

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 11th June, 1997

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

## PRAYERS

## PAPERS LAID

The following Papers were laid on the Table:-

Economic Survey, 1997.

*(By the Assistant Minister for Public Works and Housing (Mr. Mwamzandi) on behalf of the Vice-President and Minister for Planning and National Development)*

Annual Report and Accounts of Tea Research Foundation of Kenya for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Trypanosomiasis Research Institute for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Public Works and Housing (Mr. Mwamzandi) on behalf of the Minister for Research, Technical Training and Technology)*

Annual Report and Accounts of University of Nairobi for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Public Works and Housing (Mr. Mwamzandi) on behalf of the Minister for Education)*

Annual Report and Accounts of National Housing Corporation for the year ended 30th June, 1994 and the Certificate thereon by the Auditor-General (Corporations)

*(By the Assistant Minister for Public Works and Housing (Mr. Mwamzandi) on behalf of the Minister for Public Works and Housing)*

## NOTICE OF MOTION

### CREATION OF ADDITIONAL DISTRICTS

**Mr. Shidie:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in view of the Government's stated policy of bringing service closer to the people and considering the vastness of North Eastern Province; further recognizing the harsh terrain and existing inadequate infrastructure; conscious of historical under-development of the region and the

need to bridge this gap, this House urges the Government to create three additional districts in North Eastern Province.

### ORAL ANSWERS TO QUESTIONS

*Question No.370*

#### WEARING OF UNIFORMS BY THE POLICE

**Mr. Deputy Speaker:** Is Mr. Shikuku not in? We will come back to that Question.

*Question No. 373*

#### COMPLETION OF MAKUENI DISTRICT HEADQUARTERS

**Mr. Deputy Speaker:** Mr. Maundu is not in? The Question is deferred for the moment.

*Question No. 388*

#### IRREGULAR DISPOSAL OF ADC FARM

**Mr. Deputy Speaker:** Mr. Ogeka is not here? Question deferred for the moment.

*Question No.121*

#### REPLACEMENT OF DIRECTOR'S OFFICIAL CAR

**Mr. Deputy Speaker:** Mr. Anyona is not here? Question deferred for the moment.

*Question No.397*

#### ALLOCATION OF PUBLIC CEMETERY

**Mr. Deputy Speaker:** Mr. Ndicho's Question! He is not in? Next Question.

*Question No.313*

#### SETTING ASIDE OF PLOTS

**Mr. Deputy Speaker:** Is Mr. Mwiraria in? Question is deferred for the moment.

*Question No.298*

#### CONSTRUCTION OF SECOND MZIMA PIPELINE

**Mr. Deputy Speaker:** Hon. Kiliku is not in and, therefore, the Question is deferred for the moment.

*Question No.317*

#### STORAGE OF COURT EXHIBITS

**Mr. Deputy Speaker:** Mr. Nthenge is not in and, therefore, the Question is deferred for the moment.

*Question No.310*

## PAYMENT OF COMPENSATION TO MRS. MUTHONI

**Mr. Gichuki** asked the Attorney-General when Mrs. Margaret Muthoni will be paid Kshs.360,430.00 awarded to her by the High Court vide Case No.HCCC/4/91, Mombasa, Ref:A9.28 Vol.II/126.

**Mr. Deputy Speaker:** Has the Attorney-General been seen here? He is not here. The Question is deferred for the moment. We go back again to the Questions for the second round. Question by hon. Shikuku!

*Question No.370*

## WEARING OF UNIFORMS BY THE POLICE

**Mr. Deputy Speaker:** Since hon. Shikuku is not here, the Question is dropped.

*(Question dropped)*

Mr. Maundu's Question!

*Question No. 373*

## COMPLETION OF MAKUENI DISTRICT HEADQUARTERS

**Mr. Deputy Speaker:** Hon. Maundu is not here and the Question is therefore dropped.

*(Question dropped)*

*Question No. 388*

## IRREGULAR DISPOSAL OF ADC FARM

**Mr. Kapten**, on behalf of **Mr. Ogeka**, asked the Minister of State, Office of the President:-

(a) whether he is aware that Agricultural Development Corporation had disposed of the farms put under their care irregularly and in a fraudulent manner; and,

(b) if the answer to "a" is in the affirmative, could the Ministry consider revoking the allocation and repeating he exercise in a more transparent manner.

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

(a) I am not aware that the Agricultural Development Corporation had disposed of the farms put under their care irregularly and in a fraudulent manner.

(b) The Question of revoking the allocation and repeating the exercise in a more transparent manner, therefore, does not arise.

**Mr. Kapten:** Mr. Deputy Speaker, Sir, the hon. Assistant Minister is misleading this House. Most of the ADC farms in this country, especially Trans Nzoia and Uasin Gishu, have been given out in a partisan manner. They have been given to those who already have big farms and they are only given to sell them. We have famine in this country because the Government does not have any food policy. Can the Assistant Minister be honest and tell this House that farms have been given out privately to favoured well-connected individuals and I can name names?

**Mr. Manga:** Mr. Deputy Speaker, Sir, it is not our policy to advertise the farms. They are given as applications are received.

**Mr. Muite:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the former Ndabibi Farm, around Lake Naivasha, was given to other people instead of settling people who were illegally evicted from Enosupukia? These people were settled on the stony part of Ndabibi Farm while the fertile land was given to other people.

Is this Assistant Minister suggesting that he is unaware that the fertile land previously belonging to ADC was allocated to the politically-correct people and, if he does not know, does he want us to give him the names?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, since we have been inviting the Assistant Minister to be aware of what he does not know and he is reluctant to be informed about which people have been given which farms, would it not be in order that you oblige the Assistant Minister to go back and do more research to find out who has been given all the

ADC farms in Trans-Nzoia and those near Lake Naivasha, before he comes back with a semblance of confidence to deal with the matter at hand?

**Mr. Manga:** Mr. Deputy Speaker, Sir, if there is any further information that Members have, they are welcome to give that information to me. I cannot work on speculations!

**Mr. Kapten:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that farms are given to those who apply. But ADC farms are not supposed to be given to individuals. They are meant to be used to grow food for the people of this country. If people have to apply to be given ADC farms, how will wananchi know that a certain ADC farm is out to be allocated, so that they can apply and to whom do you apply?

**Mr. Manga:** The information is passed through the District Commissioners in those areas and therefore the people get to know.

**Mr. Deputy Speaker:** Next Question! Mr. Anyona's Question for the second time! Is Mr. Anyona not here yet? That Question is dropped. Next Question, Mr. Ndicho! I beg your pardon.

I have to announce that the Question by hon. Anyona is deferred and not dropped because I got a message earlier that he will not be able to ask his Question this afternoon for reasons which, perhaps, some of you know.

*Question No.121*

REPLACEMENT OF DIRECTOR'S OFFICIAL CAR

*(Question deferred)*

*Question No.397*

ALLOCATION OF PUBLIC CEMETERY

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, I have to apologise for coming late. I beg to ask the Minister for Lands and Settlement:-

(a) whether he is aware that on 24th April, 1996, a group of surveyors erected beacons at Kiandutu Cemetery, Thika;

(b) who allocated this public cemetery; and,

(c) whether he could intervene and stop any processing of allotment letters and title deeds by the Commissioner of Lands.

**The Assistant Minister for Lands and Settlement** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that on 24th April, 1996 a group of surveyors erected beacons on Kiandutu Cemetery. However, I am aware that on 26th May, 1995 survey work was done to an adjacent plot, block 9, parcel No.669.

(b) According to the records in my Ministry, Kiandutu Cemetery in Thika has not been allocated to anyone and it is therefore intact.

(c) I cannot intervene and stop processing of allotment letters and title deeds since the cemetery has not been allocated.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, the Assistant Minister has misled this House because everybody in Thika is complaining about the grabbing of Kiandutu Cemetery which is meant for the burial of the poor people in that village. On 26th May, 1995 the grabbers sat down and drew the map of the cemetery and divided it into two. In the following year, 1996 April, they brought surveyors to come and erect beacons on that portion that was cut from the cemetery. I led Thika people in uprooting those beacons and in confiscating the survey equipment. We took them to the police station where the surveyors went to collect them. So, what happened is that the cemetery was divided into two. This Question was asked by Private Notice last year---

**Mr. Deputy Speaker:** What is your question then? I do not expect that you will ask a supplementary question because you have taken a lot of your time giving a supplementary lecture.

**Mr. Ndicho:** Mr. Deputy Speaker, Sir, you know that the Muslims do not bury their people in the manner we do. They burn their dead. This is a place where people are buried and this is a place where the Government has facilitated the grabbing of a cemetery. Since this Question was by Private Notice and I was asking the Ministry to stop processing of the title deeds and now that the title deeds are there, can the Government make sure that those title deeds are now cancelled and houses are not built next to where the dead have been buried? In any case, they are going to be disturbed by their ghosts. Can the Assistant Minister make sure that the title deeds issued out to those

people are cancelled?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, Kiandutu Cemetery is intact and it is fenced off. A plot near the cemetery had been allocated to three allottees. It was during the survey of the three plots that the surveyor put up some controls which hon. Ndicho mistook to be the site of the cemetery being surveyed.

**Mr. Nthenge:** Can the Assistant Minister tell us whether the original site of the cemetery is still the same or a small portion has been excised?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, no portion of the cemetery has been excised.

**Mr. Gitau:** Mr. Deputy Speaker, Sir, I come from the same district and Thika is my home town. I have been to that cemetery physically. I took some dead bodies from Thika Mortuary and certain individuals chased us away from that particular cemetery. How can this Minister mislead this House by saying that cemetery has not been allocated to some individuals? Can he tell us why he is misleading this House?

**Mr. Sumbeiywo:** Mr. Speaker, Sir, I am not misleading the House. I have said the cemetery plot is intact.

*Question No.313*

SETTING ASIDE OF PLOTS

**Mr. Mwiraria** asked the Minister for Lands and Settlement what plots Nos.373,677 and 316 Ngushishi/Maridadi were originally set aside for.

**The Assistant Minister for Lands and Settlement** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, plot No.373 in Ngushishi Settlement Scheme was originally reserved for a nursery school in 1982 and it measures 3.4 hectares. It was later on allocated to Mr. Godffery Karani Njue after the allocation was recommended to the Minister for Lands and Settlement in the sitting of the Meru District Settlement Plots Committee held on 19th April, 1994 chaired by the District Commissioner. The allottee has cleared SFT loans and the plot is discharged in his favour.

Plot No.677 was initially reserved for a dam and it measures 3.7 hectares. In a meeting held on 19th February, 1995, the Meru District Settlement Plot Selection Committee chaired by the District Commissioner recommended allocation of the said plot to Evangeline M'Muriuki. The Minister for Lands and Settlement approved the allotment of that plot and the owner was issued with a letter of allotment and she has cleared the SFT loans and the plot has been discharged in his favour.

Plot No. 316, that is Ngushishi Settlement Scheme, was reserved for a trading centre when the Ngushishi area was made a settlement scheme in 1982, and measured 13.4 hectares. During the process of allocation of plots in the said scheme, there arose cases of double allocations which required sorting out some of the plots. One such case was Plot No. 598 which was approximately 2.7 hectares, and which was double-allocated to two people, namely, Johnson Kithinji M'Rukaria and Mackay Kabura M'Kamarua.

To sort out the problem of double allocation, it was proposed that a portion of 2.7 hectares be excised from Plot No. 316 leaving the same plot with 10.6 hectares, which was enough to develop a trading centre in the area.

The result, therefore, was that Plot No. 316 was given to Mr. Kithinji M'Rukaria and Plot No. 598 to Mr. Mackay Kabura M'Kamarua.

**Mr. Mwiraria:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for a very honest answer. But I would like to draw to his attention the fact that Plot No. 373 was allocated for a nursery school, and the people around the area put up a nursery school, which is still standing even today. Yet, the plot has been allocated to somebody who has gone and fenced it around, and the school is no longer in use.

In addition to that, Plot No. 677 was a dam that used to hold water throughout the year. It was allocated and the person who got it destroyed the dam so that no water collects there today. Timau is a very dry area. So, it looks as though the Meru District Settlement Plots Selection Committee, under the chairmanship of the District Commissioner, has really been instrumental in helping land grabbers to take all the public plots.

In view of the fact that there is a nursery school built, and which cannot be moved, could the Minister consider moving the allottees of Plots No. 373 and 677 to another place so that the dam can be restored and the nursery school can be retained?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I undertake to do exactly that.

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

**Mr. Deputy Speaker:** Order! Order! The hon. Questioner was very happy with the principal answer. He made a further request and the Assistant Minister undertook to act on the request. What is the point of insisting on

other supplementary questions? What is the point of the questions?

Next Question, hon. Kiliku!

*Question No. 298*

CONSTRUCTION OF SECOND MZIMA PIPELINE

**Mr. Kiliku** asked the Minister for Land Reclamation, Regional and Water Development:-

(a) what happened to the proposed second Mzima Water Pipeline to Mombasa; and,

(b) when the construction of this pipe will start.

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

(a) My Ministry, through the National Water Conservation and Pipeline Corporation (NWCPC), is finalizing engineering designs for the proposed Second Mzima Pipeline under the World Bank financed Second Mombasa and Coastal Water Supply Engineering and Rehabilitation Project.

(b) Construction of the Second Mzima Pipeline will begin as soon as the Government enters into an agreement with the World Bank for financing the implementation of the Third Mombasa and Coastal Water Supply Project.

**Mr. Kiliku:** Mr. Deputy Speaker, Sir, in 1986, I asked the same Question to the then Minister for Water, and he said that the feasibility study had been finalised, and that Kshs3 billion had been availed by the World Bank for the implementation of this project. In 1989 and 1994, I also got the same reply. Now, the Assistant Minister is talking about engineering designs. Could he tell this House whether he is aware about the Kshs3 billion which was set aside for this project, and whether the agreement was finalised with the World Bank?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, I have answered the hon. Member from what he had asked. The answer I gave him is actually what is right on the ground.

**Prof. Mzee:** Mr. Deputy Speaker, Sir, the Assistant Minister must be aware that this is a very serious question. As I stand here, Mombasa receives only 30 per cent of the water supply. Can the Assistant Minister, without dodging the question - although I know he cannot answer question because he cannot think on his feet - but I will give him time to think. We know that the Japanese Government, through the World Bank, had given a considerable amount of money for this project. We have been told that for the third time that feasibility studies are being done using this money. We are aware that there is a big office where they claim the work is being done.

Can the Assistant Minister tell this House, how much money has been used for the feasibility study he has referred to up-to-date, and which lacks engineering details up to now? When will they stop doing these things around, and start doing the actual work? That is the actual work of building the pipes.

I would like to tell him that when the British Government started this project during the colonial time, they had two points for the supply of water at Mzima Springs. We have used one point. All that remains is to lay pipes from that point. I do not know if he is aware of that. What is required is just to let the water flow down using gravity to Mombasa.

**Mr. Mokku:** I think the hon. Member has given a long lecture here. I do not want to waste time dwelling on those lectures. I would like---

**Prof. Mzee:** On a point of order, Mr. Deputy Speaker, Sir. How dare he says that I am wasting my time?

**Mr. Mokku:** I am still answering your question!

**Mr. Deputy Speaker:** He did not say that you are wasting your time. He said that he does not want to waste time.

**Mr. Maore:** On a point of order, Mr. Deputy Speaker, Sir. The outrage by the Assistant Minister is justified, given the sentiments expressed by Prof. Mzee about him. But still, we need our records to be straight. Is wasting time accepted today?

**Mr. Deputy Speaker:** Order! Order! Hon. Maore, I think I heard the Assistant Minister very clearly. He did not accuse anybody or allege that anybody was wasting time. He only said that as an hon. Member, he would hate to waste time. I thought he meant to get on with this business.

**Mr. Mokku:** Mr. Deputy Speaker, Sir, you are actually correct. As regards the Kshs3 billion that the hon. Member has mentioned, I would like him to ask that question on that issue so that I can answer him on how that money was spent. He had asked how much money has been spent on engineering and design works. So far, the Corporation has spent US\$43.2 million.

**Prof. Mzee:** On a point of order, Mr. Deputy Speaker, Sir. That amount of money which is being spent on

study - I do not know how useful this study is - could have been used to construct another pipeline. Could he tell us how much it will cost to construct the pipeline if not that amount of money?

**Mr. Mokku:** It will be US\$450 million.

**Mr. Gatabaki:** On a point of order, Mr. Deputy Speaker, Sir. We are talking about the second largest city in this country. We are talking about Mombasa which is the most important tourist destination in this country. Tourism is the number one source of income in this country. It is the largest sector in this country, yet tourists are being barred from coming to Kenya because of lack of water in Mombasa and because of this kind of foot-dragging. The hon. Minister and the hon. Member of Parliament has talked about the issue since 1980 and nothing has been done. Could the Assistant Minister tell the House and this country whether this Government is serious in the economy and development of this country? Is he serious about tourism? Is this Government serious about provision of essential basic commodities for the people of Kenya and for the development of tourism? If not, is it not the high time that this Government resigned because of inability to serve the people of Kenya?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, the Government is very serious.

**Mr. Munyasia:** On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister has told us that the Government is going to spend US\$450 million on this particular project. We have worked that figure out and find out that it is Kshs22 billion. Is this Assistant Minister not misleading this House? Are we going to spend Kshs22 billion on that project in Mombasa alone?

**Mr. Mokku:** Mr. Deputy Speaker, Sir, I have not misled the House and I do not intend to mislead the House. That is actually what the engineers and the designers have come up with.

**Mr. Deputy Speaker:** Next Question for the second time.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, I beg to apologise for arriving five minutes.

**Mr. Deputy Speaker:** Okay, ask your Question.

*Question No.317*

STORAGE OF COURT EXHIBITS

**Mr. Nthenge** asked the Attorney General:-

- (a) whether he is aware that items used as exhibits in court cases are stored negligently;
- (b) whether he is further aware that in cases where such exhibits are damaged, the Government does not admit liability; and,
- (c) what plans does he have of ensuring that the exhibits are handed and stored with due care.

**The Attorney-General** (Mr. Wako): Mr. Deputy Speaker, Sir, I think the Questioner was late. Had he been on time, then I would also have been late. So, I wish to apologise for that. I beg to reply.

- (a) I am not aware that items used as exhibits are stored negligently.
- (b) It is not true that where such exhibits are damaged the Government does not always admit liability.
- (c) Strict instructions have been issued on how magistrates and the court should handle exhibits to avoid any loss or damage. These include where appropriate, particularly where documentary evidence is produced as exhibits making photostat copies of the same and handing back the original for the safe custody to the party to produce them with an undertaking to produce the originals whenever needed. In addition, through the United Nations Development Programme (UNDP) assistance to the Judiciary, the exhibit storage space will be increased and better secured.

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, since magistrates and judges are not responsible for safe custody of the exhibits because the people who are responsible for safe custody of exhibits are fairly junior then if somebody finds some of the things missing or spoilt will the Attorney-General instruct that repayment be instituted for the damage done?

**Mr. Nthenge:** Mr. Deputy Speaker, Sir, since magistrates and judges are not responsible for safe custody of the exhibits because the people who are responsible for safe custody of exhibits are fairly junior then if somebody finds some of the things missing or spoilt will the Attorney-General instruct that repayment be instituted for the damage done?

**Mr. Wako:** Yes, in deed. There have been cases in the past where that situation has arisen and compensation has been paid.

**Mr. Wetangula:** Thank you, Mr. Deputy Speaker, Sir. Is the Attorney-General aware that in quite many cases, and in particular three years ago, there was a case in Busia where a magistrate routinely auctioned court exhibits to himself after he had disposed off the cases and the remedy that was provided was to transfer him to another station other than punish him? Is he aware that some court officers are, in fact, converting exhibits into personal property through fraudulent auction?

**Mr. Wako:** I am aware that there have been a few instances of that and appropriate action has been taken by way of prosecution against the court clerks involved. The act against the loser is that he has been compensated by the Judiciary.

**Mr. Moiben:** Could the Attorney-General assure this House that in the case of exhibits involving animals, for example, livestock, the case should be handled immediately? This is because there are cases where the livestock is just tethered to a tree by the policemen for a week and the animals end up dying of ECF. This should be speeded up as opposed to other exhibits.

**The Attorney-General (Mr. Wako):** I do agree that where exhibits are concerned particularly livestock and so on and where particular, in some areas, it is not possible to keep them at a place where they can be properly looked for, procedures are now in place where that aspect of the matter can be dealt with by the court the cattle are released. In fact, just about one month ago when cattle were released in Maseno.

**Mr. Kaptan:** Mr. Deputy Speaker, Sir, are magistrates or court brokers allowed to auction court exhibits to themselves? If they are not, then why was that particular magistrate in Busia not prosecuted?

**Mr. Wako:** Mr. Deputy Speaker, Sir, they are not allowed to do so. As regards the magistrate in Busia, I have now become aware of that and I will now look into it.

*Question No.310*

PAYMENT OF COMPENSATION TO MRS. MUTHONI

**Mr. Gichuki** asked the Attorney-General when Mrs. Margaret Muthoni will be paid Kshs360,430.00 awarded to her by the High Court vide Case No. HCCC/4/91, Mombasa, Ref:A9.28 Vol.II/126.

**The Attorney-General (Mr. Wako):** Mr. Deputy Speaker, Sir, I beg to reply, and, once again, I apologise to this august Assembly for my lateness.

Mrs. Margaret Muthoni Thuita was paid Kshs464,760.00 in full and final settlement of the decretal amount in High Court Civil Case No. 4 of 1991 through her advocates Pandya and Talati Advocates who acknowledged receipt of the said amount on the 15th May 1996.

The amount for each of the four minor children of the late John Thuita Thogo has been duly invested with the Diamond Trust as per the court order in the joint names of the Deputy Registrar of the court and the plaintiff.

**Mr. Gichuki:** Mr. Deputy Speaker, Sir, whereas I appreciate the answer given by the Attorney-General, I would like to inform him that I met this widow the other day and she seems to be having problems in paying her school fees and meeting other daily expenses. In view of that, if this money was paid, could the Attorney-General avail to me the cheque number and the amount paid, and at the same time avail, at least, some amount to the family or to the said widow because they are in problems?

**Mr. Wako:** Mr. Deputy Speaker, Sir, I think the lady is advised to see her advocate because the advocate has been duly paid. As far as the four children are concerned, the amount has been duly deposited in Diamond Trust in the joint name of the Deputy Registrar of the High Court and the plaintiff. If the lady wants to have access to that money, all she has to do is to go and see the Deputy Registrar of the High Court in Mombasa, and together they should be able to withdraw that money for payment of such necessities as school fees.

**Mr. Shikuku:** Mr. Deputy Speaker, Sir, arising from that reply, is the Attorney-General aware that he has failed to reply to the supplementary question by the hon. Member concerning the cheque number and when it was dispatched to this lawyer? If it was ever dispatched, could he undertake to make sure these lawyers pay the poor mwananchi because many of the lawyers "sit" on poor peoples money?

**Mr. Wako:** Mr. Deputy Speaker, Sir, as far as the deposits are concerned which relate to the children in Diamond Trust, I have got the fixed deposit receipts number. As far as the cheque is concerned, I have got a letter from Pandya and Associates acknowledging receipt of the same. The cheque number is not there, but he can come for the documents if he wants. There are four fixed deposits receipt numbers in respect of each of the children. As I said in my reply, he acknowledged by a letter dated 15th May, 1996.

**Mr. Nthenge:** On a point of order, Mr. Deputy Speaker, Sir. What is the Attorney-General doing to ensure court awards are paid to the beneficiaries because the advocates are paid, but they do not pay the claimants or they start paying them 10 per cent and so on? What is he doing to make sure that the money finally reaches this lady?

**Mr. Wako:** Mr. Deputy Speaker, Sir, I think the procedures are there. First, I do not have any evidence that the lady has demanded this amount from her advocates. But if there was such evidence, then obviously, it would be referred to Complaints Commission and the Disciplinary Committee of the Advocates.

**Mr. Gichuki:** Mr. Deputy Speaker, Sir, arising from the Attorney-General's assurance, I would request him because it is a known fact that many advocates are paid money on behalf of their clients, but they end up not paying the clients and they end up spending the money--- I am insisting that I would like to know the cheque number because I



was with this lady the other day, and she gave me the impression that she is having a lot of problems. Could the Attorney-General, therefore, avail to me the cheque number and in case, this lady gets a problem in receiving the money from the advocate, could he assure this House that he is going to assist the said lady to get this money from this advocate?

**Mr. Wako:** Mr. Deputy Speaker, Sir, if the lady tries and fails, we shall definitely assist her in the recovery of that money. Of course, we do take a very serious view of advocates who get clients money, particularly in what is called "running down cases", damages for personal injuries and so on. Sometimes it can be quite substantial and a number of advocates have formed the habit of putting their hands into that money and using it and living very flamboyantly around town and driving very fast cars and so on. We are taking a very serious view of that and, as the hon. Members maybe aware, quite a few have already been prosecuted in appropriate cases. We shall continue the prosecutions until we come to a level where we can have a profession which we can be proud of because most members of that profession adhere to high professional ethics.

**Mr. Deputy Speaker:** By special dispensation, I give hon. Shikuku another opportunity to ask the next Question.

**Mr. Shikuku:** I am very obliged, Mr. Deputy Speaker, Sir, and I wish to apologise for having not been in here when the Question was called out twice.

*Question No.370*

WEARING OF UNIFORMS BY THE POLICE

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

- (a) if he is aware that police in Butere Constituency do not wear uniforms when they go out on patrols; and,
- (b) if he is also aware that the police do not wear their service numbers while on duty as required by law.

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

- (a) No, I am not aware.
- (b) No, I am not aware.

**Mr. Shikuku:** Mr. Deputy Speaker, Sir, I am very much disturbed. Is the hon. Minister aware that I am one of the oldest Members here and that I am very honourable and I would not bring a Question to this Parliament if I have no evidence? If he does not keep his eyes in his pockets, I am sure he has come across policemen who are not wearing their service numbers while on duty. This is a fact and not only in Butere. Would he trust me that I did not bring this Question for the sake of it? It is a fact that they do not wear their service numbers.

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, I trust hon. Shikuku, but in this Question, he might be right, but they should be wearing the badges with their identification numbers. But the police officers with the rank above the Inspector of Police are not supposed to wear those uniforms, and another group is the Special Branch officers and CID officers. But anybody in a uniform without the service number is wrong.

**Mr. Shikuku:** Mr. Deputy Speaker, Sir, while I appreciate that fact that Inspectors of Police are not supposed to wear their service numbers, I am talking of the ordinary policemen, Constables. These days they do not wear the service numbers and I am glad they would probably hear it through the radio that the Minister has said it is wrong to wear uniforms without service numbers. Could that be repeated on the radio so that they can hear it loud and clear because their intentions are evil? They will beat up somebody and he will never be able to identify them. Even those ones who were beating us at Uhuru Park, if you looked at their uniforms, they did not have the service numbers. So, you cannot complain. Could the Minister tell his policemen to behave like gentlemen and wear their service numbers rather than becoming gangsters clobbering people at Uhuru Park without their identification numbers?

*(Laughter)*

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, when you ask for it, you really get it!

**Mr. Deputy Speaker:** Mr. Kalweo, what did you say?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, he talked of Uhuru Park and I told him that when you ask for it you get it. But it is very wrong for a police officer to be in uniform without an identification number. All police officers should wear their numbers.

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. This is a very serious matter because the

Minister is the one in charge of internal security. Is it in order for the Minister in charge of internal security in this Government to stand up in the House and, in response to hon. Shikuku's statement that Kenyans were beaten in Uhuru Park, say that "when you ask for it you really get it"? He knows that it is the Government which was acting unconstitutionally by maintaining the Public Order Act! We were entitled to be in Uhuru Park. Is it in order to, in fact, say that we deserve to be beaten?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, the hon. Member knows that when you act ruthlessly I become very ruthless.

**Mr. Shikuku:** Mr. Deputy Speaker, Sir, is the Minister aware that this is a democratic country which believes in the rule of law? Can he tell the House which section of the law says that an offender is to be clubbed, sometimes to death, instead of being arrested and arraigned in court? You are also a lawyer! Which law says that instead of an offender being arrested he is to be beaten the way hon. Busolo was beaten? In fact, I saved hon. Busolo from further beating.

*(Hon. Busolo raised his injured arm)*

Is he now telling the nation that the police can now beat people instead of arresting them?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, the looters were beaten. If he was among them he was also beaten, but I do know who did it. There is no law which says that you should break the law.

**Mr. Nthenge:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has referred to an hon. Member as---

**Mr. Deputy Speaker:** Order! Mr. Kalweo, I think that is unfortunate. Will you withdraw the insinuation about the hon. Member having been among the looters, because it is unparliamentary?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, what I have said---

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

**Mr. Speaker:** Order! Order! When the Speaker is on his feet thou shalt remain silent. Hon. Kalweo, this is a very simple matter. Just withdraw the insinuation that he was among the looters.

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, I said "if he was---"

**Mr. Deputy Speaker:** Order! Hon. Kalweo I said: Just withdraw the insinuation that he was among the looters.

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, I withdraw.

**Mr. Deputy Speaker:** Mr. Maundu's Question for the second time.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, first of all I sincerely apologise for having been late for about seven and a half minutes.

*Question No.373*

COMPLETION OF MAKUENI DISTRICT HEADQUARTERS

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

- (a) when the district headquarters in Makueni will be completed; and,
- (b) whether any funds have been set aside for the project.

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

(a) Makueni District Headquarters office block and its associated external works is schedule for completion on 30.11.97.

(b) In the current financial year, the project has an allocation of Kshs6 million.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, it is unfortunate that the Minister decided to give this reply. My question was about when the construction of Makueni District Headquarters would be completed. He has now decided to change the Question to be about an office block. I am asking about the totality of a project which is now decaying and collapsing. The project has stood weather for the last five years. Be that as it may, last year his District Commissioner (DC) announced that Kshs6 million was to be spent on this project. To date nothing has happened. Is the Kshs6 million allocated to the project during this financial year for completion of the project by 30.11.97 - that is around election time - sufficient to complete the outstanding works of the premises and have it ready for occupation?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, the project has been divided into three phases. Phase one will be completed towards the end of this year, and then we will move on to phases two and three.

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, it appears as if the Minister is taking the House for a ride. He is

saying that the project has been divided into three phases. Can he tell the House which these three phases are? Is he aware that this project was awarded to a certain contractor? Can he tell us what happened to that contractor? Why did the contractor not complete the project? Mr. Minister, you should know that you are talking to the KANU Chairman for Makueni District!

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, phase one will consist of the main office block, as I have already said. Phase two will consist of the DC's house, its residential quarters and 30 type B houses. Phase three consists of 17 type E flats for Administration Policemen and its external works. This project was awarded to Pelican Construction Company but it could not complete it. The project was then awarded to Mirror Contractors for completion.

**Mr. Maundu:** Mr. Deputy Speaker, Sir, the Question is about when the district headquarters project will be completed. I appreciate the Minister's three-phase programme, but when will this project be completed, inclusive of electrification? The office block has six storeys.

Is the Minister talking about electrification and water for that building? What is he talking about in terms of completion of the office block? As we speak now, there is no water or electricity in Makueni District Headquarters!

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, I am talking of phase one, which is the office block and its external works.

**Mr. Ndilinge:** On a point of order, Mr. Deputy Speaker, Sir. The Minister talked about three phases of the project. But I had asked him to tell the House what happened to the contractor who was originally given this contract.

Why did he not complete the project?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, I do not know why he abandoned the project, which was to cost Kshs480,141,895.50. After he was paid about Kshs326,233,409, he just abandoned the project at that level. This is why instead of letting the whole project rot, we have divided the whole project into three phases. So, we are dealing with the first phase, then we will move to the other two phases.

**Mr. Busolo:** Mr. Deputy Speaker, Sir, the Makueni District Headquarters is one of the many projects of the Provincial Administration under construction in this country. In some places some district headquarters are constructed through harambees, and in other places, some monies are voted through the Treasury.

My question is: What is the general policy guideline regarding the construction of provincial administration buildings?

**Mr. Kalweo:** Mr. Deputy Speaker, Sir, any method is acceptable.

#### NOTICE OF MOTION FOR THE ADJOURNMENT

UNSATISFACTORY ANSWER TO QUESTION NO. 015

**Mr. Deputy Speaker:** Order! Hon. Members, I have received notice of Motion for the adjournment under Standing Order No.18 from the hon. Member for Alego Usonga, hon. Mak'Onyango, concerning unsatisfactory answer given to Question No. 015 of 24th April, 1997 by the Minister for Agriculture, Livestock Development and Marketing.

I have considered and acceded to the request by the hon. Member, and I therefore, direct that the hon. Member move the Motion on Wednesday, the 18th of June, 1997, at the rise of the House.

#### POINT OF ORDER

MINISTERIAL STATEMENT SOUGHT:  
PROHIBITED PUBLICATIONS

**Dr. Kituyi:** Thank you, Mr. Deputy Speaker, Sir. I beg to seek a Ministerial Statement from the Minister of State in the Office of the President concerning a matter which was raised on the Floor of the House this morning.

In an answer to a question, a Minister laid on the Table a list of prohibited publications which included, among others, *Mwakenya*, *Satanic Verses* and *Return to Reason* by hon. Kenneth Matiba.

I rise on two particular concerns. Under Section 52 of Cap. 63, the Penal Code, a publication is declared prohibited by a legal notice, a publication in the Kenya Gazette. Secondly, the Minister must be satisfied. Section 58(2) states:

"That it be reasonably justifiable in a democratic society."

If you look at the subsidiary legislation, and the Penal Code Prohibited Publications orders, the list of legal notices of prohibited publications ends with Legal Notice No. 25 of 1981. To the best of my knowledge, *Mwakenya*

publications, *Return to Reason and Satanic Verses* were published after this date of the last entry on the schedule accompanying the Penal Code. Could the Minister, in his response, explain two things:-

(1) How it is reasonably justifiable in a democratic society that publications like *Return to Reason* are to be prohibited; and,

(2) Under what authority he purports to implement the banning of *Return to Reason, Satanic Verses* and *Mwakenya* when there has not been any legal notice published in the Kenya Gazette to effect such a prohibition?

**The Minister of State, Office of the President** (Mr. Kalweo): Mr. Deputy Speaker, Sir, I will give the statement by next week.

**Mr. Deputy Speaker:** Next Order!

## BILLS

### *Second reading*

#### THE NATIONAL CRIME RESEARCH CENTRE BILL

*(The Attorney-General on 10.6.97)*

*(Resumption of Debate interrupted on 10.6.97)*

**Mr. Deputy Speaker:** Who was on the Floor.? Dr. Kituyi!

**Dr. Kituyi:** Thank you, Mr. Deputy Speaker, Sir. I will try to make my remarks very brief because I have already made most of the substantive contributions that I wanted to make. I want to take as my point of departure, a statement which has been made before this House by a Minister of State in charge of Internal Security, concerning the fracas of the last day of May, 1997.

Mr. Deputy Speaker, Sir, the purposes for which the Government brings serious business to the House for the establishment or legitimisation of public policy is because there is an inherent assumption that Members of the august Assembly are hon. Members, that we are ladies and gentlemen and that we are leaders in this country.

On the last day of May, 1997, police officers in uniform but without their service numbers, cornered and beat up the leader of FORD(A), the hon. Kenneth Njindo Matiba very viciously. This Government is fond of telling us about African culture and customs. In African culture, an elder, a man of hon. Matiba's age, should not be subjected to the indignity of being physically beaten up the way hon. Matiba was being beaten up by young policemen. In any culture, an hon. Member of Parliament should not be subjected to the indignity and humiliation of being physically beaten up. It pains to listen to a Minister of Government purport to justify before an august Assembly, the breaking of the arm of an hon. Member of Parliament. But you see, it should not surprise us too much because these are signs of the times. In the classics, there is a clear statement of ancient Greek Philosophy with two critical components. The first one is that: "When the gods choose to kill a dictator, first they make him mad". The second one is that: "There is a crime called the crime of Hubris. That those who have been drunk with power get carried away. They get so carried away that they dare the gods." They believe they have the capacity to stand up to the gods". All dictators in their dying years, commit the crime of Hubris. There is no other way we can explain to ourselves a situation where a Head of Government says: "The Opposition have been saying that they can make this country ungovernable. I am now daring them. If they are men, let them do it." Is that the talk of an elected head of a Government--- The leader of your Government? Or are these the words he gets as advice from the likes of Biwott?

**The Minister of State, Office of the President** (Mr. Biwott): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member opposite right to describe the head of the Government as: "The Government of this side only", when he is the head of Government of the whole country?

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, I had hoped that the hon. Biwott could engage me in some debate. But he cannot even make it work on such a simple matter. It is ill-advice from the likes of Biwott to the Head of Government which rules the whole country. I have said the whole country.

**An hon. Member:** The likes of hon. Biwott!

**Dr. Kituyi:** Hon. Kipyator Nicholas Biwott Total Man.

*(Laughter)*

Yesterday I talked about the crisis of bourgeois jurisprudence: The crisis of a regime of rules, a culture of

thinking which criminalises peripheral mistakes by the under-class, the working class, the paupers and the peasantry but glosses over the mistakes of the rulers. Today, I just want to move away from that and talk about some of the realities of the brutality which a research centre presided over by the Attorney-General, the Commissioner of Police and the Commissioner of Prisons cannot address and cannot reverse.

I will start with a very recent incident. On the 4th day of June, 1997, Alex Kimongo, Peter Kimani Mburu and Peter Munga Wambiro were convicted of a capital offence and sentenced to death in the Nakuru High Court. The next day, Mrs. Mary Nyokabi, Lilian Ndiko and Beatrice Kimongo, one a mother to Munga Wambiro and the other two sisters to Alex and Peter Kimani came to Nairobi to seek assistance on how they could appeal against the death sentences of their brother and their husbands. They went to the Kenya Human Rights Commission and they were advised to go and perhaps seek assistance from Kituo cha Sheria. Thursday last week these poor women, on entering the premises of Kituo cha Sheria, were set upon by thugs who arrived on a pick-up, and they were beaten; Beatrice Kimongo broke her leg; Lilian Ndiko had bruises all over; Mary Nyokabi had a strained hand. They were beaten because they were seeking assistance to access justice by unknown persons who obviously knew that they were going to visit Kituo cha Sheria.

Mr. Deputy Speaker, Sir, there are quite a few very well known cases where I will tell the Attorney-General that they are done by the police. I will start with one. On 8th March, 1997, a tout in Wajir Town, by the name Ali Hussein Ali, was arrested for being in an overcrowded matatu by traffic police and was sent to the local police station. While in custody later that evening, this young man went to wash his hands to have a meal with other people who were in the police cells. After he washed his hands before eating, he was rinsing off water without knowing that there was a policeman standing behind; Water poured onto the cloths of a policeman and the policeman started beating him and he turned around and pushed the man who was beating him and he fell down. The policeman said: "We will teach you a lesson." He was beaten to death. The postmortem done on him by an independent doctor from Nairobi confirmed that he had died because of the internal bleeding occasioned by the police beating. The postmortem was done on 11th, March, 1997.

Mr. Deputy Speaker, Sir, I did mention a matter of Mr. Lomoro Amodoi, a young man in Lokichar in Turkana District who had a very strange problem. He was standing on the road waiting for a matatu to go to Lodwar Town. The police had gone to a home of a man suspected to have committed a crime. They found his wife, beat her up and forced her to accompany them to Lokichar Trading Centre to help identify her husband. She kept saying that she could not see her husband but they kept intimidating and threatened to beat her. Out of this fear, this woman pointed at this young man who was standing waiting for a matatu. Mr. Lomodoi was arrested and on the 7th, May, 1997, his body was delivered to the Lodwar District Mortuary by the police and they said that he had died of cardiac arrest in police custody, at the age of 27 years! A postmortem was done and established that Mr. Lomoro Amodoi died out of the torture he had received while he was in police custody.

Mr. Deputy Speaker, Sir, you all know about last week of the people we euphemistically call parking boys or street urchins--- The consequences and expression of our social irresponsibility; proceeds of our wanderings that we are sustaining in society. One, Otieno who lived on a dump outside the Globe Cinema Roundabout was beaten up by police together with other street boys and the next day he was still weak to run away when the police came and Otieno was beaten and killed by the Police at the Globe Cinema Roundabout. One can go on recounting the individual incidents of police brutality both to the common man and to leaders. Mr. Deputy Speaker, Sir, on Madaraka Day this year, key leaders from the Opposition were put under house arrest under the provisions of the Preservation of Public Security Act. The Act says: "The Minister must publish in the *Kenya Gazette* the confinement of individuals under house arrest". But the Government deployed the top members of the police force to go to the homes of top leaders within Opposition in total disregard of the law and put them under house arrest to give President Moi the false illusion that things are calm, until he flies off to Harare and then you can release them because he wants to see that things are calm. If we are ready to flout the law with regard to leaders of Opposition parties in what is supposed to be multiparty democratic society, how far need we go to show the country and the world that any exercise in establishing mechanism for official data and research on crimes and the management of the criminal process in the country is a smoke-screen to hoodwink, public opinion, domestically and internationally, at a time when the critical issues that are affecting the country are in totally a different area. We are discussing weaknesses of legislation because we want to do good for our country. How much more must we say to this Government, that we believe we speak for a large majority of the people of this country in saying that the priority legislation in this is a re-examination of the constitution of the country? What must we say before this Government understands that we believe in the rule of law? We want due process, peaceful transformation to have a democratic society that our recourse to the streets is a final resort because we are talking to persons who sound like they do not have ears.

Mr. Deputy Speaker, Sir, I started off and I want to finish off with an emphasis that this country yearns for dialogue. This country yearns for us to be collective in understanding that we may have different opinions but our

opinions matter. This country needs leadership which says that: "I may totally disagree with your view, but I will be ready to risk my life to defend your right to have that view." This country needs persons who sit near the President to tell him that it is criminal to tell Kenyans that "I cannot have dialogue with Opposition because they hold different views from my own." If somebody seriously believes that he has no business ruling this country--- But who are advising him? Persons who cannot stand up and be counted; persons who clap when he says such falsehoods; persons who bring here matters primarily meant to waste time and defer the critical challenges of the day. Persons who are happy to be seen that they are serving a cause that is anti the people.

Mr. Deputy Speaker, Sir, I wish to summarise and urge this House that: One, it is ill-advised to be looking for the creation of parastatals now and spending time that would have been more gainfully spent on discussing minimum constitutional and legal reforms to facilitate a peaceful and a democratic election. Two, that it is unjustifiable to pretend that you can create a parastatal to do research under the management of civil servants related to the disciplined forces. Every Ministry in this country has the capacity to create a research department. Many Ministries have research divisions in-house. Those Ministries have never needed an Act of Parliament to create an autonomous entity which is supposed to be under the Ministry. Why does the Attorney-General's Chambers not create a division of research to follow up matters of the ineffective management of criminal justice in the country? Why should they, unlike other Ministries, seek a specific Act of Parliament to create research competency in-house.

With those modest remarks, I beg to totally oppose this Bill.

**Mr. Wetangula:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill.

Whatever the reasons and arguments that my colleagues across may have, it is necessary to have a crime research centre. In fact, it was necessary to have a crime research centre at the dawn of Independence. It has been necessary to have a crime research centre all along in our history. Indeed, the Attorney-General should have brought this Bill a lot earlier than today. It may be true that there are matters that may look of greater priority than establishing a crime research centre in our legislation, but that does not mean that a crime research centre is irrelevant in this country.

Crime in this country has dangerously escalated and at one time it appeared as if criminals were taking over the reign of day-to-day lives especially in the City of Nairobi. Criminals of all kinds; white collar criminals, violent criminals, petty criminals and so on had threatened to take over the reign of day-to-day lives in the City. I want to urge the Attorney-General that he should spend much more time thinking of and assisting the country in fighting the causes of crime other than fighting crime because crime is a consequence of underling causes that have to be fought if we want to have a better society.

We all know that the root cause of crime in this country is poverty. We all know that the root cause of crime in this country is negligence in handling public affairs by those given the responsibility to do so. We know that corruption has contributed enormously in the escalation of crime. We all know that the uncaring manner in which we carry out our social responsibilities has been a breeding ground for crime. It will be useless and worthless to unleash the police on delinquent children on the streets. It will be useless and worthless to spend resources and send the police to put up expensive newspaper advertisements about wanted delinquents in this country or to spend resources zooming around the streets chasing people called wanted criminals. We have to find out why our society is breeding criminals. We have to find out why a man whose name has been published in the newspapers, television sets and other forms of media for months as a wanted criminal upon being shot by the police, suddenly gets a hero's funeral from members of the public. These are very worrying trends because it appears that even the public is getting to admire people who live by crime. It appears as if some of the heroes in our midst are criminals and wield enormous influence and turn round to become role models in society.

*[Mr. Deputy Speaker left the Chair]*

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

**Mr. Murungi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Moses Wetangula says that there are some people who become role models to criminals. Could he give some examples so that we have concrete examples?

**Mr. Wetangula:** Mr. Temporary Deputy Speaker, Sir, if hon. Murungi is a Kenyan and lives in Nairobi, he does not need any examples.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to wonder why the ordinary mwanachi should worship a criminal when he knows that we, the leaders, worship those who have stolen money from the public coffers and clap for them when they donate huge amounts of money?

**Mr. Wetangula:** It is obvious that the hon. Member for Nakuru Town, a town which is also reputed for harbouring a large number of criminals, is quite confused about what I am talking about.

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is the Chairman of the Human Rights Commission. He has made a categorical statement that there was a man wanted by the police, later shot dead by the police and that this man received a hero's burial. We suppose that the Chairman of the Human Rights Commission is already saying that this man was guilty and we are concerned that a guilty thief should have received a hero's burial. Am I in order to ask the hon. Member to substantiate his claim that the man shot by the police and who received a hero's burial was, indeed, a thief?

**The Temporary Deputy Speaker (Mr. Ndotto):** That is out of order. That is a question and Question Time is over. Can you proceed, hon. Wetangula.

**Mr. Wetangula:** Obviously, the hon. Member was not listening to me. When this research centre is set up, first and foremost, it has to go very deep into several problem areas that we have currently. The Attorney-General should concern himself with why we have children on the streets in this country. Where are the parents of these children? What is the responsibility of the society towards these children? How do we rehabilitate street children? This morning, we passed a Motion urging the Government to set up rehabilitation centres. Will the Attorney-General ensure that a Motion like that is followed with appropriate legislation so that Parliament can avail money and these children can be removed from the streets?

We have been reading through the Press that some of the so-called wanted criminals are graduates from the streets. We also know, those of us who deal with the public, that what starts as a pick-pocketing hobby can develop into assault and eventually into armed robbery. How do we arrest this? How do we get our society to tell a civic leader that it is criminal to take public utility land and allocate it to himself or his friend? How do we tell school teachers that it is criminal to assault and maim children placed under their care?

Mr. Temporary Deputy Speaker, Sir, how do we tell the investor that it is criminal to set up a factory, causing environmental degradation which is hazardous to human life? That is also criminal? How do we tell the law enforcement officers in the courts that people come to the courts when they have lost hope elsewhere and they want justice and that to comprise with that is criminal? The Attorney-General must look into these things. How do we tell the public that a man or a woman who has unjustly enriched himself from their coffers is not a hero but a criminal. The Attorney-General must ensure observance of this. Until and unless we develop a societal culture and attitudes that frown at crime, and attitudes that frown at benefiting from crime, and attitudes that think that it is better to live a poor and honest life than a rich and a dishonest life - then we are heading to a very dangerous direction.

Mr. Temporary Deputy Speaker, Sir, when we look at the functions of the centre in Clause 5, one sees very noble objectives. Indeed, if this is what the centre is to be set up to do and if this is what it will do, then what we require is the good will of the society to eradicate crime from our midst, at least to a reasonable degree. One pauses to wonder why, on the streets of Nairobi, you see people who look like gentlemen dressed in three piece-suits setting on a little street child who has picked a necklace from a woman and trampling on the kid to death under the guise of what has now been described as mob justice. How can a mob mete out justice? These are problems that our society is facing and we must address them here and now and not tomorrow. We do not want to get to the level of Johannesburg in South Africa where the police have given motorists a dispensation to jump street lights after 5.00 p.m. for fear of criminals. We do not want to get to a level where we may be described like Johannesburg; as the murder city of the world, because one cannot simply cross a street in the night. We also do not want to get to a level where it is frightening to drive a car which you have bought with your hard earned money on the streets of Nairobi, because some criminal will turn up with a gun at the street lights and tell you to hand it over to them, without caring that you need that car and that is why you own and drive it.

Mr. Temporary Deputy Speaker, Sir, we have been seeing cases of criminals drilling through fencing walls and walls in the buildings of dwelling houses to gain access and steal. Those are not petty criminals. We also have cases where criminals have climbed on roofs of houses to remove concrete tiles to gain entry for purposes of stealing. These are not simple criminals. These are very sophisticated and determined criminals. So, the issue of crime in this country, as I said earlier, is alarming and frightening. Right now, if one goes to any bus stop in the country, in any small or big town, the behaviour of youths purporting to be working in those bus stops is frightening. I have seen them handling women travellers in the most absurd manner. Once, I saw youths rush to a woman, one picked the child she was carrying and rushed the child to a different matatu and another one picked the bag she was carrying and rushed with it into another matatu and another one was holding the woman by the neck frogmarching her into yet, a third matatu. All these are criminal activities from uncaring youths whose background is a reflection of our society and whose behaviour is a reflection on the failing of our society and something has to be done quickly.

Mr. Temporary Deputy Speaker, Sir, I have to pay tribute to the current Commissioner of Police because to me, he appears to be probably the best Commissioner of Police which this country has had since Independence. That

notwithstanding, the Police Force has got a lot of problems in this country. They have got problems of honesty, serving the public and every conceivable problem. They have a very noble description - "Utumishi Kwa Wote" and one would expect that a member of the public from any walk of life and any political shade with a problem must turn to a policeman for immediate assistance. This, unfortunately is not true. If you are a regular traveller on our roads, you will see how policemen aid and abet the escalation of traffic accidents on our roads. They allow the overloading of matatus. Passengers even sit on top of matatus crossing police road blocks and all that the policeman will be expecting is a handout from the tout manning that matatu as it passes by. Is it because the police are ill-trained or is it because they are ill paid or are they copying our behaviour as leaders, thinking and believing that having money is an end in life? These are serious problems. I have severally called the police hotlines to alert them that a Matatu number such and such is carrying 15 passengers sitting on the ramp and informed them that once they have arrested it, they should call me to testify but I have not been called even once. I am still waiting. Are the police overworked or are they simply not working?

Mr. Temporary Deputy Speaker, Sir, I was once sitting in a social place listening to a discussion among ordinary Kenyans and they were talking very excitedly about a certain young policeman who was doing very well because he had been transferred from the report office to the traffic section. I asked them what that meant and they told me that to be in traffic police means you make money! Something must be done. We are gaining the notoriety of having the highest rate of road carnage in the world and having very many maimed people because of road accidents. This can be controlled by the police checking on speeding vehicles, eliminating un-roadworthy vehicles and ensuring that vehicles are not over-packed by passengers and overloaded by luggage to an extent where it is even dangerous for any human being to drive such a vehicle or to ride in it. Yet, between here and Nakuru, you will probably cross about ten police stops, if not more. But an overloaded vehicle will plough through all of them leaving the police at every roadblock richer, instead of the police stopping them. Something has to be done.

We do know that our Police Force is quite efficient if they want to be efficient. A culture has to be inculcated into them, that they owe a greater duty to society, to fight crime, whether it is traffic related or of whatever nature, than picking money from un-suspecting members of the public. The Attorney-General should pay very close attention to this issue, if this research centre is going to work.

It is desirable in this country as, indeed, it is done elsewhere, for police officers to go through routine re-training, re-fresher courses and re-orientation to duty, both in their duties as routine policemen and as custodians of public peace and order. Police must be taught behavioral sciences to know that the manner in which you arrest a mentally ill person, and a manner in which you arrest an hon. Member of Parliament is different. They have to be taught that the manner in which you arrest a wanted and probably dangerous criminal is different from the manner in which you arrest some other members of the society. But applying those rules across the board creates even more crime in the process.

Mr. Temporary Deputy Speaker, Sir, the centre is supposed to look into crime causation and prevention. I have already said that it is futile and useless to spend energies on crime prevention if you do not look at crime causation. As long as Kenyans continue living in inhabitable slums, breeding street children and being poor, fighting crime is going to be an uphill task. This is because crime is largely borne and perpetuated from poverty. That, however, does not mean that crime is limited to poor surroundings. We have a large dose of criminals in this country who commit crime because of the influential positions they hold. There are criminals who commit crime because of their influence. Those are no exception when we look at the causation of crime. Do the people in the public service and people in influential positions commit crime out of passion, or is it because they are under-paid? Is it because they are emulating other people? All this has to be looked at, at this research centre.

The centre is also supposed to look at the mode of operation (*modus operandi*) of persons engaged in criminal activities. In Italy, we have the La Cosanostra, Capo de Capi and other groups of organised crime, which have ruled Italy for all these years. They are even more powerful than the Italian Government. We are getting to a stage where organised crime is being rapidly bred in this country. If you take a nocturnal walk on the streets of Nairobi sometimes in the evening on a busy Friday, you would see bands of youths operating and behaving in a very systematic and organised manner. They would be pick-pocketing people at bus stops and as the hours advance, you will hear the police reporting robberies having been committed the previous night.

The Attorney-General has in the past talked about the escalation of drug trafficking and consumption. Drug trafficking and consumption has always been conventionally and historically a group crime. We have to look into the causation of group criminals, and find means and ways of breaking them up and rehabilitating the offenders. I hope that the centre, in dealing with crime, will also emphasise and spend time and money on rehabilitation of criminals. More particularly, a systematic and deliberate way must be found of avoiding sending people to jail, especially those who have committed petty offences. We do know of pickpockets who have been sent to jail and have come out as graduates to robbery. There have been robbers who have gone to jail and come out as graduates to murders. This is



because they go to jail on very petty offences, interact with hardcore criminals and in the process, they learn new tricks, techniques and ways of executing crime.

A way should be found of using more and more extra-penal employment in punishing offenders. We have got so much public work and requirements that we can utilise petty criminals on, instead of sending them to jail. Sending petty criminals to jail has got several negative effects, both on the criminal, and on the society. For one, we are sending there an innocent young man to interact with hardened criminals. Secondly, we send him to jail and automatically, undertake the responsibility of dressing, feeding and guarding him. We also have to bear the medical responsibility for him or her in case of illness. All these expenses can be avoided if our magistrates and our courts can be advised to exercise their discretion. We know that sentencing is a discretion of the magistrates and the courts. But they must be told that if the discretion of sending somebody to jail does not outweigh the discretion of sending somebody to something else, the latter should be exercised. We know that remand homes like the one in Nairobi Industrial Area were constructed to hold and handle a very small number of remand custody suspects.

I understand that it holds ten times as much giving rise to problems of health and of every kind. The reformation of our prison system is very, very important in the process of fighting crime and causability of crime. I say so because unless we rehabilitate convicts and offenders, then it is useless to send them to jail. This is because the next day they are out, the next day they are in. It is a vicious circle and every time they come out worse than they were before. It is not only that. The Attorney-General should find a way of speeding up the conduct of criminal cases in criminal courts. We have seen cases where suspects stay in remand custody for as long as four to five years. By the time such fellows are acquitted by the court, if they are found innocent or if the cases against them are not proved, they have learned so many bad manners in there and so many bad habits, that they come out having wasted five productive years and the only quick way of rehabilitating themselves is to effect what they learnt in prison by going back to crime. This is not good for our society.

Mr. Temporary Deputy Speaker, Sir, we also have situations where people have been convicted and filed their appeals and quite often you read in the newspapers that the Court of Appeal released a man who has been waiting for his appeal for 14 to 16 years. A person who is cut off from society for 16 years is unlikely to come out of jail and be a good citizen. This is because he has been living with people who tell him rings of stories about crime day-in-day-out and when he comes out the society is the poorer with his return. The Attorney-General must ensure that cases in court are expeditiously dealt with and those who are convicted are dealt with and those who are acquitted are acquitted so that we find a way of rehabilitating those who are late back in society.

Mr. Temporary Deputy Speaker, Sir, there is little emphasis on this Bill on the rehabilitation of offenders yet this is as important, if not more important, than even punishing offenders. I hope at a later stage that you will ensure that the final Bill that will come out has emphasis on how to rehabilitate offenders. The Bill also talks about carrying out research into deviations from the criminal justice system with a view to increasing the awareness and responsibility of the community in the rehabilitation of criminal offenders. One of the simplest things for the Attorney-General to do is to introduce a course of teaching law in schools right from the primary schools so that children grow up knowing their responsibilities as citizens of this country vis-a-vis others. This will help the children to grow up knowing the rights and the wrongs of this society. I hope that this research centre will look into this and come up with viable suggestions.

Mr. Temporary Deputy Speaker, Sir, nothing is more pertinent in talking about the problems of criminal justice in this country than prosecution. For a long time, we were told that the Office of the Attorney-General suffered from inadequate manpower. For a long time we were told that there were no sufficient lawyers in this country to assist the police in investigating and prosecuting cases. Right now one can say without any fear of contradiction that we in fact, have a flood of lawyers in this country. These include lawyers who cannot pick up employment or those who are looking for employment, in among other places, the Attorney-General's Chambers.

It is desirable for the Attorney-General to ensure that if this exercise of crime research, data collection, evaluation and whatever, can succeed, he should find a way and a possibility of at least posting a lawyer to every criminal investigation branch of the police station. This will assist in eliminating cases of allegations of torture of suspects, cases of allegation of extracting confessions without adhering to the law, cases of loss of exhibits and cases of sometimes deliberately mishandling of cases to defeat the course of justice. Such lawyers should be under the auspices of the Attorney-General's Chambers, but seconded to every police station to assist the police in the management of crime investigation, prevention and prevention of abuse of the police force in sorting out what sometimes are purely civil matters. We have seen cases where policemen in certain areas have been used by influential people to turn into debt collectors. A lawyer attached to the police station would look into that and tell them to stop it. We have seen cases where issues of mere family disputes whereas simply because one member of such a family can wield influence at the police station, he causes enormous hardships to other members of the family. If there is a lawyer attached to the police station then such situations can be arrested. We have seen cases and allegations of suspects being tortured at the police

station. Lawyers attached to police stations would scare the police from torturing suspects.

We have heard of cases where exhibits disappear. This may be halted. But above all, in the administration of justice, if the pervasion of justice by certain members of the Judiciary - This afternoon I told the Attorney-General of a senior magistrate in Busia Court who routinely auctions court exhibits to himself and uses Government vehicles to transport those exhibits to his home. This was known and it was reported, but what was done to this magistrate was to transfer him to another station where I believe he is continuing his bad habits. Where such cases come up, something has to be done to set a precedent to others; to learn that doing such a grievous thing from a position of responsibility is like transferring a corrupt policeman from station A to station B. All we are doing is that we are spreading his cancer across the borders, we are not helping the society.

The Attorney-General must work hand in hand with the police to ensure, one, that the police act and behave towards members of the public with civility; two, that the police know and appreciate that they are the custodians of the peace and security of every member of this society; and three, that when the police are pursuing justice for anybody, it is not only justice when they manage to get somebody convicted; justice is for both the complainant and the accused. It has to be looked at that way all the time.

Mr. Temporary Deputy Speaker, Sir, we understand that this Centre would publish its their findings through publications, workshops, seminars, mass media and so on. Again, as I said, this is good, but it would only be good if we fight the causes of crime. If we do not, it would be useless. So, the Attorney-General must constantly think about how to eliminate the causes of crime and not how to fight crime.

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, when you look at the composition of the membership of the Council of this Crime Research Centre - I mentioned to the Attorney-General yesterday privately and I want to mention it again now---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Wetangula has mentioned for the second time that there was a magistrate in Busia who continuously auctioned to himself court exhibits, and that instead of being prosecuted, he was only transferred. There might have been many magistrates who have worked in Busia who have been transferred to other places. In order to save these people, would it not be in order to ask that hon. Wetangula names this particular magistrate from Busia who has been in this habit and whom the Attorney-General - I do not know whether they are friends or not - has saved and decided instead to transfer him?

**Mr. Wetangula:** Mr. Temporary Deputy Speaker, Sir, I do not think it is necessary for me to comply with that request. I have not said magistrates in Busia, I said "a magistrate in Busia", and the Attorney-General has more than enough facilities to find out who this magistrate is and prosecute him, if he wants, sack him if he wants and do anything if he wants. I do not need to engage myself in naming names on the Floor of the House.

Mr. Temporary Deputy Speaker, Sir, I mentioned to the Attorney-General in passing---

**Mr. Munyasia:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Do you not think that the reputation of other magistrates who have had to be transferred from Busia is being adversely affected by this general statement about a magistrate from Busia? Would it not be in order to ask that this particular criminal or suspect be named?

**The Temporary Deputy Speaker (Mr. Ndotto):** Hon. Wetangula, would you like to name the magistrate in question?

**Mr. Wetangula:** Mr. Temporary Deputy Speaker, Sir, it is undesirable and unnecessary. Clause 6 deals with the members of the Council. The first eight members are the Attorney-General himself who is the Chairman. I have no quarrel with that. I do not know if the Chief Justice and the Commissioner of Police would have time. The Commissioner for Social Services and the Commissioner of Prisons would definitely have no time. The Principal Probation Officer would definitely have no time. One person appointed by the Minister to represent public universities in Kenya, I believe the Minister is the Attorney-General himself; I hope he will appoint a person from the university who will have not only the capability, but the time to attend and contribute to the wellbeing of the Council. One representative of NGOs to be nominated by the National Council of NGOs. Here, I have no quarrel, but the Attorney-General must specify the NGO that would submit a nominee, the kind of work it is engaged in. It is unlikely that a NGO engaged in fighting the spread of the weed on Lake Victoria is going to help us in fighting crime or a NGO engaged in pastoral work in Northern Kenya is going to help us much in fighting crime. It has to be a NGO whose duties and objectives are related to social work and something that can help or is related to social activities that can turn away the public from crime.

Three other persons appointed by the Minister by virtue of their knowledge or expertise in specific aspects of crime related to research work. Here, again it would be desirable for the Attorney-General to think of specifically

stating that these three, one may be a social worker, another may be a law researcher in criminology and the third one, may be a judge or a magistrate engaged in criminal work. In this regard, I would urge the Attorney-General that the wealth of experience of an officer of the calibre of Bernard Chunga in your office would be very handy in assisting this kind of research. This is because I do know that he is one of the best and most brilliant criminal lawyers in this country and he may help. Having been in criminal prosecutions for all these years, he may be well placed to tell the Attorney-General the causation of crime, the psychology of criminals whom he has dealt with and so on. May be that can help the Attorney-General.

Mr. Temporary Deputy Speaker, Sir, I see no reason why the Chief Justice should sit on this Council. The Attorney-General has to find a way of having either the Chief Justice or his nominee, or something like that. If the Council will have the Chief Justice, the Commissioners of Police, Social Services and Prisons and the Principal Probation Officer, there will be no legal loopholes for them to be represented on the Council by their nominees. You might then find the Council business being paralysed by the non-attendance of meetings by these top heavy members, who may not have the time. It might be desirable for the Attorney-General to make a provision for representation of these officers on the Council.

The Bill also provides that the Centre shall have a chief executive who will be its director. That is provided for in clause 11. My worry is that the Attorney-General has not set out the qualifications of the director and his deputy. We do not want to get to a day when he will pick on a prisons officer or an Administration Police constable and make him a director for such an important centre. It would be wise for the Attorney-General to have a very clear description of the qualifications and designation of the chief executive, so that we can know whom we are expecting to head this research centre. But if we leave it as it is, we have already provided for membership of policemen, prisons and probation officers, and any one of them can be elevated to be a chief executive when he does not have the necessary intellectual and technical know-how.

Clause 21 states:-

"The director may in writing request any person to furnish the Centre with such information or to produce such documents or records as he deems necessary and relevant for the discharge of the functions of the Centre under this Act".

It then continues to prescribe a penalty or fine or imprisonment in case of failure to comply. This clause is very vague and is liable to abuse. The Attorney-General should be more clear as to what documents, records or material the director may require anybody to produce, and the failure to do so may lead to the deprivation of somebody's freedom by being fined or sent to jail. All in all, as I have said, this is a noble Bill. It requires that the Attorney-General should ensure that once the Centre is set up it does not become one other moribund organisation that does not do any work. It is also necessary that this Centre should, by legislation be specifically linked to organisations like the Council for Legal Education, the faculties of law of our public universities which are engaged in the teaching, research and development of criminal law and criminology, and departments of sociology which are also teaching and dealing with criminology in this country, so that it can benefit from the knowledge from those organisations.

Mr. Temporary Deputy Speaker, Sir, I finish my contribution by emphasising that it is worthless or useless for us to embark on a course of fighting crime if we do not fight its causes. Until and unless we fight the root causes of crime and eliminate them, it does not matter how many policemen will gun down thugs in the streets because other thugs will come up the next day since the breeding ground will still be intact. We must fight the causes of crime, if we have to eliminate it.

With those remarks, I support the Bill.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, the Attorney-General really gets his priorities completely mixed up. The objects of this Bill are listed on page 186. In the Bill, the Attorney-General admits that its implementation will involve additional expenditure of public funds, but he does not even tell the House how much public funds we will use by allowing him to set up the research centre. But obviously, very considerable funds, indeed, are going to be spent in setting up this research centre. One sees that in section 6 the Attorney-General very conveniently vests in himself-- I am looking at section 6(5) which says; "members of the Council shall be paid such remuneration or allowances as may be determined by the Minister". So, he is very conveniently vesting in himself the power to decide how much he will pay the boys and girls, whom he alone will nominate into some of these positions. So, the first question that arises is whether this is yet another scheme for creating jobs for those people whom the Attorney-General thinks are good boys or girls. And he alone will decide how much to pay them.

The causes of crime in this country do not need any research. We do not need to spend our meagre resources to research into the causes of crime in this country. We can enumerate them. If the Attorney-General promises to withdraw this Bill he will not have to spend any money, because we will tell him the causes of crime in this country. The first cause for escalation of crime in this country is lack of shared values by the Kenya society. The rate of crime will never go down because of punishment. It does not matter how many people we prosecute and send to prison,

crime will always escalate until we develop a culture by which we, as a nation and society, have shared values. We need a morality that is shared, which enables the society to condemn, for example, thefts. At the end of the day the society is ultimately the best safeguard against crime. The society can only safeguard against crime through shared values. Those shared values cannot come out of the blues. Shared values come out of patriotism, good governance and resources that are administered in that society in a just manner. You cannot have shared value in a society full of injustices and inequalities. We can considerably reduce crime in this country if, instead of these time-buying gimmicks by the Attorney-General, in drafting a Bill like this one and taking the time of this House, to debate a Bill like this one--- What the Attorney-General should be doing is bringing Bills in this House for debate regarding the repeal of repressive laws that we have been talking about. That is the way of reducing crime, bringing justice and fairness to this country and steering this nation towards shared values. How can we have shared values when over 60 per cent of the wealth of this country is concentrated in the hands of five per cent of the population? How can we feel a sense of justice? How can we even talk about reducing the rate of crime? If these people do not steal and rob, how do you expect them to live? They are robbing and stealing because this Government has destroyed the economy of this country. That is what they have done. Nobody wants to be a hawker. There is no dignity in spending 12 hours selling bananas and oranges on a street in Nairobi. Nobody wants to do it, but they are doing it because of poverty. What is the cause of that poverty? The cause of that poverty is total destruction of the economy of this nation. It is the plundering of the resources and the concentration of all those resources in the hands of a few political sycophants in this country.

Mr. Temporary Deputy Speaker, Sir, not too long ago, the Kenya Railways Corporation (KRC) in this country was advised by the World Bank to reduce their labour force and to pay the reduced labour force good salaries as part of their cost management. By virtue of the fact that long before the Colonial Government started colonising this country, it is the railways that first arrived in this country, the KRC became one of the largest land owners in this country. It acquired buildings and plots everywhere in all the urban centres. So when the KRC said that they did not have enough money to pay the people being retired in order to reduce its labour force, the World Bank suggested that one way of creating money to pay these people would be for the Corporation to sell the houses and the plots which they did not need. Had they done it correctly, they could have raised enough money to pay these people. But, I have said it before and I want to repeat it here, that it is not a Government we have in power today; it is a bunch of criminals and thieves masquerading as a Government. Instead of those houses being sold--- and the way to sell a house or the plot that the Corporation does not need is to advertise it so that anybody with the money wishing to buy can bid and the Corporation would have been able to accept the highest bidder, and get the money. Instead, those houses, including very valuable properties, in Upper Hill, Pangani and Parklands were all dished out.

**Dr. Lwali-Oyondi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Muite has just stated that we have no Government but a bunch of criminals. Is it in order for the Government to sit and just look around when they are called a bunch of criminals?

*(Laughter)*

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I saw the Deputy Leader of Government Business actually nodding in agreement.

**The Minister for Labour and Manpower Development (Mr. Masinde):** I was sparing my friend here with the hope that the Attorney-General would reply. I did not nod at all. But if he thinks that we can interfere, we will intervene.

**Prof. Anyang'-Nyong'o:** Mr. Temporary Deputy Speaker, Sir, I also saw the Attorney-General actually smiling.

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I smiled because the allegation was so outrageous that it did not deserve any attention. Since I am on the Floor, I would like to say that I need to check on the issue of the KRC to refresh my facts properly, when I am replying. But I am aware, that the KRC did advertise for all these houses and the houses went to the highest bidder. But I will have to check on that one and inform the House when I am replying.

**The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso):** On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of that serious and damaging statement by hon. Muite---

**An hon. Member:** Which you have accepted!

**The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso):** I have not accepted it. He has called this Government, including the hon. Member for Yatta, a bunch of criminals and thieves. Could he substantiate who the thieves in the Government are? Since I am one of the hon. Members of Government, he should also state what I have stolen to deserve being referred to as a "bunch of criminals and thieves".

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, you notice the hon. Member for Yatta conveniently forgot to tell the House about the 10 years he spend in Kamiti. I am demonstrating the manner in which---

*(Hon. Mwamzandi stood in his place)*

**The Temporary Deputy Speaker** (Mr. Ndotto): Order, Mwamzandi! There is a point of order from the hon. Member for Yatta, and I would like hon. Muite to respond to that one first.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am giving a specific example of criminal activity by this Government. I am happy to substantiate, and I am going to substantiate very exhaustively indeed. One; those houses were given to the politically correct, and in fact, a number of them, instead of even buying the very modest valuations, they sold to the National Social Security Fund (NSSF), to this Government and highly placed people. Is this not criminal activity?

**The Attorney-General** (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. Muite:** I am responding to a point of order. If the Attorney-General wants to dispute that this Government is really not a Government but a bunch of criminals and thieves masquerading as a Government, will he bring the file relating to the plots in City Park to this House and lay it on this Table?

**The Temporary Deputy Speaker** (Mr. Ndotto): Order, hon. Muite! I think you are using the words "this Government". If there are individuals who are involved in what you are saying, hon. Mutiso asked you whether it is the Government or individuals. He even specifically asked whether he is a thief himself. I would like you to be specific because you are talking in general terms about the Government. That is a response to a point of order.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, other than a few Back-Benchers, I cannot see any Member on the Front Benches that one can clear. This is collective responsibility.

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Muite, I would advise you to withdraw that word and if you want to deal with individuals, you can go straight to individuals because you do not seem to have any way of substantiating that the Government is "a bunch of thieves and criminals." I do not think you have any way of doing it and you are trying to avoid it. You had better withdraw it and if you do want to deal with individuals, you can go straight for the individuals...

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I was dealing with the Government in its corporate entirety. Up to now and please let me have the opportunity to substantiate because that is what they are--- Up to now this Government has never told us why the late Dr. Robert Ouko got murdered in brutal circumstances.

**The Minister for Labour and Manpower Development** (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member is trying to evade the issue. This is was about substantiation of the Government being a bunch of thieves. He was trying to substantiate by quoting some property in Upper Hill sold to NSSF. Was this sold to NSSF by the Government or by individuals and if they are individuals, must they be the Government? Let him substantiate that and stop raising the issue of the late Dr. Ouko's case, because it has got nothing to do with this.

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

**The Temporary Deputy Speaker** (Mr. Ndotto) Order! The Member on the Floor is hon. Muite and he is dealing with a point of order. I want him to deal with that.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am saying that the manner in which this Government-the corporate Government--- They have got collective responsibility and there is no piece of land in this country, not even one square of an inch of land in this country, that can be allocated to anybody without the Chief Executive authorising it. There is no way this can be done. The Commissioner of Lands, the Minister for Lands and Settlement and the Attorney-General all share responsibility. What is this business of us being told that the file is missing? Nobody has denied that 50 acres in City Park--- This is very painful. These are not matters to be trivialized; we are raising them as a serious issues. Nobody has denied that land has been allocated. What they have said is that it was not allocated to me. That land could not have been allocated without the knowledge of the Commissioner of Lands, the Chief Executive or the Minister for Lands and Settlement. Above all, these ghost companies that are incorporated; they are incorporated in the office of the Attorney-General who is supposed to keep the register for these companies. Where is the file from which we can be able to see the directors and shareholders of these companies to whom City Park has been allocated? Which civilised government will go and excise land in City Park except a government of criminals and thieves?

**The Assistant Minister for Public Works and Housing** (Mr. Mwamzandi): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has used the word "thief" which is unparliamentary. It should not be used in this House. I remember when one Member was referred to a former Minister for Tourism, Mr. Onyango

Midika, as "a thief", the Chair overruled the use of that word. It should not be used here because it is unparliamentary.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am saying that the way to reduce crime in this country is to start with the Government itself.

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like the hon. Member to substantiate the allegation on the Kenya Railways and to tell us to whom the various pieces of property were allocated. If my memory serves me right, at least, most of those lands in that area were advertised and the highest bidders were allocated the land. Can he substantiate that remark by giving us the details of the allocation? I would like the hon. Member also to substantiate the issue of ghost companies. Can he table in this House the so-called ghost companies so that we can make an appropriate search as to whom those ghost companies belong? Of course, the matter of the late Dr. Ouko's murder has been a subject of debate in this House even recently and I do not want to comment on it. I think, our position on the matter is well known.

**Mr. Mulusya:** You cannot do anything so far!

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, the Attorney-General is a professional colleague really who ought not to give me the opportunity of, perhaps, letting out even more than I should. For example, is the Attorney-General himself a beneficiary of the research station land in Kitale? Has he been given a piece of land in Kitale research station? If so, let him give the L.R. number. These files are with you! This information that we are asking for is within your knowledge! These files are with you!

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want substantiation on the issues that I have raised. As far as land in Kitale is concerned, I have land in Kitale which I bought and I am prepared to table those documents in the House.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am substantiating the general grabbing of land in this country and I am saying that the manner in which this Government has dealt with public land--- This Government behaves like an occupation force. It is not like it is their country.

**The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae):** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker (Mr. Ndotto):** Order, Mr. Minister! Hon. Muite, there are several specific points of order being raised and you are trying to avoid them. The first one was raised by hon. Mutiso but you avoided it. Now the Attorney-General has raised two specific points of order and he wants substantiation but you are trying to go round. Can you please be specific?

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am substantiating the statement I made, that this Government is not a really Government; it is a bunch of criminals and thieves masquerading as a Government. That is what I am supposed to substantiate and I am substantiating. I am doing exactly that!

**The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae):** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. Mulusya:** Another one!

**An hon. Member:** Pole sana. Watakuua!

**The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Muite has stated that there is a bunch of criminals and thieves. There is no issue that I want to raise with regard to either this side or that side of the House; that we may be having criminals, but the issue is that, we want substantiation so as to differentiate between the Government and the individuals who may be in the Government. Hon. Muite should come up with the names of those criminals and thieves in the Government because this is imputing improper motive and it is not possible that 100 per cent of the Members in the Government are criminals. It is true that there are issues of collective responsibility in the area of policy, but actions of individuals is a totally different matter and I would plead that those who are in the Government and are not criminals should not be included in the bunch. If there are criminals, they should be named. That is what I am appealing to---

*(Hon. Mulusya interjected)*

**The Temporary Deputy Speaker (Mr. Ndotto):** Order! Hon. Mulusya, we are in a House of hon. Members and your behaviour is not in conformity with what is expected of you. If you are not on the Floor, you should listen to the other hon. Member's contributions just as they do when you are contributing.

**The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae):** Mr. Temporary Deputy Speaker, Sir, if they are bothered about my hand, even from the other side I can see an hon. Member having a bandaged hand. Hon. Muite is actually avoiding following the substantiation because he does not want to impute

improper motives specifically to individual Members. So, he is trying to go round bringing in the name of the Government when he is actually having in mind individuals. Those are the individuals he should name.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I did not talk about individuals. I talked about this Government and I feel very sorry for hon. Nyachae, who is a very respected Member. This Government has no secrets at all. Whatever they do, we get to know. When I am saying that this is a Government of criminals, the living evidence is the hon. Nyachae. He should ask himself whether what he experienced was truly an accident. He should do his own investigations.

**The Minister for Land Reclamation, Regional and Water Development (Mr. Nyachae):** Mr. Temporary Deputy Speaker, Sir, I know the issue concerning my accident better than anybody else and it is very wrong for any hon. Member in this House to presume that they have an answer to an accident which is still being investigated.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, all I am saying is that one can write volumes about the criminal conduct of this Government. The point I am making and it is a serious one is that let us not pretend that we can reduce crime by passing this Bill. It is this Government that should set an example--

**The Temporary Deputy Speaker (Mr. Ndotto):** Order! Mr. Muite, I would like you to proceed because I know that you have a lot of things to say about this Bill. You have not substantiated the allegation that the Government is a bunch of thieves and criminals. Hon. Nyachae is asking you whether you are talking of the Government as a collective entity or the individuals. You have to substantiate this because it is a very serious matter and by so doing you are imputing improper motives to the Members of this House.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I spoke about the Government and not about individuals in this Government. I am substantiating how the Government as a corporate entity is corrupt. I could have chosen to talk about specific individuals, but that is not what I did. I am saying that if you analyze and examine the manner in which land grabbing has been facilitated by this Government, you will be surprised. That is demonstration enough of the criminal nature of this Government as a corporate entity. There is no Government that can continue to plunder all its open spaces and claim to be a clean Government. Karura Forest is gone. All the forests are gone. Which Government will do that? If there is any plot which this Government does not need, it should be advertised so that the highest bidder pays that amount to the Consolidated Fund. If that money went to the Consolidated Fund, it would then go towards paying for drugs in our public hospitals. That money would go towards assisting our students in high schools and public universities. That money would go towards cleaning the City of Nairobi or repairing our roads.

When you look at the state of hospitals in this country, it is pathetic. Three weeks ago, I had a very pathetic case of an old man from Kikuyu Constituency who was admitted at Kenyatta National Hospital. This old man was sharing a bed with another old man. The man from Kikuyu Constituency had drugs bought for him by his children while the other man did not have any children or relatives to buy him medicines and drugs. When the old man from my constituency went to the bathroom the other old man, out of desperation because he had been lying on that bed for two months, took all the medicines and drugs. He became unconscious. You cannot get drugs from Kenyatta National Hospital unless you pay. How can we talk about reducing crime in this country when the health services in this country have collapsed and majority of the people are living in abject poverty? How can we reduce crime in this country when the World Bank statistics show that Kenya is only next to Brazil in terms of the gap between the rich and the poor? How can we do that when Kenya is a poor country compared to Brazil?

**The Minister for Health (Gen. Mulinge):** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has said that there is no medicine in Kenyatta National Hospital and if there is, it is for sale. That is, one cannot get the medicine unless he pays. I would like him to substantiate that and particularly the case of that old man who was lying on the bed without medicine. Every patient admitted in hospital has a file. So, could the hon. Member bring that file here and substantiate the allegation that there is no medicine in Kenyatta National Hospital?

**Mr. Muite:** Is the hon. Minister for Health really seriously suggesting that in Kathiani Hospital there are drugs? What I said is a fact and I can go with the Minister now to Kenyatta National Hospital. One cannot get treatment unless he or she pays. Everybody is aware that one cannot get drugs unless one pays. What file am I supposed to bring. I am not in charge of the files at Kenyatta National Hospital.

**The Minister for Health (Gen. Mulinge):** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like the hon. Member to prove that there are no drugs in Kenyatta National Hospital.

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

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

**Dr. Otieno-Kopiyo:** On a point of information, Mr. Temporary Deputy Speaker, Sir. Hon. Muite should know that the issue of supply of drugs in our National Hospitals is controlled by a powerful cartel that the hon. Minister knows nothing about and it is completely out of his reach. Indeed, it is out of his depth in the Ministry.

**The Minister of State, Office of the President (Mr. Koech):** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have realised that hon. Muite is avoiding the point of order which was raised by the hon. Minister for Health that he substantiates who this old man who took drugs from another patient is. He should give the name of that patient because he is giving a lot of sensational untruths for his political gain.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, the only political gain which I want is legal and constitutional reforms. I do not need any other political gain. The fact of the matter is that three weeks ago, on a Monday, when I see my constituents, I had a young lady and her brother coming to my constituency office in Kikuyu and they wanted me to contribute money for them to go and replenish the drugs of their ailing father.

**The Minister of State, Office of the President (Mr. Koech):** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am responding to a point of order. This man used to be reasonable before he was elevated! Wewe keti! He was reasonable but as soon as he was made a Minister, he took leave of his senses!

**The Temporary Deputy Speaker (Mr. Wetangula):** Order, hon. Muite! I know you as a very sober debater. You do not have to hit below the belt. That is a very unkind remark about hon. Koech. Can you withdraw it?

**Mr. Muite:** I withdraw and apologise. That was a slip of the tongue. But I find it difficult to believe that it is the same person that we knew before his elevation. I am saying as a matter of fact that it was me who contributed Kshs3,000 from my pocket for the young man and his sister to go and replenish drugs for their father. I doubt that the person who was sharing the bed with the old man from Kikuyu had anybody to buy drugs for him. The man from Kikuyu was lucky to have children who could buy drugs for him. But it is a fact and everybody knows about Kenyatta National Hospital!

**The Minister for Health (Gen. Mulinge):** Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the substantiation given by the hon. Member. I want the name and the file number of the old man who was admitted to Kenyatta National Hospital, so that we can check. We all buy medicine!

**Mr. Muite:** Mr. Speaker, Sir, there is absolutely no difficulty whatsoever in giving the name of the old man from Kikuyu Constituency. I will bring it here tomorrow. By the way, the hon. Minister for Health used to be a very well respected General in the army, except for the fact that he refused to come and give evidence in the court martial against ex-Major-General Kariuki. He should reflect on the Hospital with the highest number of deaths in Ukambani and tell this House if it is not Kathiani Hospital in his constituency. But the state of our public health is well known. The point I am making here is that people who cannot afford health services when they fall sick are the same people whom we want to have shared values with us and condemn criminal activity? This Government is the root-cause of the poverty in this country. It is a plundering of the national resources, the destruction of the economy and theft that has made this country one of the poorest in the world. Over 75 per cent of Kenyans are living below the poverty line. Unemployment in this country is reaching very explosive situations. Just look at who is causing all these! If there was employment in this country, these people could be able to live within the salaries they are getting but they are not able to do so. If that was possible, then most of the problems which we are having today would not be there! All these young men and women who are unemployed and cannot afford a meal in a day--- I was giving a demonstration of the hawkers. They do not need to be hawkers! What does this Government want them to do? To become robbers or start stealing? How do you want them to live? They have got children and so, how are they going to feed their children if it is not by hawking?

Mr. Temporary Deputy Speaker, Sir, when I talk about criminal activity on the part of the Government, not only do they kick out the hawkers from the streets of Nairobi but kiosk operators too. But kiosk operators are not hawkers. They have paid money to the City Council and they have got licenses and they are paying rent. Why should the Government take a bulldozer and mercilessly demolish these kiosks? I witnessed a situation where even the food that had been cooked was destroyed. Many employees of this Government in the Ministry of Health, Ministry of Lands and Settlement and all other Government Ministries - all the junior clerks cannot afford to go and eat at the Hilton Hotel. They eat at those Kiosks! They eat at these kiosks. That is the only place where they can afford. You go and destroy them! The kiosks are there because of the law of supply and demand. I know that the wives of very many hon. Members in this House do not buy their fruits or vegetables from Hurlingham shops because they are very expensive. They go to City Market or buy from kiosks.

**Dr. Lwali-Oyondi:** On a point of information, Mr. Temporary Deputy Speaker, Sir. Thank you very



much, hon. Muite. I would like to inform hon. Muite that it was the grabbing of all market places in the urban centres, including places like Muoroto and others, which led to hawkers pouring onto the roads. If they had left those market centres and open spaces where the people could trade, there would be no women, young people and men pouring into the city to hawk.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I am saying that the level of poverty in this country, the mismanagement of the affairs of this nation, the amassing of wealth by a small clique at the top, the impoverisation of the great majority of our people is the root cause of crime. It is this Government. So, that is what we should be addressing and not bringing these Bills to spend yet more money, to try and contain crime.

I know that this Government is going to use its majority in this House, a majority it unfairly got through flawed elections, to bulldoze this Bill. It is not going to have the slightest effect in containing crime in this country. I am saying that the way to begin addressing the issue of crime is to bring accountability, transparency, contain corruption, create employment and a situation where a majority of our people are going to live in dignity and free from want. Every Kenyan is entitled to decent housing, food, clothes, employment and reasonable affordable health services. If we had a Government in power which is able to do that, crime will go down. That would be the time to start spending money to try and investigate the causes of the reduced crime. But at the moment, this is a public relations exercise and a time-buying gimmick by the Attorney-General. This is a very poor use of the meagre resources that we have in terms of the money that is going to be spent in setting up this centre, creating employment for the boys and it is all pointless.

If the Attorney-General had the interest of this nation at heart, he would have advised this Government to bring legislation. The time we are debating now is the time we would have spent as a House repealing Section 41 of the Constitution, so as to create an acceptable Electoral Commission in which Kenyans have faith. These frustrations with rigging of elections is what also leads to crime. We have listed the specific sections in the Constitution which we want amended or repealed. We have listed the statutes that we want repealed.

The other cause for promotion of criminality in this country is the lack of respect for the law by the Government itself. Hon. Shikuku observed very aptly that if somebody commits a crime, the law is that, that person should be arrested, taken to court, charged, prosecuted and if convicted, sent to jail. But when the Government - and this is why I was talking about the Government in its collective responsibility - descends on people who are gathered peacefully and beats them with runkus and whips and sprays them with tear gas, that is a criminal activity. It is the same Government that is asking us to investigate the causes of crime. If Kenyans turn out in the streets around this Parliament on Thursday next week, as I hope they will, in order to tell their elected Members of Parliament that the agenda for the moment is reforms, that is what we must debate. If Kenyans turn up, it is the responsibility of the Attorney-General to advise the Government and the Secretary-General of KANU that they must not bring the so-called "jeshi la mzee". We already know the causes of crime. When the Government itself arms youths like the KANU youths called, "jeshi la mzee", and in fact pays them, and tells them that it is in order for them to unleash violence, why are we being told to spend money for the Attorney-General to investigate the causes of crime? The causes are known!

So on Thursday, the Attorney-General must set a good example and those Kenyans must not be disturbed and beaten up. He must not bring people with whips and runkus to beat unarmed Kenyans. The real cause of the escalation of crime in this country, is that this Government has actually institutionalised criminality as an instrument of governance. Until they stop doing so, other people are going to follow suit. When the Attorney-General elects selective prosecution of individuals who are politically out of favour, and those who are in favour are never prosecuted, that promotes criminality.

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Can he name the individuals that I have selectively prosecuted?

**Dr. Otieno-Kopiyo:** On a point of information!

**The Temporary Deputy Speaker (Mr. Wetangula):** Order! You are not going to abuse the privilege of information. It is a request for substantiation. If you want to give information, you can do so after that.

**Mr. Muite:** There are so many examples of Cabinet Ministers promising violence. For example, the hon. Member for Mvita, Mr. Sharrif Nassir, said publicly that if we go down to Mombasa, there will be bloodshed. He said that he has got 200 youths already lined up. Can I ask the Attorney-General whether he has opened an investigation file? Has he directed the Commissioner of Police to arrest hon. Nassir?

**The Attorney-General (Mr. Wako):** Mr. Temporary Deputy Speaker, Sir, the hon. Member is trying to avoid the question of substantiation as usual, as he has done thrice this afternoon. But I will give a specific reply on that one when I will be replying to this particular Bill. He said that the Attorney-General has selectively prosecuted--- I am asking him: "Can you substantiate that the Attorney-General has selectively prosecuted?"

**Mr. Muite:** The Attorney-General gets copies of the Public Accounts Committee (PAC) and the Auditor-General's Reports. Who has he ever prosecuted. The former Member for Kimilili, Mr. Mwangale, took a lot

of money from Nzoia Sugar Company. The Attorney-General has been seen having a cup of coffee with Mr. Mwangale. When is he going to be prosecuted?

I said years ago that the Attorney-General has no intention of prosecuting Mr. Kamlesh Pattni to conclusion. I said three years ago that, for that case, there will be mention after mention and at the end of the day, there will never be a prosecution.

**Dr. Otieno-Kopiyo:** On a point of information, Mr. Temporary Deputy Speaker, Sir. The Attorney-General is aware that I am aware that Fred Wafula of Nzoia Sugar Company gave evidence against his own company, contrary to the Officials Secrets Act and he has not been prosecuted. But hon. Otieno-Mak'Onyango and myself were beaten up by the police in Mombasa in 1995 during a by-election and we gave you all the materials. We were instead taken to court and the police up to now did not give us P3 forms. Mr. Attorney-General, there are so many cases and we are still being tortured two years after. This is selective prosecution. In the Nairobi Chief Magistrates Court, the hon. ole Ntimama went with a bunch of Maasai warriors and they sat on the Magistrates seat and when she came in, they were asking her whether she cannot find another seat to sit on in that court and nobody was prosecuted. We can go on forever.

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Let me respond to these accusations which have no response. In fact, they have not been substantiated. Those making these accusations have not showed that as far as the Public Accounts Committee and the Public Investments Committee reports are concerned, the Attorney-General has not done his duty as recommended by those reports which were to instruct and direct the police to carry out various investigations. They have not substantiated because they have not shown here that the Attorney-General has received investigations reports on which he can base a successful prosecution in court. As far as Fred Wafula is concerned and Dr. Otieno-Kopiyo is a member of the Public Investments Committee, he is very well aware that the Attorney-General has done his duty as required by that committee. He is also very much aware as I informed the Committee that I was not yet to receive a report from the police to enable me to prosecute. To be able to substantiate, you have to show that the investigation file was on the table of the Attorney-General and the Attorney-General selectively prosecuted. They are aware through the report that the investigation files have not reached the Attorney-General's office. On the question of Nzoia, it is not really a question of prosecuting or not prosecuting. They have to show, as I said, when I arrived from overseas that the architect---

**The Temporary Deputy Speaker (Mr. Wetangula):** Order, Attorney-General! Your point of order is too long. Proceed, hon. Muite.

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, when there is a change of Government in this country and I would like this to go on record, one of the people who will be investigated and prosecuted for the offence of conspiracy to pervert the course of justice is the current Attorney-General. That will happen.

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

**The Assistant Minister for Home Affairs and National Heritage (Mr. Mutiso):** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. Mulusya:** You can come later Mr. Mutiso since I am on a point of information. My point of information to the hon. Paul Muite is that the issues which the hon. Attorney-General has raised clearly show how he himself as the Attorney-General, has been a quiet participant in all these activities. If he can afford to dine with Wasike Mwangale and with Fred Wafula and afford to meet with Pattni's partners somewhere in London, we cannot expect any investigations to be done by him. We only wait when the Government is dissolved and then we can be able to get something.

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say the investigations should be carried out by the Attorney-General when it is quite clear that under our laws the criminal investigations are carried out by the police department?

**Mr Muite:** Mr. Temporary Deputy Speaker, Sir, it is the constitutional duty of the Attorney-General to advise the Government of any failure by the Government and it must rest at the desk of the Attorney-General. He cannot start splitting hairs here. It is for him to advise the Government, the Chief Executive and the President to direct the Commissioner of Police. The buck is never passed downwards. It is always passed upwards. The Attorney-General is trying to pass the buck downwards to the Commissioner of Police and to the Criminal Investigations Department. No! It is the other way round. The buck rests at his desk.

**The Attorney-General (Mr. Wako):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that I am passing any buck when all that I am saying is that I am doing my constitutional duty as required under Section 26 of the Constitution to direct investigations and irresponsibilities which have been done?

**Mr Muite:** Mr. Temporary Deputy Speaker, Sir, the Attorney-General, with respect has been a total disgrace to the legal profession and that office of the Attorney-General. He has abdicated the responsibility of his

office. That is what I am saying. It is his responsibility. He cannot say that he has discharged those responsibilities because he has not been sacked yet. He enjoys security of tenure and he should be able to tell the Government "No". He should be able to stand firm.

**The Attorney-General** (Mr. Wako): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that I have not discharged that responsibility because I have not been sacked yet, when I have not mentioned anything about sackings? All I have said is that in accordance with the Constitution, particularly on investigations, I have discharged my duty by directing the Commissioner of Police to carry out various investigations on criminal activities which is the subject matter of this Bill.

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

*[Mr. Deputy Speaker took the Chair]*

**Mr. Muite:** What investigations has the Attorney-General directed to be carried out? He can see that the skull of the hon. Member for Webuye has got ten stitches. His hand is in a plaster. This was criminal activity at Uhuru Park by officers of this Government. What immediate investigations has the Attorney-General directed that they should be carried out and when can he tell us that he is going to prosecute the people who beat up the Member for Webuye?

**The Attorney-General** (Mr. Wako): The fact of the matter is that the investigations are going on as far as the hon. Member of Parliament is concerned and when I get the investigation file and it discloses *prima facie* evidence against anybody, then that person will be prosecuted.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir. Is the Attorney-General in order to mislead the House that he directs the Commissioner of Police and the Director of CID to do investigations when the truth of the matter is that actually he gets directives from the Director of the CID?

**Mr. Muite:** Mr. Deputy Speaker, Sir if the Attorney-General is absolutely serious--- These are standard answers that he keeps giving. He says: "I have directed investigations; "I shall take instructions; "I shall take action when the file is brought to me". He has adequate evidence to prosecute the hon. Member for Narok North who is sitting next to him. Why did you not arrest him? Wait for him outside the precincts of Parliament and send the CID officers to arrest him. There is enough evidence that he masterminded and implemented the Enosupukia evictions, and he said so. He brought Maasais here. Why did he not prosecute him?

**The Minister for Labour and Manpower Development** (Mr. Masinde): On a point of order, Mr. Deputy Speaker, Sir. I am at a loss and I would like to seek your guidance whether we are debating this Bill or whether we are debating the activities of the Attorney-General? Let us be enlightened on this dual relationship.

**Mr. Muite:** Mr. Deputy Speaker, Sir, I am trying to demonstrate the futility---

*(Mr. Wako was on his feet)*

Mr. Deputy Speaker, Sir, I am responding to a point of order. Why is the Attorney-General so jittery? Is it because truth hurts and why is he unable to sit and allow me to respond to a point of order? I am demonstrating the futility of bringing this Bill. I know the Attorney-General watches the television every night. Over the last fortnight or so, various people have been shown on KBC and KTN, Garissa, Mombasa and everywhere saying, "We have got 5,000 armed youthwingers and if the Opposition tries to hold a rally here on 21st, we are going to kill them. We are going to teach them a lesson". What has the Attorney-General done to maintain law and order? The Attorney-General knows perfectly well that peaceful demonstration is one of the guaranteed freedom of expressions. When people demonstrate peacefully, not with swords and rungun, but with empty hands, they are exercising their constitutional right of expression because when we speak with mere words, it is like we are talking to stones. When we say we want reforms, we are talking to stones. Therefore, the only way we can get our message across is by peaceful demonstrations and it is the responsibility of the Attorney-General to advise the Government. That is part and parcel of the freedoms of expression.

**The Minister for Home Affairs and National Heritage** (Mr. ole Ntimama): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member for Kikuyu really in order to try and rub raw wounds and to bring up an Enosopukia issue when, in fact, he is one of the people who sent landgrabbers to Maasailand, inter-robbers and people who came to exploit our own people? If this man is really talking about freedom and justice, we are talking of being marginalised and exploited by the people that the hon. Member for Kikuyu made to go round. That one is unacceptable.

**Mr. Muite:** Mr. Deputy Speaker, Sir, I was beginning to have sympathy with the hon. Member for Narok North, particularly because recently he had discovered that there is something called the Public Order Act and that he requires a permit from the DC to slaughter a goat in his house!

*(Laughter)*

**The Minister for Home Affairs and National Heritage** (Mr. ole Ntimama): On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** I fully appreciate why hon. ole Ntimama has been pricked to stand up, but you had better indicate when you would finish responding to his first point of order.

**Mr. Muite:** Mr. Deputy Speaker, Sir, I would like to respond to the hon. Ntimama's point of order, first, by reminding him that it is the constitutional right of any Kenyan irrespective of his or her tribe to buy land anywhere in the country and to live anywhere in the country. That is the position in our Constitution and a lot of the Kikuyus who settled in Narok North, bought the land there with the facilitation of the hon. Member for Narok North when he was the Chairman of Narok County Council because they were the ones who used to vote for him at that time.

**The Minister for Home Affairs and National Heritage** (Mr. ole Ntimama): Mr. Deputy Speaker, Sir, first of all, the hon. Member is misleading the House because I do not need any sympathy from anybody, much more so from the hon. Member for Kikuyu. I can stand on my own feet and I can defend myself. In fact, I do not need any sympathy from anybody. Secondly, I quite agree that the Constitution says that everybody can go and settle anywhere in this country, but not when you go and trample on other peoples' rights like rogue elephants. We would not accept that!

*(Applause)*

**Mr. Deputy Speaker:** Order! Order! Without prejudice to hon. Muite's right to respond if he wants, but may I appeal to him that I would want to stop this kind of exchange, get down to the Bill which is what is before the House.

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Deputy Speaker, Sir. By the admission of hon. ole Ntimama that the atrocities were committed in Enoosopukia with his commission, could the Attorney-General now effect prosecution?

**Mr. Muite:** In fact, Mr. Deputy Speaker, Sir, my point was to draw the attention of the hon. Attorney-General through you to the real cause of escalating of crime in this country, the failure to prosecute people and to be prosecuted. That was my point and I really have no wish to keep responding to the hon. Member for Narok North. He does not want my sympathy, I take back my sympathy. He has not reached the rock bottom. In the papers we saw Mr. Kanyingi both on his knees begging and I would like to tell the hon. Member for Narok North that he is continuing to fly down, if when he reaches the bottom, he then discovers he needs my sympathy; he can ask me.

With those few words, Mr. Deputy Speaker, Sir, I beg to oppose.

**The Assistant Minister for Home Affairs and National Heritage** (Mr. Mutiso): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to make my contribution on this Bill.

On the outset, I would like to say that Kenya today is very much advanced in criminality. We should look for ways and means of eliminating this criminality. The idea of hon. Muite suggesting that this Bill would be useless and that it would not help, is not correct. He has spoken quite a lot of good things which I personally sympathise with him and I like them; but he spoiled his case when he went all the way in condemning the Government and members of the Government at random, and calling members of the Government a "bunch of criminals and thieves"; even using unparliamentary language.

The situation in Kenya today needs very close attention to try and study it and come up with recommendations as to how best we can handle these criminals. This is because most of them who began life in the streets some 20 years ago are today big people. They are much advanced in passing on criminal knowledge.

Mr. Deputy Speaker, Sir, I feel that this Bill is one thing that Opposition Members should support. We want to have a Council which will be studying criminal tendencies in our society and coming up with recommendations as to how they can be handled. The idea of punishing criminals with heavy sentences in jail is not a solution to crime. This is because the moment hard criminals are put in jail they are hardened further.

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

**Mr. Deputy Speaker:** Well, Mr. Mulusya, it had better be a valid point of order.

**Mr. Mulusya:** Mr. Deputy Speaker, Sir, hon. Mutiso has just made a very categorical statement. The fact

is that he himself served 10 years of hard labour at Naivasha Prison. He said that when you put criminals in jail you harden them. Can he substantiate that? Is he now harder than he was before he was imprisoned?

**The Assistant Minister for Home Affairs and National Heritage** (Mr. Mutiso): Mr. Deputy Speaker, Sir, first of all I must say that I am not a criminal and I never was one. I was jailed because of my convictions, but I was not a criminal.

Let me say that this Bill should be supported so that we create a Council which will study criminal activities in our society and come up with ways of dealing with them. As I said, our society is very much advanced now. It is learning all criminal practices from television and many other activities. As a result, people come up with all sorts of ideas. No amount of security one can put around himself or his house---

**Dr. Kituyi:** On a point of information, Mr. Deputy Speaker, Sir. I wish to inform hon. Mutiso that the growth of criminal mentality is not a development in tandem with modernisation and the television culture. Criminality is first and foremost in this country a product of the role models who are criminals, but who masquerade as philanthropists. The Kamlesh Pattnis have established philanthropic agencies. People are seeing other people celebrating the glory of being thieves. When leaders in Government are leading by example in stealing and distributing their stolen wealth in a religion called Harambee on television, they teach people criminality.

**The Assistant Minister for Home Affairs and National Heritage** (Mr. Mutiso): Mr. Deputy Speaker, Sir, If I knew what hon. Kituyi was going to say, and I would not have given him the opportunity.

The point is that we need to study crime and come up with suggestions as to how to handle our own society. If we leave it the way it is we will get to a situation where it will be very difficult to tackle it. As has been said by some hon. Members on the opposite side of the House, unemployment is one of the causes of criminality in this country. I believe that the Government, through the body we are going to establish, will come up with recommendations for establishment of employment bureaus for creating jobs for our people. In this way we will absorb into employment the majority of our jobless youth and thereby reduce the influence of criminal activities within our society. We should create employment so that the majority of our people can have a source of income. Some of these things result from lack of income. People have nothing to do; they have no income and yet see other people living well. This makes them turn to criminal activities. I feel that this is an issue which should not be taken lightly.

Mr. Deputy Speaker, Sir, I would wish that hon. Members on the opposite side support this Bill. This is because it has good ideas and suggestions. It will enable us to establish a Council out of which will come recommendations as to what should be done about crime. Apart from Government officers, like the Attorney-General, Commissioners Police and Prisons, other private citizens will be members of the Council. I believe that these members will offer good suggestions as to what should be done about crime in the country.

Therefore, I think the Attorney-General has come up with a good idea about how to study criminal activities in our society. It is through that study that we will know the extent to which prison sentences have gone in fighting crime.

I believe that hon. Members should see this point. We should not just oppose this point for the sake of it. When you sit in an opposing side you have a lot of humour and vigour to criticise. But you should not do so blindly and without seeing what good the other side is offering. We are legislators who represent the entire country, and want to come up with suggestions to tackle problems in our own society.

*(Hon. Mulusya murmured something)*

**The Assistant Minister for Home Affairs and National Heritage** (Mr. Mutiso): Mr. Deputy Speaker, Sir, if hon. Mulusya wants me to say that he believes that there are some criminals in the Government side I want to tell him that only a criminal can catch another criminal. Therefore, those who see the tendencies of criminals can do well to come up with recommendations as to how we can catch them. But having said that, I would like to say something about the Bill. The Bill as it is has come at a time when we are facing the elections soon. I am sure the hon. Members in the Opposition---

**Mr. Orenge:** On a point of information, Mr. Deputy Speaker, Sir. In fact, hon. Achieng-Onoko has been telling me that we have to respect hon. Mutiso because he has taken a very patriotic front in his political career. I was wondering, as a matter of information, whether the Attorney-General cannot be encouraged to put somewhere in the Bill, the need to find out why hon. Achieng-Onoko and hon. Mutiso should not be compensated for the injustices committed against them for being imprisoned without a just cause.

*(Applause)*

**The Assistant Minister for Home Affairs and National Heritage** (Mr. Mutiso): Mr. Deputy Speaker, Sir,

let hon. Orengo now support the Bill and let the Attorney-General come up with recommendations on what should be done. Once the Bill becomes law, then those other issues can follow and be dealt with.

Kenya is a country which has experienced peace since Independence. But that peace has not been without some trials. There have been trials and problems, but I want to say that irrespective of---

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Assistant Minister, in order to mislead this House that this country has enjoyed peace since Independence when the Gabbra are being massacred by the Shangilla in Northern Kenya, when the Turkana are victims of Pokot raids, when the Marakwets are forced from their homes to stay in caves in the escarpment and when the Degodia are causing havoc in the whole region in Central Kenya from the Ogaden to the Borana down to Tana River? Is this his idea of peace?

**The Assistant Minister for Home Affairs and National Heritage** (Mr. Mutiso): Mr. Deputy Speaker, Sir, when I said Kenya has enjoyed peace, I also indicated that this peace has not been without some trials. These problems which have sprung up in various parts of the country, also teach us some lessons, and give us some work on what needs to be corrected. But in totality, Kenya has enjoyed peace. Nobody can deny that, but there have been some problems.

What I would like to say is that we need, from now on, to also try, even when we criticise---, and I want to appeal to the hon. Members on the opposite side, because we say in our own language that, that piece of firewood which is in the store laughs at the one which is in fire burning without knowing that its own turn will come. The hon. Members of the Opposition now think that they have a licence to criticise the government with impunity and say all sorts of things because they are in the Opposition.

**Mr. Mulusya:** On a point of order, Mr. Deputy Speaker, Sir. I do not intend to interrupt hon. Mutiso, but what sincerity is the hon. Member exercising here while we have discussed with him, at various lengths the misdeeds of the Government which he is part of? He has said he would not want to be party to those criminal activities. Why is he not being sincere to himself and to this House? Can he be sincere to himself and speak the way we speak in Kikamba when we are together?

**The Assistant Minister for Home Affairs and National Heritage** (Mr. Mutiso): Mr. Deputy Speaker, Sir, hon. Mulusya knows very well that we have never been together in any meeting and he knows that what I am saying is not a joking matter. I am serious in my statement, and I want him to understand me and take me so. I am saying that things that we discuss here are for the benefit of us all, whether we are the in Opposition or in the Government and to the nation at large. We are supposed to be the chief elders of this nation. We are elected in the highest institution in the land so that we can come up with recommendations and proposals which will help the nation entirely. But it is not a joking matter, we must be serious people and discuss things seriously and objectively.

Because I see that my time is running out, I would like to recommend this Bill to the hon. Members of the Opposition. They should not just oppose it for the sake of opposing it. They have said all sorts of things which have warmed up their hearts, but for those hon. Members who have not spoken, I would like to urge them to support the Bill.

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

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I would like to join hon. Orengo in commending hon. Mutiso for having been forced to serve a jail term when he was actually accomplishing a decent national duty, and I hope that will be the subject of the research of this Institute.

One of the reasons why there is crime in this society is because of what I call the language of violence. This nation tolerates the language of violence, such as; "let them lie down like envelopes; let them come, we shall crush them; we have 200 youths armed to the teeth." However, much you recommend an institute to investigate in criminology, unless the very language of national discourse, is cleaned of the language of violence, crime will continue because people from their very youth, will know that the best of way of demonstrating macho in politics and in social life is through violence. Therefore, one of the things that the Attorney-General should bear in mind is: Why is it that the ethic of criminology, which is really a very complicated thing, gets routed in the national ethos? I would like to recommend to this House and say to this House very honestly that even the Head of State is guilty of this. Let us be frank. It is very serious when the language of violence comes from the top. Secondly, it is also serious when the Government itself specialises in evasion. Evading facts, evidence, truths and evidence does not help matters at all. For example, we know that there was a change at the Kenya Railways Corporations recently. A new Chief Executive was appointed there, and yet the old one still masquerades as the Chief Executive.

Mr. Deputy Speaker, Sir, how are you going to clean up the railways if the very person who presided over the commission to look into the restructuring of the railways a long time ago was appointed chief executive and the executive chairman was taken away? Now he has been removed and he is still heading the same railways and another man is there, this is another evasion. Surely, when the nation is---

**Mr. Maundu:** On a point of order, Mr. Deputy Speaker, Sir. I think, with all due respect to the hon. Prof.

Anyang'-Nyong'o, with regard to the chief executive of the Kenya Railways, a chief executive has been appointed and the old executive chairman has been replaced and he has returned to the university for teaching purposes. I do not know what other chief executive he is talking about.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, this is exactly what I am saying. I respect my former student, hon. Peter Maundu. But the point I was talking about is evasion. I was not saying he is still there, but when the facts are evaded and somebody still masquerades carrying out the same duties when they are not occupying the position--- This is what frustrates Kenyans because I have a feeling that we are going around things when we know where the problem is. I am just giving examples.

**Dr. Otieno-Kopiyo:** On a point of information, Mr. Deputy Speaker, Sir.

**Prof. Anyang'-Nyong'o:** Just hold on! I have a few points to make. Secondly, I want the Attorney-General to know that the very concept of crime in our nation--- Hon. Muite and hon. Orenge made it very clear yesterday. We really have to realise that the concept of crime in this country is wrong. In this country, the moment a policeman gets you, you are a criminal before you are taken to a court of law. The law of natural justice says that you are innocent until proven guilty. But in this country woe unto you if the so-called law enforcement agents get hold of you. Woe unto you because you are finished; be it administration policeman, City Council ascaris and what not, the moment pounce on you, you are finished.

Mr. Deputy Speaker, Sir, this is why the hon. Muite was giving the examples of the kiosks. Surely, the City Council gives a licence to trade and then somebody stands up one day, it does matter what position he occupies in society, and he says "destroy kiosks." These people go like rogue elephants destroying everything. A few days later, the owners plead and then the same person comes around and says "No, No, I did not mean that." But the crime has already been committed. The property of innocent citizens has been destroyed. The right to life and property is enshrined in the Constitution. But one man can stand and say: "To hell with the Constitution, charge" and the askaris charge, taking peoples property, destroying their rights and then the same person comes the next day and says: "I did not mean that, I only meant the Town centre." The thing has been done and nobody is prepared to correct anything. This is why we say that the concept of crime by this Government is wrong. That is one of the things that even before you do research, Mr. Attorney-General, you should just sit in the Cabinet and write a one page paper. I can help you write a one-page paper to the Cabinet, that let us get what it means to have the rule of the law; being innocent before proven guilty and what it means to apprehend the criminal. Surely, if you have been told that your kiosk is in a wrong place, the right to do is not to charge there with the askaris. The right thing to do is for somebody to hand you a piece of paper saying: Look, this kiosk is in the wrong place, if you do not remove it in five days, the following action will be taken." That is what I think, is the correct procedure in law.

**Dr. Otieno-Kopiyo:** On a point of infirmation, Mr. Deputy Speaker, Sir. I would like to inform Prof. Anyang'-Nyong'o that the Attorney-General cannot do what he is suggesting because only a few days ago he was thrown out of a Cabinet meeting for suggesting some reforms.

(Applause)

**An hon. Member:** Withdraw it!

**The Attorney-General** (Mr. Wako): On a point of order, Mr. Deputy Speaker, Sir. Is he in order to say that when this matter was raised yesterday? I take this opportunity to correct the report in *The Standard*. He said that I never responded. But I did respond yesterday by saying that I was never thrown out of the Cabinet, I am still a Member of the Cabinet.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I am grateful to the Dr. Otieno-Kopiyo, but this is why I am appealing to the Attorney-General, next time you are faced with that situation invite me, I will help you. I think, we shall be more successful in combining our efforts together.

Mr. Deputy Speaker, Sir, the other thing that I want to raise today is that one of the things about having a good criminal justice system is to realise that justice does not just exist in courts; justice also exists out of courts; where justice can be seen as fairness or as trust. I am talking about non-judicial justice; the justice according to reason and fairness. For example, one of the reasons why in civilised nations, there is trial by jury is because these nations realise that there is something called non-judicial justice, which just not lawyers are accessible to, anybody with common sense. As a former teacher of mine said; any person with a head, a belly and something else can do these things. This non-judicial justice means that the kind of things that we have been talking about here that if you have a society with gross inequalities, and where somebody is born and find that they do not have parents and where they see their age mates going to school and they are not going to schools, where they wake up and see aeroplanes flying and they will never hope of climbing those aeroplanes--- That kind of person will be tempted to have access to these niceties of life in other ways. If you have laws which say that, if you are found in a city without an identity card, you are a

vagrant and you will be arrested--- Maybe, according to law, if you are charged in a court of law, you may be imprisoned or fined justly, that is according to law. But that is judicial justice. There is that justice which exists at the realm of being a citizen.

There is another thing that is not clear in this country. In the Constitution, Mr. Attorney-General, the principle of being a citizen of the Republic of Kenya endows a Kenyan with certain rights. It endows a Kenyan to have a right to exist as a human being. That is what the Bill of Rights is all about. But when you look at so many Kenyans living below poverty line, 51 per cent of them, to what extent are they going to enjoy their rights according to the Constitution? Because the people who wrote this Constitution were serious. They said that there must be something common upon us as Kenyans, we must at least, all of us reach a certain level for being human beings. Whereas there are certain people in this country of ours who cannot exist as human beings, to what extent are you justified to charge them in a court of law because they have committed a crime? First and foremost, society has denied them the very right of being a human being. Then what right do you have to take them to a court of law and charge them like other human beings because they are not? They have been denied access to do things in the Constitution which should qualify them as equal citizens of the Republic of Kenya before the law. Yet, because they have been denied those conditions they cannot be equal citizens before the law. If you are thinking of setting up an institution like this, you should think about facts. Let me digress a little. I do not think it good management to create a bureaucracy before you create work. Good management says that, create the work first then the bureaucracy follows and then it becomes cost-effective.

We already have departments of law, faculties of law and Kenya School Law where the bureaucracies exists. Take the work there, let them begin the research and if you find there is too much work being run by those bureaucracies, then you can create another bureaucracy. But I have not seen your Memorandum of Objects and Reasons, for establishing this, whether you think that the bureaucracies which already exist cannot perform the kind of research that should be performed here. You are trying to create a rationale for a bureaucracy when you have not justified that the work being done in those places is too much for those bureaucracies if already they exist. This is the problem with this Government; there is too much bloated bureaucracy, too many desks and chairs being filled by too many bodies which are doing nothing.

Just the other day, I went to Tom Mboya Street, where people pay telephone accounts. You can understand why Kenya Posts and Telecommunications is so inefficient. You have too many people---

#### ADJOURNMENT

**Mr. Deputy Speaker:** Order! It is now time for the interruption of Business. Hon. Members, the House is, therefore, adjourned until tomorrow, 12th, June, 1997, at 2.30 p.m.

The House adjourned at 6.30 p.m.