwamba sisi tunapita tu. Ndipo tukapita. Wengi wa viongozi ni waoga, lakini wanataka kuleta matata ili watoto wa wengine wafe ilhali watoto wao wako ng'ambo. Ninasikia uchungu kwa sababu, hawa wadogo pia ni watoto wa watu.

Kifo ni kifo na maisha ni maisha. Hata ukiwa Rais, ukifa umekufa na hata ukiwa Onyango, ukifa umekufa. Ikiwa wewe ni kiongozi na umekufa, huna lolote. Mkubwa hafi mara tatu na mdogo mara moja. Kifo ni kifo na maisha ni maisha. Lazima sisi viongozi tuelezane ukweli kuwa hatutaki kuwaua watu wetu.

Bw. Naibu Spika, kuhusu Societies Act, Msajili wa Vyama amepewa siku 120 asajili chama hicho au akataa kukisajili na atoe sababu zake za kukataa. Ikiwa sababu hizo hazitozeleshi, mdhamini wa chama ana fursa ya kukata rufani katika Mahakama Kuu. Je, kuna mambo mazuri kushinda hayo? Wao wanasema haya yote ni bure, kwa hivyo wanataka "kumi kumi".

Bw. Naibu Spika, Chiefs Authority Act imenyanyasa wananchi wa kawaida kwa muda mrefu. Nitatoa hotuba yangu kwa kuzingatia ripoti iliyotolewa. Sikujua kwamba hata waheshimiwa Wabunge wa KANU nao wamefinywa sana na sheria ya chifu. Ukiangalia Cap.128, utaona kwamba tumeondoa Section 3. Ilikuwa inasema:-

"The powers conferred and duties imposed upon Liwalis and Mudirs by this Act shall only be exercised by such Liwalis and Mudirs as specifically appointed in respect of Coast Province and within the limits of their respective jurisdiction."

Bw. Naibu Spika, Mudir and Liwali walikuwa watu wa Sultan wa Zanzibar lakini sasa tumeitupilia mbali sheria hiyo. Section 7 inasema:-

"A Chief or Assistant Chiefs may employ any person or persons subject to this jurisdiction to assist him in carrying out duties imposed upon him by this Act or otherwise by law, and any person so employed may carry out and give effect to any lawful order given by a Chief or Assistant Chiefs."

Kifungu hiki cha sheria ndicho kilikuwa kinampa chifu au naibu wa chifu mamlaka ya kuajiri wanayusi. Tena walikuwa wanaajiri waharibifu ambao walikuwa wanavamia wananchi usiku na kuchukua pesa na mali yao. Tumeondoa sheria hiyo.

Bw. Naibu Spika, Section 9 inasema:-

"Chiefs or Assistant Chiefs may compel attendance of court by any person."

Hapo walikuwa wanawaandikia wananchi barua na kusema, "Ninakutaka ufike katika ofisi yangu saa nne kamili na usipofika, utawekwa ndani". Na bila shaka, usipoitii amri hiyo, unawekwe ndani. Tumeondoa sheria hiyo. Tumesema kwamba Section 10, ambayo ilikuwa inampa chifu mamlaka ya kutoa amri kwa watu ambao hawaishi katika eneo lake la uwakilishi Bungeni na kuwaambia waondoke, irekebishwe. Machifu walikuwa wamezoea kuwanyanyasa wananchi wanapofanya misako ya ghafla kwa visingizio kwamba wanatafuta chang'aa na busaa. Tumeondoa mamlaka hayo na itakuwa hatia kwa chifu yeyote kufanya msako katika nyumba ya mwananchi yeyote bila amri ya hakimumu. Sasa machifu na manaibu wa chifu hawana njia ya kuwanyanyasa wananchi tena.

Section 10(b) ambayo inasema:- "Prohibiting or restricting the carrying out of arms", pia imetupiliwa mbali. Vile vile Section 10(j) ambayo inasema:-

"Preventing the construction of game pits and so forth...."

imeondoa mamlaka ya machifu kuwalazimisha watu kufanya kazi.

Huko mjini Kakamega, DC anafanya mkutano na DO na kumwambia kwamba anataka Kshs40,000 kutoka tarafa yake. Naye DO anawaita machifu na kuwaambia kwamba kila chifu anatakiwa kukusanya Kshs20,000 kutoka lokesheni yake bila kujali mapato yake. Pia, chifu anawaita manaibu wa chifu na kuwaambia anataka Kshs5,000 kutoka kila mmoja wao. Sasa, uwezo huo ambao upo katika Chiefs Authority Act umeondolewa. Ile tabia ya machifu na manaibu wao kuchukua mali ya wananchi ikiwa hawana pesa za Harambee imekwisha.

Bw. Naibu Spika, Section 10(b) ambayo inasema:-

"For any other purpose appointed by the Minister--"

Hapa tumeondoa mamlaka ya Waziri kutoa amri kwa viongozi wa utawala kwenda kuwasumbua wananchi. Uhuru umeingia. Section 11 inaeleza jinsi ya kutafuta uhuru. Utozaji wa uhuru umekwisha! Section 11 (b) ambayo inasema:- "Regulating the movement of persons from one jurisdiction of one chief to that of another", pia imeondolewa.

An hon. Member: Everything is gone!

Mr. Shikuku: Mhe. Mbunge anasema kwamba kila kitu kimeondoka. Bado! Ninataka uone vile tumefanya kazi. Mwananchi atapata nafuu. Hata kunenepa atanenepa bila kula kitu. Habari ya kupigiwa milango usiku wa manane na chifu kwa visingizio kwamba anatafuta pombe, imekwisha. Wakati mwingine anakupata "umepanda mlima" na raha hiyo yote inakwisha kwa sababu chifu ameingia. Hiyo hakuna sasa. Machifu na manaibu wao hawana

ruhusa kuingia ndani ya nyumba ya mtu kufanya msako bila amri ya hakimu. Sasa wananchi wakitaka kulala, walale shwari. Tumeondoa mamlaka hayo kutoka kwa chifu.

Section 11(e), "Requiring persons to attend for any purposes or interest of good governance before the administration--" Mamlaka hayo ya chifu kuwaandikia wananchi barua wafike katika ofisi yake, pia yamefutwa. Section 11(g), "Referring provisions for baggage of animals, current rates, payment and so forth", pia mamlaka hayo yamefutwa. Section 11(l), "Requiring persons to plant any specific crop---," hiyo habari ya kuwaambia watu watafanya nini, baada ya miaka 34 ya Uhuru, imekwisha kwa sababu wananchi wana akili ya kujiamulia wao wenyewe watapanda nini. Ile habari ya Waziri pia kutoa amri katika Section 11(m), tumeondoa. Wale maprofesa na mawakili wengine walio katika Bunge hili, hawasemi hayo bali wanasema kwamba hatufanyi lolote. Sijui wanataka tufanye nini? Lakini ninafahamu sababu. Kuna wengine katika wale wahe. Wabunge wetu hapa ambao wana tabia ya kufikiria kwamba, kama wao hawapo katika uongozi, basi mtu mwingine akiongoza si vizuri mpaka wao waongoze. Lakini tumewapatia dawa. Sasa wanajua Kenya inaweza kwenda mbele bila wao. Hata Katiba hii tunayozungumzia, si ile Katiba ya mwaka 1963. Katiba ambayo tulileta ilikuwa Katiba ya majimbo ambayo ilianguka maswala yote vizuri; Senate na Lower House.

Ile Katiba tulioleta ilikuwa ya majimbo na ilikuwa na checks na balances. Bw. Verje, ambaye ni wakili alituambiwa kule Limuru kwamba, "That is the best Constitution". Tuliporudi hapa mwaka wa 1963, Mtukufu hayati Mzee Jomo Kenyatta alimpatia marehemu T.J. Mboya jukumu la kushughulikia constitutional affairs, akaiingilia hiyo Katiba na akatoa hayo madaraka yote. Tulibishana sana na wale mawakili na the so-called professors kuhusu jambo hili. Ninaona hakuna maana ya kuitwa profesa kwa sababu hata mtu anayefagia choo anaweza kuitwa profesa. Kama hawa wenzetu wanajua kusoma, kwa nini wasiende wakasome HANSARDS? Hizo HANSARDS zinaonyesha vile tulikuwa tunaipinga Hoja hiyo na kila mara tulikuwa tunashindwa. Wakati huo, KADU ilikuwa na Wabunge 40 ilhali KANU ilikuwa na Wabunge 70 na hivyo basi walikuwa wakitushinda kila siku. Baada ya majadiliano hayo, hiyo Katiba ya majimbo ilimalizwa na tukawa na unitary Government. Hata hapo mwaka wa 1966, Senate ikavunjwa na wakaunganisha Senate na Lower House. Kwa hivyo, hii Katiba ya sasa, ni Katiba ya Serikali ya hayati Mzee Kenyatta. Na hawa maprofesa na mawakili waliokuwamo wakati huo, hakuna hata mmoja aliyesema: "Hii Katiba ni mbaya". Hata mhe. Kariuki yuko hapa, na anaweza kuthibitisha kwamba ninasema ukweli--- Hata ananiambia kwamba tulikuwa tunakaa pale. Ni sisi tu tuliokuwa upande wa Upinzani ambao tulipinga Katiba hiyo. Some of us were very consistent. We have got a long history of being in this House. Mhe. Kariuki, mhe. Mbogo, mhe. Mark Mwithaga na mimi tulipinga Katiba hii. Wakati huo hawakusema ni mbaya. Walifurahia matunda ya Katiba hiyo na wengi wakala vitu vizuri kutokana na Katiba hiyo na utajiri walio nao ulitokana na Katiba hiyo. Hakuna hata mmoja wao aliyesema kwamba ni mbaya. Lakini leo wanalia wakisema kwamba Katiba ni mbaya.

An hon. Member: Sema majina yao!

Mr. Shikuku: Bw. Naibu Spika, ni leo wanalia wakisema ati Katiba ni mbaya. Mbona wakati ule hawakusema ni mbaya? Huo ndio ukweli mchungu. Watu wakubwa, wale *njamba nene*, walifaidika na wakala mali kutokana na Katiba hiyo. Sasa, wanasema kwamba hiyo Katiba sio nzuri. Mhe. Bw. Moi alileta Section 2A, lakini tukapiga kelele na akaiondoa. Tukarudi kwa Katiba ile ya enzi za hayati Kenyatta. Ninasikia kwamba Ngengi Muigai, the activist, anapiga kelele sana. Je, anasahau kwamba ule utajiri alionao ulitokana na Katiba hii? [**Mr. Shikuku**]

Mbona hakusema ni mbaya wakati huo? Wasije wakafikiria kwamba hatuoni. Tena Mungu hatuwiki hapa Bungeni kwa muda mrefu bure. Anatuweka hapa ili tuweze kushikilia nchi hii isiharibike. Kuna mtu yeyote ambaye amefaidika kutokana na Katiba hii kushinda mhe. Muite? Yeye pamoja na Waruhiu ni mawakili wa parastatals zote za Serikali. Mhe. Muite ajue kwamba sisi sio wapumbavu. Yeye ndiye aliyefaidika na hiyo Katiba ambayo sasa anasema ni mbovu sana. Mbona hakusema hivyo wakati huo? Sasa anapiga kelele kwamba Katiba ni mbaya. Huwezi kulinganisha miaka ya mhe. Muite na mali aliyonayo. How did he make these riches within this short period? Mambo yanaendelea, kuna wakati ataulizwa swali hilo. Wanajifanya malaika na wao ni wabovu kushinda shetani! Ngingependelea wawe hapa ili niwaambie maneno ya ukweli.

An hon. Member: Endelea. Watasoma HANSARD.

Mr. Shikuku: Hawana nafasi ya kusoma HANSARD. Kazi yao muhimu ni kunyakua na "kununua" watu.

Bw. Naibu Spika, Section 17(i) of the Chiefs Authority Act inasema ifuatavyo:

"Administrative Officer may require a Chief to issue or cancel orders".

Tumetupilia mbali jambo hilo. Mkuu wa tarafa akitoa amri inafuatwa. Pia tumefutulia mbali uwezo wa DO kuweza kufuta chifu akikataa kushika kuku za watu.

Tumefanya marekebisha katika Section 18 ambayo inasema kwamba mtu akikosa kutii amri ya Chifu, anapelekwa jela. Hiyo tumekataa. Tumesema kwamba kama mtu amekataa kutii amri ya chifu wakati wa emergency anaweza kufungwa jela. Kwa mfano, kama mvua imenyeshwa sana na mti umeanguka katikati ya barabara na chifu

aulize vijana waliyo na nguvu kuja kuukatakata na kuuondoa kutoka barabarani, hawa vijana wakikataa kuitii amri hiyo, chifu anaweza kuwapeleka kortini, na hivyo basi wafungwe jela. Hapa pia tumefanya mabadiliko, hawafungwi ile jela ya wahalifu bali atafungwa ile jela ya nje, wawe wakikata nyasi na kufagia kiwanja cha DO kwa siku 14. Section 19 inasema:-

"The Minister may order any person to remove land reserved for them..."

Tumetoa hayo madaraka ya Waziri. Tunawapatia watu uhuru, na magazeti hayataki kuandika haya maneno.

An hon. Member: Kwa nini?

Mr. Shikuku: Kwa sababu wananchi watajua haki yao. Wanaogopa kuwa wananchi wakirevuka hawataweza kuwanyonya. Wangependelea wananchi wakae bila kujua lolote ndio wakiambiwa wafanye matata wataendelea tu bila kujua kama watafaidika au wataumia. But one of these days, you newspapers reporters shall also be answerable, not in Heaven, but here on earth. Mwaka wa 1992, nilimwambia Bw. Jirongo: "Hizi dhambi unazotenda hapa, hutazilipa huko Mbiguni lakini utazilipia hapa," and it came to pass. Baada ya miezi mitatu, utabiri wangu ulikamilika. Kama kuna mtu aliye na taabu, ni Bw. Jirongo. Na nyinyi waandishi wa magazeti andikeni vile mnavyotaka, lakini majibu yenu hayatakuwa Mbinguni bali hapa duniani. Kule Mbiguni Mungu hana nafasi kwa wajinga kama waandishi wa magazeti na akina Jirongo. Kule anaiambiwa halleluia. He is always celebrating. Mbiguni ni furaha. Mungu anaiambiwa na watu wanakuja kuchenza dansi. Kwa hivyo, hana nafasi kusema kwamba Bw. Spika ndiye huyo ameingia, na zile zamu zake--- Hana nafasi. Anamalizia maneno hapa. Na kule Mbinguni ukikataa kuimba pia unatolewa. Huko Mungu hana mchezo, kila siku ni kuimba halleluia.

Hiyo Clause 19 imeondolewa hadi mwisho. Hata Sections 20 - Offences by Chiefs; 21, 22, 23, 24 na 25 zimeondolewa zote.

Sasa swali ni hili: Hawa wanaotaka kuchochea wanataka nini? Wanataka ukubwa kupitia short-cut. Kama hii yote imetupiliwa mbali, kwa nini waandishi wa magazeti wasichukue hii na kuandika? Wanataka tupigane tu. Nimemaliza kuongea juu ya Chiefs Authority Act.

The Attorney-General (Mr. Wako) On a point of order, Mr. Deputy Speaker, Sir. When the hon. Member was contributing, he said that the Preservation of Public Security Act--- Yours was more than 100 per cent of what the NCEC had proposed. But I have not heard your percentage as far as the Chiefs Authority Act is concerned because I know, looking at the NCEC document--- They only proposed to repeal two sections and to modify two other sections. But I have heard you say that so many sections are being repealed. What percentage do you think you have achieved here more than they had done?

Mr. Shikuku: Bw. Naibu Spika, hiyo inaweza kuwa hata zaidi ya asilimia 1000. Hii ndiyo sababu ningependa waandishi wa habari wafanye uchunguzi na kueleza. It is a challenge, because we know their agenda. Ningewataka wachapishe mambo haya na kutueleza ni kiwango gani ambacho kimetimizwa. Mimi sitaki kusema kwamba kazi ya magazeti ni kufahamisha, kukumbusha, kufundisha na pia kuburudisha. Sasa ni juu yao kufanya uchunguzi na kusema ni asilimia gani.

Kuhusu Films and Stage Plays Act, hatukuwa na haja ya kuomba kibali. Kifungu hicho kimeondolewa. Sasa hunaweza kuigiza mchezo kama ule alivyofanya Prof. Ngugi wa Thiong'o na atorokea nchi za nje. Hivi karibuni nitaenda London nikamtafute na kumrudisha nyumbani kwa sababu yeye ni rafiki yangu mkubwa sana. Tulipata taabu na yeye huko katika Gereza la Kamiti kwa mwaka mzima. Alinipata huko lakini tulifungiliwa pamoja. Sasa hana haki ya kuombaa leseni, anachotakiwa kufanya ni kumwambia OCS pale Kamirithu. Sasa akitaka kuigiza mchezo unaoitwa *Ngaahika Ndenda* anachotakiwa tu ni kumfahamisha OCS, wala si kuomba kibali kutoka kwa OCS. Anaweza kuigiza mchezo wake vile anavyotaka; apinduke, asimamie kwa pua au kichwa---

The Minister for Public Works and Housing (Prof. Ng'eno): On a point of information Mr. Deputy Speaker, Sir.

Mr. Shikuku: Thank you.

The Minister for Public Works and Housing (Prof. Ng'eno): Mr. Temporary Deputy Speaker, Sir, in this Act, there is no need even to notify the OCS. Hakuna kitu kama hicho; anaenda tu na kufanya mambo yake.

Mr. Shikuku: Bw. Naibu Spika, ninaambiwa kwamba hata kumjulisha OCS, hakuna maana sasa. Kuna uhuru kushinda huo? Why has the radio not said it to inform the people? Hili jambo la radio kucheza muziki mchana kutwa limetuchosha. Mambo ya muziki wa kila wakati yakome. Yafaa wananchi waelimishwe badala ya kuburudishwa kwa muziki kila wakati. Nina haki ya kuitaka KBC ifanye hivyo. Nina haki ya kulitaka Shirika La Utangazaji La Kenya litumie nafasi ya kutosha kuwaambia wananchi ni kitu gani ambacho IPPG imefanya na ni nini haki yao.

Ninanukuu kutoka mapendekezo ya Limuru ambayo waandishi wa magazeti wanayo na bado wanaandika maneno ya akina Kivutha Kibwana na mtu mwingine kutoka huko Ukambani. Kuna Wakamba wengi sana huko. Mmoja anaitwa Kivutha Kibwana, mwingine Mutunga na Munuve. Si hao ni Wakamba? Wao wanadhani wamekuwa

wakubwa sana. Wanasema kwamba sisi Wabunge sio halali na hatuwezi kujadiliana kuhusu mabadiliko ya Katiba, ati wao ndio halali!

An hon. Member: We are tools!

Mr. Shikuku: Kuna mmoja ambaye ninamheshimu sana; Bw. Kamau Kuria. Alituita wajinga na tena waoga. Je, Bw. Shikuku anaweza kuwa mwoga katika Kenya hii? Hata mamake Kuria anajua kwamba Bw. Shikuku si mtu mwoga. Mimi si mwoga. Yeye alitiwa kizuizini na alipotoka huko alihama Kenya. Mimi nimewekwa kizuizini miaka mingi kushinda yeye, lakini sikutoroka, niko hapa.

An hon. Member: Very brave!

Mr. Shikuku: Oh yes! And I am ready to face anything, including death. I will never be a refugee! Hata wengine hapa, kama mhe. Muite--- Mambo yalipokuwa makali alikimbilia ubalozi wa Marekani na kupotelea huko ndani. Hawa ndio watu ambao wanataka matata, lakini mambo yakiwa moto, wanaingia katika ubalozi wa Marekani, na baada ya muda mfupi, wanatokea ikulu!

An hon. Member: Alikula ugali huko?

Mr. Shikuku: Bw. Naibu Spika, mhe. Muite akija, nitamwonyesha vile alivyomwoga. Alitorokea ubalozi wa Marekani na akatokea Ikulu ya Nairobi lakini hakula ugali huko. La! Wengine wanakula ugali. Yeye alitokea huko na bibi yake na hakula ugali. Lakini wengine wakienda huko inasemekana wanakula ugali.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. Is hon. Shikuku in order to imply that hon. Muite is a coward who runs to the US Embassy to hide in case of trouble?

Mr. Shikuku: Bw. Naibu Spika, Bw. Kuria alisema kwamba sisi Wabunge ni wapumbavu, tena waoga. Sasa nataka kueleza kinaganaga kwamba matata yalipotokea naye mhe. Muite alikimbilia ubalozi wa Marekani. Ukipenda umuulize. Kwa vile hayuko, akija kesho atasoma HANSARD na kufungamana na Kanuni ya Bunge Nambari 69, anaweza kutoa taarifa kama huu ni uongo; kwamba alikimbilia ubalozi wa Marekani na hatimaye akatokea ikulu. Si ubalozi wa Marekani uko upande huu wa chini? Sijui alipitia wapi na akatokea upande wa juu! Hao ndio watu ambao wanaleta matata wakijua watakapokwenda mambo yakiharibika. Mtu wa kawaida anaweza kuingia katika ubalozi wa Marekani? Hawezi!

An hon. Member: Hata ikulu!

Mr. Shikuku: Hata kuingia ikulu ni vigumu! Kwanza pale langoni utapita namna gani? Wengine wanawatukana wenzao na kuwaita majina. Hata rafiki yangu, mhe. Raila hapa, nitamjibu baadaye. Wacha nimalizane na Bw. Kuria kwanza. Bw. Kuria aliitoroka nchi hii akaenda na kurudi baadaye. Yeye ndiye mwoga na kama kuna mpumbavu, ni yeye. Anawezaje kuwatukana watu waliochaguliwa na yeye hajakuwa hata diwani? Mtu akiwatukana viongozi waliochaguliwa na wananchi, ni sawa na kuwatukana wananchi. Huyu Bw. Kuria yafaa afanye adabu. Kuvaasuru si kitu, kwa sababu hata wanawake wanazivaa siku hizi. Kama yeye ni mwanamume, ningemtaka agombe kiti cha Ubunge katika uchaguzi ujao.

Bw. Naibu Spika wa Muda, hawa wanasema kwamba Wabunge wa Upinzani waliosikilizana na Wabunge wa KANU ni "sellout" na wako chini ya uongozi wa Bw. Moi. Matusi haya ni ya nini? Sasa tunatoa maoni yetu. Kuna watu ambayo ni marafiki wakubwa kuliko mhe. Raila na Bw. Moi? Kwa nini? Baba yangu marehemu Yohana Oyondi, na mama yangu marehemu, Lucia Andeche wanafahamika na Mtukufu Rais na alikuja kwetu na mama wangu akampikia chakula. Jambo la ajabu ni kwamba wakati nilipokuwa jela wakati mama wangu alipokufa nasikia Mtukufu Rais Moi hakutuma rambirambi. Nilipotoka jela, baba yangu alikufa miaka mitano baadaye. Alikuwa anaitwa marehemu Oyondi, ambaye Mtukufu Rais anamfahamu. Mtukufu Rais hakutuma rambirambi. Mhe. Moi hakuleta ndururu yake yoyote kwa matanga.

Tuangalie upande wa mhe. Raila. Wakati marehemu Odinga alipokufa, rambirambi nyingi zilitumwa kule. Pengine yeye alikufa zaidi ya marehemu Oyondi. Rambirambi kubwa zilitumwa kule Bondo na yeye alikuwa katika Upinzani. As if that is not enough, Mtukufu Rais alitoa pesa zake kwa kusaidia kujenga mausoleum iliyoko kule Bondo. Tena hiyo haikutosha kwani alihudhuria matanga ya marehemu Odinga. Sasa ni nani aliye karibu na Rais Moi baina ya mhe. Raila na mimi?

Dr. Oburu: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member for Butere to claim that His Excellency the President built the late Jaramogi's mausoleum? If it is true, he should produce the proof in this House.

Mr. Shikuku: Bw. Naibu Spika, nimesema kwamba Rais Moi hakujenga mausoleum bali alitoa pesa kiasi fulani cha kujenga hiyo mausoleum.

Mr. Moiben: On a point of information, Mr. Deputy Speaker, Sir. Although my hon. friend is saying the President never sent condolences during his late father's funeral, it is on record that the President helped him to restore his legs, a gesture which my friend should be grateful for.

Mr. Shikuku: Asante sana, mhe. Moiben Nimempatia mhe. Moiben heshima kwa kunipa information na sasa inaonekana hana heshima. Lakini Waswahili walisema kwamba "ukimwashia kipofu taa ni kuharibu mafuta". Hayo ndiyo mambo ambayo tunasema. Sasa swali ni nani ambaye ako karibu na Rais? Rais alijua baba na mama yangu na mama yangu alimpikia chakula na akala tulipokuwa katika KADU. Rais Moi hakutuma rambirambi wala msaada wowote. Msaada wake ulikwenda Bondo. Sasa ni nani yuko karibu na Mtukufu Rais? Ni mhe. Raila au mhe. Shikuku? Lakini watu wanasema eti nilikula ugali na hali wao ndio wanakula ugali zaidi.

Bw. Naibu Spika, nitaendelea. Tumeondoa Sections 56 and 57 za Penal Code ambazo zinafanya free speech to be criminalised. Wale remnants wa NCEC ambao mhe. Martha Karua alitaja bado wanasema kwamba hatujafanya kitu ijapokuwa ukweli ni kwamba tumeondoa section hizo. Na hawakuondoa section hizo. IPPG ndiyo iliondoa sections hizi na ningetaka maandishi wa magazeti waangalie kama sections hizi zimeondolewa nao. Wanataka nini kama hao si bloodthirsty? What do they want?

Mr. Obwocha: They want additional reforms!

Mr. Shikuku: Bw. Naibu Spika, tumeondoa Public Collections Act. Wakati Wabunge wa Upinzani walikuwa wakienda kuomba leseni za kufanya Harambee na wakuu wa wilaya wanakataa. Sasa nikimuambia OCS kwamba: "Mimi nitakuwa na Harambee ya ile shule ya Ebungai---"

Mr. Obwocha: On a point of information, Mr. Deputy Speaker, Sir. I wish to inform hon. Shikuku that there is a clear difference between the Public Collections Act and the Public Order Act. The Public Collections Act used to give out licences for you to make collections and that we have now proposed, that within a location, the chief will be notified. Within the district, it will be the district commissioner that will be notified. If it is within the province, it will be the provincial commissioner who will be notified, and if it is within the Republic of Kenya, it will be the Permanent Secretary in charge of Provincial Administration who will be notified. But the Public Order Act, on whose basis we were holding Harambees, requires one now to give notification to the OCS.

Mr. Shikuku: Asante, Bw. Naibu Spika. Hakuna tofauti kubwa lakini kile Kiingereza chake pengine kimeleza vizuri kuliko Kiswahili changu. Kwa hivyo, exception moja ni kwamba kama wewe ulikuwa mwizi ama umetenda dhambi ya fraud, basi kosa lile haliwezi kukubalia ushike mambo ya fedha.

Bw. Naibu Spika, tukienda katika Election Code, utapata ilikuwa katika kamati nyingine ambako waliokuwa katika kamati hiyo wanaweza kusema kinaganaga juu yake. Na katika document ya Limuru, KANU document haikuwepo. Tulikuwa tunatumia document hii ya Limuru kuzungumza juu ya marekebisho ya Katiba na tukasikizana juu ya hii document. Sasa yule anayesema kwamba hayo ni maoni ya NCEC na hata wale marafiki wetu kutoka Uingereza, Amerika, Ujeremani na nchi za Nordic wanajua kwamba ni hii document ambayo tulikuwa tunazungumzia. These are minimum reforms, but not comprehensive reforms. Na hawa mawakili wanajaribu kusema reforms hizi ni comprehensive. No! Hatukusema hizi reforms ni comprehensive. Hizi ni minimum reforms. Comprehensive reforms zitakuja baada ya kura na hata hizi documents za NCEC zinasema kwamba hizi ni minimal reforms. Lakini sasa mawakili wanatumia akili yao kusema uongo ati tulikuwa tunazungumza habari ya comprehensive reforms. Tena hawa mawakili wengi walitumia kodi yangu kupata huo uakili. They were not paying university fees. Walipata elimu hiyo kutoka kwa kodi yako na yangu. Wafanye adabu. Hatukuwapa hiyo akili kudanganya. Hatukuwapa hiyo akili kusema maneno kama hayo.

The Assistant Minister, Office of the Vice-President and Ministry of Planning and National Development (Dr. Misoi): On a point of information, Mr. Deputy Speaker, Sir. Is the hon. Shikuku in order to imply that these lawyers belonging to NCEC are members misleading the public and yet the Limuru document was overhauled and improved beyond their dreams?

Mr. Shikuku: Bw. Naibu Spika, mhe. Dkt. Misoi anafikiri ni wakati wa maswali. Wakati wa Maswali umekwisha.

Mr. Obwocha: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Na usiharibu.

Mr. Obwocha: Mr. Deputy Speaker, I am going to state a fact. The minimum constitutional legal and administrative reforms proposed in Limuru are contained in that paper that hon. Shikuku has. They cannot be minimum reforms on other minimum reforms because we deferred some of the items in those minimum constitutional, legal and administrative reforms like the caluses on 50 per cent issue, the independent candidates, and the date of elections. So, they cannot be minimum reforms on minimum reforms. So, we did not achieve the actual minimum reforms.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I wish to inform the Member who has just spoken, and I speak with authority because I have been in this thing for the last two years.

Mr. Nthenge: You were one of the ten persons.

Dr. Lwali-Oyondi: The reason why we decided to negotiate for these minimum constitutional, statutory and

administrative reforms with KANU, not with angels or devils--- During negotiations you would be very naive to expect 100 per cent because it is a question of give and take.

An hon. Member: You are right, mwana wa Oyondi!

The Attorney-General (Mr. Wako): On a point of information, Mr. Deputy Speaker, Sir. What we are currently discussing is the Statue Law (Repeals and Miscellaneous Amendments) Bill which is touching on the legislative aspect. What the hon. Member has touched on are constitutional matters and will be dealt with at that stage. What would be of interest is that as the hon. Member discusses, each legislation, the Public Order Act, the Chief's Authority Act, he will be able to say how much has been achieved in respect of each Act. What I understand the hon. Member to be saying is that on each of these legislations, not the constitution, the IPPG achieved far much more than the minimum than the NCEC proposed.

Mr. Shikuku: Bw. Naibu Spika, Mbunge huyo amechanganyikiwa. Hapa tunazungumza juu ya sheria. Hata nilipoanza kuzungumza nilisema---

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

An hon. Member: Watu wamechanganyikiwa!

Mr. Deputy Speaker: Order! Order! I think we have to be a little more serious. The hon. Shikuku is contributing to a debate. I am sure there are many other Members who still want to contribute and I think you have a little bit stretched the privilege you have been offered to raise points of orders or information. Proceed hon. Shikuku!

Mr. Shikuku: Ahsante, Bw. Naibu Spika. Hata nilipoanza kuzungumza nilisema kwamba sitataja Katiba. Niko na pointi sita hapa juu ya Katiba. Hizo sitagusa kwa sababu zitakuja katika Msawada mwingine. Lakini huyu Mbunge amechanganyikiwa; hajui Katiba ni nini na sheria ni nini.

[Mr. Deputy Speaker left the Chair]

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

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I do not take it kindly what hon. Shikuku is saying, that "nimechanganyikiwa" because the document he has contains the three sectors of what we were discussing; the constitutional, legal and administrative reforms. Currently I agree with what the Attorney-General says, that we were able to achieve all the legal reforms we required and went further than that. But the document he has for Limuru has the three sectors. So, I am very clear in my mind about what I was saying.

Mr. Shikuku: Bw. Naibu Spika wa Muda, yeye hawezi kufafanua yale aliyosema. Alikuwa akiongea mambo ya presidential 50 per cent. Hiyo ni Katiba. Hapa tunazungumza habari ya sheria na nikisema amechanganyikiwa, makosa yako wapi? Hakuna! Kuchanganyikiwa tu ni hali ya kibinadamu.

Sasa nitagusia juu ya Electoral Code. Waliongea juu ya Tume ya Uchaguzi. Hapa nataka kueleza mambo haya kinaganaga. Tume ya Uchaguzi ya sasa ina watu 11 na mmoja wao ni mwenyekiti. Ajabu ni kwamba tulifaulu; tulipata wajumbe wa upinzani kumi waliopendekezwa na Upinzani. Wengine bado wanasema kwamba lazima mwenyekiti atoke. Sasa inaonekana kwamba hao wako na agenda mpya. Kama ni kuongeza makamishena, tumeongeza watu kumi na imeandikwa na vyama ndivyo vitapendekeza majina ya hawa watu, si Rais. Watampa Rais majina ya wale watakaoteuliwa. Kwa wengine hiyo si kitu! Hayo yote ni bure! Ni lazima Mluhya atoke.

Bw. Naibu Spika wa Muda, hiyo ni agenda nyingine. Wako na kitu kingine ndani. Wewe sasa uko kitini Bw. Naibu Spika wa Muda. Tunajadili Mswada huu. Baada ya kuzungumza, wewe utaweka swali: "As many as are that of the opinion say 'ayes', nasi tutasema ayes, "halafu utauliza "as many as are of the contrary opinion say 'No', wengine watasema No." Halafu utasema the "ayes" have it. Sasa baada ya jambo hilo kupitishwa, itakuwa ni wewe wa kulaumiwa? Hawa mawakili wa NCEC ni waongo ambao wamehitimu kwa sababu Bw. Zacheaus Chesoni ni Mwenyekiti wa makamishena kumi. Sasa imekuwaje mwenyekiti analaumiwa kutokana na uamuzi uliotolewa na watu kumi? Mona hawataki kulaumu Tume ya Uchaguzi yote? Mbona wanamlaumu mwenyekiti peke yake?

Mr. Nthenge: Ni mtu mmoja katika watu 20!

Mr. Shikuku: Kuna wengine ambao waliendeleza ukabila sana katika historia ya Kenya hii na sasa wanalia kuhusu ilhali wao ndio walianza. Anayetawala sasa alisema anafuata Nyayo!

(Laughter)

An hon. Member: Achana na mambo hayo!

Mr. Shikuku: Niache kwa nini, Bw. Naibu Spika wa Muda? Ukweli ni kwamba mimi nilikuwa kizuizini.

Nilipotoka nilipata Bw. Moi ni Rais. Hata waliponiletea habari kule jela eti Bw. Moi ananitoa kizuizini nilisema hawezi kunifungulia kwa kuwa yeye ni Makamu wa Rais! Wakaniambia yeye si Makamu wa Rais tena; yeye ni Rais. Nikashtuka, nikastaajabu. Kwa sababu kule nilikuwa nimefungiwa katika underground cell. Kule hujui Jumamosi wala Jumapili; hujui saa, hujui lolote! Ukiwekwa kizuizini, kitu cha kwanza wanachofanya ni kukunyang'anya saa. Unapoinjia tu, wanakwambia "toa saa, toa koti." Hawakwambii utoe vitu vyote mara moja; wanatoa kimoja kimoja. Mwisho, unafikiri watakuacha na suruali ya ndani lakini wanakwambia "toa." Isitoshe wanakwambia utoe viatu na soksi na sasa unapatwa na baridi. Wewe hujui nguo zinasaidia mwili wako namna gani, lakini ukienda jela utajua.

Hii ndio sababu mimi ninasema kwamba kiongozi yeyote ambaye hajawahi kupata taabu kwa niaba ya watu asisimame kugombea urais. Hawa ndio wataumiza watu. They do not know the suffering of the people. They should shut up! What have they sacrificed for this country?

Bw. Naibu Spika wa Muda, ukiingia pale unavuliwa viatu pamoja na soksi, suruali ya ndani inatolewa na unabaki uchi vile ulivyozaliwa! Tena, wanasema hiyo haitoshi! Wanakuambia, inama, ili waangalie "kengele" zako zinaning'inia namna gani.

(Laughter)

Tunaweza kucheka hapa lakini hayo ndiyo yalitendeka. Ndio sababu uliona nikisimama hapa na wengine wakafikiria kuwa kichwa changu kimeruka, niliposema haleluya, wakati detention ilipotolewa. Hujui ni saa ngapi au ni siku gani, tena huitwi kwa jina bali ni kwa nambari yako. Ndio watu wengine wanasimama hapa wakitaka kuwa Rais. Wanataka kuwa Rais wakiwa wameona nini? Wamechangia kitu gani katika Kenya? Hakuna! Walienda shule peke yake na wanataka kuwa Rais. Watoke kutoka mgongo wangu! Juzi tu, 1990/91 tunalikwenda Kamukunji, walikuwa watu wanne. Watu wanne wanaweza kujaza gari la kubebea mizigo? Walikuwa wapi? Mbona hawakuja? Lakini wanataka kuwa Rais na kutoa pesa! Lazima mtu aseme yale aliyowafanyia wananchi ndio apewe urais.

Bw. Naibu Spika wa Muda, nilikuwa nikieleza habari ya Tume ya Uchaguzi. Tumeongeza makamishina kumi. Kama kufanya hivyo si kitu, kitu ni nini? Wakati huu, hawa wakubwa, akiwepo Prof. Kibwana, wanakwenda kupiga ripoti huko Marekani kwa mabwana zao. Wanaenda kwa Shirika la Utangazaji la Amerika kupiga ripoti kwa mabwana zao. Wajue kwamba Uhuru wa Kenya uliletwa na Wakenya, na haukutoka ng'ambo! Sisi ndio viongozi wa nchi hii! Ijapokuwa wakati huu tungali hai, tunataka uhusiano mzuri baina ya sisi na nchi za ng'ambo. Nchi za ng'ambo hazina ruhusa ya kutuongoza katika mambo yetu ya kisiasa. Mimi nimekuwa kwa siasa kwa miaka 45 na sijanunuliwa na Marekani, Uingereza, Ujerumani au nchi za Nordic. Mimi najiongoza mwenyewe katika nchi hii! Najua kilicho bora kwangu. Lakini ikiwa watu wengine watachukuliwa walipwe na watu wa nje kuleta fujo hapa, na wanakwenda kuripoti kwa mabwana zao, lazima wajue tutakutana uwanjani. Hakuna kura zitatoka Marekani, Uingereza, Ujerumani au nchi za Nordic kuja kupigwa hapa. Wakileta pesa, tutakula. Lakini kura, tutapiga.

Bw. Naibu Spika wa Muda, habari ya kusema kuwa kuwa Mwenyekiti wa Tume ya Uchaguzi, Bw. Chesoni, afutwe, wakome kutoka leo. Wasipokoma, nitatoa dhambi zao zote, na ile mali wameponda katika Katiba hii ambayo wanasema ni mbaya. Nawaonya kwanza kwa sababu mhe. Shikuku humwonya mtu kwanza. Kuna mtu mmoja tu anayenifahamu katika Bunge hili, aliyekuwa Mkuu wa Sheria, Bw. Njonjo. Hii ni kwa sababu wakati ninaposimama, Bw. Njonjo alikuwa anajua niko na ushahidi, na nikiletewa jambo la nidhamu, niko na mengine mengi. Wakati wowote alipokuwa akikaa pale, Mbunge akisimama kwa jambo la nidhamu, alikuwa anamvuta chini. Alikuwa anamwambia: "Leave him alone! We are going to hear more!" Mimi ni hatari sana nikiwa nimesimama mbele ya Bunge hili. Ukileta maneno, utapata kijembe ambacho kitakusikitisha sana. Yeye alikuwa ananifahamu kwa sababu sijawahi kusema kitu ambacho sikijui. Huwa na ushahidi barabara.

Nilipomwaga makaratasi yenye hundi na nambari za benki hapa wakati wa Bw. Njonjo, watu hawakuamini. Mhe. Nthenge, mhe. Mark Mwithaga na mhe. G.G. Kariuki walikuwa hapa. Nilimwita mhe. Njonjo tukutane hapa nje kwa simu. Nikamweleza kuwa niko na ushahidi wa kuonyesha yeye ndiye msaliti tuliyekuwa tunamzungumzia. Nilimwambia sitaki kumpiga na ndio maana mimi nawapa onyo. Nilimwambia katika jina la Mungu, ajiuzulu, awache kazi. Akakataa. Ndio nikaja hapa na kumwaga makaratasi.

Ilikuwa siku ya Jumatano. Na saa kumi kasoro dakika kumi na tano, mhe. Njonjo alikuja hapa na kila Mbunge akakaa na woga. Walisema: "Leo mkubwa ameingia tutaona". Alikuwa ameogopewa kama simba. Hawa wanaume wote wakimwona, walikuwa wanatetemeka. Alisimama hapo na nilikuwa nimeketi pale. Akasema: "Jambo la nidhamu, Bw. Spika. Nimeyaangalia yale makaratasi yaliyoletwa na Mbunge wa Butere, na yote yako sawa". Ikiwa hamwamini, mwende mkasome HANSARD. Mambo hayo yako katika HANSARD. Kulikuwa na hundi kutoka Benki ya Exim, zingine kutoka Afrika ya Kusini na Sussex, na sahihi zote nikaziweka hapa. Kwa hivyo, nawaonya msitie mkono ndani ya mzinga wa nyuki. Ukichokora nyuki, utakiona. Mimi nataka kuwaonya wale jamaa waache kujifanya malaika na hali tunajua dhambi zao. Mimi ni hatari sana, na babangu ni Oyondi ambaye ni

danger.

Bw. Naibu Spika wa Muda, wewe na mimi tulikuwa kwenye kamati na tulisema kuandikishwa kwa wapiga kura kutahitaji vyeti vifuatavyo: Kitambulisho, cheti za kuzaliwa na cheti cha kusafiria. Wanataka kitu gani na tumekubaliana kwa jambo hilo?

Hapa, kuna muda wa siku tatu wa kuwachagua wagombeaji uchaguzi. "Nomination papers may be presented to the Electoral Commission by candidates, or his/her agents". Tulisema jambo hili ni la kiutawala na litaangaliwa na kamati nyingine. Katika nambari ya tatu, wanasema: "Introduction of reasonable expenditure ceiling for candidates during the general elections". Hii ilikuwa katika kamati nyingine. Tulisema jambo hilo liwekwe katika comprehensive reforms. Tukiiweka wakati huu, tutakuwa tumechelewa. "Voting day shall be made a public holiday". Tulikubali jambo hilo. "Accessibility of information in respect of voters, ballot etc to the public". Jambo hili liko katika ile kamati nyingine na limekubaliwa. Mimi ninanukuu kutoka kwa mapendekezo ya Limuru. Wengine walikuwa wanazungumza hapa lakini hawakufuatania maneno vile ninavyofanya. "Use of transparent ballot boxes". Hilo lilikuwa katika kamati nyingine. Nasikia kwamba kamati hiyo ilisema kuwa hakuna wakati wa kutosha. Lakini katika siku zijazo, tutakuwa na transparent ballot boxes. Hiyo ilikuwa katika kamati nyingine. Haya maneno yote ni ya Limuru.

Nambari ya saba inasema: "The counting of votes and announcement of results to be at each polling station. The results should be certified by agents of the respective candidates before being forwarded to the central recording stations".

Hii ilikuwa kwa kamati ya mhe. J.N. Mungai na wengine. Walisema jambo hili litafanywa siku zijazo. Hii ni kwa sababu sehemu nyingine hazina taa. Juzi, nilikuwa huko Kuria. Simu hakuna! Kuna laini moja tu ambayo inaenda kwa Mbunge wa Kuria!

Bw. Naibu Spika wa Muda, huwezi kuamini kuwa katika Wilaya ya Kuria hakuna barabara nzuri. Zilizoko ni mbovu kabisa. Ukienda wilaya ya Kuria karibu na mpaka wa Kenya na Tanzania, utaona aibu. Mhe. M'Mukindia akitembelea mpaka wa Kenya na Tanzania, ataona ya kwamba upande wa Tanzania kuna stima na hali katika Kenya wananchi wanatumia taa ya mafuta. Ukienda katika ofisi zetu za immigration na za polisi utaona wanatumia taa ya mafuta. Iwapo unaendesha gari kutoka Tanzania na unataka kujua kama umefika mpaka wa Kenya na Tanzania, basi utaona mahali giza linapoanzia. Hapo ndipo mpaka wa Kenya na Tanzania ulipo!

Bw. Naibu Spika wa Muda, watu wa Wilaya ya Kuria hawana maji. Taabu kubwa ya maji iko katika wilaya hii. Maji yaliyoko huko hayawezi kutumiwa na ilhali kuna mhe. Waziri Msaidizi kutoka Wilaya ya Kuria. Watu wa Wilaya ya Kuria wako "gizani", barabara zao ni mbovu na hawana hospitali za kutosha.

Bw. Naibu Spika wa Muda, ikiwa hakuna stima huko, Isebania na Namanga, je, tutapata taa au stima kwa kila kituo cha kupigia kura? Kuhusu hili jambo la umeme, waliokuwako katika IPPG walisema haya yatakuwa katika marekebisho ya Katiba yatakayofanywa baada ya uchaguzi na pengine baada ya miaka mitano. Ni matumaini yangu, ikiwa ufasidi utakuwa umeisha, kwamba tutakuwa na taa kwa kila kituo cha kupigia kura hivi karibuni.

Bw. Naibu Spika wa Muda, ninajua saa kumi na nusu tunataka kuzungumza maneno ya mgomo wa walimu. Hili ni jambo kubwa na pengine nitakosa nafasi ya kuzungumza. Kuna hatari katika nchi hii inayotokana na Serikali kutoweka ahadi yake. Kuna zaidi ya wanafunzi 700,000 wa mwaka wa nane watakaofanya KCPE na wa kidato cha nne wanaotarajia kufanya mitihani wa KCSE. Iwapo hawatafanya mitihani hiyo, basi huenda hawa wanafunzi wakawatafuta walimu na pia nyinyi--- Kwa hivyo, ni lazima msikilizane, ili watoto wasome na wapate vyeti. Kuna walimu zaidi ya 240,000 na watoto watakaokosa vyeti ni zaidi ya 700,000. Hawa watoto hawatakuwa na kazi na pengine watawatafuta walimu na kuwachinja wote. Ni lazima tuyazingatie haya.

An hon. Member: Watachinja KANU!

Mr. Shikuku: Bw. Naibu Spika wa Muda, mhe. Mbunge huyo amerudi tena! Nimemsikia mara ya kwanza na akiendelea tena, nitanfama yale niliyoahidi.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. In the first instance, is hon. Shikuku in order to anticipate debate on a Motion which is coming in a few minutes' time? Secondly, I went out because he had threatened that he was going to curse me. Thirdly, he is saying that the students will slaughter teachers. Whose fault, is it; the teachers' or the Government's fault? It is the Government which whom the students will slaughter not the teachers!

Mr. Shikuku: Bw. Naibu Spika wa Muda, nimesema kwamba Serikali haikuweka ahadi yake na walimu. Kiswahili hakifahamu! Ni lazima walimu na Serikali waketi pamoja na kuona kwamba watoto hawa wanafanya mitihani yao. Wasipofanya mitihani yao hawatapata vyeti na kwa vile watakuwa hapa watawatafuta walimu na kukatakata koo zao. Ninasema yale mambo yatakayotokea!

Bw. Naibu Spika wa Muda, wengine wetu tumepewa akili ya kuweza kuona mbele na yale tusemayo hufanyika. Ni lazima kuwe na masikilizano. Mhe. Kamotho aamke kwa shauri ya watoto wetu!

(Applause)

Bw. Naibu Spika wa Muda, nitazungumza juu ya administrative reforms. Katika Kongomano la Limuru tulisema kwamba ni lazima watu wote ambao wamefungwa kwa sababu ya kisiasa waachiliwe huru. Kama Koigi Wamwere, Apiny na wengine wote ni lazima waachiliwe huru. Apiny Odhiambo ni lazima achiliwe huru. Jambo hili tulimwaachia Mkuu wa Sheria na akatuahidi kuwa kazi hiyo itafanywa.

Bw. Naibu Spika wa Muda, katika Kongomano la Limuru pia tulipendekeza watu walioathiriwa na vita vya kikabila wapatiwe makao. Pia tulipendekeza kwamba vyama vyote vya kisiasa ambavyo vimeomba kusajiliwa, visajiliwe mara moja. Jambo hili limefanyika isipokuwa vyama viwili ambavyo havijasajiliwa. Chama cha SAFINA kinaweza kubadilisha jina na kusajiliwa ikiwa jina ndilo shida, ili tukutane uwanjani nao.

Bw. Naibu Spika wa Muda, kule Limuru tulipendekeza PC, DO, chifu na maafisa wengine wa umma waache kuingilia mikutano ya kisiasa. Hayo yote tulitipisha. Chifu akipiga kura yake ni lazima aende nyumbani kwake na wala si kuvaa nguo zake rasmi na kusimama hapo. Haya yote ni mapendekezo ya Kongomano la Limuru.

Redio na televisheni zote za kibinafsi ni lazima zipewe kibali mara moja. Jambo hili tulipendekeza, na tukasema ni lazima vibali hivyo vitolewe baada ya siku 30 baada ya ripoti ya IPPG kukubaliwa na Bunge. Je, hawa walitaka tufanye nini ikiwa hayo si maendeleo baina ya Upinzani na Serikali? Nini wanataka? Ikiwa wanataka vita, ninajua wengi wao ni waoga. Mhe. Orenge alitukana waheshimiwa Wabunge lakini ninakumbuka wakati mmoja alikimbilia nchi ya Tanzania. Alienda kwa miguu hadi Tanzania na akarudi baadaye, na huko anasema Rais Moi ni mbaya. Je, yeye alirudi kupitia kwa nani? Wanaoishi katika nyumba za vioo hawatafikani kurusha mawe!

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER N0.20

TEACHERS' STRIKE

The Minister for Local Government (Mr. F.P.L. Lotodo): Mr. Temporary Deputy Speaker, Sir, I wish to move that the House adjourns to discuss the issue of the teachers' strike.

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Members. We will now move to the Motion of adjournment and we will give Mr. Angwenyi 10 minutes and the Minister 10 minutes. All the other hon. Members will be allocated five minutes each.

Mr. Angwenyi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to second this Motion on a matter of national importance.

Mr. Temporary Deputy Speaker, Sir, all of us know that our country is going through a crisis occasioned by the teachers' strike in both secondary and primary schools. There is an impasse between the Government and the teachers. There seems to be no indication that the matter can be resolved within the normal channels of resolving an industrial dispute. Both parties, and more particularly the employer, have not shown the willingness to give in from the position of intransigency. As we know, there are about 6,500,000 children in our primary and secondary schools. There are over 240,000 teachers in our country. The expenditure on personal emoluments, which is salaries and related matters for our teachers in this category, for the year 1997/98 Financial Year, is about Kshs18 billion and not Kshs37 billion as stated in the newspapers by the Minister for Education. The average earning for our teachers, when we take all the teachers and divide the amount of expenditure for personal emoluments among them, is about Kshs74,000 per year. That is the average earning. But the minimum earning for our lowly paid teachers is only Kshs36,000 per year. As we are aware, that type of earning cannot maintain one in any part of this country.

Mr. Temporary Deputy Speaker, Sir, our teachers have been extremely loyal to the Government and the country. They have also been very loyal to the Head of State who is teacher number one. It is, therefore, wrong for anybody to paint our teachers as agents of destruction and people who do not respect the country and the laws governing the country. The teachers in this country are not agents of any political party. They have said all along that they subscribe, respect and adhere to rules of the Government of the day. The Government of the day, today, is the KANU Government. It is with this in mind that I have decided to raise this matter for discussion in this House, because I know that they are loyal to the country and they are patriotic. They are not corrupt. They have not squandered any of our resources and they provide basic services for our people. The teachers have meticulously acted according to the laws of the land and the Teachers Service Commission Act. They have complied with all the procedures and processes of trying to solve the industrial dispute which they have with their employer. The teachers negotiated their terms with the Teachers' Service Remuneration Committee and agreed with Committee, as set out in Section 13 of the Teachers' Service Commission Act. They presented their recommendations to the Minister for Education on 2nd July, 1997 as required by law. They waited for response from the Minister as required by Section 14(3) of the Teachers Service Commission Act. The Minister did not respond to these recommendations, nor did he

bother to call the teachers to consult them if he had any problems.

Mr. Temporary Deputy Speaker, Sir, when they did not receive any response, and in fact, they made an attempt to see the Minister for Education, he, being the way our Ministers are; people who do not respond to public opinion and public interest, they went out and issued a notice of 21 days that they were going to go on strike as required by the law. They even went further when they did not receive any response from the Minister and gave a 7 days notice as required of people serving in the essential services sector. As can be seen from the aforesaid, the teachers followed the law and the procedure to the letter before they went on strike. I want to confirm further that as stated above, the teachers have been very understanding and sympathetic to the Kenyan public, students and parents alike who have borne the bulk of the cost of education in this country. To demonstrate this, they have agreed and even proposed to the Minister that they are willing to get the increment in phases. The people who have come up with such a proposal are earning Kshs2,000 a month. None of us here spends less than that amount of money in one day when we are in Nairobi. But the teachers, being compassionate to the parents and students, and being committed to their duty, have agreed to forego the pleasures and leisure that we get in this Parliament and the rest of the Public Service in this country. They have proposed to take this percentage increment immediately and the balance to be paid out in a period of three years. I do not think that they are adamant on this. The Minister for Education should be sensitive to the interests of this country and those of our children who are not getting education now, and those of the parents. We are all parents and we know how much we have been contributing in Harambees to build schools and provide facilities. If the Minister for Education could be compassionate and committed to the service of this country, then he would have agreed to meet the teachers to negotiate and give them 60 per cent immediately, 70 per cent next year and 70 per cent in the third year.

Mr. Temporary Deputy Speaker, Sir, we know that our teachers have not been given the recognition they need. We have hardly seen our teachers being bestowed with any honour for the work they have done. The teachers, right from the nursery to the university level, like I was a few months ago, have not been recognised for their contribution to this nation. The teachers can even take no increment if they were sure that the Minister who is so obstinate to their suggestions, can be moved or removed completely.

Mr. Temporary Deputy Speaker, Sir, finally, what my colleagues and I in this House are asking for, is to prevail upon the Government to reach an agreement with the teachers since this can easily be achieved. The Government should also sensitise our Ministers and especially the Minister for Education, who is a dedicated servant of KANU, to dedicate himself even more, to the education of the children of this country and listen to the teachers. Do not take the example of hon. Kalweo who does not mind when people are killed. Do not take the example of hon. Lotodo who does not listen to the people's opinions about the formation of county councils and so on. He should be reformed in his mind, spirit and the way he carries himself. By so doing, we can solve this problem immediately so that by next week, our students can go back to school and do their examinations.

With those few remarks, I beg to second.

(Question proposed)

Dr. Kituyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to also express my opinion about this grave matter of national importance. I wish to congratulate hon. Angwenyi for his able way of seconding this Motion.

Mr. Temporary Deputy Speaker, Sir, there are two different problems about this matter. The first problem is a criminal irresponsibility by the representatives of Government in the Remuneration Committee set up under Section 13 of the Teachers Service Commission Act. Some of us have been recently involved in consultations with Government; formal negotiations. Responsible negotiation is that, when a position is staked out by the opposite party, you go back to your seniors to see how tangible the request being made is before you proceed. At the end of the negotiations, if you come back and you are party to a statement and you signed a document in part which says; "all the members of the committee have agreed on these recommendations", as contained in the memorandum from the committee to the Minister on 2nd July, 1997, it means your superiors in the Ministry have seen the contents of that package, they are aware of what to expect and they are accepting all the details in that recommendation.

Mr. Temporary Deputy Speaker, Sir, when the Minister for Education was asked a Question by hon. Munyasia about the implementation of the recommendations brought to him on 29th July, 1997, he said on the Floor of this House, among other things:-

"The report I received from the Teachers Service Remuneration Committee is under active consideration by the Ministry".

This was not allowed to be debated, but it was an irrelevant statement. The provisions of Section 14(3) of the Teachers Service Commission Act provide that:-

"The Minister shall by notice of gazette bring into effect the recommendations of that Committee".

There is no consideration or further deliberation in his Ministry and he has no business trying to re-open the package. It is assumed his representatives on the committee did a good job and he knew about it.

Mr. Temporary Deputy Speaker, Sir, the first culprits therefore, are the five representatives of the Government on the committee. They are:-

Mr. Jackson Kang'ali	-	Secretary, TSC
Mr. Ezekiel Kegode	-	Chairman, TSC
Mr. Sammy Kyungu	-	Director of Education
Idris Farah	-	Senior Dep. Secretary

Mr. Edward Kimari
Mr. Wilfred Muthuuri

Mr. Temporary Deputy Speaker, Sir, if these persons did not inform their superiors about what they were conceding, they do not deserve the honour of remaining in those positions, they should be fired. When major components of the top management of a Ministry acts irresponsibly, the buck must stop somewhere. It stops at the desk of the Minister responsible. This is only the minor reason why hon. Kamotho does not deserve to remain the Minister for Education. I will come to the major one now.

Mr. Temporary Deputy Speaker, Sir, we have lived through times of irresponsible conduct of public affairs. We have gone through a phase where leadership is about a command post handing down instructions to sub-ordinates; sending out decrees. Those days are behind us. This is not 1991 when the Secretary-General of KNUT could be ordered to apologise for stating what was recommended by members. Today, the empowerment of Kenyan people has reached the trade union movement, in spite of the crippling of COTU, the umbrella body of trade unions. I respect the capacity of teachers to stand together and say: "We are demanding our rights". I respect that they have obeyed the law in demanding those rights.

Mr. Temporary Deputy Speaker, Sir, the only options open to Government are the following: Either, with the humility and humbleness of the officials of KNUT and teachers, they can be requested to waive their right and allow for a renegotiation of the package. That is a discretion of KNUT. The other reasonable alternative is that Government should enter into negotiations with the officials of the teachers requesting for a staggered implementation of the package as agreed.

Mr. Temporary Deputy Speaker, Sir, our Minister acts as if he does not know that in the memorandum sent to him, there was a clear statement which said: "The recommended effective date of implementation is agreed to be 1st July, 1997". They agreed that this will be implemented in retrospect; the day before they submitted it to the Minister. The Government must have known.

Mr. Temporary Deputy Speaker, Sir, instead of acting, the Minister is insulting parents and teachers. He is portraying Government in the most arrogant and backward method. The only way that Kenya can show that it cares about teachers is to oblige that if this Minister cannot resign, the President should fire him and put in place a person who is more responsible to handle this sector.

With those remarks, I beg to support.

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika wa Muda, mimi ninafurahi kuzungumza juu ya mambo ambayo yako ndani ya roho ya Wakenya leo. Yeyote aliyefanya makosa, inafaa akubali kwamba yalikuwa makosa. Lakini walimu ndio baba na mama wa watoto wetu.

Bw. Naibu Spika wa Muda, anayeomba hupewa, hata ikiwa atapewa kidogo au kingi. Lakini watu wote ni lazima wafahamu kwamba elimu ya watoto wa Kenya ambayo ni nchi maskini ndiyo rasilmali kubwa ya nchi hii. Kutokana na elimu tuna madaktari ambao ni rasilmali kwetu. Hatuna viwanda vikubwa, tegemeo letu ni elimu ya watoto wetu.

Bw. Naibu Spika wa Muda, inafaa imani iweko kwa upande wa Serikali na walimu kwa watoto ambao haswa hatujui ni maafa gani yamewapata kutokana na ajali za barabarani. Lakini Mungu ataturehemu. Inafaa tujue kwamba nchi yetu haina madini wala visima vya mafuta. Mapato yetu ni madogo ingawaje ni lazima waalimu waongezwe mishahara. Ningependa kuwaomba wakubwa wa walimu wakubali kila watakachopewa na warudi kuomba mara nyingine. Lakini wasiwatie watoto adabu.

Bw. Naibu Spika wa Muda, siyo watoto peke yao wanaopata shida wala Serikali, bali walimu pia wana watoto na wao pia wanataabika. Ni lazima tuwe na imani katika nchi yetu na tuwe na kikao cha kurekebisha matatizo yetu. Lakini hivi sasa, walimu wanakimbia huku na huku. Ningependa kuiomba Serikali, ambayo ni baba waiwaite tena walimu ili waketi na kuzungumza.

Ningeiomba Serikali iandae tena mkutano mwingine kati ya chama cha walimu, KNUT, na viongozi wa Wizara ya Elimu ili kutatua mzozo huu. Pia ninawaomba walimu wajue kwamba hii ni nchi yao na ni lazima wakubaliane kuhusu matakwa fulani. Ingawa tunataka walimu wapewe mishahara mizuri, huo hautakuwa mwisho.

Watumishi wa umma nao watahitaji kupewa nyongeza za mishahara. Hata mimi pia mhe. Mbunge nitaomba kuongezewa mishahara na ikilazimu nifanye maandamano barabarani, pia nitakwenda kwa sababu hakuna mtu asiyekuwa na tamaa. Ninawaomba walimu ambao ni walezi wa watoto wetu wasitupe watoto wao barabarani, lakini warejee kazini na ni lazima watapewa haki yao. Tunajua kimo cha mishahara katika Kenya kutoka kwa wahe. Wabunge, Mawaziri, Makatibu wa Kudumu, makarani, majaji na kadhalika, halafu kuwe na kipimo. Si vizuri wakati Wakenya tunapojiandaa kwa Uchaguzi Mkuu, watu wengine kuwachochea walimu kufanya maandamano. Yule atakayepewa kura atapewa na atakayekosa, atakosa vile vile. Lakini ukweli ni lazima walimu waketi na Serikali yao kwa sababu Serikali si ya mtu, ni Serikali ya Wakenya wote.

Ninawaomba wale walioelimika kuliko mimi, wazungumze na walimu na viongozi wa Serikali ili kutatua mzozo huu. Lazima tutatue mzozo huu kwa sababu watoto wetu wanakosa masomo yao kwa sababu walimu wao wamegoma. Jambo hili ni hatari kubwa sana. Ni matumaini yangu kwamba Serikali ya Kenya ina uwezo wa kutatua shida hii.

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise in support of the Motion. Like it happens so often in this country, we see again management by crisis. If the Government had paid attention at the time this agreement was signed with KNUT, we would not be in the crisis we are in today. Someone must have sat down, done the calculation and ought to have known whether truly the Government can implement the salaries we are talking about. We are being told today that it is about a sizeable amount of the Budget, almost half. If, indeed, this is true, who is responsible for this mess? We should not promise salaries that the Government cannot meet. If the Government can meet the salaries, where is the money? Clearly there is failure and gross negligence on the part of the officers concerned. The senior officers in the Ministry are the Permanent Secretary and the Minister himself. Whose mess is this? Whoever is responsible for the crisis the country is facing should bear the responsibility of their actions. Is it fair to ask the teachers to continue to negotiate with people who are performing their duties negligently?

Mr. Temporary Deputy Speaker, Sir, while we ask the teachers to go back to the negotiating table, I do not think that in all fairness, we should force them to negotiate with negligent people and dictators who are issuing ultimatums to teachers instead of negotiating.

(Applause)

Mr. Temporary Deputy Speaker, Sir, the time for dictatorship and ultimatums is gone in Kenya. With the IPPG spirit, we have entered the phase of dialogue. Is the Ministry of Education not part of this country? Why are the teachers being shown arrogance instead of understanding for their problems? The Minister was wrong to issue ultimatums to the teachers and he should bear full responsibility. We should then request the teachers humbly to come back to the negotiating table and they should only listen to the points raised by the Government if several conditions are met. The teachers must be honestly told the true financial position; if it is a fact that the increment sought far outweighs our Budget or if it is that our resources have been mismanaged to the extent that the teachers cannot be paid.

If it is that the budget cannot bear the increments being sought, the teachers will understand, but there must be something else that this Government can afford to pay the teachers. The teachers will understand because they too are parents. The teachers are also worried to see their children missing national examinations.

In this House, Mr. Temporary Deputy Speaker, Sir, we are all products of teachers. Nobody who did not go through the school system can sit in this House. We, therefore, fully appreciate the importance of teachers in developing the human resources in this country. We are saying that the Government should humbly ask the teachers to come back to the negotiating table, approach the issue with openness and negotiate something reasonable with the teachers, if it is a staggered implementation of the agreement or re-opening the agreement, but we are not in a position to dictate to the teachers today. We were in a position when the agreement had not been signed. Let us, therefore, be humble and approach the teachers with humility.

Mr. Temporary Deputy Speaker, Sir, the teachers, like other Kenyans, are feeling the weight of inflation. There are many factors which have made life unbearable in this country. That is mismanagement of the economy. What we are seeing in the Ministry of Education is management of the education sector. It is not possible to go on sensibly without cleaning up the Ministry first. I am agreeing with my colleagues who have spoken before me that, perhaps, it is time for the Minister for Education to bow out honourably to enable this crisis to pass and to bear responsibility for his actions of infuriating the teachers.

With those few remarks, I beg to support.

(Applause)

The Minister for Commerce and Industry (Mr. Angatia): Mr. Temporary Deputy Speaker, Sir, thank you

very much for giving me a chance to also make my contribution to this important Motion. I want to thank the Mover of this Motion for bringing it at this time. There is no doubt that those who sat on this committee and made this agreement, made a very serious mistake. I do not want to punish anybody. It is a big mistake and they must accept it.

Mr. Temporary Deputy Speaker, Sir, it will be the duty of the Ministry and the Government to accept that our officers erred by signing an agreement which is impossible to implement. The Government does agree that teachers deserve a salary rise. This is not in dispute, but what is in dispute is the size of the increment. If we have both agreed, the teachers and the Government, that a salary increase is deserved, then let us come down and negotiate on the amount of increment required.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to the teachers not to look at what someone else has stolen from this country. We know that a lot of mistakes have been made and we know that there has been corruption. There are people who have got away scot-free with money they should not have got away with, we are not talking about corruption. We are talking about what the Treasury can comfortably give to the teachers. The teachers know that there are some rights that you cannot enforce. When the Jew was entitled to a pound of flesh from a human being who had made an agreement with him, it turned out that the agreement was right and the Jew was right to push his request, but it was inhuman to get the pound of flesh from the person who had made an agreement with him.

The teachers should know that they should not push for this pound of flesh. We would like to appeal to the teachers to come to the negotiating table. Nobody is denying them their right, but they cannot ask for the pound of flesh, because after that person has lost his pound of flesh, he may not be able to work in order to get the money to pay the teacher. Therefore, the teacher should leave this person with his pound of flesh so that the teacher can make out the money---

(Mr. Magwaga stood up in his place)

I cannot entertain a point of order because I have only five minutes to contribute.

Mr. Magwaga: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Minister is giving a wrong comparison because a pound of flesh---

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

Mr. Magwaga: Is hon. Angatia in order to give a wrong comparison that a pound of flesh is the same as asking for a salary increase of between 150 to 200 per cent which the Ministry of Education had agreed to give them? Is he in order?

The Minister for Commerce and Industry (Mr. Angatia): Mr. Temporary Deputy Speaker, Sir, nobody can implement what is impossible. The teachers are sensible people who know figures and mathematics. The teachers should be allowed to look at the revenue of the Government and see the amounts distributed to various sectors and they will find that it is impossible for them only to take 56 per cent of the revenue of this country. I am sure that if the teachers were allowed to go to the Treasury and handle the total amount that is collected by the Government and distribute it to the various sectors, they will not agree that the amount that has been awarded to them should be paid because it is impossible. Where will it come from? Mr. Temporary Deputy Speaker, Sir, all workers of this country deserve a salary increase. Let it not appear as if it is only teachers who need this increment. If we were to look at what has been already awarded, between 10 to 28 per cent, in the Armed Forces, Civil Service and the Universities, teachers should accept that a reasonable increase which the Government, Treasury and revenues of this country can carry, is what they deserve. It is not possible to pay out what cannot be raised in this country. The Government has agreed to negotiate, and I would like to appeal to the teachers, after they have looked at the revenues of this country, that they should also look at the growth of the economy and of the money every year. They will find that our economy grows at the rate of 5 per cent and sometimes less than that. When one asks for a salary increase of 200 per cent, where are you expecting it to come from? I am hoping that the teachers will see sense and negotiate with the Government. It is true, I agree with my colleagues who have spoken before me, that it is not time for ultimatums, it is not time for anybody to force teaches to use muscle. There is no muscle to use in this case. We want to use reasonableness, sense and we want to appeal to the teachers to come back to the negotiating table. I am sure teachers will start off by knowing that it is impossible to issue 200 per cent salary increase. Therefore, let us re-negotiate.

With those few remarks, I beg to support.

(Mr. Gatabaki was booed as he moved towards the microphone)

The Temporary Speaker (Mr. Wetangula): Order! Order, hon. Gatabaki. I thought we all agreed that this is a grave matter of national importance!

Hon. Members: Yes, we agreed.

The Temporary Speaker (Mr. Wetangula): But your conduct is inconsistent with that.

Mr. Gatabaki: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion of national importance.

I will not talk much, but I will raise the issue of whether the Government can raise money to pay the teachers or not. We have witnessed the President of this country raising about Kshs0.5 billion for the Youth Development Fund within a matter of four to five hours. We have also seen the Vice-President of this country, within two hours, raising about Kshs20 million for YK'92. The issue is, this country---

(Laughter)

The Vice-President and Minister for National Planning and Development (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have never at any time, raised a figure of Kshs20 million as alleged by the hon. Member. I think the hon. Member must state a fact, and not an untruth to mislead the House.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, just the other day we saw this country buying equipment for riot control worth Kshs4 billion. In the last four years, we have seen Kamlesh Pattni attending court accused of stealing Kshs15 million. We have seen evil after evil. We have seen the Minister for Education together with Central Province Development Group touring the countryside every weekend raising between Kshs10 to Kshs15 million. The issue is; this Government can pay the teachers tomorrow, but it does not want to do that because it is set to neglect its citizens. Some time back, we witnessed lecturers going without salaries for a whole year and doctors went for five months without being paid. The issue here is; we are dealing with a crisis of national importance. This is why in other countries, under such circumstances, the Cabinet would hold a serious crisis meeting to solve the crisis. Right now, as the teachers are---

Mr. Rotino: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Gatabaki to mislead the House and the whole nation that at one time doctors and lecturers went without pay for five months? Is he in order?

An hon. Member: They were not paid!

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, the buck stops at the State House; it does not stop at the Ministry of Education. If there is any crisis that has ever faced this country, apart from an earthquake, which we have never faced, it is the current teachers' strike. The President of this country is negligent to the extent that he has not responded to the crisis facing this country. It is an abuse to the teachers of this country for the President to threaten them that they can be---

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is clear that the hon. Member is violating a Standing Order. We do not discuss the President or an hon. Member without a substantive Motion, and he knows it. I think you had better draw the attention of the hon. Member to the relevant Standing Order.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Gatabaki, you know that if you want to discuss the President, you should comply with Standing Order No.73.

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, I am referring to the ultimatum given to the teachers that if they do not go back to the classroom, the President of this country will mobilise the 3,000 graduates to go and teach. That threat has come from the Head of State. He is threatening 240,000 teachers countrywide. We are talking about a quarter of the entire Civil Service and about six million students who are out of class right now. I do not know whether hon. Members on the Government side have got children in school. I do not know whether they are parents or not, but we are parents. We are talking of an issue that affects 20 million Kenyans. I do not know where hon. Kamotho's children attend school or where the children of the Vice-President and Minister for Planning and National Development attend school, but about 20 millions Kenyans are affected.

(Hon. Members interjected on points of order)

It is a violation of my right to speak.

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

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I think we are discussing matters of great importance to this country.

When one takes into account the whole of education, one is basically touching on the core of the development of this country, and not only that one but also the future of this country. The kids who are being denied education at this time

are the ones supposed to build this nation. The greatest injustice that can ever be done is to deny the children their education. Education is an important right for every child, and no child should be denied that right of having education.

I do not think it is fair to politicise this issue. The most important thing is that we, as hon. Members, should look at this matter objectively and try to find ways in which the current impasse can be sorted out. It is not a question of throwing the blame to one person or the other. But what are the issues? The issues are: As a result of what was recommended by the Teachers Remuneration Committee, the Government initially, could only afford to offer, from what we understand, a salary increase in the range of between 10 and 28 per cent. That is what could have been done.

Then, the problem came in, and the Government sat down with the Kenya National Union of Teachers (KNUT) officials and those who were concerned. They, of course, explained the difficulties of being able to finance the almost Kshs60 billion package. We understand that the Government would require a total of Kshs60 billion to be able to finance the total package and that is not possible.

Hon. Members: But the Government has that money!

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Vice-President and Minister for Planning and National Development to mislead the House by saying that if the teachers get their pay increase, it will cost the Government Kshs60 billion? It will amount to only Kshs27 billion if the teachers get a 60 per cent pay increase.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): I hope that my time will be corrected because---

(Several Members stood up in their places)

(Mr. Gatabaki rose and moved to the Dispatch Box)

Sit down there! Sit down there!

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

(Mr. Gatabaki pointed at Prof. Saitoti)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Gatabaki, it is grossly out of order to stand at the Dispatch Box and menace a Member on the Floor by pointing at him.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I think some people do not want to know the facts. The first initial pay rise was between 10 and 28 per cent. If we were able to accept the total package, that could have been Kshs60 billion. Then the Government later on sat with the members of KNUT and then agreed to offer an additional 15 to 100 per cent of their allowances. That was their discussion and then from what we are told, the KNUT officials met and then agreed that the total package could be spread within a period of three years.

(Several Members stood up in their places)

Hon. Members: No way!

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Vice-President and Minister for Planning and National Development in order to mislead this House about the negotiations when there is a signed agreement which has already been laid on the Table of the House here, by Dr. Kituyi? It is also in the hands of the Government. Why can he not address himself to that agreement which was signed by the Government and KNUT? Let him address the House concerning the signed agreement.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, there is no doubt at all that the hon. Members would want me to lose my time. Let me declare one thing; that, as a teacher, I have got a lot of sympathy for the teachers and I know their problems. I want to say that the Government can pay so much; we know that we must be able to do something for the teachers and we want to find a middle situation. My appeal is that the teachers' representatives should go back and negotiate with the Government to find a solution---

(Several Members stood up in their places)

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

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Considering the grave importance of this matter, having consulted the Leader of Government Business in the House and the Chief Whip, and with the concurrence of most Members on this side of the House, I wish to request the discretion of the Chair to extend the period of the sitting to accommodate more contributions to this matter.

(Applause)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I concur with that word from that side provided we agree that both sides should listen to contributions from every Member. Here is a situation where people just interfere to prevent an hon. hon. Member from making contributions to a matter of great national importance.

The Temporary Deputy Speaker (Mr. Wetangula): Order! I will put the Question that the sitting of the House be extended by 30 minutes up to 7.00 p.m. Under our Standing Orders, we can only go up to 7.00 p.m. and no more.

(Question of the extension of the sitting put and agreed to)

Mr. Akumu: Mr. Temporary Deputy Speaker, Sir, I will be brief. I rarely agree with the Vice-President and Minister for Planning and National Development, but we did agree on one thing that, at least, let us make this debate less political. Let the Government do one simple thing because this report was endorsed by the Government. My experience states that a senior official endorsed this report, and, therefore, the Government cannot take its own report to the Industrial Court. It is ridiculous. This report was signed by Mr. Kang'ali, the Deputy Permanent Secretary and the Director of Education. They are now taking that same report to the Industrial Court. Will Mr. Kang'ali sign it on the other side? That will make the Government look ridiculous. When they sign the report, it must look like a Government report and it is ridiculous for the Minister for Education who claims to have been a teacher, the Director of Education and the PS to give ultimatums to teachers on what they know is not true; that the teachers are cheating since they are highly paid. That is not true. Teachers work during the day and at night. Indeed, they carry 100 books to prepare lessons and so on. They are grossly underpaid and a basic salary of Kshs5,000 is not even enough to take Members of Parliament to their homes. It does not even cover the mileage that the Members of Parliament are entitled to. That is the basic salary and it is a lie to talk of these billions.

Mr. Temporary Deputy Speaker, Sir, I agree that the teachers and the Government must go back to the table but before they go back to the table, for heavens sake, let the Government have the decency of accepting their own report in principle. You stagger or spread the implementation of the report over a number of years, say two, three or five years. Let them, at least, have the decency of accepting their own report. It does look ridiculous in the eyes of the world that Mr. Kang'ali and the Director of Education have rejected their own report. You look ridiculous and simple. In fact, the report should be dismissed. Let them accept their report and then go back to the teachers and tell them: "Please, this year is a controversial year and we have problems. So let us spread it. We accept the report as it is. The Vice-President and Minister for Planning and National Development cannot even amend it. The Act does not allow you to do so and you are encouraging teachers to spread the strike. It is going to affect you in the process and also affect the Civil Service and private schools.

Mr. Temporary Deputy Speaker, Sir, you cannot amend the report. Accept it and then go back to the teachers and say, "Please, let us spread it over three or five years". Let Mr. Kamotho not appear on KBC anymore.

I am a very gender-sensitive man, but I would not like the lady that I saw on television yesterday saying that the teachers are cheating since they are highly paid not to appear again. I thought ladies are softer and that is why we want more ladies to come here. I was surprised by the ultimatum that the lady issued yesterday. She even said that security is arranged to protect children and teachers. I was surprised to see that lady. I thought ladies were softer and better people to lead us. Who then is this one?

Mr. Temporary Deputy Speaker, Sir, I really want to appeal to the House not to politicise the theme but make a recommendation to the Government to go back to the teachers. They should sit down on the table, accept the report in principle and spread it over three or four years. It is implementable and the figures are there. What the hell are you saying, that the Director of Education did not know about the Budget? You are trying to say that Mr. Kang'ali did not know about the Budget. You are trying to say that these people did not brief Mr. Kamotho every day. The Minister for Education should be able to know what is going on every day in such a committee. These figures show that the thing is

implementable. The figures are being inflated. That is not correct and that is why the Government knows about the wage policy. If the civil servants who are serving us here in Parliament earn Kshs2,345--- If it were their wish, they would have liked all of us to go out because we know how to appropriate money for other purposes except for their salaries.

I appeal to the Vice-President and Minister for Planning and National Development and hon. Kamotho and his Permanent Secretary to agree first to talk to the teachers, sit down and agree to spread what they are demanding over five years, and let the teachers go back to teaching next week, having signed the agreement. They should accept their own report first, and then go back and sit down. That is the most sensible thing to do as a trade union, and everybody will tell you that. You should accept what they are demanding and spread it. Thank you.

Mr. Falana: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

I would like to begin by making an appeal to the House that this is a national crisis. It does not help throwing blame at the other side of the House, saying that, perhaps, the Opposition, the NCEC and other organisations are inciting the teachers and causing problems. That does not help this country. Neither are they being helped going to the other side. It is said it is hon. Kamotho, the Permanent Secretary (PS) and the Teachers Service Commission (TSC). Let us approach this issue with very sober minds. We are in a problem as a country. This is the appeal I am putting across to the House.

Teachers are very honourable, learned and understanding people. Their hopes had been raised, that they were going to get some money. Recommendations had been made and forwarded to the appropriate organisational body to pay them. Let us be fair and honest. We have a problem, as a country. We do not have money and teachers do understand that. They know it. They teach and make the uninformed be informed. So, they are not fools. They know that this country is not very healthy financially. Why do we not sit together, dialogue and spread out the increment over an agreed period of time, and then implement it? This thing is very simple. Why is it that there is no such understanding? It is simple! Let me put it very clearly that, threats will not solve this problem.

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

Mr. Falana: Wewe kaa chini, Bwana! Usinisumbue! Sit down!

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Falana! The only authority to deny a point of order is vested in the Chair!

Mr. Ndicho: Is hon. Falana in order to mislead this House and the nation, that the teachers in this country know that this country has no money, when they know that this country spent Kshs2.4 billion for buying a Presidential Jet? They also know that there is a bullets factory being built at Eldoret!

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Ndicho!

Proceed, hon. Falana!

Mr. Falana: Mr. Temporary Deputy Speaker, Sir, I started by making an appeal to this House not to politicise this issue. Please, hon. Members, hon. Ndicho included, from now henceforth, do not politicise this issue. It is not good for this country. I do not want to waste my time on this, but having said this, I would like to say that threats will not solve this problem.

Mr. Temporary Deputy Speaker, Sir, all I was saying, before hon. Ndicho interrupted me, is that as far as I am concerned, this thing is very simple. It is just a matter of sitting together on a round table and having dialogue without intimidating anybody or issuing out threats. We can spread the implementation over a number of years. Let us not raise teachers' hope for the second time and cheat them; the Government cannot pay recommended salaries at once because the country has no money. But let us convince them and agree that this can be spread out over a period of time and pay them the agreed salaries as put forward to the Government.

Mr. Temporary Deputy Speaker, Sir, finally, I have one comment to make. If the people who were negotiating with the leaders have failed, I want to take this opportunity to appeal to His Excellency the President to intervene in order to save the situation.

Prof. Anyang'-Nyong'o: Thank you, Mr. Temporary Deputy Speaker, Sir. As much as I respect some of the figures that are being produced by the Government side to support the fact that teachers should not demand for higher salaries, I find it rather ridiculous that after the letter that Mr. Adongo and Mr. Katumanga wrote to the Minister for Labour and Manpower Development, almost conceding to 60 per cent of the Government request, surely, this is a very good negotiating point; that the Government should have taken the proposal by teachers and implemented it.

Mr. Temporary Deputy Speaker, Sir, it becomes rather arrogant when a union concedes to 60 per cent of what the employer has agreed to, and then the employer refuses to concede. I find that very bad negotiation.

Secondly, the Government has made unnecessary hullabaloo about the fact that the teachers are asking for 200 per cent increase. Let me give you some figures. In 1970, a headmaster was paid Kshs70 as responsibility

allowance for a single stream. In 1997, the same headmaster is still being paid Kshs70, responsibility allowance. If they had increased the money from 1970 to this day by Kshs7.50 every year, the question of 200 per cent would not arise today. That is one example.

The other example, Mr. Temporary Deputy Speaker, Sir, the Government says that the lowest paid teacher earns Kshs1,800.00, and that teacher is asking for a 200 per cent increase. Now, supposing that 200 per cent is granted, the salary will be Kshs5,400 per month. If the Government had started increasing the teacher's salary from 1970, the salary would have been increased by Kshs200 per month every year from 1970 to date.

If they had done that kind of planning, they would not now be crying that they do not have money because there would have been a plan to increase the teachers' salary year by year.

Mr. Temporary Deputy Speaker, Sir, a deputy headmaster in a single stream school earn Kshs20, as responsibility allowance. They have been earning this amount since 1970. Surely, what is Kshs20 in economic terms today? If that person were asked to even for a 500 per cent increase on responsibility allowance, it would be sensible. So, the figures that the teachers have given are extremely reasonable.

This Government must learn that one of the responsibilities of governing is to plan. Mwalimu Julius Nyerere said, "to plan is to look forward; you choose to look forward". But, unfortunately, every time, this Government sees a pair of binoculars, it looks backwards. That is why they see so far backward that they are incapable of looking forward.

Mr. Temporary Deputy Speaker, Sir, this is one of the points that teachers are making. Begin to plan looking forward today so that in two or three years' time, the KNUT is not going to ask you to increase their salaries by 500 per cent. If you had looked forward in 1970, the question of 200 per cent would not have arisen today. Further, there is the School Milk Programme which had a budget of K£18,566,579 and this Government knows that the School Milk Programme is not working. This money should be amalgamated with the budget for paying teachers, so that the Government can find a means of paying the teachers.

Mr. Temporary Deputy Speaker, Sir, this Government also knows that in this Financial Year, a sum of K£12,598,633 was voted for the Kenya Schools Equipment Scheme. This scheme is not working and the Government is aware of that. Indeed, it has become a kitty for corruption in the Ministry of Education. So, this is a poor budgeting system, in which we are penny-wise and pounds-foolish, and it is making this Government to be a backward looking one. They should look forward and find out--- This penny-wise and pounds-foolish policy is not going to help them.

Mr. Temporary Deputy Speaker, Sir, one of the things that used to be very attractive in the Civil Service is that, civil servants had good houses, health care and good schools for their children. This Government, since 1978, has ruined this. They now expect teachers to live on top of bars and brothels in markets and then go to teach. This is intolerable to the Kenyan population. So, I would like to ask this Government to start looking forward and stop bothering teachers.

Mr. Rai: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi hii, ili nitoe maoni yangu juu ya Hoja hii.

Kwanza ningetaka kumshukuru mhe. Mbunge aliyelea Hoja hii, kwa sababu huu ni wakati mgumu sana kwa watoto wetu, ambao wanateseka. Ni lazima tusukume dhambi hizo kwa Wizara ya Elimu. Mateso ambayo watoto wanapata kwa wakati huu, si kwa sababu ya walimu. Hatuwezi kuwalaumu walimu kwa vyovyote vile. Sheria za nchi hii ziko wazi. Kama ni kutafsiri kunawasumbua, inafaa wao waketi pamoja na kuelewana. Wizara inacheza na shilingi kwenye shimo la choo! Huu ni wakati ambao tunaweza kusema: "Mnyonge, msonge". Wakati umekwisha na ni lazima tuambiane ukweli. Mgala muve lakini mpe haki yake, kwa sababu watu watatu walikaa na kukubaliana. Leo, Wizara ya Elimu imeenda kortini--- Wizara ilienda kuuliza kitu gani na mapatano yako pale kwenye karatasi? Kama ni kukata rufani, Wizara ingefanya hivyo wakati ule wa mapatano, kama Serikali haingeweza kulipa pesa hizo. Ni makosa kwa Wizara ya Elimu kutisha walimu kwamba watafutwa kazi. Wakati huo umekwisha. Hiyo ni haki yao na ni lazima walipwe. Ni sharti watu waketi na kuelewana, kwa sababu dawa ya deni ni kulipa. Ni kwa nini Wizara ya Elimu ilikubaliana na masharti ya walimu halafu badaye inarudi kuwapeleka walimu kortini? Haya ni makosa na dhambi. Ni lazima tuangalie makosa yako wapi na mwenye kugeuka mapatano hayo ni nani, ili tupate suluhisho.

Bw. Naibu Spika wa Muda, vile sisi tunavyochukua walimu, inawaudhi. Kuna baadhi ya walimu ambao wamefanya kazi zaidi ya miaka 30 na hata promotion hawajapata. Sasa wanauliza waongezwe mshahara, lakini hata hiyo hawapati na wanapeleka kortini. Sasa hizo pesa zitapewa nani? Wazungu wanasema: "Ignorance is no defence in law". Si haki kwa Wizara ya Elimu kusema kwamba walimu wanawatesa watoto. Wizara ya Elimu itakuja kulipa kwa sababu ya kutesa hawa watoto. Kama hatutapata suluhisho la kudumu, hii huenda ikawa chanzo cha matatizo ya nchi hii, kwa sababu ni vibaya kuwaambia walimu warudi kazini na hawajaambiwa jinsi watakavyolipwa. Walimu wamekuwa watu wakarimu kwa sababu wameandikia Waziri kwamba wanaweza kukubali kuchukua malipo haya kwa mipangilio. Ni kwa nini Wizara ya Elimu inageuka mapatano hayo? Walimu

wameomba kwamba, kama inawezekana, walipwe 60 per cent kutoka 1st July, 1997 na 70 per cent 1st July, 1998 na 70 per cent 1st July, 1999.

Bw. Naibu Spika wa Muda, inafaa tuketi ili tujue ni vipi tunavyoweza kuwalipa. Lakini ikiwa, badala ya kuketi na kuzungumza, tunakaa chini na kutoa vitisho kwamba: "Usipofanya kazi hii, utafutwa kazi"; watafuta watu wangapi? Ule wakati wa kusema kwamba madaktari wakigoma tutaleta madaktari kutoka Afrika Kusini umekwisha. Tunataka tuone kama Wizara itawachukua walimu kutoka Afrika Kusini kuja kufundisha hapa. Muda umekwisha, na ni lazima tuangalie maslahi ya wenzetu. Wakati sisi tukifanya kazi, inafaa tuhakikishe kwamba mazingira ya walimu katika sehemu wanakofunza ni mazuri. Inafaa tuwe na huruma maanake, walimu wengine wanapelekwa sehemu ambako wanaenda kazini kwa miguu na pia hakuna nyumba. Wanaishi maisha ambayo Mungu mwenyewe anajua. Halafu tunakuja kusimama hapa na kusema kwamba, watoto wanateseka, kwa hivyo waalimu wataadhibiwa. Je, hao ni malaika? Wataadhibiwa kwa kosa gani?

Bw. Naibu Spika Wa Muda, kama Serikali haitatua jambo hili, huenda utafika wakati ambao sisi sote tutajuta kwa sababu ya kosa hili dogo. Tunajua ni wapi kosa limefanyika na ni lazima tumuulize yule aliyefanya kosa hilo kwamba: "Wakati ulikaa chini, ulikuwa umedhamiria nini?"

Bw. Naibu Spika wa Muda, mimi ninaona kwamba ule wakati ambao Mzungu alisema kwamba: "Failing to prepare, is preparing to fail", ndio huu sasa. maanake, kama hatukuweza kujipangia, sasa ndiyo wakati ambao ni lazima tukae chini na tukubaliane. Lakini vitisho havitatusaidia.

Kwa hayo machache, naunga mkono.

Mr. Shikuku: Bw. Naibu Spika wa Muda, Wabunge, walimu na maofisa wa Wizara ya Elimu wote ni wazazi. Jambo ambalo ningependa kusema ni kwamba, makosa yameonekana na ni makosa ya Serikali, haswa Wizara ya Elimu, kwa sababu, kulikuwa na masikizano na kukawa na makubaliano. Sasa tutafanya nini? Maji yameshamwagika. Ni wajibu wa Bunge hili kupata suluhisho kwa sababu mambo yameshafanyika. Wazazi wamelipa karo ya shule yote, na watoto wanataka kupata cheti ili waweze kupata kazi ama training siku za usoni. Sasa tutafanya nini?

Bw. Naibu Spika wa Muda, ninaunga mkono wale Wabunge waliosema kwamba ile ahadi waliopatana baina ya Serikali na Wizara ya elimu itimizwe. Na itimizwa kwa njia gani? Tumeona kwamba, haiwezekani kulipa ule mshahara wote mara moja, na hakuna yeyote aliyekataa. Sasa inafaa ulipwe kwa instalments na deni hilo limalizwe.

Bw. Naibu Spika wa Muda, tunafanya hivyo kwa sababu hawa watoto - na nimepewa hesabu yao na Bw. Angwenyi - wa KCPE na wa KCSE ni karibu milioni moja; ni wanafunzi 930,000. Inafaa waheshimiwa Wabunge wafikirie: Je, wanafunzi 930,000 wakitupwa bila vyeti vya KCPE ama KCSE, itakuwaje? Na hasa wanafunzi wasichana ambao ni "perishable". Kama hawawezi kuruhusiwa kusoma mara moja, wanaweza "kuoza".

The Assistant Minister for Education (Mrs. Ndeti): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku in order to say that girls are "perishable"?

Hon. Members: Maua! Maua!

Mr. Shikuku: Bw. Naibu Spika wa Muda, sisi ni waheshimiwa Wabunge na wengine wetu tunapenda kusema ukweli vile ulivyo. Mimi ni mzazi na ninajua ninazungumza nini. Nina watoto 16; wasichana wanane na wavulana wanane. Kwa hivyo, ninazungumza kwa uchungu kwa sababu ninajua watafanya nini. Wavulana ndio hatari na wanaweza kufanya mambo makubwa Kenya hii. Swali ni hili: Tuwaache wanafunzi hawa wasifanye mitihani yao na tupate matata kutoka kwao, au tutatue shida hii mapema? Suluhisho ni kufanya jambo sahihi. Bunge hili lina mamlaka ya kuunda kamati ya kushughulikia mzozo huu kwa maana tumepewa madaraka ya kuongoza nchi hii, na jambo lolote likiharibika, sisi ndio tutakaolaumiwa. Ikiwa viongozi wa Wizara ya Elimu hawawezi kushirikiana na viongozi wa walimu kusuluhisha shida hii, tuko tayari kukaa na walimu ili kutafuta suluhisho kwa mzozo huu. Walimu pia ni wazazi na tuko tayari kukaa nao ili kusuluhisha hatari ya watahiniwa 900,000 ambao watakosa mitihani yao na vyeti vya elimu. Pia hawatakuwa na matumaini ya kazi. Je, watu hawa wanaweza kuzua hatari yoyote? Hiyo ndiyo hatari inayotukabili.

Bw. Naibu Spika wa Muda, nimeambiwa na viongozi wa Wizara ya Elimu kuwa idadi kamili ya watahiniwa hao ni kama ifuatavyo:- KCPE - 400,000, KCSE - 140,000 na jumla - 540,000. Idadi ya walimu ni 240,000. Hata tukichukua genge hili la wanafunzi dhidi ya walimu bado tutakuwa katika shida. Kwa hivyo, sisi kama wazazi, tunataka walimu wazungumze na viongozi wa Wizara ya Elimu ili watafute suluhisho la mzozo huu. Lazima tukubaliane kwamba viongozi wale waliotia sahihi mkataba huu walikosa na waadhibiwe.

The Assistant Minister for Finance (Mr. Keah): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to sympathise with this Motion. In sympathising with the Motion, I want to say that the teachers have, indeed, a case and it is the right of every Kenyan worker to demand the rightful wage. But the 200 per cent demand is very much in excess. I would like to---

Mr. Raila: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that he is sympathising with the Motion? He should either support or oppose the Motion.

The Temporary Deputy Speaker (Mr. Wetangula): Indeed, we have no provision in the Standing Orders for sympathising with the Motion. You either support or oppose a Motion.

(Applause)

The Assistant Minister for Finance (Mr. Keah): The hon. Members should wait until I finish my contribution and they will know whether I am supporting or opposing this Motion. A 200 per cent salary increase for the teachers will cripple this economy at this point in time.

Hon. Members: No! No!

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker Sir, let me---

(Mr. Maundu stood up in his place)

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Maundu! What is your point of order?

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, in the first place, what is an increment of 200 per cent? This is an agreement which has been signed by both parties.

The Temporary Deputy Speaker (Mr. Wetangula): What is your point of order? You are now arguing.

Mr. Maundu: Mr. Temporary Deputy Speaker, Sir, my point of order is: Is the hon. Member, whom I sympathise with, in order to suggest that the demand for a salary increase of 200 per cent by the teachers, which had been agreed upon by all the parties, is excessive, when teachers from his Kaloleni Constituency are also included?

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, our economic growth rate at this point in time is about 4 to 5 per cent and that is a point of fact. I concede that there is a document which was signed by all parties to the negotiations on the Remuneration Committee, but two wrongs do not make a right. When signing this documentation and taking into account the figures contained---

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Sambu! While I give you the opportunity, I want to plead with you. This is a timed debate with only five minutes. Excessive points of order will hinder others from making their points.

Mr. Sambu: But he should not mislead the House!

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

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to mislead the House, that the agreement which was signed was a wrong doing? It was not a wrong doing. The Government appointed the Committee and it must have discussed the issue with the Government. So, it is not a wrong doing.

(Applause)

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, in the first place, I never said that. What I said is that before this document was agreed upon, there ought to have been proper consultations and considerations into economic and financial factors that affect this country.

Hon. Members: No!

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, that is my contribution. Having said all that, I want to---

(Hon. Members interjected on points of order)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! The hon. Member for Kaloleni has a right to be heard without being heckled.

The Assistant Minister for Finance (Mr. Keah): But these are my views; they can oppose those views.

Mr. J.N. Mungai: Mr. Temporary Deputy Speaker, Sir, the hon. Assistant Minister is addressing this House as if this package came from the teachers.

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

Mr. J.N. Mungai: Mr. Temporary Deputy Speaker, Sir, I am building up my point of order.

The Temporary Deputy Speaker (Mr. Wetangula): You are starting an argument.

Mr. J.N. Mungai: Mr. Temporary Deputy Speaker, Sir, my point of order is: Is the Assistant Minister in order to continue misleading the House when he knows very well that this teachers' package came from the most senior

management of the Ministry of Education who were supposed to have known their plan?

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, because my time is up, my recommendations are as follows:- One, I urge that there should be negotiation between the Government and the teachers.

Hon. Members What for?

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker Sir, I also urge that the Directorate of Personnel Management (DPM), Ministry of Labour and Manpower Development and Ministry of Finance---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Ndicho! Shall we now hear the Minister for Education?

(Mr. Kamotho was booed as he approached the microphone)

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, this issue is not a political issue. Therefore, I would like to appeal to the hon. Members of this House to look at it in terms of the teachers and children of this land because these children are the Kenya of tomorrow. There is no time that I or even any of my officers have insulted teachers.

Hon. Members: You have!

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, the only thing---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Wetangula): Order! This being a very grave matter, I would expect that the Minister for Education is going to give us some policy guidelines on what he is doing. It is only fair that we hear him in silence.

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I was seated here throughout, waiting and expecting the hon. Members to give me proposals---

(Mr. Ndilinge stood up in his place)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Ndilinge, it had better be a point of order. If it is a point of argument, I will show you the door.

Mr. Ndilinge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister for Education to mislead this House by saying that some of these officers threatened the teachers while we know very well that some of the officers in his Ministry now have---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Ndilinge! Obviously, you have not been listening to what the Minister has been saying!

Mr. Ndilinge: He said that the officers threatened the teachers---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Ndilinge!

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I stated very clearly that, I stand here to defend my officers because none of them has insulted the teachers. What I was saying is that I was seated here, with my officers from the Ministry, to listen to contributions from the hon. Members and take any proposals or suggestions about how to work out a return-to-work formula for the teachers.

Hon. Members: No! No!

The Minister for Education (Mr. Kamotho): I am being honest! What happened is that, I do not want to go back too far into history. This is because this matter of teachers had been there before it was referred to the Industrial Court, but the decisions of the Industrial Court have always been that the law governing the remuneration of teachers is wanting. There is no way that an employer, even in the private sector, can appoint a committee which is above the employer. The Committee presented to me a signed document with recommendations for teachers' remunerations.

An hon. Member: Then why did you not work on it?

The Minister for Education (Mr. Kamotho): No, let me finish. I just took the document because that is

what I am expected to do by the law. I am expected by that particular provision to go and study the recommendations in consultation with those in charge of finance. This is because even according to the Standing Orders here and our Constitution, I cannot spend a shilling more than what is provided in the Budget each year by this House. After studying the recommendations and consulting with those officers concerned, I am supposed to come out with a draft order. That is what I did.

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

The Temporary Deputy Speaker (Mr. Wetangula): Disallowed, hon. Oburu!

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I came out with a draft order and I called the Teachers Service Remuneration Committee (TSRC) and not the Kenya National Union of Teachers (KNUT). I called the TSRC which is composed of officers of the Ministry, Teachers Service Commission and KNUT. So, I called the Committee and laid on the table the draft order which was in line with what the Government had said. The Government had told me that "this is the best we can do in the meantime, give this to teachers as an interim award and then the Government will do an in-depth study of the recommendations."

(Hon. Raila stood up in his place)

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Minister, you will be more helpful to this House if you tell us what you are doing rather than what you did.

(Several Members stood up in their places)

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

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

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

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I was trying to give hon Members the scenario when the members representing the Kenya National Union of Teachers rejected our proposal and walked out of the meeting. I had no other choice but to wait for the next course of action.

The KNUT referred the matter to the Minister for Labour and Manpower Development.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Dennis Akumu! Mr. Minister, Members want to hear what you are doing about the crisis.

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, I do not want to refer back to what had been offered before because this House is already aware of it, Members have read about it in the Press. What the Ministry of Education or rather the Government, has said is to propose to KNUT to accept to call off the strike; sit down, and this time we will incorporate the Ministry of Finance and the Directorate of Personnel Management, together with the KNUT, and agree on the implementation of the recommendations.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Mulusya! I will take a point of order from hon. Munyasia.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. If the Minister for Education is not misleading this House, can he tell us under what section of the Teachers' Service Commission Act he is going to open negotiations with the KNUT after it had presented the recommendations of the TSC Remuneration Committee to him? Under Sub-section 3 of Section 14, he is merely expected to prepare a draft to give effect to those recommendations. Under what section of the TSC Act is he going to enter into new negotiations with the Treasury and the KNUT, if he is not misleading the House?

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, as I said earlier, you cannot give what you do not have. As I said, I gave the draft order and we discussed it but the KNUT withdrew from the negotiations. I had no other choice but to sit down, discuss and negotiate so that we could agree on an order to award the teachers what the Government can afford.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Ndicho, this is not a public rally. Will you leave!

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

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Ndicho, you must leave!

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, this is a case of mistaken identity. It was not me who

heckled you; it was hon. Mulusya!

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Ndicho, you are now a stranger in the House. You must leave.

Hon. Members: Kamotho must go! Kamotho must go!

The Temporary Deputy Speaker (Mr. Wetangula): Order! Proceed, Minister.

The Minister for Education (Mr. Kamotho): Mr. Temporary Deputy Speaker, Sir, as I said, the Ministry has left its doors open and we are ready to sit down anytime to discuss a possibility of phasing out the recommendations of the TSC Remuneration Committee.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Ndicho, you are a stranger in this House now.

(Hon. Ndicho left the Chamber)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 9th October, at 2.30 p.m.

The House rose at 7.00 p.m.