

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th November, 1996

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

SETTLEMENT OF SQUATTERS IN MUHORONI

Mr. Ogeka: Mr. Speaker, Sir, I beg to give notice of the following Motion:-
 THAT, since the former non-skilled employees of the colonial settlers of Asian and European origin who settled in the area which after Independence was taken over by Kenya Government to become Muhoroni Settlement Scheme are still squatting in Shauri Yako slums of Songhor, Muhoroni, Fort Ternani, Koru, Kibos, Koitabrot and Chemelil Sisal Estates, in Tinderet, Kipkelion, Belgut and Muhoroni constituencies and since they are not allowed to improve their lands because they do not own title deeds of the plots and consequently bury their kinsmen in public cemetery contrary to African customs, this House urges the Government to dispose part of the nucleus estates at Miwani, Chemelil and Muhoroni sugar companies and Kimwani ADC and Chemelil Sisal Estates with a view to settling these people.

Thank you.

ORAL ANSWERS TO QUESTIONS

Question No.1103

DISAPPEARANCE OF
 MR. JUSTIN KIBUNJA JUSTO

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

(a) if he is aware that Mr. Justin Kibunja Justo of Chogoria Sub-location, Chogoria Location, Mwimbi Division disappeared from his home in 1994 and has not been traced by his relatives to date; and,

(b) what steps he has taken to locate this whereabouts.

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

The alleged disappearance of Mr. Justin Kibunja Justo has never been reported to the police. Arising from my reply in part "a", part "b" does not, therefore, arise.

Mr. Mutani: Mr. Speaker, Sir, this person was working as a policeman in the Kenya Government for a considerable period of time and after retiring he went home. In 1994 he left his home for Nairobi and since then he has never been seen.

There is a big rumour circulating in the area that he might have gone to Tanzania to greet his friend. I am asking the question, Mr. Speaker, Sir, because---

Mr. Speaker: Order, before you do that. Rumour shall never make an entry to this House.

Mr. Mutani: Mr. Speaker, Sir, since Mr. Justin Kibunja left his home 1994, he has never been seen at home. His disappearance is just like the one of J.M Kariuki whom we used to hear was in Zambia, or Kung'u Karumba whom we used to hear as being here or there. Can the Assistant Minister clear the air completely because his disappearance has been reported to the police.

Mr. Speaker: Order, Mutani! It is Question Time. You either ask your Question, but if you want to

make a story, I will go to another Question.

Mr. Mutani: Mr. Speaker, Sir, since the whole matter was reported to police in my area and the Assistant Minister denies that it has been reported, can he make further investigations as regards the disappearance of this person?

Mr. Sunkuli: Mr. Speaker, Sir, I would definitely investigate further, but the hon. Member should furnish me with more details about the identity of this person because by reading from the Question alone, one cannot even deduce the facts that the hon. Member has just stated. It has not been stated that Mr. Justin Kibunja Justo was a policeman. I have just heard that for the first time. If the hon. Member can furnish me with more information, I will investigate.

Mr. Speaker: Any further Question, Mr. Mutani?

Mr. Mutani: Mr. Speaker, Sir, I am surprised to hear the Assistant Minister saying that he does not know these facts. Since I sent this Question, information on and it has been circulating in the area.

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir. Could the hon. Member inform the House where this Question has been circulating? He thought he was coming to Parliament for the first time.

Mr. Speaker: What area are you talking about or are you talking about this area, Mr. Mutani?

Mr. Mutani: Mr. Speaker, Sir, the Assistant Minister is supposed to be assisted by his Permanent Secretary, the DC and the Chief of my area where the Question went. What did they tell him? This Assistant Minister knows the facts.

Mr. Sunkuli: Mr. Speaker, Sir, I visited Chogoria very recently and I was informed that the hon. Member does not go there so frequently.

Mr. Mutani: I do!

Mr. Sunkuli: Therefore, he must be referring to this area. What the officers tell me is exactly what I have told the hon. Member.

Question No.1131

NUMBER OF DEAD KENYANS
IN ROAD ACCIDENTS

Mr. Speaker: Mr. Kiraitu Murungi not in yet.

Question No.1021

ESTABLISHMENT OF BANK AT MALAKISI

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

(Question deferred)

Question No.1118

OPENING OF MARKETS IN GATUNDU

Mr. Speaker: Mr. Kamuiru Gitau not in yet. Next Question.

Question No.1114

EXISTENCE OF BLACK SPOT IN DIFFATHAS

Mr. Speaker: Bishop Allan Njeru not in yet. Mr. "Oloo" Ogeka's Question.

Mr. Ogeka: I am Aloo Ogeka not "Oloo".

Question No.1129

FATE OF EMPLOYEES IN MIWANI

Mr. Ogeka asked the Minister for Labour and Manpower Development:-

- (a) if he is aware that former employees of Miwani Sugar Company who were not paid their dues amounting to Kshs22 million are still staying in abject conditions in the slums of Miwani Town,
- (b) if the answer to "a" above is in the affirmative, he could consider appointing a special committee to look into the fate of these people; and,
- (c) if the answer is in the negative, he could consider touring the slums where these people are settled.

The Assistant Minister for Labour and Manpower Development

(Mr. Ali): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of the nature of conditions under which the former employees of Miwani Sugar Company are living since this is beyond the mandate of the Ministry.

In view of the foresaid, parts "b" and "c" of the Question do not arise.

Mr. Ogeka: Mr. Speaker, Sir, I wonder whether the ignorance does not spell the inability to represent and execute the powers entrusted on the Ministry by this country. Failing to be aware, could the Assistant Minister confirm or deny that in the course of the life of this Parliament, the Ministry had at one stage condemned the repayment of 1,500 former employees of Miwani Sugar Company under the grounds that they fall under the unsecured debtors and as such, their payment does not arise while at this moment he is categorically refusing that he is not aware nor does this fall within the portfolio of the Ministry?

Mr. Ali: Mr. Speaker, Sir, my Ministry can only deal with the cases in the established companies and not unemployed people or the inhabitants of that area where the hon. Member is referring to. However, our awareness is only that after having worked out with the receiver's managers, an amount of Kshs4 million was paid from the unsecured creditors to the employees.

Mr. Anyona: Mr. Speaker, Sir, now, I think the Chair will have to help us over this Assistant Minister and his Ministry. This Assistant Minister said that he was not aware of the matter that hon. Ogeka was asking.

Now, if you check in the HANSARD, you will find that every single question that is asked in this House and is answered by this Assistant Minister, his answer is invariably "He is not aware". Now, after that reply, you give him material, like I gave him some material last week then he said that he would investigate, but he never came back. What are we going to do with an Assistant Minister like this? Are we really satisfied that this is the way we want to conduct the business of this House? How can he not be aware and the hon. Member has given him information?

Mr. Ali: Mr. Speaker, Sir, I said very clearly that the Ministry cannot be aware of the people who are not in the established companies.

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir. The Question reads like this: "Is the Minister aware that former employees of Miwani Sugar Company, who were not paid their dues amounting to Kshs22 million ---?" How then can these people not be in an established company and yet the company is named here? Is the Assistant Minister telling us that Miwani Sugar Company and these former employees do not exist?

Mr. Ali: Mr. Speaker, Sir, I have made it very clear that Kshs4 million was solicited from the receiver managers and was paid to the workers. But with regard to their living conditions, we are not aware.

Mr. Otieno: Mr. Speaker, Sir, we are talking of Kshs22 million being owed to these former employees. It is clear that there will be more companies going into bankruptcy and employees may not be able to recover their protected earnings. Could the Ministry consider establishing a fund that would guarantee that if companies go bankrupt, it will be possible for employees to obtain some of their protected benefits from such a fund contributed to by all employers?

Mr. Ali: Mr. Speaker, Sir, this is a rather difficult question, but it also is not in the Government policy.

Mr. Ogeka: Mr. Speaker, Sir, this question deals with a very serious matter. It is a matter that touches on the very survival of the wananchi of this country. In part "c" of the question, I had put it clearly to the Minister and he does say that it does not arise. These people have not been paid thus rendering them incapable of taking their properties home and currently they are settling in the slums of Miwani which is very dangerous for their security and safety.

If the Assistant Minister cannot set up a committee to look into the plight and survival of these people, could the Assistant Minister kindly accept through this House to tour the area and see the plight of over 1,500 people settling in Miwani since they have nowhere to go to and are owed money by this country which happens to be their mother country which they have served for over 25 years and when the company went in receivership,

they were not paid their dues? Part "c" of the Question is calling upon the Assistant Minister to tour this place.

The Speaker: Order! Order Aloo! Order! And I am here to put you in order. Mr. Ali, proceed.

Mr. Ali: Mr. Speaker, Sir, I said earlier that this is beyond the mandate of the Ministry. However, if the conditions of these people are in such a situation ---

Mr. Magwaga: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House. Part "c" of the Question asks the Minister whether he could consider touring the area in order to see for himself. How can the Ministry be unable to undertake that tour?

Mr. Ali: Mr. Speaker, Sir, maybe the Public Health Department should tour Miwani and see the conditions of these people.

Mr. Nthenge: On a point of order Mr. Speaker, Sir. The Question from hon. Aloo is very simple. The Assistant Minister either agrees that a committee looks into the fate of these people or the Ministry itself tries to find out about these people's plight. Could he answer that question?

Mr. Speaker: Mr. Ali, would you like to take a tour?

Mr. Ali: Mr. Speaker, Sir, even if I undertook a tour to Miwani, it would be pointless because I cannot get the money on their behalf from unsecured debtors.

Mr. Speaker: Next Question.

Question No. 1141

PAYMENT OF MR. GATHOMO'S
NSSF BENEFITS

Bishop Kimani asked the Minister for Labour and Manpower Development why the benefits of the late Mr. Laban N. Gathomo, NSSF No. 038763052 have not been paid to his family.

Mr. Speaker: Would you like to answer that Mr. Ali?

Mr. Ali: Mr. Speaker, Sir, I have part of the answer, but my colleague has the full answer.

Bishop Kimani: On a point of order, Mr. Speaker. I did not hear what the Assistant Minister said.

Mr. Speaker: Well, he says that he has part of the answer. He means that he has a part together with his colleagues. Mr. Obwocha.

Question No. 722

DISBANDMENT OF TASK FORCES

Mr. Obwocha asked the Attorney-General:

(a) which Task Forces have been disbanded; and,

(b) what are the reasons leading to the disbandment of all task forces set up by the Government.

Mr. Speaker: Is the Attorney-General near here? Okay, we will try for the second time. For the second time Mr. Kiraitu Murungi.

Question No. 1131

NUMBER OF DEAD KENYANS IN ROAD ACCIDENTS

Mr. Speaker: Mr. Murungi not being there, then the Question is dropped.

(Question dropped)

For the second time, Mr. Kamuiru Gitau.

Question No. 1118

OPENING OF MARKETS IN GATUNDU

Mr. Speaker: Mr. Gitau not being here, then the Question is dropped.

(Question dropped)

For the second time Bishop Allan Njeru.

Question No. 1114

EXISTENCE OF BLACK SPOT IN DIFFATHAS

Mr. Speaker: If Bishop Njeru is not there, the Question is dropped.

(Question dropped)

For the second time, Bishop Kimani.

Question No. 1141

PAYMENT OF MR. L.N. GATHOMO'S
NSSF BENEFITS

Bishop Kimani asked the Minister for Labour and Manpower Development why the benefits of the late Mr. Laban N. Gathomo, NSSF No. 038763052 have not been paid to his family.

The Assistant Minister for Labour and Manpower Development (Mr. Komen): Mr. Speaker, Sir, I am sorry I was late, and beg to reply.

Part payment of the Survivors Benefits Claim has already been paid to the widow. Benefits for the unpaid period are being compiled to facilitate processing of payment.

Bishop Kimani: Mr. Speaker, Sir, it is sad to hear the Assistant Minister's reply because, Mr. Laban died in 1990. It has now taken six years. Why is it taking too long while this widow has been often travelling from Nakuru to here?

Mr. Komen: Mr. Speaker, Sir, it is true that there was a delay in payment, partly because of the nature of the work of the deceased. First he used to work with Kenya Railways, then later on he was transferred to the Ministry of Public Works and Housing. So, the amount owed to him by Kenya Railways has been settled and we have been trying to compile the information and get all the contributions from various stations he has been working within the Ministry of Public Works and Housing. We are now tabulating the interest and we will pay in a week's time.

Mr. Nthenge: Mr. Speaker, Sir, does the Assistant Minister realise that when a delay of payment is over five years, the person to be paid borrows a lot of money to come and find out what is happening and that person should be entitled to the expenses? Are you ready to refund this widow the expenses incurred?

Mr. Komen: Mr. Speaker, Sir, first of all, any money that has not been remitted to the widow is earning interest and that is what we are now working on. First she has received about Kshs13,840.90.

Mr. Arte: On a point of order, Mr. Speaker, Sir. Mr. Speaker, Sir, the Assistant Minister has been asked whether they are prepared to refund the expenditure incurred by the widow while travelling up and down and up to now he has not answered that question.

Mr. Komen: Mr. Speaker, Sir, the widow has not been coming to Nairobi because we are compiling this information in Nakuru and Nyahururu. We now have the final records and we will pay her from the Nakuru office.

Mr. Munyasia: Mr. Speaker, Sir, arising from the answer given by this Assistant Minister, that for six years, they have been compiling these benefits, what are these benefits that you are taking so long to compile regarding the claims of only one person and when do you think this compiling of the benefits is going to be completed so that the relatives are paid?

Mr. Komen: Mr. Speaker, Sir, I think the hon. questioner should be very appreciative for the efforts that we have put in since he tabled this Question and we are now giving him only one week. First, he should know that we have letters here---

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. It takes two days to prepare a cheque of Kshs1 billion to pay certain individuals here, but we are now talking about a few thousand shillings which takes six years to be paid. Is it in order for this Government or the NSSF to play with the funds of the public when the same

Government is busy paying for grabbed plots to certain well known characters sitting there?

Mr. Komen: Mr. Speaker, Sir, I have answered that part of the question. The contribution had not been remitted by the Minister for Public Works and Housing and the cause of the delay is because we have been going to every station the contributor had been working and now we are getting the final ones. We have even written many letters to the Ministry of Public Works and Housing and I can even table them tomorrow.

Mr. Falana: On a point of order, Mr. Speaker, Sir. You might have missed it, but I am sitting close to hon. Gatabaki and he has just made a very categorical statement right now.

So, many other times, these type of statements go un-catered for without being noticed and without substantiation. He has said "this Government" - and he is fond of saying that - cannot pay this poor widow and yet the same Government has paid a lot of money for one character sitting here. Can he substantiate who "this character sitting here" is?

The Assistant Minister for Education (Mrs. Ndeti): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Gatabaki to describe another Member of Parliament as, "this character"?

Mr. Speaker: Order! Order! I have said this before and I will say it again. All hon. Members in this House must be treated with due respect and that does not exclude any Member from being civil to another. So, can we all treat each other in a civil manner.

Mr. Farah: On a point of order, Mr. Speaker, Sir. Much as some hon. Members get carried away with their passions, you also realise that it is a failure of this House for hon. Ministers not to be able to pay the dues of people who claim Kshs5,000 to Kshs10,000 and who are retired when the same NSSF is using billions to acquire properties and they do not go through a process that takes five years or six years. So, to some extent---

Mr. Speaker: Order! Order! Bishop Kimani, ask your last supplementary question!

Bishop Kimani: Mr. Speaker, Sir, could the Assistant Minister give us the cheque number of the amount that was paid to this lady?

Mr. Falana: On a point of order, Mr. Speaker Sir. I do not want to challenge your ruling, but we feel so hurt whenever we raise issues from this side and these issues are brought to your notice and it is not only by me and you can see the concern of the hon. Members on this side of the House, even hon. Ndeti also said it. That Members from the Opposition side can allege certain matters against Members on this side and comfortably get away with it.

Hon. Gatabaki has made a categorical statement, and you do not want him to substantiate and yet he has called hon. Members on this side of the House characters and you have called for the next Question.

Bw. Spika, sisi tunanyanyaswa sana. Tunaumia na wewe huangalii.

Mr. Speaker: Order, Members! Order! First of all, we must appreciate the fact that all hon. Members come to this Floor and entitled to be honourable, assumed to be honourable and they expect to be honoured. I have taken my part as the Speaker of this House to warn Members to be honourable and to be courteous to each other. We all know that it is increasingly becoming difficult to get some Members ever to respect the rules of this House and treat each other as hon. Members. Nevertheless, can I warn again hon. Gatabaki and all other hon. Members not to be disparageous. And, may I also say quite frankly, it may have escaped my attention because I find it extremely difficult most of the times, to follow what hon. Gatabaki says.

Bishop Kimani: Mr. Speaker, Sir, the hon. Assistant Minister has said in this House, that part of the benefits have been paid to this widow. Could he then give this House the cheque number and how much she expects from what he has said?

Mr. Komen: Mr. Speaker, Sir, the widow was paid through cheque No.155747 worth Kshs13,840.90. This cheque was paid in February, 1991 through the Barclays Bank, Nyahururu. The remaining amount is only Kshs1,000.

Mr. Munyasia: On a point of order, Mr. Speaker, Sir. Standing Order No.68(2) states:-
"Mr. Speaker shall either give his decision on the point of order forthwith or announce that he defers the same for consideration after which the Member who was speaking at the time the point of order was raised may continue his speech".

Mr. Speaker, Sir, hon. Falana raised a point of order challenging hon. Gatabaki to substantiate the claim that this Government has been making payments from NSSF worth millions of shillings. He has been asked to substantiate that claim, but you have not guided us on this matter. Can he substantiate or not?

Mr. Speaker: This is Question Time, my friend. Next Question, Mr. Obwocha.

DISBANDMENT OF TASK FORCES

Mr. Obwocha asked the Attorney-General:-

- (a) which Task Forces have been disbanded; and,
- (b) what reasons have led to the disbandment of all Task Forces set up by the Government.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, first of all, I want to apologise for coming in late, because I overestimated the time it would take to answer all the previous Questions, and normally when I am here at 3.05 p.m., it is the right time for me to answer Questions since I am always the last person to answer any Question on the Order Paper.

Mr. Speaker, Sir, I beg to reply.

- (a) None.
- (b) In view of "a" above, part "b" does not arise.

Mr. Obwocha: Mr. Speaker, Sir, I am shocked with what the Attorney-General has said that he has not disbanded any of the Task Forces, and recently, it was even in the local *Press* that the Government had decided to disband all the Task Forces that the Attorney-General has set up. In view of the answer he has given this House, if he has not disbanded any of the Task Forces, could he then tell this House which Task Forces are continuing with their work and which ones have completed their task?

Mr. Wako: Mr. Speaker, Sir, it is true that many months ago there were some *Press* reports that the Government had disbanded the Task Forces. But a statement was also issued to correct those *Press* reports and on two occasions on this august House, I have assured the hon. Members that the Task Forces are still operating. As to the question raised by the hon. Member, the Task Force on the laws relating to children, it is still operating, because it is still reviewing its own drafts on the Children's law. The Task Force on the Reform of Penal Laws and Procedures, the Task Force on laws relating to companies, partnership and insolvency, the Task Force on Public Order and Security and the Task Force on Press Law are still operating. The Task Force on the status and management of the Kenya School of Law has completed its work. The Bill drafted by the Task Force was brought to this House and it was unanimously passed and it is now in force. The Task Force on laws relating to auctioneers and brokers has finished its work, and a Bill was brought to this House. It was passed and was subject of my Ministerial Statement this morning. The Task Force on laws relating to disabled persons, and the Task Force on the review of landlord and tenant legislation are still on. There is a Task Force, called the Interim Committee on community disorders which is still on.

Mr. Muite: Mr. Speaker, Sir, one of the pieces of legislation that has been used to restrict democratic spirit in this country is the licensing provisions in the Public Order Act. Does the Attorney-General still insist that he needs the reports of these Task Forces before he can repeal the licensing provisions of the Public Order Act, so that Kenyans can have seminars, public meetings freely and people protesting without having to ask for licences from the same Government?

Mr. Wako: Mr. Speaker, Sir, as I have said before, the easy part of any legislation is to repeal it and it takes one second. But the more difficult part is to put in place a proper law which respects all the positions, not only of our Constitution, but also of the internal standards in respect to those matters. As far as the Public Order Act is concerned, the hon. Member was not here yesterday, but I did inform this august House, that the legislation which will repeal the Public Order Act has been proposed by the Task Force and has now reached my desk, and it is now up to me to examine that specific proposal before it is examined by the Cabinet and ultimately brought to this House.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I think the Attorney-General is either confusing the House, or himself. What he apparently told the House yesterday was that he had received a report on detention. Detention does not come under the Public Order Act, it comes under the Preservation of Public Security Act. Which is which? Can he tell us the timeframe for these Task Forces?

Mr. Wako: Mr. Speaker, Sir, I am glad that the hon. Member has raised this issue. If he can check from the HANSARD proceedings, there is nowhere did I yesterday touch on detention laws. But I did state that the Task Force on the security legislation is considering the various legislations as moved in this House and as of yesterday and as of today, the only one that they have completed is the Public Order Act and the proposal on that one is on my desk. I am considering it and it will go before the Cabinet before it comes to this House.

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. Could the Attorney-General tell this House how much it has cost the Government to run the Task Forces which have already completed their jobs?

Mr. Wako: Mr. Speaker, Sir, I believe I did answer that question not more than six months ago, but if asked specifically, I am prepared to give the figures. I do not have the figures right now.

Mr. Wamae: Mr. Speaker, Sir, does the Attorney-General agree that these task forces are just an excuse? He is, therefore, using the non-completion of their reports as the reason for his not bringing here, amendments to the laws of this country!

Mr. Wako: Mr. Speaker, Sir, that is completely untrue. I believe that the task forces are doing a very valuable job. They are not only comparing the various laws, but are also involving the public in the exercise of law reform. As and when their reports become ready---

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is the hon. Attorney-General in order to tell this House that task forces are doing a good job when yesterday, he himself said that hon. Members already know what people's views are on the repressive laws in this country? This means that before he established the task forces, he already knew what needed to be changed. If he is consistent with that statement, then he cannot defend task forces, except as a mechanism for buying time to stonewall the process.

Mr. Wako: Mr. Speaker, Sir, as you rightly said, that is an argument. But it is one thing for any lay man to say that he wants the law changed, and it is another thing for the technical experts in the relevant fields, which the members of the task forces are, to put in place the legal structure for that change.

QUESTIONS BY PRIVATE NOTICE

ASSAULTING OF HEADMISTRESS

Mr. P.N. Ndwiga: 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 the Headmistress of Njeruri Primary School was assaulted by the Chief of Kyeni North Location and the matter was reported to Runyenjes Police Station on 22.2.96?

(b) why has the chief not been arrested and taken to court?

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

(a) Yes, I am aware.

(b) After the matter was reported to the police, both parties later agreed to settle the matter amicably and the charges were later withdrawn.

Mr. P.N. Ndwiga: Mr. Speaker, Sir, this is another interesting answer. I have a letter from the Headmistress of Njeruri Primary School, Miss Immaculate Mary Ndwiga, who was assaulted by that chief. Consequently she has been harassed by the District Officer (DO) and the District Commissioner (DC) so that she can withdraw the charges. Now, harassing and attacking somebody are criminal acts. Is there a provision for settlement out of court where criminal violations are involved?

Mr. Sunkuli: Mr. Speaker, Sir, yes, there is a legal provision under the Criminal Procedure Code, Section 156. In fact, the court encourages settlement out of court of matters that are not felonies. Miss Ndwiga complained of assault by the Chief of Kieni North Location, Mr. Mbogo. She went to Runyenjes Police Station and was issued with a P3 Form. But after she was issued with this form, she withdrew the charges against Mr. Mbogo, and agreed that the matter be settled out of court.

P.N. Ndwiga: Mr. Speaker, Sir, my contention is that it is not true that Miss Ndwiga withdrew the charges. The Kenya National Union of Teachers, Embu Branch, has already complained to the Office of the President over the dragging of feet over this matter by the Provincial Administration. There was no time when Miss Ndwiga withdrew, or agreed to withdraw, these charges. As I said earlier - and this is what I want the Assistant Minister to address himself to - this lady has lived under intimidation. In the latest threat, she was told that if she does not withdraw the charges, she was going to be sacked. This is the position and the Office of the President knows it.

In view of this information, can the Assistant Minister tell this House what he is going to do?

Mr. Sunkuli: Mr. Speaker, Sir, I am going to offer my hon. colleague free legal advice. If hon. Ndwiga is convinced that Miss Ndwiga actually did not withdraw the charges voluntarily, the law does not bar her from going to the police now and reinstating her case. If the hon. Member feels that the police in Runyenjes Police Station are not going to accept those charges, then he can see me and I can direct that she reports the matter to another police station.

The hon. Member may also advise the lady to actually seek civil redress in a civil case, either in addition to, or in lieu, of the criminal charge. The chief can be prosecuted in both a criminal case and a civil action.

WRONG ISSUANCE OF

TITLE DEEDS IN MOSOP

Mr. Sambu: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that there are many cases of double or triple claims of plots in Ndalat Settlement Scheme in Mosop?

(b) If the answer to (a) above is in the affirmative, why is the Registrar of Titles in Kapsabet issuing titles to people who do not live on the plots?

(c) In order to resolve these disputes in a manner acceptable to the people of the settlement scheme, could the Minister establish a committee comprising the elected leaders, local elders and local Provincial Administration officials to resolve these disputes?

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

(a) I am not aware that there are many cases of double or triple claims of plots in Ndalat Settlement Scheme in Mosop.

(b) One can own a plot without necessarily living on it. If the hon. Member has specific cases, he can pass them over to me for investigation and appropriate action.

(c) The hon. Member should furnish us, or me, with the details of any irregularities before I can decide whether to establish a committee to resolve the disputes. If there are no major disputes, the simple disputes which may exist, can be resolved administratively by my officers when I have the facts.

Mr. Sambu: Mr. Speaker, Sir, it is unfortunate that the Assistant Minister wants to use his officers to administratively resolve the problem when it is the same officers who have caused it. The problems in the settlement scheme arise because of the outstanding loans on it. The British Government which funded the Settlement Fund Trustees (SFT) to buy out the British settlers has written off the loans. Why is this Government still demanding repayment from the Kenyan settlers whereas the British Government has written off that loan?

Mr. Sumbeiywo: Mr. Speaker, Sir, it is not true that the British Government has written off the loan: It is still demanding Kshs500 million.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this august House that the British Government is demanding any payment as part of compensation for the surrender of land in the settlement scheme area, when it is public knowledge that the British Government wrote off the entire amount? There is no demand at all by the British Government!

Mr. Sumbeiywo: Mr. Speaker, Sir, I have been dealing with this particular subject in the Ministry. We are asking the allottees of these plots to pay back the money. The British Government is demanding the money which was loaned to the people to buy the plots. Therefore, the British Government is still demanding the money.

Mr. Speaker, Sir, this particular settlement scheme was issued out and title deeds registered out in 1983. Once a settlement scheme has been registered the SFT ceases to have interest and those who were allocated plots can collect their title deeds from the District Land Registrar, the Commissioner of Lands or the Ministry of Lands and Settlement for that matter. Any disputes arising from plots thereafter can be dealt with under the provisions of Registered Land Act, Cap.300 by the Lands Registrar unless it is a major issue that affects the whole scheme. The hon. Member may avail evidence which he may be having to enable the Ministry to take action by carrying out investigations.

Mr. Kamuyu: Mr. Speaker, Sir, the issue of one title deed belonging to more than one person is not only criminal, irregular, careless and most negligent on the part of the Minister for Lands and Settlement. Since the sitting Member of Parliament from Mosop even though recently sacked, brings complaints to this House against the obviously under informed Assistant Minister, and going by the fact that he lives in that constituency, who are we going to believe? Are we going to believe the Assistant Minister or the sitting Member of Parliament.

This matter is a very serious one not only in Mosop Constituency, but also countrywide.

Mr. Speaker: Who are you asking that question?

Mr. Kamuyu: I am seeking guidance from the Chair.

Mr. Speaker: The Chair knows nothing about Mosop Constituency.

Mr. Kamuyu: Mr. Speaker, Sir, you are evading your responsibility!

Mr. Sambu: Mr. Speaker, Sir, for the Ministry to be believed, the Assistant Minister has categorically stated that the British Government has demanded payment. I think it is in order that I request him to table documents showing that the British Government has demanded payment, particularly for Ndalat Settlement

Scheme?

Mr. Sumbeiywo: Mr. Speaker, Sir, I will table the documents. I should be given about a week so that I can come and table those documents.

I just want to correct the impression that hon. Kamuyu has portrayed in this House by saying that I am ill-informed. I am well-informed about what is going on in the Ministry. I know that there are some double allocation of plots and I have said on the Floor of this House that we are going to correct that and make sure that the double and triple allocations are no longer there.

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. It is very saddening to see the Assistant Minister continue to mislead the House. Among the first loans that the British Government converted into a grant to the Kenya Government was resettlement loans. Whatever money the Government collects from those people is revenue for the Exchequer. It is the Government in its own wisdom that has chosen to continue collecting this money as revenue for the Exchequer, but it is no longer a demand by the British Government that it be repaid as a loan. Since that was converted into a grant, the British Government has converted many loans into grants. So, I think it is very wrong for the Assistant Minister to continue misleading this Parliament on this issue.

Mr. Sumbeiywo: Mr. Speaker, Sir, I am happy that hon. Wamalwa pointed that one out. It is true that this money was turned into a grant which is still payable to the British Government.

Mr. Gitonga: Mr. Speaker, Sir, you can now see that this Assistant Minister does not understand anything about grants and loans. How can the British Government demand grants which they have already given to the Kenyan Government? The Assistant Minister has made an undertaking that he will try to lay these documents on the Table. If the documents are there, why can he not lay them on the table?

Mr. Sumbeiywo: Mr. Speaker, Sir, I should have said that part of the money was turned into a grant, but some part of it is still under settlement.

DISAPPEARANCE OF FUNDS
FOR ROAD CONSTRUCTION

Mr. Magwaga: Mr. Speaker, Sir, I wish to ask the Minister for Public Works and Housing the following Question by Private Notice.

(a) Is the Minister aware that Kshs5 million, which was allocated to do the spot gravelling and patching of Sigalagala-Butere Road, D260 measuring about 25 kilometres, only reached Bukura and not Butere since Mumias Sugar Company did the other stretch?

(b) How much was the balance from the Kshs5 million previously allocated and what happened to it?

(c) Who won the tender for the construction of the road and how was the tender awarded?

The Assistant Minister for Public Works and Housing (Col. Kiluta): Mr. Speaker, Sir, with the authority of this House, I would like to request to be given time to get the correct answer, because the answer I got this afternoon does not really answer the Question.

Mr. Magwaga: Mr. Speaker, Sir, since I have not even received the incorrect answer, I feel very obliged to my people and I accept that I should be given the correct answer on Wednesday next Week.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. It has been a practice in this for Ministers to stand up and say I am not satisfied with the answer which I have been given. Why should he not be satisfied? He goes back and comes to the House with the same answer. Can we be assured that this time he will bring a proper answer, different from the one he already has today?

Col. Kiluta: Mr. Speaker, Sir, in the first place, the Questioner never got the written answer. When I say that it is inadequate, I know it because we never even gave him a copy because I was not satisfied.

Mr. Falana: On a point of order, Mr. Speaker, Sir. I think in most cases, the Chair should demand that Ministers should read the answers they have and it is for the House to decide whether that answer is acceptable or not. In any case, the Ministers have a duty to read and go through the answers before they come to the Floor of the House. They should come to the House when they are sure that they have a satisfactory answer. They should not come to the Floor of the House to ask for more time.

Mr. Speaker: Mr. Falana, as the Deputy Whip of the Government, you should be whipping them to do exactly that!

Mr. Falana: Mr. Speaker, Sir, through you, that is exactly what I am telling them to do.

(Question deferred to Wednesday morning)

POINT OF ORDER

MINISTERIAL STATEMENT:

IMPENDING DRAUGHT IN THE COUNTRY

Mr. Farah: Mr. Speaker, Sir, over a period in this House, Members of Parliament from North Eastern Province and parts of Eastern Province have tried to warn the Government over the effects of the draught that was there.

It is now said, formally by OXFAM, that 330,000 people in Eastern and North Eastern Province will starve to death if the Government does not immediately take action about that. This is also in addition to a report that was given by the World Bank, who also did warn about the effects of that drought in those areas. Only last week, the United States Agency for International Development (USAID), in their Vulnerability Update Report, also issued a drought alert. Can the Minister for State in the Office of the President, in the light of this new development which is also carried in today's *Daily Nation*, which has actually gone further and said: "The Government along with local and international NGOs, must take action now to ensure effective collaboration"? It calls for a much faster response to this year's drought---

Mr. Speaker: Order, Mr. Farah, are you reading?

Mr. Farah: Mr. Speaker, Sir, I am just quoting from the *Financial Times*. It is a report.

Mr. Speaker: It is not a report, that is a newspaper.

Mr. Farah: It is a report, which is carried in today's newspapers.

Can the Minister in the Office of the President, in the light of this new development, issue a statement on this, given that we have had undertakings here on the Floor of the House time and again that something is being done immediately or urgently and nothing has been done? Very little, which is a drop in the ocean, has been done. Can the Minister issue a Ministerial Statement on what immediate action the Government is taking to make sure people do not starve in these areas? Already, some have starved and we know that because it is common knowledge.

Mr. Speaker: Would anybody from Office of the President like to comment?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, a Ministerial Statement will be issued next week on Thursday.

Mr. Speaker: Very well! Next Order.

Mr. Farah: Mr. Speaker, Sir, why not on Wednesday?

Mr. Speaker: Well, they will do it in their good time.

(Mr. Farah remained standing)

Mr. Speaker: Order, Mr. Farah! My friend, this is Parliament!

MOTION

ADOPTION OF PIC REPORT

THAT, this House adopts the Sixth Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on Tuesday, May 7, 1996.

(Prof. Anyang'-Nyong'o on 3.10.96)

(Resumption of debate interrupted on 31.10.96)

Mr. Speaker: Dr. Otieno-Kopiyo, you were on the Floor? Would you like to continue?

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, some 27 days ago, I was on the Floor.

I want to start by lamenting the manner in which the PIC Report has been debated. The stops and gaps have not enabled us to maintain continuity of thought. But be that as it may, I have only a few comments I want to make.

The first comment is that I will, as Dr. Otieno-Kopiyo, not be taking any criminals to court because I think that, that is the job of the Attorney-General. As to whether he has evidence or not to be able to take these criminals to court, I have here with me a Report of the Inter-Ministerial Committee on Nzoia Sugar Company, for example, to prove that the Attorney-General is not sincere when he claims that he does not have material to take these people to court. I will inform the House that among the officers who compiled this Report which has pinned criminal activity on the part of certain officers of Government and parastatals is one Mr. D.K. Ameyo, who was representing the Attorney-General in the compilation of that report. For that reason, therefore, the Attorney-General knows where these gentlemen are. I realise that he has security of tenure, but he must also be fearing the political possibility that he might lose his job if he prosecuted some powerful people. I will leave that one to his conscience.

Mr. Speaker, Sir, secondly, I will propose an amendment to the Penal Code, Cap 63. I propose that Section 296 be amended to add Part 3 sub-paragraph 3, which would read as follows:-

"That any officers either in Government or in parastatals who commit economic crimes shall be sentenced to death." Then with that I have a moratorium. I will offer that we establish a cut off point because the crimes that have been committed, the figures that we have in the several Reports we have issued as the PIC, run into hundreds of billions of shillings. If we were to pursue the process of prosecution, it would take this country a good part of 20 or 30 years. Do we want to be able to pursue that line or not? Do we have the political will to pursue that?

My own reason for pulling out of my intended private prosecution was that even in my own party, FORD(K), when I made this statement, that I was going to take certain people to court, and I mentioned the name of a lawyer, the following day, one of our own executives in the party, proposed the name of the same lawyer I had threatened to take to court as a guest of honour in our own harambee to raise rent for our party offices. So I see a very vicious cycle where no one's hand is clean. I do not want to go into the process of "lone ranger" business without effect. I therefore, propose that the Attorney-General does his work because he is paid for it and he drives a very sleek Mercedes Benz on account of holding that office.

Mr. Speaker, Sir, once upon a time, there was that philosopher, Plotinus, in the year 204 AD.

Mr. Speaker: What paragraph is that?

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, this is my own research.

Mr. Speaker: But you are busy story-telling.

Dr. Otieno-Kopiyo: No, Mr. Speaker, Sir, I am not story-telling. This is very relevant.

Mr. Speaker: No, Dr. Otieno-Kopiyo.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, give me a minute.

Mr. Speaker: You have not tried to relate whatever story you are about to embark on to what you are saying. You have just, out of the blues, began saying: "Once upon a time, there was a philosopher---". Now you are telling us a story.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, this philosopher lived at a time when the army there realised the capacity of their own power and the use of it. So, they started to help appoint emperors and each they appointed one they solicited monetary rewards for having supported the emperor. After a little while they would assassinate the same emperor so that they would create a new capacity for raising money through that methodology. I see an analogy in this process. That in the current Kenyan Government, something similar to this is going on, where people create positions and personalities and then assist them to acquire power and positions of responsibility and then they seek to be rewarded through that method. The further reason why I am pulling out of this intention is that I see a Kenya which should be more peaceful. Our understanding between the Opposition and the Government has not been great. But there exists a relationship. Can we not figure out a better way of dealing with the management of our public resources through a consensus that something is seriously wrong with the way we manage our funds? All of us then seek a way through which the Constitution would ensure that nobody deviates from the principle of proper management of public funds. I think that the creation of constitutional protection for certain officials of Government would go along way in defending them from powerful Government or political officers who demand rewards for assisting them to hold offices. Should we not create a security of tenure for the Governor of Central Bank of Kenya? Should we not create security of tenure for the Commissioner of Natural Resources? Should we not create---

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Dr. Otieno-Kopiyo, would you like information?

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

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

inform hon. Dr. Otieno-Kopiyo that just yesterday, we provided, by a Bill here, that was read for the Second Time, for the security of tenure for the Governor of the Central Bank of Kenya for four years.

Dr. Otieno-Kopiyo: I am not very grateful for that because I was here. I am only proposing that the Constitution be amended to ensure that these officers are protected and I am adding others - even though you have done that, I would have had the constitutional method - the Commissioner of Lands, the Chief Executive of the Kenya Revenue Authority and the Auditor-General (Corporations) together with his officers.

We have a terrible situation where the Auditor-General (Corporations) is an officer of the Treasury. Recently, the National Social Security Fund (NSSF) wanted to be exempted from the provisions of State Corporations Act, but then their own Act in the Fund disabled them from that exemption. So, the Minister for Finance directed the Auditor-General (Corporations) to make sure that he does not audit the books of the NSSF any more. Instead those books are being audited by Peat Marwick, a private firm which has been auditing the books of the Central Bank of Kenya. We know that they do not reveal the scandals they find because they also want to maintain their fees. This is not a comfortable situation. The Minister for Finance should ensure that he does not interfere with the work of the Auditor-General (Corporations).

There is another matter which I want to tackle. Section 31 of the Exchequer and Audit Act provides that all accounts of parastatals be presented to the Auditor-General (Corporations) within four months or by the 31st October of every year. When we went into the Committee, we found that we were dealing with accounts of 1980, 1985, 1990, several years behind schedule. The Minister for Finance should ensure that he comes clean on this matter and provide books of accounts of all parastatals under each Ministry's care any time because we have been dealing with officers some of whom were long dead, retired, out of the country and so on and it is very hard to interview people who are dead. Therefore, I wish the Attorney-General got this and the names of the people he should prosecute are already there. If all these prosecutions were pursued, most of them will end up either in State House, the Office of the President and some in Treasury.

With those few remarks, I beg to support.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, there are few things that we have to look at. We look upon the Government to protect us. We give money and they are supposed to look after it and use in accordance with the demands of this House. There are some very interesting events that are taking place.

I am surprised at the number of Government companies that are being exempted from the provisions of State Corporation Act. Some of these companies are the ones that have been notorious for mismanagement. I am just wondering in essence what the Government is doing and on what it is basing its reasons for exempting these corporations from being audited by the Auditor-General (Corporations). Some of these companies are Mumias Sugar Company, which has been doing very well, Nzoia Sugar Company which has been doing very badly, the Tourist Development Corporation and so on. In that kind of atmosphere, nobody can control the usage of money in these parastatals. I think it is the high time that the Government either sold out these companies to the public before they are destroyed or forgot doing what they now want to do.

To be specific, I want to look at the National Water Conservation and Pipeline Corporation. This is a parastatal that has been newly incorporated and which is affecting the lives of people, particularly those of us who stay in towns. This parastatal has taken over the management of water from town councils. Formerly, we had fairly better services from the councils particularly in Nakuru, but when the Corporation came in with people who have probably no experience in the management of water, we are now experiencing water problems. In fact, industries in Nakuru have more or less grounded to a halt because of two problems, one, there is no water at all. Nakuru is experiencing water problems. Personally, I have not been having water for the last three weeks because of the poor services rendered by the National Water Conservation and Pipeline Corporation. Secondly, there is a problem of electricity in Nakuru.

Looking at the accounts of this Corporation, we find that there is no register for fixed assets. In view of the fact that everybody is trying to grab anything these days and in particular land, this Corporation should keep a register for its fixed assets. It is hard to believe that this Corporation does not have this register and one can only believe that they have either thrown away the Fixed Assets Register or they are not interested in keeping it. I am certain that some of these assets and especially land will be stolen from the Corporation. This Corporation is in a position to have its land registered or even acquire title deeds. No wonder there are these strange fires that destroy these poorly-looked after parastatals. For example, in 1992, fire gutted down the building housing this Corporation and nobody knows what it destroyed. Sometimes we suspect that these fires are caused by people wanting to destroy records so that they can take over various plots and pieces of land which are not well known.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Deputy Speaker, Sir, the same parastatal has no records of vehicles. You can see the sort of management that some of these Government parastatals are under. If you can buy a vehicle and you know very well that a vehicle is not a small item, and in fact, there is no way anybody can drive a given vehicle without its particulars being well-documented and given to the owner. It happened that in this Corporation there are no records of these vehicles in the registry. How will they know if somebody runs away with one of the parastatal's vehicles? Logbooks are supposed to have been burned up during that fire that I have talked about, but even if they were burned up, they should have been recorded elsewhere. In any case, if anybody gets his logbook burned up, stolen or misplaced and so on, it is very easy to have another logbook from the Registrar of Motor Vehicles. So, I do not see the reason why these people should have vehicles whose records are nowhere within their own offices. Those are some of the strange things that we see and which, under normal circumstances, should call for the sacking of the chief executive of that particular parastatal. We cannot keep on browsing over these things. Under normal circumstances, once you have heard such carelessness, the best way is usually to sack the chief executive, and once you have done so, other chief executives will make sure that they sack those officers who are not doing their work properly. Therefore, we ought to have some sort of discipline in these parastatals.

One of the reasons why the National Water Conservation and Pipeline Corporation has such carelessness is that those who have been appointed to manage it from the Chairman downwards to other are former politicians.

As a politician, you know very well that most politicians hardly have "order" in their management of affairs. Therefore, once you appoint a politician to be chairman or chief executive of a given parastatal or organisation, you do not expect a lot from him. I think it should be that once we have failed to come back to this House, we better work elsewhere and be away from the public eye or public organisations, not unless we can prove that we can work better. In this case, it calls for sacking or overhauling of the particular management of parastatal.

Mr. Deputy Speaker, Sir, just as I have said, this parastatal is supposed to supply Nakuru town with water which was drilled by the Japanese Government. They refused to give us water and when they were asked by the Japanese Government why, they said, "Alright, Nakuru has no good sewerage system and, therefore, the water would be too much, and it would end up in Lake Nakuru with raw sewerage and, therefore, flamingoes and other animals will die." That was quite a good and reasonable idea, but as at the moment, the Japanese Government said, "Well done! We shall provide Nakuru town with a good modern sewerage system on a grant." We were given Kshs1.6 billion for sewerage system which is filtering water very well. This water is good for animals usage when it gets into Lake Nakuru. But we have not got a drop of it, this water has been taken elsewhere.

The National Water Conservation and Pipeline Corporation has not known that when you have a given water source, it is supposed to be supplied to a given area. It cannot be supplied all over Kenya or over an area that is more than its capacity. This is what they are doing. Water is found, meant for a given area and they try to supply it to all areas and, therefore, nobody gets any water. Our water is going as far as Baringo, and this is the reason why we have no water in Nakuru town. This is now affecting industries, livestock, people and so on. I think it is high time, this Corporation was given some specialists from the Ministry of Land Reclamation, Regional and Water Development to under take that. Personally, I do not even see the reason why this particular parastatal should be there, in the first place. Our own municipality and the Ministry of Land Reclamation, Regional and Water Development can do this job very well. Therefore, this Corporation is superfluous.

Mr. Deputy Speaker, Sir, in the same Corporation just to show how disorganised it is. It does not remit NSSF and NHIF contributions from the workers to the relevant places. This is a Government parastatal. If they do not remit members' contributions what will other private companies do?

Mr. Deputy Speaker, Sir, as I have said, all these call for the competence of the chief executive. Bills from the same parastatals are never paid. Imprests are taken, as if they are Christmas gifts, for example, Kshs10 million from this particular parastatal was pocketed by officers as imprests and they just "ate" it up just like that! Nobody is doing anything about it and that is why we are calling upon the Government to be a good Government. A Government is to be an over-seer, look after the public funds and so on. The moment it fails to do that, it has no moral to govern.

Mr. Deputy Speaker, Sir, having said that on the National Water Conservation and Pipeline Corporation, I would like to move on and make a few observations on Kenya Veterinary Vaccines Production Institute.

Mr. Deputy Speaker, Sir, apparently, this Institution is working well. But we have a problem on the way vaccines are being produced. There is a time when these vaccines seem to have caused diseases instead of curing.

There are places where they have vaccinated animals against Foot and Mouth disease, and many of hon. Members are farmers, but there was no Foot and Mouth disease. But after vaccination of animals against this

disease, there was an outbreak of Foot and Mouth disease.

There are a lot of complaints arising from the vaccines production of the Kenya Veterinary Vaccines Production Institute. The Government ought to look into this because as far as we are concerned, the Kabete Laboratories in conjunction with Wellcome Kenya Limited, had reached a very high level of animal vaccine production. They had the best vaccines for rinderpest. This disease vanished because the vaccine was very good.

At the moment, I understand there may be rinderpest in our wildlife. If it is in the wildlife, it will soon be coming to the domestic animals. If the vaccines are carelessly made, sooner or later we shall have an outbreak of rinderpest which is extremely devastating and can finish all our animals.

We had a vaccine which was being made, and if you vaccinated once, it could work for a whole year. We had also the rabies vaccine for dogs, which was so powerful that once an animal was vaccinated, the vaccine lasted for about three years. It was quite competent. Presently, we are not so sure whether these vaccines work. The reason for this is the appointment of people on tribal basis. You cannot have competent people in every sphere of operation from your own tribe. Even if I took my own ethnic group, I do not think I could find the most competent "everybody", or a person for everything in this country. Therefore, I wish in such very highly technical areas, the Government could stop looking at people from certain ethnic groups, but look for competence. This is because whenever mistakes are made in such places, they affect everybody including those ethnic groups.

Mr. Deputy Speaker, Sir, this Institute, as far as funds are concerned, is running fairly well. But the Government authorised this Institute to take away Kshs6 million from its normal allocation, and use it to build some houses somewhere, with the understanding that the Government would reimburse it. It was forced to take a bank overdraft of Kshs5 million. But up to now, the Government has not reimbursed anything. This debt keeps on increasing. It has now gone up to Kshs10 million as a result of the interest rates in the Government. I do not see the reason why the Government should put its own Institute into such predicament and indebtedness, which can result into the selling of this Institute.

Mr. Deputy Speaker, Sir, generally speaking, there is a lot of money wasted here. I do not want to go into what other hon. Members spoke about. But we are now praying to the Government to undertake the recovery of this money. If possible, they should get rid of those people who are misusing this money. If they do not, we shall assume that they are protecting these people because they are accomplices in looting this money.

There are a few parastatals, which I am afraid, will be ruined again. The first one is the Kenya Tourist Development Corporation (KTDC). It has been doing very well. In this Report, we have very little to cry about.

But somebody, an officer who has ruined about four to five other parastatals has already crept into the KTDC. We are afraid that he is going to finish the KTDC. Mr. Chelashaw has been devastating quite a few parastatals, including the Kenya National Assurance Company (KNAC). He has now been transferred to the KTDC. We do not understand this, and we request the Minister, when he is replying, to come out in the open and tell us exactly what is happening. Why should a man who is finishing everything, and who has run down so many parastatals and has a lot of scandals to his credit, be allowed to run another corporation that has been doing so well? Why should the one who has been running it well not be promoted, or continue looking after that particular corporation, instead of letting this other fellow to come and finish it?

I am also afraid of another corporation, which is affecting my people directly, and it is in Nakuru. This is the Pyrethrum Board of Kenya (PBK). Pyrethrum is a very, very important crop, not only in the Rift Valley, but also---

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Dr. Lwali-Oyondi to mislead this House by saying that Mr. Chelashaw ran down the KNAC, when it is known that when Mr. Chelashaw went there, it had already been run down?

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I think we do not need to substantiate the obvious. This is not the only corporation he has run down. It is in record here.

I was talking about the---

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Deputy Speaker, Sir. I have not said that Mr. Chelashaw has not run down other corporations. I am talking about a particular corporation, that is, the KNAC, which had already been run down when he went there.

Dr. Lwali-Oyondi: Mr. Deputy Speaker Sir, he has just agreed that Mr. Chelashaw has run down other corporations. That is fine. But he was supposed to resuscitate the KNAC. What happened was that he even put the last nail on the coffin of the KNAC. So, he should have resuscitated it but he did not. He ran it down in his normal style of running down corporations.

Mr. Deputy Speaker, Sir, I think it may be an argument---

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Deputy Speaker, Sir. I do not want the House to get the impression that I approved of Mr. Chelashaw's running down of other corporations. I said that I have no evidence. There is no evidence to show that Mr. Chelashaw has run down other corporations. I said that if he has run down other corporations, I am not aware. But I am talking about a particular corporation, which is the KNAC. Can he substantiate that he ran down that organisation?

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, that is an argument, and I think we should go on. This is because we have records here and if he could only read these books, they have records and names to show who mismanaged these corporations.

So, I am worried about the PBK. This is a Board which was doing so well. But when the former Chief Executive left, he had Kshs700 million set aside for nothing. He just kept it aside in the strategic reserve.

Mr. Deputy Speaker, Sir, the Chief Executive, Mr. Wainaina, has left and a person whose credentials we do not know has taken over. We are not so sure whether this man will continue running the Pyrethrum Board of Kenya in the way that Mr. Wainaina had been running it. Farmers and employees are worried because things are going down. The Minister should assure us that he will not damage this vital Corporation which is looking after quite a sizeable number of our farmers from Kisii to Trans-Nzoia, the whole of the Rift Valley and Central Province. I do not think it is fair for this thing to be run down. Therefore, we are asking the Government not to let that reservoir of money to be stolen and not to let this new management to run down this parastatal just as they have done elsewhere. If they can run down the Pyrethrum Board, KCC, and there is cattle rustling going on and so on, they have run down the Cereal Board which is in this report with a hell of scandals, what is going to remain of that? There is going to be a rebellion and the Government should take heed. They should save these Corporations or sell them to the farmers so that they have some proper management.

The Sugar industry is being run down and there is unemployment. There is no electricity and there is no water and so on. The country is grinding to halt. We are alerting the Government to do something because they will boil in the same thing. Already there is a rebellion going on involving the outright snatching of people's goods during day time. Women in the streets have lost their petty-coats. Indeed they have been undressed in front of other people during the day. Why is that happening? This is a beginning of sorrows and it is a result of mismanagement. We are telling the Government that it is in charge at the moment. The Government should do its best to save this organisation so that they can give jobs to our people. People who are running the Government are enjoying themselves by grabbing part of this money that is coming from these parastatals and going round giving out money under the guise of boosting development.

"The proof of the pudding is in eating it thereof; by their fruits, we shall know them."

Those are quotations from various books written by people with great wisdom, but what are the fruits of the KANU Government right now? The fruits are that there is unemployment. You are "juu zaidi", but there is extreme unemployment never seen in the history of this country. There is no electricity, no water, security and so on. What reason do you have to call yourself a Government? So, these are some of the questions we would like to pose. If they are not answered quickly and if officers of the Government and Ministers do not stop pretending that they are millionaires when they are not bad things are going to happen. Many of them cannot manage any business at all, many of them are just earning the mere humble salaries we are earning here which should be earned by councillors but not by Members of Parliament. If you are given the so called "Kshs70,000"---

I was looking for a house in Loresho because, I do not have a house and I am still sleeping in a hotel. The other time I was going round in Loresho looking for a house and I was told that the rent is, at least, Kshs60,000. I do not know whether I met the wrong people. If you are told that out of your salary plus all the allowances, including vehicle allowance you pay Kshs60,000, what would you be left with? How do you account for those big monies that are being given out by the some people including Ministers? They give out Kshs1 million or Kshs500,000 every week. This is not true; it is a lie. I am sorry to use that word, but it is untrue. That money just comes from these parastatals. If it is a small person stealing that money-- If the people in charge were not receiving this money, Government officers would be in jail. I cannot stand here and blame an officer because these officers whose names are mentioned here are promoted on the basis of their theft-like activities.

Mr. Deputy Speaker, Sir, we are just appealing to the Government, to do something because we want to save this country. I am not appealing to the Government as a person, but because I belong to this country. We are also asking people from places like Switzerland to stop keeping money for the African Heads of States, people like Mobutu Sesseseke, Kuku wa Mapanga. Right now he is there with all his money which cannot cure him. He has ruined Zaire. He is not the only one. Many Heads of States and various dignitaries from Africa have ruined their countries. It is a high time the European countries and Americans and so on refused taking this money and bring it back here as they did with Marcos. They have to co-operate so they do not receive stolen goods and then

come to us and say that they are aiding us. They know where the money is. They know the accounts. Indeed, they are earning a lot of interest from it which they give out in form of aid. If people have stolen Kshs26 billion or Kshs100 billion and you are giving us Kshs10 billion, what is all that for? So, they would help us a great deal by revealing those who have kept money out there. I can assure the African dignitaries including those from Kenya that this would not help them at all. At one time or another, God himself will catch up with them as he has caught up with Mobutu Sesseseko and he has no way of escaping and all his money will not help him. I am sorry to say that.

Mr. Deputy Speaker, Sir, with those few remarks, I wish to support this Motion.

Mr. Muite: Mr. Deputy Speaker, Sir, this Report makes a very sad reading year in, year out. It is very depressing to read this Report.

Mr. Deputy Speaker: My records indicate that you talked on 12th October, 1996.

Mr. Muite: Mr. Deputy Speaker, Sir I have to check. Are you happy?

Mr. Deputy Speaker: Okay. In the meantime, I would rather step down my recognition of you in favour of hon. Kiliku. If it transpires that my record is not correct, then I promise you at the earliest opportunity that I will give you the Floor again.

Mr. Muite: Thank you very much.

Mr. Kiliku: Asante sana, Bw. Naibu Spika.

Mr. Deputy Speaker: Order Mr. Kiliku. When did this debate start? From the records in the Speaker's folder and in consultation with the Clerk at the Table, I am told that the Report was laid on the

Table of the House on Tuesday, 7th May, 1996. My records show that the Motion was moved on the 3rd of October and then it was debated on the 17th, 24th and 31st of October when hon. Muite talked just after hon. Shikuku, and he was followed by Dr. Otieno-Kopiyo. So, hon. Kiliku, continue.

Mr. Kiliku: Asante sana, Bw. Naibu Spika. Nitaanza kuzungumzia juu ya National Social Security Fund (NSSF). NSSF ni chama cha wafanyakazi. Lakini ni vizuri wananchi na wafanyakazi wajue kwamba serikali, kupitia kwa Wizara na watu kadhaa katika serikali, ndio imekuwa ikiwaibia wafanyakazi pesa zao. Hakuna adui mwingine wa wafanyakazi katika nchi bali ni serikali yenyewe ndio adui ya wafanyakazi.

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that hon. Kiliku is in order to say that the biggest enemy of the workers is the Government? Much as that may be his opinion, is he in order to mislead this House and the general public that the Government is the enemy of the workers? This is too sweeping a statement.

Mr. Kiliku: Bw. Naibu Spika, angengojea nithibitisha kwanza kwa kuniuliza mbona serikali hii imekuwa adui mkubwa wa wafanyakazi, kupitia watu fulani katika serikali. Nikiaanza katika ukurasa wa 49, utaona vile NSSF wametumia mabillioni za pesa za wafanyakazi, wakiruhusiwa na serikali hii, kununua ardhi. Huwezi kupata au kununua ardhi yoyote. Title deeds zinatolewa na serikali kupitia ofisi ya Commissioner of Lands. Serikali pia ndio inafanya valuation. Sasa NSSF imekuwa ikinunua ardhi ambayo imekuwa valued na serikali. Serikali imekuwa ikikubali ununuzi huu na kuwapatia title deed. Nikisema serikali imekuwa adui ya wafanyakazi katika nchi hii, kuna makosa gani?

Bw. Naibu Spika, NSSF wakijua kwamba mashirika ya pesa yamekumbwa na shida, walikopesha pesa huko bila kulipwa riba yoyote. Hakuna riba. Na mpaka sasa pesa hizo hazijapatikana. Mimi nazungumza hivyo kwa sababu mambo mabaya yote yakifanyika, upande ule wa serikali inasema ni upinzani ndiyo sababu. Upinzani haina uwezo wa kupatia mtu ardhi. Haina uwezo wa kuandika title deed. Lakini serikali hii ndiyo ina uwezo wa kufanya kila kitu kama kutengeneza title deed na kuzipeana. Mabillioni ya pesa zimetumika juu ya NSSF. Pesa hizi zingesaidia wale watu ambao wanakatwa pesa zao chini ya mpango huu wa NSSF. Watu hawa wanakumbwa na shida za kulipia karo watoto wao. Kulipa kodi ni shida. Kula ni shida. Pesa kidogo zinakatwa na zinapelekwa mahali pamoja lakini pesa hizi zinafuatwa na watu wakubwa ambao wanaziiba.

Bw. Naibu Spika, pesa za NSSF zilikuwa zinatumiwa vibaya kupitia kwa mashirika ya kiuchumi. Sasa walivyogundua kwamba watu wamefahamu jinsi wanavyoiba pesa, wakaanza kununua ardhi. Sasa vile wamejua kwamba njia ya kuiba pesa kupitia ununuzi wa ardhi imegunduliwa, wameanza kupendekeza kwamba hii NSSF igeuzwe ili iwe malipo ya uzeeni, yaani, Pension Fund. Mtu akistaafu kutoka kazi yake, alipwe pesa kidogo kodogo, sio kwa jumla. Kwa sababu ya shida zinazokumba nchi hii, tumegundua kwamba mtu akistaafu katika kazi yake na kwa sababu ya umasikini, haishi zaidi ya miaka kumi bali anakufa. Sasa ni afadhali pesa za NSSF, kwa sababu zinakatwa, ni bora mstaafu apewe pesa zake siku ile anapostaafu akazifanyie vile atakavyo. Lakini hakuna ruhusa serikali kusema eti tutachukua pesa hizi na tuzigeuze ziwe malipo ya uzeeni, ili mtu akistaafu, awe akilipwa pesa kidogo kidogo na si kwa jumla. Hii ni kama unajua maisha ya mtu yatafika wapi. Na utapata

kwamba wastaafu wa Kenya, kwa sababu ya umasikini na shida zingine, hawakai karibu miaka kumi bali wanakufa. Almost three quarters of the retirees do die. Wameanza kutumia pesa hizi za NSSF kwa kununua nyumba. Wamenunua Bruce House wakiwa wamedanganywa eti hii itakuwa ikileta Kshs6 million kwa mwezi. Kamati ikagundua baadaye eti tumedanganywa. Pesa zinazotoka kwa kodi ya Bruce House na NSSF House za Nairobi na Mombasa zinamsaidiaaje mfanyakazi ambaye amekatwa hizi pesa? Anapata faida gani? Hapati cho chote. Halafu nikisema eti ni serikali ndio imekuwa ikiibia wafanyakazi, wanasema: "Point of order Mr. Deputy Speaker, Sir". Tumeambiwa kwamba Kshs4 bilioni ziko katika suspense account. Na katika Ripoti hii wanasema kwamba, ikifika 31st June, 1996, hii suspense account itakuwa imemalizika na wanajua pahali pesa zilioko. Wakati yule Waziri ambaye anajifanya hodari atakuwa anajibu, yafaa atueleze kama kufikia 31st June, 1996, Kshs4 bilioni za National Social Security Fund ambazo zimekuwa katika suspense account zimepatikana. Maanake mwezi wa Juni umepita na zile pesa hazijapatikana.

Bw. Naibu Spika wa Muda, zamani Ripoti hii ya Public Investments Committee, ambapo mimi ni mmoja wa wale wa kwanza kuwa Member, ilikuwa na kurasa karibu 200 lakini sasa ni zaidi. Hii inamaanisha kwamba, wizi umeongezeka. Hii Ripoti sasa ni karibu kurasa 700 na zaidi. Hiyo inaonyesha vile wizi katika nchi ya Kenya unaendelea kuzidi. Wizi ukizidi kwa kiwango hicho, tutakuwa na Ripoti kubwa zaidi. Mimi ninashukuru Kamati hii kwa kazi nzuri.

Bw. Naibu Spika wa Muda, ukurasa wa 152 unahusu Kenya Airports Authority, kule kwangu, Changamwe. Kenya Airports Authority ilibuniwa hivi juzi, na Serikali hii ikakopa pesa kutengeneza Moi International Airport na Jomo Kenyatta International Airport. Kulingana na hii Ripoti, zile pesa Serikali ilikopa, imekataa kuonyesha ule mkataba ili wajue zile pesa ziko wapi. Hadi leo, huo mkataba haujaonyeshwa. Yaani, wao wamekopa pesa, ilhali Kenya Airports Authority hawajui ni kiasi gani na ziko wapi. Huu si ni wizi? Wamekopa pesa kutoka Japani na wamesema kwamba, kule Mombasa, wametumia Kshs5.1 bilioni kwa Moi International Airport. Zile pesa zinazotowwa na Kenya Airports Authority, Airports Service Charge, zinaenda Treasury. Na kule Treasury, hakuna anayejua kazi inayofanywa na hizo pesa. Wao wanapeleka Treasury lakini hakuna yule anayejua matumizi ya hizo pesa kule Treasury. Huo ndio wizi. Ni vizuri wananchi wa Kenya waelewe ya kwamba shida zile tunazopata kwa miradi ya maendeleo ni kwa sababu "wakubwa" wale walioko katika mamlaka wanatumia pesa vibaya. Wanaiba zile pesa, ndiposa hakuna pesa za madawa na za kugharamia huduma nyingine zote zinazohitajika na wananchi. Sababu yake si kwamba nchi hii si tajiri, bali ni kwamba, watu wachache ndio wamechukua asilimali ya nchi hii na wameiweka mifukoni, huku raia wengi wamebaki maskini. Ningependa kumshukuru Leader of Government Business, mhe. Prof. Saitoti ambaye alikubali hivi juzi kwamba, watu karibu milioni kumi nchini Kenya ni vikongwe, maskini wa mwisho ambao hawajiwezi.

Bw. Naibu Spika wa Muda, katika Kenya Ports Authority kule Mombasa, wakati East African Community ilipovunjika, ningetaka Waziri aeleze ni kwa nini Kenya Ports Authority ndio ya pekee inayolipa madeni yetu kwa Serikali ya Uganda na siyo mashirika mengine, ama kugawanya madeni hayo na mashirika mengine? Hii ndio sababu hali imezoroteka kule. Wizara ya Uchukuzi na Mawasiliano ilipoulizwa hapa swali hilo, walisema watarudisha pesa hizo kwa Kenya Ports Authority, na hadi leo, hawajarudisha.

Bw. Naibu Spika wa Muda, katika Kenya Ports Authority, kuna subsidiary moja inaitwa Kenya National Shipping Line. Wakati Kenya National Shipping Line ilibuniwa, karibu mwaka wa 1987, mimi nilisimama hapa na nikasema kwamba, Kenya Shipping Line isiwekwe pamoja na UNIMA C(?) Transport ya Ujerumani, maanake wale ni wezi. Ni wao waliotuibia katika former Eastern Africa National Shipping Line baina ya Kenya, Uganda, Tanzania na Zambia hadi tukafilisika. Mimi nikapelekwa Railways na wengine wakapelekwa mahali pengine na tukatawanyika. Sasa nikamuonya Mkuu wa Sheria wakati huo, nikamwambia kwamba, ikiwa Serikali inataka Kenya National Shipping Line, basi, iwe huru. Ama wachukue kampuni nyingine na siyo UNIMA C Transport ya Ujerumani, maanake hiyo itakuja kufilisisha hii nyingine. Hata kabla ya miaka miwili, Kenya Ports Authority walilipa Kshs70 milioni kwa hiyo kampuni na UNIMA C Transport wakalipa Kshs30 milioni. Lakini baada ya miaka miwili, kampuni hiyo ilikuwa imepoteza Kshs90 milioni zaidi ya zile pesa walikuwa wametoa. Lakini, Serikali inasema kwamba, wizi katika nchi hii ni wa kiwango kidogo tu. Ikiwa mtu ameiba, ni mbaya lakini Serikali ikiiba, hakuna yule anayechukuliwa hatua. Hiyo ndiyo shida tuliyo nayo. Ndugu zetu mlio upande ule, tunataka Katiba ibadilishwe kwa manufaa ya watu wote wa Kenya. Lakini ikiwa Katiba ya Kenya itabaki hivyo hivyo, yaani mtu akiiba kwa sababu institutions zingine zina uwezo mkubwa, na mtu huyo hawezi kuadhibiwa bali tu atapewa transfer, hakuna hatua itakayochukuliwa kwake, hata mtu mwingine akitawala nchi hii na Katiba iwe ni hiyo, hiyo, Serikali itaendelea kuwa ya wizi mtupu. Adui wa wanachi hasa katika serikali zetu za bara la Afrika ni serikali zenyewe. Kwa sababu, ikiwa kampuni inaweza kuanzishwa na hata kabla haijaanza kazi yake zile pesa ambazo imetengewa serikali inachukua zote na hakuna hatua inachukuliwa. Hivi leo ninapozungumza, the container terminal katika Kenya Ports Authority--

QUORUM

Mr. Moiben: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think there is no quorum in this House.

The Temporary Deputy Speaker (Mr. Ndotto): Now, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

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

Mr. Kiliku: Bw. Naibu Spika wa Muda, nikiendelea kuthibitisha kwamba Serikali hii ni "Serikali ya wezi", adui mkubwa katika Serikali zetu za Kiafrika kwa wananchi ni Serikali zenyewe. Kenya Ports Authority (KPA) katika Container Terminal hivi sasa wameleta Wazungu watatu pale eti kuja kuangalia Container Terminal na kufundisha watu vile watafanya kazi. Kutokana na habari ambazo nilipata kutoka kwa wafanyakazi wa KPA Container Terminal, Mzungu mmoja analipwa mshahara wa Kshs1.2milioni kwa mwezi mmoja. Je, katika Kenya hata Rais mwenyewe analipwa mshahara wa kiwango hicho kwa mwezi mzima? Wale wafanyakazi katika KPA Container Terminal, Mombasa, wamesoma zaidi kuliko Wazungu wale na wana ujuzi mwingi kuliko Wazungu wale. Sasa tumeletewa Wazungu hawa kule KPA Container Terminal eti ndio wanaangalia Container Terminal na Mzungu mmoja analipwa mshahara wa Kshs1.2 milioni kwa mwezi. Je, Mzungu mmoja atakuwa amelipwa pesa ngapi wakati mwaka utamalizika?

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would it not be in order that the hon. Member substantiates who is this official who is earning Kshs1.2 million and what are his duties at the Kenya Ports Authority?

Mr. Kiliku: Bw. Naibu Spika wa Muda, nimesema ni Kenya Ports Authority Container Terminal ambapo Serikali hii juzi ilikubaliana na kutia mkataba na Wazungu watatu ambao elimu yao ni ya kiwango cha chini kuliko ya Wakenya, walipewa kandarasi ya miaka miwili katika Bandari ya Mombasa kila mmoja akilipwa Kshs1.2 milioni. Kama Waziri wa Fedha anahusika na kama yale ninayozungumza sasa hapa si ukweli, aseme. Huduma za Container Terminal katika Bandari ya Mombasa zilianza mwaka wa 1975.

The Assistant Minister for Finance (Mr. Keah): On a point of information, Mr. Temporary Deputy Speaker, Sir. Mhe. Kiliku ametaja kwamba Waziri wa Fedha athibitishie. Ningependa kumjulisha kwamba Bandari ya Mombasa iko chini ya Wizara ya Uchukuzi na Mawasiliano na si chini ya Wizara ya Fedha. Kwa hivyo, akimwuliza Waziri wa Fedha athibitishie, hiyo ni kuonyesha kwamba yuko nje ya mjadala huu.

Mr. Kiliku: Bw. Naibu Spika wa Muda, nimesema kwamba "Serikali hii ni ya wizi na wezi" na Serikali ni moja. Nilitaka Waziri Msaidizi atulie ili nimweleze hii imekuwa ya wezi namna gani. Kwanza, Ripoti hii ya PIC zamani ilikuwa yenye kurasa 200 tu, lakini vile wizi umeendelea, Ripoti hii imeongezeka na kuwa na kurasa 700. Kila mtu amekuwa mwizi!

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

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Falana! Sit down! Hon. Kiliku, you are beginning to repeat what you have already said. You have said it three times. I think you should better proceed on the basis of what you want to say, but not repeating, because what you have just said, you have said it three times very well, repeating exactly in the same words.

Mr. Falana: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Je, ni haki kwa mhe. Kiliku kutaja Serikali nzima kama "Serikali ya mwizi na wezi" kwa sababu ni kitu kimoja? Ninafikiria iko katika rekodi na inajulikana na kama kuna mtu binafsi ambaye ameiba kwa Serikali hii, ni haki mtu huyu mmoja atajwe kwa sababu hakuna mtu ambaye anakwenda kuiba kwa niaba ya Serikali. Tunajua tuko katika Serikali hii na tunaweza kujidai tuko kati sana. Inatuudhi tukiambiwa kwamba wale wako kwa Serikali wote ni wezi. Kwa hivyo, ni haki kwa mhe. Kiliku amtaje mwizi huyo.

Mr. Kiliku: Bw. Naibu Spika wa Muda, kwanza, sikusema "Serikali ya mwizi", lakini nilisema "Serikali ya wezi", yaani wezi wengi. Ripoti hii ya PIC inawasilishwa na Mhasibu Mkuu wa Fedha za Serikali mwenyewe, ambaye amepewa mamlaka na Serikali kuleta Ripoti katika PIC. Huyu mhe Falana alikuwa mtu wa kwanza kuileta kesi ya M/s Goldenberg hapa, na wakati huo alisema kwamba hii ni Serikali ya wezi. Sijui leo imekuwaje ndipo anipinga.

Kulingana na ripoti hii feru za Likoni na Mtongwe zinatumiwa pesa kutoka kwa Kenya Ports Authority. Lakini ningetaka kusema kwamba feru zilizounuliwa ni kuu kuu na hazifanyi kazi kama tulivyokuwa tumeambiwa. Hata Waziri anayehusika analijua jambo hili.

Ninapoelekea kuimaliza hotuba yangu, nataka kusema kwamba kuna watu waliopewa pesa chini ya

mpango wa golden handshake. Ningetaka Waziri ajue kwamba watu waliolipwa pesa ili kustaafu walipoenda kuchukua pesa katika National Social Security Fund, waliambiwa hawajahitimu umri wa kuweza kupewa malipo yao ya uzeeni. Pia kuna baadhi ya watu ambao bado wanahangaika kwa sababu hawajazipata pesa zilizokuwa zikilipwa chini ya mpango wa golden handshake.

Bw. Naibu Spika wa Muda tumeona kwamba katika ripoti hii, kamati hii imefanya kazi nzuri sana. Lakini ripoti yenyewe ina ahadi nyingi. Wengi wa maofisa waliofika mbele ya kamati hiyo walitoa ahadi za kurekebisha makosa yao. Nawaomba wanachama wa Public Investments Committee (PIC) wasikubali kupewa ahadi kila wakati. Ikiwa watapewa ahadi, inafaa wahakikishe kuwa ahadi hizo imetekelezwa kabla ya wao kuileta ripoti yao hapa. Ripoti nzima inaonyesha kwamba kamati ilihaidiwa na maofisa tofauti tofauti kwamba wangerekebisha hili na lile, lakini hakuna chochote ambacho kimefanyika.

Tena hakuna mtu anayeruhusiwa kukataa kufika mbele ya Public Accounts Committee, PAC na PIC. Lakini nafikiri Bw. Somaia yuko above the law. Hii ni kwa sababu ameitwa mara nyingi kufika mbele ya kamati hizi, lakini amekataa kufanya hivyo. Je, Serikali hii inaweza kushindwa na Mhindi mmoja? Hata aliandika barua na kusema: "I am not coming". Kamati hiyo ilitumia uwezo wake wa Kibunge lakini mtu huyo hakufika mbele yake. Mkuu wa Sheria na Mkuu wa Utumishi wa Serikali, au mtu mwingine yeyote akiitwa na kamati ya Bunge atafika mbele yake. Imekuwaje mfanya biashara mmoja hawezi kufika mbele ya kamati ya Bunge? Hii itatusaidiaje? Ni lazima Wahindi wawe wanatutukana kila mahali kwa sababu wanasema kwamba Serikali iko mifukoni mwao! Ni kweli Serikali hii iko mifukoni mwa Wahindi. Hii ni kwa sababu mmoja wao aliitwa mbele ya kamati ya Bunge na akakataa kufanya hivyo. Kwa vile ripoti hii imefikishwa hapa Bungeni kabla ya yeye kufika mbele ya kamati hiyo, Mungu atusaidie!

Kwa hayo machache naunga mkono.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I will make very brief comments on the report of the PIC, which is currently under debate. We are today debating a very important aspect of our economy, namely investment. Hon. Members who heard evidence and came up with the report we are now debating need to be commended for having produced so many pages of literature to be read, regarding the investments of this country. I must say that it makes very interesting reading.

But it also really calls into question a number of things that I must take this opportunity to state. For one, I would like to say that the role of Parliamentary committees like the PIC and PAC is to interrogate witnesses and actually find out whether the economy has been properly run or not. It is an exercise in economics and trying to find out whether accountability has been achieved, and the Government of the day has been transparent. It is nothing more than this. However, when the PIC goes on to make such recommendations like the ones made under paragraphs 67, 74, 123 and 231, where it is has named people who should be barred or banned from holding public office, that should tell you that the members of that Committee have not read the Constitution of this country.

Mr. Kiliku: On a point of order, Mr. Temporary Deputy Speaker, Sir. The role of the PIC and PAC is not to investigate the growth of the economy. Their work is to investigate the expenditure of the money allocated to the various bodies.

The Temporary Deputy Speaker (Mr. Ndotto): Mr. Kiliku, what was your point of order?

Mr. Kiliku: Mr. Sunkuli, is misleading the House because the role of these Committees is not to investigate the performance of the economy in general. Their role is to investigate how the allocated money was used.

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Kiliku! You may have a point of order, but you are not putting it across. You have raised a point of information and not a point of order. You may have a point of order, but you have not raised it.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard what hon. Sunkuli has said. Is he in order to mislead this House, that the work of the PIC is to look into economic performance, when Standing Order No. 148 clearly states that the work of the Committee is to investigate the wisdom of investment by the Government of the day?

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Sunkuli, you are perfectly in order to express your own opinion as to what you think is the work of the Committee. Hon. Obwocha's is a point of argument and not a point of order. Please, continue.

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for both the Chair and the Assistant Minister to make a misleading statement, when a general assessment of the economy is done in the financial statement, which is presented here before 20th June every year? The PAC is not at all concerned with the assessment of the economy!

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Maore! You are completely out of order. I have said that what hon. Sunkuli is giving is his own opinion about the work of the PAC and PIC. You can define it in different ways, depending on how you see it. That is his own definition of the work of the PIC. If you think he is wrong, when I give you a chance to contribute, then you will give the House the right definition. That is his own argument and we will allow him to continue.

Mr. Mutere: On a point of order, Mr. Temporary Deputy Speaker, Sir, Standing Order No.148---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Mutere! As the Chairman of the Public Investments Committee, I would hate to cut you short. But as it appears, you are raising the same point of order on which I have already given a ruling and I am not allowing any point of order along that line.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I know that the hon. Members who are raising those points of order do sit in those Committees. That has been my perception of what their role is.

As I was saying, when Members of the Public Investments Committee recommend that certain Kenyans, whose rights are entrenched in the Constitution should be banned from holding public office, that means that the Constitution has been flouted. I hope the Minister for Finance will move an amendment on this matter.

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

The Temporary Deputy Speaker (Mr. Ndotto): Overruled. If an hon. Member is saying something which you do not agree with, this is not the right time to dispute it. You should not use a point of order to counter an argument made by the other hon. Member who was on the Floor. When you get an opportunity to speak, you can challenge that point. I cannot allow hon. Members to start debating through their points of order. He is just giving his own opinion. He may be right or wrong. That is his opinion and he is entitled to it as a Member of this House.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, when the Members from the Opposition do not agree with one, they rise on a point of order to start debate. This is a matter of argument. I am trying to say something and I do not see why the hon. Members from the other side are so allergic to listening to those arguments.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are concerned with each Member being responsible for the truth of the statement he makes here. Hon. Sunkuli is saying that it is unconstitutional for any Committee to recommend that an officer who has abused public office must not hold public office any more.

May I call upon the Assistant Minister to substantiate that it is unconstitutional? Which section of the Constitution has been violated by the Public Investments Committee in recommending that hon. Sunkuli's partners in business must be barred from holding public office?

The Assistant Minister, Office of the President (Mr. Sunkuli): I hope the hon. Member knows that my partners in business are lawyers whom he has not mentioned.

The Bill of Rights in our Constitution does not allow us to declare a man guilty before he is tried and found to be guilty in a court of law. The Constitution of this country and Section seven of the Penal Code states clearly that nobody shall be presumed guilty until he is proved so in a competent court of law.

Mr. Kiliku: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Report of this Committee and the Report of any Select Parliamentary Committee do recommend but they have not declared these people guilty. These are mere recommendations.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the hon. Member has been speaking in Kiswahili all this time but he now wants to speak in English. What I am saying is that the Report is recommending the barring by this House of a member of this country from holding a public office, before he has been tried in a court of law and presumed guilty. All those sections, in fact, should be removed. All those paragraphs that are recommending that Kenyans should be banned from holding office and yet, they have not been found guilty of any offense by a court of law are outrageous.

Mr. Orengo: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a House of records and that is why there is a journal of the House so that in 100 years from now, if somebody looks at the proceedings of this House, and get what happened in this day, he will find it in the records. When an hon. Member of Parliament makes an allegation relating to the Constitution and he is not in a position to substantiate, and we do not put the records of the House straight, then, this House cannot be called an august House. I think hon. Sunkuli should come out clearly since he is talking about the Constitution, that it is unconstitutional to declare some people unfit to hold public office. For example, when was hon. Biwott taken to court and found guilty for any offense? It was found unfit for hon. Biwott to continue being a Minister in the Republic of Kenya because of the

many scandals surrounding his past dealings!

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Orengo! You are making remarks about another hon. Member of this House. I do not want to cut you short but I will not allow that one. Hon. Sunkuli proceed!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the hon. Members who are lawyers and there are so many of them on that side, do know that every person in this country is guaranteed of one thing by the Constitution and by the Penal Code. That he shall not be found guilty by anybody else other than the court of law. Before the court of law does that, there is nobody else in this country who can say that somebody is guilty when he has not been proved to be so. Therefore, the Public Investments Committee operated beyond its powers and went unconstitutionally--- I think it is important that those paragraphs should be expunged from the records of the Public Investments Committee, so that we can have a Public Investments Committee Report which abides by the laws of this country. Nobody in this country, at least, not myself would condone corruption. We have said before that corruption is not a KANU problem. Corruption is a Kenyan problem. Many hon. Members will agree with me even organizations that have nothing to do with the Government, like the NCKK and the NGOs in general, and the manner in which some of the Opposition parties are being run are all sometimes corrupt. This is not therefore, a KANU problem. There is no use pretending that fingers must always be pointed one way. We must sit down as Kenyans and say that it is wrong for a and b to be done. But we cannot say, like one hon. Member who is from Changamwe stands up to say everybody is a thief, and then, he leaves out everybody to include the Members of the Opposition and those who run the NGOs, majority of whom are sympathizers of the Opposition. This is not something to laugh at. It is something of which we must sit down together, so that we can put the record right.

Mr. Kiliku: On a point of order, Mr. Temporary Deputy Speaker, Sir. If you heard my statement, I did not say that everybody is a thief. But I said that this Government is composed of thieves.

The Assistant Minister, Office of the President (Mr. Sunkuli): I do agree that certain civil servants do operate wrongfully. I am saying that we should try and diagnose the problem rightfully. Let us ask the Wangari Mathais of this country to account for the money that they get for the Green Belt Movement in order to improve the environment of this country. How many forests have they planted in this country? It is important to say this because when an hon. Member who sits on that side chooses to look at corruption in a lopsided, myopic and truncated manner, it must be put correctly that corruption is not a KANU problem. It is a Kenyan problem and it must be looked at in that context. We must solve the problem in its entirety.

Since I know that hon. Munyasia believes that people in KANU should not speak eloquently, he is too tired listening to me already and, I beg to oppose the Motion.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I will also be very brief. It is a very sad comment to hear a Minister of Government saying that what the PIC has done, that is, their deliberations and the findings that they have come up with, should be expunged from a Report of a Select Committee of this House. When hon. Sunkuli puts these views across, he is indeed telling us that he is one of those fellows who are misleading the Government in matters of accountability.

I would like to start with a corporation which is very dear to my voters, and that is the Kenya Tea Development Authority (KTDA). Over a number of years, the KTDA has been run in a manner which is not acceptable to the tea farmers of this country. Previously, the operations of KTDA, including the handling of the tea access roads was handled very well. In fact, in certain sections where tea is grown and where the vehicles of KTDA found it impossible to pass, they did a bit of tarmacking. But since those duties and the money for the tea cess was removed from KTDA to the local authorities, under the chairmanship of the District Commissioner, we have seen hell. A good example is the new district of Nyamira, where the amount of money that has been collected in tea cess has been misused. First of all, in 1991/92, the tea cess Committee of Nyamira colluded with a KANU Chairman in Nakuru to supply defective tractors to Nyamira. Since this tractor was supplied new, its cost was approximately Kshs3 million, but the invoice was for Kshs6 million! It has never been used since that time. The only thing that was done when this matter was brought to the attention of the authorities, was merely to transfer this District Commissioner from Nyamira to Tana River. Instead of punishing this man, and returning the farmers' money, the DC has been left free. Right now if you go to Nyamira and try to reach the tea buying centres, you will fail miserably. It is not possible, to reach these tea buying centres because of the state of the roads in these areas. As you know, Kisii and Nyamira and many other areas in Western Kenya receive a lot of rain. Due to the rain itself, plus the state of the roads, which are not being attended to, it is not possible to collect the green leaf from the tea buying centres. KTDA continues to deduct money from farmers and yet the farmers are not seeing the fruits from this money.

Recently, the KTDA declared bonus. If you look at the figures, the bonus itself is outrageous. They have not explained to the farmers why the tea bonus payment is low also this year. To add insult to injury, in my own district of Nyamira, thousands of farmers have been denied access to their tea bonus under mere allegations that they have falsified their leaf collection. Those of us who come from the tea buying areas know that every farmer is known to have a number of tea trees, and on average it is known how much a tea plantation can yield. Why is the KTDA punishing these farmers instead of sending audit teams to find out exactly what is happening? Last Monday when I was in my constituency office, I was unable to work because thousands of farmers were there who have been denied their slips on the pretext that their leaf deliveries have not been confirmed.

I would also like to point out that in the survey that had been done, Kisii and Nyamira needed two additional factories. We were told that one tea factory was going to be situated in Marani in Kisii and another one at a place called Nyamatoki, which is between my constituency and Kitutu East constituency. But up to now, the Minister for Agriculture, Livestock Development and Marketing, together with the KTDA Management, have not come out to tell us the exact position of these factories in relation to other tea factories in the country. We would like to know the position of these tea factories so that the backlog which is there, the tea leaves which are rotting in the various tea buying areas, can be channelled through these factories. The Minister had promised that they were expanding these factories. We would like to know how far this programme has gone so that we do not have cases where farmers want to deliver their tea but it cannot be processed and, eventually, they end up getting losses arising from this kind of thing.

Mr. Temporary Deputy Speaker, Sir, I also wish to touch on one parastatal here, that is the Kenya Broadcasting Corporation (KBC). The KBC is using public funds to run that corporation and everybody in this country is entitled to access to the radio. What is happening now is that for those of us who are in the Opposition, even if you have a function, none of those functions is ever covered by the KBC. I do not know what the Minister is doing.

I have a letter here from an employee of the Ministry of information and Broadcasting which is addressed to Members of Parliament and the Kenya Human Rights Commission. This letter says:-

"We would like to bring to your attention the deploring and de-humanising conditions under which most women at the Ministry of Information and Broadcasting work. We are under constant threats of being sacked by none other than the Minister himself. He has, as a matter of fact, managed to make some give in to his sexual demands. The Minister---

An hon. Member: Will you table that letter?

Mr. Obwocha: I am ready to lay the letter on the Table.

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Obwocha!. You know very well you should not do what you are doing. Under Standing Order---

Dr. Lwali-Oyondi: The Minister is a member of this House.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Ndotto): Standing Order No.73 (4) states:

"No Member shall impute improper motive to any other Member except upon a specific substantive Motion calling in question the conduct of that Member."

I, therefore, order you to withdraw that letter and you proceed.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, while I am going to comply with the Chair's ruling, this letter which I want to table here is from employees of the Ministry who have been harassed. As to matters of bringing a Motion, that is different---

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Obwocha, I order you to withdraw that letter under Standing Order No.73 (4). If you want to discuss hon. Makau, using those letters to substantiate what you want to say, you can bring a Motion.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, I withdraw the name of that Member, but proceed to table this letter of complaint from female employees of Kenya Broadcasting Corporation---

The Temporary Deputy Speaker (Mr. Ndotto): I would like you to proceed because I do not want to waste your time. I have ordered you to withdraw that letter.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, we are going to substantially bring up that case, because I think we have reached a stage where we are gender-sensitive. If people are appointed to work, we expect them to behave decently. We do not expect that our wives wherever they are working---

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Obwocha, if you proceed on those lines, I am

going to cut your debate short.

Mr. Obwocha: Let me move on to Kenya Medical Research Institute (KEMRI). Looking at this report, I only want to say that KEMRI should tell us the reasons why they entered into a contract between the Corporation and its own Managing Director to build houses for this organization. The Public Investments Committee has delved into these issues and they have gone as far as pointing out that if the Chief Executive of the KEMRI, indeed, has personal interest, then he has no business leading that organization. The Chief Executive with other people went ahead and formed a company and took Kshs300 million from the National Bank and without any agreement or approval of the Board, went ahead to put a project on behalf of KEMRI. Then we talk of good management. How can we have good management when our own Chief Executives are the same people who are colluding to take away money from the same corporation? We have reached a stage where, if the Government is serious about what it is doing, then some of these Chief Executives have no business being the heads of these parastatals.

Our greatest problems in parastatals is corruption and low level of education of some of these heads. Some of these Chief executives are very dishonest and as this report says, they have ended up putting the money down the drain. I would also like to say that a parastatal like Pyrethrum Board of Kenya, which is headed by people I know, has not come up with new research findings on clones. The clones that were being grown in this country in 1935 when pyrethrum started being grown here are still the same. I am saying that they need to be improved so that yields can improve. Now, I do appreciate that the new Chief Executive of that Board is doing a good job although he is new. A few among these people who are in power is a man I can congratulate because what he has done within a short period is something one can commend. We should insist that, in improving that Board, they should intensify their research findings to improve the clones to farmers.

I would like also to say something about the National Hospital Insurance Fund (NHIF). A few months ago, a number of doctors were arraigned in court over NHIF claims. It happened that most of this exercise was directed to Western Kenya. In terms of medical services, that part of the country has greatly been affected. Right now the people who were supposed to benefit from the services of NHIF are completely disillusioned. We do not know when this Government is going to examine the plight of the people of Western Kenya. They are denying us the services on the pretext of these cases and yet, we have not been told how the money that is collected every month from the contributors is being utilized.

I would also like to make a brief comment on the role of the Auditor-General (Corporations) *vis-a-vis* the Controller and Auditor-General. This august House should consider elevating the office of the Auditor-General (Corporations) to the level of the Controller and Auditor-General in terms of constitutional status, so that he has security of tenure and can operate independently. If this happens, he can work transparently without fear of retribution by those in authority.

Mr. Temporary Deputy Speaker, Sir, all in all, when you look at this Report, it makes one feel that we are not in Kenya. The amount of money which is lost or gone down the drain is so much that I do not know when this money will be recovered.

Mr. Temporary Deputy Speaker, Sir, we will demand that the Ministry of Finance does implement these recommendations, so that the public money that has been stolen and misused is returned to the people of this country. I vehemently oppose what hon. Sunkuli was saying that the Minister expunges those sections of this Report that mentions specific people. The PIC has done a wonderful job by naming the actual people and the amount of money they have taken and steps should be taken to recover this money. If the Minister is going to come to this House to say that he is going to remove these parts from this Report, then we know that the Minister for Finance is colluding with these "thieves" and he has that intention and he does not want the public to benefit from their own sweat.

Mr. Temporary Deputy Speaker, Sir, I hope that situation does not arise. And with those remarks, I beg to support this Report very deeply.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I stand here to support the sentiments expressed by my colleagues in the debate of the 6th Report of Public Investments Committee.

When we were sitting listening to evidence in respect to the issues raised by the Auditor-General (Corporations), there were several issues raised before the Committee and which I would like to highlight. We have found that there are many problems which the Chief Executives or the civil servants who are managing these Corporations are facing. There were also problems which we found out emanating from those civil servants, and the Committee has found it difficult, even in the past, to get evidence from civil servants, the Chief Executives and so on, because of an attitude of "I do-not-care," an attitude of arrogance from some Chief Executives and so on. We have found that there are also some civil servants who do not respect this Parliament. There are civil servants whom we fell short of recommending that this Parliament should take disciplinary action against them. This is

because we found in the past, those recommendations which have been made by these Committees and adopted by this House, no action in most cases has been taken. That is starting with the 4th, 5th and 6th Reports of Public Investments Committees. We have found that nothing of recommendations which this Parliament has adopted mainly to deal with particular civil servants, even recovering of funds embezzled by civil servants have taken place. These Committees and this Parliament has recommended in the past that some people be taken to court, some to

be investigated and so on, but nothing has been done. But when the matter arises again in the PIC, we discover that the Attorney-General has done nothing to instruct the Director of CID and the Commissioner of Police to carry out the necessary investigations.

So, therefore, when these civil servants appear before these Committees, they are hardened enough because they know we are "toothless" in this Parliament and nothing can be done to them. At times, I have seen direct confrontation, almost getting personal, with some civil servants wanting to question hon. Members of the Committee as if they want to get evidence from the Committee instead of the civil servants giving evidence to the Committee. This is a big problem in the progress and effectiveness of these Committees. At times, they fall short of saying: "After all, you people are just a mere Committee doing routine work and beyond here, there is nothing else you can do." On the other side, we have found that there are some very good civil servants, very good Chief Executives who have been doing their work perfectly, who have been doing their work very meticulously and so on. Some of them have been appointed on merit and others have not been appointed on merit, but they are only appointed because they come from that community where somebody "big" comes from. Those civil servants who have been appointed just because they come from "that community" which speak "that language" do nothing and in all those parastatals they have been run down and there have been massive losses of money in those parastatals.

But for those ones who have been appointed on merit, there is a big difference of performance.

Also we found out that these civil servants are subject to misuse. They are misused because they have been appointed not on merit, but because there is nothing else they can do. What do you do when you are given telephone instructions? When you are given verbal instructions in a public rally or when somebody stands up in Othaya or in Nyeri town in a public rally and tells the Permanent Secretary or the Chief Executive: "I want you to do a, b, c and d, immediately." That civil servant will go ahead and carry out those instructions. When he is asked where he got the authority from, he has nothing to show. Some of them were given some small complimentary slips written in blue, yellow or green, and that was enough instructions. Those civil servants are being misused and they are suffering. Some of them, for example, the 6th PIC Report has recommended that they should be surcharged, because they acted without written authority. A politician who was seated somewhere has given authority verbally and that civil servant has nothing to cling to when he appears before PIC or PAC. But the question is so much money has been lost in that manner that some civil servants will come out of that Committee and say: "What can I do? I have no authority, but I was given that authority on such a rally and I was followed with a telephone call to do such and such a thing." But now, when I have issued those instructions, what next? A good example is the former Permanent Secretary (PS) in the Treasury, Mr. Mbindyo. The then Minister for Finance gave instructions to Mr. Mbindyo on telephone, to authorise the sale of shares from ICDC to another organisation. He has nothing to show that he was authorised by his Minister. But because they knew it is illegal, the Minister did not want to append his signature on anything which would make him be questioned later.

Mr. Temporary Deputy Speaker, Sir, what has happened in the Central Bank is serious. There is money coming from the Central Bank to the Kenya Commercial Bank. It is the same story.

Mr. Kiliku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member state which Minister was giving---

(An hon. Member interjected)

The Temporary Deputy Speaker (Mr. Ndotto): Order! Proceed, hon. Kiliku.

Mr. Kiliku: Can hon. Mulusya name the Minister who gave directives on the telephone?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I said the then Minister for Finance. When Mr. Mbindyo was the PS, there was Prof. Saitoti and nobody else!

Mr. Temporary Deputy Speaker, Sir, these civil servants have suffered. Today, some of them have been retired and they are very poor, when they facilitated other people to steal a lot of money from the Government. Now, they are poor and some of them have acute ulcers. Now, they are just at home while the politicians are very busy flying flags with escorts. "Wewe toka hapa mkubwa anakuja!", and the civil servants are dying at home.

The other problem that we have found is that there is no commitment to duty by some civil servants. They do not know what they are supposed to do, when they are given these jobs in these parastatals. They only

think they have been brought there to simply facilitate "eating". May I say that from our findings, I want to sound a warning to Kenyans, that 1997 will be a very difficult year because of the looting which has taken place. There will be serious inflation which will afflict this country from 1997 onwards, when they release into circulation the money which they stole and stashed abroad. What we have witnessed in this Report, and other Reports which are yet to be concluded and tabled, is very serious. That is why KANU is trying to usurp the role of the Opposition in these Committees. This is because they want people to feel the 1997 inflation without knowing what has caused it.

Mr. Temporary Deputy Speaker, Sir, if this Report is going to be acted upon the way hon. Sunkuli is suggesting here, it is going to be useless.

When Mr. Mwangale, the then Minister for Agriculture colluded with a foreigner, in the name of Arkel International, with the Chairman of Nzoia Sugar Company, to steal over Kshs5 billion, through improper tendering from Nzoia Sugar Company Limited, where are we heading? This money belongs to the farmers who are Kenyans. Mr. Mwangale himself made sure that this company was given the role of doing a feasibility study. When they did the feasibility study, Mr. Mwangale, who used to be very good as a Backbencher during President Kenyatta's time, said that Arkel International, which had done the feasibility study should be given the contract to implement the expansion project of Nzoia Sugar Company.

We got a secondary issue being created, where some civil servants, especially the former Attorney-General, Mr. Matthew Guy Muli and the current Attorney-General, Mr. Amos Wako, are passive advisers to the Government. They advise the Government half-heartedly. They want the Government to do the right thing, but at the same time, they want to see the other person who is colluding to steal money from the Government, go scot free.

In the case of Arkel International, Mr. Matthew Guy Muli advised the then Minister for Agriculture not to enter into an agreement with Arkel International on the issue of the expansion of Phase One of Nzoia Sugar Company. He said that you cannot have a person who conducted a feasibility study to get the contract to implement the same project, and at the same time, supervise himself.

After some few days, after Mr. Matthew Guy Muli was prevailed upon by his colleague Mr. Mwangale, or whatever happened, he went ahead and told Mr. Mwangale to sign the contract. After that contract was signed, everything went haywire. We will pay the billions of dollars which we borrowed from Exim Bank of the United States of America (USA), because that loan was guaranteed by this Parliament. We will pay, and even our children will pay and yet Mr. Mwangale with his colleagues have gone with the money.

But unfortunately, my friend and neighbour, Mr. Matthew Guy Muli is suffering at home like any other civil servant.

Mr. Munyasia: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform hon. Mulusya that at that time, Mr. Mwangale was ignoring the advice of Mr. Matthew Guy Muli, who was the Attorney-General, and he was boasting at home that he was a member of the "Inner Circle" of the Cabinet.

An hon. Member: So, there was division even then!

The Temporary Deputy Speaker (Mr. Ndotto): Order! We do not want old politics in the House!

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, that is still more evidence that there is a "Kitchen Cabinet". If it existed as an "inner circle" then, now it is the "Kitchen Cabinet".

The other day---

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have all due respect for hon. Mulusya, but we know that there is one Cabinet in the Government of Kenya. I am not aware of a "Kitchen Cabinet" or an "Inner Circle Cabinet".

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, hon. Saina, comes from that community, but he is not anywhere near a hyena.

The Temporary Deputy Speaker: (Mr. Ndotto): Order! Hon. Mulusya, I am protecting you so that you can proceed, but you want to spoil the whole thing again. I got you out of the mess and you want to go back to it.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, that is why I left my mother when I was coming here. She is at home because I would not like her to take care of me here. What I intend to say---

The Minister for Local Government (Mr. ole Ntimama): On a point of order, Mr. Temporary Deputy Speaker, Sir. I know he left his mother at home, but I was asking about something different from his mother.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Mulusya, with all due respect to the hon. Members of this House, proceed.

Mr. Mulusya: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to proceed. I was talking about another case of the Kenya Milling Corporation which was sold improperly. When you ask the opinion of the Attorney-General, you wonder whether the Attorney-General was part of the party which purchased Kenya Milling Corporation from the Kenya Government, or whether the Attorney-General is really the chief advisor of the Government. You find that it is very difficult to differentiate between those two roles. An Inter-Ministerial Report was given to the Attorney-General two years ago. The Committee Report was also tabled in this Parliament. The Attorney-General is aware of the fact behind the selling of Kenya Milling Corporation to one Indian called Diamond in partnership with another Member of Parliament who is very short. We ask the Attorney-General: "Where have you been? Why did you not take action to make sure that this anomaly was rectified in good time." Then two years later the Attorney-General himself comes and says; "Oh there is nothing we can do. You know even the behaviour of the ESTU" The behaviour, of ESTU was to pretend that the contract was on when we knew that it had been terminated.

Mr. P.N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether you heard hon. Mulusya categorically saying that the Kenya Milling Corporation was sold to an Indian called Diamond and a short Member of this House. Now I am wondering whether this short Member is hon. Mwiraria, hon. Kamuyu or hon. Dr. Wameo. Could he tell us who this short hon. Member is? Is it hon. Kamotho, or is it hon. Kariuki?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I do not want to engage in that.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Hon. Members, it is so good for you Members to start talking about each other, but I do not think that is in order. It is good to say something about somebody in this House. We know the procedure if you want to say something negative about an hon. Member of this House, but when you do it and you do it very happily, I wonder whether we are really behaving like hon. Members sometimes. This is because he is an hon. Member like you and you will feel exactly the same way if something is said about you and there is no Motion on it before the House. Hon. Mulusya, I agree with hon. P.N. Ndwiga, you have made a categorical statement and I want you to withdraw it. If you want to mention another hon. Member, you must do so by bringing a substantive Motion to this House.

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

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Order! We are dealing with a point of order. Order Dr. Kituyi. Mr. Mulusya proceed.

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

The Temporary Deputy Speaker (Mr. Ndotto): Order Dr. Kituyi. hon Mulusya, can you withdraw and then Dr. Kituyi can raise his point of order. Well, if you want to talk about any Member here ---

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, what I do not want to do is to name the Member, but given time, I can bring the names of the directors of that company. The directors of that company are either daughters or wives of Members of Parliament who are here. So, I choose to continue because I do not want to just mention names.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I needed guidance from the Chair. Historically, one Elijah Wasike Mwangale, from the Floor of this House, named Charles Njonjo as the traitor without a Substantive Motion. Have the Standing Orders changed these days to make it so difficult that, in talking about public corporations like the Kenya Milling Corporation which is being bought by hon. Biwott, we must seek a Substantive Motion?

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Kituyi --- Proceed hon. Mulusya.

Mr. Mulusya: Thank you both the Chair and hon. Kituyi for aiding me to continue. The other issue which we have discovered is ---

Mr. Falana: On a point of order Mr. Temporary Deputy Speaker, Sir. I seek your guidance here since there is a lot of confusion. The Chair ruled that since hon. Mulusya had talked about a Member and yet he knows the rules of this House say that he cannot do that unless it is done through a Substantive Motion, then he has to withdraw and apologise. Now, hon. Mulusya decided not to go by that ruling and he chose, instead, to continue. Hon. Kituyi then shot up and went out of his way and mentioned the short man as Biwott and his statement needs substantiation and yet he gets away with it. You then say that we proceed. No, this is total confusion.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! I did not get what Dr. Kituyi said. Dr. Kituyi, what did you say?

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, what I said was the following. I needed guidance from the Chair with regard to this: Since when have Standing Orders been changed from the time when Mwangale could name Charles Njonjo as the traitor on the Floor of this House without a Substantive Motion, to the time

when, while discussing the Public Investment Committee Report, which includes recent parastatals like the Kenya Milling Corporation, it becomes a taboo to mention that it was bought by Nicholas Biwott? I just needed guidance from the Chair as to since when this became a taboo.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Hon. Kituyi, you are just trying to get away from the issue. You have to withdraw that statement and apologise before Mulusya speaks.

Hon. Members: No! No!

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Hon. Mulusya, if you want to name hon. Biwott as the man who bought the Kenya Milling Corporation, you are perfectly in order to do so but using a Substantive Motion. You have to substantiate or bring a Substantive Motion to this House. You cannot just mention him.

Mr. Mulusya: With due respect to---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Mulusya. I am addressing myself to hon. Kituyi. You have to bring evidence that hon. Biwott bought the Kenya Milling Corporation to this House or you withdraw and apologise.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, the matter of Premier Flour Mills is in the Report that is being discussed before the House right now. I sought your guidance as to why it was not possible to say it now while it was possible to say that about hon. Njonjo.

The Temporary Deputy Speaker (Mr. Ndotto): Dr. Kituyi, I am telling you that you have to substantiate.

The Temporary Deputy Speaker (Mr. Ndotto): Order, Dr. Kituyi! I order you to substantiate or withdraw.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I substantiate the following: That in all transactions where the company has been trying to buy Mills in this country, a clique of persons including Diamond, Sultan, Biwott who are the proprietors of these companies have been identified. I did not volunteer it, I sought your guidance as to why it is not accorded---

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Hon. Biwott, Sultan and the rest, are not mentioned in the Report and therefore, you cannot mention them here. I ask you for the last time to withdraw that statement. Mr. Mwangale has been mentioned in the Report and that is why I am allowing hon. Mulusya to continue mentioning him, but hon. Biwott has not been mentioned in the Report.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I seek the indulgence of the Chair. Do you want me to withdraw for requesting guidance from the Chair?

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Dr. Kituyi! You can only mention those names which are mentioned in the Report. That way, you are perfectly in order, as hon. Mulusya has been doing in respect to Mr. Mwangale and so forth, and I have not stopped him. But when you mention other names which are not in the Report, you can only do so, if you have sufficient evidence to produce. Since you do not have it, I now order you to withdraw.

Dr. Kituyi: To withdraw what?

Mr. Temporary Deputy Speaker (Mr. Ndotto): That hon. Biwott bought the Milling Corporation.

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, for respect of the House, and since it was a very peripheral thing to what I was seeking guidance from the Chair about, I withdraw my knowledge that hon. Biwott is the owner of Premier Mills. I withdraw that from the statement I was asking. But, can I now get the guidance of the Chair for the point of order I raised?

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Are you withdrawing unconditionally?

Dr. Kituyi: I withdraw unconditionally and request the Chair to give me guidance on my point of order.

Mr. Temporary Deputy Speaker (Mr. Ndotto): What was your point of order?

Dr. Kituyi: My point of order was, why was it possible that Mr. Mwangale could name Charles Njonjo as the traitor without a substantive motion and now you cannot name these guys, particularly the ones involved in crooked things without a substantive motion.

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order! I do not have to give you that guidance. I was not the Speaker, then. Proceed, hon. Mulusya!

Mr. Mulusya: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to notice the presence of His Excellency the Vice-President, hon. Prof. George Saitoti.

May I repeat for the interest of this country that some civil servants who come from Ukambani are doing what we call *kithiu*. They are suffering because of politicians who gave them verbal instructions, and therefore, some people are definitely going to pay the Kamba way on the issue of *Kithiu*.

The Assistant Minister for Local Government (Mr. Kamuren): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sure the Chair heard loud and clear the word *kitito*. Is that Parliamentary language? Is that the language that we have to use in this House?

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, I did not say *kitito* I said, *Kithitu*. And *Kithitu* for those who believe in the African tradition means, when you force me to do something unwillingly and later you say that you did not give me those instructions, all I need to do is to get a cooking pot which is in use, raise it above my head, recite some Kamba words and then drop it down. Once I have dropped it down, unless you come to rescue me from those predicaments I am in, you will be afflicted by the same sometime, here on this world.

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

(The Deputy Speaker took the Chair)

Mr. Deputy Speaker, Sir, may I say that Kenyans have not forgotten what took place in 1992, 1993 and will also remember what is going to happen in 1997, because of the inflationary trends which will affect this economy.

Mr. Deputy Speaker, Sir, the other issue which we found out from the parastatals is that they have not been keeping assets registers for the properties they have bought. Kenyans have been witnessing the high rates of grabbing in the country. These chief executives of parastatals have been deliberately trying to avoid to keep registers of all the land and buildings they have, and even movable assets. Why? So, that when somebody has identified a piece of land, he is just sent with a plan to ask for a piece of land belonging to the parastatal. What we have done and I thank this Committee, is that they have been very emphatic in making sure that all the land and buildings belonging to the parastatals are put in the assets registers, so that in future if a piece of land disappears from that assets register, our sons would be able to ask what happened to that piece of land. That is our right and also the right of our offspring, or posterity.

Mr. Deputy Speaker, Sir, the other issue which we have found out is the issue of confusion between the roles supposed to be played by the parent Ministries and some other corporations which have been created. I am talking in respect of Kerio Valley Development Authority (KVDA) and Tana and Athi Rivers Development Authority (TARDA) vis-a-vis Kenya Power and Lighting Company and the Ministry of Finance and the Ministry of Energy. When hon. K.K. Biwott was the Minister for Energy, he deliberately worked out a scheme in collaboration with the Treasury whereby KVDA and TARDA which are generating power do not get direct payments for the power they produce by the Kenya Power and Lighting Company. Today, KVDA and TARDA are supposed to be profit-making institutions, but when you look at their books of accounts, you will also find out that they are making losses year-in-year-out.

Mr. Deputy Speaker, Sir, both KVDA and TARDA have borrowed external loans from abroad which they are supposed to service them. But today, in their books of accounts, they do not know how much of the external loans they have paid, because their accounts do not have that information. The issue of how much they have paid is blank.

Dr. Otieno-Kopiyo: On a point of information, Mr. Deputy Speaker, Sir. I just wanted to inform the hon. Member that hon. Nicholas Biwott is not called "K.K.", which means "Kitu Kidogo", but he is called "N.K" which means "Nipe Kubwa"!

(Laughter)

Mr. Mulusya: Mr. Deputy Speaker, Sir, notwithstanding N.K---

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. An important Standing Order is being violated by the hon. Members because, clearly according to our own Standing Orders, no hon. Member can discuss another hon. Member save by a Substantiative Motion. Therefore, if they want to discuss the Member in question, they should bring a Substantiative Motion. I do not think we can allow that to continue. I am talking about Ministries.

Mr. Deputy Speaker: Order! Where is hon. Otieno-Kopiyo?

An hon. Member: He is gone!

Mr. Deputy Speaker: To be very fair, I do not think he will get away with that. He will have to withdraw it. You do not cast aspersions on colleagues in the House under that pretext. I will want to appeal to

hon. Mulusya that, while he is welcome to criticise Ministries and, in that context, persons who may have held those portfolios, but he must guard against transgressing across the boundaries of what is legitimate criticism of public responsibility and what is a discussion of the personal conduct of an hon. Member. That is not allowed.

Mr. Mulusya: Mr. Deputy Speaker, Sir, I am not discussing any hon. Member. I am discussing what has happened, which is a public issue. It is a matter which is now a national issue. Even the donor community, including the World Bank and the IMF, have questioned the wisdom of the Kenya Power and Lighting Company (KPLC) not paying directly to them the loans they were given for power generation. To put you into the picture, the KPLC buys the power--- In fact, they do not simply buy it: They grab it from the Kerio Valley Development Authority (KVDA) and the Tana and Athi River Development Authority (TARDA), and then after selling it, put the money into their own account. It is only when the Treasury wants to pay the external debts that it goes to the KPLC and tells them: "Remit to us a cheque for so much to enable us pay the external debts". This is evident from the verbatim evidence which we heard, and there is nothing to hide. When I say that this was done when hon. Saitoti was the Minister for Finance and hon. Biwott was the Minister for Energy, I am referring to what is in evidence. Even if I do not mention them they were in office, and you only need to refer back through the years to arrive at who was in which office. The KPLC is owned jointly by foreigners and the Kenya Government. Why is this company keeping to themselves all the money from the power they buy from TARDA and the KVDA? Are they paying any interest on it? The Minister for Energy and the former one for Finance are here! Who is benefiting from the money being kept by the KPLC in their own account? For years, no money has been paid to the KVDA and TARDA, and the Ministry of Energy will only tell---

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Deputy Speaker, Sir. I would like the hon. Member to point out where the facts he is alluding to are contained in this report, because I would really like to follow his contribution. Can he tell us in which page it is stated that the KPLC is keeping money?

Mr. Mulusya: Mr. Deputy Speaker, Sir, I have just told hon. Members to read the HANSARD because what I am saying came out in evidence. Even in our recommendation, we have recommended the rationalisation of the positions of TARDA and KVDA. That is in this report

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Deputy Speaker, Sir. I am asking for the page where that information is contained so that we can follow the debate.

Mr. Mulusya: Mr. Deputy Speaker, Sir, on page 158, under the heading "Financial Position", the report states:-

"The Committee heard the evidence given by the chief executive and expressed concern that the authority faced serious financial problems due to non-receipt of outstanding revenue totalling to Kshs2,347,903,930 as at 30th June, 1992".

Mr. Deputy Speaker, Sir, who was the Minister for Finance in 1991?

Hon. Members: Saitoti!

Mr. Mulusya: I have the answer from the hon. Members here because it is obvious.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. I do not believe that hon. Mulusya should be allowed to continue making unsubstantiated claims like these ones. It is not correct to say that this thing was done and that the money is held by Kenya Power and Lighting Company for the other three authorities and that, the money is being consumed by Kenya Power and Lighting Company. That is not correct. I think he needs to tell us the nature of the various loans of the authority, who was paying and the various payments, otherwise he is misleading us here.

Mr. Mulusya: Mr. Deputy Speaker, Sir, is that a point of order coming from the Leader of Government Business? It is a point of argument! That demonstrates the difference between politics and mathematics! What I am saying is that this has come out very clearly in the evidence. We have recommended that the positions must be regularised so that these irregularities, where Kenya Power and Lighting Company is enjoying money which it has not earned, is regularised. The Vice-President can get annoyed but it is not me. It came through whose actions?

Mr. Deputy Speaker, Sir, if you want to know, that there was an ulterior motive in what has been happening, ask yourself; For how long has Mr. Mutitu been the PS Ministry of Energy? He retired, went to National Oil Corporation and came back again on contract. Ask yourself why Mr. Gichuru has been the Managing Director of Kenya Power and Lighting Company for a very long time. To surprise you more, and you can ask me how I got the information, Mr. Mutitu is about to retire again for the second time. When he retires, the PS Ministry for Energy will be Mr. Gichuru. It is a cartel which is existing. If you ask me how I came to know about this - I will tell you that the people who are with them and who do not like what is happening, are the

ones who are telling us. Facts speak for themselves. He can disconnect my electricity but whatever the case, Kenyans are not happy with what is happening. I do not want to ask him where he gets all that money which he gives out in Harambees---

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. I think we have gotten into a position where the hon. Member has made a lot of unsubstantiated statements. He has claimed indeed, that Mr. Mutitu is about to retire as the PS Ministry of Energy and that the person who is going to take over that position is Mr. Gichuru. Can he substantiate that? I do not think that this House should be used by an hon. Member to speak out all sorts of things merely because he does not like anybody. This is not a House for the purpose of settling scores. That is what he is doing. Can he substantiate that? If he does not like Mr. Gichuru or Mr. Mutitu, he should not use the privilege of this House to slander these two individuals who cannot be able to defend themselves here.

Mr. Mulusya: Mr. Deputy Speaker, Sir, I am very surprised that the Vice-President and Minister for Planning and National Development does not know what is happening within the Government. He is not in the picture of what is happening. I do not know whether it is because of this turmoil in KANU and re-alignment and alignments. I would like to advise him to listen to his radio tomorrow, the day after tomorrow and next week.

(Applause)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, I would like to ask the hon. Member to substantiate the allegations he has made, namely that Mr. Mutitu is retiring and that Mr. Gichuru will become the Permanent Secretary in the Ministry of Energy. I do not think that he should get away with that. He must withdraw.

An hon. Member: That is your own opinion.

Mr. Nthenge: But you have given the information.

Mr. Deputy Speaker: I take it he is responding to the point of order.

Mr. Mulusya: Yes, Mr. Deputy Speaker, Sir, I am responding to the point of order. I am saying in Kiswahili: "*Utasikia makubwa kutoka kwa radio.*" This radio says I have appointed so and so to this post, which translates in Kiswahili as follows: "Nimefuta fulani." Na hii hutangazwa saa saba za mchana.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): I am not interrupting the contribution from hon. Mulusya. But I think we should be more decent and honourable, by not attacking people who cannot defend themselves in this House. Secondly, for hon. Mulusya to anticipate a change in Government----

An hon. Member: There is nothing wrong in that.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): I am on the Floor of this House, and I have a right to speak. So, with due respect to hon. Mulusya, I think we should respect people who cannot defend themselves here. Therefore, the hon. Member must withdraw his remarks and apologise.

An hon. Member: Which remarks?

Mr. Mulusya: Mr. Deputy Speaker, Sir, which Standing Order have I breached? I am only taking advantage of the turmoil in KANU. KANU(A) does not want this appointment while KANU(B) wants it.

Mr. Deputy Speaker: Order, Mr. Mulusya. The subject under discussion is not KANU and it is not in turmoil.

Mr. Falana: Mr. Deputy Speaker, Sir, hon. Mulusya has made a lot of categorical statements here. I am not so much concerned about Mutitu, Gichuru and the rest. My main concern is about the statement hon. Mulusya made about the Vice-President and Minister for Planning and National Development.

Mr. Deputy Speaker: Which one?

Mr. Falana: Mr. Deputy Speaker, Sir, I think that he is imputing improper motives when he said that he is so surprised that the Vice-President and Ministry of Planning and National Development of this country who is also the Leader of Government Business does not know what is happening left and right. That is reducing the Vice-President and Minister for Planning and National Planning to nothing, that he does now know anything.

(Loud consultations)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir. I am not interested in what the hon. Member has said. Many things have been

said about me, but they do not matter. I am interested in the allegation made by the hon. Member regarding the changes in the Government and we have asked him to substantiate. If he cannot do that then he has to withdraw.

Mr. Mulusya: Even if I am pre-empting what is likely to happen to KANU, leave alone the Government, so long as I am not breaching any Standing Order, I am very much in order. The Leader of Government Business should be able to read to me which Standing Order I have breached.

Mr. Deputy Speaker: May I just appeal to you to be less provocative and dwell on the subject before the House.

Mr. Mulusya: That is what I am doing.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Deputy Speaker, Sir, the hon. Member asked which Standing order he has violated. I will refer him to Standing Order No.76 which states the following:

"A Member shall be responsible for the accuracy of any facts which he alleges to be true and may be required to substantiate any such facts or to withdraw his allegations with apology, if Mr. Speaker so requires."

The hon. Member has said that Mr. Mutitu will retire soon and Mr. Gichuru will take over the job. Can he substantiate that in accordance with this Standing Order?

Mr. Mulusya: With due respect to the Vice-President, why can he not wait for Mr. Mutitu to retire and then he gets the other person. He has no point of order.

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Deputy Speaker, Sir. The hon. Mulusya must stand by the Standing Orders. He has categorically stated that Mr. Gichuru is taking over from Mr. Mutitu. We are not going to wait until next week. He must substantiate those allegations here and now and if he cannot, he must withdraw and apologise.

Mr. Deputy Speaker: Order! Order! I am surprised that this should have created so much heat. Whereas I also repeat my appeal to hon. Mulusya, if you take the Floor it is assumed you have serious contributions to make and that should mean restraining as much as possible from undue provocation.

Beyond that, I think the statement which hon. Mulusya made to the effect that he understands there is going to be a retirement and a replacement is not something which is substantiable. It may be very disagreeable and if you think it is a wild allegation, you can call it so when it is your time to contribute or reply. Proceed hon. Mulusya.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, I agree with your rulings, but previously the Chair has ruled that this House does not go by rumours. That is correct. I am going by that. Whether it is an allegation or not, what hon. Mulusya is speaking here is rumours and this House does not go by rumours. It is on record that the Chair has directed as such.

Mr. Deputy Speaker: I fully agree that the House does not go by rumours and I take it that it is a rumour. This House will still not go by that rumour in arriving at its decisions.

Mr. Mulusya: If I may continue, on page 159 it is stated as follows:

"The Committee heard the evidence given by the Chief Executive and noted with disappointment that the Government had directed that the revenue accruing from Kiambere and Masinga electric power stations be surrendered directly to the Treasury, contrary to the original loan and lease agreement.

The Committee further noted with disappointment that as a result of the Government directive the Authority could not collect accumulated revenue totalling Kshs2,347,9--"

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Thursday, 28th November, 1996, at 2.30 p.m.

The House rose at 6.30 p.m.