

## NATIONAL ASSEMBLY

### OFFICIAL REPORT

Wednesday, 2nd April, 2003

The House met at 9.00 a.m.

*[Mr Deputy Speaker in the Chair]*

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.091*

#### CONFISCATION OF FAKE CURRENCY

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

*Question No.102*

#### COMPLETION OF KERUGOYA/KUTUS ROADS PROJECT

**Mr. Karaba** asked the Minister for Roads, Public Works and Housing:-

- (a) why the tarmacking of Kagio-Baricho-Kerugoya, Njengas-Baricho-Kibirigwi Road was abandoned in 1985;
- (b) what urgent steps the Minister has to complete the project; and,
- (c) who the contractors were and how much money they were paid.

**The Assistant Minister for Roads, Public Works and Housing** (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The tarmacking of Kagio-Baricho-Kerugoya and Baricho-Kibirigwi roads was abandoned in 1989, and not 1985, due to lack of adequate budgetary provisions. The Njengas-Baricho Road was not part of the construction contract, which comprised of Kagio-Baricho-Kerugoya Road, D455, a stretch of 18 kilometres, and Baricho-Kibirigwi Road, D454, a stretch of seven kilometres.

(b) The roads fall directly under the purview of the District Roads Committee and they will be dealt with in accordance with the plans and priorities of that Committee.

(c) The first contractor to be awarded the job was M/S Niazsons(K) Limited in November, 1986, and had been paid Kshs15,582,620.60 by the time the contract was terminated in December, 1987. The second contractor was M/S Firoze Construction Company Limited, who was awarded the job in May, 1988, and had been paid Kshs40,699,029.90 by the time the second contract was terminated in August, 1989.

**Mr. Karaba:** Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer which I have already got. But I would like to bring to the attention of this House that, if that road was abandoned in the year the Assistant Minister has given, it has taken the Government over ten years. If you imagine that the road was abandoned at that time, they should have gone back to complete it. Since that time, many other roads in Kenya have been constructed and others have been designed. Of course, of late, we had the Mombasa-Nairobi Dual Carriageway completed. That road has been an eyesore, going by the fact that, that road was murramed. The company removed all the murram, thus making the road impassable. Bridges which were constructed were also abandoned and steel structures vandalised, leading to the road becoming an eyesore. I would like to plead with the Ministry to think about the reconstruction of the road.

**Eng. Toro:** Mr. Deputy Speaker, Sir, the state of that road is very pathetic because it appears proper budgetary allocations were made for the road and yet, contracts were terminated! I would like to assure the hon. Member that the Ministry is prepared to look into that case afresh and see whether funds could be allocated to finish the work that was started.

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that the construction of the roads was stopped because of budgetary constraints. They had one contractor and then the same Ministry, having duly considered the contract, awarded the same project to another contractor! It is not proper to say that the construction of the roads was stopped due to budgetary constraints. Since 24 per cent of the Fuel Levy is under the District Roads Committees, which are under the Assistant Minister, could he order the District Roads Committee to allocate funds to complete those roads once and for all?

**Eng. Toro:** Mr. Deputy Speaker, Sir, that is what I said. The Ministry will re-examine that project again. That is because, as I answered in part (c), the construction of the road was terminated in 1989. It is a long time ago and the portions which were done, as the hon. Member says, have already deteriorated and we have to look at the issue of fresh designs. It is not a question of finishing the work which was terminated, but it is a question of making designs afresh.

**Mr. Karaba:** Mr. Deputy Speaker, Sir, that road passes through a very important agricultural region in Kirinyaga. Going by the fact that only two kilometres of the road, from Kagio towards Baricho, were tarmacked, it means that there was an attempt to show that the contract was not fake. If it is true that the road was designed and the funds were given by the Central Government, it is futile to say that there are District Roads Committees. They did not exist at that time. So, we need to know, from the Assistant Minister concerned, whether that road will be given priority and if so, when it will be prioritised.

**Eng. Toro:** Mr. Deputy Speaker, Sir, it is not correct to say that only two kilometres of the road were tarmacked. By the time the contract was terminated, the contractor had tarmacked five and a half kilometres of the road, including Kagio Township, and a few improvements were done on the road.

However, due to the present classification of roads, the Roads Department in the Ministry is handling Classes A, B and C roads. This is a Class B road. Classes D and E and other non-classified roads are handled by the District Roads Committees (DRCs). We will have to look into the issue of this road as a special case because the Roads Department in the Ministry handles Classes A, B and C roads. That is why I said that the Ministry will re-examine these roads and see whether designs can be redone, or what can be done, and discuss the issue with the Kenya Roads Board.

*Question No.104*

TARMACKING OF KANGONDE-KITUI-  
MUTOMO-KIBWEZI ROAD

**Mr. Deputy Speaker:** Is Mr. Ivuti not here? We will leave his Question until the end.

*Question No.136*

REHABILITATION OF RIVER MUINGA BRIDGE

**Mr. Ndambuki** asked the Minister for Roads, Public Works and Housing whether he could consider rehabilitating the bridge which was removed from River Muinga (on Katumani-Wote Road) in February, 2003 and have it erected on any one of the rivers in Kaiti Constituency.

**The Assistant Minister for Roads, Public Works and Housing** (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to seek the indulgence of the Chair to have this Question deferred.

We have received conflicting information from the district. This bridge was moved to another constituency and the hon. Member says that it should be in his constituency. We have conflicting correspondence, and I beg that we defer the Question to next week for us to sort out the conflicting information which has been given to the District Roads Committee.

**Mr. Deputy Speaker:** Is that okay with you Mr. Ndambuki?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I agree to that, but I would like to make an appeal to the Assistant Minister. This bridge has been in Kaiti Constituency for many years, and we have other five rivers on which the bridge could be erected to join Kaiti Constituency to Mbooni and Kilome Constituencies. It should not be moved to another constituency.

**Mr. Deputy Speaker:** Let us talk about that issue when the Question comes to the House next Wednesday.

*(Question deferred)*

*Question No. 106*

EMPLOYMENT OF PRIVATE TTC GRADUANDS

**Mr. Manoti** asked the Minister for Education, Science and Technology:-

- (a) how many primary school teachers graduated from private and public colleges from 1996 to 2002; and,
- (b) how many of these teachers have been employed by the Government.

**Mr. Deputy Speaker:** Minister for Education, Science and Technology! Is he not here? We will leave the Question until the end.

*Question No. 164*

CONSTRUCTION OF KIBABII TTC

**Mr. Bifwoli** asked the Minister for Education, Science and Technology:-

- (a) how much money has been spent on purchasing land and the construction of Kibabii Teacher Training College (TTC) to date;
- (b) who the contractor for the TTC was and why the construction has stopped; and,
- (c) when the construction is going to resume and when the TTC will be opened.

**Mr. Deputy Speaker:** Is anyone from the Ministry of Education, Science and Technology here? We will leave the Question until the end.

*Question No. 174*

GOVERNMENT EXPENDITURE ON SCHOOLS INSPECTION

**Mr. Deputy Speaker:** Is Mr. Akaranga not here? We will leave his Question until the end.

*Question No. 103*

MEASURES TO CONTROL FISHING IN LAKE VICTORIA

**Mr. Deputy Speaker:** Is Dr. Oburu not here? We will leave his Question until the end.

*Question No. 094*

MISAPPROPRIATION OF MUKA-MUKUU SOCIETY FUNDS

**Mr. Deputy Speaker:** Is Mr. M.M. Maitha not here? We will also leave his Question until the end. I will call the Questions for the second time.

*Question No. 091*

CONFISCATION OF FAKE CURRENCY

**Mr. Deputy Speaker:** Mr. Mwenje still not here? His Question is dropped.

*(Question dropped)*

*Question No. 104*

TARMACKING OF KANGONDE-KITUI-  
MUTOMO-KIBWEZI ROAD

**Mrs. Mwendwa**, on behalf of **Mr. Ivuti**, asked the Minister for Roads, Public Works and Housing:-

(a) whether he is aware that Kangonde-Kitui-Mutomo-Kibwezi Road is important, especially for Kitui and Eastern Province as a means of reviving the economy;

(b) as the road is currently impassable, whether he could take urgent measures to have it repaired; and,

(c) what long-term measures he is putting in place to tarmack the road.

**Mr. Deputy Speaker:** Mrs. Mwendwa, what you have done is out of order!

**Mrs. Mwendwa:** Mr. Deputy Speaker, Sir, I am not out of order because Mr. Ivuti requested me to ask the Question on his behalf. Secondly, the road in question is in Kitui District. So, I am quite in order.

**Mr. Deputy Speaker:** But the responsibility to ask the Question is on Mr. Ivuti. Are you saying that Mr. Ivuti requested you to ask the Question on his behalf? If that is so, why did it take you such a long time before you decided to ask the Question on Mr. Ivuti's behalf?

**Mrs. Mwendwa:** Mr. Deputy Speaker, Sir, I was consulting with my friend, Mr. Ogur, and I did not hear you when you first called out the Question.

I apologise for that.

**Mr. Deputy Speaker:** Hon. Members, I have given Mrs. Mwendwa the benefit of the doubt.

**The Assistant Minister for Roads, Public Works and Housing** (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the 202-kilometre long Kangonde-Kitui-Mutomo-Kibwezi Road, Road B7, is important, especially for Kitui and Eastern Province, as a means of reviving the economy of this country.

(b) I am not aware that the road is impassable because it was recently reconstructed to gravel standard at a cost of Kshs281,180,032. The Ministry will not take urgent measures since the road is motorable. The Ministry is, however, rehabilitating Athi and Ikutha Bridges along the road at a cost of Kshs262,668,000 that has been voted in this fiscal year, 2002/2003.

(c) My Ministry has long-term plans to have this road constructed to bitumen standard as a long-term measure. In this respect, my Ministry has included this important road-link across the country to the road network of the East African Community, that will soon be discussed by the East African Transport Ministers and the roads development partners.

**Mrs. Mwendwa:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that over Kshs200 million was spent to repair this road. That is a colossal amount of money. As we speak, it is not possible to travel from Kitui Town to Mombasa. You will have to travel from Kitui to Machakos and then proceed to Mombasa. Where was this money spent?

**Eng. Toro:** Mr. Deputy Speaker, Sir, this money was used as follows:-

The road was gravelled and the gravelling was completed in the year 2000 as detailed below.

(i) The Kitui-Mutomo section, which is 64 kilometres long, was re-gravelled at a cost of Kshs91,878,870. Work on this section of the road was started on 14th March, 1998 and completed on 12th June, 2000.

(ii) Work on the second section of the road, namely, Mutomo-Kibwezi, which is 75 kilometres long, was started on 24th October, 1996 and completed on 31st May, 2000 at a cost of Kshs98,685,582.

(iii) Work on the third section of the road, namely, Syongila-Kangonde, which is 43 kilometres long, was started in April, 1998 and completed in July, 2000 at a cost of Kshs89,615,580.

All those sections were gravelled by M/s Krishan Behal Company.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, the amount of money that the Assistant Minister has said was used on this road is colossal. We know that Krishan Behal Construction Company has been doing shoddy jobs in this country. Could he consider blacklisting the company?

**Eng. Toro:** Mr. Deputy Speaker, Sir, it was during the KANU era when things were done--

**Mr. Rotino:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to talk about KANU era when I have requested him to take action against Krishan Behal? We want him to take action against this contractor now!

**An hon. Member:** On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! There is no point of information during Question Time!

**Eng. Toro:** Mr. Deputy Speaker, Sir, the NARC Government took over the leadership of this country this year and work on this road was done when the KANU Government was in power, and it did not find it fit to blacklist Krishan Behal Construction Company. Any contractor awarded a tender by the NARC Government and does not perform will be blacklisted.

**Mr. Ndambuki:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to avoid answering the question? The hon. Member has requested him to blacklist this construction company. It does not matter whether this construction company was awarded the tender by the NARC Government or the KANU Government. We want it to be blacklisted!

**Eng. Toro:** Mr. Deputy Speaker, Sir, the Pending Bills Investigations and Validation Committee was established to look into the performance of the contractors on the tenders they were awarded. Depending on the recommendations of this committee, the issue of blacklisting some of the construction companies will be looked into.

**Mr. J. Nyagah:** Mr. Deputy Speaker, Sir, this road passes through my constituency. From Moyale to Mombasa, the shortest distance is through this road. If we have to improve the relationship with our neighbouring countries, then we have to repair this road. We have been promised for the last 40 years that this road will be tarmacked. Could the Assistant Minister promise, now that NARC is in power, that it will tarmack this road? For the last 40 years, we have been promised that this road will be tarmacked. Could he promise this House that this road will no longer be on a long-term programme, but on an extremely short-term programme?

**Eng. Toro:** Mr. Deputy Speaker, Sir, the hon. Minister is right that, that is the shortest route---

*(Laughter)*

**Mr. J. Nyagah:** On a point of order, Mr. Speaker, Sir. I just want to correct the Assistant Minister that I was not appointed a Minister this time round.

**Eng. Toro:** Mr. Deputy Speaker, Sir, I omitted the word "former". The hon. former Minister is right to say that, that is the shortest route. From Kibwezi, Road B7 extends to Kagonde and Embu where it joins Road B6, which also joins Road A2 between Nanyuki and Isiolo. This road will be given the first priority when the East African Ministers for Transport and Roads meet to chart out the East African roads. This is one of the roads which will be given the first priority.

**Mr. Deputy Speaker:** Ask your last question, Mrs. Mwendwa! Hon. Members, we have only one hour left to the end of Question Time!

**Mrs. Mwendwa:** Mr. Deputy Speaker, Sir, it is a fact that this is a road which has been talked about for over 40 years. We have even been told that since this road is long, it cannot be done at once. We have been promised that the first 39 kilometres, from Kangonde to Kitui Town will be done, but this work has not been done.

Could I, through the Chair, invite the Minister for Roads, Public Works and Housing to visit Kitui District and see this road? This is because it is as if, when we talk about this road, nobody seems to know about it. Could the Minister, and not the Assistant Minister, answer this Question because he is now here? The man is there! I want an answer from the Minister!

*(Laughter)*

**Mr. Deputy Speaker:** Order, Mrs. Mwendwa! This Assistant Minister is a Minister!

Continue, Mr. Assistant Minister!

**Eng. Toro:** Mr. Deputy Speaker, Sir, Mrs. Mwendwa was a Minister at one time and she should know that a Minister is a Minister. Very soon, we will tour Eastern Province. We will take time to travel through Road B7 and see for ourselves its condition. The promise that is being given this time round is real. These are not KANU promises, but NARC promises.

*Question No.106*

EMPLOYMENT OF PRIVATE TTC GRADUANDS

**Mr. Manoti** asked the Minister for Education, Science and Technology:-

(a) how many primary school teachers graduated from private and public colleges from 1996 to 2002; and,

(b) how many of these teachers have been employed by the Government.

**Mr. Deputy Speaker:** Is the Minister for Education, Science and Technology not here? Last week when this Question came up, we were told that the Minister was attending a graduation ceremony. Is there a graduation ceremony today?

**Hon. Members:** No!

**Mr. Deputy Speaker:** I think we must take the business of this House very seriously. The Chair continues appealing to the Ministers to take the business of this House seriously. There is a Minister and two Assistant Ministers in that Ministry. Surely, I do not see the reason why one should not be here to answer Questions.

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

**Mr. Deputy Speaker:** Order! I am speaking, Mr. Wetangula! I believe that action must now be taken. I would like to request the Clerk to officially write to the Office of the President in connection with Ministers who do not come to this House to answer Questions.

*(Applause)*

If possible, we want direction from the President himself because we cannot be wasting the House's time appealing to Ministers to avail themselves here. Following that, we will know the other course of action to take.

**Mr. Wetangula:** On a point of order, Mr. Deputy Speaker, Sir. While I appreciate what you have said about absentee Ministers, I would like to point out that they are accountable to this House and not even through the President. We have sufficient provisions in the Standing Orders to deal with Ministers who do not come here to answer Questions. Could we name them?

*(Applause)*

**Mr. Deputy Speaker:** For the time being, the ruling I have made will suffice.

**Mr. Muite:** On a point of order, Mr. Deputy Speaker, Sir. I respect your ruling a lot. When that letter is being written, could we also indicate that we want to see the Leader of Government Business in this House because he should be guiding the House? If he is not here, the Deputy Leader of Government Business should be in this House.

**Mr. Deputy Speaker:** Very well! Your point is taken!

*(Question deferred)*

Let us move on to the next Question by Mr. Bifwoli!

*Question No. 164*

#### CONSTRUCTION OF KIBABII TTC

**Mr. Bifwoli** asked the Minister for Education, Science and Technology:-

- (a) how much money has been spent on purchasing land and the construction of Kibabii Teachers Training College (TTC) to date;
- (b) who the contractor for the TTC was and why the construction has stopped; and,
- (c) when the construction is going to resume and when the TTC will be opened.

**Mr. Deputy Speaker:** Again, the Minister for Education, Science and Technology is not here! The first Question by Mr. Manoti, and this Question by Mr. Bifwoli, will be deferred!

*(Question deferred)*

*Question No. 106*

#### EMPLOYMENT OF PRIVATE TTC GRADUANDS

*(Question deferred)*

*Question No.174*

## GOVERNMENT EXPENDITURE ON SCHOOLS INSPECTION

**Mr. Shitanda**, on behalf of **Mr. Akaranga**, asked the Minister for Education, Science and Technology:-

- (a) whether he could explain how much money is set aside for inspection of schools on a yearly basis;
- (b) how he will strengthen the Department of Inspectorate and Supervision of Schools to check on misappropriation of money allocated to schools; and,
- (c) what plans he has put in place to enhance the schemes of service for education officers and the school inspectors.

**Mr. Deputy Speaker:** Again, these three Questions will be deferred until tomorrow afternoon when they must be answered!

*(Question deferred)*

**The Assistant Minister for Lands and Settlement** (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. Could I be in order to ask the Chair to appoint one of us, even hon. Raila, to act in the absence of the Leader of Government Business?

*(Laughter)*

**Mr. Deputy Speaker:** Order, hon. Ojode! You know very well that it is not the responsibility of the Chair to appoint the Leader of Government Business. Therefore, I cannot do that.

Next Question by Dr. Oburu!

*Question No.103*

## MEASURES TO CONTROL FISHING IN LAKE VICTORIA

**Mr. Wanjala**, on behalf of **Dr. Oburu**, asked the Minister for Agriculture and Livestock Development:-

- (a) whether he is aware that Fisheries Officers in Bondo District are confiscating fishing nets of two-and-a-half inches size and destroying them by burning; and,
- (b) what measures he has put in place to seek a permanent solution to help control fishing in the lake.

**The Minister for Agriculture and Livestock Development** (Mr. Kirwa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) It is true that the Fisheries Officers in the riparian districts are confiscating fishing nets of two-and-a-half inches. The nets are destroyed by burning with orders from the court upon conviction of the culprits.

(b) To ensure control on fishing in Lake Victoria, the Government has embarked on the following:-

(i) Sensitising of the fishermen on the need to have controlled fishing in order to preserve the fishery resources for continued harvesting.

(ii) enforcing the use of proper fishing gear.

(iii) enforcing the provisions of the Fisheries Act; and,

(iv) involving the stakeholders in the fishing industry in consultation with the Ministry.

*(Mr. Gumo walked into the Chamber amid applause)*

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, the laws of the land must be strictly followed. However, I want to remind the Minister that since *chang'aa* is an illicit brew, both manufacturers and drinkers are arrested. This fishing gear is manufactured by some factories in this country. There are importers of these nets in this country.

Instead of terrorising a common mwananchi, who has just bought two nets, what steps has he taken against the manufacturers and importers of these nets?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, the law I have just referred to only takes cognisance of somebody found fishing using these particular fishing nets. However, I will do the necessary investigation on the information advanced by the hon. Member and if it is found to be true, the Ministry will take action.

**Ms. Abdallah:** Mr. Deputy Speaker, Sir, the Minister has mentioned some of the remedial measures the Ministry is taking, but he has not added the issue of diversifying the livelihood option for the fishermen. It is a well-known fact that Kenya only owns 6 per cent of Lake Victoria. What is the Ministry doing in terms of diversifying the livelihood options given the population increase in those areas?

*(Applause)*

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, that is a good question. What we are doing as a Ministry, under a special programme for food security, is to ensure that we involve all the stakeholders in the issues and constraints they are faced with on the ground. Given the complaints they raise we, as a technical arm of the Government, shall give them effective advice on how best to go about these issues, given their priorities and needs.

**Mr. Syongo:** Mr. Deputy Speaker, Sir, it is a well-known fact that not only are this fishing gear imported with the knowledge and approval of the Government, but the Government also collects revenues in the form of VAT and Import Duty on the same gear. Could the Minister assure the fishermen, who lose their revenue and investments through confiscation and destruction of their nets, that the Government will also look into the possibility of refunding the tax element that they pay in respect of the same gear?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, while I do not want to evade answering that particular question, I have said that as a Minister I am going to investigate the aspects of this importation and if what the Member has said is true, then we are going to take the necessary action as Government. However, with regard to the question of making a refund, the question of revenue collection is not under my docket.

**Mr. Ogur:** Mr. Deputy Speaker, Sir, is the Minister aware that those people whose nets are confiscated and burned are those who fail to pay the bribes? Is he further aware that this particular person who collects nets does not do it with the intention to burn them, but to get more money in the form of bribes? How is he going to go about that?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, the hon. Member seems to have a certain man in mind who I am not aware of.

However, we are going to investigate this particular aspect and if any officer of the Ministry is found to be colluding with this man who is collecting the fish nets so that he can take bribes, we are going to take appropriate action against him or her.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, when we were at The School of Monetary Studies, I made it very clear that the Ministry of Agriculture and Livestock Development is ignorant of the fishing industry and that is why we are demanding for a Ministry of Fisheries and Wildlife to be set up. You have heard him say that he is going to investigate when shops in Kisumu are selling these small nets. When we tell him that the people who are burning the nets---

**Mr. Deputy Speaker:** Ask your question!

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, could the Minister take necessary action to ensure that he invades all the factories manufacturing and the shops selling these small nets and transfer all Fisheries Officers from that area immediately?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, I take exception to the preamble to that particular question because the Minister does not have to be informed about all these aspects. He does not have to be an expert in all these aspects. To say that the Minister is ignorant does not behove the character of a Member of Parliament. However, I have been very clear that I am going to take the necessary action regarding the nets available in this country and establish whether somebody is dealing with those kind of nets.

**Mr. Deputy Spekaer:** Let us go back to Mr. Maitha's Question.

**Mr. M. M. Maitha:** Mr. Deputy Speaker, Sir, first of all, I apologise for coming late.

**Mr. Deputy Speaker:** Very well.

*Question No.094*

MISAPPROPRIATION OF MUKA-MUKUU



## SOCIETY FUNDS

**Mr. M.M. Maitha** asked the Minister for Co-operative Development:-

(a) whether he is aware that Muka-Mukuu Farmers Co-operative Society has been run down by the management committees over the last ten years; and,

(b) what steps he is taking to ensure that money misappropriated by the directors is returned to the stakeholders.

**The Assistant Minister for Co-operative Development** (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) The Ministry intends to institute an inquiry immediately to look into the financial affairs of the said society with a view to establishing cases of misappropriation upon which we shall take appropriate action.

**Mr. M.M. Maitha:** Mr. Deputy Speaker, Sir, the former Minister for Co-operative Development instituted an inquiry sometime back. What were the findings of that inquiry?

**Mr. Kenneth:** Mr. Deputy Speaker, Sir, the last inquiry was done in 1991. As a result of that inquiry, two cases came up and are before the courts of law today. One had to do with eligibility of membership. So, there is a case in court over a dispute of eligibility of membership. Also, there is another case arising from transactions with the Co-operative Bank of Kenya. Until these two cases are determined, the first inquiry will remain as such.

**Mr. Wanjala:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that there is a case in court when he knows that the Co-operative Act is very clear that a case involving members of the same co-operative society cannot be taken to court? It is heard by a tribunal.

**Mr. Deputy Speaker:** Order! Order! Mr. Wanjala, I think you are trying to take us somewhere else. Mr. Assistant Minister, you do not have to answer that.

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, in part "a" of his answer, the Assistant Minister has said that he is aware that the society has been run down through mismanagement. Societies are being run down by these management committees, while the Assistant Minister and his officers are still there. Could he address the second part of that Question: "What steps is he taking to ensure that money misappropriated by the directors is returned to the shareholders?"

**Mr. Kenneth:** Thank you, Mr. Deputy Speaker, Sir. I think I was very clear. I said we are going to institute an inquiry immediately. The last inquiry was held in 1991 and the Ministry needs to update itself; to be able to take appropriate action. We do not know what has happened in the last 12 years.

**Mr. M.M. Maitha:** Mr. Deputy Speaker, Sir, the Assistant Minister has told the House that there are cases in court. Is he aware that those court cases started in 1991 and up to now there is nothing going on in that society? Could he ask the Attorney-General to make sure that those cases are heard on a daily basis to hasten their conclusion? When will he investigate the issue?

**Mr. Deputy Speaker:** Order! Order! You do not ask two questions at the same time, Mr. M. Maitha! Mr. Assistant Minister, answer the first question.

**Mr. Kenneth:** Mr. Deputy Speaker, Sir, first of all, these cases started in 1994 as a result of the inquiry report. As I said, there are two cases; one is on the issue of eligibility of membership, and the second one is to do with the transactions between the society and its bankers; the Co-operative Bank of Kenya. In the meantime, we have tried to ask the members to come together for meetings, and one such meetings was called for in March and there was no quorum. We have scheduled another meeting for 12th April, 2003, and we hope that the members of this society will come together so that we can look for a way forward.

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

**Mr. Deputy Speaker:** Order! Order! You just want to ask another question! There is no point of order!

**Mr. Manoti:** On a point of order, Mr. Deputy Speaker, Sir. Since the Assistant Minister for Education, Science and Technology is here, could he answer our Questions?

**Mr. Deputy Speaker:** No!

*(Mr. Gumo stood up in his place)*

Mr. Gumo, did you come to answer Questions?

**The Assistant Minister for Education, Science and Technology** (Mr. Gumo): Yes, Mr. Deputy

Speaker, Sir.

**Mr. Deputy Speaker:** Order! But, Mr. Gumo, you are very late and we cannot go back. I think you had better take the warning that the Chair gave; that this Chair and the House will take seriously the issue of Ministers failing to answer Questions in the House. I have already ruled that all the Questions falling under the Ministry of Education, Science and Technology must be answered tomorrow afternoon.

### QUESTIONS BY PRIVATE NOTICE

#### CLOSURE OF SCHOOLS DUE TO INSECURITY

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

(a) When will the following schools, which were closed in Tharaka North in 1997 due to insecurity, be opened:-

Mpunguru Primary School, Karimba Primary School, Macabine Primary School and Kioru Primary School?

(b) What urgent security measures will the Minister put in place to facilitate opening of the schools so that children in the affected area resume learning?

**The Assistant Minister, Office of the President (Mr. Tarus):** Mr. Deputy Speaker, Sir, I wish to seek the indulgence of the House with regard to this Question because the answer I received does not appear to address the Question appropriately. I would like to request that this Question be deferred until tomorrow afternoon.

**Mr. Deputy Speaker:** The Question will be deferred to tomorrow afternoon. Is that okay, Mr. Kagwima?

**Mr. Kagwima:** Mr. Deputy Speaker, Sir, I am happy the Assistant Minister is concerned, but the matter has dragged on for the last five years.

**Mr. Deputy Speaker:** Yes, but waiting for one day will not make any difference. So, let us wait for tomorrow.

*(Question deferred)*

Next Question, Mr. Khamasi!

#### OCCUPATION OF GOVERNMENT HOUSES IN KAKAMEGA MUNICIPALITY

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads, Public Works and Housing the following Question by Private Notice.

Who are the current occupiers of the Government houses in Kakamega Municipality, which previously housed the Provincial Police Headquarters?

**The Minister for Roads, Public Works and Housing (Mr. Raila):** Mr. Deputy Speaker, Sir, I beg to reply.

The current occupiers of the Government houses in Kakamega Municipality, which previously housed the Provincial Police Headquarters, are Government departments; Lands and Settlement, Fisheries, Trade and Industry, and the Nyayo Tea Zones. They are all housed in Block KAK/P&I/1/14. All other buildings were rented out to assorted tenants by KANU as follows:-

- (i) Mwaka Security Firm
- (ii) The Cross Gospel Ministries
- (iii) Family Boutique and Salon
- (iv) Morris Cerullo World Evangelism
- (v) Printing firm.
- (vi) Salon
- (vii) Computer Services
- (viii) Hair Salon
- (ix) Brain Hotel
- (x) Vision Enterprises

- (xi) Highway Hair Share and Salon
- (xii) Migite Investments.

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, I think even the Minister was at pain to give me this answer because, as you can see, the *grabbiosis* syndrome has moved---

*(Mr. M. Maitha consulted loudly  
with other hon. Members)*

**Mr. Deputy Speaker:** Order! Order, Mr. M. Maitha!

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, I was saying that *grabbiosis* syndrome has moved from the Kenyatta International Conference Centre (KICC) even up to Kakamega. What the Minister has not told us is that KANU has taken over Government buildings and rented them out to about 12 tenants. Could he tell us how KANU acquired those buildings in order to rent them out to private enterprises?

*(Loud consultations)*

**Mr. Raila:** Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Order, hon. Members! I believe you would like to hear this.

**Mr. Raila:** Mr. Deputy Speaker, Sir, I agree with the hon. Member that the KICC virus is infectious and has moved to the branches. The branches have merely followed the *nyayo* of the headquarters. It has been established that the former Provincial Police Headquarters occupied about one and half acres within the Kakamega Municipality. KANU, Kakamega Branch, assumed ownership of the plot and the buildings within it. There are no proper documents as to how this ownership was assumed. It is also not known whether they have acquired title deeds. However, the buildings which they occupy comprise the former buildings that were used by the police. These are:-

- (i) Administration Block
- (ii) Office
- (iii) Armoury
- (iv) Radio Room
- (v) Latrines
- (vi) Offices
- (vii) Sanitary
- (viii) Dog kennels and
- (ix) offices.

It is not known how much rent was being collected from these premises. The building was put up in 1991 to accommodate the Provincial and District Police Headquarters. At the moment, there are only offices, but the rest of these other premises have been grabbed, as I have said. The committee which is investigating Government properties, will investigate this particular property and make an appropriate report.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, could the Minister tell us what plans are in place to repossess those buildings with immediate effect from KANU; and, how they would like the money that has been realised from the collection of rent to be recalled?

**Mr. Raila:** Mr. Deputy Speaker, Sir, I have said that there is a Government Properties Investigations and Validation Committee which is in the process of investigating Government properties all over the country. Upon receipt of the report of that Committee, the Ministry is going to act.

**Mr. Shitanda:** Mr. Deputy Speaker, Sir, this is just another facility of the Government stolen by KANU. Could the Minister tell us what he intends to do with other facilities, like Government houses and plots, which have been grabbed by individuals and by KANU? What is he going to do about the revenues that have accrued; for instance, from this facility being rented out to people? What action is he going to take ahead of the Committee that he has put in place?

**Mr. Raila:** Mr. Deputy Speaker, Sir, I fully share the hon. Member's concern that this is a sorry state of affairs which we have inherited. This is a property which was put up for a specific purpose; to accommodate the law enforcement agents of the Government. Unfortunately, it has been turned into a completely different use so that one institution is benefitting from something that was supposed to benefit the entire society. It goes without question that by grabbing this property, the police in Kakamega District are not able to function as efficiently as desired. Therefore, we will take urgent action. I have directed the Committee to move to Kakamega quickly

because this is not the only property in Kakamega which has been grabbed. Upon receipt of their recommendation, my Ministry will take appropriate action.

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, I think the Minister has got more energy to use in getting this property back. You do not find your property which is lost and then begin saying that you are going to investigate. When you get your property which was stolen or grabbed, you take it back! So, could the Minister use the same method they used to acquire the KICC back, to make sure that they bring this property back to the public?

*(Applause)*

**Mr. Raila:** Mr. Deputy Speaker, Sir, the circumstances are different here. As I have said before, I am a strong believer in the fact that, if you find a thief with your car which was stolen, and he shows you a fake logbook, and tells you that if you want the car go to the police first--- I have said that is wrong.

In this case, I am saying that we need to have a lot of more details because what is happening is that these people have been collecting rent for a long period of time. Unlike the KICC case where they had supposedly a title deed issued, in this case, there is no record that there is a title deed that has been issued. Therefore, these people are criminals in the true sense of the word. They have just acquired a Government property illegally. Therefore, we are looking at the criminal element in this particular act; to bring about prosecution against the people who have illegally acquired Government property. So, it is not a question of just repossessing the property but taking proper and legal action to prevent recurrence of this kind of action in future.

*(Applause)*

**Mr. Ndambuki:** On a point of order, Mr. Deputy Speaker, Sir. You have heard the Minister say that in this case, there is no title deed. Then, how did he come to the conclusion that it is KANU which took the property? Maybe, some individuals took it!

**Mr. Deputy Speaker:** Order! Order, Mr. Ndambuki! That is not a point of order, but a question! Next Question, Mr. Omondi!

#### REPAIR OF OUTER RING ROAD

**Mr. Omondi:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Roads, Public Works and Housing, the following Question by Private Notice.

(a) Is the Minister aware that the section of Outer Ring Road between Huruma Roundabout and GSU Roundabout has become dilapidated to an extent that it is now impassable?

(b) What plans does the Minister have to repair this road before the long rains?

(c) In the event that the Minister cannot carry out the repairs immediately, could he allow the local road users to carry out minimal repairs themselves?

**The Assistant Minister for Roads, Public Works and Housing** (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the sections of Outer Ring Road, between Huruma Roundabout and Outer Ring-Juja Road and GSU Roundabout, on Outer Ring-Thika Road have become dilapidated to an extent that they need repairs.

(b) My Ministry has already earmarked some Kshs10 million to start repairs on the said road, under the Road Maintenance Levy Fund.

(c) I will make sure that the repairs will be carried out as soon as possible. Therefore, there is no need for the local road users to carry out minimal repairs on their own.

**Mr. Omondi:** Mr. Deputy Speaker, Sir, this part of the road has become totally impassable and it has become a dragnet for carjackers. I want the hon. Assistant Minister to give a definite time frame for the commencement, and the anticipated completion of the exercise so that, if it is not done by that time, we mobilise our people and do the work ourselves.

**Eng. Toro:** Mr. Deputy Speaker, Sir, the seriousness with which the Ministry is taking the Outer Ring Road is that, the road has become a bottleneck for people going from Thika Road to the Airport. That is why, as an emergency measure, we have allocated Kshs10 million and we have already discussed the matter with the Mayor so that jointly we can improve certain sections of this road.

The other problem which we have on this road is that, almost every section of the road reserve has been

taken over and people have built on the road reserves making maintenance of this road virtually impossible.

**Mr. Deputy Speaker:** Mr. Assistant Minister, the question is about the time frame. All the hon. Member wants to know is the time frame within which you are going to do the work.

**Eng. Toro:** It will be done immediately, Mr. Deputy Speaker, Sir.

**Mr. Nderitu:** Mr. Deputy Speaker, Sir, "immediately" does not mean anything. Have they appointed a contractor? If they have, when will he come to the site? Will the Ministry do the work starting from tomorrow, next week, next month or the year 2009?

**Eng. Toro:** Mr. Deputy Speaker, Sir, I said "immediately" because the Ministry is undertaking the repairs. We are not going to contract the repair works, but the Ministry will do the work and it is ongoing.

**Mr. Korir:** Mr. Deputy Speaker, Sir, this road is one among several dotted in the country which are dilapidated and impassable. What plans does the Ministry have to repair similar roads throughout the country?

**Eng. Toro:** Mr. Deputy Speaker, Sir, that is a blanket question because plans are in place to repair all dilapidated roads. We only have to prioritise the roads, and the long-term solution to Outer Ring Road is to make it a dual carriageway. The plans for making it a dual carriageway are at an advanced stage.

**Mr. Ogur:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is not specific because particularly, the money he has talked about is not enough. Tourists travelling from the Windsor Hotel via Embakasi to the Airport have been suffering a lot, and that is why he should be specific and allocate the road enough money.

**Mr. Deputy Speaker:** Mr. Ogur, you stood on a point of order, but I have been listening and I have not heard you raise any point of order.

**Mr. Ogur:** Mr. Deputy Speaker, Sir, is the Assistant Minister in order to mislead this House that "immediate" refers to "immediately"?

**Eng. Toro:** Mr. Deputy Speaker, Sir, immediate means immediate. There is no other definition. To show the seriousness of the Ministry regarding this Outer Ring Road, in consultation with the City Council, the owners of all the illegal structures on the road reserves are going to be given notices to move, failure to which the structures will be demolished so that proper improvement can be made on Outer Ring Road.

**Mr. Omondi:** Mr. Deputy Speaker, Sir, the Assistant Minister has stated that they have prioritised this particular road. I would like to know the criteria used to prioritise other roads in the country. I would also like the Assistant Minister to give a definite time when he expects this road to be completed.

**Eng. Toro:** Mr. Deputy Speaker, Sir, could he repeat the question and maybe speak loudly?

**Mr. Omondi:** Mr. Deputy Speaker, Sir, I wanted to know what criteria the Ministry uses to prioritise roads for repair in the country. Secondly, I would like the Assistant Minister to give a definite time--

**Mr. Deputy Speaker:** Order, Mr. Omondi! You asked one specific Question on Outer Ring Road, and now you are attempting to ask many other questions. Could you ask one question?

**Mr. Omondi:** Mr. Deputy Speaker, Sir, since this was the last supplementary question on this Question, I thought I would be in order to ask two questions.

Could the Assistant Minister give a definite time when he probably expects the road works to be completed?

**Mr. Deputy Speaker:** That question with regard to the timeframe has been asked over and over again, and the Assistant Minister said that work will commence immediately.

**Mr. Omondi:** Mr. Deputy Speaker, Sir, he said that the road repairs would start immediately, but he did not anticipate when the work would be complete.

**Eng. Toro:** Mr. Deputy Speaker, Sir, we have had discussions with the Mayor of Nairobi City and his officials from City Hall. We agreed that works should commence immediately on the Outer Ring Road. We have already allocated Kshs10 million to start off the works and we will be able to supplement the Kshs10 million as work goes on.

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

CONVENIENT PAY SYSTEM FOR  
ISIOLO DISTRICT TEACHERS

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education, Science and Technology the following Question by Private Notice.

(a) Is the Minister aware that teachers in Isiolo District have to travel up to 400 kilometres to get their monthly salaries?

(b) Could the Minister put in place a pay system that will ensure that teachers are not subjected to unnecessary hardship and that they are paid salaries at their schools?

**The Assistant Minister for Education, Science and Technology** (Mr. Gumo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the distance teachers in Isiolo District have to travel to get their monthly salaries.

(b) The Ministry has considered various options of minimising the hardships that the teachers in Isiolo District undergo in receiving their salaries, but has found out that using the post office in Isiolo is the best option, and it is the only one guaranteed for the security of cash.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I think my Question has not been properly answered, because teachers have to travel for about 400 kilometres to access the post office. This is the issue and practice that we want to reverse. The policy of the Ministry was a blanket policy, so that cash is protected, while ignoring the fact that students are losing a lot of time. Could the Assistant Minister outline an appropriate policy, because what he has said is not appropriate for Isiolo District?

**Mr. Gumo:** Mr. Deputy Speaker, Sir, money is not just something to play around with; it must be secured. The present system is the only secure way. There is no way the Ministry of Education, Science and Technology can go round Isiolo District paying teachers. They have to be paid through either the post office or a bank. The only way we can do it is through the post office. That is the only possible way. It is unfortunate that post offices are scattered all over in the district and because of the security situation in the area, they cannot have post offices in all the market centres.

**Dr. Ali:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that in some of those areas a post office is unheard of? Why can he not give a vehicle to the DEO with *askaris* and a cashier to go round paying the teachers as before? This is the easiest way to deal with this issue instead of wasting students' time.

**Mr. Gumo:** Mr. Deputy Speaker, Sir, maybe the only other way would be to ask the banks to start mobile banks. But I do not know how economical it would be for a mobile bank to go round once a month. But we are going to look into it.

**Prof. Olweny:** Mr. Deputy Speaker, Sir, in covering this long distance to get paid, it implies that the teachers spend a lot of their own money to get salaries. Who reimburses them for the expenses they incur when they go to get the salaries? We know that the teachers---

**Mr. Deputy Speaker:** Order, Mr. Olweny! You have already asked a question. Sit down so that the Assistant Minister can answer it.

**Prof. Olweny:** I am fleshing it up!

**Mr. Deputy Speaker:** No, it is not allowed! Proceed, Mr. Gumo!

**Mr. Gumo:** Mr. Deputy Speaker, Sir, as I said before, there is very little I can do, because we could lose all the salaries. If the Ministry went round paying teachers in all the 20 schools, we could lose the whole amount and the teachers will even suffer more. It is easier for them to travel to the banks to get money than for us moving from school to school.

**Mr. Deputy Speaker:** Mr. Gumo, the question by Prof. Olweny is; who reimburses them the transport expenses they incur?

**Mr. Gumo:** Mr. Deputy Speaker, Sir, teachers in those areas are paid Hardship Allowance which caters for that.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, the Assistant Minister does not understand the situation in those areas because he comes from Nairobi.

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

**Mr. Deputy Speaker:** Order, Mr. Wanjala! You are out of order! You cannot just come and stand there and start shouting around. I could have taken a more severe action, but I forgive you for now.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, this Assistant Minister comes from Nairobi and, therefore, does not understand the intricacies of the rural areas. Could the Assistant Minister consider using the system or network the police officers use to pay the teachers?

**Mr. Gumo:** Mr. Deputy Speaker, Sir, the police have only one unit, probably in one area, but schools are so many in each district. You cannot use the same system because police have got only one station in one area covering so many square miles, but schools are in so many different places. The teachers have not complained because they are also happy when they are away.

**Mr. Bahari:** Mr. Deputy Speaker, Sir, this is how some parts of this country continue being relegated to the periphery. The performance of those schools has continued going down because teachers have to spend time going to collect their salaries. The Ministry has posted teachers to those areas and they have persevered. This is

tantamount to punishing them. Could the Government provide security for the money to be delivered to the teachers?

**Mr. Gumo:** Mr. Deputy Speaker, Sir, these teachers have to travel to these areas for only one day in a month. As I had said before, we are looking into ways of organising mobile banks. If these teachers open accounts in those banks they will make it easier.

RELEASE OF MR. NJOROGES TITLE DEED

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

Could the Minister order the release of the title deed of Mr. John Njenga Njoroge whose daughter, Joyce Waringa, died while undergoing an operation at the private wing of Kenyatta National Hospital which is the only place where neurosurgery could be done?

**The Assistant Minister for Health (Mr. Konchella):** Mr. Deputy Speaker, Sir, I beg to reply.

Kenyatta National Hospital did not take Mr. John Njenga Njoroge's title deed as security for an unpaid hospital bill. Mr. Njoroge's family deposited a logbook for motor vehicle registration No.KXT 146 as security. The hospital released the logbook to Michael Njenga Wang'atwa on 27th February, 2003, when the family paid the outstanding bill of Kshs259,870.

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, I am not satisfied with the answer because it does not mention the title deed and yet I have a document here that seems to indicate that the title deed was given to the Ministry and charged against the loan that Mr. Njoroge owed to the hospital. Could the Assistant Minister clarify whether he ever saw the title deed in the corridors of Kenyatta National Hospital or his Ministry?

**Mr. Konchella:** Yes, Mr. Deputy Speaker, Sir. The family got a title deed for charging. I have a copy of that title deed. Preparations were made to charge the title deed. The Director of Kenyatta National Hospital did sign documents with a lawyer. The family was asked to go and get this title deed to be charged at the Lands Office. They instead replaced it and charged---

**Mr. Deputy Speaker:** Order! Address the Chair!

**Mr. Konchella:** It was sent for searching at the Ministry of Lands and Settlement. They must have found it to be faulty because they chose to replace it with a logbook from his brother. I have a clearing certificate here with me. They paid the bill and the brother picked the logbook. He was given the title deed when he replaced it with the logbook.

**Mr. Deputy Speaker:** Mr. Assistant Minister, let us understand this Question. The Question is whether the title deed by Mr. John Njoroge can be released because it is in the possession of the Director of Kenyatta National Hospital. Will the title be released?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, it was released immediately. They brought the logbook to replace it and they were given back the title deed.

**Mr. Deputy Speaker:** So, the title deed has not been held?

**Mr. Konchella:** No, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** This is difficult.

**Mr. Sasura:** Just after elections the Minister for Health announced that patients who have been admitted in hospitals should not be held there for non-payment of hospital charges. Why was this patient required to replace a title deed with a logbook, and to pay Kshs279,000, when your own Minister has said patients should be allowed to go home without paying hospital bills?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, the daughter of Mr. Njoroge was admitted at the private wing of the hospital on 26th October, when the KANU Government was in power.

**Mr. Omingo:** Mr. Deputy Speaker, Sir, you can see the utter confusion in this Ministry. I believe this is instigated by the chief officers, who are still in that Ministry. Could the Assistant Minister confirm or deny whether patients are supposed to be given free medical care regardless of the circumstances because a patient like this one was not supposed to be admitted in the private wing? Could patients be treated for free in this specific facility which is available only in one place in the country?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, it is the choice of families to take their patients where they want. This family chose to take their patient to a private wing for which they had to pay as per the law at that time.

**Mr. Wamwere:** I have two questions and I do not know whether I can combine them. Is the Assistant Minister, not misleading the House when he says that the family chose to have the patient admitted to the private

wing? They were in fact referred to the private wing because the kind of surgery that their daughter had to undergo was not available in the public wing. Secondly, could the Assistant Minister give the name of the person who signed for the title deed and the date when this title deed was given back to Mr. Njoroge? If possible, could he lay a copy of the receipt on the table?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, the patient was referred to the private wing by the doctor. The hospital can decide whether to admit a patient to the general wing or not. In any case, it is her doctor who referred her to the private wing. On the question regarding the collection of the title deed, I do not have the date when it was issued to the Mr. Njoroge, but I have the date when the logbook was given back to the family because they cleared the bill.

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, I just want the Assistant Minister to tell us when they returned the title deed to the owner because the owner will insist that he was never given back the title deed. I do not see how the Assistant Minister can avoid giving me the information regarding the date when that title deed was given back. Otherwise, he is not serious about answering this question. I am prepared to wait until next week when he can bring the relevant documents to the House.

**Mr. Deputy Speaker:** Mr. Assistant Minister, could you address yourself to that? I believe these are issues that Mr. Wamwere and the Assistant Minister could sort out. Mr. Assistant Minister do you have information regarding that date?

**Mr. Konchella:** Mr. Deputy Speaker, I suspect that Mr. Njoroge must have misplaced the title deed after he collected it from the hospital. He really knows it because it is not in the possession of the hospital. The hospital exchanged the logbook with the title deed. He must have misplaced the title deed somewhere. He should look for it in his house.

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

**Mr. Deputy Speaker:** Order! Mr. Wamwere, the Assistant Minister has just undertaken to sort out the issue with you. Could you, please, discuss this matter further with him? We cannot continue with one Question throughout.

Hon. Members, that is the end of Question Time.

**Mr. Wamwere:** On a point of order, Mr. Deputy Speaker, Sir. What I am asking the Assistant Minister to do is quite simple. If there was a receipt given by the hospital to the owner of the title deed, could he give me a copy of that receipt?

**Mr. Deputy Speaker:** Mr. Wamwere, I appreciate your concern about this matter. But the Assistant Minister has undertaken to sort it out with you in detail.

Let us move on to the next Order!

## POINTS OF ORDER

### SUPPLY OF FARM INPUTS TO RICE FARMERS

**Mr. Nderitu:** Mr. Deputy Speaker, Sir, thank you for giving me this chance to seek a Ministerial Statement from the Ministry of Agriculture and Livestock Development on rice growing in this country. It is now time for rice farmers in Bura, Perkera, Ahero, West Kano and Mwea to prepare their land for planting of rice. I would like to know what plans the Ministry has put in place to desilt all the main canals and feeders. What plans does the Ministry have to provide farmers with seeds of high quality in the country? What plans do they have to elect new National Irrigation Board (NIB) directors who have the knowledge of how rice is grown? What arrangement does the Government have to supply fertilisers and other inputs to rice farmers? This country can stop depending on imported rice from Pakistan and Egypt because we can grow enough rice to feed our people.

**The Minister for Agriculture and Livestock Development (Mr. Kirwa):** Mr. Deputy Speaker, Sir, you will agree with me that this is a very comprehensive question which needs a comprehensive answer. I undertake to give the House a comprehensive Ministerial Statement on Wednesday morning, next week.

### INDUSTRIAL UNREST IN EPZS

**Mr. Munya:** Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Trade and Industry on the situation in the Export Processing Zones (EPZs). We have witnessed a lot of labour unrest. I would like to know whether the exemptions given to the industries operating in EPZ areas are any longer tenable with the liberalised situation we are operating in. I would also want to know whether those exemptions have



anything to do with the labour unrest there and whether he could liaise with the Minister for Labour and Human Resource Development to tell us what exactly the two Ministries are doing to bring the labour unrest under control and take care of the ordinary workers who are suffering within the EPZs.

**Mr. Deputy Speaker:** Who is holding brief for the Minister for Trade and Industry? Anyway, he will be informed accordingly. Mr. Raila, would you undertake to inform the Minister to issue the Statement?

**The Minister for Roads, Public Works and Housing (Mr. Raila):** Yes, Mr. Deputy Speaker, Sir, I undertake to inform the Minister.

**Mr. Deputy Speaker:** Very well. Let us move on to the next Order!

## MOTIONS

### CHANGE OF FAMILY PLANNING POLICY

THAT, given that fertility rate amongst Kenyan women has fallen and that life expectancy is at its lowest in the country and further that Kenyans face the biggest threat of the HIV/AIDS scourge, this House urges the Government to change the Family Planning Policy from birth control to one of giving incentives to young couples who wish to have more children.

*(Dr. Khalwale on 26.3.2003)*

*(Resumption of Debate interrupted on 26.3.2003)*

**Mr. Deputy Speaker:** Who was on the Floor? Yes, Ms. Mbarire.

**Ms. Mbarire:** Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to finish my contribution.

I wish to state that, currently, the Kenyan population stands at 30 million with a growth rate of 2.4 per cent per annum. This still remains the highest and the fastest growing population in the world. For that reason, I do not think it is right for us to encourage our people to have big families or more children. Even if we have the highest death rates, due to the HIV/AIDS pandemic, we still have a very high population that the country is still unable to manage.

Mr. Deputy Speaker, Sir, when we talk of family planning, we are actually talking about ensuring that people have children they are able to take care of. For that reason, we should encourage more families to have family planning services so that they can determine what number of children they will have, and at what intervals, taking into consideration the economic and social factors and also the health of women. This is because we know for a fact that the more children a woman has, the more she exposes herself to health risks because our antenatal and postnatal services do not measure up to the required standards. Many women are not able to access these services as they are supposed to.

Mr. Deputy Speaker, Sir, we know for a fact that the level of unemployment in this country is extremely high. At the moment, about two million young people are unemployed. Yet, we still have 7,000 graduates and people who finish other courses joining the labour market on an annual basis. First and foremost, we need to think about the employment of these people. If they cannot take care of themselves, how are they expected to take care of their huge families? How can we start thinking of encouraging them to have many children when we know for a fact that many of them are not able to take care of themselves?

Mr. Deputy Speaker, Sir, what we need right now is to actually intensify our health policies towards the promotion of antenatal and postnatal care as well as baby care to ensure that we do not have high mortality rate of children. Also we need to look at breast-feeding programmes so that women understand the reason why they need to breast-feed their children and also improve nutrition for both the mother and the child.

Right now, there is famine in many parts of this country. The most affected by this famine are, of course, children who die at a very early age because of malnutrition. We also know that many women are unable to breast-feed their children because they do not eat enough food to be able to feed their children. How then can we encourage them to give birth to more children when they cannot take care of the children they have now?

Mr. Deputy Speaker, Sir, it is rather misleading for us in this House to tell Kenyans to have more children when we know for a fact that we ourselves have small families. We are able to take care of them, feed them well and take them to schools outside this country. However, we are here telling Kenyans to have more children and yet some of us have not even started giving birth. Perhaps, we should start from this House; let hon.

Members have more children and then we can tell Kenyans to do the same.

Mr. Deputy Speaker, Sir, I know for a fact that many of us understand the reason why small families are important. The more we have educated women in this country, the more they prefer to have small families. Why? Because they are busy at work. Nowadays, getting a child is a big investment. It is an investment in terms of even the career growth of these women. They have to give so much of their time to take care of their children up to an age when they can do other things. The more women get into professional careers, the more they want to contribute to the national economy. The more they want to participate in the leadership of this country, the less children they want to have. This is because the more children you have, the more time you spend in the house taking care of them and the less time you have for your own growth.

We seem to be putting children ahead of women. I want to state here that the woman comes before the child. Therefore, her right to determine how many children she wants to have is very critical. Right now we know that many women hide their family planning contraceptives under the mattress or somewhere in the garden where their husbands cannot find them because if their husbands know that they are taking them, they are beaten up. Women have a right to use contraceptives, because they are the ones who carry children in their wombs for nine months and thereafter take care of them until they grow up. So, they have a right to determine the number of children they should have. In fact, there should be a legal provision in our laws, giving women the right to determine the number of children they should have.

Because of the minimal role men play in the child-bearing process, they think that we should bear many children. They do not know what it takes, in terms of both time and energy, to bring up children. We know that even our national statistics do not reflect child-bearing as work. When women give birth to children some people assume that women are just playing their gender role, and that they should continue having babies. So, I feel that this Motion is misplaced and that it is misleading Kenyans.

With those few remarks, I beg to oppose the Motion.

**Mr. Kipchumba:** Mr. Deputy Speaker, Sir, I thank you for giving me the opportunity to support this Motion.

**Hon. Members:** Why are you supporting it?

**Mr. Kipchumba:** Mr. Deputy Speaker, Sir, as we all know, the only resource that Kenya still has intact is her population. We all know that agriculture is now in shambles, and that we do not have industries. The only resource that is at our disposal is our population. Therefore, it is only in order that we put in motion some incentives to ensure that we have a bigger population.

Even science envisages that a population is supposed to support itself. History has shown that if a population outweighs other resources, disease outbreaks ensure that such a population is reduced to its optimum level. The only resource that a country like China has is her population. Kenya should be able to export the excess human resource that it has. Many people have died of HIV/AIDS, and many more will die. There are other diseases which are taking a toll on our population. If you add the toll that the HIV/AIDS pandemic is taking on our population to that from other diseases and accidents, you will realise that we are losing a big portion of our population.

In my view, the current population growth rate of 2.4 per cent is not very high. Our current population of 30 million is likely to fall to 20 million if adequate medical facilities are not made available. Population is an index of economic development. The super-powers of the world have developed as a result of their big populations. It is, therefore, only fair that the Government gives incentives to couples, so that they can bear many children. When we talk of incentives, we have in mind things such as free maternity access, free post-natal and pre-natal care and provision of free education to children. If the Government provides couples with this kind of support, they will be encouraged to give birth to many children.

Mr. Deputy Speaker, Sir, it is only through export of our manpower that we can reduce unemployment in this country. We know that the increase in the poverty level in this country has encouraged women to procure abortions. If the Government encourages couples to give birth to many children, women will not procure illegal abortions. We know that this country has communities which I would classify as "endangered communities". If nothing is done about small communities, such as the Elmolo and the Dorobo, they are likely to become extinct. It is, therefore, only fair that the Government gives certain incentives to such communities to increase their numbers.

We all know that adherents of certain religions in this country do not encourage the use of contraceptives and other methods of controlling population growth. It is only fair that the Government also respects this view. We all know that this country has a very big chunk of land which is currently not occupied or being used. If we encourage our people to increase the country's population, we are sure of this idle land being turned into arable land to increase agricultural production. It is, therefore, only fair that the Government ceases to focus on population reduction and instead focuses on ways of ensuring that the country's population is utilised for

production.

Mr. Deputy Speaker, Sir, Sir Charles Darwin said in his theory on population growth that, when a population reaches a level that is higher than the available resources, other factors such as diseases will come in to control it. We now realise that HIV/AIDS, road accidents and floods are taking their toll on our population. So, the Government should encourage couples to have more children. It is, therefore, only fair that instead of focusing on ways of reducing this country's population, the Ministry of Health focuses on ways of managing it, so that the only resource that is readily available in this country, namely, population, can be exported to other African countries.

With those remarks, I beg to support the Motion.

**Mr. Deputy Speaker:** Hon. Members, it is now time for us to hear the official Government Responder. So, could the Minister for Health respond to the debate?

**The Minister for Health** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, out of the time that I am given to respond to this Motion, may I give Mrs. Mwendwa eight minutes?

**Mrs. Mwendwa:** Thank you, Mr. Deputy Speaker, Sir. I thank the Minister for giving me the time. I am honoured to have a few minutes to comment on this Motion which I stand to oppose. To say that the fertility rate has gone down and, therefore, we should heighten it--- In fact, for years, that is what we have been trying to do. Those who do not understand when we talk about birth control--- We are not saying: "Do not produce! Produce, but produce the number of children that you can look after! Produce the number of children that you can educate! Produce the number of children who are going to be good citizens of this country!"

Mr. Deputy Speaker, Sir, I think there is a notion, especially with educated people, that ordinary citizens can live a low life, but the educated ones should live higher level lives. We love all Kenyans and we want them to live quality lives. It is true that we have the HIV/AIDS scourge. But for anybody to stand here and tell me that we are going to fight it by producing more children is very wrong! That is because the same people--- We are talking about very young couples. They are the same people who are mostly infected with HIV/AIDS. It is common knowledge that if you try to produce children when you are HIV/AIDS positive, the child and mother will die. I thought Dr. Khalwale, who brought this Motion, should have the information and tell the young people that before they marry and produce, they should be tested to know their status. They should not be involved in the production of children before they are tested. If they do that, the children and mothers will die, and thereafter, the fathers! So, what production is there?

Mr. Deputy Speaker, Sir, I am happy because we have heard that the President has started a committee, of which he is the chairman, to fight the HIV/AIDS head on. It is my belief that before we throw that responsibility to the youth, we should start in this House. All Members of Parliament should be tested for HIV/AIDS, so that we can show the young people the way. That is not for publicity, but it is for one to be told how to live if he or she has HIV/AIDS. In the same vein, our young people should be tested before they even get married.

Mr. Deputy Speaker, Sir, I find it contradictory to tell young people--- That is because most of our young people are jobless. Are we telling people to give birth when they are not employed? Are we encouraging our young people to be irresponsible parents? That is because if one is not working, how can one give birth to eight children? Who is going to look after them? I think this is a misconceived Motion and the proposer did not really think very hard!

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

**Mrs. Mwendwa:** Which order? Leave me alone! He has excused me!

**Mr. Deputy Speaker:** Order, Mrs. Mwendwa! It is the Chair that has recognised Mr. Syongo! It is for me to determine whether Mr. Syongo has a point of order or not! What was your point of order, Mr. Syongo?

**Mr. Syongo:** Mr. Deputy Speaker, Sir, is it in order for this House to be misdirected to interpret this Motion to mean that it is opposing birth control, whereas the Motion asks the Government to provide incentives in terms of supporting families willing to produce more children, so that they can deal---

**Mr. Deputy Speaker:** Mr. Syongo, I did not give you a chance to debate the Motion! You stood on a point of order! Will you sit down now? You have made your point!

**Mrs. Mwendwa:** Mr. Deputy Speaker, Sir, he is not in order because if we are giving incentives for young couples to produce more children, you are going against the family planning policy! That is the correct point we are raising and, therefore, that is why I think this is a misconceived Motion!

With those few remarks, I thank the Minister for giving me those eight minutes to talk. We cannot have more children before we have jobs.

Thank you very much.

**The Minister for Health** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to respond to this Motion. The basic tenet in family planning is to provide women and men with reproductive health choice that would allow them to choose when and decide on the number of children; when to have them, who to have them with, at what age, how to space them and, indeed, whether to have them or not. It is their choice.

This Motion is totally misplaced in the present day and age. It is misconceived, ill-advised and a total waste of time for this august House! Indeed, I am shocked by the people who have supported this Motion, especially those in this House! I can assure you that none of those people who are supporting this Motion has more than three or four children. If any of them has, I promise you, I will give them 10 per cent of my salary as an incentive, so that they can have more children with their wives!

Mr. Deputy Speaker, Sir, the quality of a family really depends on the number of children each family will decide to have, so that each child can get adequate education and adequate attention from the parents. We know that currently, 56 per cent of the population of this country is living below the poverty line. Most of those affected are women. When you hear about incentives to couples, they are not actually thinking of the men. They are thinking about the women. The incentives will be going to the women. Women are taking full charge of their own reproductive decisions as it is today. That is what the Government has been encouraging. Women are the ones who work in our shambas. You are aware that 80 per cent of farm producers are women. They look after the children in the rural areas. Most of them are actually heads of families. Most of them look for food, water, firewood and they are the ones who, until recently when we gave free education to children, used to find ways and means of taking their children to school.

Mr. Deputy Speaker, Sir, it is true that HIV/AIDS scourge is going to take 3 million Kenyans from our population. We are aware that 10 per cent of Kenyans are HIV/AIDS positive. That gives a figure of nearly 3 million Kenyans. About 1.5 million Kenyans are already dead. I do believe that Members in this august House, who would like to do something positive for the country, would not be talking about how we are going to increase the number of children, but how we are going to fight the HIV/AIDS scourge.

**Mr. Omingo:** On a point of order, Mr. Deputy Speaker, Sir. Are we in order to debate this Motion when, in delivery, the same tools that transmit HIV/AIDS are used?

**Mr. Deputy Speaker:** Order, Mr. Omingo! I would like hon. Members to familiarise themselves with the Standing Orders of this House. Hon. Members should not just interrupt other hon. Members when making their contributions just because they want to respond to what an hon. Member has said.

Mr. Omingo, that is not a point of order, and you had known better than that!

**The Minister for Health** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, it is really the decision of the person who wants to have a child to decide who she or he will have a child with. I say this simply because I know the problems women go through. The decision to give birth and to determine the number of children a woman should have is sometimes made, if not by her husband, by her mother-in-law. A man is encouraged to marry a second wife if the first one does not produce the required number of children. Today, a woman can decide when to give birth and how many children she should give birth to.

We need to encourage hon. Members of Parliament to help the Government in the fight against HIV/AIDS. His Excellency the President declared a total war on HIV/AIDS scourge. Although HIV/AIDS was declared a national disaster in 1999, the fight against it went into a limbo, and not much work was done about it. I thank His Excellency the President for declaring a total war against the scourge. We will mobilise resources to fight the HIV/AIDS scourge. What hon. Members of Parliament should do is to immediately reconstitute the Constituency AIDS Control Committees (CACCs), so that we can now get down to work.

Mr. Deputy Speaker, Sir, we want to ensure that reproductive health facilities in this country are in top notch, so that when women attend private and public hospitals, proper pre-natal, delivery and post-natal services are availed to them. We need to ensure that infants survive. If this is done, there will certainly be no need for anybody to imagine that women should be turned into baby manufacturing plants. I would like to say that if some hon. Members of Parliament have not visited our hospitals, they should do so to see the pain our women are going through. What we need to do is to mobilise resources, and put more resources in our hospitals so that women who decide to deliver can do so in safe and efficient facilities.

We are all aware that at one point in time, the population growth of this country was 4 per cent. Today, it has gone down to 2.4 per cent. The Government will still continue to help the people who want to have small families through the introduction of family planning programmes in the country. In the past, women had no access to family planning services. We have now initiated family planning programmes in rural areas to educate women on the use of family planning methods. We are encouraging women to plan their families. Hon. Members should also try to inform their constituents about family planning services.

Mr. Deputy Speaker, Sir, we are aware that in the past, for fear of it being known that they were using

family planning methods, women went to hospitals quietly and under cover. They would even hide family planning pills under their pillows or in their shambas. This cannot be allowed to continue. We have now introduced in every hospital family planning programmes. We have also introduced family planning programmes in rural dispensaries. We hope that at one point in time, we may have to do away with traditional birth attendants. In the meantime, the Ministry is trying to train traditional birth attendants on modern methods and provide them with modern birth equipment. For instance, we are providing them with gloves and we are continuously educating them on modern delivery methods. We do not have enough medical facilities near the rural women.

I want to assure this House that the Ministry will continue to do everything it can to ensure that women have access to safe and efficient delivery facilities. In the coming Budget, I hope the Ministry will be allocated enough funds, so that it can provide free ante-natal, delivery and post-natal services. I believe this can be achieved.

Mr. Deputy Speaker, Sir, I want to talk about the HIV/AIDS scourge. When we launched the HIV/AIDS campaign a week ago, we said that we would encourage all the stakeholders to come forward and work with the Government. In the past, the main stakeholders who would have worked with the Government comfortably would have been the faith-based organisations. This is why we invited them when we were launching the HIV/AIDS campaign. They have attended a one-week seminar to strategise, plan and see how we will mobilise and co-ordinate the available resources. Hon. Members of Parliament are aware that in the year 2000, we were asked to constitute the Constituency AIDS Control Committees (CACCs), but thereafter, the CACCs were all disbanded for fear that hon. Members were going to use CACCs funds for their own political work.

I want to assure the House that the Government has funds now, and we will get more funding for the CACCs. What we need to do is not to create HIV/AIDS awareness as has been the case in the past, but we need to influence people to change their behaviour. I am shocked at the number of HIV/AIDS infected people. The most affected people by HIV/AIDS are women. Fifty-eight per cent of all the people who are infected with HIV/AIDS are women. Most of these women are those who live away from their husbands. Husbands who live away from their wives find other spouses wherever they go. I want to ask hon. Members of Parliament to talk to their constituents and inform them of the dangers of this scourge.

Yesterday, I met an hon. Member of Parliament from a pastoral area, and he told me something very shocking. I had thought that pastoral areas are safe zones. But I am told that men in pastoral areas travel from their homes and leave their dear wives behind, and take three months away from home looking after their animals. When they go back home, they are already infected with HIV/AIDS, and, as a result, they infect their wives with the virus. I know that faith-based organisations are totally opposed to the use of the condom. But I would like to request and encourage the faith-based organisations to carry the Bible with them. May I also request hon. Members of Parliament to encourage their people to use condoms.

**The Minister for Planning and National Development** (Prof. Anyang'-Nyong'o): We should "condomise" the nation!

**The Minister for Health** (Mrs. Ngilu): Mr. Deputy Speaker, Sir, that is not my language. Prof. Anyang'-Nyong'o has said that we should "condomise" the nation. I really think that there might be some merit in doing that. If you visit our district hospitals or public hospitals, you will find that 50 per cent of our bed occupancy is made up of people who suffer from HIV/AIDS. These people stay in hospitals for a very long time and stress the people who look after them, for example, the doctors and nurses. There are no drugs yet to cure HIV/AIDS. The anti-retroviral drugs which are available are extremely expensive. These drugs are not affordable. Even the funding that we expect late this year can only cater for only 3,000 Kenyans. There is need for us to really engage ourselves in helping our people. Towards this end, I would like to assure this House that in the next one month or so, I will meet all hon. Members of Parliament in their constituencies so that we can reconstitute the Constituency AIDS Committees. We need to look for opinion leaders and carry out a campaign, like we have done before in our constituencies during election time, so that we can fight this disease.

Mr. Deputy Speaker, Sir, with these remarks, I beg to oppose this Motion.

**Mr. Deputy Speaker:** I only have four minutes left before the Mover replies. I would like to give the four minutes to Mr. Khamasi.

**Mr. Khamasi:** Thank you very much, Mr. Deputy Speaker, Sir, for allowing me to make comments on this Motion, which from the outset I would like to state that I oppose.

*(Applause)*

I oppose this Motion because I think it is retrogressive. The understanding of birth control is very clear and it does not mean that you cannot have the number of children you want. You can have as many children as

you want so long as you are able to look after them and provide all the necessities which are required. We do not have a deficit of children in this country. In fact, we do have too many children whom we cannot look after. It is therefore, unnecessary to begin paying people to produce children.

*(Applause)*

If you look at the education system in this country, you will find that--- Now, the NARC Government has provided free primary school education which is compulsory and we cannot cope up with it. There are too many children who have reported to primary schools, and yet we do not have enough classrooms, desks and books. This is the case and we are now saying that the Government must pay some people money to produce more children to bring more pressure on the education system. That cannot work.

We do not have enough food to feed our children in this country. There are many areas in this country where people go hungry because they do not have enough food to eat. We have got many children who are malnourished in this country. When we say that we want to produce more children, that the Government should look for more money from some place and pay people to produce more children, one cannot understand what this is all about.

Just go to our hospitals, as the Minister has said, and see how pathetic the conditions there are. I am sure that the NARC Government is working very hard to improve the situation. In fact, at one stage the Minister said that she wanted to provide free medical care, if it was possible. We are looking ahead to that because even as I am speaking here, we cannot cope and provide proper medical health care to our people. Looking at the poverty levels in this country, in fact, the statistics we have are that over 55 per cent of our population lives below the poverty line. These are people who depend only on US\$1 per day. This is the case, and yet, we are telling the Government to pay people to produce more children. I think we are not looking at this aspect in the most sensible manner. Probably, this Motion could have come a little later. I believe that we should have taken a number of years to see what we would do.

Mr. Deputy Speaker, Sir, I would like to restate that I oppose this Motion.

**Mr. Deputy Speaker:** Very well! Let the Mover reply!

**Dr. Khalwale:** Thank you, Mr. Deputy Speaker, Sir. I would like to donate three minutes to Prof. Kibwana and another three minutes to Mr. Wario. After that, I will repond in four minutes. **Mr. Wario:** Ahsante, Bw. Naibu Spika. Hatuishi peke yetu duniani. Kuna wanyama, mimea, ndege na wadudu duniani. Wao wanazaana na hawajapangiwa uzazi. Ninashangaa kusikia Wabunge wengine wakipinga Hoja hii. Wabunge hao wanaeneza sera za kizayuni na kimagharibi ambazo hazitambui mila, mwongozo wa kidini, utu na utamaduni wa Kiafrika.

*(Applause)*

Kila kiumbe kimepewa muda wa kuzaa. Ni katika muda huu tunawambia wazae wajaze ulimwengu.

Majanga ya kiasili kama vile ukimwi, vita na maradhi aina mbali mbali yamepunguza idadi ya watu. Hii ndio sababu bara za magharibi zinategemea wakimbizi. Nchi hizi zinaleta vita ili sisi Wafrika tupigane. Wanasema wanatusaidia, lakini kwa kweli wanategemea wakimbizi kutoka bara hili letu waende wawafanyie kazi. Kenya haitaweza kufanya jambo kama hilo. Kwa hivyo, wapatie Wakenya fursa wazae na wajaze ulimwengu.

Wafugaji ni wachache mno katika nchi hii, na itakuwa hatari tukiwazuia kuzaa. Hakutakuwa na ufugaji katika nchi hii. Ninaishukuru Serikali ya NARC kwa kutoa elimu ya bure katika shule zetu za misingi. Wasiwasi wetu mkubwa ulikuwa ni vipi tutawasomesha watoto wetu. Wacheni watoto wazaliwe ili wanufaike na elimu ya bure katika shule za misingi.

Kwa hayo machache, ninasimama kuunga mkono Hoja hii.

**Prof. Kibwana:** Thank you, Dr. Khalwale, **[Prof. Kibwana]**

for giving me three minutes to contribute to this Motion. I rise to support this Motion. I think those who have opposed this Motion have totally misunderstood it because what is being sought here is for incentives to be provided so that we can have more children. This is because the truth of the matter is that if 3 million Kenyans are infected with HIV/AIDS, we are likely to lose our population at an alarming rate. It is only ordinary and normal to replace that population. Dr. Khalwale had very clearly stated that the incentives are not necessarily money---

**Mr. Omingo:** On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member on the Floor not misleading this House by proposing that we pay people to go to bed when we cannot feed the street children?

*(Applause)*

**Prof. Kibwana:** Mr. Deputy Speaker, Sir, I was in the process of actually stating that it was demonstrated that incentives are not just necessarily money. There are many incentives, like if you allow women to go for three months' maternity leave as it happens in advanced countries. Even paternity leave is an incentive. I think it is important to show that parenting is a social responsibility. This is a public thing and not for poor people to be told to raise these children. Parenting is a social responsibility like it happened in traditional Africa, and we should go back to that. We should give people incentives for parenting. Now, some of the young people do not have children, particularly men. They make girls pregnant and leave them. It is for grandparents to actually raise those parallel families. If there were incentives, this would not happen. We should actually concede the right to family for these young people. I hope that those who are opposing this Motion will realise that it is futuristic, visionary and it should be supported by all of us.

Thank you very much, Mr. Deputy Speaker, Sir.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, allow me to thank the Members who have supported this Motion. I would also like, now that we are coming close to the voting stage, to appeal to those Members who had opposed the Motion, to actually vote for it during voting.

Mr. Deputy Speaker, Sir, the reason why I am saying this is because I feel very pained when a very important issue like this is misunderstood. The essence of this Motion is about human resource development. We do not want the Government to wait at the end of the conveyor belt, find a child who has been born, brought up and educated by a poor family and then it says: "I want this person to serve me in the armed forces or in whatever capacity." We would like the Government to participate in the burden of bringing up children in this country.

*(Applause)*

Mr. Deputy Speaker, Sir, the essence, therefore, is a question of setting aside resources so that any hindrances that are there that make it difficult for our population to grow, people may enjoy from those particular resources.

Mr. Deputy Speaker, Sir, my mind is very clear. I am not talking of a situation whereby we ask people to be paid money to get children. I am not that naive. What I am saying is that in the event that this Motion goes through, resources will be there for developing youth-friendly programmes. There will be enough resources for health education; addressing the strong points in our cultures that were helping families to have better children; availing of retroviral drugs; lowering the cost of the same drugs, allowing victims of HIV/AIDS to receive free testing in the health centres, for compulsory testing of commercial sex workers and for testing of expectant mothers because we now know that if an expectant mother is HIV/AIDS positive, she has a chance of giving birth to a normal child if the child is given a therapamine just prior to delivery. Indeed, we would have enough resources to support victims of rape where the rape ends in HIV/AIDS infection, and to give free ante-natal and post-natal care.

Mr. Deputy Speaker Sir, I am saddened because some of the hon. Members who are opposed to the Motion are giving the impression that unemployed people do not have a right to have a family. Yes, they do. Poor people have a right to have a family, and they need to be supported by the Government.

Mr. Deputy Speaker Sir, if some hon. Members do not know these things, they had better ask. If you go to countries that are more civilised than ours, like Singapore; if two professors - a man and a woman - marry the Government pays them even more than the poor couples who marry and get children.

Mr. Deputy Speaker, Sir, may I end by quoting from a great politician called Mahatma Gandhi. When faced with this kind of argument, Mahatma Gandhi said: "The world is endowed with enough resources for the need of every man, but not enough for the greed of some men."

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

*(Applause)*

*(Question put and negatived)*

## COMMUNICATION FROM THE CHAIR

CHANGE IN THE ORDER OF BUSINESS

**Mr. Deputy Speaker:** Order! Hon. Members, in accordance with the Standing Orders, the Motion by hon Manoti was next, but in accordance with Standing Order No. 31(2), the Chair directs that the Motion by hon. Wamwere comes first and be followed by hon Manoti's Motion in that order, for the convenience of the House.

*[Mr. Deputy Speaker left the Chair]*

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

## MOTION

### COMPENSATION FOR POLITICAL PRISONERS

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, ningependa kutoa Hoja ifuatayo:-

KUWA, ikieleweka kwamba kuzuiliwa kwa muda usiojulikana bila kufikishwa mahakamani kwa Wabunge na Wakenya wengine kulikofanywa na Serikali zilizotangulia, kinyume na sheria za nchi hii, kulihujumu na kudhalilisha haki za kibinadamu, uhuru, hadhi, utu na uwezo wa Bunge; ikifahamika kwamba walimu wa vyuo vikuu na Wakenya wengine walifutwa kazi, wakazuiliwa na hatimaye wakalazimika kwenda uhamishoni nje ya nchi hii; Bunge hili lasihi Serikali iwalipe fidia Wabunge waliotolewa Bungeni au waliofutwa kazi kiholela.

Bw. Naibu Spika wa Muda, kwa kutoa Hoja hii, kwanza ningependa kumshukuru mhe. Manoti, kwa kunipa hii nafasi nitoe Hoja yangu kabla ya yake. Naona ana moyo ambao ukiigwa, nchi hii itaweza kupata mafanikio makubwa.

Bw. Naibu Spika wa Muda, Hoja hii ni muhimu sana kwa Bunge hili na nchi hii kwa sababu lengo lake ni kutetea demokrasia, haki za kibinadamu, haki za upinzani na Wakenya wote kukosoa viongozi wao na Serikali yao. Kwa hivyo, ni matumaini yangu kuwa pande zote za Bunge - upande wa NARC na wa KANU - watakubali kuunga mkono Hoja hii, wakijua kwa kweli watakuwa wakijiunga mkono wenyewe.

Bw. Naibu Spika wa Muda, katika nchi hii, kizuizi cha kisiasa kimetumiwa kufanyia maovu mengi. Kimetumiwa kunyamazisha upinzani nchini, kuua haki ya uhuru wa kuongea, kuzimia demokrasia, kujaza hofu nchini, kunyanyasia Bunge hili na hata kulihasi.

Bw. Naibu Spika wa Muda, baada ya sisi kupata Uhuru, inaeleweka kwamba kulitokea mgwanyiko katika Serikali na aliyekuwa Makamu wa Rais, akaingia katika upinzani na kuunda chama cha KPU. Lakini mwaka wa 1966, hayati Odinga alikamatwa na kutiwa kizuizini. Chama chake cha KPU kilipigwa marafuku na kukatokea hatari kubwa ya moyo wa upinzani nchini kuzimwa kabisa. Jambo hili lilipotokea, Bunge likajitokeza kuziba pengo lile la kutokuwa na upinzani nchini. Wakati ule kulikuweco na Wabunge kadha ambao walisifiwa kwa kuwa wapinzani shupavu. Waliendelea kutetea maskini wa nchi hii na wale ambao walikuwa wamesahaulika katika harakati za wachache kujitajirisha na mali ya umma. Wabunge ambao walijulikana zaidi walikuwa ni mhe. J.M. Kariuki, mhe. J.M. Seroney na mhe. J.M. Shikuku. Pia mhe. Rubia alikuwa miongoni mwa wale waliokuwa wanaongoza upinzani.

Bw. Naibu Spika wa Muda, wakati upinzani ulikuwa umeanza kukua, udikteta nao ulikuwa umejijenga. Mwaka wa 1975, J.M. Kariuki aliwawa. Labda aliwawa kwa sababu kuna wale waliokuwa katika Serikali ambao walihofia Mzee Jomo Kenyatta angekufa ghafla na pahali pake pachukuliwe na mhe. J.M. Kariuki kwa sababu alikuwa na umaarufu wa kisiasa. Lakini pia sababu kubwa ya kuuliwa shujaa huyu ilikuwa ni kunyamazisha Bunge. Iieleweka vizuri kwamba mara nyingi alionyesha upinzani wake kutoka Sakafu ya Bunge hili na Serikali ilijua ya kwamba yeye akigongwa na kunyamazishwa, Bunge hili pia lingenyamaza. Baada ya kuuwawa kwake, inaeleweka namna Serikali ilivyotafuta mbinu za kukomesha uchunguzi uliofanyika ili kutambua aliyemwua. Kulikuweco na hofu nyingi katika nchi kwa sababu ya woga uliosambazwa kila pahala na Serikali.

Katika mwaka huo, mhe. Shikuku alisimama hapa Bungeni na akasema kwamba waliokuwa hatamuni za Serikali walikuwa na mpango wa kuua Bunge hili namna walivyokuwa wamekiua chama cha KANU. Mhe. Shikuku aliposema hivyo, kulitokea rabsha kubwa hapa Bungeni. Bw. Moi alisimama na akasema mhe. Shikuku athibitisha ukweli wa tamko lake. Halafu, Bw. Seroney akiwa Kitini akajibu ya kwamba hakukuwa na haja yoyote ya kuthibitisha jambo ambalo lilikuwa ni wazi. Baada ya kutamka hivyo, Bw. Moi, kwa ghadhabu aliamka na akatoka nje akiongoza Wabunge wengine wa KANU huku wakiimba "KANU Yajenga Nchi!" Baadaye, siku hiyo hiyo, mhe. Shikuku na mhe. Seroney walishikwa hapa Bungeni na kupelekwa kizuizini kinyume cha sheria.



Bw. Naibu Spika wa Muda, nina hakika ya kwamba waheshimiwa Wabunge wanajua ya kwamba ni kinyume cha sheria na kinyume cha uhuru uliopewa Wabunge na Katiba yetu kwa Mbunge yeyote kushikwa katika majengo ya Bunge. Lakini hawa wawili walikamatwa kwa sababu Serikali ya wakati ule haikujali sheria. Nilipotafuta kuingia katika siasa, nilifanya hivyo kwa sababu pale nilipokuwa nikifanya kazi kama mwandishi wa magazeti, nilijihisi nsiyekuwa na ulinzi wowote. Kila nilipoandika taarifa fulani, nilitembelewa na polisi, wakanishika na kunipeleka rumande. Baada ya muda, niliona kuandika ni bure kwa sababu mtu hana ulinzi. Nilifikiria labda nikija Bungeni, nitapata ulinzi wa kuongea. Nilipewa haki ya kuongea, nikilindwa na Bunge nitete watu wangu na nitimize ile shauku niliyokuwa nayo ya kuona nchi yetu ikiwa na mfumo uliosawazisha watu na kuhakikisha ya kwamba kila mmoja alipata haki zake. Inaonekana nilikuwa mzuzu sana kwa sababu wakati nilijaliwa kuingia Bungeni, nilikuta hapa ni pahali pengine. Nikakuta pahali ambapo palijaa woga. Niliwindwa kila pahali nilipoenda. Nikiwa hapa, nilitazamwa kutoka kule juu na makachero wa polisi. Nikiingia katika gari langu, walinifuata hadi kwangu nyumbani. Pia, asubuhi, walinifuata hadi hapa. Ingawa ule ulikuwa ni wakati mgumu, lakini hakuna pahali ambapo palijawa na hofu kuliko Bunge hili.

Bw. Naibu Spika wa Muda, hofu, sana sana, ilitokana na woga wa kuzuiliwa. Lakini Wabunge hawakutishwa na kizuizi cha kisiasa peke yake. Mbinu zingine zilitumika. Kwa mfano, kama ulizidi katika upinzani, uliweza hata kusingiziwa uongo na kufungwa hata ukiwa Mbunge. Ninakumbuka mhe. Mark Mwithaga, kwa kuwa Mwenyekti wa Tume ya Bunge iliyokuwa inachunguza aliyemwua J.M. Kariuki, katika mwaka huo alikamatwa na kuwekwa ndani kwa madai kwamba alikuwa amempiga mke wake. Ukweli ni kwamba hakuwa amempiga mke wake. Hicho kilikuwa ni kisingizio tu. Bw. Waruru Kanja alipouliza hapa Bungeni ni nani aliyemwua Tom Mboya, akitaka Bunge liambiwe mtu mkubwa aliyetajwa na Bw. Njenga alikuwa nani, yeye pia alisingiziwa na kesi ya kuweka fedha za kigeni. Alikamatwa na akafungwa jela kwa muda wa miaka mitatu. Lakini sababu halisi iliyofanya Wabunge hawa wawili wawekwe ndani pamoja na wengine haikuwa mambo haya yaliyotolewa kama ushahidi kortini. Sababu yenyewe ilikuwa ni upinzani na matamshi yao wakiwa katika Bunge hili. Kwa kweli, kilichokuwa kikiyamazishwa sio wao bali ni Bunge lenyewe.

Bw. Naibu Spika wa Muda, nina imani kubwa ya kwamba kama sio kizuizi, labda Bunge la wakati ule halingebadilisha sheria, kufanya nchi hii iwe nchi ya chama kimoja. Ninakumbuka enzi hizo tulipoketi hapa tukiwa kama wafungwa waliojawa na woga. Siku ile ambayo tulipitisha sheria ile, ninajua ya kwamba tulikuwa tumekusanyika katika Majengo ya Bunge ya zamani kama KANU Parliamentary Group. Hapo, tuliambiwa na aliyekuwa mhe. Rais: "Ninyi, hapa pakitokea yeyote atakayethubutu kupinga mabadaliko haya ya Katiba, ajue ya kwamba makaratasi ya kizuizi yametiwa sahihi. Kinachongojewa ni kujaza majina ya wale ambao watathubutu kupinga."

Bw. Naibu Spika wa Muda, ni bahati kubwa ya kwamba wewe hukuweko hapa kwa sababu hungetaka kuweko hapa. Niliona Bunge ambalo lilijaa woga. Mawaziri walijaa woga, wengine wetu tulijaa woga hata nikajiuliza hili ni Bunge la aina gani ambapo watu walijaa woga? Tulipiga kura sio kwa sababu tulikuwa tunataka nchi hii iwe ya udikteta au nchi ya chama kimoja, lakini ni kwa sababu ya woga. Hata mimi ambaye nilikuwa kama kipepeo kilichokuwa kinataka kujitupa katika moto, nilipojaribu kusimama hapa ili nipinge jambo hilo, Bw. Spika alikataa kuniona. Nilisimama tena lakini akatazama kwingineko. Baadaye, nilipomuliza Bw. Spika kwa nini hakunipatia nafasi, alinijibu kwamba "watu wengine ni kama vipepeo"; walikuwa wanataka kutupwa motoni wafe kifo kimoja siku ile. Kifo Bw. Spika alichokuwa akizungumzia kilikuwa kifo cha demokrasia katika nchi hii; kifo cha Bunge na nchi nzima. Hii ni historia inayoeleweka na kila mtu; yaliyofanyika baada ya sisi kupitisha hiyo sheria ya kusema kwamba nchi yetu iwe ya chama kimoja.

Bw. Naibu Spika wa Muda, walimu katika chuo kikuu walipothubutu kupinga jambo hilo, na bado ninakumbuka matamshi ya Bw. Mukaru Ng'ang'a aliposema kwamba "nyinyi Wabunge mkiifanya nchi hii iwe ni nchi ya chama kimoja, wengine wetu tutakwenda chini-kwa-chini mpaka tuikomoe nchi yetu." Halafu, aliyekuwa anaongoza kampeini ya kuweka nchi hii katika utawala wa kidikteta, aliyekuwa anaitwa wakati ule kama 'Sir Charles Njonjo' alisimama na kumthubutu Bw. Mukaru Ng'ang'a kwamba, "thubutu kwenda chini, na tutakufuata kule nchini na hutatoka huko chini."

Bw. Naibu Spika wa Muda, Bw. Njonjo hakuwa akitoa vitisho vya bure. Hawa walimu, baada ya muda mfupi, waliokotwa mmoja kwa mmoja na kuwekwa kizuizini. Mabw. Mukaru Ng'ang'a, Willy Mutunga, Ali Mazrui, wote waliwekwa vizuizini, na walipotoka vizuizini wakanyimwa kazi. Hawakuruhusiwa tena kufanya kazi katika nchi hii. Walilazimika kwenda uhamishoni na ndiko waliko mpaka wakati huu ninavyozungumza. Kwa bahati mbaya, Bw. Mukaru Ng'ang'a hakujaliwa kuishi kuona matunda ya vita vyake vya kutafuta demokrasia katika nchi hii.

Bw. Naibu Spika wa Muda, kwa hivyo, ninasema kwamba, ni muhimu sana kupitisha Hoja hii. Kizuizi kilitumiwa kuzuia Wabunge kufanya kazi yao. Wabunge hawakuwa wanakamatwa. Ningependa kuelezea kwamba, siku moja, nilitoka Bungeni nikiandamana na aliye Makamu wa Rais sasa na tulikwenda pamoja mpaka

Nakuru, tukiongea. Tulipoagana, yeye alienda Kitale nami nikabaki pale Nakuru. Lakini, sikuweza kurudi tena Bungeni. Jumapili wiki hiyo, nilitembelewa na askari ambao walidanganya kwamba walikuwa na maswali machache waliotaka kuniuliza. Nilipotolewa kwangu, sikuona hata mtu moja kule nje. Watu wote walikuwa wameondolewa. Hata sikupelekwa katika kituo cha polisi, bali nilipelekwa moja kwa moja hadi Kamiti, bila kufikishwa mahakamani wala kuambiwa kosa nililolifanya, au bila kuambiwa nilitakiwa kufanya nini ili niweze kujikomboa.

Bw. Naibu Spika wa Muda, kama nilivyosema awali, wale tuliozuiliwa, hatukuzuiliwa kwa sababu ya kuvunja sheria au kukosea chochote. Tulizuiliwa kwa sababu tulikuwa tunaongea katika hali ya uhuru bila kuogopa na hatukutakiwa kuongea. Lakini ukweli wa mambo ni kwamba, ijapokuwa ilionekana kwamba sisi ndio tulikuwa tunazuiliwa, lakini ukitazama vizuri, utaona kwamba nchi nzima pia ilikuwa inazuiliwa. Hii ni kwa sababu sisi tulikuwa tunatumika kama vinyago; unawekwa kule ndani na unatoka ukiwa kiwete. Watu wakikutazama, wanaogopa. Kama ni Wabunge, wakiona Mbunge kama Bw. Shikuku akitoka kule akiwa anatembea kwa mkongojo, au mhe. Rubia au Matiba akitoka kule hana afya, amekwisha kabisa - bila shaka, Wabunge ni binadamu - wakiona mambo haya, wanaingwiwa na uoga. Wakati mwingine hata ukifanya nini, hawawezi kuongea. Hii ndio sababu tulikuwa na "Bunge baridi", Bunge ambalo liliharibika.

Bw. Naibu Spika wa Muda, naomba kwamba kama tunataka kulirudishia Bunge hili uwezo wake kamili, ni lazima Bunge lifanye haki ya kulipia walioumia wakifanya kazi yao hapa. Bunge hili lihimize Serikali iwalipe hawa mabwana fidia. Kwa sababu tulipowekwa kizuizini, tuliteswa kwa namna nyingi; tulinyimwa chakula. Kwa kweli tulipewa chakula ambacho kilitosha kuliwa na nguruwe. Tulifungwa masaa 23 ndani kila siku; hatukurusiwa kuongea na yeyote. Watu wetu hawakuruhusiwa kututembelea; tulitengwa na wafungwa wale wengine na kukatazwa mambo mengi. Tulipotoka tulikuwa viwete, hata sisi ambao tunasifiwa kama mashujaa waliohimili kifungo cha miaka mingi, tumeathirika. Lakini hasara tulioipata kubwa zaidi ni hasara ya kuvurugiwa maisha yetu. Kuna wale ambao tulitoka tukapata kwamba wake zetu wametukimbia; wengine tulitoka ndani tukapata biashara tulizokuwanazo zimefungwa na tulipotoka, hatukuruhusiwa tena kufanya kazi.

Bw. Naibu Spika wa Muda, ninapongea hapa hivi leo, ukiitembelea familia ya mhe. hayati Seroney, utakuta kwamba watoto wake hawasomi. Unajiuliza, mtu ambaye alikuwa Mbunge na hata Naibu Spika, kama alikufa maskini ni kwa nini akafa maskini? Sababu moja ya yeye kufa maskini, ni kutoka kizuizini akiwa hana chochote. Kwa hivyo, ninapendekeza kwamba, sisi ambao mambo yetu yaliharibiwa kabisa, tunastahili kupewa msaada wakati huu. Sisi ni watu walioraruriwa na simba, tukatiwa vidonda, na ni juu ya Serikali kutusaidia na kutupa ponya ya vidonda vyetu.

Kwa hayo yote, naomba kutoa Hoja na kumuuliza mhe. Munya kuunga mkono Hoja hii.

**Mr. Munya:** Mr. Temporary Deputy Speaker, Sir, I beg to second the Motion.

The NARC Government has given various promises and one of the promises is to make sure that this country remains democratic and ensure that good governance is observed. The opposite of democratic governance is dictatorship. We had a dictatorship Government before the NARC Government took over; dictatorship that suppressed freedom of expression, movement and dissent. If the NARC Government is ready to demonstrate that it is not going to backtrack on the reforms to restore democracy, then it should demonstrate it by implementing this Motion once it is passed.

Mr. Temporary Deputy Speaker, Sir, the building blocks of dictatorship are suppression of dissent and the fundamental freedoms enshrined in the Constitution. Dictatorship cannot survive if people are allowed to express themselves and exercise their fundamental rights. That is why the various opponents of the Moi dictatorship were detained, tortured, their careers ruined, families ruined and many of them are now living with scars and trauma. It is important, therefore, as we confront our past, we confront this brutal past too by compensating those individuals by restoring them to their former positions and paying them their pensions. Mr. Temporary Deputy Speaker, Sir, I would like to mainly concentrate on the great minds from the academic world who suffered under the previous regime. We have great literary minds like Prof. Ngugi wa Thiong'o, who was one of the harshest critics of imperialism and cultural dominance of the world by the West. If you read his books, like *Moving the Centre* and *Decolonizing the Mind*, you will see a great mind at work. This is a mind that would rather have a world where we have marginalised cultural groups and linguistic groups protected in the world. Right now, he is living in exile using his mental resources to develop other countries, when our country is suffering. We would like those people to be invited back to come and assist in national development and reconstruction. Right now, Prof. Ngugi wa Thiong'o is the Director of the Language Translation Centre at UCLA, which is a unique centre of its own. It is nowhere else because of its expertise in championing the rights of the linguistic minorities in the world who are being subjugated by the spread of Western cultural values and language. He has been proposed by various pressure groups to receive the Nobel prize for Literature.

Mr. Temporary Deputy Speaker, Sir, other distinguished individuals include Prof. Ali Mazrui, a renown

Historian and Political Scientist who is, right now the Director of the Centre for Global Cultural Studies. The other renowned mind and a person that Kenyans need to be proud about is Prof. Micere Mugo, who is right now teaching at Syracuse University, who together with other writers authored many books, for example, *The Trial of Dedan Kimathi*, that she authored with Prof. Ngugi wa Thiong'o, and *I will Marry When I Want*. The other academic minds whom we would want to come back and serve this country is Prof. Ngogho Kariuki, who was an expert on tax matters at the Dean of the Faculty of Commerce at the University of Nairobi, before he was detained and later hounded out of his job. He is now living in Namibia and is the Dean of the Faculty of Commerce in one of the universities.

Mr. Temporary Deputy Speaker, Sir, Prof. Ngogho Kariuki has been wanting to come and work in this country. Shortly after the NARC Government came to power, he came back in search of a job in this country, but nobody offered him any job. He had to go back to where he was working because the Government was not interested in having him back. We have a lot of problems in our universities. The vision of transforming our universities into centres of learning cannot be achieved if those who have the mental resources to transform those universities into excellent centres of learning are kept out of this country and are not encouraged or invited to come back. We want to know whether the NARC Government is really interested in reforms. The first step would for us to see them inviting those people back to our universities, to offer their services.

Mr. Temporary Deputy Speaker, Sir, we are not encouraged by what we have seen happening, especially with regard to some of the appointments that took place in our public universities. For example, at Moi University, an Associate Professor of very little experience, and who was appointed from State House by the former President Moi shortly before he left has now been confirmed the Vice-Chancellor of that university, whereas the statutes of the university clearly state that an individual has to be a full professor before he or she becomes a Vice-Chancellor of the university. The Deputy Vice-Chancellor, Prof. Karmar is another person who is not qualified. She is an Associate Professor who was rushed through the ranks because of relations with powerful men in the Moi Government to become a full Professor and now she is the Deputy Vice-Chancellor. She is holding two important jobs because she is also a legislator in the East African Legislative Assembly. How can she be able to manage two jobs when she is inexperienced and even not qualified to be a Deputy Vice-Chancellor in that university?

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. Munya! Where are you heading to? I would like to inform you that in the Standing Orders, you are responsible for the accuracy of the information that you are giving, but also that you are mentioning people who are not here and who cannot defend themselves. So, let us not move into naming people who cannot even defend themselves unless you are accurate about the information you are giving.

**Mr. Munya:** Mr. Temporary Deputy Speaker, Sir, what I am trying to demonstrate is that, it is not that our universities are running very well, or we have the greatest people running them so that those people who come out can continue serving wherever they are. There are problems in our universities and yet there are people who have the capacity and the ability to assist these universities.

Mr. Temporary Deputy Speaker, Sir, the sons and daughters of this country who are proud to be citizens of this country should be allowed to come back. Why should we hire retirees to run those universities and yet we have people who even have the ability to attract research funds for these universities? There are well known professors who can assist the Government to raise funds to assist our universities where we cannot even be able to pay our lecturers properly. Why are they not being invited back to come and assist in national building?

Mr. Temporary Deputy Speaker, Sir, without naming names of a particular university, there are cases where the Vice-Chancellor, the Deputy Vice-Chancellor, the Finance Officer and the Chief Academic Registrar in a university come from one community. How do we expect that university to run devoid of tribalism? We would like our universities to be national institutions which will reflect the national character. If they are not able to reflect a national character, there are bound to be problems.

I got some confession from one of the students who was expelled from one of the public universities. He told me that when he faced the Disciplinary Committee in one of the public universities, the committee members who were disciplining him were deliberating in their mother tongue.

**Mr. Wamwere:** What university is that?

**Mr. Munya:** Mr. Deputy Speaker, Sir, this was Maseno University, where the committee members were deliberating in their mother tongue because they were all from one community and yet that student was not from that community. He could, therefore, not even hear what they were saying.

I beg to second.

*(Question proposed)*

**Prof. Kibwana:** Mr. Temporary Deputy Speaker, Sir, I stand to support this very important Motion. Before I came to Parliament I worked for universities, therefore, this Motion is very real to me as a person, although we are not discussing it in terms of personal experience. I am aware that our detention law and the intimidation that was occurring within our institutions of higher learning was extremely detrimental and did stifle the creativity in those institutions. Therefore, I think what this Motion intends to achieve is to begin to revive our universities. Obviously, if a new means of change becomes apparent, great minds will be able to come back to teach. We are not merely just talking about those minds who are abroad; we are also talking about those minds who were here, were detained and were subsequently denied the right to teach within our institutions of higher learning. As a result, they went to NGOs and other places. We are talking about Prof. Katama Mkangi, Dr. Willy Mutunga and very many Kenyans who are similarly situated, including those very able minds who went to teach and work abroad.

Therefore, I think that one thing that this Motion will achieve is to make those people who were chased from universities, institutions of higher learning and other places of work come back to those positions. This will send the message countrywide that there is a change. This will ensure that nobody is penalised for expressing their minds, and in a very important way helping this country to be very creative.

Mr. Temporary Deputy Speaker, Sir, one aspect which was de-emphasised by the previous Government was the importance of creativity and ideas in terms of nation-building. I think we need to reverse this by supporting this Motion, and to emphasise that men and women of ideas must be supported so that, in turn, their creativity helps our country. I am looking forward, through this Motion and other activities by the Government, to a situation where there will be abundant academic freedom for both students and staff who actually carried out the struggle for democracy in the previous decade. This will ensure that our learning institutions become partners with the Government. The Government will then consult them in order to tap from their wealth of knowledge. Therefore, I do support that those people in our country who were detained, tortured and so on, are rehabilitated, given their jobs back and compensated, so that a new situation can arise whereby they will involve themselves in national development without fear so that we can tap from their ability. Restoration of academic freedom is very crucial to me because when we do that, we shall have proper universities, and in turn the Government will enter into partnership with these universities and look for advice. This is what happens, particularly in the Western countries where academic institutions are very much part of the development of those countries.

I also work for Non-Governmental Organisations (NGOs). The previous Government was very angry because NGOs gave them a lot of trouble. The reason was simple; when we were chased away from the universities, we went to the NGOs and found a new home. We were, therefore, able to demand freedom and democracy from that new environment. This is merely to say that when you torture and detain people in one environment, you make them go to another site for struggle. As this Motion anticipates, I think it would be very much in order for this country to actually thank people within universities, like a lot of students who were injured and some even killed in the struggle for democracy. This is because at that time it is only students who were able to rise against an oppressive regime. There were also members of staff in our institutions of higher learning who were able to continue with the struggle for freedom. People in the civil society also played a major role. It is important for us to end the culture of vilifying them and acknowledge that they were very much instrumental towards getting us to where we are.

As this Motion anticipates, I think it is important now to secure employment of people within academic institutions so that there is security of tenure. Employees should know that they can practice their profession, carry out research, write and teach freely. They should also be paid very well. By the time I left the University of Nairobi, although I was a professor, I was paid a salary equivalent to that paid to a bank clerk. Lecturers should be paid properly because one method that was used by the previous Government to weaken universities was to pay the academic staff very little. Similarly, at some point, MPs used to be paid very little to prevent them from doing their work properly. It is also important to pinpoint that the detention law has not been removed from the Constitution although there is no detention law within the new draft. We should also focus on that as we debate the draft Constitution so that we remove all issues that curtail the freedom of those who can help us to move our country forward.

I will not speak more on universities because Mr. Wamwere very eloquently spoke on how detention law, torture and so on were able to weaken Parliament. It is very important to emphasise that if the Executive is not discouraged from influencing Parliament negatively, then the sanctity of Parliament will be interfered with. It will not be easy for this Parliament to be a third, equal arm of Government in terms of arranging the governance of our country. Therefore, I think it is very much in order for those MPs who were detained and accused, like Mr. Wamwere, to be compensated because some of them were plucked away from the precincts of Parliament before their term was over. So, they should be compensated for that. All people who were detained whether they were

from universities or other institutions need to be compensated. There are many unacknowledged and unsung heroes and heroines. They need to be identified and compensated. As a country, we eloquently state that we will not treat people in such a very inhumane way. Therefore, we promise not to repeat such brutality henceforth.

Mr. Temporary Deputy Speaker, Sir, although this Motion is targeting hon. Members, it should also include people who were employed in institutions of higher learning and, of course, students. Some students who were expelled have already been readmitted to universities to continue with their studies. I think there is also another category of people who need to be anticipated. These are the people who struggled before this recent struggle and they were detained, tortured and killed. These are people who fought in the *Mau Mau* war. They too should be included so that it does not appear as if we are partially restoring the more recent people who were involved in struggle. We know, for example, that Kimathi is still in prison in Kamiti Maximum Prison. Even in Makueni Constituency, there are many *Mau Mau* generals who keep on asking me when they will be recognised by the Government. In fact, in that part of the country, the reason why we are a bit militant is because we are children of the *Mau Mau* movement.

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

**Mr. Kombe:** Bw. Naibu Spika wa Muda, asante sana kwa kunipa nafasi hii ili niunge mkono Hoja hii.

Ni wajibu wa Serikali kuhakikisha ya kwamba kuna uhuru wa kujieleza, kusema na kuandika. Kila mmoja wetu ana haki ya kufurahia uhuru huu bila kushurutishwa, kutishwa au kuwekewa vikwazo vyoyote vile. Serikali iliyopita haikuzingatia haya yote. Wananchi wengi walijikuta kwenye lindi la mateso kwa sababu ya kupigania demokrasia na haki za binadamu. Baadhi yao ni mhe. Wamwere ambaye amewasilisha Hoja hii hapa Bungeni. Ninakumbuka vyema siku za nyuma wakati mhe. Wamwere na wengine walipowekwa viziuzini vile kulikuwa na fujo Kenya nzima, kuanzia vyo vikiu hadi shule za upili. Kulikuwa na fujo katika pembe zote za nchi hii. Baadhi ya watu waliokuwa wakipigania demokrasia, wakiwemo wanafunzi, walijipata gerezani. Ninakumbuka mhe. Mwandawiro aliwekwa gerezani, huko ikidaiwa kwamba aliongoza kundi la wanafunzi kuleta fujo kwa Serikali ya Kenya. Lakini hayo yote yalikuwa kati harakati za kupigania demokrasia na haki. Baadhi ya wananchi wetu walijipata uhamishoni na wengine kuwekwa viziuzini kwa sababu ya kupigania demokrasia na haki hapa nchini. Kwa mfano, Prof. Katama Mkangi aliwekwa kiziuzini kinyume na sheria za nchi hii. Baada ya kuachiliwa huru, alilazimika kwenda uhamishoni kufanya kazi huko. Alifanya kazi huko nje na aliporejea hapa nchini, si jambo rahisi kwake kuajiriwa katika vyo vikiu; yeye huzifanyia kazi vyo vilivyo na misingi ya kigeni.

Kuna jamii ambazo zilipata mateso kutokana na watu wao kuwekwa viziuzini. Ikiwa watu hawa waliopata mateso chini ya Serikali iliyopita ya KANU watafidiwa, basi itakuwa vyema jamii zao pia kufidiwa kwa sababu zilipata mateso. Ninaiomba Serikali ya NARC kuwafidia wote waliopata mateso chini ya utawala wa Serikali iliyopita. Tunajua kuwa iwapo mume aliwekwa kiziuzini, basi mke wake alikosa haki ya kuwa na mume wake. Watoto walikosa haki ya kuwa na baba yao, na ni lazima pia nao wafidiwe. Kwa hivyo, ni maoni yangu kwamba Serikali ya NARC iwalipe fidia wale waliowekwa kiziuzini kimakosa, pamoja na mabibi na watoto wao. Tukifanya hivyo, tutakuwa tumeshikilia mwongozo unaofaa. Kadhalika, Serikali inafaa ihakikishe kwamba makosa kama hayo hayataregelewa tena katika siku za usoni. Wengi wa waliohusika na udhalimu huo bado wangali hai. Ninamwomba Mwenyezi Mungu awasamehe, lakini wasirudie makosa kama hayo tena.

*(Laughter)*

Bw. Naibu Spika wa Muda, mpaka sasa watu huwekwa korokoroni kimakosa; wengine hutishwa na askari. Raia wengi wa kawaida wakijaribu kujieleza katika vituo vya usalama, hutishwa na maafisa wa usalama kwamba wasipotimiza masharti fulani wanayowekwa na maafisa hao, watawekwa korokoroni. Kwa hivyo watu wengi "hushirikiana" na maafisa kama hao kwa sababu ya kuogopa kuwekwa korokoroni pasipo na hatia. Watu ambao hudhulumiwa kwa njia hii, huachiliwa huru baada ya siku chache bila ya kufunguliwa mashtaka. Kwa sababu wanaokumbwa na hali kama hii hawajui haki zao za kikatiba, wakiachiliwa huru hujihisi kana kwamba wametemwa na mamba na hukimbilia nyumbani kwao. Hawafikirii kudai ridhaa kutoka kwa Serikali. Kwa hivyo, ningependa Serikali izingatie hali kama hii ili watu wakiwekwa kiziuzini bila ya kuwa na makosa, walipwe fidia.

Bw. Naibu Spika wa Muda, ninaiunga Hoja hii.

**The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction (Mr. Mungatana):** Mr. Temporary Deputy Speaker, Sir, I rise to oppose the Motion for the following reasons.

First and foremost, I would like to agree with the hon. Members who have said that some people have sacrificed for this nation. It is true that some people have suffered for the wellbeing of this nation. However, I would like to point out that there are other avenues which can be followed for the purpose of compensation of these claims. Really, the essence of this debate is to charge some more funds on the Consolidated Fund and give

them to a class of individuals who have been defined in this Motion.

Mr. Temporary Deputy Speaker, Sir, we are saying that Kenyans should be taxed more to raise additional funds to be given out to a certain class of people. We all know that, currently, the Government is operating under a difficult financial situation. It will, therefore, be unfair for the Government to be asked to increase taxation so that it can compensate the individuals referred to in this Motion. I believe that we will be asking the Minister for Finance to relinquish his parliamentary seat if we ask him to increase the burden of taxation on ordinary Kenyans. There are other ways of recognising the sacrifices people have made for the sake of this country.

In order to relate this case to international examples, I would like to cite the case of the sex slaves of Japan, who were not given monetary compensation. So, the Government can, for instance, apologise to these people, because there is no amount of money which can sufficiently compensate them for the suffering they underwent in the hands of the former regime. If it is recognised in terms of an apology or something like that, it is more honourable than giving money. We cannot pay for the suffering those people had, and certainly, the Government cannot pay at this time because there is no money for that.

**Mr. Kombe:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member, being an Assistant Minister, to say that the Government does not have any money to compensate the people who have suffered and yet, we stand here wanting to have our salaries increased? He has said that the Government has no money to compensate the people who have suffered! Where will it get money to pay Members of Parliament?

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. Assistant Minister! Are you giving the official position or your personal position?

**The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction** (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Mr. Mungatana is not the official Responder of Government. He is speaking in his own capacity as a Member of Parliament.

Proceed!

**The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction** (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I should point out that the point made by the hon. Member is valid. But I should point out that in every financial year, there are plans and procedures that must be followed. All we are saying is that it would increase the taxation burden on ordinary Kenyans.

In continuing to oppose this Motion, I should point out that the mistakes of past Governments cannot be paid for by the NARC Government. It is being unfair to the current situation to say: "That now so-and-so was tortured in 1963---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Since you are not the official Government Responder, and you do not know what he is going to say, whether you are speaking for the Government or yourself are two matters that you must have to decide. I am just giving you that advice.

**The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction** (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I am saying that it would be unfair to ask the Government to go all that way, with all the holes in the Budget. Speaking for myself as a Member of Parliament, I feel that with all the holes in the Budget, it would be unfair to burden the current administration with all the claims of past administrations.

**Mr. Kajembe:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is continuing to talk on behalf of the Minister for Finance. What will happen if the Minister for Finance will come here and say he can pay? Is he right to speak on behalf of the Minister for Finance?

**The Temporary Deputy Speaker** (Mr. Poghisio): That has been communicated to him!

**The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction** (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I want to make my last point, that this Motion also asks that former employees of the universities be rehabilitated by being given back their jobs at the universities. In my own view, I would like to say that in this era, where institutions of higher learning are being given more freedom to operate, make their own policies, to decide the course of their future, their curriculum and the way they want to move forward, it would be unfair to impose a policy on all of them to say that so-and-so, irrespective of his or her qualifications, be re-employed. We must accept that things have changed now. The universities are places where people are given opportunities to develop in their own fields and improve their lives, so that we can develop further into the 21st and 22nd centuries. For this Motion to suggest that all universities must re-employ all those people, we would be taking ourselves back in time from where we came, where we used to suppress academic freedom; where we used to insist on certain things being done, and I think that is not the way forward.

**Mr. Munya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to tell us that hiring those great brains back to universities is taking our country back in time? Is he not confusing and misleading the House?

**The Temporary Deputy Speaker** (Mr. Poghio): Order, Mr. Munya! When you stand on a point of order, you should make sure that the issue you want to raise is a breach of our Standing Orders. You should not raise an argument either for or against what the hon. Member is saying.

**The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction** (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, hiring of those brains back to universities is not bad, but instructing universities to hire specific individuals is wrong. Universities are supposed to be independent institutions. We must be fair to university administrations. In the past, instructions used to be issued from higher authorities. "Higher authorities" in the new dispensation must be a thing of the past.

Mr. Temporary Deputy Speaker, Sir, I would further state that there are other avenues, apart from this House, through which people can seek compensation. People have gone to court to seek compensation and have been correctly compensated. How would this House decide how much somebody should be given as compensation? We should take these cases to court, and courts should adjudicate the matters arising fairly. The people who suffered, as has been stated here---

**The Temporary Deputy Speaker** (Mr. Poghio): Mr. Mungatana, the Motion is before the House now. It is not before a court and is not about to be taken to court. We need to handle the matter because the Motion is before the House.

**The Assistant Minister, Office of the Vice-President and Ministry of National Reconstruction** (Mr. Mungatana): Thank you, Mr. Temporary Deputy Speaker, Sir. It is true the Motion is before the House, and I take your correction. I was only making a point that there might be better avenues through which people should seek compensation.

**Mr. Kamama:** Thank you, Mr. Temporary Deputy Speaker, Sir, for granting me this opportunity to contribute to debate on this Motion.

I support the Motion, and I wish to pay tribute to the many Kenyans who suffered under the first and second regimes, namely, the late Mzee Kenyatta's regime, and the previous regime. I wish to pay tribute as well to Mr. Koigi wa Wamwere, who suffered a lot in the second liberation of this country. There are others, such as Messrs. Maina wa Kinyati, Ngugi wa Thiong'o and Prof. Mazrui, who is a very prolific intellectual and academician. He is supposed to be in this country at the moment, but right now, he is a roving ambassador who is going from one country to another, trying to teach people the tenets of democracy.

Mr. Temporary Deputy Speaker, Sir, so many Kenyans have suffered and I wish to state that all those people who suffered, for example, Messrs. Wamwere and Ngugi wa Thiong'o, should be compensated. People who sought refuge in other countries, such as Sweden and the United States of America, should be brought back and reinstated to their previous positions.

In supporting this Motion, I wish to pay tribute to you, Mr. Temporary Deputy Speaker. In 1988, you, together with the late Mr. F.L. Lotodo, were bundled out of this House by the previous regime. About 12 people from the Pokot community were expelled from KANU. You had been in this House for only six months, and you went to the USA and other places to earn a living for yourself and your family. Something must be done to this effect. The Pokot community also suffered under the previous regime. I remember when I was young, from 1972 to 1976, somewhere in Baringo East Constituency, there was a Chief Inspector by the name Mr. Ndolo, who used to put the Pokot in concentration camps and the GSU would rape their wives. The men would be caned and the situation was very bad. So, some of these cases should also be addressed by this Government like the rest.

Mr. Temporary Deputy Speaker, Sir, there is a case which took place in 1984 in Kacheliba Constituency, which the Chair represents. About 3,000 heads of cattle died in the hands of the police because the Pokot were put in the concentration camps---

**The Temporary Deputy Speaker** (Mr. Poghio): Mr. Kamama, you can now talk about Kacheliba Constituency! The Chair is the Chair!

**Mr. Kamama:** Mr. Temporary Deputy Speaker, Sir, let me talk about West Pokot District and not Kacheliba Constituency, because that is your constituency. So, the Pokot were put in concentration camps; over 30 of them were killed, their wives were raped and we lost about 3,000 heads of cattle. This exercise was done under the command of a former DC. We have had flagrant abuse of human rights, especially in the North Rift, for a very long time. We want the NARC Government to make a difference this time round.

I would like to say that detention without trial is dehumanising and it reduces human beings to gibbons. I am happy that the new draft Constitution is devoid of this crime and I would like it to actually abolish detention

without trial. The Chair will also note that in some places, like when you travel around this country, still have some chief's cells which are not gazetted. For example, in Baringo East Constituency, which is the East Pokot Sub-district, we have a cell there which is not gazetted. Very soon I will ask a Question in this House and recommend that it is closed immediately. So, these things do happen. Therefore, I would like to join my colleagues in supporting this Motion, that those people who lost their jobs should be reinstated; those who were detained without trial should be compensated, and those who are outside this country should be encouraged to come back so that they can contribute to national development.

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

**Mr. G.G. Kariuki:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to oppose this Motion and I will explain the reason why. First of all, I sympathise with the sentiments expressed by the hon. Mover and Seconder. However, let us ask ourselves whether we are here in this House to move forward or to start thinking about what happened in the past. This is because if we were to concentrate on what happened 20 to 30 years ago---

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, hon. G.G. Kariuki! Is this your maiden speech or you have contributed before?

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, it is not my maiden speech.

**The Temporary Deputy Speaker** (Mr. Poghisio): Fine, I was just asking for the purposes of record.

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, it is not my maiden speech since I have been here for 25 years.

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Is it your first maiden speech in this Session?

**Mr. G.G. Kariuki:** No, Mr. Temporary Deputy Speaker, Sir. I have spoken before.

Mr. Temporary Deputy Speaker, Sir, I hope the hon. Mover will agree with me that people in this country suffered a lot from the days of colonialism, Kenyatta's rule and up to Moi's rule. Now, if we were to start asking ourselves who suffered more than the other, and how much do we want to pay the victims, then this Motion is concentrating on a group of people mostly comprising of politicians, professors and some other learned people who had to run away from this country because of atrocities which they faced at that time. We ought to know that there are people who were even murdered. Are we going to pay for those who were murdered?

**Mr. Munya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member disclose his interest in opposing this Motion?

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I respect the hon. Member over there. I think he should give me an opportunity to speak because this is a very serious matter. The question of declaring my interest or not--

**The Temporary Deputy Speaker** (Mr. Poghisio): Order, Mr. G.G. Kariuki; the Standing Orders do provide for that.

**Mr. G.G. Kariuki:** But what interest do I have, Mr. Temporary Deputy Speaker, Sir?

**The Temporary Deputy Speaker** (Mr. Poghisio): Yes, if someone has any interest, he or she has to declare it.

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, what interest does he expect me to have on a Motion like this one? He stood on a point of order.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Order! Now, that is a frivolous response. The mandate of saying what is frivolous or not belongs to the Chair. The Member has rightly used the Standing Orders to say that if an hon. Member has some interest to declare, he is actually supposed to be asked to do so. If possible, if one has an interest, he or she has to declare it. However, I am assuming that since you did not declare, you have no interest, but if you do have any, declare it.

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, there is nothing to declare here. I am a Member of Parliament who was elected by the people. If he is talking about the time I was the Minister of State, Office of the President, in charge of Internal Security, I would want him to mention any single moment when I detained anyone. That is why I am saying that we should respect ourselves so that we can concentrate on a very serious matter like this one. Most people suffered. Some of them lost their lives and their families were left in the houses without husbands right from the days of colonialism. Therefore, if all goes well, I wish the hon. Member---

**Mr. Munya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member not misleading the House when he tells us that he has no interest? He was a Minister of State, Office of the President, in charge of



Internal Security in a Government that was detaining people. Did he in any way contribute when some people were detained, whether directly or indirectly?

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Hon. Members, I think, at this point, both of you should realise that you are hon. Members in this House. The Standing Orders again provide for how you should deal with each other.

*(A mobile phone rang)*

Order! What is that? Was that a cellphone which rang? Wherever that is coming from, could somebody come and tell us whose phone it is? We do not want any phones ringing when we are in session.

I was saying that if both of you have anything against each other as Members of Parliament, then you are supposed to bring a substantive Motion rather than to impute improper motives on each other. That is how we expect you to respect each other as hon. Members.

Mr. G.G. Kariuki, proceed in that regard!

**Mr. G.G. Kariuki:** Mr. Temporary Deputy Speaker, Sir, thank you for that ruling.

Mr. Temporary Deputy Speaker, Sir, now, what I was trying to say is that I was just caught unaware. I hope the hon. Member will bring an amendment---

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghiso): Order! Mr. G.G. Kariuki, you have finished your time.

Hon. Members, it is time for the interruption of business of the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 a.m.