

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 12th November, 1996

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 264

FUNDING OF SECOND GENERATION ID CARDS

Mr. Gatabaki asked the Minister of State, Office of the President, how the Ministry will finance the Kshs1.5 billion, set aside for the funding of the second generation identity cards, since the project was allocated only Kshs10 million, according to the development expenditure estimates for the 1995/96 fiscal year.

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

The Office of the President will finance the second generation identity cards project through Government resources. The Government has allocated a total of Kshs1.4 billion in the 1995/96 and Kshs1,132,376,780.00 in the 1996/97 Budget and the amount is reflected in the Printed Estimates of 1995/96 and 1996/97.

Mr. Gatabaki: Mr. Speaker, Sir, I thank the Assistant Minister for the brief answer. The whole issue of identity cards affects this nation. None other than President Moi has contradicted his apparently independent Chairman of the Electoral Commission on the issue of the identity cards. This Government is talking about Kshs1.4 billion to be spent on identity cards. The international community is concerned about the identity cards, the presidential jet and the Eldoret airport, as projects which are spending enormous amounts of public funds without appropriation by Parliament.

Mr. Speaker: Can you put your question?

Mr. Gatabaki: Mr. Speaker, Sir, on what basis is the KANU Government spending Kshs1.4 billion for ten million cards? Is one card costing Kshs1,000? We know very well that those cards cannot cost more than Kshs50. Can the Assistant Minister tell this House how this Government arrived at the figure of Kshs1.4 billion---

Mr. Speaker: Order! You are just repeating yourself. Proceed, hon. Awori.

Mr. Awori: Mr. Speaker, Sir, the Government arrived at that figure, having taken into consideration all that is required in producing a document that, in terms of security, is safe. This takes money, equipment and personnel. The figure is very well justified. Secondly, it is not 10 million registration cards as the hon. Member has mentioned, but this figure is in the region of 14 million cards.

Mr. Nthenge: Mr. Speaker, Sir, arising from the Assistant Minister's answer, is the administration of the exercise not being done by civil servants?

Mr. Awori: Mr. Speaker, Sir, I am afraid I did not follow the question asked by hon. Nthenge.

Mr. Nthenge: Mr. Speaker, Sir, the Assistant Minister said that personnel and everything was taken into consideration. What I am asking is: Are the people administering the exercise not civil servants?

Mr. Awori: Mr. Speaker, Sir, the officers who are responsible are civil servants. But in all fields, we have had to take in new people, in order to speed up the exercise.

Mr. Orenge: Mr. Speaker, Sir, if I heard the Assistant Minister correctly, the targeted number of persons who will be registered or issued with the new generation identity cards is 14 million. Right now, hardly 4 million have applied for these identity cards.

Now that the Chairman of the Electoral Commission of Kenya is in a hurry to start the process of registering voters, when does the Assistant Minister foresee this exercise of registering persons being completed, not in the sense of registering everybody, but a good bench mark, so that the process of registration of voters is free

and fair?

Mr. Awori: Mr. Speaker, Sir, let me, perhaps, correct an impression I may have given. I have said that the cost of the equipment, papers and personnel can go up to 14 million registrations. I did not say that is the target. So far as the Electoral Commission is concerned, I am not so sure whether they have given the date when the registration of voters will start. As to the question of the progress, it was reported here, in a reply to a Question, that up to last week, over 5 million registration of second generation identity cards---

Mr. Orengo: Those were applications!

Mr. Awori: Yes, but that was last week. As of now, I think up to about 5 million people have had their second generation identity cards.

Mr. Mwaura: Mr. Speaker, Sir, the Assistant Minister has told the House how much money has been allocated for this exercise. Knowing that this progress is very slow to the extent that we may not even register 10 million people, what will happen to about Kshs2 billion which will have been allocated to this exercise, if we do not register 10 million people? What will happen to this money?

Mr. Awori: Mr. Speaker, Sir, this is not an exercise starting on one date and ending on another date. Giving second generation identity cards is an on-going exercise. Therefore, it is in two phases. We have finished phase one, and we are now going on to phase two.

Mr. Gatabaki: Mr. Speaker, Sir, can the Assistant Minister deny the fact that the KANU Government has already given the contract of Kshs1.4 billion for these cards, knowing very well that it will not spend more than that? It will spend only Kshs1 million. The rest is going to be spent as campaign funding for KANU.

Mr. Awori: Mr. Speaker, Sir, I strongly deny that.

Mr. Speaker: Next Question, Mr. John Busolo.

Question No. 770

PROGRAMME FOR SUGAR-CANE FARMERS

Mr. Busolo asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) what plans he has to incorporate sugar-cane farmers in Webuye in a programme to discuss the future development of Nzoia Sugar Company; and,
- (b) if he could consider convening an urgent meeting with the sugar-cane farmers to expedite such discussions.

Mr. Speaker: Is there anybody from the Ministry of Agriculture, Livestock Development and Marketing? We will leave that Question for some time.

Next Question, Rev. Ommani.

Question No. 398

TRANSPORT FOR EDUCATION OFFICERS

Rev. Ommani asked the Minister for Education, what action he is taking to ensure that the field education officers in Lurambi Constituency are provided with vehicles since their work has been impeded due to lack of transport.

The Assistant Minister for Education (Mrs. Ndeti): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, Kakamega District in which Lurambi Constituency is situated has seven constituencies and it is not possible for each constituency to have a vehicle as the District has only three vehicles which are in good condition.

Mr. Speaker, Sir, my Ministry has instructed all DEO's to utilize the available transport equitably so that all constituencies are served in turns. In the meantime, my Ministry is doing its best to acquire more vehicles to be assigned to field officers in the whole country, subject to availability of funds.

Rev. Ommani: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, the standard of education in Kakamega District has gone down drastically, partially because the field education officers are not able to give the courses needed for the teachers, and they do not even inspect the schools because they are in rural areas. Would the Assistant Minister consider giving even motorcycles, or bicycles as during the colonial times when the supervisors were given bicycles and motorcycles, and the education standards were good?

Mrs. Ndeti: Mr. Speaker, Sir, the Ministry has instructed all Ministry of Education officials in the

field to use any transport means available to them, and if necessary, they can also use bicycles and motorcycles. But so far, the Ministry is not in a position to purchase these facilities, but the officials can hire, if they have the money to hire and go to inspect the schools.

Mr. Icharia: Mr. Speaker, Sir, is the Assistant Minister aware that field officers are completely unable to get to schools and inspect them? For example, Kiambu District, where inspectors of schools are expected to walk several miles to schools to inspect them. Is the Assistant Minister aware that there is no transport available and that the inspectors of schools have to walk to schools, which makes their work difficult?

Mrs. Ndeti: Mr. Speaker, Sir, I am not aware that education officers in Kiambu District are walking such long distances.

Mr. Speaker: Next Question, Mr. George Anyona.

Question No. 483

CLOSURE OF PARASTATAL

Mr. Anyona asked the Minister for Finance:-

- (a) if he is aware that the Kenya Engineering Industries Limited, which is a parastatal, has closed down since 8th April, 1994;
- (b) what circumstances led to the closure of this parastatal; and,
- (c) what the fate of the 500 employees of the company who were sent away due to the closure is.

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

- (a) Yes, I am aware that Kenya Engineering Industries was closed down on the 8th of April, 1994.
- (b) The parastatal was closed down because it was insolvent.
- (c) As is the case with all receiverships, the receiver/manager pays the workers what is due to them under the law, but their continued employment in the firm depends on the new owner. In this case, as the firm was sold to a new owner, I am not in a position to say how many of those old employees were absorbed by the new owner.

Mr. Anyona: Mr. Speaker, Sir, is the Assistant Minister, because his answer to part "b" is definitely misleading aware, that before the closure of this company, the employees of Kenya Engineering Industries wrote a series of letters to the Managing Director, Chairman, Minister for Labour and Manpower Development and His Excellency the President, pointing out three sources of problems in that company, corruption, mismanagement and tribalism, to the extent that the company even employed a criminal in a very senior position? Is he aware of that, and if he is aware, why was action not taken about those letters which I would be tabling before the House?

Mr. Keah: Mr. Speaker, Sir, I have not been privy to those letters and, therefore, I am not aware.

Mr. Anyona: Mr. Speaker, Sir, maybe I should table the letters so that he is aware before I raise my next question.

(Mr. Anyona laid the letters on the Table)

Mr. Keah: Mr. Speaker, Sir, I will look into those letters and make appropriate comments after studying the letters.

Mr. Speaker: Next Nyagah's Question. Is Mr. Norman Nyagah not in? Then we will leave that Question for some time.

Question No. 863

ALLOCATION OF PLOTS IN EMBU MUNICIPALITY

Next Question, Mr. Henry Obwocha.

Question No. 714

Mr. Obwocha asked the Minister for Public Works and Housing, when Mr. Samuel Nyakundi, P/No.617189, who was transferred from Kilifi to Kericho with effect from 1st October, 1990,

will be paid his salary.

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

Mr. Samuel O. Nyakundi, P/No.617189 has been paid his salary amounting to Kshs71,030 vide cheque Nos.003526 and 003527 both dated 24th July, 1995.

Mr. Obwocha: Mr. Speaker, Sir, this is a common feature in the Civil Service. While I wish to thank the Assistant Minister for that answer, it has taken exactly five years from 1990 to pay this employee on 24th July, 1995. I wish to express my disgust that employees in the Civil Service must take this long to get their salaries. Can the Assistant Minister confirm and assure this House, that Mr. Samuel O. Nyakundi is not going to be transferred from Kericho again?

Mr. Kiluta: Mr. Speaker, Sir, transfers go with employment and promotions. Therefore, if he gets promoted and there is no establishment for him in Kericho District, he could easily be transferred. But in the meanwhile, he is stationed at Kericho.

Mr. Speaker: Very Well. Next Question, Mr. Munyasia.

Question No. 847

GRAVELLING OF CHEBUKAKA-KAPSAMBO ROAD

Mr. Busolo, on behalf of **Mr. Munyasia,** asked the Minister for Public Works and Housing, when he will gravel Chebukaka-Lukhome-Kapsambo Road (E317) in Central Division of Sirisia Constituency.

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

The Ministry commenced grading Chebukaka-Lukhome-Kapsomba Road on 7th September, 1996. However, after grading seven kilometres, the work was stopped on 12th September, 1996, due to the on-going rains. The grading work on the remaining 6.7 kilometres will be resumed as soon as the rains subside. My Ministry has set aside a total of Kshs40,000 to complete this work this financial year.

The road in question has not been prioritized and ranked by the local DDC for gravelling and the Ministry has got no immediate plans to gravel the road.

Mr. Busolo: Mr. Speaker, Sir, they wait for the rains or when the rains are about to start then they begin gravelling roads and when we ask questions they come around to tell us that you know the road could not be gravelled because the rain season has started. The Ministry is very much aware of the existence of the Meteorological Department, why does he not link up with them?

Mr. Kiluta: Mr. Speaker, Sir, I think the issue here is not the rains, but it is when funds are available.

Mr. Sifuna: Mr. Speaker, Sir, arising from that reply by the Assistant Minister, he has just informed this House that they have set aside Kshs40,000 and they will work on that road when rain has stopped. It is now over three weeks since the rain stopped and even I passed on that road there is no rain. Can the Assistant Minister direct his officers to start working on that road?

Mr. Kiluta: Mr. Speaker, Sir, when we are satisfied that the rains have subsided then work will commence.

Dr. Kituyi: Mr. Speaker, Sir, in his second reply to the first supplementary question, the Assistant Minister said the issue here is not the rain, but it is when funds are available. In the third reply, he is talking of when the rains stop. Could he tell the House which is the issue? Is it the rains or the funds?

Mr. Kiluta: Mr. Speaker, Sir, I said we got the funds which coincided with rains and so we had the problem with the rains and not funds.

Mr. Speaker: Very well, next Question.

Question No. 965

RECONSTRUCTION OF NDUNDA BRIDGE

Mr. P.N. Ndwiga asked the Minister for Public Works and Housing what urgent arrangements the Ministry has to reconstruct Ndunda Bridge along Embu-Kibugu Road which has claimed a lot of lives.

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

The Ministry will reinstate guardrails on the approaches to the bridge, repair damaged guardrails on the

bridge, reinstate safety warning signs and install speed control bumps on the approach roads at a cost of Kshs100,000. The bridge is structurally stable and the activities to be undertaken are expected to enhance safety. The funds will be provided this financial year and thereafter exercise will take two months to complete.

Mr. P.N. Ndwiga: Mr. Speaker, Sir, I think we have the problem of language here. The Question was: What urgent arrangements does the Minister have to reconstruct Ndunda Bridge along Embu-Kibugu Road which has claimed a lot of lives? This road has claimed exactly 516 lives since Independence. The issue here is not guardrails, but the way the bridge was constructed. It was constructed at a corner, the approach to the bridge is steep. There is no way short of reconstructing new bridge--- We can have 50 safety measures, guardrails and so on and will not help.

Mr. Kiluta: Mr. Speaker, Sir, guardrails and road signs are part of the safety measures we undertake. These have been vandalised by the local community. I said the work is already completed, but plans to construct a new bridge are underway and a new bridge will cost us Kshs3.5 million. The design work is in the progress and as soon as this is done and we have funds a new bridge would be done.

But meanwhile, I will request the hon. Member to instruct his people not to vandalise the road signs and guardrails.

Mr. Mbui: Mr. Speaker, Sir, the bridge is not the property of Embu people, but it is a property of Kenyans. And over 500 lives have been lost on that particular bridge. Is the Ministry prepared to pay compensation to relatives of those who have lost lives because of that poor construction of the bridge?

Mr. Kiluta: Mr. Speaker, Sir, I said if the local community did not vandalise the road signs probably we would have saved the few deaths.

Mr. P.N. Ndwiga: On a point of order, Mr. Speaker, Sir. I take exception to that insinuation. My people do not vandalise things. The way the bridge is constructed---

Mr. Speaker: Order! Order! I suppose hon. Members must learn to rise on a point of order because there is breach of order, not because you do not like what is being said.

Mr. P.N. Ndwiga: Mr. Speaker, Sir, is the Assistant Minister in order to insinuate that my people vandalised guardrails? I have already said that and it is very clear.

Mr. Speaker: You can now sit down you are not on a point of order. Next Question, Dr. Otieno-Kopiyo.

Question No.782

PRICE OF HOMA BAY TOURIST HOTEL

Mr. Speaker: Is Dr. Otieno-Kopiyo not here? We will leave his Question until the end. Let us move on to the next Question.

Question No.939

PAYMENT OF GRATUITY TO WIDOW

Mr. Speaker: Is Mr. Mulusya not here? We will leave his Question until the end. We will begin all over again, for the second time, Mr. Busolo's Question.

Question No.770

PROGRAMME FOR SUGAR-CANE FARMERS

Mr. Busolo asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) what plans does he have to incorporate sugar-cane farmers in Webuye in a programme to discuss the future development of Nzoia Sugar Company; and
- (b) if he could consider convening an urgent meeting with the sugar-cane farmers to expedite such discussions.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): Mr. Speaker, Sir, I beg to reply.

- (a) Matters dealing with the future development of sugar-cane within the Webuye constituency are the

responsibility of the Sugar Nzoia Out-growers Company in close consultation with Nzoia Sugar Company Limited. The Board of farmers company consists of chosen by represent sugar growers inclusive of those in Webuye constituency. The Government has also appointed the Chairman of Nzoia Out-growers Company on the Board of Nzoia Sugar Company to present the farmers interests within Nzoia Sugar Company. Therefore, the farmers' interests are well catered for within Nzoia Sugar Company.

(b) There is no need for an urgent meeting with the sugar-cane farmers since such meetings and discussions between Nzoia Sugar Company and sugar-cane farmers Nzoia are a continuous process through their companies out-growers association.

My Ministry is always available for consultation and if when required we will attend any meetings if any of its partner is in sugar production.

Mr. Busolo: Mr. Speaker, Sir, arising from that answer, could the Assistant Minister explain how this company that is supposedly representing farmers bought a piece of swamp from Mr. Elijah Mwangale for Kshs7 million? In the interim report ending 31st May, 1996, there is a lot of malpractices taking place in that company both at the financial level and the level at which District Commissioner is getting molasses from that factory without permit. Could the Assistant Minister undertake to intervene at Ministerial level since those NOCO Board and the management of Nzoia have failed to run that company as demonstrated by this interim report which I will table here.

(Mr. Busolo laid the document on the Table)

Mr. Maundu: Mr. Speaker, Sir, I have not seen the interim report that the hon. colleague is talking about. But the question that he is raising now seems not to have any particular bearing with the initial Question because as I have stated the Out-growers Company and Nzoia Sugar Company are in close contact and they are working together for the benefit of farmers in Nzoia and there has not been any serious outcry from the farmers within that area.

Dr. Kituyi: On point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to pretend that there is no relationship between a claim he has made in his official reply that the out-growers association represents the interests of farmers and a statement by hon. Member of Parliament that the out-growers association board has bought a stretch of swamp from Elijah Mwangale at a price of Kshs7 million as evidence that that association does not represent the interests of farmers? Can he claim that there is no relationship between that statement and his reply?

Mr. Maundu: Mr. Speaker, Sir, if my learned friend cares to relate that question with this one, he can see that there is no relationship at all because the question is: What plans does the Ministry have to incorporate sugar farmers in Webuye in a programme to discuss the future development of Nzoia Sugar Company? What does a sum of Kshs700 million got to do with the Nzoia Sugar Company?

Mr. Sifuna: Mr. Speaker, Sir, arising from the Assistant Minister's reply, is he aware that it is a well known fact that there is a lot of mismanagement in Nzoia Sugar Company and that is why the sugar-cane farmers are not paid on time and even the Chairman of NOC is in collaboration with the management of Nzoia Sugar Company to deny the sugar-cane farmers their dues? Could he make sure that, at least, there is a clear cut way in Nzoia management as regards the issue of representing the sugar-cane farmers in Bungoma District as a whole?

Mr. Maundu: Mr. Speaker, Sir, I do not know whether I have completely complied with his Question, but if he wants a situation where Nzoia Sugar Company has nothing to do with the farmers organisation, I think it is going to cause more harm than good to the farmers, in my own view.

Mr. Busolo: Mr. Speaker, Sir, further, in this interim report, the Messrs. Gulanat Trading Company rent Nzoia Sugar Company Kshs32 million with an interest of Kshs4.2 million. This is the kind of thing that I am raising to demand a Ministerial intervention in the affairs of Nzoia. Could the Assistant Minister undertake to study this interim report on how somebody or a company linked with KANU headquarters is accruing a profit of Kshs4.2 million within a month and then brings a better answer to this House?

Mr. Maundu: Mr. Speaker, Sir, I am not aware of this interim report and I do not know who prepared it and for whose consumption, but in any event, we would look into the matter and be able to take the right decision.

Mr. P.N. Ndwigwa: Mr. Speaker, Sir, Mr. Nyagah has requested that his Question be deferred until next week. Due to unavoidable circumstances, he is unable to ask the Question today. Thank you, Mr. Speaker, Sir.

Mr. Speaker: Anyway, I will defer it, but I know what you are asking for. Question deferred.

Question No.863

ALLOCATION OF PLOTS IN EMBU MUNICIPALITY

(Question deferred)

Mr. Speaker: Next Question for the second time, Dr. Otieno-Kopiyo still not in? Question dropped.

Question No.782

PRICE OF HOMA BAY TOURIST HOTEL

(Question dropped)

Mr. Speaker: For the second time, Mr. Joseph Mulusya's Question? Question dropped.

Question No.939

PAYMENT OF GRATUITY TO WIDOW

*(Question dropped)***QUESTIONS BY PRIVATE NOTICE**

HARASSMENT OF COMMUNITY BY CHIEF

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

(a) Is the Minister aware that on 25th October, 1996, the Chief of Nairimirimo Location of Wamba Division, took by force, while in company of Administration Policemen, a goat belonging to Mr. Michael Lkimerin Leleshore and ate it without the owners consent?

(b) What action is the Minister taking on the Chief after the report was made to Wamba Police Station vide OB 8/3/10/96?

(c) Could the Minister tell this House where the chief has derived the extra powers from of harassing a certain section of the community with impunity?

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

(a) I am aware of the allegation of harassment and theft made against the Chief of Nairimirimo Location by Michael Leleshore.

(b) After the report was made, the police launched investigations vide inquiry No.2/96 and have so far established that the allegations are false, malicious and were meant to tarnish the name of the Chief.

(c) I am not aware of any incident where the Chief has harassed any section of the community as alleged.

Mr. Leshore: Mr. Speaker, Sir, the Assistant Minister is saying that the allegations were false, malicious and were meant to tarnish the name of the Chief. The truth is that the entire security system from the Minister in-charge of Internal Security and the Commissioner of Police, the District Security Committee in Samburu plus the Chief are in conspiracy to harass and pester my people because since August there have been are five or six incidents whereby my people have been harassed. My own father who is 75 years old was arrested and interrogated for three days by the same District Security Committee under the direction of Mr. Kalweo. Could the Assistant Minister now tell us who investigated that incident vide the inquiry file NO.2/96? I would like to know how many people have recorded statements in that file.

Mr. Awori: Mr. Speaker, Sir, I have not got the names of the police officers who investigated the incident. I do not really believe it was necessary to bring in the names of the police officers.

Mr. Ndicho: Mr. Speaker, Sir, the Assistant Minister is the one who is making the chief notorious because of protecting him in this House. Can the Assistant Minister tell us what is in record in the OB at Samburu Police Station, vide the inquiry file No 8/30/10/96? What is contained in that file? When this Chief

hears what he is telling us now, he is going to eat several goats because the Assistant Minister is going to protect him here.

Mr. Awori: Mr. Speaker, Sir, I am here just to give facts knowing that in democracy a person is innocent until proved guilty. We are appearing to be the prosecutors and judges in this House. It is not our duty.

What is in OB is very simple that the information reached this Chief that there was suspicion that some of the cattle that had been rustled from Meru were in the home of one Michael Leleshore. They went to investigate in that home and all they were met with was hostility and, of course, no cattle rustled from Meru was found in that home and the matter ended there and then.

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. It is explicitly clear as to what is in the OB because he has just given us a story of people who visited the man's home and were met with some hostility. That is exactly what is in the OB because in the OB it is reported very clearly, A, B, C, D, this and that.

Mr. Awori: Mr. Speaker, Sir, the OB states that cattle rustled from the Meru were in the home of one Mr. Michael Leleshore. When the Chief arrived at the home, it was found that such cattle were not in there. It was then decided that other inquiries have got to be made on whether the cattle had been in and had been moved elsewhere or not. That is where the matter lies. As regards the goat, which is supposed to have been taken and eaten, we have no such information at all.

Mr. Kamuyu: Mr. Speaker, Sir, can the Assistant Minister tell this House and, indeed, the nation whether the nomadic tribes of North Eastern Kenya are exempted from laws governing stock theft? There has been a lot of incidents involving stealing, slaughtering and eating and yet they are taken so lightly. Are they given some special consideration under our laws governing the Anti-stock Theft Unit, or what is happening? Why should this person steal the goat, eat it and nothing happens? There are many other people who continue doing the same thing in that region.

Mr. Awori: Mr. Speaker, Sir, it is only an allegation. It has not been proved and we have not found any evidence that this Chief did take the goat and ate it. I do not know whether he ate it before slaughtering it or not.

MURDER OF MR. KIOKO MUSYOKI

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

(a) Is the Minister aware that Mr. Josphat Kioko Musyoki, a former employee of the Ministry of Environment and Natural Resources, Mines and Geology Department, was murdered in the early hours of June 9th 1996, at Sakwa Bar in Tena Estate, Embakasi?

(b) Is he further aware that on 13th June, 1996, his younger brother, Mr. Nthenge, reported at Buruburu Police Station that his brother was missing from his house at Huruma Estate since 8th June, 1996, and that his body has never been found?

(c) Why has it taken the police so long to apprehend the assassin(s) of this civil servant?

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

(a) No, I am not aware.

(b) Yes, I am indeed aware.

(c) Following a missing person's report made at Buruburu Police Station by one Mr. Musyoki's brother, Buruburu Inquiry File Number 4/96 was opened and has been forwarded to the Attorney-General for advice.

Mr. Ruhii: Mr. Speaker, Sir, it is a pity that the answer is very misleading. You agree with me that here is a life of a Kenyan which was lost in the hands of thugs and especially one of the thugs happened to be an army captain who assassinated a civil servant.

Mr. Speaker: Order! Mr. Ruhii, do you know what you are saying? A very serious thing!

Mr. Ruhii: Yes, I am saying that ---

Mr. Speaker: Order! Order! I have warned this House that the Floor of this House is not going to be used on matters that are going to damage the characters of others who cannot have legal recourse. Ask your question. If you have that evidence, go to the police.

Mr. Ruhii: Mr. Speaker, Sir, I have got documents to Table.

Mr. Speaker: Order! Order! This is not going to be a court to charge the guilt or innocence of people. Parliament is for making laws. As to the adjudication of who is guilty and who is innocent, that is the business of courts. I will not allow Members to ruin the names of others here. If you think you have a case, go to court. Put your question please.

Mr. Ruhiu: Mr. Speaker, Sir, but Parliament is supreme to courts.

(Loud Applause)

Mr. Speaker: Order! Order! Parliament is supreme but no individual Member is supreme. You have to follow the rules made by this House. Yes, Parliament is supreme but individual Members are not. They are subject to the rules and the Constitution of this country and also subject to the Standing Orders. So, what I am saying is this: You can put all the Questions to the Assistant Minister to answer you as to whether or not he knows about the death of this person. You can also ask him what steps he is taking. But quite frankly, to pretend to say that we can judge the guilt or the innocence of a person here, that is not our job. Put your question!

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

Mr. Ruhiu: Mr. Speaker, Sir, I wish to ask the Assistant Minister if he is aware, or not aware, that after Mr. Musyoki was murdered in the early hours of 9th June, 1996 by three people and one of them was arrested by the officers of BuruBuru Police Station and he is an army captain? Four other suspects have now written to me here giving their names saying that they witnessed Josphat Kioko Musyoki being assassinated in the early hours of the morning. Is he aware that they were arrested by Buruburu Police Station officers and interrogated and after three days they were released on orders from "above?"

(Loud Applause)

Mr. Awori: Mr. Speaker, Sir, indeed I am aware that in the early hours of the morning of the 9th June, the said person was drinking or was seen drinking in the company of the others. When the brother reported the disappearance of his brother, the very people with whom he was drinking were indeed arrested. Investigations were carried out and it was discovered that these people had nothing to do with his disappearance and they were released not because there were any instructions from anywhere except that there was no reason or cause for them to continually remain in police custody.

Mr. Mulusya: Mr. Speaker, Sir, could the Assistant Minister stop hiding the truth from the public because the public knows that there has been interference in the investigations by those powers that are very, very high? What action has he taken to make sure that an inquest is started and how soon will there be a public inquest to be able to establish how this person died and even where his body is?

Mr. Awori: Mr. Speaker, Sir, until a body has been found, we cannot be talking of murder or death. No body has been found upto now and inquiries are continuing to find out what happened to this particular person.

Mr. Ruhiu: Mr. Speaker, Sir, could the Assistant Minister deny that Mr. Musyoki's body was secretly disposed of by the assassins in the early hours of the morning that day and the assassins came back and were celebrating his death? A taxi was hired to transport the body to an unknown destination for disposal.

Mr. Awori: Mr. Speaker, Sir, that statement has absolutely no foundation and it can only be made in this House where the person is protected and privileged.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. Is it in order to request hon. Ruhiu to lay on the Table the document he has which he says implicates these people and indicates how the body was disposed off in order to assist the hon. Assistant Minister to carry out further investigations?

Mr. Awori: Mr. Speaker, Sir, surely the hon. Member knows what is the next step. If he has got that document, he should have laid it on the Table. I will take the document and take up the matters from there.

Mr. Ruhiu: Mr. Speaker, Sir, I will give them to the police for further investigations and I will also give them to Mr. Kamuyu to Table them for me.

Mr. Kamuyu: You can give them to Mr. Icharia to lay on the Table.

Mr. Speaker: Order! Order, Members! You cannot delegate your duty to another Member. If for some reason, Mr. Ruhiu cannot do that himself, he can say "I Table it". We will get officers to assist him.

(Mr. Icharia stood up in his place holding the document)

Mr. Speaker: Order! Mr. Icharia just stay put. There will be a system in which that document will reach the Table.

Mr. Kamuyu: Mr. Speaker, Sir, in his response to part "b" of the Question, the Assistant Minister concedes that, indeed, this crime was reported to the police station. Now, since the last four months there has been

no investigations concluded. Is this not a continuation of the pattern that exists in Kiambu District where the daughter of ex-M.P. Njenga Karume was attacked and badly injured? Recently, in Rironi, in fact, two days ago, there were people there who were badly beaten and again very badly injured. The pattern that police seem to adapt is that they are no longer interested in carrying out investigations. What is the Assistant Minister's comment as regards the co-relationship between this inquest in Embakasi where the police have completely failed to investigate and the crimes that are being committed in Kiambu District today? There is total cover-up!

Mr. Awori: We will separate the two issues, but both touch on the allegations regarding what is happening in Kiambu District. So far as this particular issue is concerned, my officers have continued to conduct investigations. They will continue conducting them for at least seven years before they can presume the person to be dead.

EXPLOITATION OF SUGAR-CANE FARMERS

Mr. Aluoch: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and Marketing the following Question by Private Notice.

(a) Is the Minister aware that for the last five years the sugar-cane farmers have been paid at the rate of Kshs1,553 per tonne of raw cane?

(b) Is he further aware that this rate was fixed when the factories were selling sugar at the rate of Kshs29,000 per tonne, but they are now selling the same at Kshs37,000 per tonne, an increase of 27.58 per cent?

(c) Is the Minister also aware that farmers' inputs, i.e. fertilizers, fuel, oils, etc, have correspondingly increased in prices and the farmer has not been compensated?

(d) If the answers to (a), (b) and (c) above are in the affirmative, what urgent measures is the Minister taking to correct this exploitation of the farmers by the sugar factories, a situation that may lead to uprooting of sugar-cane from the farms?

(Mr. Maundu did not rise to answer the Question)

Mr. Speaker: Mr. Maundu, are you with us?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): Mr. Speaker, Sir, the reason why I did not rise to answer this Question is because I am not aware of it. It has not been brought to my notice and I thought that any of my other colleagues had taken it up. However, I sincerely apologise to the House. I will look into it and possibly report back to the House.

Mr. Ojode: On a point of order, Mr. Speaker, Sir. We already have the written answer. Is it possible for us to give it to the Assistant Minister to read out for us?

Mr. Speaker: I suppose that hon. Aluoch Polo is quite serious with this Question. I suppose that he does not want to have it as a ritual: He wants to get a redress. Consequently, I believe that the best thing for me to do for him is to defer the Question to tomorrow afternoon, so that it can be properly answered.

(Question deferred)

REGISTRATION OF NEW SOCIETIES

Mr. Wamae: Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice.

(a) Is the Minister aware that the Commissioner of Co-operative Development placed Mathira Farmers Co-operative Society under liquidation and created 13 new societies on 6.10.96?

(b) Is he further aware that as a result of the above action, the Co-operative Bank of Kenya confiscated over Kshs60 million from the farmers' proceeds on account of outstanding loans and consequently the 22,000 farmers are not receiving cash payment for their crops?

(c) What will the Minister do to expedite the registration of the new societies to assist them (new societies) to borrow funds for payment of school fees in January, 1997?

Mr. Speaker: Is there anybody here from the Ministry of Co-operative Development? I am afraid that there is nobody here to respond to the Question, and so we will defer it to tomorrow afternoon as well.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. Can this Question be deferred to Thursday?

Mr. Speaker: Yes, it is deferred to Thursday. Next Order!

(Question deferred)

PERSONAL STATEMENT

REBUTTAL OF ALLEGATIONS

The Attorney-General (Mr. Wako): On a point of order, Mr. Speaker, Sir. I beg to make a personal statement under Standing Order No.69. On Thursday, 7.11.96 during Question Time allegations were made that I had been hosted or was a guest of M/s Infor Radar Ltd in London on 3.10.96, and that official negotiations with the said company and involving me had gone on. On 1.10.96 I was not in London but was in this House answering Question No.119, which had been asked by hon. Murungi on the issue of violence during elections. My answer was captured by the headlines of most daily newspapers in their issues of 2.10.96. On 3.10.96 I was in Nairobi and was not in London. In the whole morning I attended a meeting of the committee which is examining the Omamo Report on Local Government at the Safari Park Hotel. I had lunch at Utalii College, where I exchanged greetings with hon. Kirwa and hon. Wawire. If they are here they will be my witnesses. After lunch I came to this august House and both the Order Paper and the HANSARD of that day will show that I answered Question No.655 that had been asked by hon. Mulusya. My answer was also reported in the daily newspapers in their issues of 4.10.96. Thereafter, I proceeded to my office where I held a lengthy meeting with British Members of Parliament who were visiting Kenya. I want to state categorically that I have never been hosted, nor been a guest of, nor even visited the premises of Infor Radar Limited either on 1.10.96 or on 3.10.96 or during the month of October, 1996 as alleged, or at any other time during my sojourn on this planet.

Let me also state that my office has not been involved in any negotiations with Infor Radar Ltd. The Minister for Transport and Communications has issued a statement on this matter. What is happening currently is that the Ministry has received many proposals, including one from Infor Radar Ltd, and it is in the process of reviewing all the proposals to see which ones will be suitable to our needs and circumstances. I can assure this House with confidence that there has not been any deal or agreement between the Government and Infor Radar Ltd. Indeed, it is my considered opinion that the Government cannot at this stage enter into an agreement with Infor Radar, or any other company producing or selling computer-based technology for traffic enforcement and management, without first amending the traffic laws. Our traffic laws will have to be amended first before any such agreement can be entered into. The amendment of those traffic laws will have to be debated in this august House.

Indeed, Mr. Speaker, Sir, the Attorneys-General of Kenya, Uganda and Tanzania on 25.9.96 in Kampala, Uganda, among other recommendations, recommended to their Governments the introduction of harmonised computer-based traffic law enforcement system, including speed recording or monitoring devices. There are many computer-based technologies for the management of traffic control and monitoring of infringement of traffic laws, all of which must be assessed in terms of effectiveness. As the law has to be amended, it is necessary for my office to also familiarise itself with all these technologies, hence the visit to M/s Serco Ltd. to see how the speed cameras, radars and transit software operate in the management of traffic control and infringements. I would be remiss in my duty if I or my officers did not visit all other companies which offer various types of computer based technologies in this area, to get the necessary first hand information to enable my office to draft an appropriate law from the point of view of knowledge rather than ignorance.

BILLS

Second Reading

THE FINANCE BILL

(The Assistant Minister for Finance (Mr. Keah) on 5.11.96)

(Resumption of debate interrupted on 7.11.96)

Mr. Speaker: Mr. Ogeka, you were on the Floor when the house rose on Thursday. Would you like to continue?

Mr. Ogeka: I will continue Mr. Speaker, Sir.

Further to my last week's contribution to this very important Bill, I wish to continue on the subject of looking for alternative revenue centres. The most abundant revenue centre that I had touched on last week is the lake. In this particular instance, Lake Victoria is a natural resource. The availability of the lake resources would provide part of a very substantial revenue centres if effectively explored.

First and foremost, like the wildlife, we have the fish which have an ecological situation within the lake under which they reproduce. The end result is that from the fishermen's work, the populace of this country have a substantial dish to feed on. A World Bank research had explored that from the lake, we have an annual revenue of approximately Kshs2 million generated. This is a wonderful blessing. I put it as a challenge to our Government, particularly the Treasury that we may not be satisfied with the already laid down ways of collecting revenue, but to be able to explore other alternatives and develop them to be able to generate an income; the lake requires environmental protection. Currently, environmental protection is a deal that would ensure that all the waters pouring into Lake Victoria are void of pollutants. It is, therefore, very important that when we generate an income from the lake, it is important to re-invest in the lake and as such, establish a strong environmental team to ascertain that the condition of the lake remains undisturbed with regard to providing livelihood for the fishing industry.

The second most important thing is that of late, we are talking about the hyacinth in Lake Victoria. This has been a menace both to humanity, in terms of bad health and to the fishing industry. There is a lot of concern the world over about what is happening in the lake. Efforts should be made, to ensure that the marine life and the reproduction of the fishing industry in this area is restored, protected and kept alive for our economic utilisation. It is really sad and pathetic that our concern to preserve this wonderful resource has not gained much attention. It is for the good of all Kenyans and even the three East African countries and the world at large, to begin talking about how to preserve the lake in order to maximise the production of the fishing industry.

It is very pathetic to hear from the very personality in whose hands the activities within the lake region have been entrusted, saying in a recent newspaper article that, our Government has no money to assist in the removal of the hyacinth weed and therefore, the fishermen should go into the lake and remove the weed physically. Indeed, who gains from the lake? Is it the fishermen? And even if it is so, and they have to remove the weed physically from the lake and get the fish for this Republic, then, they are doing the donkey work. On top of that, Kenya exports fish from Lake Victoria. If a neighbouring country can vote money towards the management of the lake, it is a big insult and regret to find the very person at the centre of the problem negating the issue and showing no concern. It is a big shame and we should ask ourselves: If a leader has no business to be responsible for the area which is under his jurisdiction, then it is high time he calls it a day, and if he cannot, the Government should have no shame to call upon him to relinquish his services. Therefore, the Provincial Administration in that region which, day in-day out should be concerned with the survival of the marine in the lake, should either apologise or call it a day. Should he not put his responsibility into operation, we shall end up being the losers. Our revenue is going to be heavily affected. The survival of the individual is going to be heavily undermined. At the moment, the lake that used to make a per capita income of the people around there to be above the poverty level is showing negative results. If you go to the Lake Region, I believe that what used to be 10 per cent of the Kenyan population below the poverty level is now very near 30 per cent or 40 per cent, because of lack of strategic management of the resources from the lake. The strategic management of the resources from the lake include: Infrastructure which will enhance, facilitate and make the level of the fish catch reach where it used to be in 1970 or even higher in 1996. Really, do statistics have any meaning to us? Do we ever reflect back and think about the population increase? The utilisation of our natural resources is not able to meet our requirements and the more the people we are making enabling to acquire their needs, the higher the revenue for every consumer. The income generated would enable more people to consume sugar, bread and salt which nobody would consume if there was no money earned. They will only consume the very minimum that they need. But the more people there are to consume, the bigger the contribution to the national revenue. As such, the infrastructure set up within the lake, coupled with the storage facilities--- Fish is a highly perishable product and year in-year-out, the predicament of a fisherman is to go to the lake at midnight, get out of the lake early in the morning and when it reaches 10.00 a.m. before you can dispose of your fish, you are at the mercy of those who own the refrigerated facilities to take the fish into the market. As such, if we are serious about investing, it goes without questioning, and the Treasury has it on a priority, that after 33 years of Independence, there is not even a single cold storage facility in the Lake shore. There is no way the fish would be preserved, and as such, there is no employment created in that region. Further to the natural resources in that area, the Lake region roads, heading from the Sio Port, coming down to Mbita area, are totally inaccessible. Why do we want to harvest where we have not invested? It is just fortunate that the Lake existed naturally. But what are we doing

further to its existence, to be able to avail more income for our people in the long chain of the long water that we have? The people in the United Arab Emirates are making fortunes with what Kenyans see as a menace. Water to us a long the Lake is a disaster. Really, can we not utilise the water from the Lake? How long does it take us to be converted to see that this is a resource that would provide an alternative source of revenue? Are we going to be contented enough with taxing only the areas that have already been developed? I believe our taxation rate is very high, particularly, in the petroleum sector. I say it is high because we have failed to develop the alternative centres of revenue, and by so taxing the petroleum sector, we are bogging down the production of our various other individual machineries and factories, because the petroleum sector is one sector on which all the re-productions are pegged. What a hell to tax a petroleum sector over 100 per cent! I think we do so because we have not been able to develop other areas of revenue generation. This would include, for example, harnessing the hydro-electric power, Sondu-Miriu, Gogo, and the abundant irrigation from Nzoia, coming to River Yala, going to River Nyando, up to the end our border with Tanzania. It was very high in early 60's as Kenya became independent and it has become a dodo, a dead issue, which nobody thinks about. Really, are not denying ourselves the valuable revenue, the alternative within which we can give a tax relief? I do not buy the opinion of the kind of tax relief that does not centre in what would reduce the cost of living of Kenyans. For example, I do not believe that whenever we hike an increase, it has to be either on petroleum or beer. Why do we not develop other sources that will create employment and, consequently, create the buying power out of which we will improve the poverty level of Kenyans? It is very sad and very pathetic to talk of the level of poverty which used to be between 15 and 20 per cent at Independence going now to 50 per cent, just because we are not able to harness and develop alternative sources of revenue.

Mr. Speaker, Sir, I will now turn to my main area of livelihood as a politician and an hon. Member of Parliament for Muhoroni Constituency, and that is the agricultural sector. I wish to utilise this opportunity to draw the attention of the Minister for Finance, that we always walk shoulder high with an argument that the farm machineries are untaxed and that they are duty free. I agree, but buying a tractor, the first day when it is duty free is not operating the tractor for all its life long. Therefore, there is a heavy duty on the parts of the tractor. The only farm machinery on which there is no duty on parts is the combine harvester. The cane-loaders, the plough tractors, the towing tractors and other farm implements which are bought brand new are duty free. However, when the tyres are worn out the bearings gone, the gears missing, the clutch and other parts are also worn out, they will not be acquired duty free. That is the bigger part of the tractor; the time when it is on utilisation. If we really want to facilitate and improve on agricultural production, let us go down to the grower level and find out that we avail the machineries at the cost the farmers can afford. At the eve of Independence, at least the then Kenyan Government saw it very much fit that we had to take a responsibility as the trustees of those properties which, if left alone, could have been looted or grabbed by the then tycoons. The Kenyan Government was waiting for the Kenyan tax payer to be ready to take over the responsibility of certain major institutions, hence the State corporations. It would have been very unwise to float or privatise some of the major institutions like Agricultural Development Corporation (ADC) or even to bring into being some of the major manufacturing plants like the sugar industries. We brought them as a government, we called in some co-investments and we took over the overall responsibility of overseeing the useful management of these parastatal organisations.

Currently, our government is becoming contradictory to the original argument of being a trustee to a State corporation. A trustee in terms of not giving in to the then White settlers to buy out the cream of the resources from this country; not giving an opportunity to the Indians to buy the cream in this country. Maybe, now the Kenyan "haves" are replacing the Whites and the Indians and they are now buying off the very cream of the Kenyan resources that should go to the masses, including the indigenous contributors to these particular industries. I will plead with all modesty for the cotton industry in various parts of the country. Kenya has been very well renowned for cotton production, but Kenya is no longer seen anywhere in the East African region, in Africa at large or in the inter-national trade organisation as contributing anything in the cotton industry. I will bog it down to Kisumu Cotton Mills (KICOMI). KICOMI was a lovely parastatal, guaranteed by the Kenya Government with all inter-Ministerial activities for the welfare of Kenyans.

Kicomi is now a ghost factory. The privileged minority went in and instead of the 1,500 Kenyans Kicomi used to employ in 1975, it has been owned by a Kenyan of Asian origin in the name of Soma Singh who has declared all the Kenyan taxpayers working there redundant and re-employed them as casuals. This is now pulling the rag from below our feet and robbing us of an opportunity for individual contribution to Treasury. We may see it as robbing an individual of employment opportunity, but the impact of robbery in terms of revenue is great. An individual with ability to purchase, ride a bicycle, clothe himself and so on is gracious to the Government revenue. Every time an individual satisfies his needs he pays the badly needed tax and if we turn our eyes, look down and the end justifies the means, we have defeated the purpose for which we became the trustees of the state

corporations. We have become a laughing stock. Let us go to the very recent problem which our Parliament has failed to address itself to.

Mr. Speaker, Sir, in the sugar sector, we had Miwani Sugar Factory which used to employ 2,500. Currently, it hardly employs 700 employees. Most of these people are casuals. We have been asking who is torching cane, but who was born a criminal? A criminal is modelled out of a cruel environment. We can hold so many meetings to stop the torching of cane, but until we come to terms with the problem, we are not getting any solution. We are both denying Treasury the revenue generated by wananchi and at the same time creating a citizenship of majority poor all of whom, because of the environment, have acquired a culture that must fight those few who have the resources for their livelihood. I would be the last man to incite wananchi to torch cane, but if thousands of them live in poverty, this is bound to happen. Here is a man who has worked for many years and he is living in a slum not even having a day's meal. The best he can do to the haves; those living luxuriously and own fridges and deep freezers, is to steal from them. He will take law in his hands. This issue of total disorder is of our own making.

The trustees of our major areas brought in the Government of Germany to establish what we in Muhoroni see as our "KCC". As other communities take milk with a lot of concern so we take Chemilil. In March 1996, Chemilil Sugar Company was exempted from the State Corporations Act putting it clearly that it is greatly in the interest of Treasury to protect property of this Government in terms of accountability. I want to state very clearly in this August House that ever since Chemilil was exempted from the State Corporations Act, hell has been the order of the day in Chemilil. Indeed, currently, you find that the profits that used to be got to satisfy the farmer and Treasury are no longer there. Chemilil has totally moved out of this. We hope that the Office of the President's appointment will be reviewed because appointment into profit making institutions maybe like providing a dagger to kill the very cow that gives you the milk on which you live.

I believe that a state corporation, once it has had an appointment, it should be within the management ethics and principals that whoever has been privileged to lead must give a good example and should not portray any will or move that actually will be strangling the institution. In Chemilil, I will be failing in my duty as a representative from the area not to recount very clearly to this august House that a conflict of interest is a matter that must be watched out. Currently, I am not jealous of the nature of the acquisition, but it is a grievous concern that the ADC farm in that particular area just within Nandi, over 300 acres of land have already developed into what I would see clearly as a parallel interest, what is also a conflict of interest. Here we have a boss heading a sugar company and having a big sugar farm. Like nobody's business, he utilizes the resources and the machinery of the company and cannot be questioned by the audit team because he enjoys the privilege of exemption from State Corporations Act. Well, robbery would still be a robbery and appointing auditors of his own wish would not stop this.

I do not believe in a school of thought where individual and personalities become the subject of discussion, but it is paramount to look around and speak the truth and oppress the evil. Currently, we are living on what we are not sure about. A parastatal for which our Government has been a trustee and from which we derive revenue to be taken to Treasury, by 31st December, it is going to become 100 per cent private. As a Member of Parliament from the area, I am entitled to the discussion forums and terms of agreement under which Chemilil Sugar Company is going to be privatized. It is my soul responsibility to make sure that on the event of it being privatized, the workers would not be exploited. But if the kind of privatization we had in Miwani Sugar Company is the same as the one Chemilil is about to experience, then we are killing the goose that lays the golden eggs. The representation in this House, in terms of safeguarding these institutions, which collectively generate the revenue, will be defeated. In the long run, any privatisation, be it in the West or the so-called Third World--But there is no Third world. We are also in the first world in our own modality of lifestyle. This being the case, a privatisation that does not include the local and indigenous contributor to the very existence of the organisation, defeats the purpose.

At the moment, we are not going to camouflage, cover-up or put a mask in the form of a farmers organisation. I do not believe any farmers organisation that has double standards is going to meet the needs of the people. Lately in Chemilil, we have developed what they call an outgrowers company; an outgrowers company of "the haves".

Mr. Speaker, Sir, if you allow me to digress a bit, I wonder how an outgrowers company that is headed by a former Minister for Agriculture, a former nominated Member of Parliament and a large scale farmer, will address itself to the small growers. This is the very organisation that we want to crown, so that it can represent the farmers to buy the shares in the company, and for whom the company provides offices, negating that there is no need of DDCs and Sub-DDCs, so that they can do it from Nairobi. They will go to the Attorney-General's Chambers, the Treasury and do everything they can, at the end of the day, they will own the company. Not all the

thousands of the people in the area are that blind, not to point a finger. As such, unlike Mumias Sugar Company, Sony Sugar Company and Muhoroni, the current tailored Chemilil Outgrowers Company with a minimum shareholding of 50 shares of Kshs20 and a maximum of "as much as you can", and the quantity of shares determining ones capacity to vote will not be acceptable to the Kenyan society because the majority are the small growers.

If that is going to be the order of the day of the privatisation programme, then I believe we have no responsibility to restrict these parastatals with the Government as the Trustee, to wait until we are ready to participate in the ownership. If it is going to be the ownership but only by names, it will be Ogeka, Onyango, Cheruiyot and so forth, but in the same economic status the white man was, then I believe the music seems to be the same, but it is only the dancers that are different. This is because we are perpetuating the colonial mentality of the economic classes, with a bigger diversity and range.

In this case, it goes without repetition that the modality of privatisation is a matter that we must make sure that, first like in Chemilil, all the fora where we are going to do the privatisation, particularly of sugar---Sugar is not made in the sugar factories. The sugar factories have the role of extracting sugar. Sugar is made in the farms. If you are going to exclude the small sugar growers from participating in the very activity that they are making, then I think you are a grabber, a looter, a devil and you do not deserve that status. The small grower, be he of two acres, stands to be consulted. What is happening in Chemilil currently, is not a matter of ethnicity. It is not Nandi versus Luos. The small Nandi or Luo grower has no share. It is a few interested group, collected from different parts of the region, holding their meetings in places that are not accessible to us, formulating how they are going to loot Chemilil Sugar Company, which is the noble and happy talk of Kenyans. It is the standard setter; a company that was stated to be number three in the privatisation programme. Mumias Sugar Company was first, SONY second, and Chemilil third. What I disagree with is the fact that Chemilil must now be the first to be privatised. This is because for one, Chemilil is not ready for that privatisation. Chemilil, in terms of the farmers---

Mr. Speaker: Very well, hon. Ogeka, I think you are now repeating too much of Chemilil. Can you go further up in the Bill?

Mr. Ogeka: Mr. Speaker, Sir, in continuing, I want to talk on the issue of contracting the employment sector. This will relate squarely to the firms that I know of. I am grateful that the Minister for Finance is here. Secondly, the Minister for Labour and Manpower Development is here.

For every area where somebody has been terminated, having achieved the retirement age, or for various discrepancies, there is no replacement. As such, the employment sector is contracting without an alternative. It is not just for the sake of the youth to be employed, it is also for the sake of extracting the resources for these big task forces, and channelling their contributions into where we want, hence the Treasury. We are the makers of what is collected in the Treasury. Unless we safeguard---if we cannot go higher, let us retain what we have. But you cannot have an establishment where we have one permanent employee with ten casuals. Actually, that is the kind of Indian mentality of employment. They like cheap things and exploitation.

Mr. Speaker, Sir, through the Chair, I think that revenue collection is a joint responsibility. It is an inter-Ministerial activity. Every Ministry has to guarantee that it is able to provide an opportunity in which revenue will be generated. As such, that employment sector calls for, first and foremost, a guarantee on regular basis, that the Ministry of Labour and Manpower Development should be able to see the establishment year in, year out. Should there be any decrease, we should ask for the alternative. Otherwise, we are going to build up manpower which we are not ready to absorb. But the more intelligent the manpower that we cannot absorb, the stronger the criminal and delinquent sector will be. They will survive whether you like it or not. This will result in the diminishing ability of our revenue to be able to cope with the various sectors of our needs.

I would like to give a chance to my other colleagues to contribute. Much as we may satisfy our needs, it is next to impossible to satisfy a greed. We will very soon sacrifice the very bird that lays the golden egg because of greed and the attitude of wanting to own everything. It is high time that we learnt to share. The more we share, the more we increase the multiplier effect. The bigger our economy, the better the welfare and understanding. All our macro-economic events will be marvellous. In conclusion, I would like to state that you do not have to be a racist to track off the race of economic class in this country.

After all these many years, I have reasons to be jealousy that I want a Kenya where if I go to the industrial area, I am patted on the back by a colleague. But this issue where the black cannot make it in the top class, but if you make it, you must be a politician. A politician is not a successful businessman and everything that we acquire as politicians, at the end of the day, goes to the dogs. The best businessman is that one lying there at the industrial area. But if you go to industrial area, you can call them rich industries. If you find our colleagues there, we shall be mere companions in terms of the people accompanying the bride and the groom.

The bride and the groom in this case being non-Kenyans in whatever name they call themselves. It is high time that we re-examine the situation and ensure that unless somebody is an indigenous Kenyan, he has no business being in the retail industry. Why should an Asian go into the retail business? Surely, why should they go into the distributorship? We must empower the indigenous Kenyans economically. If we want genuine stability and honesty, if we want commitment that will not be hindered by poverty, we must transfer the economic power to indigenous Kenyans.

We do not have to be racists because every man has a home, and a Kenyan would equally be called a second-hand citizen where he goes. I do not believe that they can monopolize the entire industrial ownership. It is high time that the Ministry of Finance looks into the economic order of this country.

With these remarks, and serious concern, that our economic class needs to be reviewed, and order restructured, I beg to support. Thank you, Mr. Speaker, Sir.

Mr. Sambu: Thank you, Mr. Speaker, Sir, for giving me this chance to support the Finance Bill. First, what we pass here must be implemented. There are a lot of things that are passed in the Finance Bill, but are not implemented. For instance the various duties and taxes that are passed here. We wonder whether they are implemented.

Mr. Speaker, Sir, whereas I want to compliment the Government for what it has done recently in tightening up the collection of duties at the Port and from the registered VAT collectors, I still feel that there is a lot that needs to be done. There is still collusion and evasion, or collusion to evade payment of taxes. The best example is the issue of wheat. According to the Schedule given, wheat is supposed to be taxed at 25 per cent. But we wonder whether this is being done. This is the season when our farmers are harvesting their wheat, and a few weeks ago, wheat was being bought by millers at Kshs1,700 for a 90kg bag. But two weeks ago, this price suddenly dropped to Kshs1,200. The reasons advanced by the millers is that their stores are full. That is not the reason, but the reason is that somebody has imported wheat which either is not being taxed at the proper rates, or is completely evading taxation. Farmers in Uasin Gishu District and other-wheat-growing areas are now suffering because the millers have completely lowered the prices such that it is completely uneconomical for those farmers who produce wheat. We wonder whether somebody at the Port is doing his job properly, because this wheat is supposed to be taxed at 25 per cent when it comes to the Port, and yet it is not being taxed. It becomes pointless to grow wheat.

Mr. Speaker, Sir, for the millers to claim that their stores are full, it might be true; but all the NCPB stores are empty. These stores were built for the farmers of this country, and if NCPB is not using them, they should either allow, or rent them out to the millers at reasonable rates because they were built to serve the farmers, not to serve NCPB or anybody else. Nobody anywhere else in the world can produce wheat at that rate of Kshs1,000 per 90kg bag. It shows that we are importing subsidized wheat and, therefore, killing our own farmers. I would like to urge the Treasury to tighten up the collection of the duties on wheat when it comes to the Port.

Mr. Speaker, Sir, this leads me to another issue on the farming community with regards to maize. I presume that, although it is shown in this Schedule, that the duty on white maize is also 25 per cent, that is a very low rate and our farmers are depressed. When it comes to the maize harvesting season, maize prices go down even to Kshs400, and that cannot even compensate the farmers for the production cost, not even half of the production cost. The reason is that the maize millers flood their stores with imported maize. We have been told that the maize market has been liberalised. It is not yet fully liberalised, but it is half-way liberalised. What is happening is that the maize millers are importing maize, and the Government also allows the NCPB whenever there is a shortage to import maize. But since it was liberalised, the maize farmer is not allowed to export maize when he feels that our own prices are not meeting his costs. We have to allow the maize farmers to market their white maize outside the country in any quantity and in any form. If an individual farmer, or a group of farmers get an order for 1,000 tonnes, they should be allowed to export their maize. There cannot be proper liberalisation, or a free market economy when the farmers are restricted from exporting maize.

At the moment, the duty on white maize as I said earlier is 25 per cent. That is too low. If we have to make our maize farmers happy to produce and to feed our nation, the duty on imported white and yellow maize must be increased and must be seen to be implemented, not only to be seen on paper.

Mr. Speaker, Sir, on the issue of pesticides for dipping our cattle, I want especially to follow up what happened to the agreement between the Government of Kenya and GTZ. There was a programme where the Germany Government through the GTZ was to support the application of cattle dips across the country, funding was made available, but nothing is happening on the ground. It could be that the Treasury is sitting on the funds, or the Ministry of Agriculture, Livestock Development and Marketing, is not implementing the programme. This must be done to save our livestock. At the moment, the pesticides are very expensive and if there is any duty

levied, or VAT on them, it should be removed to encourage companies to locally produce the pesticides here.

Mr. Speaker, Sir, on power generation, I want to complement the Treasury for zero-rating the cost of generators. But confining the zero-rating to the year 1999, is not being fair at all, because if someone wants to purchase very heavy power generation equipment is very expensive. If we limit it to three or four years from now, if the spares, or replacement would be required after the year 1999, and then we start levying duty on it again maybe at 30 per cent, it is not being fair. If we want to make our nation self-sufficient in power generation, then we should allow power generators, or electrical equipment for generating power to be rated at zero continuously even for a period of 25 years. When you put in a plant for generating power, it is not something that you put in there for three or four years, but it runs for the next 20 years or so. If we are going to stop these power shortages, then the Kenya Power and Lighting Company's monopoly for power generation and distribution must be brought to an end with immediate effect. If an investor brings in machinery for generating power and then he is restricted only to generate power without distribution, that is not being fair because the prices which KPLC offers to power is low and will never encourage any investor to invest in power generation.

Mr. Speaker, Sir, with regard to loans which the Treasury received some years back to finance the purchasing of the settlement fund trust farms, we have been told that these loans have been written off by the British Government, but the Treasury and the Ministry of Lands and Settlement are still recovering it from our farmers who settled on those schemes. For example, farmers in Ndalat and Lessos schemes have not got their title deeds until they repay these loans in full. So, what was the point of saying these loans had been written-off? The British Government gave us loans, but it was a wrong thing because we took loan to buy back our own land. But the British Government did see logic and wrote off that loan. But our own Government is still recovering this loan from our people. How come this is so? It is a very unfair state of affairs that we recover loans from our own people which the British Government has written off.

Mr. Speaker, Sir, with regard to roads in my constituency, the road from Mosoriot-Chepterwoi, the Treasury allocated Kshs15 million. That money should be used in tarmacking of the road and we do not want to hear of murraming of the road.

Mr. Speaker, Sir, with those few remarks, I support the Bill.

Mr. Speaker: Well, Mr. Keah, you can now reply.

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I want to thank you for giving me this opportunity to respond to hon. Members' contributions on the Finance Bill, 1996.

In making my responses, I avail this opportunity to sincerely thank the hon. Members for the contributions they made and more particularly those hon. Members who concentrated on the Finance Bill, analysed it clause by clause pointing out certain issues that require clarifications. They have been very positive, constructive and so on, and for this I want to thank them most sincerely.

There were also issues raised during the debate which did not have substantive or any relevance at all to the Finance Bill and some of those points are better debated elsewhere. I shall certainly not dwell on those in my responses because I believe there is an appropriate forum for those deliberations to be responded to.

Touching more specifically to the issues that hon. Members raised in their debates, first, was the issue that was raised as regards the Bill itself which read as Bill No.7 and yet on the Order Paper it reads as Bill No.8. I made inquiry with the Clerk of the National Assembly and I want to assure the hon. Members that the Bill No.7 which they were debating upon is exactly the Bill that was referred to on the Order Paper as Bill No.8. The difference in numbering is purely within the Clerk's office and they have a particular way of numbering the Bills that are brought to this House.

Having clarified that issue, let me now move on to the second one with regards to the income tax measures. Hon. Members were concerned that taxes collected are not properly utilised. I can only say that this is, indeed, a very sweeping statement and I would like to duly remind my colleagues here that all taxes and the taxation measures are debated, voted and approved by this Parliament as well as the expenditures. Expenditures indeed through the Appropriation Bill come to this House and they are approved. Where, of course, there has been---

QUORUM

Rev. Ommani: On a point of order, Mr. Speaker Sir. Is there a quorum in the House?

Mr. Speaker: No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Speaker: Order! We have a quorum now. You may proceed, Mr. Keah.

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

I was on the point where I was making a clarification on a point that was raised by several hon. Members that the duty collected through these taxation measures is not properly utilised. I had clarified the fact that this House is supreme, it votes all monies that are to be spent as well as approving the taxation measures. Therefore, this statement is too sweeping to be true.

Mr. Speaker, Sir, an issue was raised here that our taxation rates are very high indeed. On this particular aspect the Government response is that we have been reducing our taxation rates particularly personal income tax rates. If the measures contained in this Bill are approved, they will, in fact, ensure that 140,000 people are out of the taxation bracket and they will in fact benefit from the personal relief.

Under Section 27, there is the issue of deleting family relief and the single relief. As a matter of fact, we have not deleted the personal or single relief. We have merely harmonised them under one phrase; personal relief. Previously, we used to have a personal relief for the married people and single relief particularly for the single and married women. This was discriminatory. It also encouraged some measures of immorality because some people preferred to appear to be married in order to get the higher family relief when they were not, in fact, married and vice versa; some women preferred to be called single so that they could get the single women relief instead of the family relief. So, we tried to harmonise this to some extent in order make it equitable for all the working people whether a man or a woman as long as they are working, gets the same personal relief.

As regards Section 28, I think it was hon. Shikuku or somebody else who complained that we give authority to the commissioner and not to a Committee. All I can say is that the law provides that the Minister should delegate to the commissioner certain powers in order to administer the tax and this is purely for the ease of tax administration rather than giving one individual too much power.

On the issue of power generation, the limit on exemption was made to the 31st December, 1999. There is a carrot here which we were trying to pass on to the investors. Kenya has a shortfall in power today and we in Treasury, we would like people to invest in power generation today rather than wait for five or 10 years. So, in extending this exemption to 31st December, 1999, we would like to encourage investors to invest between now and 1997. Come that time, we will obviously review the situation, but the intention is to make sure that we increase power generation today when we are in short supply of power.

With regard to customs and excise, hon. Osogo raised an issue on duty on fish fished in Lake Victoria. I hope he is here to hear me say that there is definitely no customs duty on fish fished on Lake Victoria within the Kenya waters. He is absolutely right that imported fish from outside Kenya like any other imported commodity should attract duty. But fish fished from Lake Victoria is not subject to customs duty, but with regard to the duties that have been raised according to the papers that he handed over to me, the matter is being investigated and those who will be found guilty will certainly be dealt with in accordance with the law.

As regards the issue which was raised on VAT not being paid by customers in view of a malpractice by certain traders, those traders and those businessmen who tell any Kenyan or any customer, that "if you want a receipt I will charge you VAT, but if you do not want a receipt, there will be no payment of VAT", are infringing the law. We agreed here and made it clear that any price that is quoted is deemed to contain VAT. Therefore, if somebody tells you that there is not VAT, he is infringing the law. I want make it categorically clear here that we Kenyans should understand this and we should work with the Government to make sure that we pay our taxes. On that issue, any person who is not paying or is told that there is not VAT, should come and let us know so that we can carry out investigation. I know that my Ministry is currently doing all it can to increase inspectors and any one found practising this malpractice will certainly be dealt with in accordance with the law. We are doing everything we can to enhance inspection and hopefully we can catch these wrong doers.

Mr. Speaker, Sir, with regard to the petroleum Levy which is being abused and the claim that there was a sum of Kshs7.2 billion - that was earmarked for the purchase of drugs, I would like to categorically say that no such money was spent on the purchase of drugs. Indeed, it is the use of good checks and balances that made us to discover this and the Government should be congratulated for this. In so far as the Petroleum Levy is concerned, the Ministry has already made statements with regard to 1994/95 as well as 1995/96 as to how the Petroleum Levy Fund has been utilised. I would like to state here that for the years 1994/95 and 1995/96 a total of Kshs3.9 billion was collected and utilised for the purposes of routine maintenance, the equipment purchase, repairs and rehabilitation of road repairs and resealing and re-carpeting and paving of roads. Some of it was used to construct bridges and flood damage, and the balance was used for gravelling roads in 1994/95. In 1995/96, some Kshs2.4 billion was, in fact, spent on the purchase of road equipment as well as repairs to the equipment and resealing, re-carpeting, re-gravelling major minor roads etcetera. So, an analysis is in fact, available, I believe, for the year 1995/96. I would urge hon. Members to particularly obtain this information from their DDCs.

Mr. Speaker, Sir, there are other issues that have been raised. The hon. Kibaki went on to speak and say that 30 per cent of tax that has been levied has been taken out of the system instead of being invested into the economy. I wish the hon. Kibaki was here to enable me remind him that when he was the Minister for Finance, he knew very well and as he does know now, that the sums that we collect from taxes are used for not only the recurrent expenditure but also for the development expenditure. He said that there are no hospitals on which these funds have been utilised. There are no roads. "Where are the roads?", he asked; "Where is the water?", he asked; "Where is the education?", he asked; "Where is the security?", he asked. And yet, we have voted in this House recurrent expenditure and that recurrent expenditure is financed out of the taxation that we collected; taxation collected through the taxation measures that we indeed are seeking to have approved here in this Parliament. It, therefore, surprises me that the hon. Kibaki would in fact, go to great lengths and "preach" that the tax collection is unfair and that the money collected is not being used for anything. If he was here, I would remind him of a few more things.

Mr. Speaker, Sir, I am grateful for the contribution with regard to other sources of revenue like the Lake Victoria; as a resource for the revenue increase. I would like to agree with the hon. Ogeka but I wish he was much more practical on the matter and to clearly tell us how exactly he intended that we should raise additional revenue out of the Lake Victoria. But, indeed, I would like to remind him that in so far as the water hyacinth is concerned, the three East African Governments have obtained a grant of some US\$35 million through the Global Environment Facility for the Lake Victoria management and for the improvement and, indeed for the clearing of the weeds in Lake Victoria.

Mr. Speaker, Sir, another issue that he mentioned was the fact that whereas the tractor is duty-free, the spares are not duty-free. This is true and I would like to comment here that, it is very difficult indeed to distinguish certain spares intended for the tractors as compared with spares for bigger lorries and we would have to create a totally new category when in fact we are harmonising the tariffs and the duties. So, tractor spares will continue to attract duties alright but at a reasonably low duty rate.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, I want at this juncture, to turn to issues relating to the Kenya Revenue Authority and say that since its inception, the Kenya Revenue Authority has been doing all it can to enhance revenue collection. Indeed, they are, at the moment, employing qualified professionals and, since its inception, the revenue collection in this country has indeed increased tremendously. I want to take this opportunity to thank the staff of the Kenya Revenue Authority and to urge them to continue to do a good job.

Mr. Speaker, Sir, at this juncture talking about professionals, I want to make an observation and say that it is incumbent upon us professionals in Kenya to be clean, in so far as the issue of corruption is concerned--- Corruption has been on the lips and the loud voices of everyone here and all the time this corruption has been levelled either against the Government officers, KANU or against the Government in one way or another. But I want to pause here and say that corruption in fact is with us all Kenyans. And I want to particularly address myself today to the Kenyan professionals that whenever there is a corruptible act, take for example a road or a building, you will find that if the cost of a building goes up from Kshs200 million to Kshs400 million, which is double the amount, several professionals have been involved. A professional like the architect has been involved. The quantity surveyor who is a professional has been involved. The lawyer who is a professional may have been involved. The engineering consultant, a professional, has been involved. The professional accountant has been involved. Even the professional banker may have been involved in this respect. I would like to say here that it is incumbent upon us professionals to observe our professional ethics and help curb corruption in this country. The Government alone, with all the intentions that it has, may not as an institution, be able to curb corruption unless the professionals of this country are prepared to observe their professional ethics and help curb corruption.

Mr. Temporary Deputy Speaker, Sir, finally I would like to appeal once again to the officers of Customs and Income Tax Departments and officers of the Value Added Tax Department to collect the taxes that have been approved by this House and are due and collectable. I would like them to do so without favour and fear and they should apply the law strictly so that this country can collect as much revenue as is permissible under the law for purposes of development.

I would also like to turn to the Kenyan population. I know that paying taxes is not a palatable matter. It is not exciting to pay tax. But we have a moral duty to pay our taxes. Indeed, I would like to make an observation

that some of the grants that we get from the developed or industrialised countries come from the taxpayers of those countries. It is upon us Kenyans to accept our social responsibility; our taxation responsibility and to learn to accept to have to pay our taxes and to pay them timely and when they are due.

Mr. Temporary Deputy Speaker, Sir, with these very many remarks, I once again want to thank hon. Members for their very valuable contributions. There is only one point that I would like to observe and make. You will notice in the Order Paper that there are some amendments that have been proposed at the Committee Stage. We will speak on these amendments at the Committee Stage and I see the hon. Obwocha here who was concerned that when I moved the Bill, I did not explain why these amendments are there and whether they are not a mini-budget. They certainly are not a mini-budget. These amendments have been made based on the contributions of hon. Members during the Budget Statements as well as representations that have been received from the industry and from members of the public. Considering the weight of the hon. Members in their contributions in the Budget Statement and the weight of representations from the economy, we found it fit to make these amendments to the original Bill as printed. We will, therefore, have time to discuss these amendments, but I would like to mention that most of them are merely for harmonisation purposes. Others are meant to merely effect corrections. For example, clause 9 is on the issue of equipment for power generation. We considered this issue and I have explained that power generation equipment has now been exempted from duty because we have power shortfall and we need more private power generation. We want to increase power generation capacity today in order to curb the shortfall that we are experiencing. We need power generation today and not after 1999 in order to enhance our economic development. After 1999 we will review the situation and if need be come back to this House.

With these remarks, I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)

Second Reading

THE APPROPRIATION BILL

The Assistant Minister for Finance (Mr. Keah): Temporary Deputy Speaker, Sir, I beg to move that the Appropriation Bill (Bill No.10) be now read a second Time.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Keah, the printed Bill is No.9 but on the Order Paper it is shown as Bill No.10!

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, for the benefit of hon. Members who may not have been here when I explained the title of the Finance Bill, in fact, the printed Bill is No.9, but on the Order Paper it is listed as Bill No.10. This is merely a system of scheduling of the Bills by the Office of the Clerk of the National Assembly. But we are actually discussing the printed Appropriation Bill (Bill No.9).

Hon. Members have had the opportunity to discuss in great detail in the concluded Committee of Supply the following Votes: Vote 11 - Ministry of Health; Vote 20 - Ministry of Land Reclamation, Regional and Water Development; Vote 31 - Ministry of Education; Vote 13 - Ministry of Public Works and Housing; Vote 1 - Office of the President, Vote 30 - Ministry of Energy; Vote 10 - Ministry of Agriculture, Livestock Development and Marketing; Vote 12 - Ministry Local Government and Vote 21 - Ministry of Environment and Natural Resources. The rest of the Votes were, in fact, passed in this House under the guillotine procedure on 30.10.96 in accordance with the provisions of Standing Order 142(7).

Government Ministries and Departments are up to now operating on the Vote on Account authorised by this House on 25.6.96. The Vote on Account allows me to release half of the net total voted provision to carry on the services of the Government. Once this Bill is passed I shall be able to release the total voted sum from the Consolidated Fund to carry on the planned services for the prosperity of our economy and nation.

Mr. Temporary Deputy Speaker, Sir, the Bill is very short and it details the required amounts in respect of all the Ministries. Clause 2 of the Bill provides for the issue, out of the Consolidated Fund, a sum of K£5,077,824,700 which is required to meet public expenditure during the financial year ending on 30.6.97. This sum includes the amount authorised by this House on 25.6.96 through a Vote on Account under Section 101 of our Constitution. The clause also appropriates the money to various services specified in the schedule, which is based

on the 1996/97 Financial Year Estimates. Clause 3 makes provision for Appropriations-in-Aid of those services and purposes.

This is indeed, a procedural Bill which I would like to urge hon. Members to pass so that, as I said earlier, we will be able to release the rest of the funds to enable the Government to operate the services specified therein.

At this juncture I would like to avail myself of this opportunity to, indeed, urge hon. Members to assist us through attendance at various District Development Committees (DDCs) meetings. They should ask various Ministerial representatives in the districts how the funds we are voting will have been utilised. I would urge hon. Members to call for returns and reports on expenditures, particularly on capital expenditures. That will, indeed, be asking for transparency and accountability. I urge hon. Members not to shy off from that responsibility.

I also take this opportunity to urge those with authority to incur expenditure to ensure that once funds have been voted and released to the Ministries they are spent for the purposes they were approved by this august House. We do not want to hear of situations where funds voted for project A are utilised on other projects. This practice must stop and I would like to warn that if any Government officer is found guilty of misusing funds they will certainly be dealt with in accordance with the law. We are going to continue being tougher and tougher on this issue. I would like to urge the officers in those Ministries to serve their fellow Kenyans and make sure that the funds that come out of the taxation revenues and for which we are voting here are spent for the good of all Kenyans.

Mr. Temporary Deputy Speaker, Sir, with these few remarks, and with this urging, I now beg to move.

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

As the Mover has already said, it is a very straightforward Bill. A few weeks ago, most Ministries had the money which they had asked for guillotined. When this Bill is passed, it will allow the Ministries to spend that money. I would like to appeal to those who are to use this money or those who are responsible for releasing the funds, to do it as quickly as possible and let it be spent for whatever projects that have already been earmarked for it.

On a number of occasions, and in many provinces or districts, Provincial Commissioners have got the monitoring teams. Occasionally when one looks at their reports, one sees that, they have gone around the districts, they have looked at the projects in the districts, they have seen the projects that should have been finished or completed a number of years back and these projects have not been completed. For a number of years, we have received more or less similar reports from the provinces through their monitoring committee meetings. I would like to appeal to those concerned that when they have moved around the districts and discovered what is going on there and they come up with their recommendations, the recommendations should be taken seriously. It has also been brought to the notice of the House on a number of occasions that projects have been initiated and abandoned at a certain level. You will find that these Ministries with abandoned projects still ask for money, especially on development expenditure, and come up with new projects. I would like to take this opportunity to appeal to those who have such projects that they should ask for money and let the money be used for completing the projects before they start new projects, when the old ones have been abandoned and quite a bit of money has been used.

There are also occasions where you find that certain projects have been taken up, tender has been given to an individual or contractors, they come up to a certain level and they stop there either because they have disagreed in one way or another with the officer supervising that project and the project remains at that stage. Probably, if there is money, the officer on the ground asks for permission from the parent Ministry to authorise him to continue to have the project continued by some new contractors and in a number of cases, you will find that this is not happening. I have a case in mind - the Busia District Hospital - where a theatre has been built and it is about 85 per cent complete. When I spoke to the officer in charge of the hospital, he claimed he had money that could complete the theatre if he had been allowed to spend it. But there seems to be rigidity in that once the money has been issued for a certain project, when that project has a problem and it stops, then the money is also stuck and eventually, you will find that this money is returned to the Treasury when in reality, the project which it was set out for has not been completed. I think there should be some flexibility in this respect that when there is a project which is pending and there is money, if the contractor of that project cannot go on, that money should be given to another contractor, and let the works be completed rather than demanding it to be returned to the Treasury, thereby making the beneficiaries in the districts concerned to suffer or to miss the opportunity to be served by such projects.

There is also another area where I think the Ministries concerned should be flexible. For example, we may have floods which may sweep away a bridge and just because the engineer in that particular district has money only for specific projects and not for that particular bridge, you will find that the bridge has rendered the roads around there and communication unserviceable and yet, the officer has money which he is not

allowed to use to do that job. If he cannot use the money that has been voted for, then, he should be given supplementary money to enable him to connect such a situation so that wananchi in those areas are not handicapped. When the money is given, we expect that the officers concerned use this money properly. We have officers given money for their salaries, transport and other jobs which they should be doing. We expect these officers to be out of their offices and give services to wananchi in the countryside the way the wananchi expect, without giving excuse of lack of funds or fuel when in reality, the funds are there but the officer is trying to become a careful user and at the same time, denying the mwananchi services whereas they are the taxpayers. I think it is criminal for any Accounting Officer, at whatever level, to return money which has been voted for a particular job in the countryside or in the district, to sit on it until it is returned to the Treasury. I think all the officers concerned should make sure that whatever they have asked for, has been spent. If anything, they should do a bit of saving while spending, so that whatever they have saved goes to do some extra jobs to serve wananchi rather than to be extravagant or to hold the money and at the end of the day, they return the money to the Treasury, thereby denying the mwananchi the use of those facilities.

With those few remarks, I beg to second.

(Question proposed)

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to the Appropriation Bill. Most of what is contained in Bill No.9 of 1966, according to the Kenya Gazette Supplement No.60, is what we have discussed in the Finance Bill and in the individual Vote on Account. But I would like to say one or two things. Our Constitution is very clear about authorization of expenditure from the Consolidated Fund by appropriation. That is the Constitution of Kenya, Clause 100, Sub-section 2, which says that:-

"When the estimates of expenditure other than expenditure charged upon the Consolidated Fund by this Constitution or by any Act of Parliament have been approved by the National Assembly, a Bill to be known as an Appropriation Bill shall be introduced in the National Assembly, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums under separate votes for the several services required for the purposes specified therein."

Clause 105, (a) and (b), talks about the duties of the Controller and Auditor-General. It states that:

"It shall be the duty of the Controller and Auditor-General:-

(a) To satisfy himself that the proposed withdrawal from the Consolidated Fund is authorised by law and if so satisfied, to approve this withdrawal.

(b) To satisfy himself that all monies that have been appropriated by Parliament and disbursed have been applied for the purposes to which they were so appropriated and the expenditure conforms to the authority that governs it."

Why am I quoting those two sections? First, it is because our Constitution, currently, is being violated by the officers in Treasury. There are certain projects that have been undertaken and money withdrawn from the Consolidated Fund without, first of all, the approval of Parliament. Parliament has not appropriated that money to those specific projects. One of them is the Eldoret Airport project, and the other one is the buying of the Presidential jet. As if that is not enough, the officers have gone ahead and withdrawn this money from the Consolidated Fund, thus, violating the fundamental law of this country, that is the Constitution. I think this must be discouraged at any cost. If the Government wants to introduce lawlessness, then they should be able to tell this country that there is no law and order in this country, we are operating without those laws.

Mr. Temporary Deputy Speaker, Sir, I want to say---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Wetangula): Order, gentlemen. Either you listen to hon. Obwocha, or you talk elsewhere.

Mr. Obwocha: Thank you, Mr. Temporary Deputy Speaker, Sir, for saving me. Those are very loud consultations when I am making a very fundamental point about the Constitution which the Deputy Leader of Government Business needs to know and understand. Unfortunately, he has mismanaged the labour industry in this country and, that is why he is not listening even to what we are saying from this other side.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say I have mismanaged the labour industry in this country when I think we are having the best peaceful time as far as labour movement is concerned since

Independence?

An hon. Member: Correct!

(Applause)

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I hope he can now give me the attention I require. The role of the Controller and Auditor-General in this country is very fundamental because those fore-fathers of ours and those who drafted this Constitution, indeed knew why they had those provisions. Clause 105 in the Constitution particularly spells out what he is supposed to do. What is happening at the moment is that the Controller and Auditor-General has the tenure of office, but the officers below him do not have the tenure of office. If they do not have the tenure of office, how are these officers going to work independently if they are not assured that their jobs are safe? If you are giving the Controller and Auditor-General the tenure of office, you definitely need to give also the officers below him that protection so that they can be able to raise any matter that comes before them in the course of their audit. One or two years ago, we saw where officers were switched from the Controller and Auditor General's department to the department of Auditor-General (Corporations) without even consultation, just because somebody did not like their faces. Are we really going to work in that manner? A very experienced officer, a Makerere graduate, who had worked under Mr. Njoroge for over 20 years, a Mr. Mwai, was just transferred to the department of the Auditor-General (Corporations) and Mr. Kemei, brought to this other side for reasons we have yet to understand. I think this country should not work in that manner. Tribalism aside, we want competence. It does not matter where you come from. If you are a competent officer, you should be given that opportunity to work. If you are next in line and your kin was there, if you are the most experienced man, I think you should be given that opportunity to serve this country.

I also want to mention something on Vote R.01, although we discussed it. We are trying to appropriate K£509,393,020 for the Office of the President. There is this issue of the Chiefs' Act which is a Colonial Act. These chiefs are literally terrorising the people of this country. We are living in a world where you think we are living in a Colony. My own Constituency of West Mugirango, has six locations. The location called West Mugirango Location has a chief, who is terrorising the residents in this area, in a sub-location known as Miruka. This man, in the pretext of looking for *busaa* is terrorising homes and the people are not actually sleeping in their homes. The Chief of Keera location and the Assistant Chief of Charachani, are basically terrorising people. I do not think it is civil for a government to terrorise its own people and say: "You go to your Member of Parliament, he can talk for you, he can assist you, he can ask on your behalf and he is the one who can bail you out." I think it is not civil at all because this Government needs those people. You need their votes, you need to handle them as human beings. You are not colonialists who were governing us. It is very sad that we keep on raising these matters and the Office of the President is not taking these matters very seriously.

I would also like to touch on the Vote of the Ministry of Education. I would like to say that those graduates from Teacher Training Colleges have been absorbed. We know the Structural Adjustment Programmes have put certain restrictions on the Teachers Service Commission. Graduates from private teachers' training colleges are not being considered for posting to various primary schools and this is causing untold suffering to them. In fact, I would say that from Kisii and Nyamira there was a delegation of KNUT officials plus other people to the President and he promised that since the entrenchment programme was effected and TSC was now able to accommodate them, he would make sure these graduates were absorbed. Up to now as we are talking these people have not been absorbed. I do not know what this Government is thinking about these graduates from private teachers' colleges. If, indeed, they have enough teachers then they should communicate to the heads of these colleges and tell them that they have enough primary school teachers and if they continue training more teachers they should not expect the Government to employ them. In this way, it can be a bit civil. Mr. Temporary Deputy Speaker, Sir, I also want to talk on the Vote of the Ministry of Foreign Affairs and International Co-operation. The Kenyan missions abroad need to be harmonized. There is no point of having a mission in Botswana, Lesotho and in Namibia. You need one to---

The Temporary Deputy Speaker (Mr. Wetangula): Kenya has no mission in Lesotho and Bostwana.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I am giving an example. I want to say that the Kenyan mission in Namibia is spending money which it should not spend. I would like the Minister for Finance in collaboration with the Ministry of Foreign Affairs and International Co-operation to tell this nation why they are doing that. Now, they went and bought a building in Windhoek for Kshs100 million. This building houses our embassy and they have rented it out to various other organizations and companies and they are receiving a lot of money for rent. That money should either be shown in our estimates as Appropriations-in-Aid or given to that mission to run it and not to request money from here to run that mission. Recently, when hon. Gatabaki asked a

Question concerning this matter, on the list provided, Namibia is listed as one of the missions where the Kenya Government is spending Kshs5 million. I do not think that is acceptable. When you are getting rent from that building and we are sending money from here, I think it is not proper. You owe Kenyans an explanation on why that is happening.

Finally, I would like to talk on the Ministry of Home Affairs and National Heritage. I totally agree with the report on the human rights position in Kenya. Our prisons are terrible. I was in the last Public Accounts Committee and we had a chance to visit Kamiti Maximum Prison. The situation there is terrible. The only places which were save were the cells where people like hon. Shikuku were confined long time ago, but the other places are congested. The kitchen is small, the food eaten there is beans and ugali and it was terrible. At the moment, I do not know why this Government wants to punish only one person in this country by the name of Koigi wa Wamwere. Now, Koigi wa Wamwere is a citizen of this country. He is entitled to his rights. He is entitled to his opinion. How can you chain him for a whole week or even a month in a hospital? You have over 29 guards guarding only one individual who is not even armed. This is not right.

The Minister for Home Affairs and National Heritage (Mr. Lotodo): On a point of order, Mr. Temporary Deputy Speaker, Sir. We handcuff prisoners and this is allowed by the international law, but we do not chain them.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, in your imagination as a leading lawyer in this country, do you think it is reasonable to handcuff a prisoner who is not armed and one who has 20 people guarding him? In agreeing with the Minister for Finance to seek this money through the Appropriation Bill, I would like to request him to make sure that things work out well in his Ministry. Get your house in order because if you do not do that, you are withdrawing money from the Consolidated Fund without authority and I think that is not acceptable and if it is brought to this House, we will reject that withdrawal. It is up to you to see how you will rectify the situation.

With those many remarks, I beg to support.

The Assistant Minister for Commerce and Industry (Mr. Osogo): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make a few observations on this Bill. This is the Bill that is filling up the appropriations we have already done in this House in the Committee of Supply legally. It is a very important Bill once it becomes an Act and I thought that representatives from every Ministry should have been here to hear the legal touch on the appropriations they have already received from the House.

I begin with Vote 01 - Office of the President. My first suggestion is that we have got the National Youth Service under that office. My information is that the National Youth Service have got road construction equipment that is actually not being used when our roads badly need repair. The National Youth Service has got the personnel in form of trained drivers of these roadmaking equipment. They have got the personnel to man them. What they do not have in their provision at the moment might be how to fuel these tractors. With the petroleum cess, money from that would be utilized in fueling these road-making equipment. Now, the equipment is lying idle and, in fact, rusting in the National Youth Service Headquarters. The Office of the President should think about it rather than having this red tape that the National Youth Service personnel is not supposed to be making roads, by the Ministry of Public Works and Housing. The Ministry of Public Works and Housing does not have enough equipment to keep our roads in good order.

In my own district, we had two old graders. One was a bit new. After the President announced the creation of a new district, they quickly wrote on Teso District. So, the grader remained there. We have got in Busia a very old grader which is breaking down now and then. So, I suggest very humbly that the National Youth Service should be given petroleum cess so that it can undertake some of the roads in remote areas like my constituency where I was saying that there is a road on which fish-carrying tracks get stuck during rainy seasons. At this time it is raining a little and they are not able to move with whatever little fish that is left there. So, they get stuck in the mud and stay there for about two days and in the process the fish gets rotten.

Mr. Temporary Deputy Speaker, Sir, my next comment is on Vote D3, which is on the Directorate of Personnel Management (DPM). What I would like to know, and, maybe, the Minister will convey this---I do not see any Minister of State, Office of the President here! But, maybe, it will be conveyed to the Office of the President that the directory of all the civil servants in Kenya, like the one I am holding in my hands now, has ceased to be printed since 1979. The one I have here is an old one of 1973. If I may just open one page, you will see the contents of what it used to contain. For example, you will find that in 1973 in Central Province, Mr. Simon Nyachae was the Provincial Commissioner (PC), Mr. J. Waibochi, Deputy PC, Mr. S.J. Kanyonyo, Personal Assistant to the PC(i), J.M. Tiampati, Personal Assistant to the PC(ii), Mr. E. Njenga, District Commissioner, Kiambu, Mr. E.K. Mbaabu, District Commissioner, Murang'a and so on.

Nowadays, this information is not available. So, we do not know who are heading our districts in the

Civil Service because this directory is no longer produced by the DPM. My suggestion is that the DPM should start producing this directory so that, at least, the Ministries are able to know who is heading where.

Mr. Temporary Deputy Speaker, Sir, my next suggestion is on the Ministry of Agriculture, Livestock Development and Marketing. During the debate on the Committee of Supply, I suggested that irrigation as a subject, should be under one Ministry. Currently, the Ministry of Agriculture, Livestock and Marketing has some aspect of irrigation in the form of minor irrigations schemes. I feel that this is very unfortunate. I dare to suggest that His Excellency the President should think of forming a Ministry of Irrigation, to be solely in charge of irrigation. The minor irrigation schemes are currently handled by the Ministry of Agriculture, Livestock Development and Marketing. The national irrigation schemes under the National Irrigation Board are being handled by the Ministry of Land Reclamation, Regional and Water Development. It does not make sense. I think that we should have a Ministry of irrigation alone. Kenya will have to appreciate at one time, that the solution to our many problems in production of food will lie with irrigation.

In fact, during the speech of the hon. Member for Butere on the Bill that we have just passed, he mentioned about the debate that used to happen in the independence days Legislative Council, spearheaded by one Mr. Howard William. At that time, he was a Member of the Legislative Council representing Central. Mr. Howard Williams used to hammer--- Every time I used to attend the Legislative Council on my way home from Kagumo. I used to stop in Nairobi for a few days and my hobby used to be attending the Legislative Council in session. Every time, he used to hammer the point that it was high time the Kenyan Government of that time looked at ways of bringing water from Lake Victoria to the highlands of Aberdares, and then by gravitation, spread it to the drylands of North Eastern Province and other drylands like the Eastern Province. That argument is still valid even now. If there was a Ministry of Irrigation--- Do not mix the Ministry of Irrigation with the Ministry of Land Reclamation, Regional and Water Development. This is because the Ministry of Land Reclamation, Regional and Water Development wants to conserve water, not for irrigation, but for other purposes.

So, if you mix both of them, one hand will be refusing to help the other hand. So, you should separate the Ministry of Irrigation alone, so that the Ministry of Land Reclamation, Regional and Water Development for irrigation.

Mr. Temporary Deputy Speaker, Sir, it is only two days back, when some of us heard over the British Broadcasting Corporation (BBC) and read in the papers that Egypt is trying to develop its desert for agricultural production, and settle the Egyptian population in that desert. That water is coming from the many rivers we have in Kenya like River Nzoia, River Yala and others.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): They will settle 200,000 people!

The Assistant Minister for Commerce and Industry (Mr. Osogo): I am informed reliably by the "Chief Constable" that they are going to settle 200,000 people, while here in Kenya, we are telling our people to practise family planning so that we can control our population just because the population is becoming too much. The Egyptians want to move 200,000 families into the desert, using Kenyan water, and yet we are looking on and doing nothing. I think the planning part of our Government should be able to plan how we should use our water.

At one time, there was an agreement called the Anglo-Egyptian-Sudanese Agreement on the use of water in Lake Victoria. When I read this agreement in 1964, they were saying that the reperiian countries like Kenya, Uganda and Tanzania should not use any water from their rivers which feed Lake Victoria with water, without consulting Egypt through Britain and Sudan. Those are the types of agreements that were very injurious to our country. Whether they are existing now or not, I have no way of knowing. But if these wrong agreements that were signed in the colonial days are existing, then Kenya must now consider that we must use our waters for our own benefit. The Lake water is plenty and it could be pumped. In fact, I am sure that if we could utilise the money that is being used for extending the petrol pipeline to Malava and Kisumu to build a water pipeline to Aberdares from Lake Victoria, we would have done this country much better development than the petroleum being conveyed to Malava. Despite the petrol pipeline, you will find that the trailers still pass on to Mombasa to collect petrol and come to Nairobi. Despite the fact that, petrol is now available in Kisumu and Eldoret for the neighbouring countries, trailers still travel all the way to Mombasa.

So, I feel very strongly that there should be created an irrigation Ministry to take care of the irrigation needs of this country, minor or large, so that we can properly utilise our water. During the rainy season, if one flies over North Eastern Province, one would see how much water is being wasted. All of it is flowing to the Indian Ocean through the bigger rivers. A lot of water flows in North Eastern Province. If that water is harvested, it would create a lot of difference in our food production in this country.

Mr. Temporary Deputy Speaker, Sir, Vote 13 which deals with the Ministry of Public Works and Housing is very upsetting. I just want to mention one project in my district, which is the road from Mumias to Busia. It has been under construction for about three years now or even more. But the same contractor has been given a

contract to carpet the road from Yala to Busia. He has not finished the other project. He is not doing it. He had only tarmacked three kilometres for four years. I said this in the debate on the Committee of Supply and I mentioned that this contractor is very slow.

But yet after having said that, he has again been given another tender to recarpet and reseal the tarmacked road from Yala to Busia. I pass on that road practically every week-end, and whenever he has completed tarmacking a certain section of the road, water washes it away forcing him to repeat the whole section afresh, particularly at a place called Lanyala. There is some black soil at Lanyala and this particular contractor has been in that place for weeks and weeks, because after finishing a certain section of the road and moves on to Busia, he is forced to come back because water has already washed away what he had done. I do not know what he is trying to do, but yet he has forgotten the Mumias Road for which he has already been paid. I would like to ask the Assistant Minister for Finance to find out exactly what is happening. Wananchi who are paying taxes for this project are seeing this project day-in-day-out. They have expected to move on that road already tarmacked, but they are not able, and yet we say here happily, that that road has been allocated K£4 million for tarmacking and yet the contractor who is doing it, is given another contract elsewhere and he has abandoned this project because he has been paid and goes to the fresh one which is not doing well either.

If there is someone from the Ministry of Public Works and Housing in the Civil Servants Bench, he should take up that matter very quickly because we are tired of that road not being made quickly.

Mr. Temporary Deputy Speaker, Sir, Vote D16 deals with the Ministry of Tourism and Wildlife. Where there are national parks, hon. Members are able to cry and cry loud in this House, and maybe they are heard, and sometimes electric fences are put around the national parks to keep the wildlife inside their area of habitation. But we people who come from the rural areas whose shambas are destroyed by monkeys day and night, we are suffering. In my own Constituency, I have got a small shamba, I go there with my wife to dig and plant tomatoes, but all these tomatoes are eaten by monkeys. I have personally written to the KWS asking them to come and collect their monkeys and take them to the national parks. They replied me and said that they will send scouts. The scouts came to Bunyala, but they were chased away by mosquitoes. They complained that there are a lot of mosquitoes there and that they cannot go out at night chasing monkeys and wild pigs. We do not harvest anything at all and, therefore, we lose our crops because of these wild beasts. Something should be done and where there are these wild pigs, we should be allowed to kill them.

Recently, a rather funny thing happened, because there is a team of traditional hunters with dogs and spears in Siaya District in a place called Usonga. My people approached them for that technical aid and about 20 traditional hunters came to the rescue of my people with their spears and dogs. Monkeys are very clever animals and the dogs cannot reach them, but they managed to kill several wild pigs and a waterbuck. Waterbucks are also eating a lot of crops grown there. When they were carrying away their nyama which is the only payment they were receiving, they were arrested by the Administration Policemen and charged for having hunted and killed wildlife illegally. The APs solicited some money from them and being afraid of being detained they paid Kshs5,000. I got so furious and went to see the District Officer, because the APs are under the command of the DO in the Constituency, and told him that the Government officials with guns are not able to kill the wild pigs. We have got technical aid from a neighbouring location who have come with spears and dogs, and killed these wild pigs, and we still need them to come and kill more, and yet you have arrest them, and in kangaroo courts, your officers fined them Kshs5,000. They will not come back again. So, we have asked them again to come back, but they have refused to come because they do not want to be humiliated by APs when they have killed their nyama and which is the only payment they are given.

The Assistant Minister for Tourism and Wildlife is here, who is in charge of wild pigs and monkeys. He can convey that message to his officers that was illegal and if they give us permission to kill them, we will call these Usonga people to come with their spears and dogs and wipe out some of these wild pigs. But the monkeys are difficult because they cannot even eat poisoned crops. I have tried on my pawpaws by putting poisoned bananas inside, but they do not touch the poisoned fruit and yet they are destroying my fruits which are not poisoned.

Mr. Temporary Deputy Speaker, Sir, I have spoken something about the Ministry of Lands and Settlement, but I would like to say that Bunyala Irrigation Scheme falls under this Ministry, and it is in my Constituency. This is a national irrigation scheme. We have been having water pumps driven on diesel engine. After making a lot of noise in this House, the Government agreed and I thank the Government for that, to electrify the water pump engines. When the new Provincial Commissioner was going round my Constituency on a familiarisation visit, and the National Irrigation Board in Nairobi awarded a tender quickly to some Kalasinga in Kisumu, who rushed to the site with a lot of equipment. We saw this equipment and they explained to us with the PC, that they are going to electrify these water engine pumps and that in two weeks time, we will be having

electrified pumps. My people clapped for them and felt happy. But after the PC left, this particular contractor who is now in Maua in Meru District abandoned the site, and the engines have not been electrified to-date. I do hope the custodian of public funds, the Assistant Minister for Finance will tell the Ministry concerned, and I hope the Assistant Minister who is here too is listening in the interest of the people of Western Province; that this contractor who came because the PC was coming and made my people clap and sing at night that they are going to have electrified pumps and that their rice is not going to dry, he came and when the PC left, the next day, he left for Maua in Meru doing another Government work there and he has left our farms drying up. Those are the things that actually hurt the taxpayers' hearts. Those are the things that hon. MPs, like ourselves cannot stand up proudly and talk to our people that we are in the Government and we are the Government. Our people will say that is mockery.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Environment and Natural Resources with the new Minister, and with the adage that "a new broom sweeps better", has got the problem of water hyacinth. If this weed was somewhere in Central Province, or even in the Rift Valley Province, it would have been eradicated already and I have got reasons for saying that. But I would not say them. Now my constituency has got water hyacinth and has water from the lake. The hyacinth has blocked all my canoes to go out to fish. It has blocked many peoples' canoes. We cannot ferry our people from the islands where they live and land safely. We have to land very far and if possible start wading in these water hyacinth. I am grateful that his Excellency the President for the first time has talked about it when he was in Kisumu opening the Jua Kali show. I do hope his instructions will be taken seriously and accomplished. In many cases, civil servants forget what the President has instructed them to do immediately the President leaves the place.

Vote 26 deals with Judiciary. At one time when I was still in this House before I was kicked out through an election petition I had appealed to the Chief Justice to consider putting up a court of law to serve the two divisions of Funyula and Budalangi. The Chief Justice at that time had initiated survey and feasibility study for the court and he recommended in 1980 that the court should be built either in Budalangi or Sio Port. I have got that recommendation in writing up to now I am speaking.

The reason why we requested for the court to be built in those areas was because people from my constituency who live far away on the island have to travel by canoes to the mainland, take the public means to Busia for a court hearing and if the court is adjourned they take another day they have to travel back. The distance from my place to Busia is far and the fare is Kshs300 to and fro. That is a lot of money for a poor man. That moved the Chief Justice and said, "That is a lot of money for a poor man." Cases are not settled in one day, they are adjourned and yet they have to be concluded. A poor man who has his witnesses to appear in court to support his arguments have to be ferried by the poor man, and the Chief Justice agreed it was justified to have a court. Even if it was on temporary basis, but from 1980 to-date, a period of sixteen years, no court has been built and no temporary court has been established. So, my people still have to go to Busia for their cases to be heard.

I am requesting humbly that, at least, the recommendations of that Chief Justice, God bless his soul, he is dead, should be honoured by this Government. We require a simple court building. They can even convert a local building to a court and the magistrate could be travelling there maybe twice a week. In fact, this is what the Chief Justice had said, but that never happened and it is never happening.

My last comment on this Bill is in connection with vote 31 of the Ministry of Education and I do not see any representative from that Ministry. We are concerned that students paying examination fees, do pay a lot of money. I am speaking with bitterness because this year I have got five candidates, three of my late brother and two of mine sitting for Kenya Certificate of Secondary Education (KSCE). I have been asking these candidates when they come home, where the examination papers are, particularly those which are not used for examination in marking and they tell me that teachers take them away.

Parents pay for this examination and for those question papers because I have got other children doing the examination next year and I wanted them to have the advantage of reading the papers of the past examination.

I do not know whether this is being done with the knowledge of the Ministry of Education, but if it is not, the Minister for Education should instruct teachers to be surrendering these papers to candidates because we pay for them. We pay the money for printing examination papers so that they remain with the children. We can appreciate those that are taken for marking, but with regard to those that are left behind teachers file them as past papers. I would like seriously to suggest that the Minister of Education must, in fact, and next year it will be war, instruct headteachers to release these examination papers to candidates so that we have the benefit of our relatives of using the past papers because we have paid for them.

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

Mr. Kiliku: Asante sana, Bw. Naibu Spika wa Muda. Nina bahati kwa sababu nilikuwa nataka kuzungumzia usalama katika nchi na Waziri anayehusika na usalama katika Ofisi ya Rais ameingia. Yeye ndiye

anayesimamia polisi.

Ukiangalia katika Mswada huu, tunaeleza katika Ofisi ya Rais tumetenga pesa ambazo tunapitisha katika Bunge hili zitatumwa kwa kulipa polisi mishahara yao na kugharimia mambo yote ya kikozi cha polisi katika nchi hii. Lakini wakati huu tunapozungumza usalama wa watu wa nchi hii unaelekea kwenye zile nchi ambazo zimeharibika.

Hapo awali tulikuwa tukiambiwa ya kuwa nchi hii ni "Kisiwa cha amani." Lakini wakati huu hakuna mtu anayeweza kusema Kenya ni "Kisiwa cha amani". Hii ni kwa sababu watu wa Kenya wanauwa kila siku, mali yao yanachukuliwa kila siku. Hatuwezi kusema kuna wakora wa kawaida ambao wanaweza kuwa katika kikundi cha watu 30 hadi 60 na zaidi ili wapange njama ya uharibifu.

Bw. Naibu Spika wa Muda, mtindo huu ulifanyika mwaka wa 1991. Kila wakati tukiwa karibu na uchaguzi, nchi hii inakuwa bila usalama. Tunataka kujuliza ni kwa nini? Mahali uliko, una kila kitu lakini unajua kwamba Mungu yuko na sisi sote. Polisi, wanajeshi hata na pesa unazo na huwezi kuguzwa na mtu.

Naiambia Serikali hii ya KANU, kule ambamo mmesema kuwa kumeharibika, kama Rwanda, Burundi, Zaire na Somalia, kulianza namna hii kama tulivyo sasa. Waswahili usema kwamba usiposipa ufa utajenga ukuta. Wale ambao nchi zao zimechafuka walianza namna hiyo. Itakuwaje kila siku watu wanauawa na hakuna mtu anashikwa na huku tunaambia kuwa kuna polisi na tunatoa pesa za kuwalipa askari askari polisi. Kuna mtu anayeweza kuamini hiyo? Nyinyi mna walinzi, katika nyumba zenu mmeweka mbwa kali, mna kila kitu, na raia je?

Bw. Naibu Spika wa Muda, mchezo huu ni mbaya. Hatutaki tuwe na Rwanda ya pili, hatutaki tuwe na Somali ya pili wala hatutaki tuwe na Zaire ya pili. Nchi hii ni nchi imesifika kwa usalama lakini sasa hivi, kwanzia mwaka wa 1991 mpaka sasa, ukienda katika nchi za nje, hakuna mtu anataka kuja hapa kwa sababu ya ukosefu wa usalama katika nchi. Hata ukienda katika mahoteli yale ambayo yanakuwa na biashara, hayana watu. Watu wamebakia wachache kwa sababu Wazungu wale ambao wamekuja huku wanafikiri tuko karibu kuwa Zaire, Somalia au Rwanda. Usione kuwa hawakuanza namna hiyo; walianza namna hiyo, watu wakiwaua na bila mtu yeyote kushikwa. Waziri anayehusika mpaka sasa hata anazungumza hana habari. Anafikiri kuwa nyadhifa aliyonayo ni ya maisha. Karibuni atakuwa raia kama wale wengine, aeleze nchi hii ni kwa nini watu wanauawa na wewe ni Waziri anayehusika na usalama wa nchini? Utambiaje Mungu ukienda mbele yake kama utaenda?

The Minister for State, Office of the President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. We are supposed to address the Chair and not other Members directly. Hon. Kiliku is really pointing at me. I am not a killer, hon. Kiliku! I am a Minister, I am not a police officer! It is not a police officer who does that. This is pure thuggery and we are fighting it like is the case in other countries.

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Kiliku, address the House through the Chair.

Mr. Kiliku: Bw. Naibu Spika wa Muda, kupitia kwako namwambia Waziri kuwa nyadhifa ya yake si ya maisha. Siku moja atakuja kuulizwa; "Je, ni kwa nini uliacha watu wauawe ukiwa Waziri katika nyadhifa za kuzuia watu waziwauwe?" Kwa nini mauaji hupatikana katika Mkoa wa Kati, Kiambu, Mkoa wa Kaskazini, Mkoa wa Pwani na kila mahali?

The Minister of State, Office of President (Mr. Kalweo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Can he also tell us why--- I am asking this question because he is still addressing me. Instead of bringing general issues, he is pointing at me as if I am killer; I am not a killer. I am in charge of security and we are looking for the best ways possible and, we need everybody's help so that we can curb the insecurity in the country. So, what we require is the co-operation of all Kenyans, hon. Kiliku included. He is also not permanent here just as other people are not.

Mr. Farah: On a point of information Mr. Temporary Deputy Speaker, Sir. For the information of the Minister, we have, on several occasions, given him ideas on how to combat insecurity. For example, when I was first elected to Parliament, I told him that the best way to deal with banditry in North Eastern Province is to have a small, modest anti-banditry force composed of members from the security forces, but who hail from that general area; who can track down the bandits on foot; who can camouflage themselves and gather information. It took you almost three years to take that suggestion. But when you took it, there is insecurity in North Eastern Province. It has very much decreased. But you are not taking that step in the case of Tana River District because we keep telling you to do the same thing there and you are not doing it. Could you do that very fast now?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, the Government is doing its level best to fight insecurity.

Mr. Kiliku: Je, mnajibu "Level best" na watu wanauawa? Kwani hiyo ndio "level best" ya Serikali? Eti hiyo ndiyo "level best" na watu wanauwa kila siku.

Bw. Naibu Spika wa Muda, kama tungekuwa katika nchi nyingine, huyu Waziri angekuwa ameaacha

kazi kwa sababu ya kuonyesha uzalendo huo. Watu wakiuauwa angeacha kazi na akisema "I am resigning in protest". Kwa sababu hana uzalendo hawezi kujiuzulu. Hata watu wakiuauwa pale kwake nyumbani kwake, hawezi kufanya chochote.

Bw. Naibu Spika wa Muda, nitazungumza juu ya usalama mpaka kesho. Nilipokuwa nikitoka Mombasa, nilimuona mtu ambaye aligongwa na gari pale Emali karibu na kituo cha polisi. Mwili wake ulikuwa umemaliza karibu masaa manane pale. Nikasimamisha gari langu. Polisi walikuwa wamepashwa habari juu ya kisa hiki. Hakuna polisi aliyekuja kumpeleka katika chumba cha kuhifadhiya maiti. Kama angekuwa ameumia ningemweka katika gari langu na kumpeleka hospitali. Je, hii Serikali inajali maslahi ya watu? Mtu amewauwa masaa manane yaliyopita lakini hakuna polisi anayekuja kusaidia. Lakini kama wangeambiwa eti kuna pombe mahali na waende kuchukua, wangekimbia mara moja na kwenda huko. Waziri alituambia kwamba tuna polisi wazuri katika Afrika nzima. Polisi wa Kenya imesemekana ndio wazuri zaidi kwa kufanya kazi. Lakini tunashangaa kwa sababu usalama huu ambao umezoroteka katika nchi hii na tunaambiwa polisi wetu wazuri katika Afrika nzima. Kuna tatizo gani? Ni wajibu wa Serikali sasa wachukue jukumu la kuwakamata watu ambao wanahusika. Lakini nimesema hapo awali kwamba watu wakifika 30 au 60, usiniambie eti ni wakora. They must be organised thugs. Hawa ni watu ambao wana kiongozi. Nasema hivyo kwa sababu vita katika Somalia vilianza namna hiyo. Pia kule Sierra Leone vita vilianza namna hiyo. Liberia pia ilianza namna hiyo. Na tumeona nchi nyingi zikianza vile vile. Serikali za nchi nyingi katika Afrika zimeanguka kwa sababu ya kutokuwa na usalama wa kutosha. Hii ndiyo sababu hatutaki mambo kama hayo yatokee hapa katika Kenya. Inaonekana kama kwamba huu ndio mwanzo.

Bw. Naibu Spika wa Muda, nikizungumzia pia juu ya Ofisi ya Rais, utapata kwamba tunapitisha pesa hizi ambazo zitatumika. Ni vizuri Rais akizuru mahali fulani awe na maofisa wake kutoka Wizara fulani na Waziri wa Wizara ndiposa Rais akiuliza swali juu ya Wizara hiyo ajibu. Lakini utapata kwamba Rais akienda mahali fulani, utapata maofisa wote katika Wizara hiyo wako naye. Hata maofisa wa parastatals wako naye. Ukienda ofisini hupati mtu.

Sijui huo ni mpango gani! Hapa tunaipatia Ofisi ya Rais na kila Wizara pesa. Magari na petroli vinatumika sana.

Hii ndiyo sababu unaona kwamba hakuna Wizara inayotumia pesa zake hadi mwisho wa mwaka wa pesa za Serikali. Wizara zote zinamaliza pesa zao mapema.

Bw. Naibu Spika wa Muda, tunataka kuwe na utaratibu wa kutumia pesa za Serikali. Ikiwa Rais ana mkutano wa Harambee na Waziri wa Mashauri ya Nchini na Turadhi za Kitaifa atumie gari la Serikali kuhudhuria mkutano huo inafaa ailipe Serikali gharama ya safari hiyo. Hii ni kwa sababu Waziri amepewa pesa za kuiendesha Wizara yake na si za kuhudhuria mikutano ya Harambee. Pia inafaa Waziri atumie gari moja, na si vizuri kwake kuandama na magari mengine 10 anapokuwa katika shughuli zake.

Kila kiongozi anawaulumu maofisa wa Serikali, lakini wale wanaotumia pesa vibaya zaidi ni Mawaziri. Hii ni kwa sababu wengi wa maofisa wa Serikali wanafuata amri. Wenye uwezo katika Wizara ni Waziri na Katibu Mkuu.

The Minister for Home Affairs and National Heritage (Mr. F.L. Lotodo): Jambo la nidhamu Bw. Naibu Spika wa Muda. Sijui kama mhe Kiliku anaelewa kwamba hakuna vikwazo katika kazi ya Waziri. Hakuna sheria inayomkataza Waziri kumfuata Rais wakati fulani.

Mr. Kiliku: Bw. Naibu Spika wa Muda, kazi ya Waziri haina vikwazo lakini matumizi ya pesa tunazoidhiinisha hapa yana masharti. Waziri anaweza kufanya kazi kama anavyotaka lakini ni lazima Wizara ifuate masharti ya matumizi ya pesa za Serikali. Sasa ningetaka kuongea kuhusu Wizara ya Afya. Mhe. Angatia alikuwa mzuri tulipokuwa naye katika Viti vya Nyuma. Sijui amefanyiwa nini upande ule mwingine kwa sababu yeye sasa ni tofauti sana na mhe. Angatia niliyemjua wakati alipokuwa Back bencher. Hospitali za Serikali sasa hazina huduma nzuri. Ikiwa kuna Mbunge ambaye sehemu yake ina hospitali nzuri anaweza kusimama na kunifahamisha hospitali kama hiyo iko wapi. Kila mahali huduma za hospitali za Serikali ni mbaya.

The Minister for Home Affairs and National Heritage (Mr. F.L. Lotodo): Jambo ya fahamisho, Bw. Naibu Spika wa Muda. Sijui kama mhe. Kiliku anajua kwamba aliyeziharibu huduma za hospitali za Serikali ni mhe. Kibaki na si mhe. Angatia!

Mr. Kiliku: Bw. Naibu Spika wa Muda, mimi nazungumzia mambo ya leo lakini Waziri anazungumzia mambo ya juzi. Hata kama dawa zimenunuliwa na Serikali wagonjwa wakienda hospitali wanaambiwa wakanunue dawa. Coast General Hospital ni mojawapo ya hospitali mbaya zaidi. Wagonjwa wanatakiwa kununua dawa na kupeleka maji ya kutumia hapo hospitalini. Pia mtu wako anapoumia unaambiwa uende katika Jumba la Ambalal ili ukapigwe picha ya X-Ray, ambayo unalipia. Hakuna huduma ya X-ray katika Coast General Hospital. Ukieleza watu kule kwamba kuna Serikali ambayo inapenda watu, yeye ataamini? Serikali gani hiyo? Serikali ya matezo? Watu wameumia na wao ni taxpayers. Wananchi wameumia sana. Waheshimiwa wanaweza kuenda kwa private hospitals, lakini wananchi ambao hawana mshahara wa kutosha

kama mawaziri wanatezeka. Swali ambalo ningetaka kuuliza Bw. Waziri wa Afya ni hii: Zile pesa za National Hospital Insurance Fund zinafanya kazi gani? Waziri aliulizwa siku moja aeleze na alete statement ya kueleza jinsi zile pesa zinatumiwa, lakini alishindwa na kufanya hivyo. Watu wanatoa hizo pesa za NHIF ili mwananchi akienda kwa hospitali anaweza kupata dawa. Lakini hatujui hizo pesa ziko wapi na zinatumiwa na nani na zinatumiwa vipi? Basi hii ni Serikali ya wizi.

Bw. Naibu Spika wa Muda, katika Port Reitz Hospital kule Mombasa, ambayo Waziri wa Afya alitembelea incognito, imeharibika zaidi kwa sababu ilichukuliwa na Serikali. Hizo hospitali ambazo zilikuwa za missionaries zamani zimechukuliwa na Serikali, na Serikali imeshindwa kuziendesha. Hata madaktari wenyewe wanatuuliza, kama hakuna dawa na hakuna facilities, tutafanya nini? Tulikuwa tunalaumu madaktari hapo zamani lakini sasa, tumegundua kwamba shida siyo ya madaktari. Kama daktari hana dawa na wagonjwa wanakufa na daktari anaweza kuwatibu, ni lazima yeye akuwe na clinic yake kule nje kwa sababu ni lazima atibu watu. Bunge hili ni ya kupitisha pesa lakini Mawaziri ambao wanahusika waangalie ya kwamba, kwa niaba ya wananchi, pesa zinatekelezwa mara moja.

Mtu anaweza kukaa kwa Serikali lakini kama hiyo Serikali ni mbovu, siku moja utalipa. Vile walikuwa wakiambiwa kwamba kumeharibika hawakusikia. Wakiona wana ndege, security na kila kitu, wanaona kama hakuna siku ambayo itafika na wakuwe wafungwa. Wakati unaweza kufika hawa Mawaziri wakawa wafungwa na watataka kwenda kwa hospitali. Lakini nchi ikiwa nzuri kwa kila mtu, hakuna haja ya mtu yoyote ambao atataka kuharibu nchi. Lakini kama mwananchi anakaa na hana chochote, madawa hakuna kwa hospitali na ukikutana na polisi, especially in Mombasa, zamani kulikuwa kuzuri kwa sababu mtu alikuwa akiambiwa atoe kitu kidogo kwa sauti nzuri. Lakini siku hizi mwananchi anaambiwa ainue mikono juu, polisi mwenyewe achukue kile kitu anataka kwa mifuko yake! Ukiwa na Kshs200 na umwambie achukue Kshs100, hakurejeshei change, hiyo anaweka na anakwambia uende. Wananchi wanateswa namna hiyo. Ndugu zangu, nyinyi mumezoea wakati tukizungumza, munapuza. Lakini mtapuza mpaka lini? Firauni alipuza Mungu namna hiyo. Hakuna mtu aliyekuwa na roho ngumu kuliko Firauni. Mungu akafanya hata kukawa na vyura, maji ikagueka kuwa damu lakini Firauni bado hakusikia.

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. My good friend, who is my neighbour is giving us stories about Pharaoh and other people and it is becoming a little bit uninteresting in the House. We have debated on the individual Votes *etcetera* and the Ministry Vote. I would appreciate it if he stuck to this Bill so that we can move on. We are here wanting to approve it in order to make funds available to the Ministries so that we can provide the services to this economy.

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

The Assistant Minister for Finance (Mr. Keah): Mr. Temporary Deputy Speaker, Sir, my point of order is: Is he in order to continue talking about the Pharaohs when we are talking about the Appropriation Bill? Could he stick to the Appropriation Bill and leave the Pharaoh to the Biblical time?

Mr. Kiliku: Bw. Naibu Spika wa Muda, sikuzungumza mambo ya Farao. Nilikuwa ninatoa kama mfano, Mhe. Keah akiwamo. Firauni alikuwa na roho ngumu. Lakini siku moja, Munga akaamurisha kwamba kila mtoto wa kwanza wa mnyama na binadamu, akiwemo mtoto wa Firauni atakufa usiku ule. Na hivyo ndivyo ilivyofanyika.

The Temporary Deputy Speaker (Mr. Wetangula): Bw. Kiliku, unaulizwa ni kwa njia gani mambo ya Firauni na yale ya pesa yanalingana hapa?

Mr. Kiliku: Bw. Naibu Spika wa Muda, hii ilikuwa ni mfano tu kwa ule ugumu wa roho yao, nikawaliganisha na Firauni, vile alikuwa mgumu na akawa na kila kitu na ikawa huwezi kumchezea. Hata Moses alipotumua na Mungu alikuwa anakataa.

The Assistant Minister for Finance (Mr. Keah): (Inaudible)

Mr. Kiliku: Bw. Naibu Spika wa Muda, yaani Wizara ya Biashara. Ninataka kumweleza huyu Waziri wa Biashara---

An hon. Member: Speak on policy issues.

Mr. Kiliku: Anasema nizungumze policy. Kulikuwa na Africanisation policy. Hiyo ni policy moja ambayo huyu Waziri ameua. Ninasema hivi kwa sababu ukiona wale Wahindi ambao wamepewa business permit katika nchi hii, utakubali kwamba Waafrika wamebakia na *mitumba* na vioski peke yake. Wakati wa Hayati Mzee Kenyatta, Africanisation policy ilifanya kazi. Yaani, mwananchi alikuwa akisaidiwa. Na yule Mwafrika ambaye anafanya biashara ndogo ndogo ndiye anahangaishwa na polisi. Hakuna siku moja utapata Mhindi akihangaishwa na polisi. Africanization policy iko wapi? Hakuna kazi hapa nchini. Tuna watu ambao wamehitimu hadi vyuo vikuu lakini hawana kazi. Wote hawa tunawaambia waende Jua Kali. Kila mwanafunzi akimaliza shule tunamwambia aende Jua Kali. Hata mtu ambaye amesoma engineering unamwambia akauze

nyanya eti hii ni kazi ya Jua Kali. Mtu ambaye amesoma Geography, badala ya kumpatia kazi ya kufunza, unamwambia aende Jua Kali. Sisemi kwamba ni vibaya kufanya kazi ya Jua Kali lakini iwe kwa yule mtu ambaye anataka. Lakini ukisema kila mtu aende kwa Jua Kali kwa sababu Serikali imeshindwa kuwapatia kazi, hiyo ni sawa?

Siku hizi utaona Mhindi anauza chips kwa duka lake eti yeye ni investor. Yule Mhindi anaambiwa kuwa ni investor aje auze chips. Hiyo ni kazi ambayo Mwafrika anaweza kufanya.

The Minister for Commerce and Industry (Mr. M'Mukindia): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have two points. One, the hon. Member is totally out of order to encourage discrimination on the basis of race in this country and this is totally unconstitutional. The hon. Member is out of order to say that. Two, while I appreciate---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Minister! It is up to the Chair to rule him out of order. Yours is to ask whether he is in order to say what he is saying.

The Minister for Commerce and Industry (Mr. M'Mukindia): Mr. Temporary Deputy Speaker, Sir, I stand corrected. Is the hon. Member in order to actively propose something that is totally against the Constitution of this country, that is discrimination on the basis of race in business or in other things?

Mr. Kiliku: Bw. Naibu Spika wa Muda, katika wale watu wanaochaguliwa katika Bunge---

Mr. Akumu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister allowed to mislead this House by calling for Africanization or indigenisation in accordance with Trade Licensing Act of 1968 which we played part on, which has now turned into Indianization and hence discrimination? In which country can you go and trade without some element of discrimination?

Mr. Kiliku: Bw. Naibu Spika wa Muda, kwa sababu saa zinayoyoma ninamwomba huyu Waziri afike mapema kesho nimueleze vile ametesa Waafrika. Mimi ninachaguliwa na watu kutoka makabila mengi lakini nchi hii ni ya Mwafrika. Ni nchi ina wenyewe. Lazima kuwe na mtindo. Sio eti watu wetu hawajasoma. Sio eti ni Mwafrika peke yake ambaye anaweza kufanya biashara ya Jua Kali. Lazima kuwe na policy ya kuleta watu wetu katika biashara. Tuwe na uchumi. Hakuna haja ya kuwa na Waziri ambaye akipigiwa simu na Mhindi anatetemeka sana hata hawezi kutetemeka namna hiyo akiitwa na Rais.

The Minister for Commerce and Industry (Mr. M'Mukindia): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to allege something that I hope he will be able to substantiate or withdraw? If there is one Minister who is very courageous, it is me.

Mr. Kiliku: Si mambo ya Nakumatt ni ya juzi tu? Haya mambo yaliendeshwa namna gani?

ADJOURNMENT

Mr. Temporary Deputy Speaker (Mr. Wetangula): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, 13th November, 1996, at 9.00 a.m.

The House adjourned at 6.30 p.m.