

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th April, 1995

The House met at 2.30 p.m.

[Mr. Speaker in the Chair

PRAYERS

QUESTIONS BY PRIVATE NOTICE

Question No. 058

RECRUITMENT INTO ARMED FORCES

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

Question No. 151

ALLOCATION OF FOREST PLOTS

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

(a) if he is aware that the Government in 1989, directed the parts of Kinale forest and Ndeiya Karai to be surveyed into five (5) acre plots and the same be allocated to landless people in Kiambu District;

(b) if he is further aware that the beneficiaries of those five (5) acre plots were well-off people in the District who were neither landless nor squatters; and,

(c) to table the list of all those table who were allocated the plots in Ndeiya/Karai and Kinale.

Mr. Speaker: Is anyone here from the Office of the President? We will leave that Question until the end.

Question No. 197

INITIATION OF PROJECTS IN WAMBA

Mr. Speaker: Mr. Leshore is not here either? We will leave this Question also.

Question No. 210

NUMBER OF KENYAN INMATES

Col. Kiluta asked the Minister for Home Affairs and National Heritage:-

(a) how many prison in-mates were there in Kenya as at 31st August, 1994; and

(b) what plans are there to employ the in-mates in income generating activities.

The Minister for Home Affairs and National Heritage (Mr. F.P.L. Lotodo): Mr. Speaker, Sir, I beg to reply.

(a) There were 35,512 prison in-mates in Kenya prisons as at 31st August, 1994 broken down as follows:- convicted prisoners - 23,024 and remanded - 12,488.

(b) Convicted prisoners are engaged in rehabilitative programmes such as working in prison farms and prison industries to enable them to acquire skills that will help them secure employment on release from prisons.

Those remanded awaiting trial are not given work apart from tidying and cleaning up their own

accommodation.

Col. Kiluta: Mr. Speaker, Sir, while thanking the hon. Minister for that answer, is he aware that a recent visit to Industrial Area Remand Prison, Machakos and Thika prisons revealed that those prisons are really over-crowded with people who are serving prison sentences on petty cases that do not really warrant the Government keeping and feeding them for six months? The petty cases I am referring to include pick-pocketing and thefts of chicken and goats. Can the Minister consider starting some projects like farming in areas like Yatta or Soro where there is plenty of water and employ more people, so that they can undertake some income generating projects to feed this nation?

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, we have 80 prison institutions in the country and out of those farming activities, only ten like Shikuza, Kitale and others where activities are going on Machakos Prison is so tiny that it is not possible to carry out any activities there.

Last year (1993/94) prison farms accrued revenue amounting to KShs8,982,220 while prison industries accrued revenue amounting to KShs9,912,960. With the few prisons where we have farming activities going on, something can be done but not in every prison because most of them have very little acreage that it is not possible to do much.

Mr. Mwiraria: Mr. Speaker, Sir, I want to ask the Minister whether he has considered the possibility of hiring out prisoners to work for private individuals who can afford it. I happen to live in Langata and over the last month or so, I have seen prisoners working at a school they call the Sunshine Secondary School. I do not know whether the school hires them or whether they do it voluntarily. I do not know who owns the school. I am just wondering whether this is a possibility or whether it is already happening.

(Applause)

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, I have not considered something like that. Maybe that is a local arrangement between the officer in charge and the school if it is a Government school. But if it is a private school, it is illegal because we do not have adequate transportation to take prisoners from prisons to say, hon. Mwiraria's farm and back. There is an acute shortage of transport and, therefore, we cannot just hire public transport or private vehicles to transport prisoners as we consider it to be very risky.

Mr. Kiluta: As I said earlier on, Mr. Speaker, Sir, on a recent visit to the Industrial Area Remand Prison, we established that the Prison is currently overcrowded and the reason given is that some of the fellows there have been in that prison for the last three years and they have never been taken to court to answer any charges. The main reason given was that there is no transport. The other reason given is that their charge sheets are lost. What is the Minister doing to improve the situation? He cannot trace the charge sheets and if he cannot provide transport, could he consider giving them bonds to appear in court when necessary?

Mr. Lotodo: Mr. Speaker, Sir, we have an arrangement between us and the Kenya Police that if we in the Prisons Department have no transport, the Kenya Police can transport prisoners to the courts and back. An example is Busia. We have a court in Busia but we have no prison in Busia. We have to take the prisoners from Kakamega to Busia and back. On the question of charge sheets, that is not within my jurisdiction. That is a Kenya Police matter. One can be kept in remand prison for three years but that is a police matter. My business is to keep the prisoners. How long they stay in the remand prisons is not my business.

Mr. Speaker: I will give the last chance to Dr. Otieno-Kopiyo.

Dr. Otieno-Kopiyo: Thank you very much, Mr. Speaker, Sir, for appreciating that I am an ex-prisoner.

Mr. Speaker: Order! I recognise you as an hon. Member and not as any other "ex-something."

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, I realise that, that was extraneous but some of these factors are easily recognizable. Could the Minister tell us the main objective of the prison service in the country? Is it to rehabilitate or is it to punish? If the objective is to punish, which they are doing successfully, the prisoners in Kenya are living below the poverty line. They are living in pathetic conditions. If the Prisons Service is unable to comply with the provisions of Cap 90 of the laws of Kenya, in terms of the provision of food, upkeep and accommodation can the prisons service not say: "We are unable to accommodate any more prisoners" and inform the system as such? Must they keep on crowding people in prisons where they are dying like flies every day?

Mr. F.P.L. Lotodo: The purpose of the establishment, Mr. Speaker, Sir, to rehabilitate the prisoners and not to punish them. That is our objective.

ACCREDITATION OF JOURNALISTS

Dr. Kituyi asked the Minister for Information and Broadcasting on what grounds he did issue a threat to revoke the accreditation of three leading American journalists.

Mr. Speaker: Anybody here from the Ministry of Information and Broadcasting? Let us move to the next Question.

Question No. 173

POWER PROGRAMME IN NYERI

Mr. Gitonga, on behalf of **Mr. Mathenge**, asked the Minister for Energy:-

(a) whether he is aware that rural electrification programmes could help alleviate unemployment in rural areas like Nyeri; and

(b) what plans he has for

rural electrification within the Nyeri Town Constituency and areas adjacent to Karatina Township.

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

(a) Yes, I am aware.

(b) The Government had up to 31.12.94 spent a total of KShs13,682,722 for rural electrification programme in Tetu Division which covers Nyeri Municipality and KShs29,081,316 in Mathira Division which covers Karatina Township. The remaining areas of Nyeri Municipality and Karatina Township will be covered as more funds become available. When funds become available we shall start the work.

Mr. Gitonga: Mr. Speaker, Sir, we are all aware that the Assistant Minister has been instructed by his boss to come here and tell this House rural electrification will be carried out when funds become available, knowing very well that funds will not become available. Could the Assistant Minister confirm to this House that the funds will be made available in the next financial year and that they will be included in the Estimates for 1995/96 financial year?

Mr. Marita: Mr. Speaker, Sir, I have indicated to the hon. Member and the House as a whole that when we had some money, we did some work in the areas in question. We will keep on looking for funds and when they become available---

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir. Could the Assistant Minister address the House either in Kiswahili or in English so that we can follow what he is saying?

Mr. Marita: Mr. Speaker, Sir, if the hon. Member is unable to understand what I am saying, he should try harder and listen to me more keenly!

(Laughter)

Mr. Nthenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the younger Members of Parliament to refuse to give an allowance for old age? This is because my colleague, hon. Marita was born in the 1920s.

Mr. Speaker: Order! All Members will be given an allowance.

Mr. Wamae: Mr. Speaker, Sir, is the Assistant Minister aware that wananchi around Nyeri Municipality and Karatina Township have contributed money for rural electrification but they have been waiting for the Ministry to make its contribution? Could he confirm whether rural electrification funds are now available?

Mr. Marita: At the moment, Mr. Speaker, Sir, we are experiencing economic problems and money is not available. But when money becomes available, we will definitely do the job. In the past, some of my colleagues in the Opposition went around calling upon the donors to withhold aid to Kenya. That aid would have assisted the people of this country to do a lot of things in terms of development. So, this is their fault as well.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in order to allege that the Opposition has called upon donors to stop giving Kenya aid, when we know that donor assistance to Kenya is now back to normal?

Mr. Marita: Mr. Speaker, Sir, all these things happened and the hon. Member is aware of everything. What I want to say here is that, the Government should be given a chance to do its best to look for money to provide services to wananchi.

Dr. Kituyi: Mr. Speaker, Sir, allowing for infirmities of age and any other and considering that there has been fairly chaotic prioritization in the investment of limited resources in rural electrification, could the Assistant Minister explain to this House what criteria they intend to adopt in the use of limited monies for rural electrification, to reflect more social justice than is the case today?

Mr. Marita: Mr. Speaker, Sir, when we have got any money available, every district gets its share.

Question No. 200

REPAIRS TO BURA BRIDGE

Mr. Arte, on behalf of **Mr. Salat** asked the Minister for Public Works and Housing:-

- (a) How much money was spent in the construction of the Bura Bridge on Tana River;
- (b) Whether he is aware that the said bridge is on the verge of collapse due to erosion on the river banks; and
- (c) When the bridge will be repaired and opened for traffic.

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

(a) Kshs. 41,102,828 was spent on the construction of Bura Bridge in Tana River.

(b) I am not aware that the said bridge is at the verge of collapse due to erosion on river banks. However, I am aware that the river banks within the vicinity of the bridge are being eroded and the necessary measures are being taken to protect it.

(c) The bridge does not require any repairs and has been in use since 1990 when it was completed. The Ministry has plans to protect the river banks against erosion and the protection works will start next Financial Year, that is, 1995/96.

Mr. Arte: Mr. Speaker, Sir, the river bank is washing the bridge. The last time we had a lot of rain and the river was carrying a lot of water. The road is now not passable because the river has changed its course. What steps is the Ministry taking to make the road passable?

Mr. Mwamzandi: Mr. Speaker, Sir, the Ministry has plans to address itself to the changes of the river. We therefore anticipate to spend a little more money to overcome that problem.

Mr. Nthenge: Mr. Speaker, Sir, the bridge was made for the road to be passable all the time. At the moment we are told by those who use it that it is not being used. Do you not think the urgency of the matter requires the Government to borrow money and go and make these repairs and other activities, so that the money borrowed is not lost? If that bridge is not repaired all this money will go to waste.

Mr. Mwamzandi: Mr. Speaker, Sir, the hon. Member should understand that the problem is not with the bridge. The problem is with the river which changes its course downstream.

Mr. Arte: Mr. Speaker, Sir, I am telling him loud and clear that the problem is not the bridge but that river has changed its course. That makes the bridge not to be used. You can see this bridge has used a lot of money and right now, we are not able to use it because the river has changed its course and it has blocked the road. Can the Assistant Minister do something about it right now? Otherwise it is going to wash the whole road, including the bridge!

Mr. Mwamzandi: Mr. Speaker, Sir, we do not control the river flowing down to the ocean. The river meanders and then---

Mr. Arte: On a point of order, Mr. Speaker, Sir. I do not know whether the Assistant Minister is getting me. You are supposed to force the river to change its course.

(Laughter)

Yes! You are supposed to do so because the Bridge is there and it is going to be damaged. You are supposed to stop the river from changing its course.

(Laughter)

Mr. Speaker: Order! Order! Can we hear from the Assistant Minister. The river is being nomadic!

Mr. Mwamzandi: We are anticipating to spend Kshs50 million on those parts which are already affected, but we do not know what will happen next because we cannot control the flow of the water downstream.

We cannot discipline it.

Mr. Nthenge: Mr. Speaker, Sir, the Tana River passes through very dry land, which is very arable if the water was available. Would the Ministry not consider my 1961 idea of making that river more of an irrigation advantage and we prevent a lot of water from going down, by changing the course of the river into the hinter-land and the people will use it for irrigation? That way, the Bridge remains well preserved and the land becomes useful and if we over-produce, we export.

Mr. Mwamzandi: Mr. Speaker, Sir, that is entirely a different Question from this one---

(Loud consultations)

I was saying that is entirely a different Question from this one. In any case---

Mr. Ojodeh: On a point of order, Mr. Speaker, Sir. The Assistant Minister has said that that is not our Question. That is a Supplementary Question but the Assistant Minister does not have an answer for it.

(Laughter and loud consultations)

Mr. Mwamzandi: Mr. Speaker, Sir, I was saying that question does not 100 per cent fall under my Ministry. It involves the Ministry of Agriculture, Livestock Development and Marketing or the Ministry of Land Reclamation, Regional and Water Development. It is a question that the hon. Member could put to the relevant Ministry.

Mr. Speaker: Final question, Mr. Arte.

Mr. Arte: Mr. Speaker, Sir, now that the Assistant Minister has said that they are prepared to use Kshs50 million to stop the river from changing its course, when will he start the work? Can he tell us when the work is going to start because the rains are still continuing and the river is flowing? Can he tell us exactly when the project will start?

Mr. Mwamzandi: Mr. Speaker, Sir, the hon. Member is putting some words into my mouth which I did not say. He is saying I am using Kshs50 million to stop the river. I am not going to stop the river. We are going to repair those places already affected. We cannot stop the river from flowing if it intends to take another course.

Mr. Arte: On a point of order, Mr. Speaker, Sir. I did not say: "to stop the river". I said: "To stop the river from changing its course from the bridge". The Assistant Minister has said he has some Kshs.50 million to build the banks of the river. This is what I am trying to tell you. When are you going to start that job? Can you give the time and the date because the river is still flowing and the rains are still going on?

Mr. Mwamzandi: Mr. Speaker, Sir, the Kshs50 million will be spent in 1995/96 Financial Year.

Mr. Speaker: I realize it is quite difficult in Garissa on account of the heat from the sun, not to mention the problem of being cut off in communication, but nevertheless, we have now to move on.

Mr. Arte: On a point of order, Mr. Speaker, Sir---

Mr. Speaker: Order Mr. Arte! Are you worried that you are not going to get to Garissa or what?

Mr. Arte: Mr. Speaker, Sir, I am worried about what the Assistant Minister is saying. I would like to tell him that if he does not use the Kshs.50 million now, he will have to spend shs100 million if he waits until the next financial year. I am saying this because the rain is continuing and the river overflowing its banks. I do not know why the Assistant Minister is laughing. Is he really normal? Does he understand what I am complaining about? To tell this House that he is going to take action next Financial Year, is very ambiguous.

Mr. Speaker: Mr. Mwamzandi, would you like to respond to that?

Mr. Mwamzandi: Mr. Speaker, Sir, I have nothing to add on what I have already said, other than saying that the shs.50 million will be utilized immediately after the Budget and not now, that is 1995/96 Financial Year which starts immediately after the Minister moves his Budget.

Mr. Nyanja: On a point of order, Mr. Speaker, Sir. We cannot allow the hon. Assistant Minister to continue misleading this House. Earlier on, he said that they will utilize this money during the 1995/96 financial year and then he changes his mind and starts talking about spending the money sometime in June 1996 which will be the end of the financial year in question. Is he in order to mislead this House? Hon. Arte wants a specific date. We are now in April and we would like to know from the Assistant Minister when the contractor will be taken to the site to commence work, so that Mr. Arte can report back to his people when he goes on recess.

Mr. Mwamzandi: Mr. Speaker, sir, I wonder whether some hon. Members do not have problems with their hearing; 1995/96 Financial Year begins in June.

Mr. Speaker: Very well, can we move on to Mr. Kiraitu Murungi's Question.

Question No. 021

APPREHENSION OF J.M. KARIUKI KILLERS

Mr. Murungi asked the Attorney-General what steps the Government has taken to apprehend and bring to book, the killers of J.M. Kariuki, the former Member of Parliament for Nyandarua South.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

On 9th November, 1993, in answer to a similar Question in this august Assembly, I informed this House that I would gratefully welcome any fresh evidence from any Kenyan or any person, which would disclose *prima facie* evidence against any person who was responsible for the murder of hon. Josiah Mwangi Kariuki to enable prosecution to be undertaken. There is no time limitation as far as criminal cases are concerned. I would therefore like to take this opportunity to once again appeal to anyone who has any fresh evidence about the murder of Mr. J.M. Kariuki, to come forward with information.

Mr. Murungi: Mr. Speaker, Sir, this appeal by the Attorney-General was not just made in 1993, but some time before and it is now 20 years old. The Select Committee on the disappearance and death of the late J.M. Kariuki in its report dated 5th June, 1975, paragraph 51, stated that the late Ben Gethi, the then Commandant of the G.S.U. was either the murderer or an accomplice to the actual murder or murderers of the J.M. Kariuki. Ben Gethi died just the other day. Could the Attorney-General explain to this House why Mr. Gethi was not asked to record a statement regarding the death of J.M. Kariuki?

Mr. Wako: Mr. Speaker, Sir, I am aware that, that Committee names a number of suspects, among whom was the person mentioned by the hon. Member. However, the same Committee in paragraph 5.5, after naming the suspects, said that was a matter that required further investigations.

Mr. Ogur: Mr. Speaker, Sir, a watch in which was inscribed the name "J.M. Kariuki" was found with one of the askaris at Makongeni Police Station here in Nairobi. This man who was found with the watch was not even asked how he came by the watch bearing the initials of the late Member of Parliament for Nyandarua South. Was that not good evidence for the police to start working on the investigation of the murder?

Mr. Wako: Mr. Speaker, Sir, the conclusion of the report was that there were a number of suspects in this case which required further investigation. That is a fact that is borne by the Report. The other conclusion was that as at that time, when I think the hon. Member who has asked this Question was still in High School, there was interference and cover-up in the investigations according to the Report.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. Is the hon. Attorney-General in order to tell a lie to this House that, this Government does not know the murderers of Mr. J.M. Kariuki, when he knows as well as I do, that political murders have been part and parcel of the Kanu Government?

(Applause)

Mr. Wako: Mr. Speaker, Sir, I would like to say that---

The Assistant Minister for Health (Mr Mutiso): On a point of order, Mr. Speaker, Sir---

Hon. Members: No! No! Sit down!

Mr. Speaker: Order hon. Members! Mr. Mutiso what was your point of order.

Hon. Members: No! No! No!

Mr. Speaker: Order hon. Members! There is a point of order from Mr. Mutiso following Mr. Gatabaki's point of order and as far as I am concerned, that is perfectly in order.

Hon. Members: No, it is not in order!

Mr. Speaker: Order! I do not expect hon. Members to heckle at the Chair like that or to give me directions. If you read your Standing Orders properly, you will know that any hon. Member is at liberty at any time to rise on a point of order. If, for example, the Attorney-General stood to respond to hon. Gatabaki's point of order, then he should not have been interrupted. However, as it happened Mr. Mutiso rose on a point of order before the Attorney-General could respond and he was fully within his right to do so and that is why I did recognize him. Proceed, Mr. Mutiso.

The Assistant Minister for Health (Mr. Mutiso): Mr. Speaker, Sir, my point of order is whether hon. Gatabaki is in order to use very unparliamentary words that the Attorney-General is lying to the House. Could he,

before the Attorney-General could respond to his point of order be asked to withdraw that remark?

Mr. Speaker: Mr. Gatabaki the word "lie" is unparliamentary and therefore, will you withdraw it and apologize to the House?

Mr. Gatabaki: Mr. Speaker, Sir, in fact, I remember what I said and I should repeat it for the benefit of the hon. Member and the House. I asked whether it is in order for the Attorney-General to keep misleading the House when he knows as well as I do, that political murders are part and parcel of this Government.

Mr. Speaker: Order Mr. Gatabaki! I did hear you quite clearly and before I ask you to withdraw and apologize to the House, may I just remind you that everything that is uttered in this House is for record and I expect you to be honourable enough to own up to what you have said. I quite clearly heard you using the word "lie" and I have ordered you now to withdraw that word and apologize to the House before we proceed.

Mr. Gatabaki: Mr. Speaker, Sir, I withdraw the word "lie" and replace it with "misleading".

Mr. Speaker: Very well, can you respond, Mr. Wako?

Mr. Wako: Mr. Speaker, Sir, I do not have information in my possession on which it can be said that the KANU Government is behind various murders. Therefore, I do not have it at all!

Hon. Members: J.M. Kariuki, Tom Mboya and Dr. Robert Ouko!

Mr. Speaker: Order! If hon. Members want to participate in this question, they must do so in an orderly manner. If you become disorderly, I will go to a question that will not induce disorder in the House. So, can we be orderly?

Mr. Shikuku: Mr. Speaker, Sir, I was a Member of that Committee and, in fact, I was instrumental in getting that watch of J.M. Kariuki on top of a toilet in Makongeni Police Station. Is he now aware that when this matter came before the Committee, Mr. Soki Singh admitted before that Committee - I can even produce a verbatim report - that, that watch was picked up from that place. When we asked him why he did not start his investigations from there, to find out how the watch got there, he did not reply. So, we came to the conclusion that this was a police job and the police were covering up the case. We said so in our report. Why has the Attorney-General, even if it was done at that time, and he has admitted that it was a coverup, now that the "coverers" are not there, what is stopping him from pursuing the question?

Mr. Wako: Mr. Speaker, Sir, it is quite true that the Committee came to a conclusion that the former Commissioner of Police, Mr. Hinga, the former Director of CID, Mr. Nderi, and Mr. Soki and also Mr. Mungai did not co-operate with the Committee. So, they were involved in a coverup and that is why the file is still open. The police are pursuing it, but there is no fresh evidence. If the hon. Member who contributed to the discovery of that watch in that estate, if he can identify those people so that they can come forward, let them do so. Let anybody who is aware of these matters whether in Bahati or anywhere in the Republic of Kenya come forward and give evidence.

Mr. Anyona: Mr. Speaker, Sir, as long as murders such as J.M. Kariuki's are not resolved, the conscience of this nation cannot rest. When the report came to the House, the Government decided that they would have it "noted" and not "adopted" because they intended to conduct further investigations. Could the Attorney-General now tell the House and the nation what actual investigations ever took place at that time and give us the report here? Then, we can know that he is clean and tell him to start on a clean plate.

Mr. Wako: Mr. Speaker, Sir, I was not a party to the "noting" and cannot really say why the Government at that time said "noted". Whether it was due to further investigations or not, I do not know. But I can say that the fact of the matter is that the report was tabled in the House and ---

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir. We are not asking Mr. Wako, as an individual, to answer this question. We are asking him, knowing fully well that the Attorney-General has got records from which he could rely. So, we do not want him to come and tell us that he was not involved at the time. Is that in order?

Mr. Wako: Mr. Speaker, Sir, if the hon. Members could be patient enough, I was going to give exactly that information. From the records available - which are here with me - I cannot say whether the "noting" on the part of the Government was because the Government was going to takeover the investigations or not. But what I can say and which is a fact is that from that time, there has been no investigations carried out. But since this Question was asked in Parliament in 1993, I informed the House and the nation at large that the file was still open. The police are doing what they can to get more investigations. I can give even particulars, if required to do so.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. It has been stated that the House "noted", but the records of the House do not have that "noting". I think it was an amendment brought about by hon. Osogo - if my memory is correct - that after the amendment was defeated, the report was "adapted". The person concerned with

this matter at that time was a police officer, Corporal and the Government is aware of that, but refused to do anything. I am glad the Attorney-General has admitted that. So, it is now high time for the Attorney-General to pursue the case. However, we do not expect him to get very far, since it is the police who were involved in the murder. Is he aware of that?

Mr. Wako: Mr. Speaker, Sir, this is the whole purpose of pursuing this matter and those hon. Members who are aware of the police officer involved at that time, please, come forward with that information and we shall see how best to pursue it.

Mr. Speaker: Next Question, Mr. Muite.

Question No. 027

UNION FOR CIVIL SERVANTS

Mr. Maore, on behalf of **Mr. Muite**, asked the Attorney-General why he has not allowed civil servants to have a union as enshrined in the labour laws and other covenants of the International Labour Organisation which the Government of Kenya is a signatory.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

By virtue of the provisions of the Trade Unions Act, the application for registration of a trade union is made to and the power to register such a trade union is vested not in the Minister but Registrar of Trade Unions. The non-existence of a trade union to cater for civil servants does not violate our labour laws under covenants of the International Labour Organisation to which Kenya is a signatory.

Mr. Maore: Mr. Speaker, Sir, the Attorney-General has categorically stated that the non-existence of a trade union does not violate our labour laws. Can the Attorney-General undertake to facilitate, through the office of the Registrar of Trade Unions, to register the Kenya Civil Servants Union, UASU, the Matatu Vehicle Owners Association and so on because in this way, he will not try to emphasise the non-existence of a trade union when he should be talking of "the refusal to register" as the main reason?

Mr. Wako: Mr. Speaker, Sir, I am satisfied that currently, there is adequate machinery to look into issues of employment, terms and conditions of service for civil servants. That machinery is working very well. Furthermore, there is a Kenya Union of Civil Servants Staff Association which also looks into these matters.

Dr. Lwali-Oyondi: The Attorney-General is talking as if Kenya Civil Servants Union never existed. It existed. Can he tell the House why it should not be resuscitated?

Mr. Wako: Mr. Speaker, Sir, it is true that it existed. Its functions were taken over by the Kenya Civil Servants Welfare Association and it is carrying out its work very well.

Mr. Mwiraria: Mr. Speaker, Sir, could the Attorney-General tell us why the Government decided to de-register the Matatu Vehicle Owners Association, the Kenya Civil Servants Union and when it intends to allow these bodies the freedom of association guaranteed to them under the Constitution of Kenya?

Mr. Wako: Mr. Speaker, Sir, the question concerns Kenya Civil Servants Union and I would like to confine myself to that. Both our labour laws and our Constitution, the ILO conventions do recognise that as far as Public Servants are concerned, they do not necessarily have to have a trade union provided that adequate machinery exists in which their terms of employment, terms and condition of service, salaries and other things are catered for and such a machinery does exist.

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: No, you have participated. Let us have Dr. Kituyi.

Dr. Kituyi: Could the Attorney-General tell this House why the Government found in its wisdom that it is more reasonable for civil servants to be represented by an association instead of a trade union which they had opted for?

Mr. Wako: I think basically, there is no difference as such really between a trade union and a welfare association. The only difference really is that in a trade union, there is a right to strike but a welfare association can discuss terms and condition of service of its members and that has happened every now and again. In addition to that, the President has from time to time appointed commissions to look into the terms and conditions of service and the situations have worked fairly satisfactorily.

Mr. Speaker: Mr. Murungi, ask a final question.

Mr. Murungi: Mr. Speaker, Sir, it is quite clear from the answers given by the Attorney-General that Kenya Government does not respect its international obligations, especially in the area of human rights and specifically in the area of freedom of association. The German Government has reduced its aid to Kenya by Kshs

3 billion because of Kenya's non-observance of human rights. Could the Attorney-General look into the question of registering all these unregistered unions so that we do not stand to lose more foreign assistance as a result of these decisions?

Mr. Wako: Mr. Speaker, Sir, we are a sovereign state. Let us think about our country rather than being unduly influenced by the so-called developed world. We are capable of thinking about Kenya. We are as intelligent as them. We are more patriotic. Let us stop referring to others but let us talk about this country. As far as this question is concerned, even the international conventions do recognise that as far as civil servants are concerned, what is required is a mechanism to exist. They also do recognise that measures in any given country to effect this machinery for negotiations can change. I can quote you various ILO conventions where that principal is recognised.

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

The Speaker: Sorry, Mr. Anyona. We are already almost five minutes into the last bit of Question Time. I have five Questions unasked. Mr. Ruhiu, ask you Question.

Mr. Ruhiu: Mr. Speaker, Sir, I wish to ask Question No.058 and at the same time apologise for being late.

Question No.058

RECRUITMENT INTO ARMED FORCES

Mr. Ruhiu asked the Minister of State, Office of the President how many youths from Embakasi Constituency have been recruited into the Police Force, the Administration Police and the Army between 1989 and 1994.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, I apologise for coming late. The hon. Member was also late. I beg to reply.

The recruitment of Kenya Police and Administration Police is not done at constituency level but it is done on district level and is done yearly. The youth of Nairobi have not been able to get recruited into the Army as such but for the time being, we are trying to look for ways and means of solving this problem so that they can start being recruited in Nairobi.

Mr. Ruhiu: Mr. Speaker, Sir, the Question that I have asked is specific but the Minister is giving a general answer. However, I have also discovered that the answer is highly evasive and at the same time seeking subterfuge because he is trying to look for a cover. The question I want to ask the hon. Minister is this. During recruitment, we know very well that Africans are asked about where they come from, the division they come from, their names and sometimes maybe their tribes, their height, their educational background et cetera. Can the Minister tell me that Nairobi as a district has been marginalised for so long that you cannot tell me how many youths were recruited from Embakasi, because Embakasi houses the Administration Police Training College(APTC) and General Service Unit? It is only courteous and civil that I should be given a chance to have my people recruited in the Administration Police and the General Service Unit.

Mr. Kalweo: Mr. Speaker, Sir, I cannot tell the number that has been recruited. In the past and even now when announcements are made, the youth from Nairobi normally go to their ancestral areas. This is why I have said many have been recruited from their ancestral areas but for the Army recruitment, I said that we are trying to look for ways and means of solving this problem so that they can start recruiting from Nairobi as a district. We are doing so because we used to recruit right from their ancestral homes.

Mr. Mulusya: Mr. Speaker, Sir, arising from the answer given by the Minister, is he aware that the same problem is being encountered by the youth of Machakos District and most specifically Kangundo where I come from? For the last almost 15 years, there has not been a single youth getting to Kenya Army, Administration Police, General Service and any of the Armed Forces of this country. What is the Government doing to make sure that every part of this country is getting a share of jobs in those forces?

Mr. Kalweo: Mr. Speaker, Sir, the Government advertises the recruitment drive for districts and they do not go to people's homes. The boys and girls are required to present themselves for interview.

Mr. Ruhiu: Mr. Speaker, Sir, can the Minister confirm or deny that as far as the Army is concerned, Nairobi youths are therefore foreigners and that is why they have not been recruited into the Kenya Army for many years?

Mr. Kalweo: Mr. Speaker, Sir, I have nothing to deny or confirm. What I have said is that in the past, the Army was not recruiting youths from Nairobi but now, we are planning to do so. If you follow the historical

background of this town, the Independence of this country is only 30 years old and we believe that some of the boys have been born in Nairobi now. This is why I am saying that we are now trying to look for ways of recruiting into the army boys from Nairobi City.

Mr. Speaker: Mr. Leshore's Question.

Mr. Ndicho: But mine has not been answered!

Mr. Speaker: Oh, I am sorry! I forgot that even though you had asked it the Minister was not there to answer it. I am thankful you have reminded me. So, Mr. Leshore, you have to wait so that we can take Mr. Ndicho's Question first.

Mr. Ndicho: Mr. Speaker, Sir, before I ask this Question I wish to say that I am wondering how it went to the Office of the President (OP)! What does the OP have to do with plots and grabbed land? It should be answered by the Minister for Lands and Settlement. However, I will hear what the Office of the President will say.

Question No. 151

ALLOCATION OF FOREST PLOTS

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

(a) whether he is aware that the Government in 1989 directed that parts of Kinale Forest and Ndeiya Karai be surveyed into five acre plots and the same be allocated to landless people in Kiambu District;

(b) whether he is further aware that the beneficiaries of these five acre plots were well-off people in the district who were neither landless nor squatters; and

(c) whether he can table the list of all those people who were allocated these plots at Ndeiya/Karai and Kinale.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, first of all I wish to apologise to the House for coming late. Secondly, although it seems this Question falls under the Ministry of Lands and Settlement, this land was given out by the Government.

Mr. Speaker, Sir, I beg to answer.

(a) I am aware.

(b) The plots in those settlement schemes were allotted to the local deserving cases and not well off people. The hon. Questioner should know that since that time, some of the allottees have sold their plots and it is possible that some of those plots landed on well off people.

(c) Since it is cumbersome to read out all the names of allottees and the corresponding plot numbers and constituencies from which they came, I will lay on the Table a list of the allottees, all of whom came from Kiambu District.

(Hon. Kalweo laid the list on the Table)

Mr. Ndicho: Mr. Speaker, Sir, the Minister has said that those who benefited from these plots were local deserving cases and not well off people as alleged. I want to ask him whether Messrs Kuria Kanyingi, Kariuki Kimani, Samuel Oreta, Mukirai, P.G.M. Kamau and Anguka were deserving cases. These people got land as follows: Kanyingi - 30 acres; Kariuki - 200 acres; Oreta - 20 acres; Mukirai - 200 acres and these other people 20 acres each. Were those really deserving and landless cases?

Mr. Kalweo: Mr. Speaker, Sir, this list contains names of 5,886 Kenyans. I said that since 1989 some people might have sold their plots to well off people. Unless the hon. Member peruses that long list and comes out with his list which I can comment on, I am unable to answer the question he is asking me.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply and taking into account the names read out to this House, is the Minister satisfied that people like Mr. Kanyingi and Mr. Oreta are really landless? Mr. Kanyingi has plots elsewhere, including the one along Ngong Road which he sold for KShs.27 million. Is the Minister satisfied that this is a poor and landless man?

Mr. Kalweo: Mr. Speaker, Sir, I do not know why hon. Members are not praising the Government for allocating this large tract of land to people. They are only pinpointing an individual. The list is here; they can peruse it and if they come out with Mr. Kanyingi's name, that will be a different issue. But Mr. Kanyingi is also a Kenyan!

Mr. Gitonga: Mr. Speaker, Sir, Kinale happens to be in Lari Constituency and I am very aware that this land was allocated to the landless by the President. If what the Minister said is true, would he tell the House from whom this land was bought and how much money was paid? Is he further aware that Mr. Kanyingi, Kanu Kiambu District Vice-Chairman, is bringing in new people with fake title deeds, who are purporting to be the original owners of this land and evicting the genuine original owners from the land?

Mr. Kalweo: Mr. Speaker, Sir, I would have answered it very well if this Question concerned Mr. Kanyingi. However, now I can only say that the landless of the hon. Member's constituency were given that big tract of land. But hon. Members can continue raising other Questions at other times, so that they can verify their arguments.

Mr. Ndicho: Mr. Speaker, Sir, I quite share hon. Nyanja's sentiments regarding Kanyingi. On a specific day the President visited Ndeiya and Karai in Limuru and Lari constituencies and he was touched by the plight of the landless in these areas. The President then ordered that the District Commissioner, Kiambu, subdivides Ndeiya/Karai land into five acre plots each and gave them to the landless people from Kiambu District.

After the President left, instead of subdividing the land into the five acre plots, he gave the Kanyingis, Mukirais, Kimanis and himself large tracts of land. Can the Minister tell this House whether the people whom the President promised these plots will get them? We still have about 1,800 landless people in Juja Constituency who were promised these plots. The President gave these people land but the Kanyingis have taken it! What are we going to tell the people?

Mr. Kalweo: Mr. Speaker, Sir, let the hon. Member go and tell them that 5,886 landless got plots of five acres each. I also asked the hon. Members to peruse this list so that they come out with the name they do not want to hear about, including that of Mr. Kanyingi. I said that perhaps some of the allottees organised themselves and sold their plots. This is Kenya where some of you hon. Members have been awarded some tenders and messed them up. This is why you are bringing many questions here.

Mr. Speaker: The last one, Mr. Nyanja!

Hon. Members: Point of order! Point of order!

Mr. Speaker: Order, hon. Members, order! In all fairness, hon. Members, I have already given Mr. Nyanja the Floor.

Mr. Nyanja: Thank you, Mr. Speaker, Sir. I must thank you again and again. This, for me, is a matter of life and death. The House is being misled. Limuru people are waiting to hear the Minister answer this House concerning this land. I was born in Ndeiya and this is where I come from, so I know the truth. In this House, we must tell the truth. Kenyans must be told the truth. How can the Minister justify one individual having 200 acres, that is 40 five-acre plots? It is not possible that 40 people grouped themselves together and decided to sell their plots to this particular individual. No misleading information, particularly from the Office of the President, should be allowed in this House. The President was touched by the plight of Ndeiya people. These people---

Mr. Speaker: Now, ask your question, Mr. Nyanja!

Mr. Nyanja: Mr. Speaker, Sir, can the Minister assure this House that a select committee shall be formed to bring up the truth and if possible, revoke these allocations? That is the only way that justice and fairness will be seen to have been done, and the word of the President will be carried out to the letter.

Mr. Kalweo: Mr. Speaker, Sir, from the hon. Member's contribution here, because he was debating, I gather that he is a tribalist. These names here are all from Kiambu. Mr. Oreta is also a Kiambu man, he is working there. He is a Kenyan and it is Kenyans who benefitted. There are millions of Kenyans who are landless and instead of bringing up such issues, they should be thankful to the Government ---

Mr. Mwaura: On a point of order, Mr. Speaker, Sir. Is the Minister satisfied that the destruction of forests in this country in order to allocate the land to the landless people is proper, instead of giving landless people the area where there is no forest?

Mr. Kalweo: Mr. Speaker, Sir, the Government carries out its activity in accordance with the will of its citizens.

Mr. Mulusya: On a point of order, Mr. Speaker, Sir. This is in respect to the document which has been laid on the Table. The document which has been presented here by the hon. Minister purporting to be a true record of the allocation of [Mr. Mulusya] land in Ndeiya has been "doctored", some pages have been obliterated to change the position. Is this fair? In such a situation, what does the House do?

Mr. Speaker: Order, Mr. Mulusya! Have you looked at it?

Mr. Mulusya: Yes, Mr. Speaker, Sir, I have. If you look at the last page, the names have been

deliberately changed so that they are illegible. What has the Minister got to say about this?

Mr. Kalweo: Mr. Speaker, Sir, that is a photocopy. Hon. Members can go to the relevant Ministry and get the names.

Mr. Speaker: Mr. Leshore's Question!

Question No.197

INITIATION OF PROJECTS IN WAMBA

Mr. Leshore asked the Minister for Land Reclamation, Regional and Water Development which projects have been initiated in Wamba and Waso divisions by Ewaso Nyiro North Development Authority since its inception, and how many projects have been earmarked for this area in 1994, 1995 and 1996.

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

The Authority has not been able to initiate any project in Wamba and Waso divisions because it has been preparing a master plan that will form the basis of its development strategy for the entire region under its mandate. According to the plan, the Authority intends to implement four projects in the two divisions during its 1994/95 - 1996/97 investment programme as follows:

- (i) Establish a borehole in each of the two divisions.
- (ii) Construct three multi-purpose dams at the middle reaches of Ewaso Ng'iro North River.
- (iii) Establish livestock buying centres in the region.
- (iv) Construct an abattoir at a strategic point for the whole region.

Mr. Leshore: Mr. Speaker, Sir, this is one Authority which we thought would help the nomadic people of Samburu, Isiolo, Wajir, Garissa and Marsabit. We thought it would give us hope and promise. This Authority has not implemented even one single project. I would like the Assistant Minister to tell us how much money has been earmarked in this Financial Year for the projects he has just mentioned and when the implementation of these projects will begin.

Mr. Mokku: Mr. Speaker, Sir, I will ask the hon. Member to maintain the confidence he has in the Authority since it is still doing something for the region. Contrary to what he has also alleged, it is not true that not a single project has been implemented. Some projects have been implemented and have been completed. For the two bore-holes, each bore-hole will cost Kshs1.25 million. For the abattoir and livestock buying centres, the total estimated cost is Kshs17 million. The project will be implemented during the 1994/95 to 1996/97 Financial Years.

Mr. Galgalo: Mr. Speaker, Sir, since this Authority generally covers an area which is dry and poor, and also since there are deposits of precious stones in these areas, what has the Authority done to develop this industry?

Mr. Mokku: Mr. Speaker, Sir, the Authority has plans for all the districts that fall under it. As regards mineral deposits, the Authority has plans and exploration is going on in all those areas where we expect to get all those minerals. If the hon. Member has in mind a particular area where these minerals have been sited, he can put a Question and we shall be very specific in getting to the areas.

Mr. Farah: Mr. Speaker, Sir, it is true that this Authority covers the whole of North Eastern Province and parts of Eastern Province. Since its inception, it has not implemented a single project in any of those districts except Isiolo. That might be because the Treasury is not allocating sufficient money to the Authority. Can the Assistant Minister tell us how much the Treasury is allocating to this Authority, both for development and recurrent expenditure and how that compares with other Authorities like the Kerio Valley Development Authority, Tana and Athi Rivers Development Authority and others.

Mr. Mokku: Mr. Speaker, Sir, to begin with, I will thank hon. Farah for being a very good friend of the Authority and also a concerned Member. It is true that we have completed one project in Isiolo. With regard to the amount of money that has been set aside for projects in this Authority since its inception, I would like the hon. Member to put that question, so that I can supply him with an adequate answer. I cannot answer it off-head now.

Hon. Members: On a point of order!

Mr. Speaker: Order! Order! I am sorry, but we have to move on to Questions by Private Notice. Mr. Anyona!

Question No. 214

ACCREDITATION OF JOURNALISTS

Dr. Kituyi asked the Minister for Information and Broadcasting on what grounds he did issue a threat to revoke the accreditation of three leading American journalists.

Mr. Speaker: Nobody from the Ministry of Information and Broadcasting yet? The Question is deferred. We will now move to Questions by Private Notice. Mr. Anyona!

(Question deferred)

QUESTION BY PRIVATE NOTICE

WATER SHORTAGE IN NAIROBI

(Mr. Anyona) to ask the Minister for Local Government:-

(a) Is the Minister aware that there is a critical shortage of water in Nairobi, causing great inconvenience to the city residents and threatening serious epidemics of cholera and other health hazards?

(b) What is the cause of the current water shortage?

(c) What urgent measures is the Minister taking to arrest this grave situation and ensure normal supply of water to all residents of Nairobi?

Mr. Speaker: This Question is deferred.

(Questions deferred)

POINT OF ORDER

NON ISSUANCE OF PASSPORTS TO SOMALIS

Mr. Farah: On a point of order, Mr. Speaker, Sir. On the 22nd, 23rd, 24th and 25th of this month the Principal Immigration Officer, Mr. Kwinga in very clear contravention of the Constitution of this country, said that Somalis are collectively responsible for a few crimes and consequently not allowed to step into Nyayo House. He has also indicated that persistent efforts by members of the Kenya Somali community to corrupt immigration officials have been resisted by the Immigration Department. He did not say how many of them were arrested by the CID, how many of them were taken to court for the same offence, but only said it was resisted.

Consequently, as it is right now, the Somali community in particular and Muslims in this country in general, are going to the *Hajj* to perform a religious duty and they are not allowed into Nyayo House to collect their passports to be able to travel. I am seeking a Ministerial statement from the Minister in the Office of the President as a matter of urgency because we have very few days left and nobody will be allowed to go to Hajj again as the time will lapse. Can he give us a Ministerial statement on the position of the Government on this issue?

Mr. Speaker: Very well. Anybody responding for the Office of the President? Anyhow, they will get the information.

PERSONAL STATEMENT

MISREPORTING BY THE PRESS

Mr. Biwott: On a point of order, Mr. Speaker, Sir, I rise under Standing Order No. 69 to make a Personal Statement.

Yesterday while I was away, hon. P.N. Ndwiga in his contribution to the Kenya Revenue Authority Bill, touched on a matter which I think is very, very serious and should not be taken lightly. It was not until last night when I saw it in the KTN report and followed exactly what was being said in that report. Today in the morning I bought newspapers and I have also had the occasion to look at the HANSARD for the actual words uttered by the

hon. Member. I find that both the KTN and the newspapers over-exaggerated what the hon. Member said. The East African Standard in particular, went further and said that hon. Gatabaki was arrested after he had traded accusations with me.

Mr. Speaker, Sir, first of all I would like to refute categorically that we never traded any accusations with the hon. Member.

An hon. Member: You did.

Mr. Biwott: Mr. Speaker, Sir, I am saying I did not and I am a man who is not ashamed of taking responsibility. I would like to state here that I am very grateful to the hon. Member for raising this matter because it is a matter that has been raised and touched on occasionally. And I think it is time for---

Hon. Members: Which one? The murder of Dr. Ouko?

Mr. Biwott: Mr. Speaker, Sir, with regard to the murder of Dr. Ouko, I am coming to it and I am grateful that he raised this particular one because it gives me the opportunity to say something about it. The hon. Member said, quoting this backyard of the magazine called *The Finance* that there is a letter in that magazine which links me to the murder of Dr. Ouko. I would like to state here quite categorically that I have no links whatsoever with that murder and I would like to go further and say that, this is the Nicholas Biwott who takes full responsibility for anything I do, say and write. I have no hesitation whatsoever in taking full responsibility for everything that I have done.

Mr. Speaker Sir, when Dr. Ouko's case came up in the Commission, I was sent a sermon asking me to go and listen to some evidence adduced, either in person or through my lawyer. I responded and I sent my lawyers there and they were there throughout until Mr. Troon was released as we began to cross examine him. That was before the Ouko Commission was disbanded. Therefore, I am a man who--

An hon. Member: Who is ready to kill?

Mr. Biwott: No, Mr. Speaker, Sir, that is rubbish. You are the killer yourself. I am a man who is truthful to myself; I am innocent, my conscience is as clear as---

Hon. Members: Oh! Wapi?

(Several hon. Members stood on points of order)

Mr. Speaker: Order! Order, Mr. Biwott! I do not expect this out of hon. Members. Hon. Members are expected to at least hear what a fellow hon. Member has to say in response to something that has been said about him in this House. As I have said before, if you do not like it, you are free not to like it. But the right of an hon. Member to respond to any accusation in this House shall not be abridged, refused or denied in whatsoever manner, otherwise, but by the Standing Orders. I think it serves this House well if hon. Members were to respect themselves and each other. In that way, we shall be able to transact business. I do not think it is conducive to the good conduct of this House if hon. Members cannot have the courtesy to hear a response from an Member who has been alleged by another hon. Member in this House, to have been associated with the commission of a capital offence. This is a very grave matter which every hon. Member must listen to.

Mr. Biwott: Mr. Speaker, Sir, the truth hurts and I am telling---

(Mr. Achola stood on a point of order)

Mr. Speaker: Order Mr. Achola! You should know one thing, you cannot interrupt an hon. Member who is standing on a point of order by another point of order. You should understand that.

Mr. Biwott: Mr. Speaker, Sir, as I was saying, the truth hurts and the truth is being said now.

An hon. Member: Not you.

Mr. Biwott: As I was saying, Mr. Speaker, Sir, I submitted myself to the Commission of Enquiry and I was released because there was no iota of evidence to link me with the murder of Ouko. I availed myself to the courts and when the Anguka case was there, I was one of the witnesses but they never called me. I believe in the rule of law and I uphold justice. I do not want favours from anybody. I want to be treated like anybody else before the law.

Mr. Speaker: I think you will have to make it short now, hon. Biwott.

Mr. Biwott: Mr. Speaker, Sir, I believe in the rule of law and conduct all my affairs through the process of law. I believe that it will help a lot if the Attorney-General were to issue a statement on a matter like this along the lines hon. Anyona was suggesting. I think the Attorney-General owes this House and the entire nation a full statement on this issue. I do not want any cover-up. I do not need any cover. I am innocent and I hope that

those malicious minds and propagandists will stop and---

(Several hon. Members stood up in their places)

Mr. Speaker: Order!

Mr. P.N. Ndwiga: But my name has been mentioned!

Mr. Speaker: Order! Mr. Ndwiga, it does not matter whether you have been mentioned. You are not unmentionable. Indeed it is you who began all this. If you do not want to be mentioned, never mention anybody.

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

Mr. Speaker: Order! Mr. Ndicho has the Floor.

Mr. Ndicho: Mr. Speaker, Sir, I am rising on a point of order in connection with what we read in the newspapers this morning concerning massive increases in postal charges. These charges were arbitrarily increased by between 133 per cent to 310 per cent. The Managing Director, Mr. Samson Chemai, said that the Government approved these increases. When you read the Act you will find that Section 11 says:-

"In the exercise of its duty under section 8 and subject to any directions of a general nature which may be given to it by the Minister the Board shall approve any minor alteration in the tariff in the postal, telephone and telecommunications services."

What we have here are major increases in postal charges. This is hurting both the big and the small in this country. I therefore request the Minister for Transport and Communications to tell this country and this House why these massive increases were approved by the Government and yet, it is this Parliament which should approve such

massive and major increases in these services. These high charges are hurting the common man.

The Minister for Transport and Communications (Mr. Otieno): Mr. Speaker, Sir, as hon. Members are aware, the Kenya Posts and Telecommunications Corporation has to implement a reform programme, part of which requires that the postal services be separated---

Mr. Speaker: Order! Hon. Otieno, could I ask you for a favour? You can see I am really pressed for time. If you really wanted to respond, I could give you time tomorrow. Do you think you can give the statement tomorrow afternoon?

The Minister for Transport and Communications (Mr. Otieno): Yes, Mr. Speaker, Sir.

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO. 20

ARREST OF HON. MEMBERS

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. I rise under the provisions of Standing Order No.23, (1) to give Notice of the following Motion:-

THAT, this House does adjourn to enable Members to discuss the threat to the dignity of the National Assembly and to the public image of the hon. Members of this House posed by the use of excessive force by members of the Police Force in effecting the arrest of hon. Members.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! There is no point of standing up in your places hon. Members. Under Standing Order No.23 Dr. Kituyi does not require 15 Members or any number of Members at all. So, hon. Kituyi will move that Motion at 5.30 p.m.

BILL

Second Reading

THE KENYA REVENUE AUTHORITY BILL

(The Minister for Finance on 20.4.95)

(Resumption of debate interrupted on 25.4.95)

Mr. Speaker: Dr. Lwali-Oyondi will continue.

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

Mr. Speaker: Order! Hon. Members will appreciate the fact that we have been, as a matter of fact, on matters other than the business of this House for more than one hour and 40 minutes. There have been too many points of orders and I tried as much as possible to allocate time. Now, it is fair that on this particular Bill, we should begin to go into business. We must also realise that at 5.30 p.m. a Motion will be moved by Dr. Kituyi for the adjournment of the House. So, it is actually only fair that for under one hour we should get into the business of this House.

Dr. Lwali-Oyondi: Thank you very much, Mr. Speaker, Sir. I would like to continue where I left yesterday. This Bill is a very, very dangerous Bill. It is a Bill which is likely to plunge this country into turmoil.

*(Messrs Kairu, Maore, Wamae, Mbui and
Mwiraria stood up in their places)*

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Our Standing Orders provide that there should be only one Member on the Floor at a time but you can see how many Members are on their feet now.

Mr. Speaker: Order! Messrs Kairu, Maore, Wamae, Mbui and Mwiraria, quite frankly that is something that has never been seen in this House. So, please could you sit in a dignified manner as provided for by the Standing Orders?

Dr. Lwali-Oyondi: Thank you, Mr. Speaker, Sir. I was saying that this particular Bill is in essence trying to put to an end the Income Tax Department, Customs and Excise Department, the VAT Department, the Road Maintenance Fund Act, the Air Passenger Service Act, the Entertainment Act, the Traffic Act, the Transport Licensing Act and the Second Hand Motor Vehicle Purchases Act.

Mr. Speaker, Sir, I do not need to over-emphasize the fact that parastatals in this country are a failure, the Post Office being one of them. We have just talked about it, whereby people were appointed to it by the powers that appointed them, and they ended up looting the Post Office until it is bankrupt, and now, it is trying to load that embezzlement and loss of funds to the wananchi. As it has just been said now, you have to have about Kshs.17.00 or Kshs.15.00 to post a letter. Where will the ordinary mwananchi and the old men and women in the countryside get this kind of money? This is because Post Office is a parastatal and having had people appointed to it who are thieves or embezzlers, they finish the money. If we make the tax collection to be in a parastatal, appoint the same people who have been embezzling money from various parastatals, you can imagine what will happen. We shall lose all the money that runs this Government and this country will be thrown into a state that nobody would like to imagine.

Mr. Speaker, Sir, having said that, a Minister, Mr. Makau in particular, stated very clearly here that the collection of money by the Income Tax Department and various tax bodies have reached a target which the Government had been desiring, that is 25 per cent of the GDP. If they are doing so well, why should they be turned into parastatals? How many of these parastatals have performed well? The Kenya Power and Lighting Company is now going down. Tana and Athi Rivers Development Authority (TARDA) and the, Kerio Valley Development Authority are all bottomless holes through which money has been going in and never coming out.

Mr. Speaker, Sir, yesterday, I stated that I was completely afraid of subscribing to this Bill because it would appear Bills come here to make conditions such that certain people have an easy way of getting hold of money and disappearing. After that, such Bills are either revoked or they are just left like that. We have corporations like the Kenya Pipeline Company and Kenya Pipeline and Water Conservation Development Corporation. It was a creation that was running parallel to the Ministry of Land Reclamation, Regional and Water Development. At the moment, we are not sure of what this Corporation is doing except refusing people to get water, like it is happening in Nakuru. We have no water and yet the Japanese gave us a lot of water. The Kenya Pipeline and Water Conservation Development Corporation has been disappearing with that water. In other words, it is a political tool of certain politicians whereby it is used to shut up water in places where the powers that be do not approve. I do not know whether it is making any money. We had an introduction of the so called Nyayo Motor Corporation which was also a bottomless hole which took up a lot of money and nothing has come out of it. We had the Road Toll Stations introduced. We were told that we would have all our roads made. The Toll Stations collected money and nobody has been accounting for it. People came and misused it and

because they know that sooner or later somebody will ask about it, what was done was to abrogate the Toll Stations and instead put there the Road Maintenance Levy. Why are we changing all these things all the time? The Road Maintenance Levy has not even worked. According to this Act, it is already going to fall under the Commissioner-General of this body and the Minister so far has not told us how much he has been collecting, although he told us very clearly in this House that he will collect over Kshs9 billion and all roads will be very, very smooth in a few months time.

Mr. Speaker, Sir, I do not need to remind anybody here that on Mombasa Road, the Minister had to be woken up from his sleep that the road was completely impassable. That is when he tried to run around to do something. We pay the Roads Maintenance Levy. Why have the roads not been made? It is possible that this levy was meant to be an easy way of getting money because the fashion in Kenya is that somebody must keep on getting more money so that when you pass where there is a harambee, you give some money and claim to be a development conscious person. We would like to know where these billions of shillings are going and what they have done. When we had a lot of uncollected gabbage in the City, we were told that if we have what they called the Service Charge, we shall have a very beautiful clean town. The Service Charge came, the money has been collected and embezzled. Nobody talks about the Service Charge any more. We had Export Compensation Act passed in this Parliament. We know what resulted from it. Somebody used the Act and stole money through that Act and the famous Goldenberg was produced and actually, it harvested a lot of billions of shillings from this particular Export Compensation Bill that was brought here and passed as an Act.

Mr. Speaker, Sir, we had things like Kisumu Mollases Plant, Political Banks *etcetera*. I can keep on citing a litany of introduction of measures that were supposed to improve our livelihood, yet they were only designed for embezzlers. After enumerating all these matters, I am afraid we are trying to clothe in these embezzlers. This is another form of making sure that all revenue collection is given to one person who has been appointed and therefore has no power to work on its own, and from there, you can get money and buy people and effect certain things that could not be effected under normal circumstances. The question of this money mania disease is the one that resulted into printing of Kshs25 billion for election purposes. This money mania disease also led to the establishment of a money printing factory in Ruaraka which we do not need at all.

Mr. Speaker, Sir, we have got a printing machine in Ruaraka, but we do not need this machine there at all. It is far easier to get money from the Royal mint rather than keeping on printing money in this place. There is going to be a lot of distribution of money due to this money printing machine in Ruaraka.

Mr. Speaker, Sir, for these reasons, I feel I have to oppose this Bill because of the possibility of this country losing a lot of money as a result of passing this Bill in this House. I think the Minister should tell us exactly what has been wrong with the various revenue collection departments and why he has not been able to collect that money. If there have been any loopholes, he should tell us how he is going to close these loopholes. Furthermore, now that mistakes were made by the various revenue collection departments have now been found out, the Minister should tell us how he is going to ensure that these mistakes do not occur again. The same applies to the introduction of a levy of about Kshs10 from anybody who happens to be selling anything in town. This is happening in Nakuru from poor women who sell vegetables in the evening. The Municipality is collecting money from these women. I am wondering how these women can make more than shs10 per day to be able to pay this levy. In fact, these people are the most heavily taxed in this Republic. It means on a monthly basis, they are paying Kshs300 and Kshs3,600 per year. This is a very heavy tax on these poor people but if that tax could be used for subsidizing the cost of school books then that would be okay. However, we know that all this money is going to be embezzled.

Mr. Speaker, Sir, this Government should try to improve the facilities we have instead of introducing new ways of taxing our people. Going back to the Bill, I would like to touch on Clause 4 which says that the seal of authority shall be authenticated by the signature of the Commissioner General and the Secretary to the Board. In the absence of the commissioner General, a person designated by the Commissioner shall carry out this function of authenticating the seal. However, I think there should be a Deputy Commissioner General who shall be more conversant with the work of the Commissioner General, so as to be able to authenticate the various signatures. I do not think that the Commissioner General should appoint anybody to carry out this function. I am saying this because how can we be assured that somebody will not wait until the Commissioner General is in hospital, so as to take that advantage to pass signatures that should not be passed?

Mr. Speaker, Sir, Clause 5 (2) says that the Minister may by a notice in Kenya Gazette amend the first schedule which consists of written laws relating to revenue collection, namely, the Income Tax, Customs and Excise Act, VAT and so on. I am wondering how a Minister may by notice in the Kenya Gazette amend the schedule. These are laws enacted in this Parliament and one wonders how a Minister can amend them. I am saying this because laws made in this Parliament can only be amended in this House. I hope that the Minister is

not going to give himself such powers which will enable him to interfere with the law because this would be illegal.

Mr. Speaker, Sir, Clause 6 says that there shall be establishment of the Board of Directors which shall be the Governing body of the Authority. The Minister in his response, I hope, will tell us the difference between the Authority and the Board of Governors. I am saying this because we should know who this Authority is. It appears to me as if this Authority and the Board of Governors are one and the same thing.

Mr. Speaker, Sir, Clause 6 (2) says that the members of this Board will be the Permanent Secretary, Ministry of Finance, the Financial Secretary, the Attorney-General, the Governor of the Central Bank and so on. These are the same civil servants whose performance has left a lot to be desired. How will they improve upon this revenue collection if they have been involved in massive embezzlement of money in various Government institutions including the Central Bank? This is why we are afraid of this Bill.

[Mr. Speaker left the Chair]

*[The Deputy Speaker (Dr. Godana)
took the Chair]*

This is why we are afraid of these people. I think it is high time, should this be necessary, that Parliament, which is the representative of the people, and the saying is that there should be no taxation without representation, we should be represented on this Board. An entirely new crop of people outside the Ministry should be there because the various Permanent Secretaries, the Attorney-General and so on, have no time to seriously look into anything. They will deputise or agree to sign documents which they have not scrutinised.

Mr. Deputy Speaker, Sir, if we come to clause 6(3), the Board shall be responsible for:-

(i) approval and review the policy of the Authority.

But I thought that the Authority was superior to the Board. The Board was a servant of the Authority, if there were proper arrangements. Therefore, the Board cannot come and approve what the Authority has passed. It should be the other way round. The executive, which is the Board, should suggest something, pass them and give them to the Authority to approve. But not the executive trying to approve what the Authority has done. I think we shall have to put protocol in clause 6. I think the Authority is superior to the Board and, therefore, should not command the Authority. It should be the Authority to command the Board.

Now, Mr. Deputy Speaker, Sir, let me come to this person called the Commissioner General. They say he should be appointed by the Minister and I do not know how the Minister will get him. The Minister may not know who is a person with integrity. Here we are dealing with money and Kenya is backwards because it has lost a lot of its revenue. How will the Minister know who this person is? It is my recommendation that there should be an interview of various people whose integrity is well known. They should be short-listed and eventually when the right person is appointed, his particulars should be brought to Parliament whereby we shall have to vet and look at his background and see if he is suitable for that particular appointment.

Mr. Deputy Speaker, Sir, a lot of people have been appointed by the President and since 1982 onwards, none of those appointments have resulted in anything positive. Name it, like the Kenya Farmers Association (KFA)! They changed it to Kenya Grain Growers Co-operative Union (KGGCU). Appointments were made and they were an absolute failure. There have been appointments to the Kenya Seed Company, Central Bank of Kenya and so on, and they are all now collapsing. There has been appointment to the Ministry of Lands and Settlement which has become sort of criminal Department which approves land stolen by various "big shots", then the Commissioner of Lands gives title deeds within hours. It is the one that, has been approving land from the tribal clashes areas. Now, people are just grabbing land belonging to those who have been displaced and given title deeds. We had a case this morning and I know of very many such cases. I wish anybody could challenge me on that, since I have documents here to prove that. The Ministry of Lands and Settlement is now being used to clear all the forests and we shall soon have no rains. For instance, Lare forest has been taken over; Likia forest is being divided and so on.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. I thought I heard the hon. Member say that the Ministry of Lands and Settlement is the "headquarters of criminals" who are used to transfer land illegally. Could he substantiate that?

Mr. Deputy Speaker: Order! I am afraid, I did not hear that. But if hon. Lwali-Oyondi said that, I do not think it is the kind of statement that is subject to substantiation. I think he simply has to withdraw it.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, if somebody takes away your land and---

Mr. Deputy Speaker: Order! Did you say it, Dr. Lwali-Oyondi?

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I said that this office is doing criminal matters because if they can take my land and give it to somebody else, that is criminal. We have no other word for that. I have also documents to present here, just in case anybody wants them.

Mr. Deputy Speaker, Sir, it is these sort of appointments that are ruining our country. You put there your tribesmen, but how long are you going to live? People can only live for 70 years and after that they die slowly. By 80 years they are useless in the brains and must fall dead. For example, Dr. Kamuzu Banda now is still the life President, but his head is nuts! He urinates on his bed and so on. I think this sort of thing whereby people keep on appointing their own people to various---

The Minister for Education (Mr. Kamotho): On a point of order, Mr. Deputy Speaker, Sir. Is it really in order for an hon. Member of this august House to use such abusive language to a senior citizen of another friendly country of Africa?

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, the word may not sound good, but the act is going on. So, I do not know what we can do about that. I wish to continue and --

The Minister for Tourism and Wildlife (Mr. Ngala): On a point of order, Mr. Deputy Speaker, Sir. I do not think the hon. Member on the Floor has really corrected the impression he gave to the House. Is he in order to insinuate that the former President of Malawi, Kamuzu Banda, has a problem in his head? I think he is not in order to refer to him like that because these are the kind of things when they get reported, they create a lot of misunderstandings.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, the Minister knows very well that that particular former President had his head operated on and it is now not working very well.

Mr. Deputy Speaker: Order, Dr. Lwali-Oyondi! Why do you not come back to the subject before the House? We are not discussing Kamuzu Banda. We are discussing a specific Bill and I am sure you know the rule of irrelevancies.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, may I draw the attention of the Minister to Clause 8(f) of the Kenya Revenue Authority Bill. It reads:-
"for any other sufficient cause"

This Clause is about the termination of appointment of a member and it says the appointment of a member may be terminated, in case of the Chairman, by the President and in case of the other members by the Minister, on any one of the following grounds:- One, his inability to perform functions, if he is declared or has become bankrupt, if he is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months, if, without reasonable cause - I hope that is satisfaction - to the satisfaction of the Minister, he is absent of the six meetings. Then the last reason is that, or for any other sufficient reason. Any other sufficient reason could be that this particular chairman maybe his political opponent. Part "f" should be done away with. What is a sufficient reason or what is any other sufficient reason? It is like a policeman saying that he used reasonable force. In most cases they shoot somebody through the head and they think that it is a reasonable force to use before arresting somebody. It is high time that we stopped being vague and avoided leaving loopholes in our laws. We should make sure that they are water-tight and they are not misused.

The Minister will also have to tell us why the Authority shall be exempted from State Corporations Act, I think Cap. 466. If we look at Clause 20 you will see that. Why should it be exempted from that Act?. Why should it not be audited by the Auditor-General (Corporations)? This can be compared to some people in authority who tried to make sure that the Controller and Auditor-General would not have security of tenure of office and that the Attorney-General would not have security of tenure of office, the Judges and so on. This was in anticipation of massive stealing that we have seen. It was started but we were helped by people from overseas and at least in essence or by law, these people have security of tenure of office. Now, here there is somebody anticipating something and says that the Authority shall be exempted from the State Corporations Act. The Minister will have to explain very well to us why this Authority should be exempted from this Act. What is the hidden agenda behind the exemption from the State Corporations Act, unless it is embezzlement of money?

Now, I will move to Clause 22 (4). I will read it:-

"Unless the Board otherwise determines, all persons being public officers, who before the commencement of this Act are employed by the Government for the purpose of the written laws specified in the First Schedule shall on the commencement of this Act, be deemed to be on secondment to the Authority until they are employed in the service of the Authority in accordance with the Act or their secondment with the Authority otherwise ceases in accordance with the terms of the secondment."

Here they have left a gap whereby this Minister in charge of Finance can easily get rid of the present staff. He can

tell them that they cease to become staff of the Authority because according to the law he can just chase them. We have to make sure that the jobs of the staff in the Income Tax, the Customs, Value Added Tax, Road Maintenance Levy Departments and other departments are secured. They are citizens of this country and we cannot just chase them away as it was done in the Kenya Posts and Telecommunications Corporation when Mr. Nge'ny took over. He sacked just about everybody and then he remained there basking in embezzlement until he was removed and he is now embezzling money somewhere along the line. I would wish the hardworking members of this particular department be protected and let them hand over their jobs to other people when they retire. Mr. Deputy Speaker, Sir, we ought to---

QUORUM

Mr. Sankori: On a point of order, Mr. Deputy Speaker, Sir. There is no Quorum in the House.

Mr. Deputy Speaker: I direct that the Division Bell be rung.

(The Division Bell was rung)

Mr. Deputy Speaker: Order! I understand that there is quorum now. Proceed hon. Lwali-Oyondi.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I have a lot to say but I would like to draw the attention of hon. Members to the second schedule, which is full of anomalies.

In conclusion, I wish to say that the revenue collected should be used for the purpose it is meant for. It should not be misused. In my area the police are using a lot of money to go around beating up people. I would appeal to the Government to leave the people of Nakuru alone. The police are now harassing people from house to house because it happens that a chief was murdered. This chief was once beaten by Kanu youth wingers, whom I have been complaining about. Eventually, his own tribesmen came at night and murdered him over their own social problems. Now, instead of the police doing investigations in the usual way they are done when somebody is murdered the opportunity was taken advantage of by the police to take money from people, arrest them and throw them into cells. Now the people of Nakuru are living in terror. I had been complaining about Kanu youths before, but now the police have come in. I complained about youths but nobody did anything, even though they went as far as beating a big man's cook so much that he lost his two teeth. That is when it was realised the famous Asanyo had to go. We are now talking about the police and saying that we are in a state of emergency in Nakuru---

Mr. Sankori: On a point of order, Mr. Deputy Speaker, Sir. Is what the hon. Member saying about Nakuru and police within the Bill? Can the hon. Member stick to the Bill?

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I am talking about revenue collection and the revenue collected by the police to harass people. This is within the Bill. Revenue does everything, including paying salary to the hon. Member sitting over there.

With these few remarks, I wish to leave it to other hon. Members to contribute.

Mr. Ejore: Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this very important Bill. I do support this Bill and hope that its objects and reasons will be implemented and that it will not be used to induce Kenyans to pay taxes that will disappear without any trace. Today Kenyans are clever and intelligent and can no longer be cheated. For a very long time Kenyans have been taken for a ride. Funds have been collected through Harambees, welfare associations and various other groups but then more often than not, these funds have been misappropriated by management committees and boards of directors. We hope that this authority will ensure that all the revenue collected will be used properly and accounted for and that any people responsible for any losses will be brought to book or disciplined. The Bill should be used to provide an efficient machinery for collection of revenue. The authority shall be under the able supervision of our Minister for Finance, who has, of course, proved his ability in financial matters. At one time, even Prof. Anyang-Nyong'o and the entire Opposition leadership commended him for his good work. So, we hope that the authority will function properly and without any problems. The Minister should also be firm, free and fair and uncompromising in supervising the proposed Kenya Revenue Authority (KRA). This is the only way in which we can ensure that the authority runs well and that its board of directors does the work that it is supposed to do, so that the authority does not suffer losses that are commonly suffered by state corporations, private companies and some Government Departments.

Mr. Deputy Speaker, Sir, the board of directors to be formed should govern the proposed organisation very well and approve the operational, administrative, financial and personnel policies which will help the

authority to run efficiently and also devise ways to collect taxes from individuals. The board of directors should be independent of any external influence. We have many state corporations which have suffered from external interference by politicians, high ranking personalities and godfathers. This has caused the failure of some corporations. We expect institutions which are interfered with to make losses because they have no clear-cut policies. One individual upsets a whole framework of an organisation for his personal gain. Also, the awarding of tenders is influenced externally and in the end, these organisations do not do well. So, we should ensure that these Authorities, Parastatals and other public institutions operate independently. That is the only way we can ensure that they are run well. This is the only way in which these institutions can be made to generate income. Without that, we are just wasting time and, our authorities and other parastatals will continue suffering losses. The issue of godfathers and political patrons should be eliminated completely if we have to move ahead in terms of institutional management.

Mr. Deputy Speaker, Sir, the Board of Directors which will be selected to supervise and govern this Kenya Revenue Authority should also try to monitor the performance of the Authority to ensure that it is profit making and not loss making. A close monitoring of the performance of this authority will ensure that we make profit and any problem that may arise can be foreseen in advance and remedial or corrective measures taken to avoid any loss or embarrassment. The Minister, the Board of Directors, the Commissioner General and all those responsible for this Authority should ensure that they do the work which has been specified in the memorandum of objectives and reasons for the establishment of this Authority. If one of them strays and tries to influence the others, then we will run into problems. The Authority may not run efficiently or perform according to the expectations of Kenyans and this House. The revenue collected should be paid to the Consolidated Fund. We have heard of parastatals which collect revenue but never remit it to the Consolidated Fund, or if they do, only a small percentage, while the rest of the money just disappears. This should not happen with this Authority. We should not make the same mistake that we made some years back. We should come out clean in our activities. This will ensure that the good name and image of our Government is not tarnished by a few individuals who abuse their offices and in the end, people blame the Government and not those individuals. Some of those individuals responsible for these ills may commit them either intentionally or inadvertently and that is why any personnel that will be appointed in the running of this Authority should be competent with a good back-ground. They should also be disciplined individuals, not people who will loot the Authority. They should be honest and straight-forward Kenyans who will ensure that money is collected from everybody. We have heard of personalities who evade taxes. We do not want it to happen again. Some big shots evade taxes and out of that profit, they make millions of shillings at the expense of the common man and the development of this country. There are also those who, when approached for the payment of these funds, try to evade by bribing the tax collection officers. They try to give them "kitu kidogo" so that they are not followed. We should bring an end to this.

Mr. Deputy Speaker, Sir, the Opposition has also been known to call and fight for donor aid freeze to this country. This is what is causing the Government to raise taxes like the postal services.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to allege that the Opposition is always fighting for aid freeze to this country when we are on record several times, inside and outside this House as saying that we are for aid to Kenya provided there are proper systems of accounting for that aid and that, that aid reaches the target groups for which it is meant? This is the stand of the Opposition and I would not like the hon. Member to mislead the House by saying things which are far from the truth.

Mr. Ejore: Mr. Deputy Speaker, Sir, I do not think hon. Anyang'-Nyong'o is saying the truth because he is one of the leaders who, prior to and after the 1992 general elections, have been telling the donor countries to cut aid to Kenya for whatever reasons. But all we know is that it is on record that calls to freeze aid have been there by the Opposition.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir. I think this is a very important issue. I will ask the hon. Member, if he has any shred of evidence, to produce it before this House, to prove that I am on record as saying that donors should cut aid to Kenya. Period.

Mr. Ejore: Mr. Deputy Speaker, Sir, I have always suffered interruptions whenever I try to contribute in this House. This sort of intimidation should not be encouraged because I think the hon. Member is only trying to intimidate me so that---

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. When a Member seeks correct conduct in this House, is that intimidation of another hon. Member?

Mr. Deputy Speaker: Order! I will allow no Member to be intimidated and I have seen no

intimidation.

Mr. Ejore: Thank you, Mr. Deputy Speaker, Sir. I was only saying that I was interrupted.

Mr. Mulusya: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member on the Floor in order to deliberately refuse to substantiate or withdraw? He has made a categorical statement that hon. Prof. Anyang'-Nyong'o is on record as having told the donor community not to grant aid to Kenya. Can he substantiate that or withdraw and apologise?

Mr. Ejore: Mr. Deputy Speaker, Sir, I do not think I have anything to withdraw. Mr. Mulusya is only fighting a shadow and, therefore, I will ignore him. What I was trying to put forward is that the Opposition has called for the freezing of aid to this country.

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

Mr. Deputy Speaker: Order, Mulusya, hon. order! I will definitely recognise you to counter everything that hon. Ejore said.

Mr. Mulusya: Mr. Deputy Speaker, Sir, I am on a point of order.

Mr. Deputy Speaker: I have disallowed your point of order.

Mr. Ejore: Mr. Deputy Speaker, Sir, if I may be allowed to continue! It is not in order for a Member to talk---

Mr. Deputy Speaker: Order! It is only the Speaker who decides what is in order and what is not.

Mr. Ejore: Mr. Deputy Speaker, Sir, this has been a common problem because whenever KANU hon. Members want to make contributions they are interrupted. I advised you once to lock all these Opposition Members outside this House so that we can continue discussing development politics un-interrupted, instead of them shouting and making empty rhetorics.

(Mr. Gitonga stood on a point of order)

Mr. Deputy Speaker (Mr. Godana): Order! Disallowed. Mr. Ejore do you have something serious to say or just that one point?

Mr. Ejore: Mr. Deputy Speaker, Sir, I just have one more point and then I will sit down. In a situation where aid to this country is cut, it is not only the Government which suffers as a result, but the whole nation, Opposition included. I can only say that those hon. Members agitating for aid freeze to this country do not have the interest of their people at heart. This call for aid for Kenya to be freezed and which has resulted in aid being cut should be discontinued so that we continue getting funds from good friends abroad which we can use for projects initiated by this country.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support the Motion.

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to propose that the Mover be called upon to reply?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir,---

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

Mr. Deputy Speaker (Mr. Godana): Yes, hon. Shikuku, what is burning you?

Mr. Shikuku: Mr. Deputy Speaker, Sir, I normally get allergic to seeing the procedure of this House being violated. I have noticed that most of the time when you are making communications from the **[Mr. Shikuku]**

Chair, hon. Members keep on standing. Hon. Members should be reminded that immediately Mr. Speaker opens his mouth or stands up, the hon. Member speaking must resume his seat immediately.

Mr. Deputy Speaker (Mr. Godana): Thank you very much, Mr. Shikuku. I hope they have heard that.

(Applause)

Prof. Anyang' Nyong'o: Mr. Deputy Speaker, Sir, I would like to contribute to this Motion and I would like to begin by thanking hon. Shikuku. When I listened to his contribution the other day, I found it extremely interesting and useful, and so are his points of order.

Mr. Deputy Speaker, Sir, the hon. Ejore who has just spoken made a very important statement that we should all as Kenyans, try and strive to ensure that we do not stop donors from giving aid to this country. I wish the Government for which he is speaking for could do that. If you read the reasons why the German Government has cut aid to this country by 75 per cent, you will see that all the reasons given are within the reach of this Government to correct.

The first reason given for cutting aid is corruption. This Government can stop corruption if it has the will-power to do so. Unfortunately, it does not have the will power to do so. If you look across the Table on the other side, I am very surprised that I see few faces with the will power to stop corruption in this country.

(Applause)

Mr. Deputy Speaker, Sir, the second reason that the German Government gave for cutting aid to this country is the lack of seriousness to engage in the democratisation process. One day we are told that the airwaves are free, the next day we are told that so and so who applied several years ago have not received the licence up to this very day. I happen to know that Royal Media Services received licence in Tanzania and Uganda to set up an electronic mass media, whereas in our country where they applied at the same time, they were never given the licence. We have this information.

The Minister for Information and Broadcasting (Mr. Makau): On a point of order, Mr. Deputy Speaker, Sir. The matter the hon. Member is raising is in court and since it is *sub judice* he should not discuss it here.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the more lamentable reason why the hon. Minister should stand on a point of order, is that a matter which should not have gone to court is in court because of their lack of seriousness on democratisation in this country. I do not---

*[The Minister for Information and Broadcasting
(Mr. Makau), stood on a point of order
and moved near the microphone]*

An hon. Member: How many hon. Members are on the floor?

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I do not think you gave the hon. Minister permission to rise on a point of order and as a Minister, he should be the first to obey the laws of this country and, of course, of this Parliament.

Mr. Deputy Speaker, Sir, the other reason that the German Government gave for cutting aid to this country is that this Government has refused deliberately to build and strengthen those institutions that will ensure that we have an economy that is prosperous. Those institutions first and foremost, are those that can look after the privatisation process. An institution was created in this country some time ago called 'The Executive Secretariat of the Privatisation Reform Programme'. This institution was created without a valid process of validation and that process could have been constituted by an appropriate Bill being brought to this Parliament, being debated by this Parliament and being given credibility by the people of Kenya and a system of accountability. To this very date, an attempt to make that institution work has been very problematic and for those of us who are consciously aware that we should have a privatisation system in this country and indeed, are consciously committed to implementing some of the Government policies that have been announced in some of the Sessional Papers, are really pained to see that the critical institution that could help the privatisation system in this country is not working properly. These are things within the reach of this Government if they really wanted aid to come to this country. And for an hon. Member to stand on the other side and cast aspersions to the Opposition as stopping aid to this country literally means that, that hon. Member was incapable of reading the newspapers today and comprehending, for example, what the *Daily Nation* was saying as the reasons given for cutting aid to this country.

Mr. Deputy Speaker, Sir, politics is about the future. Politics is rarely about the past. We have indeed made mistakes in the past and this Government, if it is responsible to this country should accept that it has made mistakes in the past. If then it is concerned about rectifying things, then we should look to the future and rectify these things.

*[The Assistant Minister for Finance
(Mr. Koech), stood on a point of order]*

I know this thing is paining, so you will keep on standing. I am glad you are correctly being pained.

The Assistant Minister for Finance (Mr. Koech): On a point of order, Mr. Deputy Speaker, Sir. I did not want to interrupt the hon. Member's contribution, but I was wondering what relevance the hon. Member's

contribution has got on this particular Bill.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, if you are going to have a Revenue Authority Bill, you will have people who pay taxes. If, indeed, you are making the economy impossible for people to get income to pay taxes, then you have no responsibility bringing this Bill here because you are not going to have the social-economic basis for those taxes. Unless we have an economic and political system that is going to be responsible for a growing economy which will give people incomes to pay taxes, then, indeed, you do not know what you are doing.

Mr. Deputy Speaker, Sir, I am saying that first and foremost, there must be a socio-economic framework viable enough to produce people who will pay taxes. And that hon. Member did say that it is lamentable that we are not getting aid to this country. That aid is going to help economic growth, that economic growth is going to bring incomes to people and that income is going to be taxable and I do enjoin that hon. Member in his concern. And for an hon. Assistant Minister to stand up and say that he does not understand the relevance of my speech to this Bill, it obviously shows that, that hon. Assistant Minister does not know what he is talking about and does not know his responsibility. So, he stands to demonstrate his ignorance.

The Assistant Minister for Finance (Mr. Koech): On a point of order, Mr. Deputy Speaker, Sir. The point I raised about the relevance is that we do have so many other fora where we can discuss widely about the economic situation or economic issues. Honestly, I do not think the hon. Member is in order to bring in irrelevant issues on a very clear Bill. He is not referring to any part of the Bill at all. But he is going so much wide. I am not saying that I am challenging what he is saying, but there are other fora where we can talk widely and generally about the economy of the country.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, maybe I could read to the Assistant Minister the first paragraph of the Memorandum of Objects and Reasons and if indeed we are speaking the same language, he will then appreciate that what I was saying was relevant to the Bill. The first paragraph of the Memorandum of Objects and Reasons reads as follows:-

"The object of this Bill is to provide for the establishment of a central body to be known as the Kenya Revenue Authority to take over the institutions hitherto performed by the Customs and Excise Department, the Income Tax Department and the Valued Added Tax Department as revenue collecting agencies of the Government."

The Assistant Minister for Finance (Mr. Koech): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member on the Floor should address the Chair and not me.

Mr. Deputy Speaker: Order! Prof. Anyang'-Nyong'o, you should always address the Chair.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the hon. Assistant Minister is now developing cold feet and seeking refuge behind the Chair and that is very good. I hope he will develop cold feet and sit exactly where he is sitting.

Mr. Deputy Speaker, Sir, if you are going to have VAT Department as a revenue collecting agency of the Government, you are assuming that there is an economy for which this VAT tax is relevant. So, you cannot talk about the memorandum of objects and reasons without addressing yourself to the issue of the economy; it is illogical. The Memorandum of Objects and Reasons of this Bill continues to say:-

"With the creation of the Kenya Revenue Authority the Bill seeks to provide the desired motivation for an efficient and effective machinery for the administration of the revenue laws and for the collection of revenue."

[Mr. Deputy Speaker left the Chair]

[Mr. Speaker resumed the Chair]

Mr. Speaker, Sir, this paragraph is extremely important and I hope that when it was written by the Attorney-General, he did take into consideration the socio-economic context to which it is relevant. Having said that, I want to make one more point. We are not going to have an efficient administration of tax collection if we do not support the democratisation system and the strengthening of institutions that provide for proper checks and balances in government. The whole idea of collecting taxes and using them efficiently and effectively presupposes a system of government rooted in the philosophy of accountability, transparency and proper checks and balances. If we do not address ourselves to that question first, on how we are going to have governmental institutions which are properly accountable to the people and how we are going to have proper checks and balances in government, you can create so many authorities but they will always go back to the beginning if first

and foremost, we do not address ourselves to creating institutions that will be accountable; that will be operating in a democratic system and that will operate in an atmosphere where checks and balances in government work.

Mr. Speaker, Sir, this is why even last year when the Minister for Finance said that the Government is going to introduce a Revenue Authority as a way of making the collection of taxes efficient, I myself was very sceptical. This is because it is not by introducing an Authority that efficiency is going to be produced overnight; it is the Government itself having a culture of accountability and transparency in all institutions to make that Revenue Authority work properly. Let me give you an example. This Bill says that the Chairman of the Board will be appointed by the President. We know that we have all kinds of Boards in this country appointed by the President. If you read the reports of the PAC and PIC, you will find that all these Boards have suffered serious problems of accountability. Once a man is appointed by the President he thinks he is God on Earth; he ignores his Board, he ignores the senior civil servants working with him; he ignores the public; he takes Government vehicles to his home to look after his farm. He takes imprests without accounting for them. If we really think that by giving the President powers to appoint these people to sit in these Boards that this Authority is going to have proper power to administer our taxes, when we have carcasses of public institutions called parastatals all the way presided over by these chairmen appointed by the President, then really we are not addressing the issue. I am not saying that the Chairman should not be appointed by the President. I am only saying that, that in itself is not an answer to the problem we are having in State Corporations and other public bodies. We must first of all, find out why all these chairmen have performed so poorly and how they have used that shadow of being appointed by the President to completely disregard other institutions and to completely go unchecked in what they do in these public bodies. So, that makes me extremely sceptical about that particular solution.

Mr. Speaker, Sir, when I look at that Board, I think I share the points of view of Mr. David Ndii who wrote an extremely interesting critique on this Bill in *The Sunday Nation*. Mr. David Ndii observed, and like hon. Shikuku observed the other day, that this Board should be comprised of people who will be answerable to more autonomous constituencies in the economy. They should be answerable to professionals, employers, workers, farmers and insurers. This is because surely, if you look at all these bodies, these are really the critical bodies that create the economy and also create the income that we tax. I think these are the people to whom the Board should be more answerable and then institutions of Government, like the Central Bank of Kenya, the Ministry of---

Mr. Speaker: Order! Prof. Anyang'-Nyong'o, I am afraid I have to cut your speech short because I had promised hon. Dr. Kituyi that he will move his Motion of Adjournment at 5.30 p.m. and I think the time now is 5.30 p.m. You will continue next time.

NOTICE OF MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.23(1)

Dr. Kituyi: Mr. Speaker, Sir, I beg to move that this House do now adjourn.

Mr. Speaker: Order! Just before you proceed, I would like to inform the House that since we do have one hour, the Mover will get 10 minutes and the Government Responder will get 10 minutes and all other hon. Members will get five minutes each, to speak so that we can get a reasonable number of Members to ventilate on this matter.

Dr. Kituyi: Mr. Speaker, Sir, I beg to move that this House do adjourn now to discuss the indignity in the arrest and method of arrest of Opposition Members of Parliament. I have a case in point and I undertake to confine myself to the specifics of this matter. This Morning, just after six o'clock, more than 100 police officers accessed the residence of hon. Gatabaki in Lavington by jumping over the gate, surrounded the house, intimidated and forced the members of the family to open the door. They searched every room and every tree in the compound, and used gun butts to break into bedrooms of the children of hon. Gatabaki in what they described to be an attempt to arrest the hon. Member of Parliament.

Mr. Speaker, Sir, when I arrived at the home of hon. Gatabaki with some other hon. Members of Parliament this morning, we found his son who looked to me like about 14 years of age, still extremely shaken because the police had been banging inside his room on the floor with the butt of the gun to demand to be told where his father was. Mr. Speaker, Sir, this is just a culmination in a long series of very despicable acts by the police force against hon. Members of this House. Before this morning, it was already public knowledge about what happened yesterday, that nine hon. Members of Parliament could not attend Parliamentary business because they were holed up in hon. Gatabaki's home, expressing solidarity with the hon. Member whose dignity was under offence. Similarly, on Thursday last week, hon. Gatabaki, in an attempt to get out of Parliament and go home after the end of Business found his car surrounded by four cars belonging to the Police Force. First, of course, it raises a fundamental question as by what right members of the Police Force accessed the car park of

Parliamentarians with their cars. But that is not doing enough. Under what provisions of the law were they driving with disguises over the registration numbers of the cars they were driving?

Mr. Speaker, Sir, I can cite hon. Gatabaki's case as just one in a list that is growing painfully long for us to pretend away. We all know that at least half of the hon. Members of the Opposition in this House have been arrested, harassed, chased from public rallies and stopped from addressing licensed rallies. Hon. Icharia has been arrested two times, hon. Ndicho six times; including one time when he was arrested in Thika and driven all the way more than 200 kilometres to Nakuru. Hon. Kamuiru has been arrested three times, hon. Nyanja four times and hon. Gatabaki two times. We all know what has happened to hon. Mungai. We know what indignity as Members of a National Assembly, we have suffered when one of us is pegged to a bed and he has to empty his bowels like a criminal, an hon. Member of Parliament. I have said here before that I have been one of Members of Parliament who have had to spend the Valentine Night, of all the nights, standing out in the rain in the company of shifts of policemen to stop the police from arresting hon. Prof. Peter Anyang' Nyong'o from his residence.

Mr. Speaker, Sir, I have been arrested in a church in my constituency by two land rovers loaded with armed policemen. They surrounded a Catholic Church in the middle of the service to arrest me and drive me through seven districts to go and dump me in Kericho Police Station and the next day, drive me further to Kisii to judge me on a matter that I could easily have responded to by being invited to present myself before a court or a police station. Hon. Members have recently witnessed how the Vice-Chairman of my party, hon. James Orengo, was arrested by speeding cars imitating what happens in films, almost driving him off the road. We can go on for ever. We know of the old *mama*, the mother of the hon. Linus Aluoch Polo who to this moment is still very shaken because of the way in which police came to hon. Linus Aluoch Polo's home in an attempt to arrest him for a matter that could not necessarily have been done through this arrest. There are many cases we can talk about. There are very painful cases which are never reported. I spent Sunday night ferrying the hon. Member of Parliament for Webuye, Busolo and the hon. Member of Parliament for Sirisia to try to find a place where they could sleep because their homes were surrounded by police who wanted to arrest them.

Mr. Speaker, Sir, the substantial thing we are talking about is this: How can we as hon. Members of Parliament pretend that the Legislature of this country has a dignity and that we are dignified hon. Members, if a majority of hon. Members on one side of the House are constantly either being harassed by police, running to help those who are under police arrest, looking to see whether they are about to be arrested or not, or wondering if the rallies they have paid a lot of attention to are going to be allowed or cancelled at the last moment? There is a serious problem here. The problem is the substance on the basis of which the hon. Members are being arrested. Second is the style in which the police are assaulting the dignity of hon. Members of Parliament. Third is the more substantial question. Are we going to sit back and pretend we are a more assertive Parliament than the Sixth Parliament while the National Assembly of this country is being insubordinated by the back doors to elements of the Executive? It is the understanding of the National Assembly in the balance of institutions in this country that is under offence.

Mr. Speaker, Sir, as we sit right now, five cars, including two cars which tried to block our way this morning when we were coming with hon. Gatabaki are around the precincts of Parliament. We all know whom they are waiting for. How can we pretend that we are going to come in and talk nicely about Co-operation across the Floor, about the dignity of the National Assembly, about good Governance when hon. Members of Parliament are being treated like ruffians chased by foxes in the wilderness. How can we go on and pretend that the contributions of hon. Members in this House are not going to be interfered with? If nine critical Members of the National Assembly are holed up trying to beg the police not to break into the house of an hon. Member, how can we pretend that it is just a coincidence that every person who is being arrested is a hon. Member of the Opposition? How can we pretend any more hon. Members, that it is normal, when they are chasing you the whole night and you appear at the police station and all they ask you is whether you know one young man called John Odongo, like it happened with hon. Prof. Anyang'-Nyong'o? The mood and the substance of our contribution in this House are seriously getting compromised because we are letting elements of the Forces of this country abuse the integrity and the dignity of hon. Members. We cannot pretend that we are hon. Members if a policeman can arrest you and all he wants to tell you in the first place is: "Wewe leo utaona cha mtema kuni. Utaona ni nani mwanaume". That is the way the Officer Commanding Police Division, Kitale, once told hon. George Kapten when he was arrested last year. Our dignity, even before the electorate of this country is suffering very grievously. What happened to hon. Mungai early last year when he was arrested, he slept in a packed police cell where, because of the little space, you take turns at lying on the floor and others lying on top of you. After some time, you let that person lie down and you lie on top of him. This is what is happening to hon. Members and this is what we are accomplices in the commission by our silence and by pretending that it is not affecting us

and by pretending they are criminals and that is why it happened to them. There is nothing criminal about this. Hon. Members are dignified Members of the society. If they have committed any crime, there are certain procedures. I am glad an hon Member who is coming to second this Motion will go into the details of what would be a dignified way of dealing with an hon. Member who is suspected to have committed a crime. What I am talking about is that our collective dignity, our collective contents in dialogue in Parliament and outside Parliament, the very survival and strengthening of the institutions of democracy are under siege because we are allowing the police to behave as if they are a law under themselves. We are allowing the Ministers responsible for the police to come here and joke like it is a smiling matter, talk like it is a simple matter, laugh and then talk away, and say: "I am not aware". Go away and have a peaceful night". This cannot be for ever. At least, the Opposition side of the House cannot continue to pretend that we are going to have dignified debates and we are going to respect institutions of governance, and we are going to call ourselves hon. Members and at the same time our numbers are being depleted on daily basis because on average, at any one given time, there is an Opposition Member of Parliament in police custody.

With those few remarks, I beg to move and ask hon. Kiraitu Murungi to second the Motion.

Mr. Murungi: Thank you, Mr. Speaker, Sir. I rise to second this very important Motion. It is becoming very difficult for us in the Opposition to call ourselves hon. Members when our children are seeing on television, our homes being raided by the police and doors being broken with gun bats to look for a person who has not killed anybody. We are not saying that we are Opposition Members of Parliament, we should not be arrested if we commit crimes. However, we are saying that we should be treated with dignity and that if one of us commits a crime, he is arrested in a dignified and civilized manner.

Mr. Speaker, Sir, we have the law in this country where the police are supposed to use P22 Forms to summon any suspect to report to a police station. However, these days, the police do not use P22. They come to your house at midnight or 6.00 a.m. in the morning. The police today are not following the Constitution or the Criminal Procedure Code or even the Police Act. They have become agents of lawlessness in this country and now there appears to be no difference between them and cattle rustlers and bandits.

Mr. Speaker, Sir, we in the opposition think there is a strategy to criminalize the Opposition Members of Parliament in the eyes of the people so that we lose elections in 1997. They want our people to stop treating us as leaders but as criminals. However, Kenyans know who criminals are! In this country, we have a system of democracy which is enjoyed only by the top Kanu elite, but for the Opposition and the rest of Kenyans, the system is dictatorship. As I talk here now, no Kanu Member of Parliament has ever been arrested since 1992. It is only Members of the Opposition who are always arrested. Today, we are accused of the so-called sedition, tomorrow we are accused of warlike activities and another day, we are accused of holding illegal meetings and so on. We have in this country, whims of colonial laws under which this Kanu Government is harassing us.

Mr. Speaker, Sir, the lesson that the leaders in Kanu do not seem to have learned is that the political life is a short one. Hon. Kihika Kimani here was a great man during the days of the late Jomo Kenyatta but now he is sitting right at the back in the Opposition. I know that in 1998, some of you who are seated in the Government Bench, will be sitting at the back there and you will be the ones being arrested. We want the Kanu leaders in this country to learn that one day, depending on how they treat us, it will be their time to cry. They will regret the mistakes which they are committing today. The same policemen who used to sing and dance for Hybarimana in Rwanda, are the same policemen who are burying his people in mass graves. Let us not forget our next door neighbour. Siad Barre, after oppressing and killing his people, he himself died in exile in Nigeria. Mengistu Haile Mariam passed through here on his way to Zimbabwe. Obote passed through here on his way to Zambia. Do you think God loves you more than he loves those people. Today, it is Gatabaki who is crying, but tomorrow, it will be hon. Kones, Biwott G.G. Kariuki and others. Let us look at a system---

Mr. Biwott: On a point of order, Mr. Speaker, Sir---

Mr. Murungi: Mr. Speaker, I was just giving an example and I have nothing against hon. Biwott.

Mr. Speaker: What is your point of order, Mr. Biwott?

Mr. Biwott: On a point of order, Mr. Speaker, Sir. Is the hon. Murungi in order to insinuate that---

An hon. Member: Where is Ouko!

Mr. Biwott: You know where he is, you tell us.

Hon. Members: It is you who knows where he is!

Mr. Speaker: Order hon. Members! Time is running out!

Mr. Biwott: Mr. Speaker, Sir, is the hon. Member in order to insinuate that we are going to run away from this country?

Hon. Members: Yes, very soon!

Mr. Speaker: Order hon. Members!

Mr. Murungi: Mr. Speaker, Sir, all I am saying is that those who are committing crimes by harassing the Opposition will run away when the Opposition comes to power. However, we have the time to streamline things because we want to be with you here in the year 2000 smiling and having tea together with us in the Opposition. You are in control of the police who are committing all these crimes, please tell them that we do not want war in this country. We want to have tea with Biwott and other people in the year 2001. Please stop harassing the Opposition; stop sending the police to raid our homes.

With those few remarks, I beg to support.

(Question proposed)

The Minister for Education (Mr. Kamotho): Thank you, Mr. Speaker, Sir, for giving me this chance to make a few observations on this Motion. I would like to say that I am surprised to hear from the Mover that there were 100 policemen to a house of a Member of Parliament. What evidence can be produced here to prove that there were 100 policemen in hon. Gatabaki's house? Those are lies and I do not think we should listen to such because they are baseless.

Hon. Members: No! No! No!

Mr. Speaker: Order Mr. Kamotho! You know the word "lies" is unparliamentary and you should not have used it. You must withdraw and apologize to the House.

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, I withdraw the word "lies". I would like to inform hon. Members from the Opposition that if they all plead for good governance, they must know that good governance demands that respect of law and order is safeguarded by all those who are concerned, irrespective of their party affiliations. Those who are harassed or arrested for breaking the laws of the land, and therefore---

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

Mr. Speaker: Order hon. Members! Five minutes is an extremely short time and I would like the hon. Member on the Floor to contribute without any interruption. Proceed, Mr. Kamotho!

The Minister for Education (Mr. Kamotho): So, Mr. Speaker, Sir, whoever is harassed by the police, it is not because of his political affiliations, but because of his behaviour. Therefore, the party should not be blamed for this.

Mr. Speaker, Sir, I would like to tell the hon. Members of the Opposition to note one thing: That whenever we are near a by-election or general elections, they have a tendency to behave in a very erratic manner. They behave violently; they abuse people; they hold illegal meetings where they abuse Kanu and the Government. Therefore, the police are entitled to ensure that peace, justice, law and order is maintained throughout. The other point I would like to make is that, we in Kanu know that police behave in a very civil manner. What happens is that when Members of the Opposition are summoned by the police to make a statement in a police station, they defy such legal orders. However, when the police take action, they come here to use the privilege of this House where they pour insults and abuse to the police. This is unfair! It is proper that all of us behave in a civilized manner, irrespective of whether we are in the opposition or in the Government. So, it is absolute nonsense for the Opposition to come here and claim that certain people in the society are being unfairly harassed by the police. Why do they break the law in the first place? An organization like the Mwangaza Trust is an illegal organization and therefore---

Mr. Muite: On a point of order, Mr. Speaker, Sir. Is the hon. Nominated Member, "arap Kamotho", in order to insinuate that Mwangaza is an illegal organisation when he is aware that there is a court judgment by the High Court of Kenya which he ought to respect? The High Court of Kenya has said that Mwangaza can continue to exist and it is a legal and lawful organisation.

Mr. Speaker: Very well, Mr. Muite. I think this House takes notice of all judgments. Proceed, Mr. Kamotho.

The Minister for Education (Mr. Kamotho): Mr. Speaker, Sir, they have also mentioned it in their own Motion. Therefore, we are not discussing Mwangaza and I have just mentioned it. But it is one of the cases which is making Members of the Opposition to be very hostile to the Government. However, I would like to assure them that come 1997, we are ready for them and most of them will go home! Come the by-elections which are forthcoming, we will beat them left and right. Therefore, they should not use this House to pour venom to the Government and the ruling party Kanu. I oppose!

(Applause)

Mr. Kibaki: Mr. Speaker, Sir, this Motion is much more serious than the hon. Kamotho thinks. This matter challenges or goes to the root of the dignity of this Parliament and I am sure every hon. Member - mark the word "honourable" - because the title must be earned and must be meaningful. Every hon. Member would want the Members of this Parliament to be given proper respect by Parliament and by everybody. This institution of Parliament cannot do its duty unless we give it the dignity it deserves. This Parliament cannot remain supreme if an ordinary Member of this House can be arrested any time and by large forces of policemen who invade one's house, break doors, and even break the entrance to bedrooms of children. That was the behaviour of the fascists in Governments of Musolin and Hitler. It is a fact of history! It is not the Government of any civilized nation which can use policemen as gangsters. Policemen are policemen and not gangsters. So, let us not downgrade them to be gangsters, which is what is now being done. In fact, if you watch those people--- I have watched them now stopping me from going where I want and I have seen they are themselves. They say so: "Tunafanya kazi tu; sisi tumeamrishwa; we are on duty". They are ashamed of what they are doing! If you do not know, the policemen are, in fact, ashamed of the manner in which they are being misused to suppress people, particularly hon. Members of Parliament from the Opposition. There seems to be a deliberate decision that Opposition Members must be humiliated because even when you are given a licence to hold a meeting, they still organise to humiliate you in that meeting and close that meeting. They also come and escort your car wherever they want to take you.

Secondly, Mr. Speaker, Sir, the issues we are raising is not whether or not a Member should be arrested. A Member must be arrested if he has committed an offence. But one police officer is enough to arrest a Member of Parliament. One police officer is enough to give me instructions as to where I should go. But when you get a gang authorised to "jump over the hedge" it shows a disorderly action; it shows people who are decided to demonstrate power as if they are not confident, because they have no confidence in themselves. It shows people who want to generate fear; it is intimidation because if you want to arrest an hon. Member of Parliament, say, hon. Gatabaki, why do you send a whole battalion to his house? Why do you not send two policemen? They can do the job! Nobody has heard that hon. Members of Parliament have attacked any policeman. We are all hon. Members and we are willing to be arrested, if we have committed any crime. Let it be done properly. But the point I really want to make is that the Government should not think that this is a Kanu matter; this is a question of having respect and dignity for this Parliament. It is an institution that is very critical to the life of this nation. Truly, if we go on encouraging disrespect for policemen by misusing them, we are encouraging people one of the days to retaliate by attacking them. Now, policemen are our brothers and sisters and we do not want their dignity lowered by people who have political agenda. Policemen must serve all Kenyans. They are taxpayers' servants. We are paying taxes for their wages and we are entitled to their treating us with dignity and protecting us. We do not want the policemen to be viewed as if they are youthwingers. Strengthen your youthwingers and give them uniforms, if you want to and they will be known as "Kanu youthwingers". But policemen, for whom we pay taxes, must remain dignified. They cannot remain dignified if they go on being misused the way they are doing at the moment. That is all we are protesting against. I am appealing that the Government stops the line of thought displayed by the Nominated Member for Kangema who has no right whatsoever to say such things! Sir, I beg to support.

(Applause)

Mr. Biwott: Mr. Speaker, Sir, there is no doubt whatsoever that the dignity of this House is paramount, and that every hon. Member must be dignified or must walk about in a dignified manner. There is no question about that. Also the hon. Member must be so dignified that his respect throughout the country is in that standing, so that he can contribute as a national leader to the development of this country and the welfare of our nation.

Mr. Speaker, Sir, the question of arrest and confinement of people is a terrible thing; I hate it myself and I would not like to see anybody being arrested and locked in. That dignity also demands self-respect, self-restraining and self-confidence. It also demands of an hon. Member of this National Assembly to know what the law is all about so that he can set a good example to those he represents and the entire nation.

To that extent, Mr. Speaker, Sir, if it is true that what was talked about yesterday and it is in the newspapers today that hon. Gatabaki suspects that he may have been arrested because of what he wrote in his paper, if that is true, then he should view the policemen as his friends. He can go and give that good information that he has, so that the cause of justice in this country can be advanced. In fact, there is no reason why he should be afraid to go and see the policemen and furnish them with wonderful information which the Attorney-General

will also look at.

Mr. Speaker, Sir, there is also another thing which the hon. Members ought to be aware of. In the past, it was a good thing to be arrested so that you can use that as a passport to State House. The people who have been arrested in the past have done that. I am introducing that, so that our friends across, the hon. Members of the Opposition, should not think that just by being arrested you can become the Government of tomorrow. We are strong enough, I think we will sustain here and we will be here in 1997 and beyond, and there will be no running away, as the hon. Member has alleged.

(Applause)

Mr. Speaker, Sir, I do agree with the Mover of this Motion that the dignity of a Member of Parliament is at stake and it is for this House to look for a solution, so that our Members can be dignified and that even the mode of arresting them can be in a more civilized manner. I watched Kenya Television Network (KTN) yesterday when I got the news. I personally was not amused by that thing. There could be a better way of arresting hon. Members. I think hon. Members who are careless and reckless should make it a point, especially like hon. Gatabaki, to go to the Police Station and furnish them with all the information that he has been so proud to write about. He should really salute them and take those policemen as friends.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member for Kerio South to keep referring to my name, knowing very well he ordered the policemen to come and intimidate, harass and arrest me?

Mr. Speaker: Order! Can I make a very quick general direction. Let us not personalise debates. Proceed.

Mr. Biwott: Thank you, Mr. Speaker, Sir. I think the hon. Member has a problem. We have had these arrests around here several times and we have talked about them in this House. I think it is time that we sat as a House, as hon. Members of Parliament and discuss our own conduct in this place. We should also revisit the terms of the privileges of this House and also hold seminars so that we can have a kind of a civic education with the Police, provincial administration and with everybody else, so that we can have a very good thing. I think we should know that the Minister responsible is hon. Kalweo and I think hon. Gatabaki should know that.

Mr. Shikuku: Thank you, very much Mr. Speaker, Sir, for giving me this opportunity to say something about this very House. I will not tire. I would like to tell my hon. friends that this is the highest institution in this land. It is the only voice of the people. When you talk of an hon. Member of Parliament, you are not talking of an individual. You are talking of thousands of people who brought him or her into this Parliament. This is the highest institution in which every mwananchi has hope and faith but it can be destroyed by a few of us here. Let us know that when you arrest an hon. Member of Parliament, you are actually arresting the people and the police must be told that. If you want security in this country, let them know that some of us are not nominated, we are elected and if we say a word, we have supporters who can turn this country to be a very insecure place even for my brothers across the Floor. Some of us if somebody dares touch us, there will be insecurity in the whole Republic.

Mr. Ndotto: No! No!

Mr. Shikuku: I can hear my hon. friend, a nominated Member, shouting at the top of his voice, hon. Ndotto.

Mr. Speaker: Order! Again---

Mr. Shikuku: Let him watch when I am on my feet. This is the voice of the people.

(Laughter)

If we do not want to respect that, then we are looking for trouble. We do not want trouble. So, if we do not want trouble, let the police know and whoever is sending them, that we want peace and that peace cannot come when the humiliation of the very people they have faith in, is going on. Everything has got its own time. You can push the people up to a certain stage beyond which they will tell you, you either take us or we take you. We have got enough problems of employment, of people who have qualified and have no hope of getting a job, of famine, and of people importing maize when others have nothing to eat. This is a society that is very explosive and, therefore, I appeal to my hon. friend that the dignity of this House must be upheld. It is not a question of hon. Gatabaki. Yes, it may be hon. Gatabaki but tomorrow it will be somebody else. Nearly all for us on this side of the House have been arrested. The hon. Mover of this Motion did not go through his list. If you ask how many people have been arrested on this side and I ask them to stand up including myself, you will be surprised, you will have less than

seven who have not been arrested.

*(Several hon. Members from the Opposition
who have been arrested stood up)*

Mr. Speaker: Order!

Mr. Shikuku: You can see that there will be very few hon. Members left on their seats who have not been arrested. I too have been arrested. To make it worse, I have never been charged up to today, yet I was at Gatundu Police Station for a full day and night. Is this not harassment? Just because I wanted to go and find out what had happened to hon. Icharia, they also grabbed me.

(Laughter)

I can see the hon. Minister laughing. This is not a laughing matter. The dignity of this House is being eroded and we as hon. Members, whether we are in the Opposition or in the Government, we must be concerned. I am sure, you allowed this Motion so that we can restore the dignity of this House. We do not refuse being arrested for any crimes committed by any one of us. No, that is out but we would like to be treated as elected, dignified hon. Members of this society. That is all we are asking. We are asking the police not to be invading our houses at night. I am glad the hon. Biwott spoke his mind. He was not amused when he saw what happened on television last night. Any sensible hon. Member of Parliament cannot be amused, except of course, Mr. Kamotho.

(Laughter)

We want the hon. Members on that side and this side to stand united on the dignity of this House. I would rather go by hon. Biwott's suggestion that we start with the Sessional Committee and we call a meeting here to rebuke the behaviour of the police and rebuke those who sent them and sit together and make sure that this House is respected and hon. Members are respected.

Mr. Biwott: On a point of order, Mr. Speaker, Sir. I did not say that we call a meeting here to rebuke the police. The police are doing a good job.

Mr. Kariuki: Mr. Speaker, Sir, I am glad I have this opportunity to also air my views over this matter. I would like to say the following; it is important that this Motion came to the House at the right time. I have been an hon. Member for quite a long time and I have never supported harassment of any hon. Member in this House. Equally, I have never approved the actions sometimes taken by the hon. Members of this House. Hon. Members of this House are very important representatives of the people but at the same time, they should be very important people who display the best behaviour in this country. What about the people who cannot come to this House to explain their problems on whether they are harassed by the police or not? What was screened yesterday on the television as the hon. Member of Parliament says, was not a matter to laugh or play around with. The question is: "Why should hon. Members of Parliament assemble in an hon. Members' House to represent a Member of Parliament there? Are they all lawyers? Why did they behave like this? One of the hon. Members claimed that the police are behaving like youthwingers. The police are not behaving like youthwingers. Who starts what? Is it the police who come and start chasing an hon. Member or is it an hon. Member who commits a crime and behaves like a youthwinger?"

Mr. Speaker, Sir, the dignity of this cannot be universal because it is up to each hon. Member to decide how he wants to behave. If you say that we maintain the dignity of the House, are we going to create a classroom through which all of us must go, and learn how to maintain it? The dignity of this must be maintained by hon. Members individually and not by all of us collectively. This is because some of us do not even deserve the dignity they claim to have. It is important that---

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I hate to interrupt my hon. friend, but he says that some of the hon. Members do not deserve dignity! I think we are all hon. Members! So, which hon. Member is he saying does not deserve to be honourable?

Mr. Kariuki: Mr. Speaker, Sir, those hon. Members who assembled in hon. Gatabaki's house and hon. Gatabaki himself do not deserve the dignity of this House. Why should they all go---

Mr. Gatabaki: On point of order, Mr. Speaker, Sir. The hon. Member has referred to me in a derogatory manner. Is it in order for somebody who has been recycled into the House to refer to other hon.

Members of the Opposition---

Mr. Speaker: Order, hon. Gatabaki! It is tragic, indeed, that we should sit here to discuss how we should uphold the dignity of this House and yet in the same breath we are abusing that dignity by abusing its own regulations! Can we all hon. Members uphold the dignity of the House? I will not tolerate any hon. Member discussing the conduct of any other hon. Member here. This Motion is not for hon. Gatabaki!

Mr. Kariuki: Mr. Speaker, Sir, it is not an issue of debating the dignity of this House. Every hon. Member is expected to be dignified and is not expected to be playing around with policemen! We have to accept that an hon. Member should not hide away from the policemen.

Mr. Muite: Mr. Speaker, Sir, it is clear to the majority of us on this side of the House that there is here, a definite policy by this Government to harass and intimidate systematically, hon. Members of the Opposition into silence. Let us be blunt about it. The reality is that the offences in respect of which the majority of Members of Parliament from the Opposition are being arrested are in the majority of cases, wholly fabricated. The policy is deliberately to harass hon. Members of the Opposition on fabricated charges. As we speak here, the hon. Gatabaki is being waited for by vehicles that have surrounded the precincts of this Parliament. Could we have an assurance by the Minister in charge of internal security that they are not going to arrest hon. Gatabaki tonight? They are determined to arrest him tonight. As we speak here, the police are looking for the hon. Member for Ntonyiri, hon. Maore. What offences have these two hon. Members committed? The hon. Maore merely spoke at a public rally which was disrupted! The hon. Gatabaki has written words that--- First and foremost, sedition sections in the Penal Code contravene the Constitution and ought not to be there. They should not be used whatsoever, to intimidate and harass hon. Members of the Opposition, including the requirements of the Public Order Act. In a democratic society they should not be there.

The real trouble is that this Government has not accepted multi-partyism! The hon. Members of the Opposition are being accused that they are the cause of corruption, whereas everybody knows that there is high level corruption. What high level corruption can we indulge in when we are not in the Government? The real cause of the harassment is that this Government - and this has been said from the highest quarters - has not accepted multi-partyism. What offence has hon. Gatabaki committed by reproducing the article that linked the hon. Member for Kerio South with the murder of the late Dr. Ouko when, in fact, he was connected with that murder in the Troon report? Troon was brought here by the same Government! If you walk in the streets and ask the people who killed Miss Julie Ward they will tell you that it is hon. Biwott!

(Prolonged applause)

Mr. Speaker: Order! Order, hon. Members! Do you know what that means? The longer you continue to applaud, the more Mr. Muite's time moves on!

Mr. Biwott: On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to suggest that I was connected with that murder? I was not connected with it whatsoever!

Hon. Members: Troon report! Troon report!

Mr. Biwott: Mr. Troon never concluded investigations! He said that---

Mr. Speaker: Order! A few minutes ago I made a ruling that there is no Motion to discuss the conduct of any hon. Member; neither that of hon. Gatabaki nor that of hon. Biwott. This Motion is asking for the upholding of the dignity of the House. Mr. Muite, you are not upholding the dignity of this House by discussing the conduct of an hon. Member without a Motion for that purpose. All of you will desist from doing that.

Mr. Muite: Mr. Speaker, Sir, I am trying to emphasise and I do emphasise that we are being arrested on fabricated and non-existent charges. I am saying that hon. Gatabaki has committed no offence whatsoever. However, he is not going to spend tonight with his family. Vehicles which are being maintained by tax payers' money are surrounding the precincts of Parliament and the police are determined to arrest him. This is a serious matter. The issue is deliberate harassment of Members of the Opposition. What offence does a Member of the Opposition commit when he addresses a public meeting? Let us be told where Julie Ward is!

Mr. Speaker: Order, Mr. Muite! I am afraid that it is now time for the Government responder.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir---

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. We are seeking clarification from the Chair. Is it the Minister of State, Office of the President or the hon. Leader of Government Business who should respond?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, I am in charge of the police and the whole issue is the police and since I am in charge of the police I should speak on their behalf.

(Loud protests from hon. Members)

Mr. Speaker: Order! The hon. Members are changing the role of the Speaker to that of a prefect. Now, the role of the Speaker, I am quite prepared and able to perform. That of the prefect, I am neither prepared nor willing to perform. It is the business of the Government to decide who will respond on their behalf and I cannot appoint who will do that.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, all that the Opposition Members are after is to carry out more heckling so that we can say nothing. We should be dignified enough to listen to the other side of the House. The reason why we are seated here is [**The Minister of State, Office of the President**]

very important, and we know where we are heading to. Therefore, if you are hon. Members, why do you not bear with us and listen to what we are deliberating here?

Mr. Muite: On a point of order, Mr. Speaker, Sir. Is the hon. Minister in order to say, by way of doubting us, that "if you are honourable", and yet he was chosen by the hon. Member for Kerio South to reply to this Motion!

(Hon. Biwott stood up)

Mr. Speaker: Order! We are making a mockery of the whole request. If we want this House to maintain its dignity, we must give it, first and foremost, ourselves. Can we hear the Minister in total dignity? Can we hear what he has to say?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, the Vice-President has requested me to give him five minutes to address the House, but I will give him two and a half minutes only.

(Applause)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I am glad my hon. colleague, Mr. Kalweo, has given me this opportunity out of the time granted to him. From the very outset, I want to say that one thing that we must all be agreed upon is the upholding of the dignity of this House. That is important. By virtue of the fact that everyone who sits here is elected by the people and he carries the dignity of the people here, to that extent, I want to say most clearly that all of us subscribe to that. I want to say that for us to be seen to be dignified, each of one of us must equally be the upholder of that dignity in conduct, both in this House and outside. At the same time, I want to say that if we do not respect the legislation that we make in this House, we cannot expect the wananchi who have all the confidence in us to respect the legislation. If we do not do that, what will happen is that we will end up by having a lawless society. I do not agree that we should use this platform to denounce the police and intimidate them. If we do so, it is important that we look at the other side of the coin. We are all human beings and I do not, for a moment, want to say that any human being is infallible. But I think we will be making the biggest mistake if we use our privileged position here to intimidate the police because the majority of them are dignified people and they are doing their job very well. I think we, of all people, are the ones who should demonstrate that fact.

Mr. Speaker, Sir, having said that, I do believe, quite frankly and I must state clearly here that if you are an hon. Member and you have made a violation or, may be, it is assumed that you have violated a certain legislation, and if you are called, even if it is me, please offer yourself. If you fail to offer yourself, the next thing is that the police will come for you. We have seen cases where some of us, when the police have come for us, we have even engaged them in a confrontation. Let us avoid the politics of confrontation. We have been having these confrontations for a very long time, since the last general elections. At this time, what I would like to see is the two sides of the House sitting together and finding out the best way in which we can uphold the dignity of this House. But if some of the hon. Members from the Opposition side use their privileged position to attack some of the Members here individually, are you then upholding the dignity of this House? I do not think you are doing so.

Neither do I believe that shouting epithets will uphold the dignity of this House, for example, saying that tomorrow you are going to be thrown out and you are going to be in the cold and you are going to be put in prison like my good friend here, hon. Murungi said to me. What I am asking for is that for the sake of the stability of this nation, let us all be united in the spirit of comradeship for the purpose of building this nation. What has brought about the situation in Rwanda? Only the other day, more than five million people were killed. Several people were killed in Burundi. What has brought about this? It is what we call lawlessness.

An hon. Member: Your five minutes are over!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I would like to end on this note: I would like to urge the whole House to subscribe to a commonality of upholding the dignity of this House and let us respect the rule of law. Let us not intimidate the police.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, as a follow up of what hon. Saitoti said, I would like to tell the House that the police are not harassing anybody. What is there is respect and as you know, respect should be a two-way traffic. For example, how come that those who claim that they have been harassed are lawyers, newsmen and Members of Parliament? That means they have been summoned by the police and refused to go. They are saying they have been harassed because of people like Muite and his Mwangaza which is illegal; we have the Gatabaki issue and many others---

Mr. Muite: On a point of order, Mr. Speaker, Sir. Hon. Kalweo is talking about "people like Muite". He should say "hon. Muite, the Member for Kikuyu".

Mr. Speaker: Order! Order! Do Members not listen? I have said that no hon. Member shall be given as an example.

An hon. Member: He does not understand!

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, all that I am saying is that the police have not used any excessive force like shooting or beating defenceless people. When anybody is invited by the police, they should obey them. It is a matter of common knowledge that where there is some problem, it should be known. Therefore, the hon. Members should be respectful. I stand here to firmly state that my police are not harassing anybody. However, hon. Members should be law abiding leaders of this nation. Members should avoid incitement. I do not want to name anybody, but some of the hon. Members drink even after the legally stipulated hours. Why have they not been harassed? Why should you hold illegal meetings? I do not agree with the Members that the police are harassing people. But we should not act as inhuman beings. We are all Kenyans and the police are also reasonable and capable of reasoning.

ADJOURNMENT

Mr. Speaker: Order! Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 27th April, 1995, at 2.30 p.m.

The House rose at 6.30 p.m.