

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 25th July, 1996

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

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

*(By the Assistant Minister for Tourism and Wildlife
(Mr. Kisiero) on behalf of the Minister for
Transport and Communications)*

Annual Report and Accounts of African Tours and Hotels Ltd. for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Transport and Tourism Services for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Game Lodges Limited for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Game Lodges Limited for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Mountain Lodges Limited for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Mountain Lodges Limited for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Tourism and Wildlife
(Mr. Kisiero) On behalf of the Minister for
Tourism and Wildlife)*

ORAL ANSWERS TO QUESTIONS

Mr. Speaker: Dr. Otieno-Kopiyo's Question!

Mr. Mak'Onyango: Mr. Speaker, Sir, you may be well aware that Dr. Kopiyo is in hospital. He was a victim of thuggery from a KANU stooge, and he asked me from the hospital to ask this Question.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Maundu): On a point of order, Mr. Speaker, Sir. Is the hon. Member in a position to substantiate this very serious claim?

Mr. Speaker: Order! It is that kind of language being used by these hon. Members against another hon. Member that is bringing total disrepute to this House. I am saddened by the behaviour of hon. Members of this House who have no respect whatsoever for each other, their ages and their constituents. It is utter shame that hon. Members continue to behave the way they do. It is sad that hon. Members are resorting to violence against each other. Mr. Mak'Onyango, you are now ordered by me to withdraw unconditionally the words you have used against another Member, immediately.

Mr. Mak'Onyango: Mr. Speaker, Sir, I have not directed these words at any particular Member.

Mr. Speaker: Order! The fact that you have said a Member is a "stooge" is unparliamentary. Will you withdraw?

Mr. Mak'Onyango: Mr. Speaker, Sir, I reluctantly withdraw it.

Question No.414

INCREASE OF WOMEN PERMANENT SECRETARIES

Mr. Mak'Onyango, on behalf of **Dr. Otieno-Kopiyo**, asked the Minister of State, Office of the President, whether the Government would consider increasing the number of women permanent secretaries.

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

The appointment of permanent secretaries is a prerogative of His Excellency the President. Therefore, it cannot be discussed as to whether the number of women permanent secretaries will be increased or not. **Mr. Mak'Onyango:** Mr. Speaker, Sir, as this House is aware, we are supposed to be a gender sensitive Parliament and all we are asking for is that the women-folk in this country be given a greater representation at that crucial level of our national activities. So, is it not fair that the Government should go out of its way and come up with a special arrangement to increase the level of women representation at this level?

Mr. Manga: Mr. Speaker, Sir, the top posts are given to people who qualify and, therefore, there is nothing really fishy about it. In any case, we have two women permanent secretaries and there are also women holding very high posts in the Judiciary and parastatals. I do not think women have been deprived of their rights.

Mr. Ruhiu: Mr. Speaker, Sir, the Question asks about permanent secretaries and not the Judiciary. In this year of 1996, the year of our Lord, this country ought to show a good gesture to the women-folk by appointing at least half of the folk in the Government as permanent secretaries. What is preventing that from happening?

Mr. Manga: Mr. Speaker, Sir, may I again repeat that the appointment of permanent secretaries is a prerogative of His Excellency the President, and we cannot discuss it here.

Question No. 290

COMPLETION OF FARMERS CENTRE BUILDINGS

Mr. Munyasia asked the Minister for Agriculture, Livestock Development and Marketing what plans he has to complete the buildings that NORAD was constructing at the Bungoma Farmers Training Centre, Mabanga, before they withdrew their assistance.

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

Once NORAD left the project, the Ministry approached possible donors in an effort to ensure that this project is completed. Among the donors approached was IFAD who agreed to fund the completion of Bungoma Farmers Training Centre, through the Western Kenya district based Agricultural Development Project. The funding is scheduled from July, 1996, but the work will start from October, 1996. The completion is expected to be in 1997.

Mr. Munyasia: Mr. Speaker, Sir, this project was abandoned about five years ago. The Assistant Minister is telling us that IFAD is going to complete the project. Is he aware that the buildings have been vandalised and all the steel doors, roofers and the windows that had been put there have been removed? If he is aware of that, what is he going to do to ensure that these things are replaced before IFAD takes over the project?

Mr. Maundu: Mr. Speaker, Sir, the survey and pricing of the project has been done, and the sum of money has been agreed upon, together with all the outstanding work, inclusive of the vandalised items. IFAD is going to fund this particular project as I have outlined in my answer before.

Dr. Kituyi: Mr. Speaker, Sir, I have been in touch with IFAD in connection with their funding priorities in Bungoma District. The project at Mabanga is one of the projects to be considered at the DDC level, before IFAD can consider funding it. So, the information from the Assistant Minister is not correct, in the first place. Having said that, when NORAD were thrown out of this country, the Government said that it was capable of completing all important projects on its own. What action has the Government of Kenya taken, in the last four years, to salvage, leave alone completing, up to the level of construction that had been attained by NORAD, when they were thrown out of this country?

Mr. Maundu: Mr. Speaker, Sir, the action that the Government has taken is to source for a donor, and I can confirm that a sum of Kshs600,000 is within our estimates to start this particular project. I think the past does not really matter now; what matters is the completion of this project.

Mr. Anyona: Mr. Speaker, Sir, this is one of the major projects in the country that were abandoned when Norway withdrew because of deteriorating relations with Kenya. Now that the relations between these two countries are back to normal, could the Assistant Minister ensure that NORAD resumes this, and other projects that were abandoned?

Mr. Maundu: Mr. Speaker, Sir, I think the fact that NORAD has agreed to fund this particular project is a good gesture and a way forward. I believe NORAD will proceed with the projects that it has undertaken, particularly within the Ministry of Agriculture, Livestock Development and Marketing.

Mr. Munyasia: Mr. Speaker, Sir, I informed the Assistant Minister that the buildings [Mr. Munyasia] were vandalised and steel doors were taken away when this institution was under a principal. I asked him what he will do to ensure that the things which were stolen are recovered. He has not answered that question. Could he now answer that question?

Mr. Maundu: Mr. Speaker, Sir, I am not aware that the building has been vandalised. But if we get factual information, we can take preventive measures to discontinue that. If the hon. Member has any information about whoever might have stolen some of the items, it will help us a lot.

Question No. 511

PROVISION OF TEACHER'S ADVISORY CENTRE

Mr. Busolo asked the Minister for Education what plans he has of providing Teachers' Advisory Centres in Webuye Constituency with learning and teaching resources.

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

The Ministry has no plans for providing Teachers' Advisory Centres in Webuye Constituency at the moment. Teachers' Advisory Centres are built through joint undertakings between the community and the Ministry, if the DDC of that area has supported the project. The Ministry assists, generally, in equipment and staffing. Therefore, I suggest to the hon. Member to pursue the matter through his DDC.

Mr. Busolo: Mr. Speaker, Sir, if you notice from the answer, he has not answered the Question. I am not asking about the Teachers' Advisory Centres. I am asking the Ministry to provide these centres with learning and teaching resources. We have the centres, but they have no teaching and learning resources. That is what I am asking for. Could the Assistant Minister tell us that he has not answered the Question, and that he will go back and do a better job on it, before he comes here?

Mr. Komora: Mr. Speaker, Sir, I beg to apologise for this oversight. But I would also like to suggest to the hon. Member, to come and see me and plan for these things.

Mr. Busolo: Mr. Speaker, Sir, I appreciate what the Assistant Minister is telling me, but apart from seeing him in private, because this is a House matter now, I prefer the Assistant Minister to promise this House, that he will come back with a proper answer to this House.

Mr. Komora: Mr. Speaker, Sir, it is alright. Nevertheless, I would like to see him because it is important for him to provide some information that is useful. I will bring the answer to the House, but it is still important that he sees me about it.

Question No. 745

ALLOCATION OF PUBLIC LAND

Mr. Speaker: Is Bishop Tanui not here? We will leave his Question until the end. Let us move on to the next Question.

Question No. 400

TITLE DEEDS FOR UMOJA RESIDENTS

Mr. Ruhiu asked the Minister for Local Government:-

- (a) whether he is aware that majority of Umoja (1) residents have fully repaid their loans; and,
- (b) if the answer to "a" above is in the affirmative, the arrangements the Ministry is making to ensure that these people are issued with title deeds.

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Messrs. Musyoka Annan and Company Advocates of P. O. Box, 49019, Nairobi is handling the instruments of titles.

Mr. Ruhui: Mr. Speaker, Sir, the residents of Umoja (1) finished repaying their loans about ten years ago. Now, the work was commissioned to this lawyer. Within the Nairobi City Council, we have at least five or six advocates who are employed. Messrs. Musyoka Annan and Company Advocates is charging Kshs10,000 to process the documents. What I want to know is this: What is the Ministry doing to declare the work of those six advocates redundant? When are they going to process these documents?

Dr. Wameyo: Mr. Speaker, Sir, I do not know, and I do not have any information that those advocates have no work to do. But the work has been given to Messrs. Musyoka Annan and Advocates and it is being done.

Mr. Mak' Onyango: Mr. Speaker, Sir, the Assistant Minister is not really addressing the issue of the Question. The Question is: We have so many lawyers within the City Council. Why is it necessary for the Council to use a private lawyer, when they have lawyers who can handle this particular matter?

Dr. Wameyo: Mr. Speaker, Sir, I do not have that information as to why. But the information I have is that the work has been given to Messrs. Musyoka Annan and Company Advocates.

Mr. Ruhui: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to say that when some of the tenants have already been refunded their Kshs10,000 which they had paid two years ago, to Musyoka Annan Advocates?

Dr. Wameyo: Mr. Speaker, Sir, I am not aware that the tenants had already paid Kshs10,000. If the hon. Member gives me information to support that fact, then I will go back to the Ministry, find out and come back here with the answer on Tuesday next week.

Question No. 748

GRADING OF ROADS IN UGENYA

Mr. Orengo asked the Minister for Public Works and Housing whether he is aware that East Ugenya and North Ugenya Locations and many areas in West Ugenya and South Ugenya Locations are inaccessible because no roads have been maintained or repaired for the last two years, thereby causing extreme difficulties and suffering to the people.

The Minister for Public Works and Housing (Prof. Ng'eno): Mr. Speaker, Sir, I beg to reply.

During the last two years the Ministry has graded a total of 95.2 kilometres road network and gravelled 13 kilometres of road network in Ugenya Constituency at a cost of Kshs8,085,600. Most of the roads are in good motorable condition and the normal routine maintenance is done on an annual basis. I am, therefore, unaware that locations mentioned in the Question are inaccessible. The Ministry is, however, planning to grade a total of 234 kilometres of road network in Ugenya Constituency during the year 1996/97 at a cost of Kshs700,000 with a view to ensuring efficient road communication.

Mr. Orengo: Mr. Speaker, Sir, I left Ugenya yesterday in the evening but still, as I pointed out in this Question, most roads, particularly those in the locations that I have mentioned in the Question, are inaccessible. The Minister is lucky that the President did not go to these areas, for he would not have made it. Can the Minister assure this House that these roads will be done? I can assure him that this sum of Kshs8 million has not been used in grading the roads in Ugenya at all. For the last three years, no roads in Ugenya have been graded. I know one road which has been gravelled. That road runs through the centre of the Ugenya Constituency, but the rest of the locations are inaccessible. Can he assure the House that the money will be properly used?

Prof. Ng'eno: Mr. Speaker, Sir, I do.

Dr. Oburu: Mr. Speaker, Sir, is the Minister aware that in the whole of Siaya District there is only one grader which is being shared among five constituencies, and that as a result of this no roads have been graded? That one grader is being used to grade only roads leading to areas of funerals, where supporters of KANU have died.

Prof. Ng'eno: Mr. Speaker, Sir, we have given instructions to the provincial works officers throughout the country to relocate machinery from places where there is little work to places where work needs to be done and

money is available. Therefore, I want to assure the hon. Member that if it is true that Siaya District has only one grader, the provincial works officer will mobilise graders from other areas to do work where that work is required to be done.

Mr. Mbeo: Mr. Speaker, Sir, arising from the Minister's reply it appears that every week there is a Question in this House on roads. Could we today ask the Minister to present to this House a comprehensive plan for road maintenance in the whole country within the next one week or so?

Prof. Ng'eno: Mr. Speaker, Sir, I am going to be talking about exactly the comprehensive plan the hon. Member is talking about next week when I will be presenting the financial needs of the Ministry to this House.

Question No. 750

CULLING AND CROPPING WILDLIFE PROGRAMME

Mr. Sankori asked the Minister for Tourism and Wildlife whether he could consider setting up a culling and cropping programme of wildlife in Kajiado District to ensure a balanced co-existence with the farming sector.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Speaker, Sir, I beg to reply.

I am ready to consider allowing culling and cropping of wildlife in Kajiado District. However, before I do so, the land owners have to apply and obtain Kenya Wildlife Service (KWS) wildlife use rights. The rights will be issued depending on land size, land ownership, location, intended objective, animal numbers and species, wildlife related problems, land use and interests of the land owner.

Mr. Sankori: Mr. Speaker, Sir, while I appreciate the reply given by the Assistant Minister, I would like to know from him whether it is the Ministry or the KWS who give the wildlife use rights. When you go to the KWS, they want you to produce land right user. If the land is mine, what rights do I need to get from the Ministry?

Mr. Kisiero: Mr. Speaker, Sir, the hon. Member knows that wildlife which is our subject of discussion is protected by the Government. Therefore, one cannot just go round destroying it without us reaching a consensus. The consensus is to be reached between the KWS and the land owners in that particular area. It is not a difficult thing to obtain that land use right.

Mr. Sankori: On a point of order, Mr. Speaker, Sir. The land is mine and the animals are on my land. What right does the Ministry have to license me when I have been protecting the animals? Why can the Ministry not give us a licence to crop them instead of giving such licences to foreigners?

Mr. Kisiero: Mr. Speaker, Sir, I have already said that we are quite ready to give the licence for cropping and culling.

Mr. D.D. Mbela: Mr. Speaker, Sir, could the Assistant Minister explain to this House why the wildlife, which have their own domain in the national parks, which wananchi cannot approach, all the time leave the national parks and go to interfere with the fields where farmers and other people are living?

Mr. Kisiero: Mr. Speaker, Sir, wild animals do not know boundaries: They just keep on roaming about here and there. But because we in Kenya have agreed to protect the wildlife for the benefit of our future generations, I think we have to continue finding the best ways of living together with these animals.

Mr. Mulusya: Mr. Speaker, Sir, can the Assistant Minister tell the House why it is only foreigners who are being given licences to do wildlife cropping? Maybe there only is one or two Kenyans who have been given the wildlife cropping licence! All the other people with this licence are foreigners. Why are Kenyans not being considered for this licence?

Mr. Kisiero: Mr. Speaker, Sir, we do give licences to Kenyans as well as any other applicants.

Dr. Wako: Mr. Speaker, Sir, can the Assistant Minister tell the House how many Africans have such a licence? Actually, what hon. Mulusya has said is true. All the wildlife cropping licences have been given only to foreigners! Can the Assistant Minister make it easy for indigenous Kenyans to get the wildlife cropping licence?

Mr. Kisiero: Mr. Speaker, Sir, as I have already suggested, let those who want to crop wild animals apply for licences. If their applications are delayed, we are always here and if we are informed of that, we will follow them up.

Mr. Wetangula: Mr. Speaker, Sir, can the Assistant Minister assure this House that there is no justification whatsoever in licensing foreigners to crop our wild animals, and that any such licences given to foreigners will be cancelled forthwith and be issued to the local people?

Mr. Kisiero: Mr. Speaker, Sir, as I said earlier, we are ready to give the local people licences. But if

they do not come forward and apply for them and only foreigners come forward and apply for them, and we are satisfied the foreigners are fit to be licensed, then we shall license those foreigners.

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir. The Assistant Minister did assure this House while answering this same Question that the basic idea here is to preserve the wildlife for our future generations. Is it in order for the Assistant Minister, at the same time to say that the same have to be cropped by foreigners and not our local people?

Mr. Kisiero: Mr. Speaker, Sir, if a situation arises where it is necessary to crop the animals, then they have to be cropped and in that case, we would always wish that the local people come for licences and we shall be happy to give them.

Mr. Sankori: Mr. Speaker, Sir, the Assistant Minister knows very well that the Maasais are very friendly to the environment, both wildlife and the forests. As we are talking now, we have got nearly three-quarters of the wildlife in our farms. During the dry season when we try to move to the national parks, KWS and his Ministry do not allow us to graze in the national parks. Would it be right for us to say, we will make sure that no wildlife will graze in our own farms?

Mr. Kisiero: Mr. Speaker, Sir, I agree that the Maasai are some of the best wildlife conservationists and I believe that they will continue to do that and we are always ready to ensure that if the animals become too much of a nuisance to the Maasai or any other community, we shall find a way of making sure that the situation is normalised.

Mr. Speaker: Question No.745, for the second time! Bishop Tanui!

Question No.745

ALLOCATION OF PUBLIC LAND

Bishop Tanui still not here? The Question falls!

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

REPAYMENT OF RURAL ENTERPRISE FUNDS

Mr. Anyona: 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 many Kenyans who were victims of 1992 ethnic clashes in the Rift Valley, Nyanza and Western Provinces, are not able to repay the Rural Private Enterprise (RPE) loans owed to the USAID and local commercial banks because they are still displaced?

(b) How many people are affected and how much money do they owe the USAID and the commercial banks?

(c) Will the Minister ensure that their properties and other assets are not auctioned by the commercial banks before they are rehabilitated into their settlements?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I wish to beg the indulgence of the House. I wish to indicate that I have spoken to my hon. friend because it was difficult to collect the data that the hon. Member wants and I wish to request the Chair to allow this Question to be deferred until Thursday, 1st August, 1996, then we can be able to answer it.

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

Mr. Anyona: Mr. Speaker, Sir, rather than listen to a shoddy answer to a very important Question affecting very many Kenyans, I would be agreeable to the Assistant Minister getting more time, but I hope that when we get the answer, it will be a real answer and not something that has been cooked up by a corrupt Civil Service.

(Question deferred)

DEMOLITION OF MR. ONDIEKI'S HOUSE

Mr. Githiomi: 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. Nathan Gichana Ondieki's house on land reference NYA/KAIMBAGA/240 was demolished on the 25th May, 1996, in the presence of the local District Officer and his administration police and that the matter created tribal animosity between the Kikuyu community and other communities living in Kipipiri?

(b) Is he further aware that on 20th June, 1996, Mr. Joseph Kinyukii Kinyiriria, the Nyandarua Branch KANU Chairman, sent a tractor to Mr. Ondieki's land to plough his crops which were uprooted and destroyed in the presence of the same District Officer and the administration police?

(c) If the answers to "a" and "b" above are in the affirmative:

(i) how is the Minister planning to compensate the victim?

(ii) could he further tell the House the circumstances that led to the demolition of the house and subsequent destruction of the crops?

(iii) could he also inform the House how the local residents will be protected against harassment by the local District Officer?

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

I am aware that Mr. Nathan Gichana Ondieki's house on land reference NYANDARUA/KIAMBAGA/240 was demolished on 25th of May, 1996 in the presence of the local District Officer and his administration police, but I am not aware that the matter created tribal animosity between the Kikuyu community and any other communities living in Kipipiri.

I am also aware that on 20th June, 1996, Mr. Joseph Kinyukii Kinyiriria, the Nyandarua District KANU Branch Chairman, sent a tractor to plough land, but he did not affect the crops of Mr. Ondieki. Further, it is only the new structures which were affected upon the demolition of the houses but not the old structures.

On the matter of compensation, Mr. Ondieki will be given another piece of land when it becomes available.

Mr. Githiomi: Mr. Speaker, Sir, the answer that the Assistant Minister has given is very misleading, because I Tabled documents here to the effect that the land in question belongs to Mr. Ondieki. The Minister has kept mum about that, he has not said anything about it, he has not even refuted the legality of the documents.

Mr. Speaker, Sir, I went to the land in question and I personally saw that Mr. Ondieki's crops had been ploughed. The tractor had completely destroyed and uprooted them. Mr. Kinyiriria, as it were, has not planted any crop on that land, so he cannot claim to have ploughed crops that belonged to him. It is like we cannot be able to---

Mr. Speaker: Mr. Githiomi, I thought it was Question time!

Mr. Githiomi: Okay!

Mr. Speaker, Sir, could this House set up a committee to go and investigate into this very serious matter? Because the Minister promised that he would investigate this matter and bring an answer that would adequately be accepted by this House and he has continued to cheat this House. I have information that the Assistant Minister is personally protecting the District KANU Chairman to make sure that Mr. Ondieki loses his land.

Mr. Sunkuli: Mr. Speaker, Sir, I would like to laugh at that idea because I have never seen this man called Mr. Kinyiriria, but what I would like to say is that, there is absolutely no reason for a committee. What has happened is that this particular piece of land was actually allocated to Mr. Ondieki in the first instance. My information is that, Mr. Ondieki was not able to pay the fee that was required in order for him to be given the title.

My further information is that, subsequently Mr. Kinyiriria was able to pay this fee and he was allocated that piece of land.

Mr. Speaker, Sir, that is the investigation I carried out and I found out that Mr. Ondieki is a lawful squatter. Our Office has written to the Ministry of Lands and Settlement to inform them that indeed Mr. Ondieki is the person who should be given a piece of land because he is a lawful squatter. Mr. Kinyiriria was able to pay the money and he bought off the land, he has the title deed and I can only respect the title deed although I greatly sympathise with Mr. Ondieki. Therefore, we have written to the Ministry of Lands and Settlement, the Minister is here and indeed the question ought to have been directed to the Ministry of Lands and Settlement in the first place, because it is a question of ownership, it had absolutely nothing to do with the Office of the President, but because it was directed to us, I have answered and I have asked the Ministry of Lands and Settlement to give Mr. Ondieki a piece of land.

Mr. Manoti: Mr. Speaker, Sir, arising from the reply from the Assistant Minister, could he tell us how

soon Mr. Ondieki will be given a piece of land?

Mr. Sunkuli: Mr. Speaker, Sir, I have said that it is the duty of the Ministry of Lands and Settlement to allocate land and the Permanent Secretary in the Office of the President has written to the Ministry of Lands and Settlement, to bring to their notice the fact that this particular land was not dealt with properly and that, that Mr. Ondieki should be given a piece of land.

Mr. Obwocha: Mr. Speaker, Sir, you do notice that the Assistant Minister never answered part (iii) of the Question? Could he inform the House how the local residents will be protected against harassment by the District Officer? Now this D.O is harassing these residents. Could the Assistant Minister assure this House that he is not going to harass Mr. Ondieki until he is given an alternative piece of land or else he transfers this D.O from this place?

Mr. Sunkuli: Mr. Speaker, Sir, actually he is right, I did not read the answer for part (iii). The answer is as follows:-

The Government will protect all Kenyans and their property regardless of their tribe, creed, colour or political conviction.

Mr. Nyagah: Mr. Speaker, Sir, two weeks ago, the hon. Member for Kipipiri Tabled a document which was a charge document by Mr. Ondieki. The Assistant Minister did not dispute that, that title deed number belonged to Mr. Ondieki. We are told that Mr. Ondieki has lived on this land from 1981 to date. At what stage did this KANU Chairman pay for this land and who did he pay to? Was it through an auction, because Mr. Ondieki was unable to pay? How did he pay and who did he pay to?

Mr. Sunkuli: Mr. Speaker, Sir, first, I want to correct the impression created that he actually has the title deed. He does not have a title deed, the land was allocated to him and he was not able to pay the money to the firm and I wish the settlement was being arranged. Therefore, Mr. Kinyiriria was able to do so, not as a KANU chairman, but as Mr. Kinyiriria as a private citizen. That is the impression I would like to correct.

Mr. Mulusya: On a point of order, Mr. Speaker, Sir. My point of order is that the Assistant Minister is deliberately trying to avoid answering the question. The document which was tabled is a charge against the title deed for that land. How did Mr. Ondiek get a title deed and eventually charged it to a bank? If he charged it, where did the KANU chairman get his own title deed from? Was the original allocation cancelled? Was that title deed issued to Mr. Ondiek withdrawn? How was it done? He must answer that!

Mr. Sunkuli: Mr. Speaker, Sir, I am not trying to avoid answering the question, it is hon. Mulusya who can never wait for me to complete my sentence. Hon. Mulusya, who I believe has been working in the Ministry of Lands and Settlement, knows that a charge is a charge against a title deed. It is a charge against the title deed which is being held by Mr. Kinyiriria.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. The hon. Member, Mr. Githiomi, clearly indicates that there has been a case of discrimination in the manner in which Mr. Ondiek, who happens to be a Kisii I believe, has been treated in this particular case. What is the Minister going to do in the light of that information? And given the provisions of section 82(ii) of the Constitution which states as follows:-

"That subject to subsections 6, 8 and 9, no person shall be treated in indiscriminatory manner by a person acting by virtue of any written law or in the performance of the function of a public office or a public authority."

Here is a case of Government where officers were presiding over a case of discrimination thereby violating the Constitution. What is the Assistant Minister going to do about it?

Mr. Sunkuli: Mr. Speaker, Sir, every time I say that many civil servants do make mistakes, and some of them are not comfortable with us here or Government. That is why the Permanent Secretary in the Office of the President has written to his colleague in the Ministry of Lands and Settlement to ensure that, as soon as possible, Mr. Ondiek is given another piece of land.

Mr. Speaker: Next Question, Mr. Maore.

IMPOSITION OF LEVY ON *MIRAA*

Mr. Maore: 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 Kenya Airports Authority has imposed Kshs6 levy per kilogramme on *miraa* without requisite legal notice at the Wilson Airport?

(b) Could the Minister immediately clarify the genuine revenue due to the Government on *miraa* at all airports to avoid corrupt practice by parastatal chiefs?

(c) What is the link between the Managing Director of Kenya Airports Authority and the Avicon Limited of P.O. Box 53105, NAIROBI, owned by Mr. Ben Waweru?

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

(a) The new levy of Kshs6 per kilogramme of all cargo including *miraa* was contained in Legal Notice No.189/96 which took effect from 1st July, 1996. However, the levy has been temporarily suspended with regard to *miraa* pending consultations.

And arising from my reply in "a" parts "b" and "c", therefore, do not arise.

Mr. Maore: Mr. Speaker, Sir, this is the problem of relying on the same people who created a mess to give answers. The Assistant Minister has not talked anything about parts "b" and "c", and he is taking an excuse of part "a," while part "b" was a totally separate question.

Now, in my supplementary, part "b" is trying to seek the clarification about all revenues that is due to Government from *miraa* and it has nothing to do with part "a". Then part "c" is asking the link between the Managing Director of Kenya Airports Authority and the Avicon Limited. It is there very clearly. On what base was the Avicon Limited of P.O. Box 53105 appointed as receiver of revenue by the Treasury because it is a private shed according to a letter here by the Kenya Airports Authority dated 21st June, 1996, talking about *miraa* sheds operations at Wilson Airport? Specifically on *miraa*, how will the Government get this revenue from the Director of Avicon limited?

Mr. Sunkuli: Mr. Speaker, Sir, as I said, we have suspended the Kshs6 levy and we are holding consultation with all the interested party. Therefore, the question of clarifying the genuine revenue can only be done after consultation and, therefore, Avicon limited, whether or not was appointed does not arise because they are not collecting any revenue.

Mr. Salat: Mr. Speaker, Sir, the Assistant Minister is still evading parts "b" and "c" of the Question. Okay, the Legal Notice has been suspended, but what the hon. Member wants to know is how much revenue does the Government collect on *miraa* from the airport? I think that has nothing to do with the Legal Notice either being suspended or being in effect. Could he answer that, and also part "c", whether there is any link between the Managing Director, Kenya Airports Authority and the Avicon Limited?

Mr. Sunkuli: Mr. Speaker, Sir, I do not know whether what hon. Salat is saying has anything to do with what hon. Maore is saying. What hon. Salat is saying is that I should state how much revenue the Government gets from *miraa*. I do not think that was the question at all because I do not have the figures of the total amount that we receive as the Government from *miraa*. I do not have the facts now.

Mr. Maore: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to avoid a very clearly defined Question? In the printed Question itself, I had sought to know the revenue due to the Government at the airport, not through taxes or any other form of taxation.

Secondly, I beg to table this document the Assistant Minister is trying to deny. The issue specifically is of *miraa* and the levy being collected by the Avicon Limited and it is on the letter head of Kenya Airports Authority. It is not an illegitimate document and I will table it.

(Hon. Maore laid the document on the Table)

Mr. Speaker: Mr. Maore, you actually do not need to go to the Bar before you table the [Mr. Speaker] document, but anyway, we have seen you doing it!

(Laughter)

Mr. Sunkuli: Mr. Speaker, Sir, I do not know for what purpose the hon. Member has tabled that document because I have said that, indeed, Avicon was appointed, but we have suspended all that pending consultation.

Mr. Maore: On a point of order, Mr. Speaker, Sir. Can the Assistant Minister confirm to this House, if he has any evidence that this was suspended because this was done verbally by the Permanent Secretary in the Office of the President, and there is no evidence they cannot revive it tomorrow or tonight? What written evidence do you have because it was suspended after they knew about this Question?

Mr. Sunkuli: Mr. Speaker, Sir, if it is written evidence, tomorrow it will be in the HANSARD, and I think that is sufficient evidence coming from the Assistant Minister himself.

Mr. Speaker: Next Question, Mr. Kapten.

COLLAPSE OF KENYA NATIONAL ASSURANCE

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

(a) What led to the collapse of the Kenya National Assurance Company and what concrete steps is the Minister taking to ensure that:

- (i) the life and other policies of the clients of the Company are going to be protected;
- (ii) the interest and welfare of the employees will be protected?

(b) What action is the Minister taking against the people who contributed to the collapse of the Company?

The Minister for Finance (Mr. Mudavadi): Mr. Speaker, Sir, I beg to answer.

(a) The interim liquidator has appointed a special manager, an actuary, who will take over the running of the long-term life insurance business of Kenya National Assurance Company Limited (KNAC) to ensure that life policy holders are protected. It is expected that soon, this class of business shall be transferred to another insurance company as a going concern.

The special manager will handle the activities of the closed funds and design schemes of arrangements, prior to their transfer to the insurers.

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

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

Mr. Ndicho: Mr. Speaker, Sir, the Minister is not answering the Question. He is giving us totally different information. We want to know what led to the collapse of KNAC.

Mr. Speaker: Order, Mr. Ndicho! I think you must not be unnecessarily agitated. Proceed, hon. Mudavadi!

Mr. Ndicho: He is not answering the Question!

Mr. Speaker: Would you like to answer on his behalf?

The Minister for Finance (Mr. Mudavadi): Mr. Speaker, Sir, I think the Question says: "What concrete steps is the Minister taking to ensure that..." **Hon. Members:** No! What led to the collapse of the Kenya National Assurance Company?

Mr. Nthenge: Mr. Speaker, Sir, he has skipped the first part of the Question. He should start with part "a" of the Question: "What led to the collapse of the Kenya National Assurance Company?" **The Minister for Finance** (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I beg your pardon. I think there is one aspect about the Question that I had omitted, therefore, I seek your indulgence. With regard to part (a) which asks: "What led to the collapse of the KNAC and what are the concrete steps that I intend to take"; my answer is as follows:

(a) I did make a Ministerial Statement to this House to the effect that the KNAC collapsed primarily because of mismanagement over a long period of time. Secondly, the question then goes on to ask what concrete steps we are taking. The first aspect of it is that the interim liquidator has appointed a special manager, who is an actuary, who will take over the running of the long-term life insurance business of KNAC to ensure that life policy holders are protected. It is expected that soon this class of business shall be transferred to another insurance company as a going concern. The special manager will also handle the activities of the closed funds and design schemes of arrangement, prior to their transfer to the insurers.

(i) Notwithstanding the irreversible insolvency of the company's general insurance business, the liquidator will collect the debts due to the company and make payments to creditors accordingly.

(ii) Following the decision to wind up the company and the appointment of a liquidator, the employees have been declared redundant. However, some of the employees will be recalled to help the liquidator in running the company and consolidating the life fund for purposes of transfer as stated in (i) above.

The Government will set aside funds to make payments towards severance costs. This process has started and the liquidator has been requested to provide information of the computation of the amount of severance. Payments will be made as soon as the computation of the allowable benefits is complete.

(b) I have also instructed the interim liquidator, in the course of his duties, which include among others, recovery of monies owed to KNAC, to prosecute any person found to have contributed to the financial losses incurred by the company and its eventual collapse. Full investigations will be carried out, and the law will be allowed to take its course.

(Applause)

Mr. Kapten: Mr. Speaker, Sir, I wonder whether the rush to liquidate the company was not done with a hidden agenda of selling prime properties of the company to "who is who" in KANU? Is it true that the life funds and all mortgages of the company are being transferred to ALICO? We know who owns ALICO; the "Government".

Mr. Mudavadi: Mr. Speaker, Sir, that is not true, there has been no transfer of any property to ALICO and no arrangements are being made to transfer anything to ALICO. We have not, at the same time, received any requests by any other insurer, at this point in time, to take over the businesses of the life funds.

Secondly, we cannot transfer the properties that are seemingly owned by KNAC; for example, Corner House, Bima House or Salama House, because these buildings were developed with funds from the policy holder's premiums. Therefore, we have no right to sell any of those properties.

Mr. Murungi: Thank you, Mr. Speaker, Sir. I have met the officials of Banking Insurance and Financial Institutions Union (BIFIU), who have information to the effect that the assets of KNAC, as a matter of fact, exceed the liabilities of that company. That is, if all debts are collected and if we value buildings like Corner House, Salama House, Bima House *et cetera*, the company would not be insolvent. In fact, they are in the process of filing a case in court to challenge the decision to wind up this company. Is the Minister satisfied that the decision to wind up was a professional decision made in accordance with the accounting rules and procedures?

Mr. Mudavadi: Thank you, Mr. Speaker, Sir. I would like to reiterate one thing, and I am sure the hon. Member, who is a lawyer, can go and dig deeper into this. The buildings that belong to life funds cannot be sold in order to inject capital into the insurance company because they belong to policy holders. Therefore, they cannot be sold and that is the law. Secondly, I would like to assure this House that we went through a very rigorous exercise to make sure that we got professional advice on the status of KNAC. First, we made sure that Coopers and Lybrand were appointed to look into the activities and status of KNAC. We also got an actuary, R. Watson, to assist in this exercise. They made their recommendations, came out very clearly and professionally that KNAC was insolvent. They then advised that the best course of action is liquidation and, at the same time, through that liquidator process, the properties of the KNAC can be ring-fenced and, therefore, they will not be stripped.

Mr. Wamae: Mr. Speaker, Sir, the hon. Minister said that the closed funds will be transferred to another insurance company, and that the funds will be transferred together with the properties. Will the Minister assure this House that proper assessment will be done to ensure the transfer will be done to a Kenyan company and that it will be done openly?

Mr. Mudavadi: We want to ensure that over the years, the policy holders do not lose out on the premiums and the policies that they have been trying to introduce over the years. Therefore, in the process, we shall ensure that the best possible insurance company can be involved in the purchase of the various policies or closed funds businesses of close funds to ensure that in the long run, the policy holders do not lose.

Mr. Kapten: As a sign of good faith, can the Minister assure this House that the assets of Kenya National Assurance Company (KNAC) will not be disposed of until he has brought the matter to this House and got Parliamentary approval?

Mr. Mudavadi: Mr. Speaker, Sir, I have said here that we cannot dispose of the properties of the KNAC because they belong to policy holders. We can only transfer the closed funds business, but the professional process has just began and if there is anything that will require that Parliamentary approval and authority, I will have no hesitation in bringing that issue here.

Mr. Achieng-Onoko: On a point of order, Mr. Speaker, Sir. The KNAC issue is a very important one. Therefore, we are entitled to know the cause of the collapse of the KNAC. It is after senior Government officials and others had eaten enough, that they are now offering company for sale.

Mr. Mudavadi: Mr. Speaker, Sir, the issue of KNAC is highly emotive and therefore, I fully appreciate the venom with which the hon. Members are raising this issue. I just want to assure the House that I am prepared from time to time, to update this House and the country, at large, on the progress that will be made in ensuring that the businesses of the Kenya National Assurance Company can be transferred effectively in the interests of this country.

Mr. Wamalwa: Mr. Speaker, Sir, in his reply, the Minister said the Kenya National Assurance Company collapsed after being mismanaged over a long period of time. This very answer has given suspicion in the minds of the public that, may be, this company was being run down deliberately. It was mismanaged over a

long period of time. During that long period of time of mismanagement, what was the Treasury and the Commissioner of Insurance doing about it? It was a long process; it did not just happen overnight. Where was the Government when this company was being run down over this long period of time?

Mr. Mudavadi: Mr. Speaker, Sir, I would like to just point out that I did, earlier in this House, indicate that over the years, there was a flaw, particularly in the department of Commissioner of Insurance. For instance, even the question of tabling of regular accounts or insurance reports that are supposed to be done by the insurance industry was not being done. Equally, I did acknowledge that it would appear that laws governing the insurance business in this country have not been looked at carefully, over a period of time and this is why, apart from the element of mismanagement, this company deteriorated over a period of time. But I would like to also say that we want to correct that position by ensuring that we look at the Insurance Act and see to it that some changes are made to ensure that no other company will suffer the same fate.

MINISTERIAL STATEMENTS

DEATH BY BEATING : MISS WAMBUI

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, I recall that on Thursday, 18th July, 1996, I issued a brief statement in this House in connection with the sad event that led to the beating and the eventual death of Josephine Wambui, a Standard Eight pupil at Githungu Primary School, Ndeiya Location, Limuru Division in Kiambu District on 17th July, 1996.

Mr. Speaker, Sir, I remember that I promised to make a more comprehensive statement to this House.

My Ministry views the brutal manner in which the three teachers at Githungu Primary School administered corporal punishment to a whole class on 17th July, 1996 as sheer savagery that merits condemnation by all of us. While again sending my Ministry's and my own sincere condolences to the bereaved family, I sincerely pray that God will give strength to the parents of the deceased girl to bear the tremendous loss which her death means to them. I hope all hon. Members of this House will join me and my Ministry in wishing the bereaved parents strength to bear the heavy blow.

I am sure that the law will take its course in relation to the crime committed by the three teachers. The Education Act, Cap. 211 of the laws of Kenya, Section LN40/1972, the Education School Discipline Regulation, Sections 11, 12, 13 and 14 states as follows respectively:

Section 11 reads as follows:

"Corporal punishment may be inflicted only in cases of continued or grave neglect of work, lying, bullying, gross insubordination, indecency, truancy or the like."

Section 12 (i) reads as follows:

"Corporal punishment may be inflicted only by the headteacher of the school or by a teacher in the presence of the headteacher or in the case of a boarding school, by a house master to whom authority for administration of corporal punishment has been delegated by the headmaster in respect of pupil residents in his house."

Section 12 (ii) reads as follows:

"Corporal punishment may be inflicted only after full enquiry and not in the presence of other pupils."

Section 13 reads as follows:

"Corporal punishment shall be inflicted on the buttocks with a cane or a smooth light switch or on the palms of the hands with a strap of less than one and a half inches in breadth."

Section 14 reads as follows:

"A record of every cane of corporal punishment shall be kept by the headteacher and shall contain the child's name, age, offence, the number of strokes inflicted, the date and the name of the person by whom it was inflicted."

Mr. Speaker, Sir, it is evident that the teachers at Githungu Primary School, had no permission from the headteacher to inflict corporal punishment on Class Eight N, but they also used excessive force and thereby, they stand accused of committing a criminal offence. As such, my Ministry expects the police and the court to treat them like common criminals.

My Ministry will issue appropriate guidelines to all heads of schools in the country to ensure that proper procedures are adhered to at all times in the administration of corporal punishment to pupils.

It will be clearly emphasised, in particular that, in no circumstances should excessive force be used when disciplining students and that those teachers doing so, would be doing it at their own severe risk if students get

injured. My Ministry intends to carry out a thorough review of rules and regulations governing corporal punishment so as to eliminate obnoxious aspects and to render the rules and regulations safer for our school pupils in an Amended Education Act whose review is currently in progress.

Mr. Speaker, Sir, Githungu Primary School has had enough Teachers Service Commission (TSC) teachers as far as the schools approved establishment is concerned and the employment of two untrained teachers by the school committee was done to reduce the size of the classes per teacher so as to enhance performance in Kenya Certificate of Primary Education (KCPE).

Mr. Speaker, Sir, finally I take this opportunity to inform the House that the Teachers Service Commission has already appointed a new Headmaster and posted three new teachers to Githungu Primary School to replace those who have been interdicted. I would like to assure this House that life in the school has returned back to normal and that learning is taking place smoothly.

Mrs. Ngilu: Mr. Speaker, Sir, obviously the country is saddened by this case of Githungu Primary School and a girl who has been killed due to violent caning by a teacher. But prevention is better than cure. We may take these teachers to court and action can be taken against them, but I would like to know what the Minister concerned, and the Government, is going to do in the way of training and re-training and checking on these teachers because if it is not violence on children then it is rape on young girls. Can the Minister tell us what steps he is going to take to ensure that this brutality comes to an end?

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, as I assured this House when I was moving my Vote two days ago, I did state very clearly that the Government is doing everything possible to strengthen guidance and counselling which would mean training, re-training and also equipping teachers with skills to be able to handle---

Mrs. Ngilu: On a point of order Mr. Speaker, Sir. He says that the Government is doing everything possible. I am not asking for everything possible to be done but I am asking for training and checking on the mental ability of even these teacher. What is "everything possible?"

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, I think that is exactly what I was saying because guidance and counselling are the only ways we can follow to reduce brutality of teachers as far as their dealing with pupils is concerned. Further, I did assure this House, in my Statement and even when I was moving my Vote, that we are the Education Act and also reviewing the moderation of corporal punishment in schools so that we can reduce the incidences of brutality and mistreatment of children by teachers in our school system.

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. I have listened carefully to the statement by the Minister and I entirely agree with him that this is a very very serious matter, but now he has defined the caning procedures. Last week, the same Minister told this House that corporal punishment is not allowed in schools. So, we take his statement very seriously. It was only hon. Icharia who tried to rescue the situation by advising him. My question is: Which is the correct Ministerial position about caning? Is it the earlier statement he made or the one he has made today?

Mr. Speaker, Sir, secondly the Headmaster of that school was not present when this brutality was taking place. A committee comprising six Members of this House, on your behalf, interviewed the children and they told us that the Headmaster was not present when this brutality was taking place. They further told us that they loved the Headmaster. The Headmaster has been transferred and this is a very serious matter. This school will close down because he is a darling of all the children. So, why do you want to punish all the children? This Minister is misleading this House because one of the teachers who caned this pupil to death happens to have been the third teacher because three teachers beat this student in turns. The first teacher gave the whole class five canes per pupil. The second teacher two canes per pupil and the third teacher, Miss Grace Wangare, gave each pupil six canes each, but gave this deceased pupil seven canes which lead to her collapsing and consequent death. This teacher is employed by the Parents Teachers Association (PTA). You have replaced the three teachers who had been employed by the PTA, including Miss Wangare, which is a good measure because the TSC had failed to do so. I remember the Minister saying that the TSC has over 300,000 teachers---

Mr. Speaker: Hon. Nyanja, what is your question?

Mr. Nyanja: Mr. Speaker, Sir, my last question is: Why was the Headmaster interdicted when he is the kingpin and main pivot of learning in that school? Why should he be punished and yet he was out of the school on official school business at the time that incident happened?

The Assistant Minister for Local Government (Dr. Wameyo): Why was he out?

Mr. Nyanja: He was out on official school business.

The Assistant Minister for Local Government (Dr. Wameyo): Where?

Mr. Nyanja: At Limuru Barclays Bank.

(Laughter)

This is a very serious matter. Hon. Wameyo do not play with life!

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, I first of all remember when I was asked here last Thursday by the hon. Kijana Wamalwa about the legal position of corporal punishment, I quickly because of the angry emotions at that time said that the public policy on this matter is that we do not support corporal punishment. I did not refer to any particular sections of the law because it was not very clear to me. But I must say that if I misled the House, then I apologise for that.

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

Mr. Speaker: Order! Will you finish, Mr. Minister?

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, the question of interdicting or transferring the headmaster is within the powers of the Ministry because that incident took place when the Headmaster was out of school without permission and, therefore, we are not going to compromise whatsoever. If an incident like that happens in a school when the Headmaster is away and any teacher knows that corporal punishment should never be administered on a child without his presence. Therefore, I do not know what the hon. Member is trying to defend.

(Several Members stood in their places)

Mr. Speaker: Order! Order now. We are definitely not going to continue with that issue because I have given more than twenty minutes to that Statement. It is not going to be the main business of the House the whole afternoon. Mr. Kalonzo proceed.

THE BURUNDI CRISIS

The Minister for Foreign Affairs and International Co-operation (Mr. Kalonzo): Thank you, Mr. Speaker, Sir, for giving me the Floor. I take the Floor mainly in response to a request made by the hon. Otieno-Kopiyo whom I understand he is not present this afternoon for reasons beyond---

Hon. Members: He is around.

The Minister for Foreign Affairs and International Co-operation (Mr. Kalonzo): Thank you. I am glad he is in here. I also take the Floor mainly because the situation in Burundi indeed deserves a Ministerial Statement which I hereby make.

Given the delicate and complex nature of the crisis in Burundi, Kenya continually advocated for dialogue rather than violence as the only pass to a lasting peace in Burundi. As a nation, we have spared no efforts in attempting to mediate between the various elements involved in the crisis, whether at bilateral, regional or international level. In January this year, his Excellency the President received President Sylvester Ntibantuganya of Burundi in an effort to gain a clearer understanding of issues and in order to get a first hand report of the specific areas of support which the international community could provide.

Mr. Speaker, Sir, the hon. President of Burundi, is now reportedly taking refugee in the American Embassy in Bujumbura. As from these initial contacts, President Ntibantuganya, expressed concern about his personal security and explained his Government's objective of achieving a national debate on a new Constitution which should reflect the ethnic realities in Burundi.

Mr. Speaker, Sir, in addition to participating in the Arusha Summit of 25th and 26th June, 1996, Kenya has contributed to the discussions on Burundi within the context of the United Nations (UN), where the Security Council passed a resolution No 1040 of 1996 on Burundi on 29th January, 1996, which called for urgent international intervention in Burundi, in order to dismantle the radio stations which incite hatred and acts of violence in that country. The Resolution also condemns the violence and instructs the Secretary-General in conjunction with member states of the Organisation of African Unity (OAU), to consider taking preventive steps to avert a deteriorating situation. The just concluded OAU Summit in Younde, Cameroon, considered the report of the OAU Secretary-General on Burundi, which describes the situation as volatile and explosive. It also received a report from the Council Ministers, which summarised the decisions of the Arusha Summit and mentions the first meeting of the technical committee, which is scheduled to take place on 25th and 26th July, 1996, in Arusha, Tanzania.

During a meeting of the OAU Central Organ on conflict resolutions held in Younde, Cameroon, on 7th July, 1996, Kenya, which was then a member of the Central Organ called on all parties that are in conflict in Burundi, to be involved in future negotiations. Kenya also called for respect of the sanctity of human life and pointed out that the decisions of the Arusha Summit were compatible with Mwalimu Nyerere's efforts taken in Mwanza I and II. For our part, Kenya emphasised the importance of the UN initiative in spearheading security measures in Burundi as envisaged by the Arusha Summit since the peace efforts in Burundi should not be different from any other UN peace-keeping operation.

Mr. Speaker, Sir, in-keeping up with the UN Resolution No 1040, Kenya, further called for a review of the convention of Government in Burundi which apparently has now collapsed as it did not appear to reflect the political and ethnic realities in Burundi, and took the opportunity to commend the efforts undertaken by Mwalimu Nyerere in a bid to find a lasting peace based on democracy and security for all in Burundi. While Kenya agrees in principle that some kind of intervention is necessary in order to avert a large scale catastrophe in Burundi, during the Arusha Summit and on subsequent occasions, we have expressed reservations about the prudence of sending foreign troops to Burundi given the hostile response the announcement received in that country, and in view of the absence of consent from the major players in this equation. The Government of Kenya continues to be seized with the situation in Burundi and to encourage a peaceful solution to the crisis in Burundi. Kenya has received representation from all sides of the spectrum of Burundi politics, the most recent contact being only yesterday when I had an occasion to meet with the Minister for Public Works of Burundi, Mr. Bernard Baratedeka, who appealed to Kenya and other countries in the sub-region, to strongly condemn the violence in Burundi and to continue supporting the efforts of Mwalimu Nyerere, while refraining from sending military intervention force until such time that Burundi has submitted proposals to another Summit based on a nationally agreed list of requirements.

Mr. Speaker, Sir, I can only add that the situation in Burundi is, indeed, in a state of collapse and a very, very worrying situation. As I speak now, I think the Security Council would be sitting any moment to be able to discuss what it can do to avert another large scale catastrophe in this sister country in our sub-region. I thank you, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! I will give one person a chance to seek clarification from that Ministerial Statement.

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir.

An. hon. Member: What is wrong?

Dr. Otieno-Kopiyo: There is nothing wrong. I am the one who raised that issue and I thought I should be given an opportunity to seek some clarification.

Mr. Speaker: Yes, sure, I have given you a chance.

Dr. Otieno-Kopiyo: Thank you very much, Mr. Speaker, Sir. The situation in Burundi is critical as the Minister has said. Could he inform the House, if Kenya is prepared to form part of the team of the international peace keeping force and to dispel the fear of the people of Burundi and Eastern Africa, that His Excellency the President of Kenya, did not mean to say that Kenya is unwilling to join in the peace keeping force?

The Minister for Foreign Affairs and International Co-operation (Mr. Musyoka): Very briefly, Mr. Speaker, Sir, Kenya continues to hold the view that when it comes to peace keeping and enforcing, this is, indeed, the province of the UN Security Council. We are still convinced that that position is correct and it has served us well. We have had our military officers serve in all kinds of volatile situations, including Iran, Iraq and mostly recently in Bosnia. We see no reason why the Continent should accept to be marginalised to the extent that African conflicts are left only between Africans themselves. Whenever properly called upon, I am sure that the Government of Kenya will look into the situation as it is deserving.

Dr. Kituyi: Thank you very much, Mr. Speaker, Sir. The dignity of a country in international affairs is led by the constituency of its application of Articles of treaties it is signatory to. The Government of Kenya was part to the Arusha Agreement which obliged the countries of Eastern Africa, to send an intervention force to Burundi. That was not conditioned on the subsequent acceptance of the warring parties in Burundi. Yesterday evening, the Security Council agreed and, indeed, General Annan has announced that the Security Council is going to send UN soldiers to booster the East African initiatives. If the European Union has endorsed the East African initiative, why should it be the Government of Kenya, which is in the principal player in the East African international relationship be the first country to renege on a collective agreement, even as the rest of the world is coming in to support such agreement?

The Minister for Foreign Affairs And International Co-operation (Mr. Musyoka): Mr. Speaker, Sir, I am very glad personally that the entire world has proved President Moi and Kenya right, that when it comes to

peace keeping, it is, indeed, the province of the UN Security Council. That is the body which is properly seized with this matter and in view of the situation in Burundi, which is fast evolving, we have not heard the last about this situation and in any event, the hon. Dr. Kituyi, would agree with me that none of the East African countries has really sent troops to Burundi so far. This is a matter that is receiving urgent attention, now that the matter is properly before the UN Security Council.

Mr. Speaker: Very well.

POINTS OF ORDER

MINISTERIAL STATEMENT SOUGHT: TOWING OF CARS IN NAIROBI

Mr. Ruhiu: On a point of order, Mr. Speaker, Sir. I will now move from Burundi to Kenya, Nairobi.

(Laughter)

Last week on Tuesday, I requested for a Ministerial Statement about the towing of cars in Nairobi and I was assured by the Assistant Minister for Local Government, hon. Dr. Wameyo, that he would make such a Statement in conjunction with the Minister in charge of police in the Office of the President. Cars are being towed away when they are engaged in gears, handbrake and so on, and by the time they reach their destination, the doors and bumpers are dented. That becomes a very expensive exercise to the motorist. Last year in November, I raised this matter in this House and hon. Dr. Wameyo, in conjunction with the Office of the President promised to invent a method called "Crump" to immobilise vehicles so that the owners are not subjected to enormous repairs. I requested for that Statement last week.

Mr. Speaker: Would you like to hear from him?

Mr. Ruhiu: Can I now ask you to compel the Assistant Minister to give that Ministerial Statement?

(Laughter)

The Assistant Minister for Local Government (Dr. Wameyo): Thank you very much, Mr. Speaker, Sir, I have already discussed this matter with hon. Ruhiu and I will come with a statement on Tuesday next week because it is still being prepared.

Mr. Mwaura: Thank very much Mr. Speaker, Sir. When I raised a question last week regarding a murder in my constituency where a Mr. David Kamotho was released, the Assistant Minister, Office of the President, promised to give this House a Statement as to when a public inquiry will be conducted. Could the Assistant Minister give this House his statement now?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I just want to correct what the hon. Member has said. The person who is the subject matter of the inquiry was called David Kimotho and has no relationship at all with hon. Kamotho. Therefore, I promise to give a statement and it will be very brief because the said Mr. David Kimotho was actually brought to court on a murder charge. Subsequently, the police were advised by the office of the Attorney-General to withdraw the murder charge, but the police still saw it fit to request the Attorney-General whether the matter could be taken to court by way of inquest. The matter was taken to court by way of inquest and the inquest number is No.150 of 1996. The matter had not been fixed for hearing but I have requested the police to place this file before the magistrate on the 1st August, for mention with a view to fixing the hearing date.

KENYAN CITIZENSHIP FOR THE LAST FIVE YEARS

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, arising from a Question by hon. Muite, Question NO.643, hon. Shikuku requested me to bring a Ministerial Statement, giving a breakdown of the issue of citizenship over the last five years and intend to do so right now. A total of 4,831 persons have been granted citizenship out of which 2,847 are wives and minors of such citizens who formed the bulk of those given citizenship.

The minors were those caught up in the amendment of Section 89 of the Constitution of Kenya which stipulated that every child born in Kenya after 12th December, 1963, is a Kenya citizen if at the time of birth of

the child, one of his or her parents was a Kenya citizen. The following is a breakdown of those who benefited out of the said amendment and their nationalities. Asians - 4,514. Europeans - 146. Africans - 91 and others - 80.

Thank you Mr. Speaker, Sir.

(Several Members stood up in their places)

Mr. Speaker: Order! Hon. Members, I think we have taken quite a bit of business time.

I would like to bring to the attention of the House the fact that we have a Supplementary Order Paper. So, from henceforth, we shall follow the Supplementary Order Paper instead of the one we already have.

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I think it should be made available to Members. In essence, the effect of the Supplementary Order Paper is to omit Order No.8, so that we will go to order No.7 and then proceed [**Mr. Speaker**]

from there, if we finish, to Order No.9, that is Auctioneers Bill and after Auctioneers Bill we will go to the Pensions (Increase) (Amendment) Bill. That is the effect of the change in the Order Paper.

Next Order!

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I have already said that we are on the next Order. Who was on the Floor?

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, my life is threatened and I have the right to be heard!

Mr. Speaker: Order, Dr. Otieno-Kopiyo! I think I did address the House this afternoon, maybe in the absence of Dr. Otieno-Kopiyo. I addressed this House about the very disgusting conduct that transpired between Members of this House.

We all know, for example, that even Members of this same House, two weeks ago, some of them assaulted member of staff inside this Chamber. Some of them have had occasion to assault members of staff outside at the kitchen. What I am saying is that, all these issues must now be directed to the Power and Privileges Committee to take necessary action against Members who infringe the privileges we have and also lower the dignity of this House.

If by any chance, Dr. Otieno-Kopiyo, you are aggrieved, the best thing you should do is to write to the Chairman of the Privileges Committee, and if you think that your life is threatened, the best place to go to is to the police. I will not tolerate this any more. The Chair has no sympathy whatsoever on any Member who has lowered his own integrity as to be involved in a brawl with another. Next Order. Mr. Nthenge, you were on the Floor.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, last time you refused to listen to me!

Mr. Speaker: Order, Dr. Otieno-Kopiyo!

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, your refusal has---

Mr. Speaker: Order, Dr. Otieno-Kopiyo! I do hope that you do not have a brawl with the Chair. Proceed.

Dr. Otieno-Kopiyo: But Mr. Speaker, Sir---

Mr. Speaker: Order! There is nothing as disgraceful as Members who have disgraced themselves, bringing their own disgrace to the Chair! Proceed!

BILLS

Second Reading

THE AUCTIONEERS BILL

*(The Assistant Minister, Office of the President
(Mr. Sunkuli) on 11.6.96)*

(Resumption of Debate interrupted on 18.7.96)

Mr. Speaker: Nthenge, proceed.

Mr. Nthenge: Mr. Speaker, Sir, I am much delighted again to have this chance to finalise---

(Several Members rose and started moving out)

Mr. Speaker: Order! Those who wish to take leave, can do so in a manner that does not disrupt business of the House. I think hon. Nthenge has the right to be heard in this House.

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. I am just concerned that one of us is about to be killed. That is what hon. Dr. Otieno-Kopiyo has said and I think this is very serious. So, he should be asked to substantiate. This is very serious. Next time it might be Mr. Speaker himself! That is very serious because we will fight back.

Mr. Speaker: Proceed, Mr. Nthenge!

Mr. Nthenge: Mr. Speaker, Sir, I am very delighted to have this chance to finalise what I was saying on this Bill. I do not believe in going into many details because I believe the legal experts we have, once given the policy framework will use the correct thinking and incorporate the amendments in the Bill in accordance with our wishes. But at this juncture, I would like to mention one thing. When tabulating on who is going to be members of auctioneers Board, in Section Three of the Bill, I find that the legal side is very well taken care of and I am very happy about it. But the public, as it were, is kind of forgotten because normally, the lawyers are never ordinary people because by the time they finish university, they are so grown up that they do not know what the ordinary person undergoes.

Secondly, by the time they get their employment they are either going to be advocates, secretaries of big organizations or magistrates. So, you can see that they are not in touch with the hawkers, farmers, coffee pickers and so on. Who then is that person that understands the public very well? Quite often, it is the politician. I am, therefore, saying that we should have some representation of the public in the Board. I am suggesting that there should be two councillors in addition to the eight members, and two Members of Parliament because Members of Parliament and councillors are people who are quite often in touch with the public and anybody will talk to them freely. You know, when a Chief Justice appoints his team, he goes for the learned group. Now, the learned group is kind of feared by the public. Even if somebody wants to tell a magistrate something, he fears and that is why it was decided that advocates be there because without an advocate, the ordinary person may not know what to tell a judge who is ready to help. The people who know how to handle people are the politicians and, therefore, I am suggesting that we have two councillors in the Board and two Members of Parliament. In this way, the Board will be composed of what I might call, a cross-section of all Kenyans.

Mr. Speaker, Sir, there is another section in the Bill that I disagree with. Anybody who has an experience of five years in any career, to me, is more or less an amateur. By the time a lawyer is considered a senior lawyer, he has served for a long time. Why should we take an amateur in auctioneering? I am suggesting that the period of experience that should be considered in appointing an auctioneer into the Board should not be below ten years. I even prefer 16 years. We need somebody who is mature and experienced.

As I said in the beginning, auctioneering business is a continuation of a court and a court is respected. That aspect also should be recognized in auctioneering. So, I want a senior auctioneer to be appointed to the Board. These are not those old days when most of us could not be appointed into the Legico because we could not speak in English or Kiswahili. These days, we have very many learned people who have gathered reasonable experience. I do not see the scarcity of qualified auctioneers to make us appoint a beginner into the Board. Standards are falling and that is why we are even hearing of insurance companies going under. This is happening because of mismanagement. Why can we not right from the start go for the best quality? Are we short of competent professionals and, if we are, is the world short of them?

Where we cannot get people from among us let us not be ashamed of importing from any other part of the world. We should have people with ability and quality to lead. Being one of those people who fought the colonialists, I am ashamed because our professional standards are falling lower than those of the British. Sometimes I met with those colonialists and they remind me that Africans are irresponsible. This is because our roads are getting worse, lack of medicine in our hospitals and so on. The irony of it is that, this is happening at a time when our hospitals are manned by our own people who are supposed to improve the situation.

I want to emphasize on best quality. Every time I stand in this House, I urge people to do away with nepotism and tribalism. If we cannot get Africans to do good work, we can go to Europe and get people who can do work well. You can imagine what is going to happen once people out there hear that an insurance company was mismanaged to the extent of going under. Where has this kind of thing been heard? It is a pity that standards are falling and yet we have learned people. This is not the time when I used to persuade boys and girls to pursue university education. Dr. Kiano, Tom Mboya and I, used to persuade students to pursue further studies, but now the country has changed. We have learned peers all over and yet we go for unqualified people in order to favour a few people. Quality is always expensive but best. Experience is not something one can acquire within a very short

time. Five years is a bit too short. It should be doubled. We know that for one to sit in a Board and be respected, he must have lived in this world long. People making policies should be experienced and aged. Sometimes old people are patriotic. A person like me does not expect to go elsewhere. I want Kenya to be a better place and I will do everything possible to make this happen. I want to paint a good image of Kenya. This is something that is being spoiled by egoism.

There is this idea of always thinking about "I". I have been telling Members here to change their attitude from "I" to "we". Unfortunately, I have not asked the President to call a meeting for us who got rid of the colonialists to discuss matters pertaining to changing our policy from "I" to "we".

I would like to ask the Attorney-General and his team to be advised properly so that auctioneering becomes a respectable profession. We used to have a saying, "The place is as clean as a hospital," but these days the dirtiest place is our hospitals. Why are we changing the trend? Similarly, we want our courts to remain respectable.

Without going into the details of the Bill because I can do so until cows come home, as a Parliamentarian, I think my duty is to have the best quality. I want the Attorney-General and his team to ensure that proper procedures are followed in the course of auctioneering. I do not want this because it is shaming some of us who are still alive. We told the British Government that we were fit to take care of ourselves and that they should go home.

I can see hon. Kariuki here, with whom we formed KANU and within a short time we threw the British away. However, we are finding our standards getting lower and lower. We ask ourselves what should be done. He happens to be a "G.G." like me. This is because we are being ashamed. We want the Attorney-General to raise the standards. He has enough legal brains behind him. Let us use them properly and also respect other people, so that we do not appear second-class in the world. We were moving on very well, but these days we are going backwards because of nepotism. This is very bad.

Mr. Speaker, Sir, without taking much time, so that others can contribute, I beg to support with amendments.

Thank you.

The Minister for Information and Broadcasting (Mr. Makau): Thank you very much, Mr. Speaker, Sir.

I would like to make a few comments on this Bill. First of all, this Bill is long overdue in that auctioneers in this country have given themselves a very bad name. Their behaviour and the way they conduct their business has caused a lot of suffering to a lot of people. The big problem has been that those who have registered themselves as auctioneers hire very crude people to conduct their businesses.

So, this Bill seeks to consolidate and amend the law relating to the people that are engaged in this business, including auctioneers, court brokers and bailiffs. The Bill is long overdue because the way they perform their duties causes a lot of concern to Kenyans. When you look at the Bill, there is quite a lot that will make those people have discipline and also to make them know that if they call themselves professionals, they should operate as professionals. One of the things that has been of great concern as far as all the people in the auctioneering business are concerned, is the collusion by the people who take cases to courts without informing the victims. When an accused person does not appear in court, a decision is made and one's property is auctioned. This Bill seeks to provide stricter supervision and discipline in this area. It is going to solve that problem.

Another important area contained in this Bill is the registering and licensing of auctioneers. The conditions that have been put will make sure that people of integrity will be licensed. The provision says that if one is licensed as an auctioneer, and another one wants to join in as a partner, one should also be licensed. That will go a long way in making sure that the work of auctioneers is done in an orderly and professional manner.

One of the things that have been of concern as far as auctioneering is concerned is the way they charge fees. They have exploited many people because they charge imaginary fees. In that case, they charge too much to a given person, and charge less for another person. This Bill has addressed such problem, and the Chief Justice will be able to determine and regulate the charges that auctioneers will charge.

One of the things that make the auctioneers' business to flourish is the fact that it is used by one's enemies for political purposes. It has been very disturbing to note that many auctioneers have been used by some people for political reasons. They have been used to create a situation whereby politicians will be seen by public as debtors or people who do not pay their debts. They have embarrassed a lot of politicians. The enemies of politicians have taken advantage of auctioneers and they have found themselves being put in the newspapers, or their properties being auctioned without the necessary notices being given. This Bill will enhance discipline and integrity of those involved in this business, and it is going to solve that problem. Politics has been used by

politicians or other people who do not believe in certain things and many people have found themselves in problems. It is also important for this Bill to take care of people who collude with auctioneers to take cases to court without the knowledge of the affected people. After a decision is made in court, you see very hostile and red-eyed people hired by the auctioneers very early in the morning going to auction other people's properties. They are very hostile to anybody that they come across.

With regard to the members of the Board that will look into the affairs of the auctioneers, it is very important for the Board to have a regional representation. One of the things that should be considered in the auctioneering business is the question of the culture that is followed in looking at things. Many people in the rural areas do not understand, for example, how an auctioneer can go to repossess cattle among the Maasai. One cannot understand why somebody should come to take one's cattle. With regional representation in the central licensing Board, we are sure that the cultures of all the people of the country will be taken into account.

The aspect of discipline and integrity is very crucial because this industry has spoiled and created a bad name for other people who are involved in the same business of auctioning.

With those few remarks, I beg to support.

Mr. Speaker: Since there is nobody else who wants to contribute, I will call upon the Mover to reply.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply. First of all, I want to pay tribute to those who have contributed to debate on this Bill, and who made very useful proposals. I think we had hon. Members Muite, Mulusya, Prof. Mzee, Wetangula and Nthenge. They all made very useful suggestions on this Bill. As I stated at the beginning when moving the Motion on the Second Reading, this Bill is a product of a Task Force that was set up to review laws relating to auctioneers and court brokers.

I would like to inform this House that, that Task Force was composed of officials of the National Association of Auctioneers and Court Brokers (NAACB). The chairman, the vice chairman, the treasurer and the secretary were members of this Task Force. In other words, the Government was telling the officials of NAACB: We want you to make proposals to us on how we can make the profession of auctioneers to be more respectable. A point has been outlined very clearly and forcefully by hon. Nthenge in his contribution this afternoon. He said that we must make "auctioneering", that is the word he used, to be a respectable profession. These officials were concerned with ensuring that the profession of auctioneers becomes respectable. In fact, the Task Force was set up at their initiative and suggestion when they paid a courtesy call on me. This Bill reflects that suggestion. There have been some newspaper reports that this Bill is not the one that the Task Force recommended. In order to expose that lie, all hon. Members were given access to the entire report of the Task Force on the laws relating to auctioneers and court brokers. The entire report was in their possession. Therefore, they were in a better position to judge whether or not, those misguided reports, that the Bill was not what was recommended, were true.

Fortunately, anybody, including reporters, looking at the draft Bill which is contained in the report itself, will agree that the Auctioneers Bill that we have is a reflection of that report. It may have been refined here and there so as to be put in better drafting language, but all the essential points are contained in the Bill.

Secondly, part of the problem, I think, was that people were confusing what is contained in the Bill with what has to be contained in the regulations that will come after the Bill has been enacted. Therefore, they were saying: "But this point is not in the Bill!" Actually, all those points which hon. Members said were not in the Bill are actually in it, but as part of the regulations. Fortunately, if one looks at pages 39 to 94 of the report, which was circulated to hon. Members, he will see all that has to do with rules and regulations that will come into play once the Bill comes into force. A number of hon. Members, including hon. Shikuku, did suggest that the rules and regulations of the Board must be clearly defined. The short answer to that is that, if you look at pages 39 to 94 of the report, which contains the regulations that will come into force once the Bill is enacted, you will see that those rules and regulations have actually been clearly defined.

Some hon. Members stated that there should be some independent valuation before a property is advertised for auction. If you check at page 47 of the report, you will see that the debtor is given the right to call for an independent valuation before the auction takes place. A number of points were made about the procedure for sale, how one handles perishable goods and immovable properties. All those detailed procedures are set out in the regulations. More important, is the fact that the regulations also set out the procedures relating to how an auctioneer will maintain his books of accounts and his clients accounts and how before his certificate of practice is renewed, he must produce an accountant's certificate to show that he has complied with the rules and the Act. A number of points were raised on remuneration of the auctioneers. That, again, is clearly set out in the regulations. These are on pages 61 to 64 of the report. All these regulations will come into force once this Bill is passed by this august House and duly assented to by the President.

Mr. Speaker, Sir, I believe that it is Prof. Mzee who raised the question about what will happen to auctioneering that takes place at Harambee meetings. After people at an Harambee have made their

contributions, there is a banana, a chicken or something else to be auctioned. Will the guest of honour need a licence so as to carry out the auction because of this new Bill? The simple answer to that question is "no". This Bill is about licensing - this is provided for under clause 9 - of a person who carries on the business of an auctioneer. This is a person who has an office where he carries on that business. That person will require a licence. But I can assure hon. Members that if one of them is a guest of honour at an Harambee and he is asked to auction a banana, he will not need to apply to the Board to have a licence so as to be able to carry out that particular auction.

Prof. Mzee also raised the issue of removing the word "licensing" from the main name of the Board. The main function of this Board will be about licensing. Therefore, that word correctly reflects the functions of the Board.

Hon. Muite did say that the chairman of the Board should not be a serving judge. I think he had a good point there. This is because if there will be appeals in the High Court, it will be an embarrassment for a decision of the Board chaired by a judge of the High Court, to be reviewed by a fellow High Court judge. Therefore, that is why in the Order Paper that hon. Members have, we have duly amended clause 3, to state that the chairman shall be a person suitably qualified for appointment as a judge of the High Court or Court of Appeal. Therefore, that means that, it must be an advocate of not less than seven years in service.

Mr. Speaker, Sir, you will also notice on the Order Paper that we are deleting Clause 10, paragraph (a), which relates to the age limit. That was really a recommendation by the Task Force composed mainly of the auctioneers themselves, that one must be at least 35 years or 36 years old before he can be an auctioneer and at most 65 years. But, we are deleting that particular provision.

Mr. Speaker, Sir, there was a proposal, I believe, from hon. Mulusya, that under Clause 18, the period in which to lodge the appeals should be extended from 14 days, as provided for therein, to 21 days. I think, that is a good proposal, and during **[The Attorney-General]** the Committee stage, I will be Tabling an amendment to increase that period from 14 days to 21 days.

Mr. Speaker, Sir, a number of contributors to this Motion and in particular, hon. Shikuku, Prof. Mzee, hon. Wetangula and hon. Nthenge, this afternoon and others, emphasised the issue of the training of the auctioneers. It was felt that as of now, what is required is that, for somebody to be appointed as a court broker, he must have some minimum standards of education and also the requisite experience to carry out the business of an auctioneer. That is why under Clause 10, Sub-clause 1, paragraph (c), we have said, "sufficient knowledge and experience in the business and practice of an auctioneer," as one of the conditions which must be satisfied before somebody is licensed. Now, the detail of that Clause in the Bill, is in the regulations, and if you look at page 66 of the regulations, you will find the application form which the applicants must fill, and it requires a number of details on the part of the applicants. For example, in part three of that application form, the applicant must fill in the names of the secondary schools that he attended, the qualifications that he attained, any further training that he may have undertaken, he must state how long he has been an auctioneer and he must also state whether he has any other business licences. Under part four, he must give evidence that he has Form Four "O" level Passes, including Passes in English and Mathematics. He must also give evidence under Condition 18, that, he has a working knowledge of the rules applicable to auctioneers and the attachment and sale of property. He must not only prove that - and be able to prove that by examination - but he must have had at least a minimum of two years experience with a reputable firm of auctioneers.

As you are aware, even other professionals, for example, doctors, lawyers and so on, they must show that they have served for one year at least with a reputable firm of advocates before they can be admitted to the roll, whereas, doctors must show that they have carried out a period of internship before they can be registered as doctors. So, here also, for an auctioneer to be given a licence of auctioneering, he must have worked for at least two years with a reputable firm of auctioneers. Apart from that, he must have had at least, a level of education equivalent to "O" level, with Passes in English and Mathematics.

Having said that, Mr. Speaker, Sir, let me also state, that this whole question of training was uppermost in the minds of the members of the Task Force, and that is why, under Clause 9, paragraph (g), the Chief Justice is mandated to make rules that will provide for the training of auctioneers. It is then, that at this point in time, it will suffice for the Chief Justice to go into greater details about these matters and make rules for the training of auctioneers. It may very well be, that in due course, we may have to bring a Bill here dealing with the training of auctioneers, very much in the same way as we have brought a Bill here that is dealing with the Council of Legal Education.

Mr. Speaker, Sir, the issue of training of auctioneers and the issue of the level of education of auctioneers are issues that have been tackled not only in this legislation but also in the regulations that will come before it and also provision has been made, whereby future aspects of the training will be considered by the Chief Justice and

made into rules.

Mr. Speaker, Sir, as I indicated when I was moving this Bill, there was concern that there was no appeal from the decisions of the Board. We have now specifically provided for appeals from the decision of the Board and if you look at the Order Paper, you will see a new clause, Clause 25 (i), which deals with appeals from any decisions of the Board.

There was, of course, a suggestion here that the appeal should not just go straight to the High Court, but it should go to the Chief Magistrate and then to the High Court. I do not think it will be consistent to amend the clause in that manner, because the person chairing this Board is a person of the calibre of a High Court Judge and therefore, really, you cannot make that decision at a Board chaired by a person of the calibre of a High Court Judge, to be subjected to a Chief Magistrate who is lower in rank than a High Court Judge. I am satisfied that this clause meets the needs and the concerns that were voiced here.

Mr. Speaker, Sir, there was also a concern about the transitional provisions. Some Members were concerned about Clause 31, and they said, supposing the new Board does not take decision on these various applications, does that mean that the existing auctioneers will then not be able to carry on their business? And some Members tried to impute bad faith, that, this may be very well a way in which those auctioneers that are not required or are not in good books to be done away with by the Board merely refusing to make a decision on the appeal. In order to remove any lingering doubt about that, we have on the Order Paper made that very, very clear and we shall be proposing at the Committee stage, a proviso to that Clause 31, which in effect means, that, when this new Act comes into force, all the existing auctioneers who want to continue to carry on the business of auctioneering and who have applied for a licence, will carry on that work until a Board has made a decision on their application.

So, this lacuna that the Board will make that auctioneer not have a licence and, therefore, not practise has now been removed. I think it is now very, very clear that whoever wants to continue auctioneering will continue with that business until the Board itself has made a decision on the matter.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, as I said from the very beginning, this has been a very successful exercise of one of my Task Forces relating to law reforms. We have approached officers of auctioneers themselves to come up with this Bill and they were supported by people who are concerned with their daily work. We had two Magistrates with the Registrar of the High Court and we had Advocates of this Task Force. I am glad that they visited all the provinces of this country and sought the views of the people as to what they would like auctioneers to be.

Mr. Temporary Deputy Speaker, Sir, as I have said again and again, when we are dealing with law reform and even constitutional reform, we must at all times ensure that whatever modality is set in place, there is a provision for consulting the people of this country on what they want.

I am glad that this Task Force, if you look at page two, the Task Force visited all the provinces. Over 1,810 people appeared before them, either personally or through the memoranda, and gave their views. It is a result of that, that we have this Bill. I am confident that once this Bill is enacted, we would then deal with those negative aspects which have been very well highlighted here. The negative aspects of auctioneers shall be dealt with now and we should be able now to start building the auctioneers into a reputable profession which will carry respect from the people of this country.

Mr. Temporary Deputy Speaker, Sir, With those few remarks, I beg to reply.

(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 PENSIONS (INCREASE) (AMENDMENT) BILL

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Pensions (Increase) (Amendment) Bill be now read a Second Time.

The purpose of this Bill is two-fold; first is to provide grants for pension increases to retired public officers as a result of Government decision contained in paragraphs 70 of Sessional Paper No.3 of 1985, whereas it was agreed that retirement benefits payable to retired public officers would be reviewed, revised and consequent upon review/revision of serving civil servants.

Secondly, the Pensions Bill seeks to bring all pensions payable under the Parliamentary Act Cap.196 within the scope of the Pensions Increase Act.

The second one refers to the pensions for the hon. Members of Parliament. The policy affecting pensions increase has been implemented in the past, with the last increase having been applied through enactment of the Pension (Increase) (Amendment) Bill 1990. And following the Government acceptance of Mbithi Salaries Review Report of 1991, the civil servants increases were implemented in three instalments; 1st July, 1991, 1st July, 1992 and 1st July, 1993 respectively.

Accordingly, in keeping with this Government policy, it is necessary that corresponding increases be granted to all pensions awarded on or before 1st July, 1993. The increases payable had been worked out by consultants actually on the basis of the percentage granted to the serving public officers under Mbithi Salaries Review Report so that the lowest paid pensioner gets the highest percentage increase while the highest gets the lowest.

A significant factor to note in this regard is that no pensioner will be earning less than Kshs500. Quite a number of pensioners have been earning less than Kshs500 and it has become a very big problem because even travelling to collect their pension would be a problem. So, this factor has been taken into consideration so that the pensioners distress can be alleviated. No increase shall be payable on this Bill in any pension which became payable on or after 1st July, 1993. This is because the pensioners who came up in that category are the pensioners who came up with increased salaries, so they are not the particular pensioners who are feeling the pinch. This kind of pensioners may not benefit from this increase since they enjoy the previous instalment.

In order to give the proposed object of the Bill the full effect of law, the Bill proposes amendments of: One, Section(ii) of the Pensions Increase Act Cap.190, in order to bring pension payable under Parliamentary Pensions Act, Cap.196 within the scope of Pension Increase Act. This is pension for hon. Members of Parliament. Two, Section(iii) of the Act, in order to update the effective date of the implementation of the proposed increase in line with Mbithi Salaries Report Review and deletion of the Second Schedule in the present form and its replacement to insert the New Schedule which contains tables of the proposed increases.

The table of proposed increases is already saturated in the Bill. It is estimated that the proposed increase will cost the Exchequer approximately K£60 million in arrears payable from 1st July, 1991 to the 30th June, 1996. Thereafter, the amount of pensions will increase by approximately K£112,212,739 from 1st July, 1996.

Now, a number of questions have come to this august House, with hon. Members requesting when the pensioners are going to be paid. I believe the House and nation has been waiting for this Pensions Increase (Amendment) Bill so that the pensioners who have been having a lot of distress can be paid. This is a very straight forward Bill which seeks to increase pensions to pensioners who have been distressed and who have not been included in the previous pensions.

Later, I would also propose that we are going to add a few amendments which I will propose during the Third Reading which touches on time and some few corrections on the amount of money payable.

At this juncture, I should also mention something about delays. I know hon. Members from time to time, have complained of the delay in the payment of pension. In the Treasury, we are very much aware of this particular problem, and at the moment, the Treasury is in the process of initiating some modalities which, will speed up the payment of pension, which also would include the computerisation of the pension scheme. I do believe with this initiative, which will be taken by the Treasury, the pensioners will no longer have a lot of problems in getting their dues from the Director of Pensions, which I know hon. Members and the pensioners have been complaining so much about. So, we are very much concerned with the delay in the payment of pension. When we have already effected these modalities, we do hope that the pensioners will receive their pension on time.

Mr. Temporary Deputy Speaker, Sir, since this is a very straightforward Bill on increase in pensions, and I know the hon. Members are anxious that the pensioners should be paid without delay; we are going to make sure that this Bill is hurried for the benefit of pensioners.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to move.

The Minister for Labour and Manpower Development (Mr. Masinde): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to second this Bill. It is important that we deliberate on the Bill and pass it as quickly as possible to enable the pensioners to be paid their dues without delay. For some pensioners, I think

it is long overdue. I am glad to note that my colleague has informed the House that they are trying to look for ways and means of hastening the payments of the pensions.

These pensions are meant for Civil Servants and, perhaps Parliamentarians are also included. Civil Servants, under normal circumstances, are notified on their payslips of their age and when they are likely to retire.

When they have a year before retirement, they are informed accordingly that they are going to retire in 12 month's time. Therefore, there should be no reason why there should be any delays at all in processing the pension benefits because the officers are warned a year earlier and we assume within that time, the mechanisms are put into effect to ensure that when these people retire, they can begin to get their pensions straight away. But that is not what happens at the moment. We have people who retire and it takes years before even their files leave the Provinces where they were working to get to the headquarters of their Ministry, who in turn sit on those papers for quite a bit of time before they pass on the information to the Treasury to process the pensions. I think that by so doing, we are helping the retirees to move faster towards their grave. These people have been used to a cup of tea in the morning before going to work, they have accustomed their children to a cup of tea before they go to school. All of a sudden, they are told "you are retiring". Then they are retired and within two months, they have eaten up their savings so that they cannot even afford a cup of tea in the morning for themselves or for the children. This causes the children and the wives to be rebellious to the retirees. I think that pensions should be processed as fast as possible.

The other point is for those who are already getting their payments. Some of these retirees get as little as Kshs200 a month and within the district, many of them travel over 80 to 100 kilometres to the district headquarters to get their Kshs200. To start with, the transport element alone consumes all the Kshs200. It is worse for these people to come to the district headquarters just to be told that their money has not arrived and they go back without any money and yet they came expecting to get this money so that a bit of it can be used for transport back home. Such people get stranded in the district headquarters. I think the district headquarters should be informed that a case where the pensioner's money has not arrived, at least the District Commissioner should give an imprest, so that this man can get whatever little he has and when he comes back the following month, the imprest can be recovered from his pension. Anyway, it is the District Commissioner who is going to receive the money. I think in that way, quite a number of retirees will be helped.

Bearing in mind that now we have a lot of young MPs coming into this House, I am sure they are entitled to pension after serving two terms. There could be a possibility that they are not able to get this money when they have been thrown out by their electorate until they attain the age of 50 years. If this is true, I think an amendment should be made so that a young MP, who serves his two terms here, even if he goes out at the age of 39 or 40 years, should be able to begin earning his pension.

(Applause)

In view of the fact that a lot of people are retiring now voluntarily at the age of 40 years, the retirees have become too many and yet they are still very useful members of the society. I think the Treasury should be able to cope and plan in advance for the number of people getting into the market as retirees so that when Civil Servant's salaries, who are still in employment are reviewed, the pensions are also reviewed immediately, so that the payments can be made concurrently.

Since this seems to be a very straightforward Bill, any further delays on it will be hurting retirees.

With those few remarks, I beg to second.

(Question proposed)

Mr. Shikuku: Ahsante sana Bw. Naibu Spika wa Muda, ili pia nami niseme machache kuhusiana na Mswada ulio mbele ya Bunge hili.

Jambo la kwanza ni kwamba Mswada huu umechelewa sana, kwa sababu ungeletwa mwaka jana au mwaka juzi. Lakini kwa sababu tunajua kwamba kazi ya Serikali yetu tukufu ni kulalia mambo, na wananchi wameumia na sasa ndiyo wanaleta Mswada huu. Ningependa kusema kwamba naunga Mswada huu mkono na nguvu zangu zote, kwa sababu ninajua ya kwamba unawahusu sana wale watu wadogo. Waziri wa Wafanyakazi amesema hapa kwamba kuna watu wengine wanaopata Kshs200 kama malipo wa uzeeni. Lakini ningependa kuongeza kwa kusema kuna wale wanaopata Kshs50 kwa sababu mishahara yao iko chini sana. Hata hizo Kshs50 hawawezi kupata ule muda unaohitajika. Vile Waziri wa Wafanyakazi amesema, ni kweli kwamba hapo mbeleni, watu walikuwa wanahitajika kuenda katika wilaya lakini ninashukuru kwa sababu siku hizi, malipo ya uzeeni yanaletwa katika tarafa kwa DO. Hayo ni maendeleo na ni lazima tushukuru kwamba Serikali hapo

imefanya vizuri, kwa sababu hapo mbeleni, watu walikuwa wanahitajika kusafiri kutoka Butere hadi Kakamega. Safari hiyo ilikuwa inagarimu Kshs100 na hali malipo yake ya uzeeni ni Kshs50. Akifika Kakamega, hawezi kupata kikombe cha chai wala chakula cha mchana. Akilipwa Kshs50, anamalizia huko njiani - hazifiki nyumbani. Tunashukuru kwamba mambo haya yamerekebishwa kidogo na sasa watu wanapata pension yao katika tarafa.

Lakini siku hizi Bw. Naibu Spika wa Muda, taabu imeingia. Ufisadi tayari umeingia na sasa, wale watu wa Butere wakienda kwa DO kutafuta malipo yao ya uzeeni, kila mmoja anaambiwa atoe Kshs10. Ningependa Waziri wa Wafanyakazi na yule Waziri aliyoleta Mswada huu wajue kwamba watu wa Butere wakienda kutafuta pesa zao za malipo ya uzeeni, wanaulizwa walipe Kshs10 kwa DO. Wanaambiwa kwamba hizo pesa ndizo malipo ya uchukuzi kutoka Kakamega mpaka ofisi ya DO. Ninataka Serikali hii ituambie ni wapi tulipitisha Mswada wa kusema kwamba ni lazima pensioner atoe mafuta ya gari kwa DO, ili aende Kakamega kuleta pension. Ukifanya hesabu ya wale wamestaabu na wanagojea pension kule Butere, utaona kwamba ni watu wengi sana na kila mmoja anatoa pension kwa DO.

Nimepigana kusema mambo hayo na leo nimepata nafasi ya kusema kinaganaga katika Bunge hili. Ninataka kujua ni sheria gani ambayo inampa DO uwezo wa kuuliza Kshs10 kutoka kwa kila mtu anayetaka malipo yake ya uzeeni. Huu ni ufiisadi ambao hauna kifani. Mtu akizidi kukataa, anaambiwa: "Hujui kitabu cha harambee kiko hapa na ni lazima utoe pesa za harambee?" Pesa hizo ni kidogo na harambee inaulizwa juu yake. Hii ni shida gani? Nilikuwa kule Butere 22.7.96 na watu walikuwa wamejaa pale na waliniambia kwamba hawajalipwa pesa zao za mwezi wa Juni na hiyo ilikuwa tarehe 22 mwezi wa July. Ninataka kujua ni nini inaendelea? Kwa nini watu wasilipwe pension yao kwa wakati uliofaa kama tarehe moja au tarehe mbili? Ni nini inatendeka? Hakuna haki.

Sisi wengine tulio katika Bunge hili, tulipigana na mbeberu ili aondoke kwa sababu alikuwa siyo mtu wa haki, na tena alikuwa ametutawala bila sisi kumwambia atatutawale. Hatukumwita aje hapa. Tulipambana na mbeberu ili tujitawale na tuweze kutumikia wananchi wetu vizuri kushinda mbeberu. Allahu-Akbar! Mimi sijakufa na ningali hapa, nasikitika sana ni kwa nini nilipambana na mbeberu ili aondoke? Hakuna mtu mbofu kama Mwafrika. Nyoka kabisa! Mwafrika ni nyoka! Hawezi hata kufikiria shida za mwafrika mwenzake mdogo. Mimi nimepambana na wabeberu na ninajua ni nini ninasema. I know what a mzungu is. Nilipambana na yeye mpaka akaenda. Lakini leo akija mimi siwezi kupigana naye. Aje anipigie hawa yang'au ambao wanaonyanyasa wananchi wenzao. Hawa ni nyoka wakubwa. Ninasikitika na nitauliza Mungu ni kwa nini aliumba Mwafrika? Nikifika huko, swali la kwanza nitakaomuuliza Mungu ni kwa nini alinifanya Mwafrika? Akishanijibu, basi, akitaka niende kwa moto nitaenda na akitaka niende mbinguni, nitaenda. Lakini Mwafrika ni nyoka mkubwa! Kwani wanaona raha Wafrika wenzao wakipata taabu? Wengine wanatoka kule mashambani kuja kutafuta hata zile pesa za NSSF kwa sababu hawajalipwa. Wanakuja hapa Nairobi, wanaishiwa, hawana mahali pa kulala na wanaenda kulala katika kutuo cha reli. Mtu anakuja na nguo safi lakini baada ya kulala katika kituo cha reli, hana mahali pa kuoga, nguo zinakuwa chafu na chawa wanatembea kwa mwili wake.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of information, Mr. Temporary Deputy Speaker, Sir. May I inform the hon. Member that any retiree who has money in NSSF does not have to come to Nairobi at all. Let him to go to his home district, we have offices there, he will fill up his forms there, they will be processed and he will be paid there. He does not have to come to Nairobi.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninashukuru Bw. Waziri kwa hiyo information lakini hapo mbeleni--- Hata siku hizi nimeshukuru, kwa sababu watu wa kulipwa malipo ya uzeeni hawaendi mpaka Kakamega kwa sababu pesa hizo zinaletwa mpaka kwa tarafa. Hapo mbeleni, walikuwa wanakuja mpaka hapa Nairobi bila pesa ya hoteli au chakula na walikuwa wanaenda kulala huko kituo cha reli kwa kizingisio kwamba yeye ni habiria ambao anangojea gari na analala hapo; chawa wamejaa kwa nguo zao kwa sababu hawajaoga. Hicho ni kitu ambacho sisi ambao tulipigania Uhuru wa nchi hii na bado tuko hai ni, lazima tuseme. Tusiposema hivyo, wale walio kufa watatuamkia usiku na kutuuliza ni kwanini mambo haya yanaendelea na hatusemi. Hii ni Serikali gani ambayo haiwezi kuangalia watu wake? Hii ni Serikali gani ambaye watu wanaostaabu wanalipwa Kshs100 au Kshs200 na tena wanaambiwa watoe pesa kidogo ya mchango kwa DO. Na ukisema hayo maneno, huyo DO atazidi kukaa pale na kuzidi kunyanyasa wananchi wa Butere. Huko Butere mimi nimepeleka hiyo ripoti hata kwa DC Raburu wa Kakamega, lakini akaniambia, "I cannot transfer anybody because politicians want it." Nikamwambia wacha akae Butere mpaka Yesu arudi. Lakini kila kitu kina mwisho. Raburu ameweka ndugu yake, na huyo DO wa Butere, Bw. Owino ana ukoo na DC Raburu na wanaendelea kunyanyasa watu wa Butere. Lakini mimi, wallahi! Nitamuuliza mwenyesi Mungu alete laana kwa nyumba za hawa watu wakubwa ambao wananyang'anya watu ambao ni maskini pesa zao hizo kidogo. Hii ni kwa sababu hakuna njia nyingine. Ukiuliza Serikali itoe huyo mtu, haitaki. Sasa utapeleka yeye wapi? Si rufani ni kwa Mungu ili alete ugonjwa

kwa nyumba zao. Hawa watu hawana lolote. Hawawezi kulipa school fees kwa sababu pension yako ni kidogo, na watoto wao hawajamaliza shule na hiyo kidogo inakatwa kwa ajili ya harambee na DO.

Kitabu kimewekwa kwa Mkuu wa Wilaya au Chifu. Watu wa Kenya watakwenda wapi? Hasira ni nyingi lakini bado tunaongeza nyingine kwa watu hawa. Kwa nini Mungu asifanye kazi yake?

Bw. Naibu Spika wa Muda, jambo lingine ni hili: Katika hayo malipo ya uzeeni, kama wafanyikazi wa Serikali wakiongezwa mshahara, basi pia malipo ya uzeeni yanapaswa kuongezwa. Wakati garama maisha inapanda, ni jambo la busara malipo ya uzeeni ya hawa watu yapandishwe kwasababu hayo malipo ya uzeeni ni kidogo na maisha yamekuwa magumu.

The Assistant Minister for Finance (Mr. Koech): On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to now inform the hon. Member who is on his feet, that what he is saying is what the Bill is supposed to do. If the salaries of civil servants are increased, then pensions will also be increased. That is what is contained in the Bill.

Mr. Shikuku: Asante. Nilikuwa nasoma pahali pengine lakini nataka wakati maisha yakipanda, pia malipo ya uzeeni yaongezwe.

Bw. Naibu Spika wa Muda, sijui kama una habari juu ya jambo lingine. Wale wastaafu ambao wana bahati kidogo ya kulipwa hizi pesa za uzeeni, wanaishi kwa miaka mitano. Wengi wa hawa wazee hufa. Siku hizi ukistaafu, jua tu unaenda kaburini. Ukistaafu kutoka kazi hakuna njia ingine na nawauliza wale wanaostaafu na kupata malipo ya uzeeni ya kiwango cha chini, waende waone Padre ili awaombe Mungu awasamehe kwasababu wameelekea kaburini. Maisha ni magumu sana na vile Waziri wa Wafanyikazi na Uajiri alisema eti mstaafu huyu amezoea kunywa chai asubuhi na saa nne anaongeza ingine pamoja na mandazi. Ikifika saa sita anakula chakula cha mchana na pia jioni anakula. Kwa hivyo anakula mara tatu kwa siku. Sasa amestaafu na hawezi kuishi maisha aliyekuwa akiishi. Akienda nyumbani kuna viroboto, kunguni na chawa ambao ni marafiki wake na yeye alikuwa analala mahali pazuri. Akistaafu na kuenda nyumbani, akiwa na bahati ataishi kwa miaka mitano. Lakini wengine huishi tu kwa miaka miwili au mitatu halafu wanafariki. Matanga ya wastaafu yamekuwa mengi sana.

Bw. Naibu Spika wa Muda, wakati umefika wa Serikali hii ifikirie mwenendo huu kwa sababu mtu ashafanya kazi na akasaidia kujenga nchi hii lakini sasa anapelekwa tu kaburini. Yafaa tuangalie mambo haya kwa macho mawili. Ni kitu ambacho wengine saa hii hawajui. Nikija kwa jambo la Wabunge, nasema kwamba mimi nimekaa katika [Mr. Shikuku]

Bunge hili na nashukuru Mwenyezi Mungu na watu Butere kwa kukaa kwa muda mrefu hapa na nimeona Wabunge wengi wakiingia na wengi wakitoka kupita mlango huu bila kurudi tena. Ni wengi mno. Nakutana na Wabunge wengi lakini kazi yangu ni kusema kwa niaba ya Wabunge wengine. Hata wakati nilipokuwa nikizungumza hapa watu wengi walikuwa wanafikiria Mbunge anapata pesa nyingi sana. Ni mimi tu nilikuwa nikisimama na kusema ukweli kwamba mshahara wa chini wa Mbunge ulikuwa Kshs 5,310. Huo ndio ulikuwa mshahara wa chini, ukiweka kando malipo mengine. Wengine hawakuweza kuamini. Sasa juzi mshahara wa Mbunge hapa ni Kshs 10,000. The basic salary of a Member of Parliament is Kshs 10,000. Na ubaya ni kwamba hata sisi ambao tuliokuja mnamo mwaka wa 1963 na mshahara wa yule Mbunge wa Hamisi aliyekuwa hapa juzi mshahara ni ule ule. Mbona sisi Wabunge tunatetea wengine na hali hatujitetei? Kwa hivyo nachukua jukumu hilo la kuwatetea. This is an anomaly. Ni kitu cha ajabu. Kuna ukubwa kwa mishahara. Ukiwa umefanya kazi katika Shirika la Reli mshahara wako unaongezwa kila mwaka. Kwa hivyo yule mfanyikazi aliyejiririwa leo, hawezi kupata mshahara kama yule aliyejiririwa zamani. Katika Bunge hili utapata ya kwamba yule Mbunge aliyeingia hapa 1963 mshahara wake ni ule ule wa Kshs 10,000. Ni kazi gani hiyo?

Bw. Naibu Spika wa Muda, inapaswa mshahara wa Mbunge uwe ukiongezwa kulingana na miaka ambayo mekuwa katika Bunge hili. Kama umekaa hapa kwa miaka mingi basi mshahara unafaa uwe ya juu. Sio kuwekwa pamoja na yule Mbunge aliyekuwa juu. Hii ni kitu ambacho Bunge hili inafaa ifikirie. Ni lazima kuwe na ukubwa wa mishahara kulingana na muda Mbunge amekaa hapa. Hata wewe Bw. Naibu Spika wa Muda najua unaenda kanisani kila jumapili lakini naweza kukwambia jambo moja. Ndio, unaweza kuingia Mbinguni lakini huko utapata watu wakubwa huko na huwezi kuketi mbele yao au kwa kiti kimoja. Akina Petro waliotangulia washakaa tayari. Huwezi kukaa nao katika kiti kimoja. Wakina Paulo wako huko tayari. Wewe unafikiria ukiingia mbinguni Paulo atasimama kwa sababu Saitoti ameingia? Mheshimiwa Saitoti ataingia mbinguni lakini hawezi kukaa kwa bench ya Yesu na akina Petro. Atakuwa mbinguni lakini atakaa kwa kiti kingine huko.

An hon. Member: Bw. Saitoti ataenda mbinguni kweli?

Mr. Orengo: On a point of order Mr. Temporary Deputy Speaker, Sir. Is Mr. Shikuku in order to assume that hon. Saitoti will go to heaven?

An hon. Member: He will never step there.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Bw. Naibu

Spika wa Muda, nafikiri ni kinyume cha nidhamu katika Bunge hili kuzungumza juu ya mtu bila kuleta Hoja. Kwa hivyo natumaini kwamba Wabunge wenzangu nafikiri wameteleza kidogo. Waweke laini!

Mr. Shikuku: Bw. Naibu Spika wa Muda, sheria inayosema kuleta Hoja kuzungumza juu ya Mbunge, ni Hoja inayozungumzia juu ya ubovu wa Mbunge huyo. Lakini kuenda mbinguni ni ubovu kweli?

An hon. Member: Ni baraka kwake.

Mr. Shikuku: Ni baraka kwake na namtakia heri na yeye haoni. There must be seniority. Hata kule mbinguni ni Mungu, Mwana na Roho Mtakatifu. Na kuna akina Paulo, Peter na John kule mbinguni. Mimi naomba niingie lakini najua siwezi kukaa katika mstari ule wa mbele. Nitakuwa huko mbinguni lakini ndani humu humu. Lakini sitakaa kwa mstari wa mbele. There is seniority. Nazungumza juu ya maneno ya Wabunge. That anomaly should be corrected. Ni lazima wajue kwamba ikiwa kuna ukubwa na pia kuweco na mshahara kulingana na muda ambao Mbunge amekaa katika Bunge hili.

Bw. Naibu Spika wa Muda, jambo la pili ni lile Waziri wa Wafanyikazi na Uajiri aliyezungumzia kwamba waheshimiwa Wabunge wawe na masharti kadhaa ili waweze kupata hayo malipo ya uzeeni. Nataka kusema hivi; hii sio sawa. Kwa nini Mbunge ili apate malipo ya uzeeni yake, anahitajika atoe kiasi fulani cha pesa ndio Serikali pia itoe kiasi fulani cha pesa hali mfanyikazi wa Serikali hupewa malipo yake ya uzeeni bila kukatwa pesa nyingine. Kwa nini sisi tunapaswa tutoe kiasi fulani cha pesa? Why? Mbona Mbunge anaulizwa atoe kiasi fulani ndio apewe malipo yake ya uzeeni? La, si hivyo, hawezi kupewa. Kwa nini na sisi tunafanya kazi ya wananchi usiku na mchana?

Bw. Naibu Spika wa Muda, Mbunge ndiye ambulensi akiwa huko nyumbani kwake. Mbunge huyo amekuwa mid wife na wakati mwingine analazimika kumpeleka mjamzito hospitali ambaye anazalia katika gari yake. Pia anafanya kila kitu, lakini anaulizwa kutoa kiasi fulani kwa penseni yake ndipo Serikali nayo ikamwongeze kiasi fulani. Kwa nini? Hili ni jambo ambalo lazima liangaliwe kwa makini. Tunapozungumza hapa, ninakubaliana na mabadiliko haya. Hata tulikuwa tumesahauliwa, lakini sasa ndio Waziri ameleta suala la Wabunge hapa. Tunasahauliwa! Mabadiliko ndiyo yanaongeza Wabunge, lakini hawakuwepo hapo mwanzoni. Kwa nini? Wabunge hawa si wananchi wa nchi hii? Tena sisi tunafanya kazi ngumu sana ambayo ukiamka asubuhi unamshukuru Mwenyezi Mungu. Hujui ukitoka hapa na gari lako kila siku kuelekea sehemu zetu za uwakilishi Bungeni, unapitana na magari mengine ambayo yanataka kukumaliza.

*(Dr. Lwali-Oyondi crossed the Floor between
Mr. Temporary Deputy Speaker and Mr. Shikuku)*

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Dr. Lwali-Oyondi, you have crossed between me and the Member on the Floor.

Dr. Lwali-Oyondi: I apologise, Mr. Temporary Deputy Speaker, Sir.

Mr. Shikuku: Bw. Naibu Spika wa Muda, tuna kazi nyingi kiasi kwamba usiku tunasafiri kwa motokaa na mchana tunashughulika ilhali hatuwezi kuangaliwa. Kwa nini? Kuhusu habari hii ya Mbunge kutoa mchango ili apewe penseni, ninafikiri kuwa Wizara ya Fedha ni lazima iangalie jambo hilo liondolewe ili Mbunge pia apate penseni kama watu wengine ambao wanapata bila kutoa mchango wowote kwa penseni. Tunapozungumza juu ya habari ya kila Mbunge kutoa mchango wake, nilisikia Waziri wa Wafanyakazi na Uajiri, akizungumza juu ya vipindi viwili vya Bunge, lakini kipindi kimoja kinatosha Mbunge kupata penseni yake. This is a very difficult job to be a Member of Parliament. Sisi wakati wowote tunaweza kushikwa, kunyang'anywa kipasa sauti na DO. Pia ukienda kumtoa Mbunge mwenzako kwa seli, pia wewe unashikwa na kuweka ndani. Haya ni mambo ya kawaida. Mbunge akifika kwake na kulala mpaka asubuhi na kuamka vyema, lazima umshukuru Mungu. Mbunge ana taabu nyingi sana. Wengine hapa sasa, hata Mbunge anayezungumza ameona taabu nyingi sana. Siku moja mhe. Icharia alikamatwa na polisi na mimi kama Katibu Mkuu wa FORD(A) ilinibidi niende kule katika kituo cha polisi ili nikamwekee dhamana ili aachiliwe huru. Nilipanda gari langu hadi Kiambu Police Station na ninakawajulisha kuwa mimi ni mhe. Shikuku na nimetoka Nairobi, nimesikia kuwa mhe. Icharia amekamatwa na nimekuja kumwekea dhamana. Niliulizwa: "Wewe ndiwe Shikuku?" Nikasema: "Ndiyo Bwana." Waliniambia nisubiri kidogo kumbe wanandanganya. Walinishauri nienda nikamwone Mkuu wa Wilaya katika makao yake rasmi kwa sababu ametoka katika sherehe za Madaraka Dei. Nilienda kwa Mkuu wa Wilaya, nikabisha mlango na wakanikaribisha ndani. Lakini baada ya kuingia, waliniambia kuwa Mkuu wa Wilaya anavua mavazi rasmi ili azungumze na mimi.

Nilikaa hapo nikimsubiri Mkuu wa Wilaya, lakini ajabu ni kwamba niliposhtuka niliona askari wengi ambao walikuwa wameletwa na Land Rover mbili na kila mtu anapiga saluti akisema, "mimi ni Inspekta", na mwingine ni Supritendent. Kuna nini? Wewe ndiye Bw. Shikuku? Ndiyo. Wewe ndiye tulikuwa tukikutafuta.

Hapo nikawauliza kwa nini walikuwa wakinitafutia na mimi nimekuja kumwekea dhamana mhe. Icharia. Walinitia mbaroni na kunichukua moja kwa moja mpaka Gatundu Police Station ambao nilala sakafuni. Jana mlisikia mhe. Muite---

The Assistant Minister for Local Government (Mr. Kamuren): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Kwa sababu sitaki kuchukua nafasi ya rafiki yangu kutoka Butere, kama alishikwa, sijui kama alitolewa viatu?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninamshukuru kwa kuuliza swali hilo ijapokuwa si wakati wa maswali. Mhe. Muite alizungumza hapa kwamba kitu cha kwanza unaamrisha kutoa saa yako na huna la kufanya isipokuwa kutii amri hiyo.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Shikuku, much as I am sure the hon. Members will want to hear what you are saying, but it has no connection with the Bill we are discussing now.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninajaribu kueleza kwa nini mheshimiwa anastahili kupewa penseni yake anapomaliza kipindi kimoja Bungeni na wala si mpaka amalize vipindi viwili.

The Temporary Deputy Speaker (Mr. Ndotto): The arresting of mheshimiwa and the issue of pension have nothing to do with each other. Please, stick to the Bill.

Mr. Shikuku: Yes, Mr. Temporary Deputy Speaker, Sir, I am within this Bill. Niko katika swali la mabadiliko juu ya Wabunge ambalo yaliongezwa hapa.

The Temporary Deputy Speaker (Mr. Ndotto): I have ruled that you are now going outside the Bill; just stick to the Bill, Mr. Shikuku. Proceed.

Mr. Shikuku: Bw. Naibu Spika wa Muda, sina haja kushindana na Kiti. Lakini nilitaka kufanya kesi kwa nini Mbunge apewe penseni yake baada ya kumaliza kipindi kimoja Bungeni. Kwa nini apewe penseni yake? Hii ni kwa sababu ile kazi anayofanya ni hatari sana. Bw. Naibu Spika wa Muda, mheshimiwa anayezungumza ameona mengi, taabu na mashaka. Nimepitia kwenye hatari nyingi. Kwanza kabisa kufanya kampeini kuwa Mbunge wa Bunge hili, ni kazi kubwa na ya ajabu. Si mchezo kuingia Bunge na hatuitwi waheshimiwa vivi hivi, hapana! Mheshimiwa amepitia katika taabu nyingi na ukimwona mheshimiwa yeyote aliyechaguliwa kwa kura, hata hao wanafahamu kile ninachosema. Ni hatari kubwa sana. Sio kama watumishi wa Serikali ambao wanaandika na wanaambiwa kuwa baada ya miaka fulani watapata nyumba ya Serikali na vitu vingine. Mhe. hana hata nyumba. Huyu ni mtu tu anayekwenda kwa nguvu za Mwenyezi Mungu. Kwa hivyo, mhe. huyo baada ya kuwatumikia wananchi kwa miaka mitano, anastahili kupewa penseni yake kwa sababu ni wakati mgumu sana kwake. Unaweza kubahatika kumaliza miaka kama ile mhe. Shikuku amemaliza hapa Bungeni. Si mchezo. Ni hatari kubwa sana.

Kwa hivyo, mhe. huyo anafanya mambo mengi kiasi kwamba hana fursa ya kutangamana na familia yake kwa sababu kila wakati anatomikia wananchi. Wewe, Bw. Naibu Spika wa Muda, ukiwa mtumishi wa Serikali kazi yako ni kuangalia familia na pengine jamaa zako. Lakini sisi, waheshimiwa, kazi yetu ni kubwa kwa sababu zaidi ya kuangalia familia zetu, tunawajibika pia kuwaangalia wanayusi, mfuasi fulani ambaye amefiwa na bibi yake natakiwa huko kutoa pesa na wanayusi ambao walikuwa katika vituo vya kupigia kura. Watu wengi wanamtegemea mtu mmoja. His work is more than any other civil servant. Hakuna mtu ataweza kutusemea tatizo hili, ni lazima tuseme hapa Bungeni na tumweze Waziri wa Fedha, ajue matatizo yetu. Wabunge wengi ambao nimekutana nao, nilikwambia nimewahi kuona wengi wakiingia hapa na kutoka Bunge hili, lakini ukikutana nao na wewe umewahi kukutana na wengi, wamekuwa waombaji na wamekwisha kabisa. Itakubidi utoe miwani yako na kuipanguza, uvae tena ili uweze kumtambua. Lakini utapata kuwa alikuwa Mbunge. Nobody cares for him. Wakati umefika wananchi wa nchi hii wajue kwamba wanatumikiwa na Wabunge wao. Sidhani watakaa Mbunge huyo akishamaliza kazi yake asiwe mwombaji. Sasa anakuwa fakiri.

Bw. Naibu Spika wa Muda, kwa nini hatuwezi kufanya mpango hapa penseni ambayo inaweza kumfanya Mbunge aishi maisha mema akishatoka Bunge karibu na yale maisha alikuwa anaishi akiwa mbunge? Sisi wenyewe tunajiletea mashetani. Kwa mfano, wale waliopigania Uhuru wa nchi hii na walikuwa Wabunge hapa, wengi wamekufa wakiwa maskini sana. Kwa nini? Hivi ni kumwambia Mwafrika nyoka kabisa na hawezi kuona shida ya mwenzake, anajiona yeye mwenyewe. Kwa nini Serikali isitoe penseni ya kutosha kumwezesha aliyekuwa Mbunge aishi maisha ya maana? Wengine huja katika Bunge hili, lakini hawana hata nauli ya kumrudisha nyumbani kwake. Je, hiyo ndiyo hali tunataka kuona? Ningependa kuwakumbusha Wabunge wenzangu hapa kwamba leo wewe ni Mbunge, lakini kesho utakosa kuchaguliwa tena na siku hiyo ndiyo utajua mhe. Shikuku alikuwa akisema nini. Nimewahi kuona wengi na ninakutana nao. Wengine wanaponiomba na nikiwa na kitu hata ikiwa Kshs 500 nikiwa nazo, ninampa considering the pathetic situation he looks in.

(Applause)

Bw. Naibu Spika wa Muda, kuhusu jambo hili, ni lazima sisi Wabunge tulioko hapa tufanye mpango wa kueleza wananchi na wataelewa. Hii ni kwa sababu ikiwa hatuwezi kukumbuka walioleta Uhuru katika nchi hii, na wale ambao wamefanya kazi ya kuwatetea wananchi katika nchi hii, basi sisi tunajitafutia mambo mabaya.

Katika nchi za Wazungu, utaona kwamba mtu aliyekuwa mbunge bado anaheshimiwa kama mbunge. Hata wale marais ambao wamestaafu hualikwa wakati wa sherehe za kitaifa na kuombwa watoe mawaidha. Lakini Mwafrika akikalia kiti hataki kumwona yule mwingine tena. Nimesema kuwa Mwafrika ni nyoka. Sisi ni Wafrika, na kama wewe unamtendea mwenzako maovu, unaleta laana nyumbani kwako. Sisi Wafrika tunawatendea wenzetu maovu.

Siku hizi, tuna Wabunge wa zamani kama vile Bildad Kaggia, na pia marehemu Fred Kubai na Mhe. Achieng-Oneko yuko hapa. Ningependa tuwaheshimu watu hawa. Hebu mwangalie mtu kama Bw. Ngei. Ni kwa nini hii Serikali ambayo ni ya wafisadi haiwezi kumpatia mtu kama huyo nyumba, gari ndogo na chakula cha kula kila siku ili afe akiwa amefurahi? Ni pesa ngapi ambazo mnachukua? Ni mamilioni. Kwa nini hatuwezi kuwapa hawa watu nyumba, magari madogo na wafanyakazi wa kuwaumikia hadi mwisho wa miaka yao. Walioleta Uhuru ambao umewafanya hawa Wabunge wakae hapa.

Nakumbuka wakati mmoja, wakati Mhe. Towett walipokuwa katika Bunge la zamani ambapo wabunge karibu wote walikuwa wazungu na wafrika wanane pekee. Hatimaye, idadi yao iliongezeka na kufikia 31. Bunge hili limekuwa na watu weusi tupu, isipokuwa Mzungu mmoja tu. Mhindi aliyekuwa hapa, sijui amekwenda wapi. Ni lazima tuwakumbuke watu waliotufanya tuwe hapa. Ni lazima waheshimiwe na kupewa nafasi, hata wakati wa Jamhuri, wawe wanakaa kwenye viti vya mbele. Hawa Mawaziri Wasaidizi ambao ni watoto, waliokuja juzi, yafaa wakae nyuma siku ya Jamhuri, akina mhe. Ngala wakae nyuma, lakini wale walioleta Uhuru wakae hapa mbele, kwa siku moja tu! Is that asking too much? Hata mhe. Ngala ni mtoto mzuri sana. Kwa sababu, ninakumbuka wakati tulikuwa na baba yake, tukizungumza habari ya Uhuru wa nchi hii, yeye alikuwa mdogo. Nikienda kule Kaloleni, tukizungumza mambo ya Uhuru, alikuwa anaambiwa, "nendeni mchezee mbali; msipige kelele" alikuwa akijibu na kusema, "ndio".

(Applause)

Mhe. Ngala, huyu hapa! Yeye alikuwa mtiifu, anasema "ndio baba" na anakwenda kabisa. Watu kama hao ni lazima waheshimiwe. Wabunge kama, Mhe. Achieng-Oneko, ambao walipigania Uhuru katika nchi hii akisimama hapa, ni lazima watu wote wanyamaze. Mungu amemjalia kuwa hai na akisimama hapa ni lazima tunyamaze tukifahamu **[Mr. Shikuku]**

kwamba yeye ndiye aliyetufanya tuwe hapa. Heshima kama hiyo, itafanya taifa hili liwe na bahati na kwenda mbele. Sisi akina Shikuku ni wa pili. Tukisimama, pia yafaa mtoe heshima, mjue kuna mtu hapa.

(Applause)

Sisi tukiondoka, akina mhe. Ngala watakapokuwa wazee, wakisimama watapewa heshima. Hio ndiyo itafanya nchi yetu ibarikiwe. Lakini ikiwa tunakula na wale waoleta Uhuru wanalia, mnajiletea taabu. Hiyo ni laana kwa Serikali hii. Ni laana kwetu wale ambao tuko katika madaraka kuona watu kama Bw. Ngei na Kaggia akisaga unga! Fikiria, unga unaingia ndani ya macho yake, mtu aliyelea Uhuru huu! Pension yake hana! Hiki ndicho kitu kinachomfanya Mwafrika apate taabu na Mungu anamletea njaa wakati wote. Hii inatokana na viongozi ambao hawana utu. Lazima tuheshimu watu na pension ya Wabunge yafaa iangaliwe.

Katika Clause 4, maneno ninayozungumza, ni Mungu anayeniletea nizungumze. Nina bahati kwa sababu ningali Mbunge. Kwa hivyo, namshukuru Mwenyezi Mungu kwa kunibariki, kwa sababu hajaniletea kifo. Katika kifungu cha nne, mtu ambaye anapata pesa kiasi zaidi ya K£500, apewe asilimia 49. Ukigawanya pesa hizo, K£500 kwa miezi 12, utajua ni kiasi gani huyu mtu atapata. Kwa nini apewe asilimia 49 badala ya asilimia 55? Hizo si pesa nyingi. Mimi ni mwanakamati wa PAC na ninajua kwamba pesa "zinaliwa" na watu fulani na kiasi cha Kshs833 si pesa nyingi. Kwa nini msimpe asilimia 55? Lakini kwa vile huu ni Mswada, pengine nitapendekeza marekebisha ili mtu kama huyo, apewe asilimia 55.

Katika ukurasa wa 118, utapata kwamba wanasema mtu ambaye anapata K£500 lakini hazidi K£901 apewe asilimia 40. Kwa nini tusifanye hiyo iwe asilimia 50? Hizi pesa ndogo sana. Kenya yetu si maskini. Ubovu wa Kenya ni kwamba viongozi wamekuwa wezi na wafanyakazi wa Serikali kwa sababu wanajua viongozi ni wezi, wao wanaiba kodi ya wananchi. Kwa mfano pesa zinazotakona na Kenya Ports Authority, Shirika la Posta na Simu, pia Shirika la Reli Idara ya Forodha zinatoshia kugharamia elimu katika nchi hii ili watoto wapate elimu ya bure. Lakini kwa sababu ya ufisadi na wizi, nchi hii inaonekana kama maskini. Sisi si maskini

tukizitunza pesa zetu. Huyu mtu, badala ya kusema apewe asilimia 40, yafaa apewe asilimia 50. Yule wa asilimia 34, apewe asilimia 40, wa asilimia 27, apewe asilimia 30, wa asilimia 21, apewe 25, wa asilimia 17 na apewe asilimia 20. Mimi nitatoa mapendekezo kuhusiana na jambo hili.

Bw. Naibu Spika wa Muda, hili ni jambo ambalo litawasaidia watu wetu kwa sababu huyu mtu, ijapokuwa amestaafu ana mtoto wa mjomba wake, ndugu yake na wa shangazi yake kwa sababu ya jamii kubwa ya Kiafrika. Mshahara hautoshi. Kwa hivyo, wale waliokuwa wafanyakazi wa Kenya National Assurance Company waliofutwa ni karibu 40,000 kwa sababu ya hizi jamii zao. Ukifuta mtu mmoja jua kwamba umefuta watu wengine ishirini nyuma yake ambao huyu mtu analinda. Inapasa Serikali za Kiafrika kufikiria shida za Mwafrika lakini wewe hufanyi hivyo bali unafikiria shida zako. Wakubwa nao wananyakua kila kitu. Hata choo pia wananyakua. Sasa, hapa Nairobi ni shida kubwa sana kwa maskini kwenda choo.

Wanasema kwamba hii ni Serikali ya wananchi lakini nifikiria sana, ninaona kwamba sio ya wananchi bali ni ya wakubwa ambao wanaamini katika msemu, "Big fish eat small fish". Ningependa kuwaonya kwamba wakati ule samaki mkubwa anapokufa, samaki wadogo humtoboa, kumla na kunyia humo ndani. Kwa hivyo, samaki hawa wakubwa, siku moja watakufa na samaki wadogo watawala na kunyia ndani. Na mkumbuke ile hadithi ya wale ng'ombe waliokonda waliowala saba wanono. Hii huja ikafanyika. Let us believe in the policy; Kula, nile, ale, wale na tutaishi vizuri. Pia ufahamu ya kwamba, hautaishi dunia hii milele. Kwa hivyo, wacha nile, ale, tule na wale na kisha tuondoke na kuiacha dunia hapa. Lakini habari ya kunyakua peke yako na kusema kwamba, "Sisi hatusemi maneno bali tunatoa harambee", na hali umeuza ploti ya serikali si vizuri hata kidogo. Harambee ndio kitu hatari katika Kenya hii. Ukifanya hesabu ya zile pesa ambazo Mbunge mmoja anatoa katika mwezi mmoja utapata kwamba inapita milioni tatu na hali mshahara wake ni shilingi elfu kumi. Hizi pesa zingine anatoa wapi? Siku hizi ukitaka kuwa mshahara ni lazima uwe mwongo, unyakue, uwe mnafiki na hata ukiweza kuua ni sawa.

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

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

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 that if one wants to be an honourable Member, he has to be a liar? Is he confirming that he is also a liar or a hypocrite? He has to qualify that statement.

Mr. Shikuku: Mhe. Masinde hasikii Kiswahili vizuri. Ni kiasi gani ambacho unatoa katika Harambee? Hakuna anayekuuliza mshahara wako unafika kiwango gani. Hata kama mshahara [Mr. Shikuku] wako ni Kshs10,000 au Kshs100,000 kwa mwezi, na ikiwa mwezi mmoja unatoa Kshs2 million, hizo pesa unazitoa wapi? Hauulizwi jambo hilo.

Kufanya hivyo kunapeana nafasi kwa mtu yeyote hata kama ni mwizi, mwongo, na wako wasemaji uongo hata katika Bunge hili, na mnafiki kuwa kiongozi. Mimi ninayoyasema haya, nilianza kupigana na wafisadi kutoka mwaka wa 1963 mpaka leo. Nimekuwa nikipigana na ufisadi mpaka leo. Hakuna mtu anayesema kwamba mhe. Shikuku anafanya ufisadi. Mimi nawajua wanaofanya ufisadi, na huwa ninawaambia wazi wazi. Mimi husema kwamba, makao makuu ya ufisadi ni Bunge hili. Hata wauaji pia. Ukiua mtu, basi ni sawasawa. Watu wanapotea tu na hakuna mtu anajua wanakwenda wapi. Marehemu Bw. Ouko na wengine wamekwenda tu. Na hapa, hatuambiwi lolote na ilhali kuna Serikali. Hii ni Serikali ya wauaji!

Bw. Naibu Spika wa Muda, mimi ningependa kuendelea na mapendekezo yangu. Katika Kifungo cha nne, wanasema hivi:

"Pensions commencing on, or before 1st July, 1991".

Lakini baadaye wanasema hivi:

"Pensions commencing after 1st July, 1991, but not on, or before, 1st July, 1992".

Jambo hilo liko katika ukurasa wa 118. Hapo, wanasema hivi:

"An increase, not exceeding Kshs580 or 33 per cent---

Na chini kidogo wanasema hivi:

"Between Kshs580 and Kshs1,016 or 27.3 per cent".

Kufuatana na hali ya maisha na bei ya vitu, hata ukiwa Mstaafu, Mbunge au hata Waziri, ukienda dukani, bei ya sukari ni moja. Mtu ambaye amestaafu na hana matumaini yeyote, na nguvu zake zimekwisha anapewa Kshs200. Kilo moja ya sukari ni Kshs50 kwa mtaafu na mhe. Shikuku vile vile. Hakuna tofauti. Hata

wafuasi wa chama kinachotawala cha KANU wakienda dukani huku wakivaa baji ya Mtukufu Rais yenye jogoo nyekundu, hata wakitingisha kidole namna gani, bei ya sukari haitarudi chini. Bei ni ile ile. Wanasema wanatawala. Wanatawala nini? Wanaimba kila siku, "chama kinachotawala". Ni bure tu. Hata mhe. Mulinge ambaye ako hapa, tukienda pamoja dukani, tutauziwa bei moja, na anatawala. Tena KANU ndiyo "baba na mama". Ni bure kabisa.

The Minister for Labour and Manpower Development (Mr. Masinde): On a point of order, Mr. Temporary Deputy Speaker, Sir. While I appreciate that the hon. Member is, perhaps, entertaining the House, can he debate on the Bill?

Mr. Shikuku: Bw. Naibu Spika wa Muda, kusema mimi natumbuiza Bunge ni matusi. Mimi nazungumza juu ya mishahara.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Shikuku, you are very relevant. Carry on.

Mr. Shikuku: Ahsante sana.

The Assistant Minister for Local Government (Mr. Kamuren): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Sitaki kuchukua nafasi ya mwenzangu, mhe. Shikuku, lakini tangu nilipoanza kwenda kununua vitu madukani, ikiwa ni sukari, chumvi au chochote, sijawahi kwenda huku kidole changu kikienda mbele namna hii. Nasema ukweli kwa sababu pengine niwe sina akili timamu kwenda dukani huku nikibeba kidole namna hii. Hiyo si haki. Si hiyo ni kulipotosha Bunge hili?

Mr. Shikuku: Bw. Naibu Spika wa Muda, sikusema uende ukitingisha kidole namna hii. Nilisema kwamba bei ya bidhaa ni sawa kwa kila mtu, awe mwanachama wa chama kinachotawala au cha Upinzani. Hata ukivaa beji ya Rais, alama ya jogoo na kutingisha kidole, bei ya bidhaa haitapunguka. Kwa hivyo, shida hii ni ya watu wote, wakiwa katika chama kinachotawala au kinachotawaliwa. Inafaa tuichunguze nyongeza ambayo imetolewa na Mswada huu. Hii ni kwa sababu bei za bidhaa zimepanda. Hata Mtukufu Rais ananunua sukari kwa bei ile ile. Hata bei ya unga wenye alama ya jogoo, unauzwa kwa bei hiyo hiyo. Hata wanachama wa KANU, ambao wanavaa alama ya jogoo, wananunua unga huu kwa bei sawa na watu wengine. Sisi kama Wabunge katika Bunge hili, inafaa tukubali kwamba tunawatetea watu wetu wote bila ya kujali wao ni wa chama gani. Tunataka watu wote waishi vizuri. Taabu ya mwanachama wa chama kinachotawala ni sawa na ya mwanachama wa chama cha Upinzani. Tuna wajibu wa kuyaweka masilahi ya nchi yetu mbele. Ni wajibu wetu kuwaeleza watu wetu kwamba haifai kwa mwanachama wa chama kinachotawala kumchukia mwanachama wa chama kinachotawaliwa. Hii ni kwa sababu sisi sote tutaendelea kuishi katika nchi hii. Mhe Saina, ambaye anatoka katika Wilaya ya Nandi, ni jirani yangu. Yeye hawezi kunitoa kutoka Kakamega na kunipeleka Jinja. Mimi pia siwezi kumtoa Nandi na kumpeleka Kwale. Tutaendelea kuishi pale pale, kama majirani.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Shikuku, hon. Saina is from Uasin Gishu District and not Nandi District!

Mr. Shikuku: Lakini kwake nyumbani ni Nandi, ingawa aliamia huko Uasin Gishu. Hata sisi wengine tuko hapa Nairobi, lakini kwetu ni Kakamega. Hata wakati huu nina ploti huko Kiminini nambari 259, ambayo iko katika Bungoma District, lakini maskani yangu iko kule Marama katika Wilaya ya Kakamega. Lakini mimi ni Mluhya na Mhe Saina ni Mnandi. Hata akienda kuishi kule Nyandarua ataendelea kuwa Mnandi.

Kwa hivyo, mimi ni jirani wa Wanandi na Wanandi ni majirani wangu nikiwa katika Wilaya ya Kakamega. Hili ni jambo ambalo mimi nikiwa Mluhya au Mhe Saina akiwa Mnandi hatuwezi kuligeuza. Ni lazima tukubaliane kuishi pamoja. Ni lazima yeye ale na mimi nile. Haiwezekani yeye ale na mimi nilale njaa, na kisha aniambie nitingishe kidole, kama ishara ya kuunga mkono KANU. Yeye atatingisha kidole baada ya kula na ikiwa ataniambia nitingishe kidole bila ya kula hatutakubaliana. Kwa hivyo, Mnandi, Mluhya, Mkalenjin, Mkikuyu, Mdigo na Mgiyama wote wale. Tunataka mapenzi yao yaje kwa ukweli na si kwa uongo.

Hapa tunazungumzia malipo ya uzeeni kwa watu wote bila ya kujali vyama vyao vya kisiasa au kabila zao. Tunazungumzia Wakenya wote. Mswada huu unahusiana na malipo ya uzeeni yanayoanza baada ya 1.7.91 lakini si yale yanayoanza tarehe au kabla ya tarehe 1.7.92. Viwango vya malipo haya vingekuwa vya nambari kamili badala ya kuwa na nusu nambari. What is this 27.3 per cent? What is all this calculation for? Katika kila hesabu ya Mswada huu, kuna nukta fulani ambazo zimeongezwa. Mimi ningependa kumuomba Waziri wa Fedha atoe hizi nukta katika hesabu zake. Utaona kamba hapa kuna 0.3, 20.3, 15.2, na 10.8. Hizi zote ni za nini? Hizi ni pesa kidogo ambazo zinaweza kubadilishwa kuwa hesabu kamili bila hizo nukta, kwa sababu tunazungumza juu ya miaka ya 1991 na 1992. Ikifanywa round figures, wananchi wanaweza kufaidika. Pia yafaa ijulikane kamba katika Economics, watu hawawezi kununua vitu kama hawana uwezo wa kifedha. Hii ikiongezwa, inamaanisha kwamba, uwezo wa kununua utaongezeka, na ukiongezeka, basi biashara itaendelea, na biashara ikiendelea, Serikali itapata kodi, na kodi ikipatikana, maendeleo yatapatikana. It is a chain reaction.

Kwa hivyo, katika hali tuliyonayo sasa na hasa kuhusu wale watu wanaopata malipo haya ya uzeeni na wangali na watoto katika shule, ongezeko hili litawasaidia na hata watoto wengine waweze kulipiwa karo ya shule. Hii nni kwa sababu watu wakielimika basi taifa linaweza kufaidika kimaendeleo.

Katika sehemu ya tatu ukurasa wa 118, imeandikwa kwamba:-

"Pension Commencing after 1st July, 1992, but not on, or 1st July 1993---"

Pia wameongeza percentage hapo na inazidi kuwa kidogo ikienda chini. Ningependa kusema kwamba, najua Mswada huu umechelewa, lakini nikiweza kupata hakikisho kutoka kwa Wizara ya Fedha kwamba haya ni manyunyuyu, katika marekebisho yatakayofuata kuhusu malipo ya uzeeni, Wabunge pia watahusishwa katika hesabu hii--- Mara kwa mara huwa tunaletewa Miswada tu ili tupitische na wengine ndio wanaofanya hesabu kule. Kwanza kabisa tutaanza na malipo ya uzeeni ya Wabunge, ili wawe wanachangia na ukimaliza miaka mitano ya kwanza, unaanza kupata malipo haya. Tukifanya hivyo, pengine tutakuwa tunawasaidia wanaanchi. Hii kwa sababu miongoni mwa hawa watumishi wa umma wenye vyeo vya juu, kama Makatibu wa Kudumu, hawawafikirii wale walioko kule chini. Ukiangalia, kwa mfano, tofauti iliyoko kati ya mshahara wa Katibu wa Kudumu na ule wa Deputy Secretary, au Senior Assistant Secretary, utaona kwamba tofauti hiyo ni kubwa sana. Wakati umefika ambapo yafaa tuangalie tofauti baina ya mishahara ya Makatibu wa Kudumu na ile ya Manaibu wao isiwe kubwa kama ilivyo sasa. Kwa sababu, ukiangalia utakuta kamba wale wanofanya kazi kubwa ni wale wasaidizi wao. Katibu wa Kudumu hukaa tu na kupata mshahara mnono, lakini watu wanaofanya kazi ni wale walioko chini yake. Hata ukiangalia mshahara unaolipwa Clerk of National Assembly na ule wa Deputy Clerk, utaona kwamba kuna tofauti kubwa sana; hata inaweza kukufanya uzirai. Clerk Assistants ndio wanaofanya kazi nyingi hapa; wanashughulikia Wabunge lakini tofauti katika ya mishahara yao na ule wa Clerk of the National Assembly ni kubwa sana.

An hon. Member: Kazi ya Clerk ni kusema "Next Order".

Mr. Shikuku: Yafaa tuliangalie jambo hili ili watu wote wafurahi. Hii ni kwa sababu watu wakifurahi watafanya kazi nzuri na wakifanya kazi nzuri nchi itaendelea mbele.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Address the Chair!

Mr. Shikuku: Bw. Naibu Spika wa Muda, mhe. Saina ananiambia "Address the Chair." Nikimwalia anasema "Address the Chair."

An hon. Member: Ni kwa sababu ya woga!

Mr. Shikuku: Mimi ninaongea lakini sijui kama mhe. Saina anaelewa.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is in order to be polite. I am just correcting the hon. Member for Butere who is addressing me instead of addressing the Chair.

An hon. Member: But he is just looking at you!

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): But I am not the Chair!

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi nawatakia watu wote maisha mazuri. Mimi ni [Mr. Shikuku]

"mkubwa" na watu wengine wanafikiri mhe. Shikuku si mtu "mkubwa!" Mimi ni mkubwa! Na hawa ni "wakubwa" na ninawaambia hawa wakubwa kwa sababu ninajua watu "wadogo" hawawezi kuwaambia hawa wakubwa. Mimi ni "rungu" ya "mtu mdogo" ya kupigia wakubwa wasiwanyanyase "watu wadogo." Lakini mimi si mtu mdogo!

Mimi nataka pasiwe na tofauti kubwa sana kwa sababu hata wakati huu tunaozungumza juu ya haya marupurupu ya kustaafu kuna wengine katika nchi hii wanaokula na kutapika kwa shibe na kuna wengine ambao hawajaona chakula hata mara moja kwa siku. Tofauti hii kubwa baina ya sisi ndiyo inaweza kuleta hatari. Siku hizi kuna baadhi ya watu wanaojigamba na kusema, "Mr. Martin, you know my problem is what to buy. Money is not my problem." Hey, money is not my problem and it is my daily problem! Lakini shida yake ni ya kununua! Na kweli ukienda nyumbani kwake utadhani wageni wamekuja kumwona! Utaona gari za aina ya Benz, BMW, Patrol, Discovery, Nissan na kadhalika. Unawaza je, wageni wamekuja kumtembela au nini? Lakini unajibiwa kuwa si wageni ila haya ni magari yangu yote! Yeye ana aina yote ya magari pale. Katika nchi hii ambayo mtu mwingine hawezi kuona sumuni kwa siku! Katika nchi ambayo kuna watu wengine hawawezi kuona Kshs5 kwa siku. Hii ni jamii hatari sana! Tumeketi juu ya bomu iliyotegwa!

Tunavyozidi kuzaa ndivyo idadi ya vijana inavyoongezeka. Ukitembea katika sehemu yako ya uwakilishi Bungeni utaona vikundi na vikundi vya vijana. Mimi nataka kujua ni mhe. Mbunge yupi kabla sijaketi chini ambaye haoni yale ninayoona, vikundi vya vijana ambao hawana kazi, wanakaa tu!

The Assistant Minister for Lands and Settlement (Mr. Sumbweiyi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member for Butere to say that if Mr. Temporary Deputy Speaker visits his constituency, he will see youth suffering? Yet, we are aware that Mr. Temporary Deputy Speaker is a nominated hon. Member who is in charge of Kenya in general and he has no specific constituency to represent!

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninafahamu shida za mhe. Sumbweiyi, mimi au mhe. yeyote anapozungumza ni lazima aseme "Bw. Spika." Ninasema ya kuwa kila mhe. Mbunge ana sehemu yake ya uwakilishi Bungeni na katika sehemu yake akitembea pengine huwa amefunga macho, lakini kama huwa ameyafungua ataona ya kwamba kuna vikundi, vikundi vya vijana ambao wanakaa bila kazi. Na jambo hilo ni hatari sana!

Na katika nchi hii ambayo vijana hawana kazi na wazazi wao wamestaafu, pengine mzazi huyu aliuza kondoo na ng'ombe ili kusomesha mtoto wake, amemaliza kidato cha nne na pia chuo kikuu lakini anarudi nyumbani kukaa bila kazi!

Hapa hawa vijana wanakaa bila kazi, na hii ni hatari kubwa. Mimi niko tayari kutafuta suluhisho kwa haya maneno. Hivi ninavyozungumza hapa sasa, sina raha. Suluhisho ni kwamba pension iimarishwe. Wazo la kubuniwa kwa National Youth Development Fund (NYDF), ilikuwa nzuri sana. Lakini ingeletwa hapa, tujadiliane, tutoe maoni yetu halafu tupatie Serikali uwezo wa kusaidia hivi vikundi ambavyo viko katika constituencies. Lakini watu wengine wanataka kutumia hiyo NYDF kwa siasa yao, na hiyo siasa ya *pesa nane* itakwisha. Hata hizo pesa ambazo zimekwishwa changishwa zimeanza kuliwa, na hiyo ndiyo sisi watu wa upanzani tulisema. Hiyo inaonyesha kwamba hatukusema uwongo. Sasa hizo pesa za NYDF zinaliwa. Sasa hivi, kuna kesi Mombasa, Eldoret na kwingineko kwa sababu ya kuliwa kwa hizo pesa na zinaliwa na "samaki kubwa" ambao hawapeleki kortini. Kama angekuwa ni mtu mdogo amekula, angewekwa ndani. Sisi bado tutazidi kuwaambia wananchi wakatae kutoa hizo pesa kwa sababu zinaliwa, mpaka wakati, Mswada kama huu utaletwa hapa, tujadiliane, upitishwe na tuangalie kazi ya watoto wote wa nchi hii, siyo wa KANU. Na kufuatana na kura ya hivi majuzi, wafuasi wa KANU ni asilimia 1.9 na sisi wa Upinzani ni asilimia 3.6. Huoni tofauti? Sisi ndio tuko wengi. Siku ile itakuwa "*mundu khu mundu*" ndiyo watajua, and they will never like it for a long time. Maana ya demokrasia ni walio wengi, sisi ni wengi, tunatoa kodi nyingi, na tuna vijana wengi ambao hawana kazi. Lakini tunataka tutumikie huo wingi wetu na uchache wa KANU tuweke pamoja, tutafute suluhisho ambalo litaleta chakula kwa hawa vijana wote. Lakini hawawezi kupata kufuatana na hiyo NYDF kwa sababu hatukukubaliana na hiyo.

Mr. Ndicho: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform hon. Shikuku that when this NYDF was mooted, we all supported it because it was meant to help all our youth, and that it was meant for all the leaders in this country. But we were so much flabbergasted, when hon. Kamotho, the KANU Secretary-General, said that, that harambee is going to be postponed so that KANU branches can go and prepare. We then withdrew our support as a result of his utterance because he put it as if it was a KANU affair. It is Mr. Kamotho who destroyed that Fund, we were supporting it and now our youth are in arms against Mr. Kamotho for saying that it is a KANU affair.

Ride on Mr. Shikuku!

Mr. Shikuku: Asante, Bw. Naibu Spika wa Muda. Taabu ya Kenya ni mshemiwa huyu, Bw. Kamotho. Hata juzi alisema, "Oh, hakuna cha Katiba kuangaliwa." Baadaye, tukasikia kutoka kwa mkubwa wake kwamba yeye hakatai mabadiliko. Na yeye, Bw. Kamotho, alisema kwamba hataki. Huyu ndiyo hatari ya Kenya, na baba yake anaitwa "danger".

(Laughter)

Mhe. Kamotho ni mwananchi wa nchi hii, nipende nisipende, na yeye apende, asipende, sisi wote ni watu wa Kenya.

The Minister for Education (Mr. Kamotho): On a point of order, Mr. Temporary Deputy Speaker, Sir. Because of the importance of this Pension Bill---

(There was a power failure)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Members, due to power failure it is an appropriate time to adjourn the House. The House is, therefore, adjourned until Tuesday, 30th July, at 2.30 p.m.

The House rose at 6.20 p.m.