

REPUBLIC OF KENYA

THE NATIONAL

ASSEMBLY

OFFICIAL REPORT

Tuesday, 13th October, 1987.

ORAL ANSWERS TO QUESTIONS

Questions Nos. 552, 118, 572, 569, 565, 573, 378, 576,
481 and 558.

QUESTIONS BY PRIVATE NOTICE

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(Mr. Shikuku)

Shortage of Water in Rumuruti Township and Secondary
School (Mr. Mathenge)

Payment of N.S.S.F. Dues to Mr. Francis O. Musure (Mr. Abuya-
Abuya)

COMMUNICATION FROM THE CHAIR

Intention of Mr. Munyao to Move a Motion for Adjournment
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POINTS OF ORDER

Further Information to Question No. 566 Asked by Mr. Ddaiddo.

Further Information Concerning a Statement Made by a
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COMMITTEE OF SUPPLY

Motion: That Mr. Speaker do now Leave the Chair -
The Minister for Research, Science and Technology
On Behalf of the Minister for Education -
Question Proposed - Debate interrupted without
Question put.

H A N S A R D

Tuesday, 13th October, 1987

The House met at thirty minutes past Two o'clockMr. Speaker in the Chair

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 552

MR. BORU asked the Minister for Livestock Development:-

- (a) whether he is aware that because of the financial problems facing the Kenya Meat Commission (KMC) the livestock farmers in Marsabit North are experiencing problems in marketing their products; and
- (b) what plans does he have to solve these problems.

THE MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Ngei): Mr. Speaker, Sir, I beg to reply.

Mr. Speaker, Sir, the Kenya Meat "Corporation" has been split into two parts in the ration of 60 per cent and 40 per cent. The rest is yet to be known.

MR. BORU: Mr. Speaker, Sir, I did not get the reply just given by the Minister. I did not hear him well. When I put this Question, the KMC was still in existence. Could the Minister elaborate and tell us, and the country at large, what the KMC is doing? Livestock farmers, especially where I come from, depend entirely on the KMC for marketing of their livestock. If the KMC has been dissolved and now they have a corporation, he should tell the House what is going on.

MR. NGEI: Mr. Speaker, Sir, the Kenya Meat "Corporation" was split into in the ration of 60 and 40 per cent. The 60 per cent is for the farmers and the 40 per cent is for the Agricultural Development Corporation (ADC). We are now thinking of the next step to take. Therefore, we have not yet decided whether we are going to make it a corporation solely owned by farmers or by the ADC.

MR. BORU: Mr. Speaker, Sir, I do not know what the Minister is trying to tell the House because when he talks of 60 per cent going to farmers and 40 per cent to the ADC, we do not understand what he is trying to say. He has also said that they do not know what they are going to do. If he means that 60 per cent shares of KMC are going to be bought by the farmers and the 40 per cent of the shares by the ADC, then we can understand. Could he tell us the benefits that the farmers are going to get? I do not know how KMC has been turned into a corporation, since no Act has been brought to Parliament to that effect. What benefits will the livestock farmers right back at home get from this 60 per cent shareholding that he is talking about?

MR. NGEI: Mr. Speaker, Sir, we have reserved 60 per cent of the shares for the farmers and 40 per cent for the ADC. The rest is yet to be done.

MR. MWACHOFI: On a point of order, Mr. Speaker, Sir. Question No. 552 as it appears here is very specific. The Questioner wants to know the plans that the Ministry has to solve the problem of livestock farmers. As far as I am concerned, and I believe this is the position of every hon. Member, the Minister has not answered the Question at all. Am I in order to ask that the Minister answers---

MR. NGEI: Mr. Speaker, Sir, we have made the two parties to remain the same. The rest will be done very soon.

MR. KARAURI: On a point of order, Mr. Speaker, Sir. The impression the Minister is giving is that he does not understand the Question. This is because the answer he is giving is completely incomprehensive. He is talking about 60 and 40 per cent shareholding, but the hon. Member is asking about the problems in what he is now calling a corporation although it does not qualify to be called so. I do not know its intentions. Would the Minister answer the Question more comprehensively? What is happening? There must be a problem with the Minister.

MR. NGEI: Mr. Speaker, Sir, I have made it quite clear that the 60 per cent of the shares is for the farmers and the 40 per cent of the other shares are for the ADC. But, we have not yet finalised everything; we are just in the process of doing so. Once we have done this, then everything will be all right.

HON. MEMBERS: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! May I draw the attention of the House to the fact that we cannot spend all the time on one Question. So, if there is an answer to give, it should be given now so that we can move on.

MR. NGEI: Mr. Speaker, Sir, we have reserved 60 per cent of the shares for the farmers and 40 per cent for the ADC.

MR. SPEAKER: Next Question.

MR. BORU: On a point of order, Mr. Speaker, Sir. I need your guidance here. My Question is very specific. I am not asking about the intentions of the Minister, but I am asking him about the plans that he has. He is talking about 60 per cent and 40 per cent of the shares although he is not sure whether this will materialise. What will happen to the livestock farmers now? Where will they take their animals if they are not interested in this long term arrangement whereby they will get 60 per cent of the shares and the ADC gets the rest?

(END A.....)

MR. NGEI: Mr. Speaker, Sir, I would like to inform the House that the Kenya Government is planning to restructure the Kenya Meat Commission with a view to making it operate more efficiently.

MR. SPEAKER: Mr. Shikuku's Question.

Question No.118

MR. SHIKUKU asked the Minister for Local Government what steps the Nairobi City Commission is taking to ensure that Nairobi River is no longer polluted in order to safeguard the lives of those residing along its banks.

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Speaker, Sir, I beg to reply.

Studies have been carried out and the implementation of the recommendations on Nairobi River and its surroundings will follow. The studies are now being carried out to see how we can contain the river. We are also trying to ensure that Nairobi River is no longer polluted.

MR. SHIKUKU: Mr. Speaker, Sir, arising from that reply, in which he has mentioned studies that are being carried out, would the Minister tell the House when these studies commenced; ^{who} is carrying them out and how long the studies are going to ^{take} _{to} ^h _h?

MR. MUDAVADI: Mr. Speaker, Sir, a team composed of my Ministry's officials, and officials from the City Commission, is carrying out the studies. As soon as these studies are completed - and I get the recommendations - the recommendations will have to be implemented. But this will depend on the availability of funds.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. The Minister has not answered my supplementary question fully. He has told us the people who are carrying out the studies. But I had asked the Minister to tell us when these studies commenced and when they are likely to be completed. Can he answer that?

MR. MUDAVADI: Mr. Speaker, Sir, this started when there were reports about pollution of Nairobi River and also during floods in which a lot of people lost their lives. So, we thought of appointing a committee to study this particular problem.

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. The Minister has not answered my third supplementary question. When are they ^{likely to} conclude their studies? Will they complete their studies in 1990 or 2000 A.D.?

MR. MUDAVADI: Mr. Speaker, Sir, I can assure you that they will complete the studies very soon. But I cannot give the exact date to the hon. Member.

MR. MUNYAO: Mr. Speaker, Sir, is the Minister aware that while this kind of study is going on, the City Commission continues to pour more and more garbage into this River?

MR. MUDAVADI: Mr. Speaker, Sir, I am not aware of that. The City Commission is supposed to keep the City clean, but it has never occurred to me that they are pouring garbage into this River and thereby polluting it more. But I can check on this.

Question No.572

MR. DDAIDDO asked the Minister for Agriculture:-

- (a) why Mr. Alifayo Peter Mandisa P/No.7005, stationed at Hola is being underpaid his salary from April, 1978;
- (b) when will it be adjusted; and
- (c) when will he be paid his hardship allowances.

MR. SPEAKER: Anybody from the Ministry of Agriculture?

Next Question. Mr. Kiliku.

Question No.569

MR. SPEAKER: Mr. Kiliku not here? Let us move on to Mr. Omido's Question.

Question No.565

MR. OMIDO asked the Minister for Labour:-

- (a) whether he is aware that Mr. Fredrick Ang'ana was employed by M/S Yasin Hotel of P.O. Box 10645, Nairobi, as a cook for seven years;
- (b) whether he is further aware that Mr. Ang'ana was summarily dismissed without lawful cause; and
- (c) whether he will ensure that Mr. Ang'ana is paid all his terminal benefits or else he is re-instated without loss of benefits.

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Fredrick Ang'ana worked as a casual labourer on and off for M/S Yasin Hotel. He used to be given employment occasionally, when permanent workers of the Hotel went on leave, or when off-duty, and was paid at the end of the day whenever he worked.

(b) I am not aware that Mr. Ang'ana was dismissed. However, on 18th May, 1987, while assisting in the kitchen, Mr. Ang'ana negligently caused a fire which made the company lose a sum of KShs.1,500/- in damages. After the incident, Mr. Ang'ana deserted the Hotel's employment. He later reported back at the Hotel on 8th June, 1987, with a letter from the Labour Officer claiming his terminal dues.

(c) Although, as a casual labourer, Mr. Ang'ana was not entitled to any terminal benefits, the employer was persuaded by the Labour Officer to agree to give him ex-gratia payment for leave between January, 1985 and May, 1987; that is 58 days which at KShs.31/- per day ^{amounted} to KShs.1,798/-. This amount has been paid to the Provincial Labour Officer, Nyayo House, Nairobi, and he is advised to collect it from him as soon as possible.

MR. OMIDO: Mr. Speaker, Sir, while thanking the Assistant Minister for the efforts he has made to get at least something paid to Mr. Ang'ana, is ^{we} ~~the Assistant Minister~~ aware that I know Mr. Ang'ana very well? I have frequented that Hotel and I know that he has been working continuously. He has worked continuously for seven years. He was a permanent employee and, therefore, entitled to notice and other benefits. If he is not aware, will he go and investigate the matter further, with a view to getting more payments to Mr. Ang'ana?

MR. arap METTO: Mr. Speaker, Sir, I was not aware that the hon. Member knows the employee very well. But that does not prove that the employee was working on a permanent basis. Therefore, if the employee produces a letter showing that he was a permanent employee - and if he can produce any other information that can assist me - I will investigate the matter further.

MR. OMIDO: Mr. Speaker, Sir, what letter does the Assistant Minister want? I have been going to that Hotel almost every day and I have seen Mr. Ang'ana working there daily. What further evidence does the Assistant Minister require? I know that Mr. Ang'ana was not being paid daily; he was being paid monthly.

MR. arap METTO: Mr. Speaker, Sir, I am not denying the fact that the hon. Member saw him there. But he could have seen him while working as a casual labourer.

AN HON. MEMBER: Sure!

M R. DDAIDDO: Mr. Speaker, Sir, does the Assistant Minister have any proof that Mr. Ang'ana caused fire negligently or purposely? Is he convinced that Mr. Ang'ana caused that fire deliberately, or it was a mere accident?

MR. arap METTO: Mr. Speaker, Sir, with all due respect I hope the hon. Member is not disputing what I am saying. I do not think what the hon. Member has mentioned is the problem because the employee has never denied causing the fire.

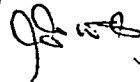
MR. SPEAKER: Mr. Wakiondo's Question.

Question No.573

MR. MWAKILEO, on behalf of Mr. Wakiondo, asked the Minister for Labour:-

- (a) when Mrs. Mary Wangui Kathuri, wife of the late Mr. John Kathuri Titus N.S.S.F. PM/No.010-771-123 will be paid the benefits of her late husband; and
- (b) if these benefits have been paid, to whom and when they were paid.

END.B...



THE MINISTER FOR LABOUR (Mr. Okondo); Mr. Speaker, Sir,

before I reply to this Question, I may I thank hon. Wakiondo for bringing this matter to our attention but, the matter has been handled with a considerable amount of confusion in all respects.

(a) Briefly, Mr. John Kathuri Titus was known by a number of names and when he passed away, we got the claim in a different name and the Ministry could not handle it until a certificate had come from the District Commissioner confirming which name was the right one. When that was done, the cheque was sent to the address which had been given in the application - a cheque for Sh.28,425/05 was sent to P.O. Box 265, Embu on 16th September, 1986. It turned out that this was the wrong address and the cheque came back to the Ministry. When it came back, no claim was made; no information was given to us as to what was happening, and so nothing was done until recently when this Question was raised again and we asked the Labour office and the District Commissioner's office and at that point, a new cheque was written to replace the cheque that had been returned to us. Another cheque for Sh.5,940/20 was also written representing arrears that had been overlooked in the matter.

(b) Both cheques have now been sent to the District Commissioner, Kirinyaga - P.O. Box 1, Keruguya. So now, she may call at the District Commissioner's office to collect both cheques in payment.

(Applause)

MR. KANINDO: Mr. Speaker, Sir, why was it at first not possible to send this cheque to the District Commissioner's office when the cheque was returned?

MR. OKONDO: Mr. Speaker, Sir, I think I have already replied to that question by saying that we sent the cheque to the address which was given in the application form.

Question No. 378

MR. arap KOSKE asked the Minister for Health:-

- (a) whether he is aware that most of Kericho District Hospital members of staff live far away from the hospital and thus making it difficult to get them in time for emergency cases whenever they are required; and
- (b) what plans he has to put up more staff houses within the compound.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that there is a shortage of houses for most of Kericho District Hospital staff as is the case for many other district hospitals in the Republic of Kenya.

(b) Construction of staff houses for the affected areas including Kericho District Hospital will be embarked upon as and when funds become available.

MR. arap KOSKE: Mr. Speaker, Sir, since some of the members of staff live as far as four kilometres away and in different places and thus making it difficult to get to the hospital particularly during the rainy season, what measures has the Assistant Minister taken to accelerate the availability of funds?

MR. arap CHEBOIWO: Mr. Speaker, Sir, the measures the Ministry is taking ^{include looking} ~~is to look~~ for the money to build the ^{staff} houses and before this money which we are looking for is found, we are trying to see ^{whether} ~~that~~ if there are some houses which can be rented near the hospital, ^{and} that will be done while we are waiting to get money to build the houses. We agree with him that it is necessary to have the doctors living near the hospitals especially because of the night calls.

MR. arap KOSKE: While thanking the Assistant Minister, for his answer, Mr. Speaker, Sir, Kericho District Hospital being actually the first ~~district~~ hospital in the district to be put up during the Colonial times, why has it stayed for all this length of time without having staff houses? Why has it ~~is~~ not been considered and be given the first priority?

MR. arap CHEBOIWO: Mr. Speaker, Sir, the answer is simple; there has ^{not} been ~~no~~ enough funds to build those houses. ~~xxxx~~ As I have said, it is not only Kericho Dist_rict Hospital which has this problem. There are other district hospitals which are just like Kericho District Hospital and we are looking for money to make sure that we improve the housing of staff.

Question No. 576

MR. MUNYAO asked the Minister for Health: whether he will consider introducing an exchange programme whereby Government trained nurses can be seconded to private hospitals and hence get wider experience while at the same time improving their efficiency.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo):
Mr. Speaker, Sir, I beg to reply.

All nurses in Kenya, both in Government and private institutions are trained under a standardised syllabus and curriculum. As a matter of fact, nurses working in Government

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo) (Ctd.):
Health Institutions are deemed to be exposed to a wider range of experience than those in private institutions in view of the variety of medical cases they handle.

However, my Ministry will consider exchanging nurses who are in managerial positions so that they can get more experience.

MR. MUNYAO: Mr. Speaker, Sir, I am surprised to hear that the training of all these nurses is the same because the handling of patients by private hospitals' nurses and that of Government hospitals' nurses is ~~is~~ totally different. Will the Assistant Minister assure this House that even the handling of patients will be done same in both Government hospitals and the ~~is~~ private hospitals?

MR. arap CHEBOIWO: Mr. Speaker, Sir, I said that we shall start with those in the managerial positions and then we will come to the others later on.

Question No.481

MR. MWACHOFI alimuuliza Mkuu wa Sheria:-

- (a) kama anafahamu kwamba juhudi za mkuu wa Wilaya ya Taita-Taveta kumuwezesha Walter Msagha Mwambalo na warithi wengine wa marehemu Austin Mwambalo walipwe haki yao na Credit Finance Corporation, Mombasa, hazijafaulu kwa zaidi ya miaka kumi sasa; na
- (b) ni hatua gani Serikali inachukua kuhakikisha kwamba warithi hawa walipwe sasa.

THE ATTORNEY-GENERAL (Mr. Muli): Bw. Spika, naomba kujibu.

- (a) Nafahamu ya kwamba jamii ya marehemu Austin Mwambalo, pamoja na juhudi za Mkuu wa Wilaya ya Taita-Taveta wamejaribu kwa zaidi ya miaka 10 iliyopita bila kufaulu!

THE ATTORNEY-GENERAL (Ctd.):

kurithi mali ya marehemu kutoka kwa Credit Finance Corporation. Lakini, kwa sasa, Credit Finance Corporation imejitolea kulipa jamii ya marehemu pesa ambazo ni nyingi, kwa hali ya utu na bila mapendeleo yoyote, yaani without prejudice and ex gratia, na pesa hizo hizo zitapitia kwa Mkuu wa Wilaya ya Taita/Taveta. Upelelezi wangu unaonyesha ya kwamba kuchelewa huku kwa malipo haya kulitokana na kuwako kwa kesi kortini iliyohusiana na jambo hili na karatasi zote zilikuwa zimechukuliwa na ^{Polisi}~~polisi~~ waliokuwa wakichunguza kesi hiyo.

(b) Kama nilivyosema hapo awali, malipo yatalipwa ex gratia and without prejudice kupitia kwa Mkuu wa Wilaya, na ninafikiri ya kwamba hao jamii waliokuwa na ^{taabu}~~tabu~~ ya kulipwa pesa hizi za urithi watazipata.

MR. MWACHOFI: Bw. Spika, nikimshukuru Mkuu wa Sheria kwa hatua alizozichukua, ningependa aliambie Bunge hili ni lini hasa - tarehe na saa ngapi - ambapo hawa warithi wa marehemu Mwambalo wanapoweza kufika kwa ofisi ya Mkuu wa Wilaya kuchukua hizo pesa?

MR. MULI: Bw. Spika, siwezi hasa kusema saa, dakika ^{nukta}~~ku~~ ambayo pesa hizi zitalipwa; lakini kwa sababu nimepata makubaliano kutoka kwa Credit Finance Corporation, kama malipo hayo yatachelewa, mhe. Mwachofi anaweza kunikumbusha ili nijue kwa nini hayo malipo yamechelewa.

END C.....

J.K.

Kiemba

MR. MWACHOFI: Bw. Spika, nalifuatilia jambo hili kwa sababu mara nyingi ahadi hutolewa lakini hazitimizwi, na wanaohusika wakienda kudai, huwa hawana kitu cha kujitambulisha. Tungependa Mkuu wa Sheria aseme kana kuna uwezekano wa Ofisi yake kuandika barua kwa wanaohusika, pamoja na Mkuu wa Wilaya, inayosema watalipwa lini ili wadai hawa wakienda kulipwa wawe na barua hii ili kuthibitisha kwamba wanafaa kulipwa haraka iwezekanavyo.

MR. MULI: Bw. Spika, Swali lenyewe linaonyesha kwamba kuna wale ambao walikuwa wakiyafuatilia malipo haya kupitia kwa Mkuu wa Wilaya ya Taita-Taveta. Kwa hivyo, ni lazima Mkuu wa Wilaya huyu awe anawajua watu hawa. Ni juu ya Mkuu wa Wilaya kujua kabisa na kwa haki kwamba ni lazima pesa hizi ziwafikie wale ambao wanahitajiwa kuzipata. Kwa hivyo, ninamwomba mhe. Mbunge, kupitia kwako, awepeleke watu hawa mbele ili watambuliwe kikamilifu na Mkuu wa Wilaya huyu ndipo pesa zikifika wakati usiharibiwe ikitafutwa ni nani ambaye anahitajiwa kuzipata.

Question No. 558

MR. KIKUYU asked the Minister for Water Development:-

- (a) whether he is aware that the residents of Kimutwa Sub-Location, Machakos District, are experiencing a serious water shortage;
- (b) what the present position of Kimutwa Water Project is; and
- (c) when this project will be completed.

THE MINISTER FOR WATER DEVELOPMENT (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the residents of Kimutwa Sub-Location, Machakos District, have always experienced water shortages, particularly in dry seasons. I am also aware that the one self-help project in the area has an inadequate source and has been over-stretched beyond its capacity to serve the wananchi in the area. As a result, the water available is not enough to cover the extended area.

(b) The project position at the moment is that it cannot serve all the areas which have been connected to it because of the reason given in part

THE MINISTER FOR WATER DEVELOPMENT (CTD.):

(a) above.

(c) As far as the Ministry of Water Development is concerned, and according to the original plan and design, the project is regarded as being completed.

MR. KIKUYU: Mr. Speaker, Sir, considering the amount of money that has been put into this project by wananchi and the Government, and that the Ministry knew there was no adequate water in the present source, could the Minister assure us that when Kilimanjaro Water Project - water from this project passes through the area in question - comes into use, it will be connected to Kimutwa Water Project?

MR. MWENDWA: Mr. Speaker, Sir, I do not believe that Kimutwa Water Project is in the design of Kilimanjaro Water Project. However, if it is, I can assure you that it will be connected to the former project. If it is not, I suggest that we look for other sources of water for Kimutwa.

MR. KIKUYU: Mr. Speaker, Sir, although I do not have the designs of the latter project - they are in the Minister's office, and the Minister is supposed to be more versed than I am as to whether a project is in the designs or not - now that water from Kilimanjaro Water Project will pass through Kimutwa Sub-Location itself, could the Minister ask his officers, at least, to alter the present designs if they have not already done it in order to incorporate that sub-location which, as he agrees, experiences perennial water shortages?

MR. MWENDWA: Mr. Speaker, Sir, I do not believe that it would be wise to start altering the said designs and plans. It is for that reason that Kimutwa Water Project is having problems right now. The original designs and plans were altered to cater for extended areas, instead of looking for other sources of water.

MR. SPEAKER: Let us now go back to Mr. Ddaiddo's Question.

Question No. 572

MR. DDAIDDO asked the Minister for Agriculture:-

(a) why Mr. Alifayo Peter Mandisa, P/No. 7005, stationed at Hola has been underpaid his salary since April, 1978;

(b) when it will be adjusted; and

(c) when he will be paid his hardship allowances.

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Oyondi):

Mr. Speaker, Sir, on behalf of the Minister for Agriculture, I beg to reply.

HON. MEMBERS: Apologise first. Apologise for coming late.

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Oyondi): I am sorry for coming late, Mr. Speaker, Sir.

I beg to reply.

(a) Mr. Alifayo Peter Mandisa had inadvertently been underpaid his salary since April, 1978, but this has been stopped.

(b) The salary has already been adjusted and all the arrears due to him have been prepared and are ready for collection.

(c) His hardship allowance has also been adjusted and is also ready for collection as soon as Mr. Mandisa is informed to come and collect the money.

MR. DDAIDDO: Mr. Speaker, Sir, while thanking the Assistant Minister for his good reply, will he ensure that next time the Ministry will not delay the salary of any person, as has happened in this case? Tana River to Nairobi is ^a very long and expensive ^{distance} to travel.

MR. OYONDI: Yes, Sir.

MR. SPEAKER: Mr. Kiliku's Question.

Question No. 569

MR. MUNYAO, on behalf of Mr. Kiliku, asked the Minister for Labour:-

(a) whether he will tell the House the reasons why Mrs. Clara Mwasi's services were terminated by Poly Cans Ltd., Mombasa, on 1st April, 1987; and

(b) whether he will take the necessary action to have her reinstated or paid her terminal benefits.

THE ASSISTANT MINISTER FOR LABOUR (Mr. Obure): Mr. Speaker, Sir, I beg to reply.

(a) The Minister is aware that the services of Mrs. Clara Mwasi were terminated by Poly Cans Ltd. on 1st April, 1987. He is also aware that Mrs. Mwasi deserted her employment with effect from 1st April, 1987 after having been involved in a fight with another female employee at the factory.

(b) Mrs. Mwasi was subsequently reinstated on 20th July, 1987, after her union, the Kenya Chemical Workers' Union pleaded with the management.

MR. MUNYAO: Mr. Speaker, Sir, arising from the answer from the Assistant Minister, in which he said that Mrs. Mwasi was reinstated, is he aware that after she was reinstated, she was not paid any salary for the period she was away? That is what we are now chasing, and we would like to see the Assistant Minister assist here.

MR. OBURE: Mr. Speaker, Sir, Mrs. Mwasi cannot expect any salary from her employers for the period she had deserted duty.

MR. SHIKUKU: Arising from that reply, Mr. Speaker, Sir, I think I heard the Assistant Minister tell the House that there was some sort of fight, after which Mrs. Mwasi was laid off. She had not absconded duty, as he says. Is he now contradicting his earlier reply?

MR. OBURE: Mr. Speaker, Sir, I said that after Mrs. Mwasi got involved in a fight with another employee, she deserted duty on 1st April, 1987.

QUESTIONS BY PRIVATE NOTICE

MR. SHIKUKU: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is he aware that Councillor Maitha of Mombasa Municipality was suspended from carrying out his duties as an elected councillor?

(b) If the answer to part (a) is in the affirmative, under what law was he suspended from representing his people in the council?

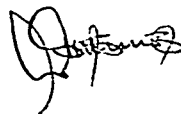
(c) Can he tell the House whether the said councillor was paid his allowances during the said period, and, if not, why?

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Speaker, Sir, I beg to reply.

(a) I am aware.

(b) It is true that Councillor Maitha was banned from attending council after he had been suspended by Kamu. Later on, when the question of the suspension of councillors and ^{hon.} Members of Parliament came before the _n Governing Council, the decision was rescinded on 29th April, 1987.

END D



THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi) (contd.):

For that reason, Councillor Maitha is entitled to attend the meetings of Mombasa Municipal Council without any problems.

(c) He could not have been paid any allowances at that time. But in view of the events which I have explained under part (b), he will have to be paid all his allowances.

(applause)

MR. SHIKUKU: Arising from that encouraging reply, will the Minister in the first place agree with me that it was unlawful to deny the people whom Councillor Maitha represented in the Council representation since they are tax payers? Would he agree with me that was unlawful? Those people have been wronged, and therefore, they should apologise to the people who elected Councillor Maitha.

MR. MUDAVADI: Mr. Speaker, Sir, I cannot apologise to the people. The truth is that the Governing Council discovered that Members of Parliament and councillors are elected under different constitutions. KANU Constitution is quite different. At the time he was banned, the Party thought it was right to do that, but later it was decided that since they are two different constitutions, the decision should be rescinded. So, I have nothing to apologise for.

MR. SHIKUKU: I had asked in part (b) of my question, "if the answer to part (a) is in the affirmative, under which law was he suspended from representing his people in the Council?"

MR. MUDAVADI: Mr. Speaker, Sir, he was suspended by the Party in December, 1986. At that time, the Party was considering the Party Constitution. But in April when this decision was rescinded, we had two different constitutions to consider. So, I cannot say that the Party Constitution is wrong, or the

MR. MUDAVADI (contd.):

Republican Constitution is wrong. All I am trying to say is that the Party suspended a person who became a councillor on a Party ticket. But later, the decision had to be rescinded, as I have already explained.

MR. KIOME: On a point of order, Mr. Speaker, Sir. Can the Minister explain why anybody in this country should have made a basic mistake to misunderstand that the Constitution of Kenya ^{is} supreme and any other law that contradicts the Constitution is null and void to the extent of that contradiction. Why should anybody have dared to ^{think} ~~mistake~~ that the Constitution is supreme? It is above everybody on this land.

(applause)

MR. MUDAVADI: Mr. Speaker, Sir, the Constitution of the Republic of Kenya is well known ^{and the} so is KANU's Constitution. In any constitution, as we have now done away with the Kanu Disciplinary Committee, there can be changes. The case of Councillor Maitha was rather unique.

End E



13.10.87.

JMK

MR. MUDAVADI: Mr. Speaker, Sir, Councillor Maitha's case was unique in that he was the first councillor to be suspended by Kanu. Although there had been cases of councillors being suspended in South Nyanza, those cases were not ratified by the Kanu Governing Council. Councillor Maitha's case was brought up before the Mombasa Kanu Branch Governing Council in December and, since the decision to suspend him as a councillor was rescinded on 29th April, 1987, I see no other explanation that I can give about the case.

HON. MEMBERS: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: No, we must be careful with time.

MR. RUBIA: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: I am allowing you time to raise your point of order, but I must draw the attention of the House that we only have a few minutes to finish with Questions.

Yes, Mr. Rubia.

MR. RUBIA: Mr. Speaker, Sir, my point of order arises from the reply by the hon. Minister. Under the Kanu Constitution, there is only provision that a person may not sit in a council or in Parliament if he ceases to be a member of the Party. In this case, Mr. Maitha was only suspended. As a matter of ^a point of order which is very important, would the Minister come out clean and admit that somewhere there was a miscarriage of justice and that the Constitution of this country was ignored? There is nothing to be ashamed of in admitting that this decision was taken unconstitutionally.

MR. MWACHOFI: And apologise!

MR. MUDAVADI: Mr. Speaker, Sir, there was nothing wrong in the decision made by the Kanu Governing Council, Mombasa Branch, in December last year because, apart from being banned from attending council meetings, Councillor Maitha was also banned from operating as the Chairman of Bamburi Kanu Ward. He was stopped by the Party from that function. At the same time, it was ruled that he should also be suspended from attending Mombasa Municipal Council meetings. Now, since the decision was reconsidered and rescinded on 29th April, 1987, I do not see why we should pursue the matter further.

13.10.87.

MR. MATHENGE: Mr. Speaker, Sir, before I ask my Question by Private Notice, I would like to point out that the Question was originally referred to the Ministry of Water Development because the project mentioned here falls under that Ministry. I now see that the Question has been referred to the Ministry of Local Government but, nevertheless, if the Minister for Local Government has the proper reply to the Question I would not mind.

Having done that, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

- (a) Is the Minister aware that wananchi in Rumuruti township, and particularly Rumuruti Secondary School, are experiencing a serious water shortage?
- (b) What is the cause of this shortage?
- (c) Will the Minister urgently rectify this situation?

THE MINISTER FOR LOCAL GOVERNMENT (Mr. Mudavadi): Mr. Speaker, Sir, I do agree with the hon. Questioner that this Question should have been directed to the Ministry of Water Development because Rumuruti is neither an urban council nor a town council. However, since we have a collective responsibility, and I did not want this Question to go forwards and backwards, I beg to reply.

- (a) The water shortage had been caused by a breakdown of the old water pump whose spare parts were not readily available from the agents.
- (b) The County Council of Laikipia has repaired the main tank of Rumuruti and has already applied for the installation of a master metre from the main pipeline of the water supply from the Ministry of Water Development.
- (c) The Ministry of Water Development is already working on the project and normal supply will be restored shortly.

MR. MATHENGE: Mr. Speaker, Sir, I would like to thank the hon. Minister for that reply, but when he talks about old equipment which have broken down, I would like to tell him that the project is very new and, therefore, I do not understand how the old equipment could have appeared in a new project.

F.3.

13.10.87.

MR. MUDAVADI: Mr. Speaker, Sir, this project is not quite new. I recall that in 1980, when I was the Minister for Water Development, I commissioned the project officially. At that time, we had already laid down pipes to supply water ^{having been} In Rumuruti, Laikipia. I am speaking as the Minister for Water Development at that time. I would not know the present position of the project, but I am informed that there was a shortage of water in the area because spare parts to the pump could not be found. I am also assured that the Ministry of Water Development has taken care of the position and will be shortly rectifying the situation.

END..... F

MR. ABUYA-ABUYA: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Why has a Mr. Francis O. Musure N.S.S.F. No. 008303533 who applied in 1985 for the withdrawal of his N.S.S.F. contributions not been paid?

(b) How much does he expect to be paid and when?

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto): Mr. Speaker, Sir, I beg ~~me~~ to reply.

(a) Mr. Francis Osamo Musure N.S.S.F. No. 008303533 has not been paid his benefits because he has not submitted his application for the withdrawal of these benefits.

(b) Mr. Musure will be paid his benefits, as soon as possible, after the submission of his application. The amount of money due to him will be known after he submits his application and gives the details of his contributions.

MR. ABUYA-ABUYA: Mr. Speaker, Sir, I think the Assistant Minister will have to admit that he did not do his homework. Mr. Osamo Musure could not have come to me to say that he had applied when he had not applied for withdrawal of his benefits. He applied and he has got correspondence from the Ministry of Labour telling him that the reason why they have not been able to pay him is that, they have not received some money from one of his former employers. Now, could the Assistant Minister take it upon himself to ensure that he gets the proper records from his Ministry and pay Mr. Osamo immediately?

MR. arap METTO: Mr. Speaker, Sir, I can only do that if the hon. Member can advise Mr. Osamo to bring his letter applying for the withdrawal of his benefits so the I can process it. Although he has told the hon. Member that he has applied, as I have said, there are no records to prove that this employee has submitted his application.

MR. MUTHURA: Mr. Speaker, Sir, the Assistant Minister said that this gentleman has not received his benefits because he has not submitted his application. As far as I know, it is the employer who is supposed to fill the form when the employee stops working. Is the Assistant Minister telling the House that the procedure has changed so that it is the employee who makes the application; and not the employer to fill claim forms?

G.2.....13.10.87

denied *Said*

MR. arap METTO: Mr. Speaker, Sir, I have not ~~the~~ fact that the system has changed. All what I have said is that, we have not seen an application from this gentleman. Whether it ^{is} ~~the~~ employer or the employee who is supposed to fill the claim forms, I have ~~denied~~ ^{*Said*} that there is no letter that has reached the N.S.S.F. building to enable us to process his benefits.

COMMUNICATION FROM THE CHAIR

MR. SPEAKER: Actually we must move on now. Hon. Members, I have received a written notice from the Member for Mbooni, Mr. Munyao of his ~~intention~~ ^a intention to raise a Motion on Adjournment on a matter contained in the reply given to Question No. 458 concerning the number of teachers from Mbooni who have benefitted from the Rural Housing Scheme during the last five years. ~~With~~ ^{will} *S* that I ~~call~~ upon the hon. Member to Move the Motion on Adjournment at the interruption of business on Thursday, 15th October, 1987.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mr. Michuki):

Mr. Speaker, Sir, last week when I answered Question No. 566 raised by hon. Ddaiddo, there was a piece of information missing then. The Question as answered, is still varied except in respect of when Mr. Hiribae was paid his dues, ~~and~~ ^{*The*} ~~the~~ answer is that, Mr. Hiribae received and signed for cash payments for December 1985 and for January, 1986 as per payroll of 20th March, 1986. The payment for February 1986 was however, made ^{*through*} by cheque No. 047418 of 9th June, 1986. So, when I stressed the fact that Mr. Hiribae had been paid, it was correct that he had been paid although the hon. Member tended to doubt what I was saying.

END G.....

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POINT OF ORDER

THE MINISTER FOR COMMERCE (Prof. arap Ng'eno): Mr. Speaker, Sir, I rise on a point of order to inform the hon. House that in accordance with my undertaking before the House went into recess to supply a list of those people who are doing the business of clearing and forwarding in order to show the number of indigenous people as opposed to the non-indigenous people, I want to say that I am now preparing an answer to bring to the House next Tuesday. I am told that hon. Shikuku, in my absence, raised the question as to when I should bring this answer, and I will be ready by Tuesday next week.

Again, on Wednesday - not tomorrow - I am talking about next week because I have another function ---

AN HON. MEMBER: But Tuesday next week will be ~~the~~ Kenyatta Day!

THE MINISTER FOR COMMERCE (Prof. arap Ng'eno): Oh, Tuesday next week will be a Public Holiday!

MR. SPEAKER: We do not hear you, Prof. arap Ng'eno!

THE MINISTER FOR COMMERCE (Prof. arap Ng'eno): Mr. Speaker, Sir, I am talking about the earliest time possible next week which will be Wednesday. I understand Tuesday will be a holiday: Kenyatta Day. I will be answering the two questions after Kenyatta Day.

Thank you very much.

MR. SPEAKER: Next Order.

COMMITTEE OF SUPPLY

(Order for Committee read being Nineth Allotted Day)

MOTION

That Mr. Speaker do now leave the Chair

Vote 31 - Ministry of Education, Science and Technology

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Mr. Ayah):

Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Contd.):

Mr. Speaker, Sir, before I go into the details of this Vote, may take this opportunity - this is the Ministry of Education - to say a big "THANK YOU" to His Excellency the President for the very untiring efforts that he has put in to guide our youth in this country, to direct the course of our education which has resulted in a very determined way in which we run our education services.

Mr. Speaker, Sir, I also wish to thank hon. Members who in their various capacities, especially as constituency Members, have contributed a great deal to the efforts of building schools and providing other facilities which have gone to make it possible for us to run our 8-4-4 Education System.

Mr. Speaker, Sir, the Ministry continues to attempt to respond to the educational needs of the people, and now accounts for some 33 per cent of the Recurrent Budget of this nation. Our declared objectives are to provide equal opportunities for all and to produce skilled manpower at all levels to meet the growing and changing demands of our economy. Through our educational system, it is our objective to preserve and promote our rich cultural heritage which is varied because of our varied ethnical groups in the society. Our educational system should, in addition, help to protect and beautify our environment even in the dry areas, especially in areas where we might discover oil.

Mr. Speaker, Sir, our educational system also must make Kenyans recognise the fact that they belong to the international community, and to be able to recognise their responsibilities and obligations in that community. To achieve these ends and objectives, Mr. Speaker, Sir, the Ministry is making every effort not only to improve the quality of education at all levels, but also to expand and to enrich all training facilities for teachers at all levels. The Ministry is also making every effort to improve infrastructure and the accessibility of educational opportunities, ~~was increased.~~

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Contd.):

Now, in order to implement the Ministry's programme, the Ministry shall need net provision of some K£380,156,910 in their Recurrent Estimates, and some K£19,869,100. It will be noticed from the Printed Estimates that the Recurrent Estimates for 1987/88 is some K£35,664,210 above the provisions of last year, and also some K£2,903,160 above that of the Development Estimates for 1986/87.

The reason for this, Mr. Speaker, Sir, is ^{due to the} ~~the~~ fact that we have expanded facilities in education, and also the implementation of the 8-4-4 System, as well as the fact that we had, from June this year, to provide for the double intake at our four Universities. At the same time, Sir, we have had to implement the recommendations of the Ramtu Commission Report which has resulted in an increase in the salaries of staff. At the same time, Sir, we have also provided for the building of seven new Primary ^{Teacher} Training Colleges. This is also an indication that the Ministry is also determined to continue to expand the educational facilities in this country.

Mr. Speaker, Sir, having said that, let me now turn to the particulars of the Recurrent Vote as it appears in the Printed Estimates. For the purposes of General Administration, in the Ministry, the Ministry requires a total of K£24,380,365 to be spent under the Sub-Vote Head No.310. This Sub-Vote Head has ten components, the first of which deals with the Ministry's overall Administration, including Planning, and, as indicated in Head 834, requires some K£1,429,625 for salaries and allowances for the administration of staff, as well as other support services, such as Transport and Office Administration expenses at the Ministry Headquarters.

The second component covers the Programmes and activities of the Headquarters Professional Administrative Services which come under the Director of Education and his supporting staff. These activities involve the administration of primary, secondary, technical and

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Contd.):

higher education, and as indicated in Head 835, a sum of K£1,110,541 is required for this purpose. The third component, Sir, covered by Head 836, deals with the educational standards through inspection of schools, and implementation of schools curriculum as well as the assessment of teachers for grading and promotion.

As in the case of the previous component, the Curriculum Support Services has one Chief Inspector and a number of supporting staff. To enable inspectors under the Chief Inspector of Schools to enforce high standards of performance, by teachers in all categories of schools, a sum of K£2,436,010 is required for the use in the inspection and supervision of schools.

End H.

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (CTD.):

Mr. Speaker, Sir, the next component is the eight provincial education officers who require K£1,143,345.00 for use in promoting and developing education at provincial levels.

This money is provided for under Head 830 Sub-Vote.

Mr. Speaker, Sir, Head 838 caters for Kenya National Commission for UNESCO. The Kenya National Commission to UNESCO

was established in 1964 under the current Ministry of Education. The main functions of the Kenya National Commission for UNESCO are well articulated in the charter for National Commission for UNESCO under article one, and the main purpose for the commission is to establish a permanent UNESCO presence in Kenya by participating and in promoting the activities of UNESCO in education science culture and communication, so that Kenya can be seen to be contributing to international understanding, co-operation, peace and security.

Mr. Speaker, Sir, to enable this commission to discharge these duties sufficiently, then in 1987/88 Financial Year, we require some ~~K£3~~ K£133,615. The Kenya National Examination Council forms the next component of this function. Its main function is to administer non-university public examinations in the country, and as indicated in the Head 839, we will require some K£9,638,290 from the Exchequer so that we can accomplish this task. Equally important is the Teachers Service Commission. Its main function is to ensure that schools and other educational institutions are adequately staffed with teachers. The commission which is covered under Head 841 ^{requires} some K£2,848,700 to maintain personnel and administrative services in its secretariat only, ^{I will refer} /funds to do with the payment of teachers at a later stage.

THE MINISTER FOR RESEARCH SCIENCE AND TECHNOLOGY (CTD.):

Mr. Speaker, Sir, the eighth component covers the Kenya National Council for Science and Technology under Head 858. Although this component has been transferred to the newly created Ministry of Research, Science and Technology, for the supply purposes, it has been provided for under the Ministry of Education during 1987/88 Financial Year. The funds will be paid out later. Under this Head the Ministry of Education ^{requires} ~~required~~ some K£251,900 so the Kenya National Council for Science and Technology can perform its statutory functions of co-ordinating all scientific research activities in the country.

Mr. Speaker, Sir, in terms of the District Focus for Rural Development Strategy, the district education officers are now considered to be very important. As indicated under Head 862, they will require a net sum of K£4,091,700 for the promotion and ~~max~~ development of education in their respective areas.

Mr. Speaker, Sir, the final component under Sub Vote 310 falls under Head 863 which takes ^{of} ~~of~~ care of the Kenya Institute of Education. This an institution which is responsible for the design and eventual development of curriculum materials for use in schools through out the republic. The institute requires some K£1,306,439 to enable it to discharge its duties. The next Sub-Vote 311 on primary education is ^{comprises} ~~is~~ comprised of three main heads, namely, Primary Education, Kenya School Equipment, and lastly School milk and feeding ^{programmes} ~~programmes~~ for which we shall an overall provision of K£233,966,623 to cater for the intended educational activities under this Sub-Vote.

(END.....I)

lw

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (ctd):

Mr. Speaker, Sir, as at the end of last year, the number of children attending primary school was 4.8 million. These children were being taught by a teaching force of 142,808 teachers. A full year of basic of primary education programme commenced in 1985 as the first phase in the introduction of the 8-4-4 system of formal education and it will continue to be supported. The main aim in changing Kenya education system to 8-4-4 is to improve the quality of education at all levels. This objective can only be achieved through what is taught and how it is taught. The courses that have been designed and developed for the new system, are aimed to give children useful skills through practical subject. However, it should be noticed that it is mainly through the teaching of practical subjects, such as, the arts, crafts, home sciences and agriculture that the pupils will require practical skills.

This development necessitated the employment of more than 11,000 additional untrained primary school teachers in primary schools. As these untrained teachers will be in our education system for some years to come, there is need to continue with and even expand the current three year in-service course for such teachers. In addition to this in-service course, the regular two year pre-service course at the existing primary teachers colleges, should be continued and expanded by the establishment of seven additional such colleges.

Another important improvement in primary education, is the establishment of the Kenya Institute of Special Education in Kasarani area of Nairobi. Its main purpose is to prepare teachers and other categories of personnel required to expand education opportunities for the disabled children.

To be able to pay for the salaries and allowances for the 142,808 primary school teachers and also to be able to provide grants and grants-in-aid to 145 boarding low cost primary schools in disadvantaged areas, my Ministry requires some KSh199,159,994 under Head 844. The Ministry also requires some

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (ctd):

K£4,104,068 under Head 845 for the procurement and distribution of equipment intended for use in primary schools. This money will be distributed to the districts in accordance with the District Focus for Rural Development Strategy so that each district is responsible for spending its quota.

Lastly, Mr. Speaker, Sir, under Head 146, the School Milk and Feeding Programme will require some K£30,702,566 for purchase of milk which will be distributed to the districts according to the total number of children enrolled and also for supplementing the feeding programme in primary schools in disadvantaged areas. Sub-vote 312, covers programmes of activities in teachers education for which the Ministry requires a net total of some K£14,324,165 to be ~~spent~~^{spent} under seven components. Having decided that quality education should be made available to the Kenya children, the Government pays a great ~~deal~~^{deal} of attention to the training of teachers. In this connection, Sir, and as I have already indicated, the Government has decided that seven additional primary teachers colleges will be established in the country and their construction is going to be started with effect from this Financial Year.

The construction of these seven teacher training colleges is being financed by the World Bank under the sixth education credit. When the programme is completed, the country will have a total of 22 primary teachers colleges producing over 12,000 primary school teachers annually. To add to the existing five diploma teacher training institutions, a new complex has been under construction at the ^{Moi} Teachers College in Eldoret. Kenyatta University, will, however, continue to be our main source of graduate teachers.

The Government is committed to provide education to all Kenyans including the disabled. The Ministry, therefore, has to expand the existing educational opportunities and facilities including manpower training schemes for the disabled Kenyans. Under Sub-vote 313, the Ministry requires some K£2,248,030 to support teachers and students in the existing schools for the handicapped and also to maintain the new Kenya Special Education Institute

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (ctd):

which I mentioned a while ago.

Out of this sum^a/total of K£2,248,030 under Sub-vote 313, K£230,000 will cater for technical and vocational schools under Head 810. Head 811 which caters for special secondary schools will need K£263,780 while Head 848 which caters for primary schools requires K£1,438,000. Kenya Institute for Special Education which falls under Head 849, will require some K£316,250 & so as to discharge its functions of training teachers meant for the schools for the handicapped.

Mr. Speaker, Sir, I have three items of miscellaneous nature for which I require a net provision of some K£1,738,300 under Sub-vote 314. These items include bursaries and scholarships which are necessary to support non-graduate teachers whom the Government sponsors to study for initial and higher degrees in local as well in overseas universities. The items also include the Kenya Literature Bureau, which as you know, assists local writers to publish their literary works inexpensively for use in educational institutions and also for general readership.

Pre-school education is recognized as important by the Ministry. Its socialising aspect as well as being a means by which we can detect early & development problems in children cannot be overlooked. The Ministry's role in this area, is to prepare teachers for pre-school units run by committees, churches and local authorities and those run privately. The Ministry is also responsible for inspection of the pre-school establishments and it ~~is~~ is charged with the duty of ensuring that development curriculum is used in pre-school units throughout the country. Under Sub-vote 315, I require some K£238,670 to enable my Ministry to meet its obligations in this regard.

Having launched the 8-4-4 system of education at the beginning of 1985 by establishing Standard Eight classes in our primary schools, the next stage was to establish the first Form One classes of the system last year, thereby setting a new four-year secondary education system in this country. The new secondary education & curriculum will be applied uniformly to ^{maintained,} ~~maintain~~ Harambee and private secondary schools. While managers of private ~~and~~ secondary schools

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (ctd):

will be expected to have adequately trained teachers to cope with this curriculum, it is the Government's decision that all registered and operational Harambee secondary schools are assisted with at least three teachers including the headmaster or headmistress.

To be able to pay the salaries and allowances of teachers and other non-technical personnel in maintained and Harambee assisted secondary schools and to be able to also maintain students in these public institutions through grants and grants-in-aid, I require some K£53,162,626.

Under Sub-vote 317, I require an overall amount of some K£6,951,074 in order to maintain teachers and students in the four established polytechnics, namely, the Kenya Polytechnic, Mombasa Polytechnic, Eldoret Polytechnic and the Jomo Kenyatta College of Agriculture and Technology.

END J

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (ctd):

The money is also required to enable the Ministry to meet its obligations ^{to} the existing 17 Harambee institutes of science and Technology. The importance of technical education, and especially that of polytechnic education, particularly in producing middle and high level technical manpower cannot be overemphasized. These institutions have greatly increased the chances of employment amongst the Kenya youth, and in spite of ^{the} great expenses involved, my Ministry supports and encourages any attempts to increase ~~p~~ opportunities in technical fields.

The final, but nonetheless ~~xi~~ vital area of concern in Recurrent Estimates, Mr. Speaker, Sir, is university education. I wish to pay tribute to the hon. Members of Parliament for having recently enacted a Bill of establishment of a fourth university in this country; namely, the Egerton University. As a result of this, there will now be more university places for the large number of students seeking admission annually. The recent established Commission for Higher Education has a key role to play in matters related to university education and advancement of higher education in Kenya.

For this Financial Year, we require some K£.48,574,047. to enable the Ministry to meet its obligations in recurrent costs of University Education Programme and activities.

Having covered Vote R.31 on Recurrent Estimates, I wish to turn to Vote D.31 concerning Development Estimates of the Ministry. I require a total provision of K£.32,108,200 to enable the Ministry to implement the on-going and the new development projects. Some of the on-going and new projects ~~are~~ are supported by external donors; a good example being the projects under the fifth and sixth educational programme which are being implemented with loan ~~is~~ funds from the World Bank. These projects include the Educational Media Service at the Kenya Institute of Education through which regular broadcasts are relayed to schools and

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (ctd):

teachers colleges ~~to~~ through the Voice of Kenya. There is also the new Kenya Education Staff Institute whose main functions is to expose personnel in education to skills and techniques on management. The funds under this project are also used to prepare curriculum materials at the Kenya Institute of Education in line with the principles of the 8-4-4 system of education. Equally important under this project is the construction of the additional three primary schools in the arid and semi-arid zones of our country.

Training of teachers has been given a top priority by the Ministry. Since Independence there has been a remarkable improvement in Kenya's educational system due to large Government expenditure in this sector. Another contributory factor has been a change in the attitude of parents towards education as indicated by greater willingness to bear the costs of school fees and to contribute to self-help projects such as Harambee Schools and Institutes of ^{Science and} Technology. Schools and colleges have grown at all levels of education. The ratio of boys and girls which stood at 3:1 at Independence has declined to 1:1 which is a clear indication of the value that the Kenyan parents attach to education of their children.

Mr. Speaker, Sir, at Independence the primary school enrolment stood at 891,553 children which was less than 60 per cent of the primary age population and within 24 years there has been a remarkable improvement in the enrolment and the enrolment now stands at 4.8 million children by 1986. It ^{was} estimated that in 1986, the percentage of primary age population ^{would} enrolled stood ^{stand} at 94 per cent, thus falling only a little short of universal primary education. The number of primary schools has gone up over this period from 6,058 to 13,392.

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Ctd.):

The number of nursery schools, ^{young} village polytechnics and adult education centres have also registered remarkable growth. In the same period, Mr. Speaker, Sir,

the expansion of Secondary and Higher Education has been equally impressive.

Enrolment in secondary schools, which was estimated at 27,000 in 1963, has increase[#] nearly to half a million children by 1986.

However, Mr. Speaker, Sir, the overall growth in the number of teachers was somewhat slower than the growth in the number of students resulting in a rise in the student/teacher ratio from 19:7 in 1968 to 35:9 in 1986. Of more serious concern is the ^{trend} ~~trend~~ in the student/teacher ratio which rose from 24:1 in 1964 to 52:1 in 1986. The percentage of trained teachers almost doubled between 1964 and 1986 from 26 per cent to 48 per cent as a result of the 8-4-4 Education Programme which forced the Ministry to engage more teachers.

With a high demand of trained teachers, my Ministry with the support of the World Bank funds has earmarked the construction of additional seven teacher-training colleges with effect from this financial year. The seven teacher-training colleges will be based at Bondo, Murang'a, Tambach, Garissa, Narok, Voi and Baringo. When in full operation, each college is expected to be producing some 720 teachers annual and this will enable my Ministry to reduce the problem of shortage of trained teachers gradually. Under sub-vote 312 Head 847 item 406, some £6 million is required by my Ministry for the construction of the seven teacher-training colleges.

Another on-going project which is expected to be producing diploma teachers[#] is the Moi Teachers College, in Eldoret, which is being financed partly by loan-funds from the African Development Bank and partly by the Government of Kenya. Phase I of this college has already been constructed and the college was able to admit diploma students at the beginning of May, this year. However, Phase II of the project ^{is} still under construction and during 1987/88 Financial Year, £1,047,000 is required for the implementation of the project.

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Ctd.):

During the last financial year, the British Government financed the construction and the ^{equipping} of the 19 science laboratories in our secondary schools ^{during} and this current financial year, it has agreed to construct and equip 39 additional science laboratories with funds amounting to [£]11,200,000. The European Economic Community is funding the construction of Eldoret Polytechnic and Phase I of this project has been completed. Phase II of this project is in progress and ~~ex~~ during this financial year, some ~~£~~1 million has been provided by the European Economic Community. I am happy, Mr. Speaker, Sir, to inform this ^{august} ~~honourable~~ House that Eldoret Polytechnic was able to admit its first batch of students in the month of May, this year. ~~After~~ the completion of Phase I of this project, ^{and} it is hoped that more students will be admitted ~~after~~ ~~the final completion of the project.~~ The Special Education Institute which I had referred to earlier on together with 41 District Early Childhood Education Centres are being financed with the assistance from the Danish International Agency with funds amounting to £99,000.

Mr. Speaker, Sir, a number of other development projects are being financed from local resources. This includes the construction of additional lecture theatres and student accommodation hostels within our universities, as a result of double intake with effect from June this year. Such projects include ~~also~~ the provision of lightening arrestors, in schools which are situated in lightening prone areas; the provision of food stores and ~~for~~ the school milk and feeding programme. These are the capital projects for which, Mr. Speaker, Sir, I require a total sum of £31,180,200 as indicated under Vote D31.

Mr. Speaker, Sir, with those few remarks, I beg to move.

(Question proposed)

MR. SHIKUKU: Absanto sana, Bw. Spika. Ningetaka kumshukuru Waziri mpya kwa hotuba yake nzuri na sikuweza kusimama kwa jambo la nidhamu kwa sababu nilikuwa nikijua kwamba hii si Wizara yake. Lakini jambo la kwanza ambalo ningetaka kusema ni kwamba tumesema hapa miaka nenda miaka rudi kwamba ni lazima elimu yetu katika Kenya iwe ikilinganishwa na mahitaji ya watu wa Kenya ili tusiwe na watu wengi wanaotafuta kazi za ofisi. Tumesema juu ya jambo hili mara nyingi ^{lakini} mpaka leo jambo hili halijatinizwa. Ni juzi tu walipoanza kusema juu ya shule za ufundi. Katika shule hizi za ufundi, kuna watoto ambao wamesoma na kupita mtihani wa Trade Test Grade III na wengine wamepita Trade Test Grade II katika mambo kadha ya ufundi, lakini hawajaweza kupata kazi hata wakati huu. Kuna watoto wengine ambao wamepata diploma katika uhandisi wa ujenzi na mmoja wao ni mtoto wa ndugu yangu ambaye anakaa nami. Mpaka leo, hata hana matumaini ya kupata kazi. Dikiwa shule hizi za ufundi zitaendelea kufanya kazi, ni lazima ziangaliwe ili kujua ni watu wangapi watakaofundishwa mambo ya ufundi, na watapata kazi tapi. Nasema hivyo kwa sababu inaudhi sana kuona mtoto akisoma na kuhitimu na mwishowe anakosa kazi. Jambo hili linaudhi sana na, kwa hivyo, ni lazima kuwe na ushirikiano ili kujua ni watu wangapi tunaowahitaji na ni namna gani watu hawa watakavyopata kazi. Hata wakati huu, kuna wazazi ambao wamewasomesha watoto wao mpaka kidato cha nne au cha sita, lakini watoto hawa hawana matumaini ya kupata kazi. Hii ni kwa sababu hatujaweza kutengeneza mpango mahsusi.

Jambo la pili, Bw. Spika, ni kwamba ningependa kumwunga mkono Mtukufu Rais aliposema kwamba wakati umefika wa kuanzisha ule mtindo ambao ulikuweco wakati wa ukoloni. Si kila kitu ambacho mkoloni alifanya ambacho kilikuwa kibaya. Kwa mfano, mimi nilisomeshwa na wakoloni, na kuna wengine pia ambao walisomeshwa na wakoloni, na ninakumbuka kwamba wakoloni walikuwa wakiwasomesha watoto kuhusu Mungu kwanza. Mimi nilikuwa mmoja wa wale watu ambao walifundishwa mambo hayo wakati wa kutafuta Uhuru. Lakini, sisi tulisema, "Acheni habari ya dini. Tunataka watoto wetu wasome na waende mbele mpaka wapate kazi nzuri."

Bw. Spika, si aibu kukubali makosa. Kwa mfano, kuna makosa kwa Wizara

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MR. SHIKUKU (CTD.):

ya Serikali za Wilaya kumsimamisha mtu fulani ambaye alichaguliwa na wananchi lakini Waziri hataki kukubali kwamba hayo ni makosa. Hilo ni jambo baya. Mimi ninapoyafanya makosa, ninakubali kwamba nimefanya makosa. Waziri angesimama na kusemaz kwamba hayo ni makosa na tungeyatengeneza, na mtu huyo aendelee kupata mshahara wake. Sisi tungemsamehe Ew. Waziri na jambo hili liishe. Lakini mimi ninaamini kwamba tulipowasimamisha watoto mafunzo ya dini, hapo ndipo tuliiharibu nchi hii. Nasema hivyo kwa sababu watoto wakifika katika chuo kikuu, utaona kwamba hawamwogopi Mungu. Hivyo ni kusema kwamba wao hawajui kwamba kumpiga mtu kwa jiwe au kulipiga gari lake ni jambo baya. Hawaoni kama jambo hilo ni kitu kibaya hata kidogo, na inakuwa raha kwao. Hii ni kwa sababu hawakupewa mafunzo ya kumwogopa Mungu na kujua kwamba kuna amri kumi za Mungu ambazo n zirasema hivi na vile. Kwa hivyo, ninamwunga mkono Mtukufu Rais kwamba ni lazima mafunzo ya dini yaanzishwe katika shule za KX Kianglikana, za Kikatoliki, za Jeshi la Wokovu, na kadhalika. Ni lazima wanaoshikilia mamlaka wahakikishe kwamba watoto wanafunzwa mambo ya dini kutoka shule za nasari mpaka kule juu, kama tunatumaini kuwapata viongozi wa maana. Ni upuzi kuwadanganya vijana kwamba wao ni viongozi wa kesho na hali vijana wanaosoma kwa wakati huu wamekwisha kabisa. Watoto wanakunywa pombe na kuvuta sigara hata katika shule. Hasa wale watoto wa watu wakubwa ndio wanaowaharibu watoto wa watu wadogo.

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MR. SHIKUKU (ctd.):

Wanafunzi hawa wanavuta hata bangi shuleni kwa sababu tangu walipoingia shule za kindergaten hawakufundishwa kuwa haye ni maovu na kwamba hii ni dhambi. Hata wanapocheza dansi shuleni, utacna kwamba wanacheza mwanamume kwa mwanamume 'bull dance' ambacho ni kitu kilichokuwa cha aibu kubwa wakati wetu. Utaona kwamba watoto wachanga wavulana huwa wamekunywa pombe na wanacheza dansi na wavulana wenzao. Hii inaonyesha kwamba nchi hii inaelekea katika kuangamia. Ni lazima vijana hawa wafunzwe mambo haya na wakubali kufuata amri na wajue kwamba Kenya hii itaendeshwa nao k~~u~~ kesho wakiwa ni watu wa maana.

Kwa mfano, Bw. Spika, ~~g~~ hivi majuzi, nilienda katika Mukumu Girls' High School kumpeleka binti ya ndugu yangu aliye-wa darasa lake kuwa amefukuzwa ~~sh~~ kutoka shuleni, pamoja na wasichana wenzake // kwa sababu walikuwa wametoka nje ya shule bila rufusa. Mimi nilichelewa kufika mkutanoni, lakini ajabu ni kwamba wazazi wa wasichana wale wengine walisema kwamba adhabu ya kuwafukuza wanafunzi hao kwa wiki mbili ilikuwa adhabu ya kutosha na kwa hivyo haingefaa kwachapa wanafunzi hao matakoni. Mimi nilipinga maeno hayo yao na nikamchapa binti ya ndugu yangu viboko viwili kwa sababu wazazi hawa ndio wanaowaharibu watoto wao. Ni lazima mtoto apewe 'corporal punishment' na baba yake. Asipopewa adhabu hiyo na baba yake, au walimu wake, ajue kwamba atapewa adhabu hiyo na korti kwa sababu akimaliza shule atapatikana na makosa, apelekwe kortini, afungwe miezi au miaka na apate viboko juu yake, ^{Huko ndiko} na atapata viboko kwa mara ya kwanza. Kwa nini wasifunzwe kujua kwamba kuna adhabu ya aina ya viboko? Hata asipopata adhabu hiyo hapa duniani baada ya kufanya dhambi, akifika kwa Mungu, atapata kuna ~~x~~ kiboko kikubwa cha Mungu kiitwacho moto. So there is discipline everywhere. Ni lazima watoto wapewe adhabu ^{tangu wakina} kutoka kindergaten mpaka chuo kikuu. Wajue

MR. SHIKUKU (ctd.):

kwamba discipline is there. If you miss it from your parents, you will get it from the police; na kama hukuipata kutoka kwa polisi, usipoweka amri kumi za Mungu, utatupwa motoni. So, there is no way of escaping. Ni lazima tukubali kuwaharibu watoto wetu. Na hawa wazazi ambao hawataki watoto wao wachapwe, na wana taka kuwaharibu watoto wetu, yafaa watafutiwe shule yao wawapeleke watoto wao huko ili wasichapwe viboko. Ijulikane hivyo. Lakini hatutaki wachanganyane na watoto wetu sisi watu wadogo, masikini. Mimi ni 'watch man' wa watu wadogo. Nataka sisi wadogo tukae kando nao wakubwa wakae peke yao ~~ix~~ ili wasije wakawaharibu watoto wetu na bangi na mambo haya mengine yote. Watoto wa watu wakubwa ndio wanaoiharibu nchi hii.

Jambo hilo, Bw. Spika, ni la muhimu na lazima lichukuliwe hivyo. Nao walimu wajue kwamba ualimu ni 'noble duty!'. Mwalimu ni baba na mama ya watoto. Mchezo huu tunaousoma katika magazeti ni mchezo mbaya na Chama kinachowasimamia Walimu (K.N.U.T.) ni lazima kielewe kwamba haifai kuwatetea walimu ambao wanafanya mambo machafu kwa watoto wanaowasomesha. Ni lazima haya yasemwe. Jinsi ilivyo ni kwamba walimu wanaofanya mambo haya huenda hivi na hivi na kuwaona maofisa wa elimu na mambo hayo yanakwisha. Ni lazima tuwaambie walimu kwamba wakicheza na watoto ambao tunawapa kw kuwafundisha watakuwa wanatenda dhambi kubwa k na wakumbuke kwamba Yesu alisema, "Huyo ambaye anamfunza mtoto mambo maovu, ingekuwa vizuri afungiliwe jiwe kubwa shingoni na atumbukizwe majini afie humo ndani". Kwa hivyo wakumbuke kuwa Yesu alisema hayo na yeye ni mz mwana wa Mungu; kama hawataki kuyasikia ya Shikuku, lazima wasome wayasikie ya Yesu. Na wasiposikia ya Yesu, wafanye madhambi wanayoyafanya lakini kwa Mungu kuna adhabu na watapelekwa kwa moto ambao hauzimwi.

Bw. Spika, habari hii ya kusema kwamba kuna w elimu ya bure imekuwa ni maneno matupu. Ukweli ni lazima tuukublai, hasa

MR. SHIKUKU (ctd.):

sisi watu wadogo. Kama una mtoto unayemsomesha, ni lazima ununue vitabu vya kusoma, vitabu vya kuandikia, kalamu, rula na raba. Sasa nashangaa, elimu hii ya bure iko wapi? Hata maziwa wanayo-sema ni ya bure hayaonekani katika shule nyingine. Yafaa Serikali ifikirie na kuturudishia mpango wa karo tuliyokuwa tukilipa hapo mbeleni tuache kuambiwa haya maneno mengi. Sasa tunazungumzia pesa ambazo zinatakikana katika elimu, lakini vifaa hivyo vyote nilivyovitaja hapo awali vinanunuliwa na wazazi na pia wazazi hao hao wanalipia gharama ya ujenzi wa shule hizo. Ni afadhali turudie ule utaratibu wa zamani ambapo tulikuwa tukilipa karo na tulikuwa tukipata vifaa x hivyo vyote bure. We know this.. Waache kutudanganya ati elimu ni ya bure; si ya bure. Tunailipia elimu ya siku hizi hata zaidi ya vile ilivyokuwako hapo mbeleni. Kwa hivyo, afadhali tukubali ukweli na x tuambiwe hata tulipe karo; tusidanganywe ati kuna elimu ya bure.

Kwa hayo machache, x naunga mkono.

MR. KOSKE: Thank you Mr. Speaker, Sir, for giving me this opportunity to make my contribution towards this Motion. While thanking the Minister and his members of staff for preparing this Motion, I would like to urge the Government to see to it that there is fair distribution of teachers in this country. We have had a problem whereby we have some understaffed schools, and when we come to the Teachers Service Commission to complain, we only realize that, in fact, the district is even overstaffed. The only problem is that the teachers are not fairly distributed. Some of the schools are overstaffed whilst others are understaffed. The reasons for this are not attributed to the Ministry. Some of the reasons are that x some x schools are situated in remote areas and teachers do not like going there. This situation should be corrected immediately.

Mr. Speaker, Sir, while still on the fair distribution

MR. KOSKE (ctd.):

check on
of teachers, we should also ~~see~~ ^{check on} the grades of the teachers in ~~the~~
the various schools. Teachers in some of the schools have
hrs. better grades than others, while some of the schools only have
low-grade teachers. This should also be seen. We should also
have a fair distribution of male and female teachers in schools.
In schools in some areas, we only have male teachers, and, therefore,
there is the problem of girls ~~being~~ being advised favourably. In
some other schools, we have too many female teachers, and this
~~is~~ causes problems pertaining to maternity cases. By this I
mean that sometimes, far too many teachers go on maternity leave,
at the same time, and it becomes difficult for lessons to continue
smoothly as usual.

Although it has been said in this House over and over
again, the problem of "importation" of ~~the~~ teachers continues in
some areas. It is quite agreeable that we do not have teachers
from some areas especially from remote areas, but I have suggested
that instead of "importing" unqualified teachers into those areas,
it would be even better to employ teachers of Division IV standard
who, ~~when~~ when they are trained, they will not run away from ~~a~~ those
areas since ^{those are} ~~that is~~ their home areas. This is very practicable;
we have the problem even now in some parts of my constituency
where when the district education officer sends teachers,
they complain and after some time, they run away and this leaves
the schools understaffed again.

On college intake, we should have fair distribution of
students from all over the country, and special consideration
should be accorded to the remote areas so that in the near future,
we may have teachers from those particular areas who will not
run away.

Education offices should be more efficient ~~than~~ than they
are now. The Ministry of Education is charged with ^{the responsibility of} educating

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MR. KOSKE (ctd.):

wananchi in general. The children who are in schools are the ones who, ~~tomorrow~~, will be the responsible wananchi of tomorrow. Therefore, responsibility should be instilled ~~ix~~ right from the time they are in schools.

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MR. arap KOSKE (CTD):

Right now we have some ~~of the~~ untrained teachers who were employed in June this year, but upto now they have not been paid. Even as I am talking now, I have a letter from a Miss Rachael Chemng'eno Mutai, TSC No, 256253, who was employed in June, 1987, and she is now requesting assistance from me so that she can get her salary. Why should this ^{happen} while we have people manning offices who should have solved these problems? Is there no money? If there is no money, those teachers should be informed when there will be money so that they persevere until such time. However, if there is ^{are they} money, why ^{paid} is it not being given to them? In my opinion this is inefficiency, and yet it is the Ministry of Education that should educate people in this country to be efficient. I am glad that the Assistant Minister, who happens to have been a teacher also, is keenly listening to another former inspector of schools.

AN HON. MEMBER: He is inefficient!

MR. arap KOSKE: Mr. Speaker, Sir, with regard to distribution of school equipment, I wish to say that the stores in ^{where} ~~which~~ this equipment is kept should be properly manned by responsible people. In my area, for example, I have some schools with, say, one radio set and others with more than two radio sets. The reason why we have this problem is because the stores are not well manned; we should ^{have} this equipment fairly distributed to our schools.

Mr. Speaker, Sir, I also urge the Ministry of Education to give reasonable guidance to students who are seeking places in overseas universities. I have had a student in my constituency, who happened to go to one of the universities in India. He only discovered that the education he was getting was of a lower standard than what he learned in Kenya when he was already there. As a result, that student ^{left} ~~abandoned~~ that university and came back home, which was indeed very demoralising because wananchi had organised a fundraising to send him there. Some of the universities outside this country are not as good as our universities. In fact, some of our students go out of the country by mistake; they do not know exactly why they are going outside the country to places where they have never been before. Perhaps, some of our students, being young as they are, maybe would just like to

MR. arap KOSKE (CTD):

fly out of the country and learn new things. So, the Ministry of Education should actually advise our students to enable them differentiate between the good universities and the bogus one, which only intend to make money. I do not see why the parents should face this kind of problem when we have our Ministry of Education well-manned by qualified people who have even had chances of visiting universities in those countries. So, this kind of thing should stop. I would also urge the Government to educate our young students ~~so~~as to know that our universities are as good, or even better than, as universities in other countries. This is because our universities are manned by people who know better about the problems in Kenya.

Mr. Speaker, Sir, another ^{point} that I would like to make, and I would like to do this very strongly, is that posts of assistant education officers, education officers and school inspectors should be held by qualified and able people. At times it is quite pathetic to find an education officer, or a field officer for that matter, who may only point out mistakes, ^{because} but he is not better than the teachers he finds in the field.

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MR. arap KOSKE (CTD.):

They should be better than those teachers and able not only to point out mistakes, but also to give alternative advice. This is happening. It happens during the time of appointments. We should appoint able and qualified teachers. We should not go by any other things, but merit; otherwise, we will be killing our education in this country. This may be one of the reasons why another hon. Member of Parliament said that the discipline ^{among} of our people is deteriorating. Why is this so? If we deteriorate at all in matters pertaining to discipline, I will blame the Ministry of Education whose officers are with these children right from their youth up to the time they become adults.

Mr. Speaker, Sir, another point is that field officers should have their offices in the field; they should not stay in offices. Their offices should be in school. However, this cannot be so unless there are transport facilities. In order to be able to go to school, they should have transport facilities.

When teachers attend courses, they should also be paid in time.

With these few remarks, Mr. Speaker, Sir, I beg to support.

THE ASSISTANT MINISTER FOR WATER DEVELOPMENT (Archbishop Ondiek):

Thank you, Mr. Speaker, Sir, for allowing me to contribute to this important Vote. I also thank the Minister for Education for bringing this Vote here.

I would like to talk about the improvement of education in this country. His Excellency the President has really tried to work very hard ^{to} and improve the standard of education in the country. Recently, His Excellency the President asked the Minister for Education to see ^{to it} that religious studies are strengthened. Although my friend, the hon. Member for Butere, said that there has been no religious education in secondary schools, that is not the case. The only thing we can say is that we must strengthen religious studies—

MR. SHIKUKU: On a point of order, Mr. Speaker, Sir. I know that my friend was not good in Kiswahili in school nor is he ^{while} here. I spoke in Kiswahili and said that religion should be taught from the level of kindergarten, so that when children go up even to university, they will be people who fear God.

MR. SHIKUKU (CTD.):

Since we abolished ^{teaching of} religion in schools, this ^{is} why this problem started. I did not say that secondary schools are not teaching religion. I said that it should be taught from the level of kindergarten.

THE ASSISTANT MINISTER FOR WATER DEVELOPMENT (Archbishop Ondiek):

That is okay, Mr. Speaker, Sir. I agree with my friend.

What I was trying to say is that religious education should be strengthened so that children can easily know what kind of discipline they should have, and what they are supposed to do.

Coming to the educational facilities in schools, you will find that there are so many schools, especially in rural areas, which lack the necessary facilities. That is why when school results come out you sometimes find that certain ^{students} ~~areas~~ do not do so well. It is not ~~h~~ that the students there are stupid; it is because of the ~~a~~ lack of the necessary facilities. When we talk about science facilities, there are schools that have been built by wananchi and laboratories are there, but because the schools, and the parents concerned, cannot afford to equip the laboratories with the necessary science facilities, students there are unable to pass science subjects. When you look at the setters of examinations, you find that sometimes they set practical questions which students have never encountered physically, because they have no laboratories nor other ~~si~~ science facilities. I would request the Ministry of Education to make more effort and supply these facilities to rural areas, instead of just thinking about urban schools.

Even the distribution of text-books in most rural schools is poor. These books are not distributed as equitably as is the case in urban schools. You will find that maybe only text-books for mathematics and history have been distributed whereas other text-books have been left out. However, when it comes ^{to} an examination, however, you will find that all students are expected to answer questions in different subjects, such as, history, geography, and so on, whereas these facilities are not in all schools.

You will see that teaching officers cannot be successful. When my

THE ASSISTANT MINISTER FOR WATER DEVELOPMENT (Archbishop Ondiek)(Ctd.):

brother, the Minister, was introducing this Vote, he talked about the British Council and congratulated it on offering a donation to our country towards putting up school laboratories. In Ukuala Secondary School, which is in my constituency, that programme was begun, but up to now there is nothing happening. We have been waiting to see whether the construction of a laboratory will begin, but it has not. I suggest to the hon. Minister that he should see that the offer given to this school is considered and the said construction is begun, so that the school may have enough facilities to enable its students to pass science subjects.

Coming to the appointment of boards of governors, we have a lot of problems in most of our secondary schools. These boards of governors are supposed to be the managers of schools. You will find somebody being appointed chairman of a board of governors, but he is not interested in the running of the school. Thus, you are unable to monitor the kind of teaching the teachers in a school are carrying out in that school nor the way the headmaster is running the school. I would suggest to the Minister of Education that before appointing somebody chairman of a board of governors, he finds out the kind of interest he has in the running of the school concerned.

With respect to the inspection of schools, we appreciate that our school inspectors are doing a very good job. Sometimes, however, they take as long as almost a year without visiting a school. In that case, it would be so difficult for a school inspector to detect any problem that the people and the students in a certain area are facing. We also appreciate that most of our headmasters do a good job, but they do not realise that they are inspectors of their own schools. They do not supervise their teachers, nor see that the necessary schemes of work are being properly followed. They do not even check whether the work given by teachers to students is properly marked. That is why you find that there is a lot of carelessness in schools. Teachers are very qualified, but they do not enable students to pass because they wake up ~~fast~~ from their bedrooms and enter the classroom without any proper

THE ASSISTANT MINISTER FOR WATER DEVELOPMENT (Archbishop Ondiek)(Ctd.):

preparation.

Considering the School Milk Programme, you will find that milk is given only to primary school children, and not to nursery school children. Something should be done so that even nursery school children get this milk because they need it more than even primary school children.

You will find ~~z~~ that our nursery schools in rural areas are not at all successful because local authorities are unable to pay nursery school teachers at times. Without teachers being paid in time, their children are not taught. I suggest that the Minister for Education seriously considers taking over all nursery schools both in urban and in rural areas ^{so that} ~~and~~ ~~enable~~ ^{can} nursery school children ^{to} have a better foundation which can enable them to start primary education without any problem.

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THE ASSISTANT MINISTER FOR WATER DEVELOPMENT(Archbishop Ondiek)
(ctd);

Mr. Speaker, Sir, my brother the Minister for Research, Science and Technology talked about private schools in the country. But I would like to say here that it seems that we do not have a proper policy to guide the running of private schools in this country. I do appreciate that trained teachers should be employed in private schools. But it is a problem to get these teachers. The Ministry of Education should find ways and means of posting trained teachers to private schools. This is because the teachers who are leaving teacher training colleges are bonded; they must work for the Government for at least two years before they can be released to go and work in any private organisation. If these teachers are bonded by the Government where will the private schools get qualified and trained teachers?

Mr. Speaker, Sir, I urge the Ministry of Education to set up a programme whereby untrained teachers in private schools are taken for in-service courses. That will ~~help~~ help and it will also improve the standard of education in private schools.

With regard to selection of students to join private schools I do remember, in 1986, when somebody claimed that a school that is sponsored by me poached students. I am not disputing that. But you will find that those students had performed very well in their examinations. So, when they ~~we~~ did their examinations they passed very well and 14 of them have been admitted to our national universities. Several of them have been admitted to diploma colleges. This is because they had passed very well and were able to tackle the subjects that are being taught in that school. Therefore the Ministry of Education should devise a method---

THE ASSISTANT MINISTER FOR WATER DEVELOPMENT (Archbishop Ondiek)
(ctd);

We have accepted that private schools should be established in Kenya. We have also accepted that private universities can be established in Kenya. We have even passed a law to that effect.

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

MR. arap NG'ENY: Thank you very much, Mr. Speaker, Sir, for giving me this chance to share my views ~~with~~ with my hon. colleagues in this House.

I will start by congratulating the Minister for Research, Science and Technology for moving this Motion succinctly and in a well balanced manner. So, my congratulations go to him.

Secondly, Mr. Speaker, Sir, I would like to congratulate His Excellency the President for being the fore-runner of the innovations that are taking place in this country; not only in education but in all other areas of our national life. We are discussing educational issues, in the field of education, and I would like to say that our President is educator number one.

Thirdly, Mr. Speaker, Sir, I would like to congratulate the Government as a whole for being brave enough to allocate nearly 40 per cent of our national Budget for purposes of improving our educational system. But having said that I would like put my mind to our new 8-4-4 system of education. But unfortunately the Minister did not delve deep enough in certain areas of our 8-4-4 system of education. However, I would like to say that whatever I am going to say here is not a ~~criticism~~ criticism of the policy or the introduction of the 8-4-4 system of education in this country. This is because as you will recall, Mr. Speaker, Sir, the Paper that outlined ~~the~~ the introduction and implementation of the 8-4-4 programme was adopted in this very House when the then Minister for Education, Science and Technology ^{Prof. Njenga} laid it on

at the Table of the House and moved a Motion. So, I am not criticising the policy. My remarks are going to be on certain aspects of the implementation of this policy. This is because they have got a bearing on whether they will succeed or whether this 8-4-4 system of education is going to fail.

Mr. Speaker, Sir, first of all I would like to touch on the curriculum. The curriculum, in this structure, is extensive as I think, was meant to be. Now, this is the root of the problem in the implementation of the programme. Because of its technical bias, I would like to let the ~~Miss~~ ~~Minister~~ Minister know that it is my considered opinion that we started the implementation of this programme from the wrong pan. This is because the first issue that we should have tackled was the training of teachers before we went to the classrooms. But with the case that is before us, we went to the classroom before we had the teachers. What has happened is that there have been what I would refer to hotch-hotch attempts by the Ministry to induct the ~~teacher~~ ~~and~~ teachers, and I would say, rather unsuccessfully and rather dangerously because you are having a lot of un-baked bread in the classroom trying to ~~teach~~ teach those young people. I would, therefore, request the Ministry ~~to~~ to do something in order to produce capable teachers for ~~this~~ this technical side of our education. This is because people who have never handled a tenon saw or a hack saw are being asked to introduce this technical subject. I know that a lot of efforts have been made. But I still think that we need to tackle this matter ~~seriously~~ seriously in the field of teacher training where a category of teachers are trained wholly in order to come and tackle the technical aspect of our 8-4-4 system of education rather than having the generalised curriculum that one sees in the teacher training colleges and expecting that these people are going to specialise in teaching carpentry, home science and

so on.

The other thing that emanates from that, Mr. Speaker, Sir, is a dangerous thing that I would like all practising educationists in the field to keep off. Because of ~~the spread of~~ this extent in the spread of the subject, how deep are we going into it in the actual teaching? ~~This~~ I ask this because my worry is that because of the rather tantalizing spread of the subject, we are simply glossing over and we are producing ~~these~~ ~~pe~~ people who are not as useful as we would like them to be.

Another aspect of this that I have ~~a~~ seen, and it is actually seen ⁱⁿ the 8-4-4 ~~sys~~ system of education Paper that was adopted in this House, is the selection that is allowed in the secondary segment. This is because it allows every student to select only one area and it appears to me that we are defeating the very ~~pr~~ purpose ~~that~~ for introducing the 8-4-4 system of education with a technical bias. This is because ~~that~~ at that level the choice becomes ~~a~~ very narrow with all the attendant dangers that follow that kind of change. I feel that an assessment is required in order to see exactly what is happening there.

~~Also~~ Also, Mr. Speaker, Sir, hon. Martin Shikuku did raise an issue that has been discussed on and off over the years, as to whether we are producing people, from schools, who can get employed or whether we are introducing them into the society to live. Are we producing them for employment? The question of employment has got several facets. One is the ability of the economy. No matter what you do with our rate of our population growth and the rate of our economic growth, we are not going to supply every individual, who comes out of school, with a ready employment. This is going to be ~~impossible~~ impossible for several decades to come.

But there is one danger in this ~~country~~ ~~country~~ ~~country~~ country, and I have said it and I am going to repeat it, is the attitude of the society in general. This is because we have got a set standard where in terms of respect or dignity--- We have a certain category of jobs in this country that are not considered by the soceity to be respectable.

END.P...

JK

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JMK

MR. arap NG'ENY (ctd.):

This happens to be in the technical area and, therefore, as soon as people come out of school institutions, they want to run for the white-collar jobs that have a higher status in the eyes of society in general. So, we need a reorientation of our general thinking, as a country, in order to respect some of these jobs that we consider to be a little low.

Mr. Speaker, Sir, the other thing I wanted to touch on is this question of cost-sharing. We have heard about this matter severally, but I would like to say that unless something more definite is done, this sharing of costs is no policy. Why am I saying that it is no policy? It is because the cost-sharing does not help anybody. Who is to contribute what ~~per~~ proportion of the education budget? What we now find happening, as a result of this proposed cost-sharing, is that parents are being asked daily to contribute money for the buildings, books and many other things that have been named. I think what the Ministry requires to do is to produce ~~a~~ costs for us and tell us the cost per head for students. That should be mathematically easy to calculate. If, for example, School X had 200 students is going to require Y number of pounds and, according to the Vote that is authorised in this House, that school is going to get so much from the Government, then the balance should be contributed by the parents. It is up to the parents to work out how to raise that proportion that is required for that particular year, in money terms, so that collectively ~~a~~ either the books or the materials to be used in the actual education process can be purchased en masse. What is happening at the moment is that you get some parents who are quick to understand ^{why they should buy} ~~buying~~ books for their children and other things that are ~~required~~ required while the majority of the class do not have those facilities. That way, it becomes impossible for the teacher to handle a class where certain books and materials are available to some children. That also creates jealousy ~~among~~ among the pupils. What we are building with that class room atmosphere is a number of youngsters who grow up ~~feeling~~ in-built feelings of frustrations, even though they are not being expressed. That happens because of lack of the facilities that they do require. ~~So~~ So, I think, even if the Ministry is not going to be centralised at

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MR. arap NG'ENY (ctd.):

the Ministry headquarters or at the district education level, let every school know what their requirements are going to be, based on the ~~per~~ pupil enrolment in that particular school. Let the parents be told their proportion for running their school during a particular year so that they can raise that proportion in the manner they understand. There should also be a system of checking to ensure that that money has been raised, otherwise the running of that particular school will not succeed.

With those few remarks, Mr. Speaker, Sir, I support the Motion.

DR. OMAHO: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. First of all, I would like to thank the Minister for moving the Motion ^{and for} being very much to the point, which was very good.

Mr. Speaker, Sir, the money the Ministry would like, although it sounds as a very high percentage of the Recurrent Vote, is money which the Ministry deserves. The Ministry has been doing a good job of educating Kenyans, and I particularly liked the recent initiatives in recent years by the Ministry of Education in doing something to give Kenyans quality education. In this exercise, His Excellency the President has done his best in taking the lead as Kenya's Teacher No. 1. This is very fresh in our minds, especially when we remember his latest initiative in initiating a fund for improving research at the university level.

Sir, having said that, I would like to mention only a few things which I think the Ministry should look into, not because they have not been doing it, but just because I would like them to do better. First of all, I would like the Ministry to do more in helping pupils right from nursery stage, through primary school, secondary school right to university level, to know more about the environment in which they are being taught and in which they are learning. I would particularly like to suggest that a lot more use be made of the school gardens. It is common these days that you go to a primary ~~sch~~ school or to a secondary school and when you ask the pupils the name of a tree right there in the school compound, you find that they do not know. To them it is just a thing there; they do not know how the

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DR. OMAMO (ctd.):

tree flowers, they do not know its name and they do not even know its ^{use} name. It is a case of familiarity breeding contempt, like the Nairobi River which is on fire but the Nairobi people do not see it. It is important that our students must be taught ~~xx~~ more and more about the Kenyan environment. This is becoming more real now because of the 8-4-4 system of education. The 8-4-4 system of education was meant to enable ~~xx~~ students, when they leave school after eight years, to be better educated. I think by strengthening the natural sciences, students ~~xi~~ would be leaving school much more equipped.

Mr. Speaker, Sir, it is in this respect that I would like to make a special appeal to the Ministry, that ~~the~~ time has come when we should have a deliberate policy to make sure that there is, in every primary school, a properly equipped workshop or laboratory. Without this, we are not being honest to that particular school without that facility. We are encouraging science, we are encouraging science teaching and we are encouraging more and more Kenyans to fall in love with science but, without proper facilities for teaching ~~xi~~ science, it is very difficult to motivate the youngsters to fall in love with science, yet science is a must these days.

Sir, the second area where I would like to appeal to the Ministry to make a deliberate policy is in the teaching of French as a language. Africa is becoming smaller and smaller, and I do not think it is fair to encourage more of the municipal schools to teach ~~p~~ French while neglecting the rural schools. A deliberate policy should be initiated to produce more teachers to enable schools in rural areas to be taught French as another language. I have observed that French is as good as English in communicating with other African countries, particularly the Francophone Africa.

END..... Q.

AN HON. MEMBER: Even Kiswahili!

DR. OMAMO: Kiswahili is very, very important, but I have chosen this time to talk about French. I think we should do something to strengthen the teaching of French in our schools.

The other area, Mr. Speaker, Sir, where I would like the Ministry to have a deliberate policy is in the identification of talents. Talented boys and girls ~~who~~ should be identified early so as to be groomed and helped to get greater interests in either the sciences or social sciences. This means that we shall be able to find the better or above average students who can later be employed as teachers, and other ^{Research} workers in primary and secondary schools, and at the University level.

Finally, Mr. Speaker, Sir, I would like to make a point on our ^{Kenya has done very well in promoting Harambee Secondary Schools} efforts in promoting Harambee secondary schools. But I would like to suggest to the Ministry that secondary schools being what they are, that we start them on Harambee basis, the first intake are the local boys and girls, but very soon they become secondary schools for a whole community and for a whole district. The Government should follow these Harambee secondary schools very, very closely, and ~~to~~ take them over quickly so that they do not stay on the ^{Laps} laps of the community for too long. I have experience from four Harambee secondary schools in Bondo which, Sir, if you permit me to mention, I would be very glad. These schools are "ripe", or even "over-ripe" for being taken over by the Government. I am referring to Bar Ko Owino Harambee Secondary School in South Sakwa. I am also referring to Gobei Harambee Secondary School in North Sakwa. I am also referring to Nyagoko Harambee Secondary School in West Asembo, and also to Ndhigwa Harambee Secondary School in East Uyoma. I am referring only to four schools, which are not too many. I have only taken the example of four schools as Harambee Secondary Schools which are "over-ripe" or "over-ready" for being taken over by the Government. In other words, if there were

DR. OMAMO (Cotd.):

schools that were supposed to go to Heaven, they have already passed the "Purgatory"! I am sure Archbishop Ondiek can confirm that. He is here. They have done very well.

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

MR. BARNGETUNY: Ahsante sana, Bw. Spika, kwa kunipatia nafasi hii ili nami niunge mkono Hoja hii ambayo ni ya maana sana.

Bw. Spika, pia nawaunga mkono Wabunge wenzangu kwa kuiunga mkono Hoja hii. Pia namuunga mkono Mtukufu Rais kwa kufanya kazi nyingi hasa kwa Wizara ya Elimu.

Bw. Spika, tukiangalia katika shule za sekondari za Serikali shule za za na tukizilinganisha na Harambee/sekondari, tunaona kwamba kuna shule za Harambee za sekondari ambazo zimeshinda shule za sekondari za Serikali au za Wizara ya Elimu. Kwa hivyo, yafaa sisi sote tuunge mkono shule za sekondari za Harambee. Kwa mfano, tuna shule kama Kapsabet ambayo ni ya zamani sana. Ilijengwa mwaka wa 1925. Ukiona nyumba ambazo watoto wanaishi na madarasa ni za zamani kabisa. Kwa hivyo, yafaa Wizara ieleze wazazi vizuri ili waendeleo na kujenga shule yao kwa njia ya Harambee bila kusema kwamba eti shule hiyo ni ^{shule} ya Serikali bila msaada wowote.

Bw. Spika, ningetaka kumwambia Waziri wa Elimu kwamba ni lazima awe na ofisa wa elimu katika kila wilaya. Hatutaki Waziri awe akifanya kazi na kamati ya shule peke yake ambayo ina wanachama wachache ambao wameteuliwa na Wizara. Pengine wanachama wengine wametoka Kiambu, Nyanza na kadhalika. Wao wanatumia pesa za Wizara kuja hapa Nairobi na hatuoni vile wanavyosaidia shule zetu za Harambee.

Jambo la pili, Bw. Spika, ni kwamba yafaa sisi viongozi - Wabunge na madiwani - tukumbuke mambo kama hayo vizuri. Tunataka tusaide shule kama hizo kwa njia zote. Pia, tuna shule za msingi ambazo juzi juzi ilisemekana kwamba ni lazima ziwe na karakana za home science na kadhalika. Nina hakika kwamba shule nyingi za msingi

MR. BARNGETUNY (Contd.):

bado hazijajenga karakana hizo hata ingawa ziko karibu kufanya mtihani. Sijui Wizara ya Elimu inatarajia kufanya nini kwa shule kama hizo. Mimi naonelea kwamba hii ni sawa/^{na}kumpatia mtu mtihani wa kuendesha gari na yeye bado hajaendesha gari. Kwa hivyo, yafaa Wizara ya Elimu ifikirie juu ya jambo hili zaidi.

Bw. Spika, nikisema juu ya wilaya ya Nandi, katika eneo la Kapsabet, pengine Wizara imeshajenga karakana katika shule 20 tu kati ya shule 400! Sasa wakati wa kufanya mtihani mambo yatakuwa namna gani? Pia, mimi najua siyo Nandi peke yake ambayo iko nyuma kwa ujenzi wa karakana na kadhalika. Hata wilaya nyingine bado hazijajenga karakana hizo. Kwa hivyo, yafaa viongozi tufikirie zaidi jambo hili ikiwa tutakuwa na mtihani mwaka huu.

Tena, Bw. Spika, kuna jambo lingine kuhusu Wizara ya Elimu, ambalo ni lazima Wizara ifikirie zaidi juu yake. Mtoto ana wazazi wawili. Kwanza, kuna mama au baba mzazi, na tena mwalimu ni mzazi mwingine pia wa mtoto. Sasa katika sehemu za mashambani kuna wazazi wengine ambao wanafikiria kwamba eti mwalimu ndiye anajua mambo yote ya mtoto. Hii ni kwa sababu wazazi wengine ni wazee kama mimi, na hawajui mambo ya elimu hata kidogo. Kwa hivyo, yafaa mwalimu aweke bidii zaidi kuwafunza wale watoto kwa mambo ya elimu. Ukiwalinganisha watoto wa shule za mijini na wale wa sehemu za mashambani, utaona kuna tofauti kubwa sana. Lakini wale walimu ambao wanafundisha mijini ni sawa kwa elimu na wale wa sehemu za mashambani. Pia, utaona kwamba mafunzo ya watoto katika sehemu za mashambani ni tofauti kabisa na mafunzo ya watoto wa mijini. Unaweza kuona mtoto ambaye amekuwa shule katika sehemu za mashambani kwa miaka mitano/^{au sita}na hajui chochote.

End R.

MR. BARNGETUNY (ctd):

Bw. Spika, ukija hapa mjini, utapata mtoto wa miaka mitatu au minne ambacho anazungumza Kiingereza/Kitaweza kukufanya utoroke. Je, Wizara ya Elimu inafikiria nini juu ya elimu ya watoto wa mashambani na inafanya nini? Ni lazima viongozi wote wafikirie juu ya jambo hili. Tunaona kwamba viongozi ambao ni ^{ma} ~~h~~ ^{kunachamisha} tajiri huakimisha ~~a~~ watoto wao na kuwapeleka katika shule za hali ya juu. Je, wale watoto maskini watafikia hali hiyo ya juu lini? Wakati umefika ambao ingefaa sisi viongozi tukumbuke mambo kama hayo. Hii ni kwa sababu ukitembelea, kwa mfano, Kitale, Nyanza na kringineko, utaona kwamba watoto wanafundishwa kwa njia ~~isya~~ isiyofaa. Sasa imekuwa kama Wizara inapokea karo tu na kuwapatia walimu mishahara na hali watoto hawafundishwi vizuri.

Sina mengi ya kusema, Bw. Spika, na ninaunga Hoja hii mkono.

EKIDOR: Asante sana, Bw. Spika, kwa kunipatia nafasi hii. Kitu cha kwanza ambacho ningependa kusema ni kuishukuru Wizara kwa kazi inayofanya. Pia ningependa kumshukuru Waziri wa Elimu kwa vile ^{yuko} ~~ake~~ imara katika kazi yake. Ningependa kusema kwamba tangu Kenya ijipatie Uhuru, hatujawahi kupata Waziri wa Elimu ambaye ^{yuko} ~~ake~~ imara katika kazi yake kama Waziri anayesimamia Wizara hiyo kwa wakati huu.

AN HON. MEMBER: Are you sure?

MR. EKIDOR: Yes, he is very steady. Kitu ambacho ningeiomba Wizara hii ifanye ni kujenga vyuo vya walimu kwa wingi katika nchi hii. Hii ni kwa sababu kuna walimu wengi ambao hawajafuzu kuliko wale ambao wamefuzu katika nchi hii. Hii ni kwa sababu tuna vyuo vya walimu vichache nchini. Ningependa kupendekeza kwa Waziri aone kwamba vyuo vya walimu vimejengwa kwa ~~a~~ wingi kama sivyo, idadi ya wanafunzi ambao wanachukuliwa katika vyuo vya walimu ipandishwe. Kwa njia hii, tutakuwa na matokeo mazuri wakati wa mitihani na hali ya elimu itakuwa ya juu. Hii ni kwa sababu idadi ~~wz~~ ya walimu ambao hawajafuzu ikiwa ya juu kushinda ile ya walimu ambao wamefuzu, basi hatutakuwa na elimu kamili; tutakuwa na elimu ya hali ya chini.

(The Speaker left the Chair)

(The Deputy Speaker took the Chair)

Bw. Naibu Spika, kitu kingine ambacho ningependa kumwambia Waziri ni kwamba vile vitabu vya kusoma vinavyotolewa na Wizara huchelewa kufika katika shule zinazovihitaji. Kwa mfano, katika Wilaya ya Turkana, vitabu hivi hufika huko katika muhula wa pili. Kwa hivyo, watoto wataanza kutumia vitabu hivyo katika muhula wa tatu na pengine wanamaliza mwaka mmoja bila ya kuvitumia. Hii ni kwa sababu vitabu hivi haviletwi kwa wakati unaofaa. Jambo lingine ni kwamba Kenya School Equipment Scheme inatengeneza vitabu ambavyo ni hafifu sana. Ingefaa tenda ya kutengeneza vitabu ipatiwe watu wengine ambao wataweza ~~kug~~ kutengeza vitabu ambavyo vinaweza kusaidea watoto katika masomo yao. Vitabu vinavyochapishwa na Kenya School Equipment Scheme vimefanya elimu ya nchi hii kuwa : ya chini sana.

Kitu kingine ambacho ningependa : kusema kinabusu shule za ~~mbweni~~. Inaonekana kwamba wazazi wanapewa mzigo mkubwa. Kwa mfano, wazazi wanaambiwa wanamumie viatu aina fulani; wakati mwingine wanaambiwa walete soksi aina fulani na hata mavazi ya wanafunzi hubadilishwa kila muhula. Kwa wakati huu, wazazi wana kazi nyingi katika ujenzi wa shule, kutoa michango katika mikutano ya Harambee na kadhalika na hali wanapatiwa mizigo mingi shuleni ya kumumia hiki na kile kwa watoto wao. Ni kweli tunataka ~~ku~~ usafi shuleni lakini ni vizuri mambo haya yote yafanywe safari moja badala ya kuwaambia wazazi leo wanamumie kitanda, kesho soksi na kadhalika. Wakati mwingine watoto hufukuzwa shuleni wasipokuwa na vitu hivi ambavyo nimetaja. Nilikuwa nikifiria kwamba ni wajibu wa Wizara kuona kwamba mtoto hafukuzwi shuleni kwa kutokuwa na mavazi ya shule au karo. Ni ajabu kwamba, kwa mfano, katika Wilaya ya Turkana, mtoto anaambiwa "Kwenda utafute mavazi ya shule na kama hautakuwa nayo mpotee." Hiyo ni kumaanisha kwamba kama mtoto hatakuwa na mavazi ya shule, hawezi kuruhusiwa kuingia ^{darasani} ~~harasani~~. Sasa hiyo ni kurudisha ha-

Ningependa kusoma mambo machache kuhusu sehemu ninayoiwakilisha Bungeni ambayo ni Turkana Mashariki. Maofisa wa elimu wanaosimamia divisheni na zones

hawana pikipiki au magari ya kuwawezesha kusafiri kutoka sehemu moja hadi nyingine na hata hawana maofisi. Sasa Waziri anataka watu hawa wafanye kazi vizuri namna gani kama hawana maofisi, pikipiki au magari ya kuwasafirisha? Katika sehemu ninakotoka inayoitwa Lokitsung, Turkana Mashariki, haina njia yoyote ya mawasiliano; hakuna hata matatu. Tunategemea magari ya misheni yanayowapeleka wamisheni kanisani siku ya Jumapili - mara moja kwa wiki - au gari ya mkuu wa wilaya inayowapelekea askari mishahara ~~mara~~ mara moja kwa mwezi. Kwa hivyo, wilaya hii haina gari ambalo linaweza kuwapeleka kute-mbelea shule mbali mbali ili waweze kuhakikisha kwamba walimu hawalali bali wanafundisha kwa njia inayofaa au kuona kwamba walimu hawaji ^{darasani} ~~darasani~~ makusudi. Mwishoni mwa mwaka sehemu kama hii, itakuwa na matokeo mabaya shule kuliko ~~shule~~ zile wilaya ambazo zina magari na pikipiki zinatolewa kwa maofisa wa elimu. Sasa sehemu kama hizi zitaachwa nyuma. ^{Katika} sehemu nyingine maofisa hawa hupatiwa baisikeli, pikipiki na wengine wana matatu zao. Katika Divisheni ya Lokitsung, Turkana Mashariki, hakuna magari na ni jambo nzuri kuona kwamba maofisa hawa wana moyo wa kufanya kazi. Ingefaa Wizara iangalie matakwa yao. Je, Bajeti hii ndio inawafanya wasifanye kazi vizuri?

Bw. Naibu Spika, ningependa kusema machache kuhusu shule zinazodhaminiwa na makanisa. Mara nyingi watu hawa huhitaji ^{kwa nguvu kwamba} ~~wakuu~~ wa shule au walimu ~~wengine~~ fulani wapelekwe katika shule zao. Wanasahau kwamba Wizara ina mpango wa kuteua walimu watakaofundisha huko. Wakati mwingine watu hawa hawakubaliani na Wizara wakati inateua walimu wa kufundisha katika shule zao. Wanaweka vikwazo kwamba kwa sababu Serikali ndio imeteua walimu hao, basi hawawezi kukubali wafundishe huko. Kwa ~~zaki~~ wakati huo, wanasema kwamba ule msaada waliokuwa wakitoa kwa shule hizo, hawawezi kuutoa tena mpaka Wizara ikubali wawateue walimu wanaotaka. Ningependa kumwambia Waziri asikubaliane na mambo kama hayo. Ni lazima msimamo wa Serikali uwe kwamba Teachers Service Commission ndio inateua walimu.

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Mr. Ayah): On a point of order, Mr. Deputy Speaker, Sir.

MR. EKIDOR: Unapoteza wakati wangu bure.

THE MINISTER FOR RESEARCH, SCIENCE AND TECHNOLOGY (Mr. Ayah): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to mislead the House that there are some mission or religious oriented schools which are turning ^{down} teachers sent by the Ministry? Can he give an example?

MR. EKIDOR: Kila mhe. mfunge hapa anasema kwamba ~~hizi~~ ^{kuna} shule kama hizi. I can give an example of Lokitaung Secondary School. Serikali ilitua mkuu wa shule na wafuasi wa kahisa la Jesu la Wokofu walisafiri na ndege kutoka hapa Nairobi hadi Lokitaung na wakasema kwamba hawakukubaliana na uteuaji wa mkuu wa shule hiyo kwa vile maoni yao hayakufikiriwa. Je, wao ni Serikali? Kama Bodi ya shule ilikubaliana na uteuaji wa mkuu huyo wa shule, ni kwa nini walikataa baadaye? Inaonekana ^{Wajalis wengi ambao ni} kwamba kuna wakuu wa shule. ~~Wajalis wengi~~

(Laughter)

END S

MR. HASSAN: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in contributing to this Vote ^{of} for the Ministry of Research Science and Technology. We are grateful for the 8-4-4 Education Programme and, also, for the fact that the curriculum for both primary and secondary schools will be uniform. This means that we are going to have uniform facilities so that those of us whose areas have been lagging behind, since we attained our Independence and even before, at least ^{can} ~~hope that we shall~~ ^{to} overtake those areas which have by-passed us by far. We know that students in developed areas have ^{better chances of joining} been having ~~the chance to join~~ institutions of higher learning, such as our universities and other colleges. While ~~on~~ ^{at} this point, Sir, I would like to appeal to the ^{here to be} Ministry to be more careful least they take what we are saying/quite contrary to what we mean, and already, there are signs to that effect. What I am saying here is that this 8-4-4 Programme tends to keep the under-privileged/behind ^{areas} ~~and~~ ^{by} giving more chances to those developed areas where schools have more facilities, more teachers more equipment and so on. ~~than those other areas.~~ This enables students in these developed areas to pass well in their final examinations and to go on for further ~~studies~~ ^{within} studies abroad, or ~~in~~ the country.

Mr. Deputy Speaker, Sir, although parents in the rural areas have participated in educating their children, and this also applies to the area I came from, that is Garissa District, they ought to be assisted. Parents have done their best through their individual efforts, alongside the efforts of institutions and schools, in general Harambee fund raisings. Through such efforts, school buildings, such as home science blocks, workshops and so on have been put up. However, up to now, although these buildings have been completed, no equipment ^{have} ~~has~~ been sent to these schools. Perhaps the Minister will respond to this, when he comes to reply. We would like to know whether ~~or not~~ this is the position in other schools in the country, ^{still} or it is only happening in those under-privileged areas which are/suffering. If that is the case, then I am afraid that the 8-4-4 Programme of Education is doing the very contrary of what it was established to do.

Mr. Deputy Speaker, Sir, in the under-privileged rural areas, which I am

talking about children in primary and secondary schools do not get the

Practical ^{type} / of education. For example, you will find that in secondary schools where students are supposed to be taught science subjects, they are not taught because there are no laboratories where they can do experiments. So, I hope the Ministry will take note of this point.

Mr. Deputy Speaker, Sir, having said that, the second point which I would like to make is ^{on} the question ^{of awarding} / scholarships and, particularly, foreign scholar_ships. When the Ministry ^{gets} / scholarships from other foreign countries, I only see a few of them being advertised in the local papers. I remember bringing a Question to this House previously asking why there was such a bias in awarding these / scholarships to students. The students from the under-privi-
leged areas do not qualify for these scholarships ^{and,} ~~but~~ even when they qualify, you find that the bias is still there and this is very unfair. I remember that sometime this year, scholarships for India were advertised and ~~a~~ students from my home area applied ^{and,} according to the requirements of that adverti-
sment, they qualified, but not ^{even one} / of them has been taken up to now. I know that the cousins or brothers of officers at the Ministry's Headquarters, such as the Permanent Secretary, the Ministers and the Assistant Ministers, the directors, ^{awarded} or those fellows who come from the home areas of these big people, are the ones who have been ^{given} these scholarships. I wonder whether there
was any other criteria used in ^{However, what} the awarding ~~of~~ these scholarships. / I know is that those students from my district, or province, who qualified were not considered. In future, we would like to request the Ministry to be very careful about this because ~~we~~ we are being told day in and day out that the Government is doing everything possible to uplift the standard of education of the people in the under-privileged areas. However, in reality, the same
^{Trend} ~~of~~ ignoring these areas is going on and I do not know when this promise is going to be fulfilled to our people. I hope that the Minister will respond to that particular point when he stands up to reply.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. M'Maitzi): On a point of order, Mr. Deputy Speaker, Sir, that is a very serious allegation from the hon. Member. He is saying that the Minister, the Assistant Ministers and the Permanent Secretary take their cousins for certain scholarships which are awarded by foreign countries. Would the hon. Member really substantiate his allegation because we have not seen such a thing happening. Only those students who qualify are awarded these scholarships. We call many students for interviews and only who qualify a few/are taken. *awarded the scholarships.*

MR. HASSAN: Mr. Deputy Speaker, Sir, I said that maybe the big fellows take their cousins and close relatives. However, what I know is that students from my area who qualify according to those advertisements ~~have~~ *never* been *awarded the scholarships* taken, and this is what I am saying. I am asking the Minister to be vigilant the next time they are awarding these scholarships. We would like them to be more careful the next time they advertise these scholarships. If they talk ~~as~~ under their desks and sign their documents there, we would not be aware of this. However, when they advertise these scholarships, and they do not consider those who qualify, this is most unfair. They have never considered even one student from the whole of ~~the~~ *North-Eastern* Province, and this is what we are saying is most unfair.

Mr. Deputy Speaker, Sir, the third point which I would like to make is that whereas parents are doing everything to put up schools buildings, the Government has, in one particular case, given us millions of shillings to put up a nomadic primary school in the area I come from, that is Balambala Nomadic Boarding school. What happened is that a project involving ~~many~~ *millions of* shillings was to be put up but the school which has ~~not~~ *been* put up there did not ~~spend~~ *cost* even half of what was given to the contractor. What happened is that everything was being done from the Ministry's Headquarters and nothing was done ~~from~~ *at* the district level or at the provincial level. Officers from the Ministry's Headquarters, and others from the Ministry of Works, Housing and Physical Planning, together with the contractor, were flying from Nairobi up to Balambala and we did not know what they were doing. No copy of the contract was given to the district development committee for their acknowledgement.

MR. HASSAN (Ctd.):

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When we went to inspect the school sometime ^{ago} to see what was available,

we found ^{most} the ~~majority~~ of the things which were ^{supposed} to be there missing.

With those few remarks, I beg to support.

END T

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THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kariuki): Thank you, very much, Mr. Deputy Speaker, for giving me this opportunity to support this very valuable Motion.

Before I start, I would like to express my gratitude and, indeed, the gratitude of my constituents and, I believe, all Kenyans, to His Excellency the President, for his recent announcement that the colleges of technology that we have in this country will, from next year, be included in the estimates ^{of} for the Ministry of Education. This is very encouraging because quite a number of the colleges of technology were just about closing up because, whereas they had a lot of responsibility - very ~~ha~~ heavy responsibilities - most of them had not been planned in a way that catered for the sources of their funds. So, it is very encouraging, and we must all be very thankful ~~for~~ to His Excellency the President for seeing this need, and for announcing that these colleges of technology would be included in the estimates ^{of} for the Ministry of Education.

Mr. Deputy Speaker, Sir, I am very concerned about certain trends in certain secondary schools where ~~a~~ students are, at a very early stage, asked, or required, to specialize in certain subjects. I have heard of schools where, by the time the students get to Form II, they are required to specialize in either arts ~~of~~ or science. It is my contention that this is very wrong, to ask a young boy or girl to choose whether to do ~~a~~ geography, history and English language and leave ~~his~~ biology, chemistry and physics. I think ~~this~~ is too early an age to ask a student at Form II to choose any subjects.

Mr. Deputy Speaker, Sir, we do want our ~~stunt~~ children to have as wide knowlege as possible. It is important for a doctor, who will specialize in sciences, to be able to know a bit of geograpy; it is important for a person who is going to

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kariuki) (ctd.):

become a scientist to know a little bit of political history. It is also important & for an agriculturalist to know a little bit of economics. It is likewise important for somebody who is going to become a lawyer, or somebody who is going to become an accountant, to have a working basic knowledge of science. It is very difficult and very bad, in fact, for someone to claim that he is educated, he has a bachelor of science or a master of science degree; if, when you mention someone like Hitler, he will not know what you are talking about, and yet, as far as he is concerned, he is an educated & person. It is also wrong for somebody to be so well versed in history, and ~~him~~ being in an agricultural country like Kenya, he does not ~~even~~ ^{to} know how a seed germinates, simply because he did not attempt to do any science subject at school.

K. P. So, I would & request the Ministry of Education to take these matters very seriously so that all students are given a chance to "taste" all subjects before they are required to specialize in ~~any~~ any particular subject. And I would, in fact, say that all ~~sex~~ students in secondary schools should balance between art subjects and science subjects up to Form IV, so & that they have a wide knowledge of everything, and they are able to choose. I am saying this because if you tell a Form II student to choose ~~bx~~ between arts and sciences, and he does not know what science is, what kind of choice are you giving ~~he~~ him? If you are asking him to choose arts, ~~and~~ whereas the only choice you are giving him is science, what kind of choice are you giving him?

Mr. Deputy Speaker, Sir, the other point I would like to make is that although the Education Act says that all schools must have parents' committees, I am not sure whether this provision also affects private schools, because I know a number of the so-called private schools ^{which} ~~in~~ operate without any parents' asso-

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kariuki)(ctd.):
 ciation^s. This means that the parents who send their children to
 these schools have no say, whatsoever, in what or how their
 children are taught. So, I would ask ~~for~~ the Ministry to see
 to it that even where schools are run as private commercial
 concerns, the parents who send their children to these schools
 have some say in how the schools are run. It is not right that
 the parent^s should just be asked to pay fees, and then they are ^{sometimes} ~~are~~
 told the ~~s~~ fees have been increased, and yet they have no say
 in what their children are getting.

MR. DEPUTY SPEAKER: Order! I was waiting for the
 Assistant Minister for Education who is sitting behind you to
 correct you but he did not. I would like to inform you that
 parent-teachers associations are not governed by the Education
 Act. It is an administrative lineage, unless things have changed.
 Can you ~~ez~~ carry on?

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr.
 Kariuki): I am aware of that, Mr. Deputy Speaker. I expected
 the Assistant Minister here to correct me, if I was wrong.

MR. MUTHURA: So you were making an allegation?

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr.
 Kariuki): No, I was not making an allegation. All I was saying
 was that even where the institutions are not governed by the
 Education Act, the Ministry should see to it that the parents
 of the ~~students~~ students in such ~~x~~ institutions have some say,
 even if it is consultative; they have a way in which they can
 give opinions on how the institutions are run and what kind
 of education is given to the children.

A lot has been said, particularly recently, about the
 role of private ~~in~~ universities in a country like Kenya, and I
 am glad that the Ministry has clarified that even with the fiasco

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kariuki)(ctd.):

that surrounded the so-called Narok University, the Government has made it clear that it is not basically opposed to private universities; ^{the Government,} and I think the ~~public~~ people should know that, is not opposed to private universities, ^{it is only} ~~it is only~~ ^{opposed to} the method by which these universities are set up. I am saying this because I believe that private universities have a role to play in this country. Take for example, the cost of sending a ^{the United States of} student to ^{the United States of} America or Great Britain these days. It is between Sh. 250,000 and Sh. 300,000 per annum. So, if you consider that Kenya could as well send about 1,000 students overseas in one year, that ends up being Sh. 300 million in one year. In ten years, that would be Sh. 3 billion; money which is enough to build a university in this country, and, thereby, save foreign exchange, provide the kind of education that is suitable in this country and provide jobs in this country and not ^{the United States of} in America or Great Britain. And, of course, we must be ~~we~~ wary that the need for education in this country must not be exploited by the people who want to make a fast buck.

END U.

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kariuki)(Ctd.):

This is because there is all that opportunity for common and clever businessmen to take ^{the opportunity of} the need of and the hunger for education in this country to make quick money. The Ministry must guard against this and ensure that the standards are right. The people starting this kind of universities must be people of integrity. I think that is paramount. The Government must be satisfied that these are people of integrity. When all these conditions are satisfied, I think it is very right that private universities are encouraged so that we may save the amount of money that we are sending out of this country.

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

MR. LUKINDO: Asante sana, Bw. Naibu Spika, kwa kuniona na kuniruhusu niungane na wenzangu katika kuzungumza juu ya ^{Voti} hii ya maana sana inayohusu elimu ya nchi hii. Wakati mwingine, tunataka elimu hapa Kenya, na tunataka elimu ya kweli. Lakini wakati mwingine, tunaifanya elimu yetu kuzorota, huku tukiwalaumu walimu baadaye. Kwa mfano, ni mtindo wa wazazi wengine kuwasengenya na kuwatukana walimu huku watoto wao wakisikiliza. Unapozungumza na bibi yako nyumbani, unasema, "Mwalimu aliyeketwa hapa hana maana. Pengine anakunywa pombe sana" na huku watoto wako wanasikia hayo. Kesho yake, hata mwalimu huyu akitumia lugha ya kimalaika, watoto hao hawataelewa wala ^{wa} hatayakubali yale ^{ya} watakayofunzwa. ^{Mafunzo} ^{ya} ^{huyo} Elimu ya mwalimu huyu haitamwingia mtoto kama ^{haya} kwa sababu aliwasikia wazazi wake wakisema kwamba mwalimu wake hana maana. Kwa hivyo, ningependa tuwafundishe wazazi, na watu wengine huko nje ambao tunawawakilisha, kwamba si vizuri kuwasengenya na kuwatukana walimu watoto wetu wakisikia.

Jambo la pili ni kwamba wazazi wengine wamewapa watoto wao uhuru mwingi. Uhuru uliopewa watoto wa shule umezidi sana. Ni lazima mtoto akose kule shuleni. Kama mwalimu aliyefundishwa, ninajua kwamba walimu wamefundishwa njia za kuwaadhibu watoto kulingana na kosa wanalofanya. Lakini mwalimu akijaribu kutumia zile njia alizofundishwa za kumwadhibu mtoto siku hizi, kesho yake mzazi atakwenda kuchukua fomu ya P3 eti kwa sababu mtoto wake ameumizwa na mwalimu. Hapo utasikia kwamba mwalimu yuko kortini kwa sababu amejaribu kumwadhibu mtoto. Nastaajabu sana. Ikiwa sisi Wabunge, wakuu wa

MR. LUKINDO (CTD.):

wilaya, makatibu wa kudumu na watu wengine wakubwa tunapelekwa mbele ya kamati ya kurekebisha tabia ili tukashike adabu yetu, imekuwaje kwamba watoto wachanga ambao hawana akili timamu hawafai kupatiwa adhabu?

Jambo lingine ni juu ya wazazi kuyaingilia sana mambo ya shule.

Sisemi kwamba wazazi hawafai kuwa na uwezo wa kuzungumza juu ya watoto wao, hasa kuhusu jinsi wanavyofundishwa, lakini wazazi wengine huyaingilia mambo haya sana na kusahau kwamba hawakufundishwa ualimu, wala hawajui kufundisha shuleni. Wazazi hawa wanayaingilia mambo haya sana mpaka wanakwenda kuuliza, "Mhawaona walimu hawa wetu wakiwafundisha watoto wetu namna gani?" Wanamwuliza mwalimu, "Wewe, unajua kufundisha? Ulifundishwa kuwasomesha watoto lini?" Kuna walimu waliofundishwa kusomesha, lakini kuna watu wengine ambao si walimu wanaofanya kazi nyingine. Ni maoni yangu kwamba wazazi hawafai kuwaingilia walimu sana katika shule kwa sababu jambo hili litawafanya walimu kukata tamaa na kufundisha watoto kwa sababu ya pesa tu, huku ule moyo wa kufundisha watoto kikamilifu ukiwa umeondoka. Hapo elimu yetu itaendelea kuzorota, huku tukiwalaumu walimu.

Ningependa kuzungumza juu ya walimu wale ambao wamefanya kazi ya kusomesha watoto kama walimu wasiohitimu. Kuna walimu wengi kama hawa katika nchi hii ambao wamefundisha shuleni hata kwa miaka 10. Walimu hawa hawajahitimu mafunzo ya ualimu, lakini ajabu ni kwamba nafasi za kuingia vyuoni vya ualimu zinapopatikana walimu hawa hawafikiriwi. Ningeomba kwamba walimu hawa wafikiriwe kwanza nafasi za kuingia vyuoni vya ualimu zikipatikana. Miaka ambayo wameitumia wakifundisha shuleni inafaa kufikiriwa pia. Wakiingia vyuoni vya ualimu na kuhitimu mafunzo yao, wasiende kuanza kuhesabiwa miaka yao ya kazi kutoka wakati huo huo. Ninatoa mwito kwa Waziri alifikirie jambo hili. Ikiwa mwalimu amefundisha kwa miaka 10 akiwa hajahitimu mafunzo ya ualimu, halafu akapata bahati na kuingia chuoni cha ualimu, anapotoka chuoni hicho, hafai kuanza kuhesabiwa miaka yake aliyofanya kazi wakati huo na hali amefanya kazi kwa muda wa miaka 10. Ninafikiri kwamba miaka hiyo 10 mwalimu huyu amekuwa akifanya kazi inafaa kufikiriwa ili anapotoka chuoni aweze kuendelea na kuhesabiwa miaka

MR. LUKINDO (CTD.):

yake ya kazi juu ya ile 10 ya kwanza. Mwalimu huyo amefanya kazi kwa miaka 10, na anaendelea kuzeeka. Ikiwa atatoka chuoni cha ualimu akiwa na umri wa miaka 35, halafu aanze kuhesabiwa miaka ya kufanya kazi toka ^{hapo} ~~miaka~~, miaka hiyo 10 aliyokuwa akifanya kazi itakwenda wapi? Ni pendekezo langu kwa Waziri kwamba miaka ambayo mwalimu amefanya kazi, akiwa hajahitimu mafunzo ya ualimu, ifikiriwe ili akitoka chuoni awe akiendelea kufanya kazi tu.

Jambo lingine ni kwamba ningependa ku guzia juu ya elimu yetu hapa nchini, kuhusu habari ya mid-term break. Pengine, nilisoma wakati wa zamani. Siku hizi ninaona kwamba kuna mtindo wa kuwako na ruhusa nyingine inayotolewa kwa wanafunzi kwenda likizo wiki moja au mbili baada ya kufungua shule. Utaona kwamba watoto wamefungua shule na, baada ya wiki moja kupita unawaona tena wakibeba masanduku yao. Wakifika nyumbani wanasema, "Tumekuja likizo ya mid-term break." Kule mashambani hasa, wananchi wamekosa kazi za mshabara na wazazi hawana pesa za kutosha. Watoto wengi, hasa wanaosomea shule za ^{bweni} ~~kalala~~, husafiri maili nyingi hadi nyumbani. Baada ya kufungua shule na kumaliza wiki moja au mbili, unawaona watoto nyumbani tena wakisema, "Tumepata likizo ya mid-term break" na hali likizo hii ni siku tatu au nne tu. Hapo wazazi wanaanza kunza mbuzi ili kuwatafutia watoto wao nauli za kurudi shuleni. Sielewi ~~ni~~ jambo hili, na ninafikiri ingefaa Waziri atakapokuwa akijibu atueleze jambo hili wazi wazi. Hasa mimi ninataka kulielewa. Ni nini maana na mid-term break? Likizo hii inamaanisha nini? Watoto walifunga ~~m~~ shule majuzi tu na wakafungua tena. Baada ya wiki mbili tu, unawaona ndio hawa wanarudi nyumbani na masanduku yao. Baada ya siku tatu tu, wanarudi shuleni tena. Likizo hii inawaongezea wazazi gharama isiyofaa wala isiyo ya lazima. Bw. Waziri angejibu baadaye na kueleza maana na faida ambayo watoto wanapata wakienda likizoni hii iitwayo mid-term break. Kwa maoni yangu, wazazi wanaendelea kuumia.

MR. LUKINDO (ctd);

Jambo la mwisho Bw. Naibu Spika, ambalo ningependa kulitaja kuhusu elimu, ni habari ~~ya~~ ya vyuo vya ufundi. Kusema kweli yafaa hivi vyuo vya ufundi viongozwe. Hii ni kwa sababu ~~se~~ academic qualifications ni kitu ambacho hakina maana katika Kenya leo. Elimu ya ~~mf~~ ufundi ndiyo inayotakikana sana siku hizi. Utaona kwamba kijana ambaye amemaliza kidato cha Sita akienda kwa mahojiano ya kazi huulizwa "Kando ya haya masomo na hii diploma yako una jambo lingine unalolifahamu"? Pale pale utamvona mtu wa darasa la Saba au Kidato cha Pili akipewa kazi. Hata Serikali sasa haitaki kuajiri watu w ambao italazimika kuwapatia mafunzo zaidi. Serikali inataka watu ambao wataajiriwa leo na kesho waamke na kwenda kufanya kazi; kazi ambayo wanaifahamu. Kwa hivyo utaona kwamba elimu ya ufundi ina maana sana katika Kenya leo.

Kwa hivyo ~~mini~~ ningependa kumshukuru Mtukufu Rais ambaye ameuanzisha mfumo mpya wa elimu wa 8-4-4. Hii ni kwa sababu ufundi umeingizwa hapo ndani.

Kwa hayo machache, naomba kuunga mkono.

PROF. INDIRE: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute on this Vote of the Ministry of Education. I would like to begin by commending the Ministry of Education for the ^{la} every good work it is doing in the country recognising the problems it faces and particularly the number of children who have to be educated in the country. They have clearly expanded education in many areas. There is one possibility which comes out ^{of rapid} ~~rapid~~ expansion of education in any country, and that is the possibility of declining educational standards.

Mr. Deputy Speaker, Sir, it is good for us to note in this House that the Ministry of Education recognises the importance of quality. Of course the Ministry is also trying to do something to make sure that the quality of education remains as high as possible under these circumstances. But there are a number of things that I would like to point out recognising that something is being done to keep the standards as high as possible. One is the question of dividing the country into areas which are ~~manage~~ supposedly ~~we~~ manageable as far as the ~~supervise~~ supervision of education is concerned.

Mr. Deputy Speaker, Sir, I have said in this House before that when it comes to selecting people who are responsible for these areas as assistant education officers and primary school inspectors in the various areas, they should be people who are actually good teachers themselves. The fact that somebody may be a good administrator does not necessarily mean that he will be a good curriculum developer. I think this is where the Ministry of Education should examine the deployment of the experienced teachers whom it uses in these areas. These areas require very good teachers; people who will help teachers in the schools in order to ~~impr~~ improve their education. ~~I begin~~

I begin at that level, Mr. Deputy Speaker, Sir, because in addition to early childhood education it is primary education that is really basic. If we can start on the right ~~foot~~^{foot} in our education we will certainly build on it a good quality education. That is where I think a lot of effort should go to make sure that our teachers, and particularly in view of the fact that a lot of them are now untrained--- We cannot avoid them for the moment. They need constant assistance.

It is my view that with this lessening of the ~~number~~ number of schools for an inspector or supervisor, they should be able to do a good job if they are properly selected and if they are constantly given ~~re~~ short refresher courses to enable ^{them} to really help the teachers in doing their work properly. If somebody is good as an administrator he should be given a different task within the education system.

There is another element which I am sure our Ministry of Education is looking into. This is the whole question of child centred education. Child centred education is a good idea. It is partly in order to meet the question of equity in education; providing equal education opportunities to everyone. But if child centred education is not properly guarded it can lead to very poor standards in education. Subject-centred education has ~~weaknesses~~ weaknesses just as much as child centred education. We can go over-board if we ^{overemphasise} ~~emphasise~~ one aspect against the other or if we think that that is the approach that should be used in education and forget to realise that the whole ~~of~~ question of equity also means that the best talented ~~are also~~ students are also given an opportunity to excel. This is why while we are using ~~one~~ one approach much more than the other we should always keep in mind the other ~~approach~~ approach; subject-centred versus child-centred education. They ought to be examined and I think I have enough to simply say that we ought not to think that one is ~~entirely~~ entirely better than the other. They should be used in our education system as best as possible. The professional should be able to know how to apply the two ~~approaches~~ ^{philosophical} ~~philosophic~~ approaches for the benefit of our country.

~~Other~~

Curriculum development, Mr. Deputy Speaker, Sir, is a continuous process and I am sure that the Ministry must be looking at the results of the ~~xxx~~ classes in our secondary schools which have already gone through the 8-4-4 education system and that they will continue ~~xxxxx~~ to re-examine the ~~xxx~~ broad-based curriculum which has been introduced in our education system so that the best results can be ~~x~~ achieved. Therefore, we do indeed give the Ministry the benefit of ~~maximum~~ doubt hoping that as they execute this broad-based curriculum they will at the same time be re-examining it and making sure that corrective measures are taken to ensure that the end result will be the kind of products that we require for our country.

I do ~~indeed~~ indeed agree with those who have spoken on the question of technical education. Technical in this country, over the years, has not been very, very successful partly because I think we have not all along been quite certain which line to take in technical education. One hopes that now that ~~x~~ the various aspects of technical education are being taken as part of a general education curriculum in the secondary schools, the technical education that is offered after the secondary education will be a real technical education that will help our country. There are many institutions that can offer technical education in this country. Also in providing technical education we should, at the same time, realise that there are other areas of education that we need to think about. The social aspects are extremely important. That is why I believe in the whole idea of a liberal arts ~~educational~~ ~~educational~~ education which will train our young people to be men and women who will support the society. The society does not live by bread alone; there are other ~~xxx~~ aspects and we ought to make sure that there is some kind of ~~balance~~ balance in our ~~xxx~~ education system.

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PROF. INDIRE (ctd.):

Mr. Deputy Speaker, Sir, I think I have just enough time to point out one or two other points very quickly. One point I would like to mention is that of equitable distribution of teachers in our schools. Equitable distribution of teachers does not mean deployment of teachers in equal numbers; there are also the other more qualitative aspects of teachers that matter. The aspects of science teachers against arts teachers should be looked into when teachers are being deployed throughout the Republic, if we have to achieve what we ~~we~~ want to achieve for the whole country.

The other point that I would like to refer to ~~is~~ is that one of reorganising our senior colleges. We have been told that seven more ^{primary} teacher training colleges are going to be built, and it would seem to me that we are getting to a stage where some of the senior teacher training colleges will have to be reconsidered with a view to affiliating them to university education.

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

MR. MICHOMA: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to join my hon. colleagues who have contributed to this Motion before me.

Sir, without education, all of us in this House would not be here today. Therefore, we should take education seriously. Education, being the key of everything, should be taken seriously by the leaders of this country.

Mr. Deputy Speaker, Sir, before I say much, I would like to pay tribute to His Excellency the President who has championed the education system of this country. His Excellency the President has gone to nearly every school in nearly every district and every division to raise funds for ~~school~~ those schools, be they primary schools or secondary schools. While supporting His ~~Ex~~ Excellency the President, we should look forwards and backwards in order to assess how much we have succeeded in education since Kenya attained her Independence. It appears that

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MR. MICHOMA (ctd.):

district education boards and district development committees discuss education but we do not take things seriously. I would like to commend ~~the~~ the Ministry of Education for the manner in which they have steered the education system in this country.

Mr. Deputy Speaker, Sir, cost-sharing policy has punished certain schools. I have in mind such schools like Mang'u High School, Kisii High School, Kakamega High School, Shimo la Tewa High School and others which, had I the time, I would mention. Most of these very important old schools have had their buildings worn out and the walls are falling. This is where the Ministry ~~should~~ should look for money, whether borrowed from or within this country, to rebuild these schools. At this juncture, I would like to thank His Excellency the President for presiding over the Harambee function, which was very successful, at Kisii High School. At that function, we realised KShs.3.5 million and now ~~contractors~~ contractors are about to move to the site to reconstruct that school. Because of the limited funds available to the Ministry of Education, school boards, parents and teachers associations and ~~the~~ old boys and girls should join hands not only to raise funds but also to try and help those schools which have enough land to start planting crops which can generate funds such as coffee, tea, pyrethrum and others. If the land is not ~~very~~ adequate, schools can also practise zero grazing. Schools must also be able to plant vegetables for themselves instead of buying f them from the ~~market~~ market. They can also plant fruits and x keep poultry for their own consumption. I very much commend the board of governors and the teachers of Kisii High School for doing what I have just suggested. Other schools should follow that very good example.

Mr. Deputy Speaker, Sir, I would also like to say that most teachers these days do not have ~~the~~ the necessary school curricula, scheme of work or ~~preparatory~~ preparatory notes. In fact, some teachers just go to the ~~classroom~~ classroom even without preparing their lessons. Sir, ~~we~~ you and I were teachers once upon a time, and you know that we used to prepare our lessons before going to class. We even used to inspect other teachers' preparation note books. This is not being done in

13.10.87.

MR. MICHOMA(ctd.):

most schools, and I appeal to school inspectors to try and carry out their work as much as possible to ~~more~~ encourage teachers.

Sir, the day-to-day running of schools should not be interfered with by leaders, be they hon. Members of Parliament, chairmen of board of governors or whoever. There should be a clear line between the functions of the chairman of board of governors of a school and the principal or the headmaster, an hon. Member of Parliament, a councillor or a chief. The headmaster ~~should~~ should be left alone to run the school and report to the board of governors what successes he has done. Sometimes our schools get poor examination results because of this kind of interference. We support all the teachers who are doing a job job wherever they are.

Mr. Deputy Speaker, Sir, in view of the fact that we have now embarked on the district focus for rural development strategy, the Teachers Service Commission should be fully decentralised. It is true that the Teachers Service Commission has opened offices along with the ~~dis~~ Ministry's district offices, ^{but} the staffing of those offices is not proper. Although it is said that the district education officer is the agent of the Teachers Service Commission in the district, I do not think there is greater harm that can be caused to our education system than where a teacher leaves classroom to travel all the way to Nairobi to come and find out whether his salary has been processed and so on.

END..... X.

MR. MICHOMA (Contd.):

I think by so doing, we shall make teachers remain in the classrooms rather than making them travel to Nairobi.

The other point, Mr. Deputy Speaker, I would like to say is that land in most schools is not adequate. However, you will find that the Ministry has allowed schools to mushroom all over the place. This practice must be stopped. Let me take an example of Kisii School because I know it better, as the Chairman of the Board of the School. We should have more streams there rather than ^{having} schools mushrooming everywhere, and by so doing, I think we shall co-ordinate resources in the form of teachers, equipment and so on.

Mr. Deputy Speaker, Sir, I would like to thank His Excellency the President for sympathising with the people of Kisii. As all hon. Members are aware, at Kisii we have had several school children who have died as a result of being struck by lightning. I would like to pay tribute, more especially to Prof. Chalang'o Akelo of the University of Nairobi for the good work he is doing. He should be given every support so that the people of that area can install ^{lightening arrestor} ~~this equipment~~ even in their own homes.

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

MR. CHEPKOK: Ahsante sana, Bw. Naibu Spika, kwa kunipa nafasi hii ili nami niungane na Wabunge wenzangu.

Jambo la kwanza, ni kumpongeza Mtukufu Rais kwa juhudi kubwa sana amechukua kwa mambo ya elimu katika nchi hii. Pia, nampongeza Waziri wa Elimu kwa kazi ambayo amefanya kwa muda kidogo tu. Amefanya juhudi kubwa sana kuona kwamba elimu imeendelea katika nchi hii. Kwa mfano, mambo ya 8-4-4 na shule za walimu. Pongezi yangu pia inaenda kwa Serikali yetu tukufu pamoja na Wizara hii ya Elimu kwa kujenga shule ya walimu katika Tambach, mahali ambapo ilikuwa zamani. Hiyo ni pongezi kubwa sana.

MR. CHEPKOK. (Contd.):

Bw. Naibu Spika, kuna mambo kadhaa kidogo ambayo yanafanywa na maofisa, na ambayo ni lazima Wizara iyarekebisha. Kwa mfano, mambo ya promotion, yaani madaraka. Unaweza kuona kwamba kuna mwalimu ambaye hnapatiwa madaraka baada ya mwaka mmoja, na hali kuna mwalimu mwingine ambaye amefunza kwa muda mrefu sana, kama miaka 15 au 20 na kuendelea mbele, ambaye najafikiriwa kupatiwa madaraka. Nafikiri kuna sheria ambayo inasema ni lazima mwalimu atunze kwa muda wa miaka mitano ili afikiriwe kupatiwa madaraka. Kwa hivyo, ni lazima wachungulie jambo hilo sana sana kwa sababu linawaudhi walimu wengi sana katika Jamhuri yetu ya Kenya.

Bw. Naibu Spika, jambo lingine ni kuhusu untrained teachers, yaani walimu ambao bado hawajahitimu ualimu. Unaweza kupata sehemu nyingine ambazo kuna walimu wengi sana ambao hawajahitimu, asilimia 98 katika shule za msingi. Hii ndiyo sababu watoto hawawezi kupita mitihani katika sehemu za mashambani. Lakini unaona watoto wanapita mitihani katika mijini kwa sababu wana walimu ambao wamehitimu ualimu.

Bw. Naibu Spika, katika mawakilisho yangu, Kerio Marakwet, nafikiri kuna asilimia zaidi ya 85 ya walimu ambao hawajahitimu. This is very unfair! Tena, ukiangalia mambo ya walimu ambao hawajahitimu utaona kwamba hata kuna wengine ambao wamefunza zaidi ya miaka 20 na bado hawajawahi kupata nafasi ya kuingia katika shule za walimu. Lakini kuna wengine ambao wamefunza kwa mwaka mmoja au miaka miwili ambao wanapatiwa nafasi ya kwanza kuingia katika shule za walimu. Sijui watu hawa wanachaguliwa kwa njia gani. Sijui kama ni urafiki, au undugu. Hii ni kwa sababu kuna wengine ambao hawana nafasi ya kuja katika Wizara hapa ili kujitetea. Yafaa Wizara ifanye juhudi kubwa sana iangalie jambo hili.

Pia, wakati Wizara inawatuma walimu katika sehemu mbali mbali, yafaa iangalie remote areas, yaani sehemu ambazo ziliachwa nyuma.

MR. CHEPKOK (Contd.):

Sehemu hizi hazina walimu ambao wamehitimu. ^{Juzi} mwaka uliopita, hata ingawa haikuwa ni makosa ya wale walimu ambao walipata mimba na wakafukuzwa kwa shule ^{za walimu} nafikiri wangerudishwa shuleni ili wamalize masomo yao. Watoto hawa watakwenda wapi?

AN HON. MEMBER: Hata kupata mimba si makosa!

MR. CHEPKOK: Ndiyo! Siyo makosa kupata mimba! Kama wewe ni mwalimu, siyo makosa kupata mimba. Hata kila mtu katika Bunge hili, hakuna mtu ambaye hataki mtoto. Kwa hivyo, nafikiri ikiwa watu hawa wanakatazwa kurudi kwa shule za walimu wapatiwe nafasi waende waka-funze mahali walipokuwa ili mwaka mwingine waingie katika shule za walimu. Nafikiri kuna watu wengi sana ambao walikatazwa kwenda kufunza wakati walipopata mimba wakati walikuwa wamekubaliwa kuingia katika shule za walimu.


AN HON. MEMBER: Akipata mimba mara nyingine?

MR. CHEPKOK: Ni sawa tu. Yeye anaendelea na mafunzo mpaka mwisho. ⁿⁱ Hii/sawa kabisa. Hayo si makosa yake. Yeye anataka mtoto. Nafikiri yafaa Wizara hii iangalie jambo hilo kwa makini sana. Kwa mfano, katika sehemu yangu tulikuwa na karibu wasichana 14 ambao walipata mimba, na ambao mahali pao palichukuliwa na watu wengine kutoka nje ya sehemu hiyo. Hayo ni makosa makubwa sana. Yafaa mtoto akiondolewa katika shule ya walimu ni lazima mahali pake pachukuliwe na mtoto mwingine wa sehemu hiyo hiyo, na siyo kuleta mtoto mwingine kutoka sehemu nyingine. Hayo ni makosa makubwa sana. Nafikiri Wizara ikirekebisha jambo hilo itakuwa ^{ikifanya mzuri} ni la maana sana.

Bw. Naibu Spika, ningali namuunga mkono Mbunge mmoja ambaye alisema hapa kwamba wale maofisa wa elimu hawana magari ya kusafiria wakienda kuangalia shule katika sehemu mbali mbali, ni kweli kabisa. Wao wana shida sana. Yafaa Wizara iangalie jambo hili kwa makini sana, na ione kwamba kabla haijapatia mtu kazi, ione kwamba atatumia nini kwa kusafiria. Hii ni kwa sababu kuna mahali pengine ambapo ni vigumu

MR. CHEPKOK (Contd.):

sana kufika huko. Kwa mfano, kuna Mlao mmoja ambaye aliletwa kwangu, na unajua huko ni mteremko. Alipoangalia huko chini Kerio Valley alisema, "Olololo, ni nani atakwenda huko?" Hakuweza kufika huko kwa sababu hakuna barabara. Mtu anatumia miguu peke yake. Mtu anapanda na kuingia kwa mawe huko chini. Kwa hivyo, kama tungekuwa na gari ambalo lingenda mpaka Kerio Valley, lingekuwa la maana sana. Sasa hakuweza kufika huko chini. Nyule jamaa alirudishwa kwa ofisi kwa sababu / Tuliitafuta mtu mwingine wa kwenda huko chini.

End Y. 

MR. CHEPKOK (ctd):

Bw. Naibu Spika, hawa ndio watu wa kwanza wa kupatiwa magari ya kutembelea. Itakuwa sawa kwa watu hawa kuwa hata na pikipiki au baisikeli. Hawa watu wako na shida kubwa sana kwa sababu hawawezi kutembelea shule zote kwa miguu. Lokesheni moja ni kama constituency mzima na mtu hawezi kusafiri ^{Katika} lokesheni hiyo yote kwa miguu. Kwa mfano, katika mawakilisho yangu, lokesheni mbili zimeunganishwa na ni vigumu sana kusafiri katika sehemu hiyo yote kwa miguu. Kwa hivyo, ninaiomba Wizara i hii ione kwamba maafisa hawa wamepatiwa magari ya kuwawezesha kufika katika shule mbali mbali. Mina hakika kwamba maafisa hawa wanafanya kazi nzuri sana. Kwa vile hali ya elimu inaendelea kwenda juu, hicho ndicho kitu cha maana ambacho kingetiliwa maanani.

Bw. Naibu Spika, ^{Wizara} Waziri imefanya kazi nzuri katika upanuzi wa shule. Ningependa kuwashukuru maafisa wa Wizara hiyo pamoja Waziri na Mawaziri Wasaidizi kwa kazi yao nzuri. Inaonekana kwamba wakati mhe. Oloo-Aringo alipoingia katika Wizara hiyo, kazi nyingi imefanyika. Kosa tu ambalo walifanya ni kuwahamisha wale maafisa wenye ujuzi kutoka Wizara hiyo na kuwapeleka katika Wizara nyingine na nafasi ^{Zao} kuchukuliwa na vijana ambao walimaliza masomo hivi majuzi. Ingefaa maafisa wenye ujuzi wakae katika Wizara hiyo ili waweze ^{Kueleza} jinsi mambo yaliavyo kwa sababu wanajua mengi. Si vizuri kuwahamisha wale maafisa wenye ujuzi na kuwapeleka katika Wizara nyingine na nafasi ^{Zao} kuchukuliwa na wale ambao wametoka shuleni juzi. Hii ni kwa sababu, karibu asilimia 70 ya wafanyakazi, wamehamishwa na kupelekwa katika Wizara nyingine na wale vijana ambao walimaliza shule juzi juzi ndio wako huko sasa. Hayo ni makosa, Bw. Naibu Spika. Ni lazima tuwe na maafisa wenye ujuzi ambao wataweza kuwafundisha wengine vile Wizara inaendelea.

Kwa hayo machache, ninaunga mkono.

MR. NYOIKE: Thank you, Mr. Deputy Speaker, Sir, for permitting me to make a small contribution in support of this Vote. If my information is correct, we are debating this Vote, not only for the Ministry of Education as it is now, but also for ~~the Ministry of~~ Research, Science and Technology which has acquired a new Ministry. While I am on that, Sir, I would like to congratulate His

Excellency the President for setting up this new Ministry and for giving research, science and the technology the status that it needs. I think His Excellency the President has done a wonderful thing.

While still in the mood of congratulating people, I would like to congratulate the Minister and his team for the very good work that has been in education in this country. We do have a very dedicated team of officers in the Ministry of Education, who are doing a very good job; some of them working under very difficult ^{conditions} ~~base~~ conditions. As leaders, I think we should ~~base~~ and tell them: "Thank you very much." This is because, as we all know, the future of this country and indeed even the present of this country, depends very much on education.

It is gratifying to see that the level of education in Kenya has gone up. This is very gratifying. Indeed, as we struggle towards development in this country and as we try to industrialize this country - let us face it - our goal is to see Kenya as an industrial State within the shortest time possible. We know that the ^{most} basic requirement is a very high level of education in our own country not only in terms of quality but also in terms of quantity. We need a lot of education; we need a lot of people to go through our schools. I do wish to congratulate ourselves for what has happened.

When I am still on the quality of education, I think it is a good time to congratulate those schools which have struggled in the past to achieve a high degree of excellence; the struggle to become good schools. I think these schools need to be congratulated. While I am on that, Sir, if I am not being accused of being immodest, I would like to congratulate Nyandarua District for having done very well on the lower level for two consecutive years and I hope that we shall achieve what we really hope for, namely, to have a good level of education and to excel even on the secondary school level.

It is my hope that the Ministry would deal seriously with the question of untrained teachers. I know that for a long time, we shall not be able to

have enough colleges to accommodate all the teachers but we will need to train them. We also know that at the moment, as a reality, we have a very large number of untrained teachers who are doing a good job. I know that the Ministry has a programme of in-service education where some of these teachers are trained over a period of time to become fully qualified teachers.

I think we need to ~~inaugurate~~^{increase} and think of ways where this programme can be increased and more teachers be given an opportunity for in-service training to become trained teachers while they are still teaching. Other countries have done it in different ways, sometimes, by having evening classes for teachers or by bringing them to one centre on Saturdays for about four to five years. at the end of ~~which~~ which a teacher becomes a fully trained teacher and he gets a certificate. I think we need to do something because there is no way our colleges are going to be adequate; there is no way we can have all the teachers that we need to train trained in colleges. We will have to improvise and I think we need to intensify this programme of in-service education so that the present large number of untrained teachers can be trained within the service.

Mr. Deputy Speaker, Sir, I wish to recall my appreciations and I am sure everybody appreciates ^{for} the great work that has been done in this country over the last few years by His Excellency President Daniel arap Moi, particularly in allowing us to have four State Universities. I think this is a wonderful thing. We know that university education, cannot all be public education. In all developed countries, you will find that there are universities that are funded by the State and numerous others that are funded by individuals with different levels of quality of education. I think people can be over pre-occupied with the quality of education as if there is a set standard somewhere that all ~~the~~ universities must have.

Mr. ^{Deputy} Speaker, Sir, my ~~final~~^{humble} submission is that while we are very happy to have these State Universities and while we are very happy to insist that they should have very high quality of education, there is room in Kenya for private

schools and universities which in the beginning will not have the same level of quality of education as the established State Universities.

I happen to have been mentioned that I was in the list of those people who were supposed to become Members of the Board of the Narok University. I would like to confess that when I was asked to be a Member of the Board, I requested these to do ^{whatever} ~~what~~ must be done in order to be registered but I told them that I would be very happy to become a member of that university when it is registered. It is unfortunate, Sir, that they put the ^{cart before the horse} ~~house~~ and so on. But the idea of private universities is right at ~~the~~ the moment and this country is ready for it. I do not think that the leaders in the Ministry of Education and in the country as a whole need to be pre-occupy themselves too much with the so-called quality of education per se without realising that quality is something that comes over a period of time.

END Z

MR. NYOIKE (Ctd.):

N.P.
 Mr. Deputy Speaker, Sir, some of the best universities today in Kenya, started as very poor institutions but, over a period of time, they have achieved a level of very high quality of education. We need private schools; we need private universities in this country. While I am at this point, Sir, I may as well deal with the question of commercial universities and commercial schools. Some people are afraid and they seem to be nervous about private schools or commercial schools. Money is a very important thing and there is no individual who is going to establish a school unless it is a profitable enterprise. I do not think we have to condemn those institutions because they have to go hand-in-hand with State universities and we must allow them to operate in our country. We should control them so that they do not take wananchi for a ride, but nevertheless, we must remember that they are private institutions and that they are there for a profit and there is nothing to apologize about that. People have a right to make a living and education is a good area for our people to make a profit. If they supply good quality of education which our people want, they ^{should} be ^{paid} able to pay for it.

Mr. Deputy Speaker, Sir, on some of the countries which have become very highly developed in the last two years, one of the things which is very glamorous ~~in these countries~~, is that not only do they have a number of good universities and good schools funded by the state, but, also, they have a very large number of private schools of all kind, which offer all different qualities of education, but all of them are within a certain system. I would like to repeat something that was said before, ~~we~~ mainly that we need to soak Kenya with education, ^{and if} We spend all our effort all the time talking about quality of education and ~~we~~ limiting ourselves to that quality of education, Mr. Deputy Speaker, Sir, we would be doing a disservice to this country. The concept of good ~~na~~ quality of education is not supposed to limit our efforts in expanding that education. It is supposed to be a guideline for which we shall all struggle, but the first thing is that we must put a lot of resources in education.

Mr. Deputy Speaker, Sir, while I am at that point, let me talk about research because this Ministry of Research, Science and Technology, which has

MR. NYOIKE (Ctd.):

been brought about by the President, needs to concentrate mainly on research. ^{When} ~~While~~ I am talking about research, I am not just talking about ^{adaptive} ~~adjusted~~ research but I am talking about primary research. There are some academicians in the developed world who advise the developing countries not to involve themselves in primary research and to concentrate in the field of research which will help them to adopt the already known knowledge.

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

MR. JALDESA: Thank you, Mr. Deputy Speaker. I would like to take this opportunity to thank the present Minister for Research Science and Technology, and the Permanent Secretary, for making some improvement in the education system in this country. About a year ago, ^{Isiolo} was given about 10 to 15 places in teacher-training colleges in the Republic. I think this is quite unfair ^{because} ~~it~~ encourages importation of teachers from the neighbouring districts who are not at all willing to teach in the interior part of the District. This has brought a lot of problems to the District. I think with the present position, whereby they took about 45 students, within two to three years to come, we shall have some improvement because we shall have local teachers teaching everywhere in the District.

Mr. Deputy Speaker, Sir, there is another point which has been raised in this House, and that is, the distribution of teachers in Isiolo District. Time and again, I have raised questions in this House - - -

ADJOURNMENT

MR. DEPUTY SPEAKER: Hon. Members, it is now time for the interruption of Business, and the House is, therefore, adjourned until tomorrow, Wednesday the 14th of October, at Nine o'clock.

(The House rose at thirty minutes past Six o'clock)

END AA

H A N S A R D

Wednesday, 14th October, 1987

The House met at Nine o'clock.Mr. Deputy Speaker in the Chair

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 574

MR. DEPUTY SPEAKER: Mr. Wakiondo not here? We will leave his Question until the end then.

Next Question.

Question No. 553

MR. BORU asked the Minister for Livestock Development what plans he has to assist livestock farmers in Marsabit North get loans to improve their livestock through the Agricultural Finance Corporation (A.F.C.).

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Oyondi):

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

The Agricultural Finance Corporation has already made arrangements for extending credits to both livestock farmers and livestock traders in Marsabit District. Therefore, farmers from Marsabit North are free to apply for loans from the local branch of the Corporation which is at Marsabit Township.

MR. BORU: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for the reply and noting that previously it has been the habit of the A.F.C. in Marsabit to give loans only to agricultural farmers, and realising that he has said that even livestock farmers would be given loans by the A.F.C. in Marsabit, could he assure the House that the branch of the A.F.C. in Marsabit would start giving loans to the livestock farmers as well?

MR. OYONDI: Mr. Deputy Speaker, Sir, from records of 1986/87 Financial Year, the A.F.C. had budgeted to spend a total of Kshs. 8.1 million for lending to farmers in Marsabit District, but only Kshs. 1.3 million was borrowed. During this Financial Year 1987/88, the Corporation has already earmarked Kshs. 4.9 million for the same purpose. I can assure the hon. Questioner that if livestock farmers apply for these loans, they will definitely be given.

MR. MWACHOFI: Mr. Deputy Speaker, Sir, can the Assistant Minister tell the House why in the past it has been the practice of A.F.C. in that particular area to deny loans to the livestock farmers?

MR. OYONDI: Mr. Deputy Speaker, Sir, I am not aware of that because I know that both agricultural and livestock farmers are the same. So when an agricultural farmer applies for a loan he can use the same money to develop livestock.

END A....

MR. MUTISO: Mr. Deputy Speaker, Sir, would the Assistant Minister not agree with me that the process of giving loans to farmers by the Agricultural Finance Corporation is ~~to~~ cumbersome? It takes too long for a farmer to get a loan approved. Would he not agree with me that there is a need for the Agricultural Finance Corporation to operate in a method similar to that in the banks; ~~so that~~ If there is a branch of the Corporation in Marsabit, the branch officer there can be allowed to give farmers loans, ~~there and then~~ if he is ^{back} application ^{first} convinced that a farmer has adequate security, without sending his ^{to} Nairobi.

MR. OYONDI: Mr. Deputy Speaker, Sir, the Agricultural Finance Corporation has its own regulations and I cannot say here and now that they should not be followed. Any financial body giving out money should surely be able to make sure that that money is ^{secured} ~~secure~~ and that is what the Agricultural Finance Corporation is doing.

MR. MWACHOFI: Mr. Deputy Speaker, Sir, in answer to my supplementary question the Assistant Minister said that the Agricultural Finance Corporation has not been biased against livestock farmers. ~~while~~ He knows very well that the Corporation's ^{policy} has always been biased against the small-scale livestock farmer, simply because he does not have a title deed. The small-scale agricultural farmer has a title ^{deed} and, also, the large-scale livestock farmer, or the rancher, has a title deed or a lease. However, the small-scale livestock farmer does not have any of these. The question here is: what arrangements does the Ministry have to make it possible for the Agricultural Finance Corporation to grant loans to the small-scale livestock farmers in Marsabit, and elsewhere in the country?

MR. OYONDI: Mr. Deputy Speaker, Sir, in my earlier reply, I said that the Agricultural Finance Corporation has already made arrangements for extending credits to both the large-scale and the small-scale livestock farmers. So, I do not know what the hon. Questioner is trying to find out. I did say that arrangements have already been made to give small-scale ^{livestock} farmers loans, and that is the end of the matter. So, it is for the individual small-scale ^{livestock} farmer to apply to the Corporation for the loan.

MR. DEPUTY SPEAKER: Mr. Shikuku's Question.

Question No. 119

MR. SHIKUKU asked the Minister for Local Government whether he would tell the House which law or regulation empowers him or the Chairman of any local authority to forcefully (physically) throw out an officer from his office.

MR. DEPUTY SPEAKER: The Minister for Local Government is not here?

Shall we then move on to Mr. Omido's Question.

Question No. 566

MR. OTUTU, on behalf of Mr. Omido, asked the Minister for Labour when M/S Eagle Security Services of Thika will pay redundancy benefits to their employees as promised by the Minister when answering a question on this issue on 23rd July, 1986.

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto): Mr. Deputy Speaker, Sir, I beg to reply.

It is difficult to predict when M/S Eagle Security Services will pay redundancy benefits to their employees because (a), the partnership of the business closed down in June, 1984 and, although the former partnership accepted a liability for K.Shs.6,400/- representing the days worked by their former employees, they are only able to raise K.Shs.2,900/- towards this liability which they deposited with the Provincial Labour Officer, Nairobi, ^{and,} (b), since then the former partners have failed to pay the balance of the outstanding liability amounting to KShs.3,500/- on the ground that they do not have enough income. After further discussions, the Provincial Labour Officer, Nairobi, ^{do} gave them up to 30th November, 1987 to raise the balance, failure to ^{do} which he will take court action against them.

MR. OTUTU: Mr. Deputy Speaker, Sir, would the Assistant Minister tell the House why it has taken too long for the Ministry of Labour to take action? If this ^Q question was first raised on 23rd July, 1986, it is now over a year. We would like to know why it has taken too long for the Ministry to take the necessary action.

MR. Arap METTO: Mr. Deputy Speaker, Sir, according to what I have already said, negotiations have been going on to persuade the partners to pay these employees their dues. I have said that the M/S Eagle Security Services closed down in June, 1984 and since that time, there have been a lot of discussions in trying to find ways and means of getting these employees paid their dues.

MR. OTUTU: Mr. Deputy Speaker, Sir, the Assistant Minister says that they have been trying to persuade the company to pay these employees. Is he really in order to say that they have been trying to persuade these people, when he knows Government can take steps legally to recover this money, without having to persuade them to pay? Why does he have to persuade them?

MR. arap METTO: Mr. Deputy Speaker, Sir, I may have used that word "persuade", but I have already said that we have given them notice ^{of} up to 30th November, this year, and if they do not remit this money we shall take court action against them.

MR. DEPUTY SPEAKER: Dr. Wameyo's Question.

Question No. 575

DR. WAMEYO asked the Minister for Labour when the family of the late Mr. Rasto Chitayi Mumali FM/No. 224823566 who died on 6th February 1981 will be paid their benefits.

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto): Mr. Deputy Speaker, Sir, I beg to reply.

The widows of the late Mr. Rasto Chitayi Mumali FM/No. 224823566 were paid some survivors' benefits in December, 1981. According to the available records, the late Mumali's contributions for the years 1966, 1968 to 1970 and 1981 were established as having been made and his two widows, namely, Mrs. Gaudensia Chitayi and Mrs. Margaret Chitayi were respectively paid a sum of KSh. 634/10 and KShs. 713/70 vide our cheque Nos. 155828 and 155829 dated 16th November, 1982 which were cashed at the District Treasury, Kakamega on 29th November, 1982 against their thumb prints.

On 19th October, 1982, the Fund wrote to the Chief Accountant, Kenya

MR. Arap METTO: Mr. Deputy Speaker, Sir, according to what I have already said, negotiations have been going on to persuade the partners to pay these employees their dues. I have said that the M/S Eagle Security Services closed down in June, 1984 and since that time, there have been a lot of discussions in trying to find ways and means of getting these employees paid their dues.

MR. OTUTU: Mr. Deputy Speaker, Sir, the Assistant Minister says that they have been trying to persuade the company to pay these employees. Is he really in order to say that they have been trying to persuade these people, when he knows Government can take steps legally to recover this money, without having to persuade them to pay? Why does he have to persuade them?

MR. arap METTO: Mr. Deputy Speaker, Sir, I may have used that word "persuade", but I have already said that we have given them notice ^{of} up to 30th November, this year, and if they do not remit this money we shall take court action against them.

MR. DEPUTY SPEAKER: Dr. Wameyo's Question:

Question No.575

DR. WAMEYO asked the Minister for Labour when the family of the late Mr. Rasto Chitayi Mumali FM/No.224823566 who died on 6th February 1981 will be paid their benefits.

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto): Mr. Deputy Speaker, Sir, I beg to reply.

The widows of the late Mr. Rasto Chitayi Mumali FM/No.224823566 were paid some survivors' benefits in December, 1981. According to the available records, the late Mumali's contributions for the years 1966, 1968 to 1970 and 1981 were established as having been made and his two widows, namely, Mrs. Gaudensia Chitayi and Mrs. Margaret Chitayi were respectively paid a sum of KSh.634/10 and KShs.713/70 vide our cheque Nos. 155828 and 155829 dated 16th November, 1982 which were cashed at the District Treasury, Kakamega on 29th November, 1982 against their thumb prints.

On 19th October, 1982, the Fund wrote to the Chief Accountant, Kenya

THE ASSISTANT MINISTER FOR LABOUR (Mr. arap Metto)(Ctd.):

Railways Corporation, requesting for the details of Mr. Mumali's contributions in respect of the missing period between 1971 to 1980, but despite correspondence which have been going on between the manamengement and the Kenya Railways Corporation since 1983, the necessary details of Mr. Mumali's contributions have not been received to-date. The District Compliance Officer, Nakuru, has now been asked to follow up the matter with the Railways District Civil Engineer's Office, where Mr. Mumali used to work before he died.

DR. WAMEYO: Mr. Deputy Speaker, Sir, I must commend the Assistant Minister for that answer and for having paid/whatever was available to the widows promptly. in November, 1981 after the late Mumali died in February, 1981. However, was it necessary for the Ministry of Labour to wait until I raise this Question so as to ask the Compliance Officer to follow up the matter?

MR. arap METTO: Mr. Deputy Speaker, Sir, the Ministry has always been processing this payment but, due to some missing information, the wrong processing ^{took} ~~has been~~ taken place and this has been the cause of the delay. However, according to what I have said, we are only waiting for these details and, after that, everything will be finalized.

END B

J. K. M.

MR. SHIKUKU: Arising from that reply, and taking into account that the person answering this question is my fellow colleague, would he not in the interest of justice admit that keeping such a poor man for such a long time, until the hon. Member asks a Question is in itself something that any reasonable man cannot defend? Even "Lucifer" would not do so.

MR. arap METTO: Mr. Deputy Speaker, Sir, while agreeing with hon. Shikuku that it is not fair, at the same time it is also very difficult for the Minister to know what is going on because we have so many employees to handle. In fact, since the Questioner raised this Question the Minister has taken trouble to see that the benefits are paid. That is why I always promise the House that whenever such a thing happens, it should be brought to our attention so that we can take the necessary action.

MR. MUTISO: Mr. Deputy Speaker, Sir, would the Assistant Minister not agree that it is a statutory requirement that all employers have to remit National Social Security Fund (N.S.S.F.) deductions of their employees to his Ministry? If it is true, then can the Assistant Minister tell the House why they have not taken any action against those employers who flout this requirement? In fact, here it is a Government parastatal body which has failed to remit this money to the Ministry. Why have they not taken any action against it?

MR. arap METTO: Mr. Deputy Speaker, Sir, while I agree with the hon. Member that it is true that the employers have the right to submit all the details of the employees to our Ministry -----

MR. MUTISO: On a point of order, Mr. Deputy Speaker, Sir. What the Assistant Minister is saying is not the same as what I have said. If he is agreeing with me then he should not say that, "the employers have the right". He should say that

MR. MUTISO (contd.):

the employers are required to submit all the details of the employees to the Ministry according to that regulation. He should not say that they have the right.

MR. arap METTO: Mr. Deputy Speaker, Sir, all what I am saying is that the employers know this requirement. In a case like this one where we had some delays - and this is why I told the House that we have taken action - we, in fact, always tell them that they must submit all the details of the employees, but they have some other excuses that they give whenever such cases come up. That is why some delays sometimes occur. This is why I told the House that it is not the intention of the Ministry to see that this requirement is not met. It is the wish of the Ministry to see that this requirement is met, but because of other problems encountered in our communication system and other areas, sometimes such things happen. That does not, however, mean that this requirement should not be met.

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir, I heard the Assistant Minister say, "there are some excuses". This is a statutory law. You cannot refuse to pay tax. You are supposed to have your identity card always. If you do not do so, you are liable to be prosecuted. What excuses can there be for anybody to refuse to deliver what he has deducted from the employees salaries? We do not expect him to tell us that thieves stole the money, and therefore, he was unable to remit it. He took the money from the workers. Why did he not submit it? There is no excuse for it. Does he mean to tell me that employers can come with such an excuse? If he can allow such a thing to happen, then he will get so many excuses and there will be no remission of this money. Is he in order to say that the employers have some excuses that they give?

MR. arap METTO: Mr. Deputy Speaker, Sir, I think the hon. Member could have misunderstood me. I did not mean to say that when they have the money they have any other excuse. What I am saying is that sometimes whenever there are such delays, they could be having some excuses. That is why I am saying that we have taken action about this particular case.

Question No. 435

MR. KOSKE asked the Minister for Transport and Communications:-

(a) whether he is aware that road accidents occur at Kedowa Market, Kericho District, as a result of drivers driving very fast and ignoring the signboards requesting them to slow down; and

(b) whether, in order to reduce the accidents along this section of the road, he could construct speed limit bumps.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. arap Koech):

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

(a) It is true that several road accidents have occurred at Kedowa Market in Kericho District and elsewhere in the country as a result of drivers driving very fast and ignoring the signboards requesting them to slow down.

(b) Speed limit bumps ~~are being~~ will be constructed at Kedowa Market soon.

MR. KOSKE: Mr. Deputy Speaker, Sir, has the Assistant Minister instructed the area roads engineer to do that and, if so, when did he do it?

MR. arap KOECH: Mr. Deputy Speaker, Sir, we have already done so.

~~Question No. 559~~

~~MR. KIKWU asked the Minister for Health:-~~

(a) whether he is aware that Machakos General Hospital is quite dirty and is becoming a health hazard to the patients, staff and members of the public;

14.10.87.

Question No. 559

MR. KIKUYU asked the Minister for Health:-

- (a) whether he is aware that Machakos General Hospital is quite dirty and is becoming a health hazard to the patients, staff and members of the public;
- (b) what immediate action he is taking to have the hospital cleaned and kept in acceptable health standards; and
- (c) whether he would also direct that the hospital be fenced and guarded in order to safeguard its facilities.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): Mr. Deputy

Speaker

Speaker, Sir, I beg to reply.

(a) Machakos General Hospital might have been dirty at one time or another, but it is no longer so. It is now reasonably clean and efforts to make it even cleaner continue.

(b) Since my visit to the hospital in mid July, 1987, the hospital has been, and is still being, given a facelift. The compound has been tidied up and the buildings are being painted.

(c) The fencing of Machakos General Hospital is recommended for the funding and implementation during the ~~year~~ 1988/89 Financial Year. With regard to security, there are five security watchmen who are deployed in such a way that they offer 24 hours' service. Efforts are being made by the Ministry to see that these watchmen ~~is~~ are increased in number.

MR. LUKINDO: Mr. Deputy Speaker, Sir, arising from that answer by the Assistant Minister, is he in order to mislead the House by saying that the hospital is clean, when the condition is deteriorating? I was there on Saturday and I found that the condition ~~x~~ of the ~~hax~~ hospital is worse than ever before.

MR. arap CHEBOIWO: Mr. Deputy Speaker, Sir, I am not misleading the House. I can assure the House that a whole team from the Ministry Headquarters, led by the Minister for Health, visited the hospital and we found the ~~H~~ hospital very dirty. That is why I am saying that the hospital might have been dirty at one time or

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MR. arap CHEBOIWO (ctd.):

another, but we are now doing everything possible to ensure that the hospital becomes cleaner. It is not as dirty as it used to be before. Therefore, I am not misleading the House; I am telling the truth.

MR. KIKUYU: Mr. Deputy Speaker, Sir, can the Assistant Minister tell the House what steps he took to correct the situation as it was? When he says that after their visit to the hospital things are improving, can he tell us whether he increased personnel to wash the hospital, to cut the grass or did he increase beds and beddings for the patients? What did he do to make the situation improve?

MR. arap CHEBOIWO: Mr. Deputy Speaker, Sir, that is exactly what we did. We asked the Medical Officer of Health, Machakos, to deploy some people to work and make sure that the grass surrounding the staff houses and the hospital buildings was cut. We told him to ensure that the hospital was cleaned. At that time, there were few workers but we have tried our best to increase the subordinate staff so that they can clean the ~~hem~~ hospital.

MR. MUNYAO: Mr. Deputy Speaker, Sir, it is shocking to hear the Assistant Minister still insisting the Machakos General Hospital is clean. Could he tell us how many outside cleaners are in charge of cleaning the hospital compound?

MR. arap CHEBOIWO: Sir, @ I do not have the figure with me now, but that can be found.

MR. SHIKUKU: Mr. Deputy Speaker, Sir, arising from that reply, and taking into account the fact that we normally have what we call supervisors, If you find that if anything has gone wrong, you take the person in charge of cleaning and punish him. What steps did the Ministry take against the person in charge of keeping Machakos General Hospital clean? Did they just smile at him and walk ~~as~~ back to Nairobi or did they take any action against the person in charge of the cleaning of that area?

14.10.87.

MR. arap CHEBOIWO: Mr. Deputy Speaker, Sir, although this Question is specifically asking about Machakos General Hospital, there are these ~~max~~ problems in other hospitals within the Republic. We did not smile to the man in charge of cleaning the compound as the hon. Member is alleging. What we did is that we told them to make the hospital clean and deploy as many cleaners as they can so that the hospital becomes clean. I am not saying that the hospital is now 101 per cent clean, but it is now better than it was before.

MR. KILIKU: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Assistant Minister in order to deliberately avoid what hon. Shikuku asked? The Assistant Minister accepted that the hospital was very dirty until they visited the place. Since there must be somebody who is ~~is~~ responsible for the cleanness and the upkeep of the hospital, what ~~action~~ disciplinary action did they ~~take~~ take against that officer so that he could serve as an example to other officers in other hospitals? Why is he avoiding to answer that question ~~deliberately~~ deliberately?

MR. arap CHEBOIWO: Mr. Deputy Speaker, Sir, we did not take any ~~disciplinary~~ disciplinary action against the supervisor because the fault was not his; it is only that there was a shortage of cleaners. You cannot penalise somebody because of a mistake that is not his.

Question No. 577

MR. MUNYAO asked the Minister for Health:-

- (a) whether he is aware that Mbumbuni Dispensary in Mbiuni Location was completed in 1965 complete x with modern staff houses and offices but has never been opened; and
- (b) whether he will ~~investigate~~ investigate and direct that the said dispensary be supplied with drugs and staff so as to serve the residents.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap CHEBOIWO): Mr. ~~Deputy~~ Deputy Speaker, Sir, I beg to reply.

14.10.87.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo) (ctd.):

(a) My findings are that Mumbuni Dispensary has never been completed as it is alleged by the hon. Member.

(b) I cannot order the opening of an uncompleted dispensary.

MR. MUNYAO: Mr. Deputy Speaker, Sir, the written answer I have here, and I am sure it is the same answer the Assistant Minister has read out, is confusing. It says that Mumbuni Dispensary was completed in 1965 and has not been opened. That is part of answer to part (a) of the Question. Since I now insist that the buildings are completed, can he tell us what part of the buildings is not finished since he has been there?

MR. arap CHEBOIWO: Mr. Deputy Speaker, Sir, the part in the written reply that the hon. Member is talking about has been corrected. It is not correct to say that Mumbuni Dispensary was completed in 1965. The facts are that the proposed Mumbuni Dispensary on a one-and-a-half acre plot, the main block consisting of three rooms, has been constructed up to the wall/plate level. The building also consisting of three rooms has been completed up to the same level. The committee responsible for this project hopes to complete the construction by the end of September, 1987. ~~The~~ When I spoke to Machakos this morning, I was made to understand that they have not completed the project. So, I ~~wast~~ urged them to complete it.

END..... D.

(Mr. arap CHEBOIWO) ctd:

So, I urged them to complete them. Three pit latrines have been completed but there are no staff houses and no water supply. At the moment, residents of the area receive medical services from Mbiuni and Kabaa dispensaries which are ten and six kilometres away respectively.

MR. MUNYAO: Mr. Deputy Speaker, Sir, I do agree with the Assistant Minister that there is no water available in the proposed dispensary. However, this would not be the only dispensary in the whole country without water. But, is he aware that the Medical Officer of Health, Machakos held a meeting at that particular site with the Committee members running the dispensary and promised to open it anytime this year provided that the necessary financial assistance was made available?

MR. arap CHEBOIWO: That is why I said earlier that it was supposed to be completed by September, 1987, which was only ~~ix~~ last month. When I checked this morning, it had not been completed; they are still continuing with the construction work. So, we urge them to complete the construction work, so that we can take it over.

Question No. 494

MR. MWACHOEI asked the Attorney-General:-

- (a) whether he is aware that on 8th December 1981, a vehicle owned by the Mombasa Polytechnic was involved in a road accident where Mr. Michael Mwaluga and many others were injured;
- (b) what the results of H.C.C.C. Case No.466 of 1982, Mombasa regarding payment of compensation to the victims were; and
- (c) when the Government will pay all these people.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Deputy Speaker,
Sir, I beg to reply..

(a) I am aware that on 8th December, 1981, a vehicle registration No. KTD 663, owned by Mombasa Polytechnic and insured by the Kenya National Insurance Company Ltd. was authorised by the Acting Principal of that college to transport a dead body of a subordinate staff to his home in Taita. The authorised driver proceeded to the mortuary to collect the body, where apparently, some relatives ^{of the deceased} were and boarded the vehicle to escort the dead body. This was without the knowledge of the Acting Principal. On the way to Taita, the vehicle overturned and 22 people, including one, Mr. Michael Mwaluga ^{who} were injured. The matter was reported to the Insurance Company ^{li} who instructed their lawyer to take up the case on their behalf, but the Company, later in 1982 instructed their advocate to settle the matter out of court. The advocate then negotiated and ~~had~~ arrived at a claim of sums ^{was} which were to be paid amounting to nearly Shs. 3 million. However, the Insurance Company ^{and repudiated their contract with} turned round and ~~refuted the claim not to indemnify~~ the Polytechnic on the ground that the vehicle was not insured to carry passengers. However, I intervened and after long arguments, it was finally agreed that the plaintiffs ^{be} paid 10 per cent of each claim they were asking and this would be paid by instalments.

Mr. Speaker, to date, a sum of Kshs. 600,000/- has already been paid ~~and~~ paid out proportionately amongst the plaintiffs. One of them, Michael Mwaluga, ^{has also received} the source of ~~the~~ being a recipient of his proportion. There will be another instalment of Kshs. 300,000/ coming towards the end of the year and no doubt, Mr. Mwaluga will be entitled to his portion.

THE ATTORNEY-GENERAL (CTD):

(b) This case may also be arising out of the same accident but the names of Michael Mwaluga is not mentioned, ¹ it is a separate case altogether, but judgement has already been entered ex-parte. There is a succession of bill of costs pending before court. So far, the matter is still waiting to be finalised.

(c) The Government ~~will~~ ^{should} not be called upon to pay as the Insurance Company is paying.

END E.....

MR. MWACHOFI: Mr. Deputy Speaker, Sir, I am grateful for that lengthy and comprehensive answer by the Attorney-General even though I did not receive my copy of the written reply. I would only like to ask the Attorney-General to confirm that the payments which he alleges to have been made have actually been made and that they have been received by the complainants.

MR. MULI: Mr. Deputy Speaker, Sir, I think it is up to the hon. Member to tell this House that his clients, this one and the other plaintiffs, have not received these payments. As far as I am informed, the insurance company has paid out the money.

MR. KIKUYU: Mr. Deputy Speaker, Sir, considering that it is a common practice nowadays for vehicles which are not licensed or insured to carry ^{a very big number of} ~~passengers do carry~~ passengers and when they are involved in accidents we get this problem of the passengers failing to get compensation. The Attorney-General has been talking of an accident that occurred in December, 1981, but this is ^{a continuous} ~~continuing~~ problem which affects lorries and many other vehicles which are not licensed or insured to carry passengers, ~~but instead carry~~. What is the Attorney-General doing to legislate a law to help to curb this problem? Or what is the Government trying to do to help this situation to be curbed? ~~This is because~~ Very many vehicles are being involved in accidents and the wananchi are not being compensated ~~for that~~ because these vehicles are not insured to do that.

MR. MULI: Mr. Deputy Speaker, Sir, the law is very clear that a vehicle which is not licensed to carry passengers should not do so and the ^{owners who} ~~owners who~~ allow those vehicles to carry passengers infringe the law. The other aspect, of course, is ^{that} ~~the~~ insurance companies will not honour the policy where the owner has allowed a vehicle which is not a passenger vehicle to be used as a passenger vehicle. So, all that I can say is that the ^{owners} ~~owners~~ of these

MR. MULI (ctd.):

vehicles which are not licensed to carry passengers, should not carry passengers.

MR. DEPUTY SPEAKER: Let us go back to Mr. Wakiondo's Question.

Question No. 574

MR. DEPUTY SPEAKER: Mr. Wakiondo still not in?
Next Question.

Question No. 119

MR. SHIKUKU asked the Minister for Local Government whether he would tell the House which law or regulation empowers him or the chairman of any local authority to forcefully (physically) throw out an officer from his office.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT (Mr. Marita):
Mr. Deputy Speaker, Sir, I beg to reply.

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not apologised for not being in when I first asked my Question.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT (Mr. Marita):
Mr. Deputy Speaker, Sir, before I reply, I would like to apologise for not being here when the Question was put by hon. Shikuku.

I am not aware of any incident where I or any local authority chairman, has been involved in forcefully (physically) throwing out any officer from his office.

MR. SHIKUKU: Arising from that reply, Mr. Deputy Speaker, Sir, is the Assistant Minister aware that he has not read the whole reply to this Question? This is because the reply continues and says:

"However, there was an incident in Kakamega where I was informed that an officer had refused to hand over when called upon to do so by the Council."

MR. SHIKUKU (ctd.):

Why does he not finish ^{reading out} the last part of the reply that I have ^{quoted}?

MR. MARITA: Mr. Deputy Speaker, Sir, I have answered the question, but the small last section of the reply which the hon. Member has just quoted, to this House, does not, actually, give the answer ^{as} ~~to~~ what the hon. Member wants.

END F...

Marita

MR. SHIKUKU: Arising from that awful answer by the hon Assistant Minister - I wish also to be very unco-operative - is he aware that the part he has left out is the most important part because this incident did occur in Kakamega? This person was physically mishandled by the Chairman of the County Council.

MR. MARITA: Mr. Deputy Speaker, Sir, what I know is that when this Question was brought to our Ministry there was an allegation of Mr. Arunga, who was the Clerk of Kakamega County Council, having been mishandled physically. However, what I am telling this House is that this officer was given a normal transfer from the Kakamega County Council to the Nairobi City Commission, where the officer is working at the moment. So, there was no use of such force against the officer as my colleague, hon Shikuku, is trying to say that this officer was forcefully removed from his office.

MR. ANGATIA: On a point of order, Mr. Deputy Speaker, Sir. The question here is not whether the officer was transferred or not; that is the prerogative of the Ministry. The question is, even if he was transferred, was he forcefully removed from his office? This is the question, and the Assistant Minister should just say, 'yes he was forcefully removed from his office because he had been transferred'. The matter is common knowledge; everybody knows it, and facts, as to what happened in that morning, can be brought to this House. So, there is no use in trying to hide anything.

MR. MARITA: Mr. Deputy Speaker, Sir—

MR. DEPUTY SPEAKER: Order! I think we should put a few things straight first. The first one is on the actual answer as given by the Assistant Minister at the start of his reply. The answer, as given in the answer sheet, has two paragraphs. This fact was originally raised by the hon Shikuku. It was not fair for the House to have been given only one paragraph and the other paragraph omitted.

(applause)

This is because when this answer was prepared, it was to consist of the two paragraphs. So, the non-reading of part two of the answer did cover up some important development arising out of the answer. That is in response to the earlier issue. Now, secondly, the point of order raised by hon Angatia is on the distinction ^{between} a transfer and the physical eviction, or removal, of the officer from the office. The question

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MR. DEPUTY SPEAKER (CTD):

is whether the powers used were relevant, or whether they were being exercised at the right level, or exercised by the right authority. So, I would like us to continue now.

MR. MARITA: Mr. Deputy Speaker, Sir, if I was understood by this hon House, I said that the part of the question which you have raised here is actually referring to the fact that the officer was not forced out of his office, and if you want me to repeat what I said, I can do that. So, if you want me to repeat the section you have referred to after Mr. Shikuku questioned my answer, there is no problem with me doing that. So, there was an incident in Kakamega where, as I was informed, an officer had refused to hand over when called upon to do so by the Council. In my original answer I had said that when the officer was given a transfer he was not willing to accept it. However, he was not forcefully removed from office. What happened is that eventually he accepted the transfer, and now he is working with the Nairobi City Commission. That is where he is working, and there was no force used at all to remove him from his office.

END G

MR. MATHENGE: On a point of order, Mr. Deputy Speaker, Sir. I think this Question generalised all local authorities. According to the answer given by the Assistant Minister, it would seem that he is referring to a certain person. The Questions clearly asks whether the Minister or the chairman of any local authority can forcefully (physically) throw out an officer from his office. The Assistant Minister is now referring to someone whose name does not appear on the Order Paper.

MR. MARITA: Mr. Deputy Speaker, Sir, right from the beginning I said that the Minister or the chairman of any local authority ~~is~~ are not empowered by law to ^{forcefully} remove any officer from his office. This is what I said in my answer.

MR. SHIKUKU: Arising from that reply, Mr. Deputy Speaker, Sir, and taking into account that this House is made up of very intelligent people elected by the people to represent them here and noting the attitude by the Front Bench generally ^{to} deny the House the truth, would the Assistant Minister not agree with me that there is no use defending something which cannot be defended? It is common knowledge throughout the whole District that this particular officer was physically thrown out of the office. The crux of the matter is on the second paragraph of his reply where he says that he refused to move from the office. Can he now tell us how he left the office? This force came about because the guy was not leaving the office and was, therefore, physically thrown out. I want him to admit that. For how long is the nation going to listen to a lot of untruth from its own Government? It is a shame!

MR. MARITA: Mr. Deputy Speaker, Sir, what we say in this House is the truth. It seems that the hon. Member is trying to twist this matter in the other way round. When this allegation came to me, I had to find out from the Chairman of the Kakamega County Council whether any force was used and he denied that force was not used. I had also to enquire from the police officer-in-charge, Kakamega District, and he said that no force was used. I had to believe this information. I have not got any facts to substantiate that this officer was removed from his office by force.

MR. KIKUYU: On a point of order, Mr. Deputy Speaker, Sir. While we are waiting to get an answer to hon. Shikuku's supplementary question, here is a person in the office; he refuses to hand over the keys and to move out. The Assistant Minister agreed that the person refused to hand over the keys and vacate the office. Now, how was this person removed from the office because he had refused to move out?

MR. MARITA: Mr. Deputy Speaker, Sir, I would like to say that the officer was asked to get a transfer from the Kakamega County Council but he refused in the first instance. I agree with the hon. Member who raised this Question. This person was later asked to move and he agreed to do so. This person is at the moment working with the Nairobi City Commission; he is an administrative officer dealing with establishments. If he was forced to move out, anything could have been done like, say, being taken to jail and so on. There was nothing like that; the officer is working and doing his job well. So, there is no question of that nature.

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. The Question does not ask where the officer is and what he is doing. The hon. Assistant Minister should reply to hon. Kikuyu's supplementary question, which was, "How did he leave the office? When he refused to hand over the keys and when he refused to leave the office, what method was used to make him leave the office?"

MR. MARITA: Mr. Deputy Speaker, Sir,--

MR. DEPUTY SPEAKER: Order, Mr. Assistant Minister. Mr. Shikuku, the Assistant Minister did answer that because he said that ^{this person} refused in the first instance but was persuaded again until he agreed to leave the office.

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. My point of order is on a serious note. When we bring Questions to this House, we do so after doing thorough research. Now, would it be in order, for me now, to ask the hon. Assistant Minister to come to Kakamega District and address a baraza if he cannot believe elected representatives of the people of which he is and I think he should be ashamed of it. He should be ashamed that he ~~can~~ cannot trust his fellow colleague and he should come and hear the story by himself.

This is a very serious matter and even his electors should note that.

MR. DEPUTY SPEAKER: Order! You are now on another point of order. I did not get you challenge my ruling, which you should not, because I was only repeating that I was not going to allow the Assistant Minister to say anything because he had answered the point order which was raised by hon. Kikuyu. Secondly, on this latter issue, of course, as a Member of Parliament for Butere, the Questioner, you are absolutely ^{entitled} to ask the Assistant Minister anything that you want him to do, which in this case is ~~that~~ you would like him to visit Kakamega District. That is not for the Chair to decide but I would like to allow the Assistant Minister to respond for himself.

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. I did not challenge the Chair's ruling at all. What I am saying concerns the hon. Assistant Minister and not the Chair; the Chair only repeated what he said. I am reacting to the Assistant Minister's reply because he does not even trust his fellow colleague, a Member of Parliament, who has been elected many times to this House. Would he now, Sir, take it upon himself to come to Kakamega District, hold a baraza and everybody will tell him what happened. This is because we are fed up with Ministers denying everything to the extent that the wananchi are no longer believing any statement from any Minister.

MR. MARITA: Mr. Deputy Speaker, Sir, hon. Shikuku was elected by wananchi and also the Front Bench was elected by wananchi and, therefore, all of us have the trust of the wananchi. Let us wait for the general elections in 1988.

MR. DEPUTY SPEAKER: Order! That is in your interest.

MR. MARITA: Mr. Deputy Speaker, Sir, the question which has been put forward by my great friend with regard to my tour of Kakamega District, I will arrange an official tour and the question which he has asked me will be included in my agenda.

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo): On a point of order, Mr. Deputy Speaker, Sir. I was listening to the hon. Member for Butere, hon. Shikuku, and he categorically said that the wananchi now in Kenya do not believe any Minister because they are telling lies. He should withdraw

THE ASSISTANT MINISTER FOR HEALTH (Mr. arap Cheboiwo) Ctd:

the accusation that all Ministers are not telling the truth. Secondly, he used Unparliamentary language by saying that all Ministers are saying lies.

Was he in order to say this, Sir?

END H

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. I would like to react to that immediately. The hon. Assistant Minister just a few minutes ago, was being told by the people from Machakos how dirty the hospital is, and he persisted on saying it has improved. He cannot trust his fellows. Even hon. Lukindo went there and he cannot/^{be} trusted by him. Now, what/^{will} the people of Machakos believe of such an Assistant Minister?

Secondly, Sir, I never said or used the word "lie" when I was on my feet. But if it was heard, the word "lie" is out of order, and I withdraw it. I think it was said when I was seated. But if it was heard, I withdraw it. However, if I am given time, I can ^{narrate} give Questions which were true and which people know and which these Ministers have denied. I will give a whole list of that, and that will be a very sad day for them!

MR. MUTISO: On a point of order, Mr. Deputy Speaker, Sir. I want to seek some clarification from the ruling by the Chair when you said that the hon. Assistant Minister here did answer the Question^{by} saying that the officer was persuaded to do so. But I want to know whether the Chair is satisfied that persuasion did not mean a certain amount of force? What form did it take? We know that people can be tortured to submit to something. In this regard, we do not know what form this persuasion took place. Are you satisfied that his words that he was later persuaded actually eliminate the fact that he was not physically forced to do so?

MR. DEPUTY SPEAKER: Order, Mr. Mutiso! It is not for the Chair to be satisfied with anything. The fact of the matter here is that all that I did was to put the record straight, which was to repeat what hon. Marita had answered to the point of order which was raised by hon. Kikuyu. At no time should the Chair speculate on what circumstances might have occurred anywhere outside these Questions because it is not for the Chair to speculate on something that

MR. DEPUTY SPEAKER (Contd.):

are happening there. It is only the hon. Member, whether he is satisfied with the answer given by the Minister or not ^{who can do so}. That one is his entitlement. As we do know, Standing Orders provide alternative ways of going about it, where an hon. Member thinks he was not fully satisfied with the answer given. I think that is all.

MR. ANGATIA: On a point of order, Mr. Deputy Speaker, Sir. My point of order is simply to ask the Assistant Minister to confirm that he is not misleading the House. He sought clarification from the chairman who is accused of having evicted the officer. He also sought clarification from the police who did not receive any report. Now, has he sought clarification from the officer who was evicted, or from the officers who were working in the premises near that office, say, about ten officers working near the office where this commotion is supposed to have taken place? If he has not done that, then he is misleading the House.

MR. MARITA: Mr. Deputy Speaker, Sir, I thought you had called the next Question. However, I mentioned the names of those officers whom I could remember. But several other persons were asked about this information. I did not just say things off my head. I remembered the ones who were very familiar.

MR. DEPUTY SPEAKER: We go to Questions by Private Notice:

QUESTIONS BY PRIVATE NOTICE

MR. SHIKUKU: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Commerce the following Question by Private Notice.

(a) Could the Minister tell the House how many tonnes of sugar were imported into the country between June and 30th September 1987?

(b) Will he also give the names of the said importers and how many tonnes of sugar each imported during the said period?

THE ASSISTANT MINISTER FOR COMMERCE (Mr. Kimemia): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of any sugar imported into the country between June and 30th September, 1987.

(b) In view of the answer to part (a) of the Question, part (b) does not arise.

MR. SHIKUKU: Mr. Deputy Speaker, Sir, arising from that reply that he is not aware, is he aware - the dates may be wrong - that the matter ^{was raised} in this House about the importation of sugar by hon. Muliro? Did he not take that into account? Some hon. Members of this House were actually involved.

MR. KIMEMIA: Mr. Deputy Speaker, Sir, I have replied according to the way the Question is put.

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

AN HON. MEMBER: You are not hon. Mwachofi!

MR. DEPUTY SPEAKER: Order! A point of order takes precedence over ^a the supplementary questions.

MR. MATE: Mr. Deputy Speaker, Sir, thank you. My point of order is about the answer given by the Assistant Minister. The Question asks "Could the Minister tell the House how many tonnes of sugar were imported into the country", and the Assistant Minister says he is not aware. I think the substance of the Question is "how many tonnes of sugar, either legally or illegally, were imported into the country" ^{be} ¹⁾ ~~then~~ he says he is not aware. So, I think he is not in line with the Question.

MR. DEPUTY SPEAKER: No. Because it is a point of order, you are not correct, Mr. Mate. You have not completed that Question. It is not just the importation of sugar alone. It is importation of sugar between June and 30th September. So, you cannot have one part of the Question and then leave the other. You have to take them together. So, the reading of the Assistant Minister's answer is that

MR. DEPUTY SPEAKER (Contd.):

during that period which is specified, he is not aware of any imported sugar.

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. I have just looked at this Question, and I can recall what I asked. It must be an omission. It is June, last year, and 30th September, this year. I will prove that when I get my draft. Could we leave this Question because it is so important that we cannot let the Minister get away with it. It is June, 1986, and 30th September, 1987. So, I would like, with your permission, Sir, ^{to} have the Question deferred. I think I said June, 1986, and not June, 1987.

MR. KINEMIA: Mr. Deputy Speaker, Sir, I think I will not agree. If the hon. Member wants, he can put ^{up} another question instead of this one. I am answering ^{this Question} according to the way ~~the Question~~ ^{it} is put here.

MR. DEPUTY SPEAKER: No. I think, as the Question stands, it is talking about June and 30th September, and it must be this year. But Mr. Shikuku is casting some doubts on the authenticity of the Question. That can be verified. There is no difficulty about that. So, we will get the records and check on that. There is no problem.

Next Question, Mrs. Asiyo.

(MRS. ASIYO) to ask the Minister for Water Development:-

- (a) Is the Minister aware that institutions such as health centres, schools and the people of West Karachuonyo have no water at the moment?
- (b) What is the problem with the West Karachuonyo Water Supply System and when will it be rectified?
- (c) What alternative immediate plans does the Minister have to provide water to these people?

MR. DEPUTY SPEAKER: Mrs. Asiyo not here?

Next Question, Mr. Abuya-Abuya.

MR. ABUYA--ABUYA: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water Development the following Question by Private Notice.

(a) Is the Minister aware that a Mr. Zablon Ikobe, former WP 2040 and now P/No.53594 stationed at Kisii District Water Office was not paid his June 1981 salary plus salary arrears backdated to October 1980, arising from the implementation of the new salary review?

(b) What is the cause of this long delay despite several correspondence between the District Office and his Ministry over this issue, and when will he be paid?

THE MINISTER FOR WATER DEVELOPMENT (Mr. Mwendwa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that a Mr. Zablon Ikobe former WP 2040 and now P/No.53594 stationed at Kisii District Water Office was not paid his June, 1981, salary plus salary arrears backdated to October, 1980, arising from the implementation of the new salary review.

(b) According to the available records, Mr. Ikobe was paid arrears amounting to KSh.3,035/- for the period of 15th December, 1981, to 30th September, 1983.

End I.

THE MINISTER FOR WATER DEVELOPMENT (CTD.):

These arrears were to be paid once in October, 1983. However, they continued to be paid to him erroneously up to, and including, 31st July, 1984. He was, consequently, over-paid for nine months, a total of Shs.27,315/=. When this was discovered, he was interdicted on a half of his salary in September, 1984. However, his file also went missing. After Mr. Ikobe had made acceptable arrangements with the Ministry on how to repay the over-payment sum, he was reinstated on 12th June, 1985. Mr. Ikobe will finish paying back the over-payment at the end of November, 1987. In these circumstances, arrangements are under way to pay him his arrears amounting to Shs.5,225/= soonest.

MR. MUTISO: Mr. Deputy Speaker, Sir, could the Minister tell the House why there is all this confusion? First of all, this gentleman is supposed to have been over-paid, the Ministry recovers the money over-paid, and remains owing him some money; so they begin paying him his arrears. Could the Minister not agree with the House that there is something actually wrong with his Ministry as to why somebody should be punished for a mistake which is not of his own making, but of the Ministry's staff?

MR. MWENDWA: Mr. Deputy Speaker, Sir, there is nothing wrong with my Ministry. This is just a sign of human ~~fault~~ *faulty*.

MR. ABUYA-ABUYA: Mr. Deputy Speaker, Sir, if the Minister has accepted that the mistake lies with his Ministry, is he not contradicting his earlier reply to the effect that Mr. Ikobe was interdicted? How could he be interdicted for a mistake made by the Ministry?

MR. MWENDWA: Mr. Deputy Speaker, Sir, Mr. Ikobe was interdicted for receiving what was not due to him for nine months without informing the Ministry. However, mistakes and oversights occur in many cases, and this is well-known.

MR. ABUYA-ABUYA: On a point of order, Mr. Deputy Speaker, Sir. I think the Minister is contradicting himself. Payment has been made, not because of a fraud committed by Mr. Ikobe, but because of errors made by the officers who processed his payment. Then, Mr. Ikobe is interdicted because of that.

MR. ABUYA-ABUYA (CTD.):

Could that really be Mr. Ikobe's mistake? Does he deserve an interdiction?

MR. MWENDWA: Mr. Deputy Speaker, Sir, all the officers concerned were investigated, and it was found out that Mr. Ikobe erred more than the others, who were able to acquit themselves more honourably. In any case, Mr. Ikobe has been reinstated, and I do not see what the problem here is.

MR. MUTISO: Mr. Deputy Speaker, Sir, could the Minister ^{tell the House} why Mr. Ikobe was interdicted on the grounds that he received more money than he deserved when he was actually not the one making the calculations involved? Why did the Minister not punish the officer who over-paid him? Mr. Ikobe knew that the Ministry owed him some arrears, and when he was paid this money he honestly believed it to be his due. Why must he be interdicted for a mistake that was not of his own making?

MR. MWENDWA: Mr. Deputy Speaker, Sir, two mistakes do not make a right. Mr. Ikobe received monies which he knew were not his due.

HON. MEMBERS: How? How did he know that?

MR. MWENDWA: Because these arrears were due in one payment only in October, 1983, and he knew that. In any case, the officers concerned, including Mr. Ikobe, were investigated, as I have already said. The Ministry's officers, apart from Mr. Ikobe, acquitted themselves honourably, but Mr. Ikobe could not acquit himself since he had received that money unduly.

MR. MBCRI: Mr. Deputy Speaker, Sir, arising from the Minister's arrears reply that Mr. Ikobe received more money than he deserved, is there no provision that when a staff member receives more money than he deserves this money be deducted from his subsequent salary and allowances due to him?

MR. MWENDWA: Mr. Deputy Speaker, Sir, that is exactly what happened.

MR. ABUYA-ABUYA: Mr. Deputy Speaker, Sir, having admitted the inefficiency that exists in his Ministry, would he now tell the House when Mr. Ikobe will be paid his arrears? Would the Minister be exact here?

MR. MWENDWA: Mr. Deputy Speaker, Sir, I would say soonest. The sooner arrangements are made, the sooner he will be paid.

MR. ABUYA-ABUYA: Mr. Deputy Speaker, Sir, my Question has not been answered because the Minister just says Mr. Ikobe will be paid soonest. What is the reason for this? Is it because he has no money and is, therefore, not sure when this will be? We are just about to approve his Ministry's Vote.

MR. MWENEMA: Mr. Deputy Speaker, Sir, by saying soonest, I mean that as soon as the necessary paperwork, and all other arrangements are made, Mr. Ikobe will be paid. I cannot say whether this will be tomorrow or the day after tomorrow, but as soon as these arrangements are made, he will be paid.

MR. DEPUTY SPEAKER: Next Order.

MR. SHIKUKU: On a point of order, Mr. Deputy Speaker, Sir. I have several points of order, and I seek your guidance as to what action should be taken in this regard.

You made a ruling here after I had ^{risen} ~~rise~~ on a point of order, that Ministers should be honourable enough to come to this House and honour their promises. It appears that your ruling fell on the Ministers' deaf ears because, apart from hon. Prof. Nge'eno who promised yesterday to come here and make a statement in connection with clearing and forwarding and another issue, no other Minister has responded to your ruling. I suppose this information was communicated to all of them. The Attorney-General was here, but he has left the Chamber oblivious as to whether he will make a statement, or not. I wonder what we can do if Ministers behave this way and are even defiant to the ruling of the Chair. That is the first point of order.

The second point of order, Mr. Deputy Speaker, Sir, is that I have with me here something similar to what I had the other day when I said I wanted to have a statement on the importation of bags from overseas, which is putting our people out of jobs in our local company that manufactures these gunny bags. To my surprise, no statement has so far been made on that issue.

The other point of order which I would like to draw your attention

MR. SHIKUKU (CTD.):

to is in connection with a statement that was published in the Daily Nation of 3rd October, 1987, under the heading "Proposed Law to Curb Monopolies".

There was a report in the newspaper to the effect that the present Price Controller was made----. I am not saying this because I do not want that, but because I am only after the principle behind this issue. The proposed ^{Bill} ~~deal~~ to curb these monopolies is going to come, and it proposes to have a commissioner.

END J

MR. SHIKUKU (ctd.):

How come it has been established, in advance, and there is, already, a lady commissioner of what we have not even debated? I have waited for the Minister to correct that statement, and nothing has happened. It appears like the House is being reduced to nothing but a rubber stamp, because there is a clause to establish that position, but, already, somebody has been appointed. What was the purpose of bringing the Bill to this House? I want the Minister to make a statement to the effect that what we read, about her being appointed the commissioner of this body, which is yet to be established by this House, is erroneous and that it should be corrected. Otherwise, they are already preempting and reducing this Parliament to a rubber stamp. I am not saying this because I do not like her; it is the procedure.

The other point is a serious matter, and in the course of the day, I shall prove how serious it is. It is in connection with the supply of drugs. This story appeared in The Standard of 11th October, 1987 where it shows this particular Indian drug supplier as being favoured by being given tender after tender and yet he has one share as far as the drugs are concerned. I thought the Minister should have come to this House, having read this article in the Press, and taking into account the statement by His Excellency the President, on ~~the~~^{the} same page of the same newspaper, where it is written, "Moi exposes drug racket". The Minister has kept silent but, in order to make him wake up and tell the truth to the nation, I would like to shake him just a little bit.

I have documents here with me which show that this Indian is known, and I have taken the pains to know him. He is a crook, and I ~~want~~^{want} to substantiate that. To give history to this Indian, I would first like to give you ~~his~~ his name. His

MR. SHIKUKU (ctd.):

on 6th September, 1985 name is Shalhash Ratabal Patel. The Attorney-General wrote a letter ~~and~~ for the attention of Mr. Simon Wanyeki and the reference of the letter was C.I.D. Southern/I.F/ .../Suspect ... and advised that the Indian should not be one of the tenderers. The Criminal Investigation Department also wrote and advised that this particular individual should not be one of the tenderers because of ~~this~~ funny dealings. Contrary to the Attorney-General's letter, and contrary to the Criminal Investigation Department's letter, this Shalhash has been allowed to continue tendering. Not only that, he has had to have these tenders postponed in order to give him more opportunity to submit ^{more} contracts on the ~~drug~~ drugs. This matter is even confirmed by Professor T. Ogada, Director of Medical Services ~~by somebody there~~ in his letter of 3rd September, 1987, addressed to all tenderers. In his letter, he says in part:-

"This is to inform you that the closing date for the above quotations has been extended up to 30th September, 1987 at 10 a.m. Tenders should be deposited in the tender box at Afya House on fifth floor.

Any queries should be addressed to the Chief Pharmacist in the case of drugs and dressings, and the Chief Nursing Officer in the case of surgical and other items. Samples should be delivered to the Chief Pharmacist's office.

Mr. Deputy Speaker, the Minister gave a directive that only a committee can decide to postpone or fix the date. Now this is being done by one person and yet it involves ^{expenditure of} over ~~55x~~ Sh. 0.5 billion. This is designed so that this Shalhash may have more time to submit more companies in so that he can ~~take~~ be awarded the tender.

MR. KARAURI: So that he can get the 10 per cent.

MR. SHIKUKU: Mr. Deputy Speaker, Sir, I do not want to talk about the 10 per cent. In the course of the day, I will bring a document to prove this to show how this is being done.

MR. SHIKUKU (ctd.):

This racket involves people tendering from overseas. The father of this man, who runs a company called Uni-Impex has also tendered. This Shalhesh has very many companies here. If I could be allowed, I ~~would~~ could just rush through the list. This is a very serious matter, but the watch man is watching ~~every~~ all these things. I have no interest in this thing. The work of a watch man is to find out who is trying to do what when the boss is sleeping. Wananchi should sleep; the watch man is at work.

Mr. Deputy Speaker, Sir, this Indian has numerous ~~many~~ companies and he submits tenders in all these companies. One of the companies, in which ~~he~~ he is either a partner or a director, or whatever he is, is called Uni-Impex. Of course, there are drugs of various kinds. This Uni-Impex, for which he is either a director, a partner or whatever else he is, has ordered two types of drugs here. His father, who is in London, has also tendered for the supply of drugs using the Uni-Impex Company of London.

MR. DEPUTY SPEAKER: Order! Hon. Shikuku, I will want to know what you want to show because you have raised a substantive issue which is that ^{the} tendering period was extended to allow an ~~xxx~~ individual to submit many tenders. What will all this bring in? What does all this mean?

MR. SHIKUKU: All what this means is that I would like the Minister - and I wish he were here - to deny this fact and ~~to~~ make a statement to the effect ~~is~~ that this man, taking into account the Attorney-General's letter and the Criminal Investigation Department's letter about this character, should automatically be disqualified and all the tenders he has rendered should be declared null and void. I would like the Minister to make this statement to this House because this is a very big mistake.

THE ASSISTANT MINISTER FOR COMMERCE(Mr. Lalampaa): On a point of order, Mr. Deputy Speaker, Sir. My point of order is in connection with the question of the importation of gunny ~~backs~~ ^{bags} which was raised by hon. Shikuku. You will recall that the Minister for Commerce hon. Prof. Ng'eno did promise, yesterday, that he will make a Ministerial Statement next week regarding ~~forwarding and~~ clearing and forwarding business. The Minister will also make a Ministerial Statement---

AN HON. MEMBER: What are you saying now?

THE ASSISTANT MINISTER FOR COMMERCE(Mr. Lalampaa): Mr. Deputy Speaker, Sir, I just want to inform the House that the Minister will also make a Ministerial Statement regarding the gunny ~~backs~~ ^{bags} issue. Thank you.

MR. ABUYA-ABUYA: On a point ~~ex~~ of order, Mr. Deputy Speaker, Sir. I am seeking the guidance of the Chair as to whether hon. ~~xxxxx~~ Lalampaa was right to do what he has done. This because according to the sequence of events the Assistant Minister for Health, Mr. arap Cheboiwo, should have responded to hon. Shikuku's point of order before we ~~move~~ move on to a new point of order. Would hon. ~~Lal~~ Lalampaa be reminded that from now ~~and~~ onwards he should be attentive in order to follow the sequence of events in this House?

MR. DEPUTY SPEAKER: Order! I do not know what is the matter with hon. Abuya-Abuya. This is because hon. Lalampaa is responding to the same hon. Shikuku's point of order. Certain statements have not been made by Ministers. Hon. Lalampaa was clarifying their side of the case. So, I do not think we need to dwell on this for too long.

THE ASSISTANT MINISTER FOR HEALTH(Mr. arap Cheboiwo): Mr. Deputy Speaker, Sir, I rise to respond to hon. Shikuku's point of order. He has quoted a newspaper of Sunday 11th October, 1987. The Minister and I were on safari but that is not the point. What I would like to ask hon. Shikuku, through the Chair, to do is to lay that newspaper and other documents he has quoted on the Table. We will study those documents and since this is a very serious matter I promise the House that a Statement will be made by the Minister. If the Minister will not be around one of the Assistant Ministers will make the Statement. But it is also true that the extension of the tendering period was ~~ess~~ ~~waxxax~~ done by Professor ~~Ogax~~ Ogada. That is very true and I am aware of it. That will also be commented upon in the Statement which will be made in this House. So, I ~~now~~ request hon. Shikuku, through the Chair, to give us those documents so that we can study them. If I get all the facts today the Ministerial Statement will be made tomorrow, before the Minister comes or when he comes.

MR. SHIKUKU: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that assurance. While I was on my feet Mr. Deputy Speaker, Sir, I told you that in the course of the day I will prove to you--- I referred to a company known as Uni Impex which is an overseas company. We import drugs from overseas and this means that foreign exchange goes out of this country. But you will find that we do that when in fact we can get those drugs here locally. I have got a document here which I ~~will lay on the Table~~ would like to lay on the Table and which proves my case. I said that ~~import~~ export and importation should be done by indigenous people here because we are losing a lot of foreign exchange. Here is a letter dated 1st August, 1985.

14.10.87

Mr. Deputy Speaker, Sir, this letter regards the importation of a dental unit known as Ritter, complete with suction machine, compressor and dentist * stool. This was supposed to be imported here but it was to imported by non-indigenous people. You can listen to what they do and how they ~~export~~ syphone out our foreign exchange. So, the letter reads as follows:

" Medex Limited,
Hochdorfer Strabe 7,
D - 7012 Fellbach Oeffingen,
WEST GERMANY.

Dear Sir,

RE: DENTAL - RITTER COMPLETE WITH SUCTION MACHINE
COMPRESSOR & DENTIST STOOL.

We have been retained by the Nairobi City Commission to supply a modern Ritter Dental Unit complete with necessary accessories like suction machines, compressor and dentist stool.

We hasten to request from you C.I.F. Nairobi Airport, proforma Invoices addressed to Nairobi City Commission Dental Department, Nairobi.

Please include our usual 40% un-dis closed commission and send us a copy of the proforma Invoices for our record and follow up.

Please send covering illustrative brochures to us to be passed to the dentist at the City Commission.

Thanking you.

Yours faithfully,

J.A. COELHO.

The letter, Mr. Deputy Speaker, Sir, is signed by Mr. J.A. Coelho. This letter has been ~~photocopied~~ photocopied so many times that the name is no longer very clear. I will get in touch with the person who brought me this document. It is a company here in Kenya which has overseas connections. It is difficult to read the name of the company.

The letter head here has been over-photostated. But the most important thing here is that I will get the name of the company and submit it to the House. But this shows you how much money they keep out of this country. When Mr. Shikuku says something here they say "This man is no good." I am only trying to ~~curb~~ curb the outflow of our foreign exchange which we need very badly for our development so that we can reduce Harambees. If all this money was here Harambee activities would be very much reduced. But here it goes and the people's watchman is not amused.

MR. MWACHOFI: On a point of order, Mr. Deputy Speaker, Sir. My point of order, like that of hon. Shikuku, has to do with those who have been sabotaging the efforts of this country to Africanise or localise or as we say today, indigenise the economy.

Mr. Deputy Speaker, Sir, for the last 24 years, this country has stated ~~is~~ every now and then that our main goal and policy is to ensure that the economy of Kenya is ~~in~~ in the hands of Kenya citizens.

Mr. Deputy Speaker, Sir, it has now come out very clearly that one of the main problems which have made it completely impossible for this country to achieve this status of self-sufficiency in the economy is the outflow of foreign exchange. I have evidence here which proves that in fact one channel that makes it ~~impossible~~ impossible for us to retain the sweat of our people is in the form of foreign investment particularly where you are going to have a joint venture between foreign investors and local investors. You will find that nearly in every joint venture they sign an agreement between the----

MR. DEPUTY SPEAKER: Order! Hon. Members, I know that under Standing Order No.69 every hon. Member is entitled to make a personal statement. But what I am seeing this morning is a little bit strange. I do not think it is fair for me, sitting in the Chair, just for half an ~~hour~~ hour or one hour to listen to people standing and talking things which I am not aware of at all. I do not even know what is going to come next. I thought we have had it in the past that as ~~was~~ a matter of a gentlemanly arrangement and courtesy, if you are going to make a Personal Statement the Chair should have some idea of what you are going to state. This will enable me to ~~xx~~ determine how long it is going to take us to go through the period of Personal Statements. But right now I am in dark as to exactly how much time I should allow and who is supposed to do what. May I request hon. Members that in future when you have a Personal Statement to make, let whoever is in the Chair know in advance and how long you intend to take so that we can assist the House to know for how long we can go on.

(Applause)

Since you had started, hon. Mwachofi, can you quickly try and finish whatever points you wish to raise on your information so that we can go on?

END.L... 

MR. MWACHOFI: Thank you very much, Mr. Deputy Speaker, Sir. I must apologise for not having contacted you in advance. The evidence ~~is~~ that I was talking about is here. I have an example here of a local investor who owns two companies and is now in a joint venture with a foreign company. This foreigner is pushing this local investor to sign an agreement which is not only disadvantageous to the local investor but also completely ~~and~~ detrimental to the economy of this country. What is even more disappointing about ~~it~~ ^{these agreements} is that it comes out very ~~and~~ clearly that these ~~agreements~~ are drafted by our own local people, ~~the~~ ^{People} who know very clearly what they are doing. If I ~~any~~ may quote ~~and~~ one of the letters written by those who draft these agreements, it comes out very clearly that the lawyers know that the intentions of this foreigner is to ensure that ~~and~~ our policies do not work, and yet these ^{same} lawyers go ahead and prepare a full proof or a standard agreement which can be given to the foreigners so ~~and~~ they can manage ^{to go behind} ~~defy~~ our own policies.

Mr. Deputy Speaker, Sir, I would like to quote from one of the letters. I have a letter here written by a lawyer, Mr. Michael Somen, who is a Kenya citizen of Hamilton Harrison and Mathews. The letter is addressed to a foreigner who is in Norway. The heading of the letter is Joint Venture. In part ~~is~~ it says:-

"The most important point to be made first is that the consent of the Central Bank of Kenya will be required for a transfer of the 60 per cent from the Minrefco to Kenor" a. . . .

This means a transfer from one ~~in~~ foreign company to another foreign company. Mr. Deputy Speaker, Sir, our policy here is

MR. MWACHOFI (CTD.):

that when shares are to be sold by a foreign company they have to be sold to a local company.

"Also the consent of the Ministry of Finance under the Companies Act, Central Bank consent will also be required for granting of any loans by Kenor and for the appointment of any non-resident (of Kenya) directors of Sebimu."

Mr. Deputy Speaker, Sir, what this lawyer is doing is wrong. Since he knows our laws and what is good for this country. He is a citizen, so he is giving this information to this foreigner, and then advises him on what agreements he should have. This is very painful because one is left wondering whether we do not have any law under which people can actually be prosecuted, or even their citizenship revoked. The letter goes on to say:-

"It is for this reason that I suggest very tentatively at this stage that if Minrefco did get all the requisite consents and the Certificate of Approved Enterprise it may be to your advantage to buy Minrefco itself. This course would obviously save both time and money."

Mr. Deputy Speaker, Sir, when he goes to the standard agreements which I referred to earlier, he says:-

"We also have a standard form of Managing Agency Agreement which again I would like to send you because I do believe that it is important that Kenor should enter into a Managing Agency Agreement with the new company and that the form of that Agreement ought to be a pre-condition of the Joint Venture. The reason for this is that the Kenya Government has been consistent since Independence in requiring the economy of Kenya to be in the hands of the Kenya citizens. Unfortunately, there is no legislation on the subject as there is in Nigeria but the policy of course is enforceable by the granting or otherwise of ~~essential~~ consents for the transfer of shares to non-residents."

(END....M)

MR. MWACHOFI (Ctd.):

"There have also occasionally in the past been restrictions on the transfer of dividends and to my mind the advantage of a Management Agreement is that it fixes management with the experts, it does if approved by the Central Bank ensure that profits go out in the form of a management fee and it does cater for a situation where if there were to be legislation requiring a majority Kenya citizen ownership the outflow of income is still secured. Incidentally the Central Bank will not accept a fixed management fee but require reimbursement of invoices for example, services rendered, marketing advice and the like."

Mr. Deputy Speaker, Sir, that is the kind of advice foreigners are getting from our own local lawyers. Such kinds of agreements that are then signed are so bad because one of the things they require is for example - the foreigners do not have any confidence in this country - is that if there is any dispute between the local citizen and the foreigner, the adjudication has got to be done according to the English Law. There is also the question of the venue. One of the requirements is that if there is a dispute, adjudication cannot be done in Nairobi; it has to be done in London or elsewhere.

In view of all this, I would like the Minister concerned to tell this House whether or not the Government should not intervene or suspend the activities of some of these offices like the lawyers I mentioned - Hamilton Harrison & Mathews Advocates. That is, suspend their activities, go in there and inspect and if possible, get hold of the files of these joint ventures and find out exactly what is written in these agreements. Secondly, the Minister should also say whether it is not fair that the Government should review all joint venture agreements between Kenyans and non-Kenyans so that all these clauses which are detrimental to our economy can be removed; and whether it is not fair that the Government tries to identify

MR. MWACHOFI (Ctd.):

all lawyers and all the law firms engaged in drafting what I would call traitor-like or mercenary agreements, so that these lawyers can be prosecuted, their licences revoked and where necessary, their citizenships revoked.

(Applause)

I am saying this because most of these lawyers, inspite of being citizens of Kenya, are people who have been practising ever since or even before Independence; people, some of whom got their citizenship through dubious means; people who do not have the interest of this country at heart. Therefore, if it is found that actually they have no interest of this country or that they are doing these things deliberately, something needs to be done.

There is also this need for some decision to be made by the Attorney-General to discontinue forthwith the inclusion of a Management Agency clause in any of these agreements. When I come to the end and before I lay these papers on the Table, I would like to thank this local investor who has been pressurized to sign an agreement - by name, he is Mr. James Ndaka Muinde - and he has refused inspite of having been promised a lot of things. He refused to sign this agreement because he is patriotic. As a result, this foreign company having the majority shares has written to the Registrar of Companies and the Director of Mines and Geology saying that it has sacked this citizen from the company. I think that there is need for something to be done to protect this Kenyan who has been so patriotic as to even refuse whatever was being promised to him in defence of the economy of this country.

END N.....

J. K.

MR. DEPUTY SPEAKER: Mr. Mwachofi, could you lay those papers on the Table.

(Mr. Mwachofi laid the papers on the Table)

MR. DEPUTY SPEAKER: Hon. Members, you will remember that earlier on I said that we would check back on hon. Shikuku's Question, which I have here, and I do not think there is anything to change because it is quite clear that what appears on the Order is what hon. Shikuku presented and it says, "..... between June and 30th September, 1987", and that is what was sent to the Ministry.

Next Order!

MOTION

THAT, considering the fact that it is our Government's declared policy to eliminate poverty amongst our people through increased agricultural production of cash and food crops; and noting that to succeed in this endeavour as much arable land as possible need to be put under proper cultivation; this House urges the Government to introduce plantation of tea and pyrethrum into all appropriate areas, particularly those which are 4500 Feet above sea level on the slopes of Mt. Elgon in Bungoma District.

(By Mr. Kisuya on 7.10.87)

(Resumption of Debate interrupted on 7.10.87)

MR. DEPUTY SPEAKER: Mr. Shikuku was speaking last time.

MR. SHIKUKU: Bw. Naibu Spika, Bunge lilipoahirishwa, nilikuwa nimezungunza kwa muda wa dakika moja tu. Jambo ~~lix~~ ambalo nilikuwa nikisema ni kwamba ijapokuwa Hoja hii inakusudia kufanya mambo mazuri, kuna watu ambao wamefanya mpango wa kuhakikisha kwamba matokeo ya haya mambo mazuri, hayatakuwa kwa manufaa ya watu wa Kenya. Matokeo hayo yatakuwa kwa/watu wachache katika Kenya nje ya Kenya pamoja na marafiki zao/ambao wana mirija mirefu. Jambo hili linaudhi sana, na sasa Watekwan "Yesman" amechoka na ameleta mambo. Mungi si Abdullah na sasa jambo hili limetokea kama moshi, lakini ukweli ni huu; kama pesa hizi zote zingerudi Kenya - - - Bw. Naibu Spika, hatuwezi kuambiwa kwamba jambo hili lilianza juzi tu. Hatuwezi kuambiwa kwamba hizo Shs.6 milioni ndizo zilianza kupatikana. Si kweli kusema kwamba ni juzi tu ambapo tulianza kupeleka kahawa, ng'ambo, Pama,

na majani chai na kadhalika. Hivyo si kweli kwa sababu kwa miaka mingi sasa, tunekuwa tukipeleka chai na kahawa ng'ambo na hawa wafanyabiashara wa kigeni wamekuwa wakiyachukua mazao haya na baada ya kuyauza, wanazipeleka pesa ng'ambo. Ni juzi tu ambapo jambo hili liligunduliwa. Mimi ninasema kila siku kuhusu mambo haya katika Bunge hili, lakini hakuna mtu anayenisikiza.

Nina furaha kwa sababu mambo ninayosema yanaandikwa katika rekodi za Bunge hili, na siku moja nitakumbukwa. Sitaki kukumbukwa baada ya kufa, na kwa hivyo, ningetaka Mawaziri wafanye kazi na kuhakikisha kwamba mambo kama hayo hayaendelei tena. Kama havafanyi hivyo, ningetaka wananchi wajue kwamba taabu waliyo nayo ni ukosefu wa kazi na kuna umaskini mwingi hapa Kenya, na hali tunakopa pesa kutoka nje wakati pesa zetu zinatolewa nje. Hii ndiyo sababu imekuwa taabu kubwa kuilipa mkulima wa kahawa pesa zake wakati unaofaa, kwa sababu watu wengine wachache katika Kenya hii wameuchukua mrija mkubwa na kuelekeza kwa mkulima. Wao wamnyonya mkulima mwaka huu ^{Mwaka} ~~mwaka~~ ujao na wataendelea kufanya hivyo mpaka pengine Yesu atakaporudi. Ni lazima tuyazuie mambo hayo.

Hii ndiyo sababu ninasema kwamba wakati huu, tukitaka kujenga ofisi ya chifu, mwananchi anaambiwa atoe mchango wa Harambee. Vile vile, tunapotaka kuijenga ofisi ya Kamu, tunaambiwa tutoe pesa za Harambee na hata tukitaka kujenga shule za nasari, au kumunua viti vya kukaliwa na watoto, tunaambiwa tutoe pesa za Harambee. Hata tunapokuwa na mazishi, tunaambiwa tutoe pesa za Harambee. Ninasikia hata tunapotaka kujenga vituo vya polisi, tunaambiwa tutoe pesa za Harambee. Lakini pesa zetu nyingi za mazao yetu zimepelekwa nje na kuwekwa kule na huku tunahangaika. Mimi silipingi jambo la kutoa pesa za Harambee, lakini ukweli ni kwamba mtu mdogo hana mapato, lakini kila siku anaambiwa atoe pesa za Harambee na huku anatoa kodi kila wakati anaponunua soda, nguo na kadhalika. Hilo ndilo jambo liitwalo, "indirect taxation" na juu ya jambo hili, mtu mdogo anaambiwa atoe pesa za Harambee kila siku. Mimi, pamoja na mhe. Thuo na Waheshimiwa Wabunge wengine hapa, tunapata mishahara mikubwa kidogo na, kwa hivyo, tunaweza kutoa pesa za Harambee, lakini kuna watu wengine ambao hawana kazi. Hawa watu wanapata pesa kutoka wapi?

Ukweli ni kwamba siku hizi, ukiangalia utaona kwamba wakati wa Harambee, yule mgeni wa heshima, pamoja na wakubwa wengine wawili, watatu au wanne, wanatoa pesa nyingi zaidi ya wale wananchi wote katika ule mkutano wa Harambee. This shows that the wealth of this country

is in the hands of the few rich people. Huu ni ushahidi mkubwa kwamba utajiri wa nchi hii uko mikononi mwa watu wachache na hilo ni jambo la hatari kubwa. Hatukuupigania Uhuru ili watu wengine wakubwa wawe wakiinyonya nchi hii na kwenda kwenye mikutano ya Harambee na kusema, "Mimi pamoja na bibi yangu", au "Mimi pamoja na rafiki zangu tumetoa kiasi fulani cha pesa". Bw. Naibu Spika, raia wanayasikia meneno haya na kwa hivyo ni lazima tuyaseme hapa.

Siku hizi ukitaka kuwa kiongozi, ni lazima utoe peza za Harambee hapa na pale lakini, ikiwa mkulima anaendelea kunyanyaswa na hapa tunaipitisha Hoja kwamba mkulima akubaliwe kukuza kahawa, ambayo atanyang'anywa pia, p mapato yake, basi kuna mambo mabaya. Hata tunachanga pesa za Harambee, wakubwa tena wanachukua pesa hizo na hawawezi kushitakiwa. Wakubwa "wanakula" pesa/za Harambee! Sasa Mwananchi wa Kenya yuko kwa taabu kubwa. Pesa zake zinachukuliwa na wafanyakazi wa Serikali na ushahidi huu uko katika Ripoti ya Public Accounts Committee. Wakubwa wanapochukua pesa hizi, wanatuambia kwamba wametoa kiasi fulani cha pesa katika mikutano ya Harambee lakini wakishatoa pesa hizo katika mikutano ya Harambee mwishowe wanazichukua pesa hizo na kukuambia upige makofi ya kilo. Kazi ya mwananchi ni kupiga makofi ya kilo lakini wakati umefika wa kusema ukweli na kazi yangu ni kusema ukweli hapa.

Hata wakati huu, Waheshimiwa Wabunge hawana heshima kwa sababu wamekuwa waombaji wa pesa za Harambee. Waheshimiwa Wabunge hawawezi kuheshimiwa siku hizi kwa sababu hata chi_fu anaweza kumnyang'anya Waziri chombo cha kupaaza sauti. Sasa machifu wanawanyang'anya Mawaziri, Mawaziri Wasaidizi na hata Wabunge vyombo vya kupaaza sauti mikutanoni. Hii ni kwa sababu sisi hatuna heshima tena kwa vile tumekuwa waombaji wa pesa za Harambee kutoka kwa akina Patel. Sasa tumeona vile mambo ya hawa Wahindi waitwao Patel yamekuwa. Utaona Mhindi mmoja akiwashika viongozi karibu 20 na kuwaweka "mfukoni mwake" Hata hawa Mawaziri hawawezi kusema katika Bunge hili na unapomwuliza Waziri fulani atoe taarifa Bungeni, anakwenda hivi au vile kwa sababu anewekwa katika mfuko wa Mhindi ambaye anampatia pesa za harambee. Nchi hii imeuzwa! Mimi ni lazima niwaambie ukweli kwa kuwa mimi ni watchman.

Kwa hayo machache, naunga mkono

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JMK

MR. MUTHURA: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I would like to start by thanking the Mover of this Motion because, I believe, all that he has in mind is how we can earn more revenue, particularly in foreign exchange, from the two cash crops he has mentioned here, that is, tea and pyrethrum.

Mr. Deputy Speaker left the Chair

The Temporary Deputy Speaker (Mr. Mutiso) took the Chair

It is a known fact that we earn a lot of foreign ~~exch~~ exchange from these two cash crops. The other source of foreign exchange is tourism.

Mr. Temporary Deputy Speaker, Sir, we have such crops as coffee, tea, pyrethrum and others which earn this country a lot of money. Sometimes we have even sold beans outside this country. If these cash crops have to be produced sufficiently, the farmer must be encouraged by paying him adequately and also in time. The farmer must also be assisted financially where it is necessary and possible. There has been a hue and cry in this House about farmers delivering their crops to the National ~~for~~ Cereals and Produce Board and not being ~~pr~~ paid in time. It is a sad thing to hear that a farmer has sold his 50 bags of maize to the National Cereals and Produce Board and, after one week or one month, his children are sent away from school due to non-payment of school fees. That is very painful, and that is not the way we are going to encourage farmers to produce cash crops to enable us earn foreign exchange or more revenue.

Sir, although we are told that Sahara Desert is moving quite a ~~protr~~ portion southwards every year, and despite the fact that the northern part of this country is not very arable, I believe that we have a portion of land in this country which is very productive. We have a lot of water in this country which runs along ^{and} rivers/~~s~~ streams to the lakes and to the ~~ocean~~ ocean. That water is not used by anybody. I have been talking about irrigation in this House, and I know that we ^{have} ~~that~~ the National Irrigation Board in the Ministry of Agriculture. I understand that some of the people running this Board are engineers. ~~The~~ ^Time has come when

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MR. MUPHURA (ctd.):

we should make use of every drop of water available in this country to irrigate our land. If we can grow more tea, coffee, maize, cashewnuts or pyrethrum by way of irrigation, I think that is what we should do so that we can have these crops growing continuously.

Mr. Temporary Deputy Speaker, Sir, the rain that falls in this country has proved to be so unreliable; we have droughts every now and then. This is why I think that rather than allowing all this water to pour to the lakes and to the ocean, we should use it for irrigation. If the Jews have been able to turn a desert into productive land and they produce the best citrus fruits which they consume and export, why can Kenya not practise irrigation? That is a challenge to the Ministry of Agriculture, particularly the National Irrigation Board, to see that they ~~am~~ make use ~~xi~~ of all the water that we have so ~~xi~~ that we can produce these crops. Together with that, I would like to say that in this country we ~~has~~ have technical extension officers, employed by the Ministry of Agriculture. It is a pleasure to see these extension officers posted all over the country, to as low as the locational level. This is very good, but are these officers doing the right job? I think all ~~agriculturalists~~ agriculturalists, except the administrators, are supposed to be in the field advising farmers. The time has come when farmers, including the small-scale ones who are the backbone of ~~the~~ food production in this country, should plant crops such as coffee, pyrethrum, tea, cashewnuts and others. These days we are including ~~horticultural~~ horticultural crops in the list of cash crop earning group. The farmer should be advised as to when to plant, what to plant and where to plant it so that he does not plant maize where there is no enough rain to sustain it or he does not plant coffee in an area where it is not ideal or he does not plant tea where it cannot grow. As the hon. Mover of the Motion says, he indicates the area where the Government should encourage farmers to plant pyrethrum as well as tea.

Sir, if you travel around this country, especially in the Coast and Rift Vally provinces, you will find a lot of idle ~~xi~~ land, some of which is owned by people who are not living here but people who are non-citizens of this country.

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MR. MUTHURA (ctd.):

For example, most of the land at the Coast Province is owned by foreigners who are no longer here. I think the Government should come up with a clear policy so that all the idle land is either distributed to the landless or the owner of that land is ~~mak~~ made to utilise the land for food production or ~~exh~~ cash crop production. It is a shame to see a country like Kenya having to go out and ~~hex~~ beg ~~t~~ for maize. Those who have eaten yellow maize know that it is not the best food. I still remember the yellow maize that was brought into this country in 1965. It was of the poorest quality. We know that this yellow maize ~~x~~ comes from America where it is not eaten. It is meant for pigs, cows and other animals in America, but when it comes here it is consumed by human beings. Do we qualify to eat that kind of food? I believe that if we ~~x~~ made use of all the water we have in this country, we could produce enough maize for home ~~x~~ consumption and also for export. So, I think the Government should come out with a clear policy regarding the idle land we have in this country. If we do not have enough arable land for cultivation, why should we ~~lix~~ allow land to remain idle?

Mr. Temporary Deputy Speaker, Sir, some people in this country have big chunks of land that is not used. I think the Government should come out with a policy as to how much land one should own. I know that this is not pleasant to those who have big chunks of land; they are the telephone farmers who never make use of ~~their~~ their land. I think there should be a Government policy ~~fx~~ regarding how much land one individual should own. The excess land should either be distributed to the landless or taken over ~~t~~ and run by the Government in the manner the Government runs the Agricultural Development Corporation farms in places like Mutara, Garissa and others. Otherwise, it is unfair - I know that everybody cannot own land - to have some people owning a lot of land that they do not use, yet we still have some people living in the ~~m~~ emergency villages because they have nowhere to settle down.

Before I sit down, Sir, I would like to ~~saxx~~ say something about the Horticultural Crops Development Authority. If you drive from Nairobi to Nakuru,

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MR. MUTHURA (ctd.):

you will find a lot of green vegetables ~~between~~ displayed along the road between Naivasha and Limuru. These farmers should be helped to get a market for their vegetables.

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

END..... P.



MR. MUNYAO: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me time to also congratulate my friend, hon. Kisuya, who moved this very important Motion. When we talk about increased production, particularly on food, one remembers what we experienced in 1984 when this country was faced with hunger. The issue of cash crops is ^{one} a very important. The hon. Mover of this Motion has talked about tea and pyrethrum in some areas with an altitude of 4,500 feet above the sea level.

I would also like to add one other cash crop which is very important to us.

(Noise)

I will need some silence, Sir. Castor, or bariki which at times grows in the dry areas, is a very important crop. This crop earns farmers ~~good~~ substantial amount of money. The maintenance of castor plants is very cheap; it can be grown anywhere and it does not cost much. When the Minister will be deciding on the cash crops whose production has to be increased and sponsored to the farmers, I would request him to also think about the castor plant.

While still on the question of cash crops, hon. Members can remember the sad effects which have been brought about by some cash crops. One of these cash crops is cotton. The policy on cotton has really discouraged farmers in the country from planting any cash crops. Farmers in the country grow cotton under the umbrella of a parastatal body which is supposed to take care of the crop. We grow cotton by using fertilizer ^{and} all possible care is taken and at times money is borrowed to maintain the crop. When the cotton is harvested, it is sold to the Cotton Lint and Seed Marketing Board but payment becomes an issue. While we are calling upon the Minister to increase production on tea, coffee and pyrethrum, we cannot forget the sad story on cotton. We would like to beseech the Minister to make sure that farmers of the other crops would not be mishandled like the cotton farmers.

It is sad to realize that the areas in Ukambani which grow cotton like Makueni, Mbooni, Yatta and other areas, farmers have sold ~~this crop~~ cotton to the Board for about a year and they have not been paid up to now. It is a

is released
misery. We are told that when the money by the Cotton Lint and Seed Marketing Board, some unions i_n other areas deposit this money in fixed deposit accounts so as to earn some little money to defray some debts which they might have acquired elsewhere. When this happens, the farmer suffers. I would like to request the Minister, to authorise the private cotton buyers in Machakos who have been buying ~~ix~~ and marketing it elsewhere, to go ahead and do it fully. This is because the farmers are having problems because when they sell their cotton to the trader who pay~~s~~ cash on delivery, they are threatened with arrest. What will happen if this cotton is left with the farmers?

I do agree that the Ministry should take care of the money they advance to the cotton farmers. If that is so, why can the Ministry not have a straight-forward policy of paying the farmers on time? This is a very discouraging element to the farmer.

The other cash crop which I would like to talk about is sunflower. This crop is grown all over, particularly in the lowlands of ^{Ukambani} ~~Ukambani~~, like, Makueni, Yatta and so on. The House will recall that ~~ix~~ about a week ago, I brought a Question here and a letter substantiating that a certain company in Nakuru was buying sunflower from the countryside. When the farmers were growing this crop, they were promised by this company that the hybrid sunflower was going to be bought at Shs.2.80 per kilogramme. What happens is that this company sends its manager around to grade the sunflower and decide which is the hybrid and they even issue receipts of Shs.2.80 per kilogramme. When time for payments comes, the farmers receive Shs.1.00 less, that is, Shs.1.80. When I brought this issue here, ~~ix~~ I was shocked when the Assistant Minister who was replying asked me to substantiate. Although I gave him a letter to that effect, I do not know what else he is waiting for because he ~~ix~~ has not taken action up to now. Over 30,000 kilogrammes of sunflower were collected from farmers in Kibauni, Kalawa and other areas and when time for payment came, they were paid Shs.1.80 instead of Shs.2.80. Is this an encouragement or a discouragement to the farmer? This is a discouragement to the farmer because

the farmers in those areas will not cultivate this crop any more.

When we think about increased agricultural production, we cannot afford to overlook the sizes of land where the crops are grown. Of late it has become a system whereby a group of persons buy a piece ~~and~~ of land and start sub-dividing it after some time. For example, a person would like to own one acre, two or three acres. The policy of sub-dividing big farms has to be discouraged ^{in toto} ~~in total~~ by the Ministry. This is because it is totally uneconomical for anybody with an acreage of less than 10 to 20 acres to undertake mass crop production. This is because in order to undertake mass production, one has to invest in big machinery like tractors, harvesters and so on. All these things cost money. The financiers will lend you money, Sir, if they are satisfied it is going to be utilized properly. It is uneconomical to borrow a substantial amount of money to buy machinery to use on a small acreage of land.

I would like to request the Minister for Agriculture to re-consider the policy of sub-division of the big farms. When we had big farms in the Rift Valley Province, Meru, Embu and so on, the country was able to produce enough ~~for the country and for~~ cash crops for local use and for export. This is what we are looking for. The policy of sub-dividing big lands into small and uneconomical plots, must be discouraged totally and those with bigger farms should be encouraged to produce for Kenya.

We have the Tana and Athi River Development Authority; the Tana River project is now over and we are now on the Athi River project. From Thika up to the end of the Athi River, there are farmers who have been cultivating cash crops for export.

END Q

MR. MUNYAO (Contd.):

We have people growing horticultural produce and several other fruits around the area. The problem has been lack of water. The Tana and Athi Rivers Development Authority has already come out with a projected programme of taking that water back to the land. This issue has taken too long. It is high time Tana and Athi Rivers Development Authority (TARDA) moved in so that we can make use of that water.

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

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina):

Thank you very much, Mr. Temporary Deputy Speaker, Sir. This Motion has been replied to by my colleague, and the Ministry agrees that the Motion be passed as it is. I only stand to make a few observations.

Mr. Temporary Deputy Speaker, Sir, this is a very important Motion. It deals with food production in such a way that our country becomes self-sufficient. It does also deal with introducing two major cash crops, tea which is our foreign exchange earner to our country, and pyrethrum which, at one time, had gone down in production. It did in favour of the synthetics which had actually flooded the world market. But now the position is on the reverse. The pyrethrum market in the world especially in America is more favourable than the synthetics.

Mr. Temporary Deputy Speaker, Sir, I would like to make a few points which hon. Members have raised. The hon. Member for Butere feels that coffee, tea and pyrethrum, the exportable cash crops, but the money is not coming back to the appropriate cash box, or the revenue of the Government. This calls for a total co-operation of the Government. Indeed, it is not a question of production. It is a question of criminal act. People are becoming too clever. Those who have been entrusted with licences to sell coffee on export markets and other cash crops, are becoming too clever and they are also becoming too many. The current question in court of export or looting

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina)(Contd.):

coffee money and not returning it - because we need it - is a criminal matter. It is not the question of production. The Kenya farmer has done his best to produce coffee. We have also taken a lot of measures to make sure that through research, we have produced even the latest variety of coffee. For instance, the "Ruiru 11" which is actually supposed, and indeed is resistant to Coffee Berry Disease (C.B.D.). Now, in this case, Sir, the production of coffee has been stepped up, but the question of marketing it is according to the law. Those who do not return coffee money into this country are criminals, and they should face the music of the law.

Mr. Temporary Deputy Speaker, Sir, in the production of agricultural food crops and cash crops, ^{I would say} there are only a few important and salient problems which Kenya farmers face. One of them is the recurrent pattern of rainfall. If the rainfall does not actually come as regularly as we would expect, then we cannot do much. We can do to a certain extent or point by introducing irrigation which calls for a big financing. But in those appropriate areas which the Motion addresses itself to, we have done very well. We have introduced and we are doing very well in the production of maize in the appropriate areas. We are also doing very well in the production of wheat as the major two main crops. We are also doing very well in also producing the drought-resistant varieties of cereals like sorghum, millet, and others. We are also doing well in the production of lettuce. This is shown clearly by the fact that after the historical drought of 1984 - the drought that not only hit Kenya but the entire Africa especially the region South of Sahara, and by no means are we excluded from that region - we did recover very quickly and, in fact, drastically and very soon indeed. When the rains of 1985/86 came back, we produced maize in abundance to the expectation of the farmer. We increased

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina)(Contd.):

the price to the farmer, and that one way alone, Sir, we became self-sufficient in food. The following year, 1986/87 season, we even doubled our production. But this year, everybody, including the hon. Members of this House witnessed the reverse. The climate has changed, and we see a down trend in the production of maize, wheat, and indeed everything. In fact, the production of maize is likely to go down because of lack of rain. So, we have to consider certain factors. For instance, the climatic factors, the financing, the marketing, and so on. Otherwise, the Ministry has done very well.

Now, as this Motion stands, we said it is a very straightforward Motion. The question of tea is going on very well in the Nyayo Tea Zone. Indeed, as the hon. Member said --

MR. KIKUYU: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Assistant Minister on the Floor is in charge of agriculture, and he knows very well the factors that affect our production in this country. Is he in order to attribute the total fall in our production in the agricultural sector only to climatic changes whereas he knows the other factors like subdivision of land into such small uneconomical units?

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina):

Mr. Temporary Deputy Speaker, Sir, I was coming into the question of subdivision of land into small units. But if the hon. Member can allow me to finish my last point, it might help.

Sir, I was saying that ^{Nyayo tea} tea zone programme is going on very well, and ⁱⁿ around Mt. Elgon ^{area} in Bungoma District, that exercise is going on very well. It answers what this Motion calls for.

Now, as far as the question of the hon. Member ^{is concerned} saying that the large units of land which are being subdivided into small units which, for economic reasons, they may not work because subdivision of a large unit into small units will call for subsistence production.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina)(Contd.):

This is a Government policy. It has been directed that large units of land especially in the former White Highlands be subdivided.

But I would say for economic reasons, we can only work out the subdivision of land according to its potentiality. There are areas of high potential in terms of soil fertility^{and} rainfall, and those are the units that can be subdivided where tea and coffee can be grown.

But for the purposes of ranching in the semi-arid areas, I do not personally agree that this will work very well.

End R.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. arap Saina)(Ctd.):

This is because in terms of water provision and rainfall, which is very erratic in this area, I think that exercise ought to be given some consideration. This answers the question that was asked by the hon. Member. I think we are doing very well in this respect.

This is a straightforward Motion, and I do not have to make very many points on it. So, as was said by my colleague when he responded to the Motion last week, we allow this Motion to go through as it is.

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

DR. CHAMO: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. First of all, I would like to thank my good friend, hon. Kisuya, for drawing the attention of the House and the nation to the importance of tea and pyrethrum as crops acclimatised to Kenyaⁿ conditions. Tea is not a crop^s that can be grown anywhere. It requires certain types of soil, sunshine and temperature. Tea is very choosy, but we are lucky in this country in that we have the right type of climate for growing tea. We all know that in Kericho, for example, where tea is very well established, they have the right type of rainfall, followed very quickly by the right type of sunshine. This is also the case in Bungoma District. I would like to thank hon. Kisuya for drawing the attention of the Ministry and the farmer to this fact. What is now required is more research in order to come up with clones that will yield more. These better yielding clones should do better in the altitudes that have been specified in the Motion. Suitable areas are found at the altitudes beyond 4,500 feet above sea-level. Kenya cannot go wrong in tea growing at this time because Kenyan tea is commanding premium prices in the world market. It is very good tea, and what we want is more of it. More Kenyan tea will make us and other people overseas feel good.

The second crop that has been mentioned, and which I would like to support fully, is pyrethrum. Pyrethrum has a very special role to play in the

DR. OIAMO (CTD.):

world today. As ^{a pesticide} ~~an acaricide~~ and an insecticide, pyrethrum has its own peculiar qualities. It does not have what doctors call a residual effect in the human or animal bone because it is of an organic origin. It helps you and then disappears, leaving behind no residue in the human system, unlike inorganic pesticides and insecticides like dichlorodiphenyltrichloroethane (D.D.T.). This crop is well established in Kenya today. The demand for pyrethrum in the world market is going up and up and up. I would like to state that in Bungoma District conditions are just right for pyrethrum cultivation to be increased. The altitude of the place is right, and so is the rainfall and also the size of farm available. It is true that our country is becoming a small-scale-farmer country. The size of our farms tends to become smaller and smaller.

AN HON. MEMBER: Why?

DR. OIAMO: For obvious reasons, my dear friend. The farms are being sub-divided.

I do not know how my good friend picked on these two crops, pyrethrum and tea. It so happens that tea and pyrethrum cultivation fits very neatly in a small-scale farming system. If you go to Nyeri, Othaya or Emuhaya---

THE TEMPORARY DEPUTY SPEAKER (Mr. Mutiso): Dr. Oiamo, it is now time for the Mover to be called upon to reply.

You may reply, Mr. Kisuya.

MR. KISUYA: Mr. Temporary Deputy Speaker, Sir, firstly, I would like to thank all the hon. Members who have ably contributed towards this important Motion. Before I reply to it, I would like to say that at the moment our tea and pyrethrum ^{output} is very high indeed when compared to what it used to be before we got Independence. However, since we have very many companies in this industry which belong to foreigners, I would like to ask the Ministry concerned, if possible, to order these companies to sell some of their shares to wananchi so that they also may participate in the growth of tea and pyrethrum production. We have a big hectarage of tea in Kericho, for example, owned by Brooke Bond

MR. KISUYA (CTD.):

Kenya Ltd. Other such companies are James Finlay, African Highlands and East African Tea Trade Association. All these companies belong to white foreigners. I would like to suggest to the Government that it is now high time such big farms were bought by Kenyans so that they ^{may} engage in their own farming with the knowledge they have at the moment.

Coming to coffee, Mr. Temporary Deputy Speaker, Sir, this crop is at the moment grown widely by Kenyans themselves. Why should the same not apply to tea? I would like to request the Minister concerned to look at the Tea Act, Chapter 343 of the Laws of Kenya. This Act should be amended so as to give more power to the Kenya Tea Board to decide freely how to market their own tea. The same should apply to the marketing of pyrethrum. In this way, high standard tea will be produced which we will be able to sell in overseas countries like the United Kingdom, Canada and Pakistan. These are some of the overseas countries which buy a lot of tea from us. This Act should be amended to allow some of these powers to be vested in the Kenya Tea Board, so that it can act freely without having some doubts when it thinks of some foreign companies which have their own regulations.

END S

MR. KISUYA (ctd.):

Also, Mr. Temporary Deputy Speaker, we should be able to fetch a lot of money whenever we sell potatoes to foreigners. I am asking the Minister concerned to see whether the Tea Act could be altered.

I would also like to ask the Minister concerned to see to it that tea researchers sit down and do thorough ~~xxx~~ research to ensure that tea growing is ~~k~~ extended to the low lands. For example, we grow arabica coffee on the high lands and robusta coffee is grown on the low lands. Why can the tea researchers not ~~find out whether k~~ ^{carry out} experiments can be carried out to find out whether ~~there is a kind of tea which~~ can be grown in the low areas? I ~~h~~ hope the Minister will take this very seriously. ^{as} tea is a crop ~~xi~~ which brings in a lot of money to the Government, and also to the individual farmers.

Mr. Temporary Deputy Speaker, Sir, as hon. Omamo has said, tea requires a lot of rainfall, moderate temperatures and fertile soil. We would, therefore, like to know what kind of conditions are required to grow tea in the ~~ix~~ low lands.

While we are trying to expand the growth of ~~x~~ tea, we would like to ask the Minister to see to it that tea farmers are ~~yz~~ paid promptly for their crop. It is not good for us, particularly the poor farmers, who have been picking tea for a long time during the season, to stay for a long time without getting payment for ^{our} ~~their~~ crop. These farmers should earn from their own sweat. Once they have picked their tea, taken it to the factory and then the tea is sold by the factory, why can the poor farmers not be paid promptly for their crop so that they can utilize the money to cater for domestic needs and also for paying school fees, ^{and} so that they can also live a happy life like the other rich men?

MR. KISUYA (ctd.):

Mr. Temporary Deputy Speaker, Sir, it is not good for the Government to be getting money in the form of income tax without it spending the money on infrastructure. We would like the Government to tarmac all the tea roads. As tea is grown in fertile areas, and during the rainy season, the mud becomes so sticky that even Land Rovers are unable to move properly on the earth roads. Farmers are, therefore, asking the Government to see to it that the roads which lead to tea and pyrethrum growing areas are tarmacked so that the transportation of these crops to the factories is made easy.

Mr. Temporary Deputy Speaker, Sir, I would also like to urge the Government to build access roads in these areas so that the wananchi do not have to move long distances while delivering their crops to the factories.

I would like to thank the Minister for having acted on this Motion. I believe that Bungoma people who live on the slopes of Mount Elgon, particularly those living on the Changeywa Hills, Kibichore Hills and the Chepkube Hills - these are the hills below Mount Elgon, will be very happy to hear that the Government has ~~accepted~~ allowed them to plant more tea and pyrethrum to boost their income and living standards so that they can clothe themselves properly, eat properly and also ~~be~~ sleeping comfortably in good houses.

Mr. Temporary Deputy Speaker, Sir, this is a very important motion and so I beg to move.

(Question put and agreed to)

MOTION

MR. MWARUWA: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

MR. MWARUWA (ctd.):

THAT, considering the fact that Kenyans are free to live, work and settle in any district of their choice within the Republic of Kenya irrespective of their districts of origin, this House urges the Government to allow wananchi to obtain the national identity cards wherever they are within the country without requiring them to obtain prior clearance from the Provincial Administration (i.e. Chiefs) of their original districts.

Mr. Temporary Deputy Speaker, I take this Motion to be the most important one because Kenya is going forwards and not backwards. Kenya, at large, is one piece and it is under one Head of State - one President, one Government and one Party, Kanu.

I come from Mombasa, and it is very sad to see a young Luo, ^{anybody} Kikamba, Kikuyu or from any other tribe apart from the Coast ones, approach the Provincial Administration for the purpose of obtaining an identity card and being told to get clearance from the Provincial Administration of his original district. This young man is a Kenyan, his father is a Kenyan, his mother is a Kenyan, and he has ^{prove} got all the evidence to ~~indicated~~ that he is a true Kenyan.

Mr. Temporary Deputy Speaker, Sir, protect me from the so-called Assistant Minister for Health, Mr. Cheboiwo, who is making this place a market place.

END T.

MR. MWARUWA (ctd);

Mr. Temporary Deputy Speaker, Sir, you will find that when the Chief, District Officer or District Commissioner tells you "You do not belong to this district or location and, therefore, we cannot issue you with an identity card" you will have to travel back to your district of origin. If you are a Luo you will have to travel from Mombasa to Kisumu or if you are a Kamba you will have to travel all the way from Mombasa to --

MR. MUNYAO: To Machakos or Kitui.

MR. MWARUWA: Yes, to machakos or Kitui. If you are a Maasai you will have to travel to your district of origin. This is very embarrassing. You will find that when an indigenous Kenyan applies for a passport he is never told to go back to his district of origin before he can be issued with a passport. I have brought very many application forms for people ~~xxx~~ who are residing in Mombasa and all these people have been issued with passports without any questions being asked. But when we come to the issue of identity cards you find that our poor Africans face difficulties. This leads me to ask the following ~~questions~~ questions: To whom does Kenya belong? ~~xxx~~ To whom does this Government of Kenya ~~belong~~ belong? If an Arab can go and be issued with an identity cards without being told to ~~back~~ go back to his country of ~~origin~~ origin--- If he is told to do that he will have to travel to Saudi Arabia or Iraq. But these people are not being told to go back to their countries of origin and many of them have been issued with identity cards. The same applies to the Asian Community; they are never asked to go back to their original home otherwise they should go back to India and get the necessary information to enable them to be issued with identity cards. But they are never asked any questions at all.

But a black man like Mr. Mwaruwa - an indigenous citizen of this country ---

MR. MUNYAO: Black is beautiful!

MR. MWARUWA: Mr. Temporary Deputy Speaker, Sir, you will find that a black man who is the owner of this country and who ~~is~~ has the right to enjoy all facilities in this country is always embarrassed. A chief tells him "Go back to your home." Which home? If this Kenyan, for ~~is~~ instance, works in Mombasa and he comes from Batere he is told "Go back to your home and be issued with an identity card there." Why can he not be issued with an identity card in Mombasa? There are people who have been living in Mombasa for the last 70 years. They went there with their wives and they produced as many children as they could. They have been there for all these years. But their tribes have not changed. Their citizenship has also not changed. They are Kenyans and they are Luos or Kambasz by tribe. They have lived in Mombasa for a long time. But you will find that their children who have been born there cannot be issued with identity cards. There are no facilities for them to be considered for identity cards.

Mr. Temporary Deputy Speaker, Sir, I know of people who left Mombasa and travelled upcountry to obtain letters from their chiefs but when they came back the answer was still "No". I take this to be a very punitive ~~f~~ of co~~n~~sidering our people for issue of identity cards. What qualifications do the Asians have which enable them to be issued with identity cards anywhere in this Republic? I ask this because Asians seem to have a right to be issued with identity cards in any part of this country. Their original homes are very far away - in India. You will find that if they go to Machakos they are issued with identity cards; ~~why~~ when they are here in Nairobi they are issued with identity ~~cards~~ cards and if they go to Eldoret they will be issued with identity cards.

They enjoy all these privileges when in fact it is very evident that they are not indigenous Kenyans; the colour matters. I think this is very bad. This is why I have seen it fit to Table this Motion in this House, where all laws are made so that we can find ways and means of helping our people. The law should allow all indigenous Kenyans to be issued with identity ~~cards~~ cards anywhere in this Republic. The question of finding out whether ~~this person~~ a person is a Kenyan or not should be ~~left~~ left in the hands of the civil servants. A thief is a thief no matter where he comes from; he has no original home and he has the "licence" to steal anywhere in this country.

Mr. Temporary Deputy Speaker, Sir, there is no law in this country which ~~says~~ says, if you are a Ndigo, you cannot stay in a certain hotel in Nairobi because Nairobi is not your original home. To me Kenya is my home and the location or district from which I come is only a place within Kenya. I have all the rights that other Kenyans have.

Mr. Temporary Deputy Speaker, Sir, there is another tendency which should be discouraged. Whenever a mwananchi ~~is~~ approaches the administration and requests to be issued with an identity card, he is told "Go and get a letter from your Member of Parliament. Do you know him and is he your friend?" That is very bad. An identity card is a right of every Kenyan. There is no question of that Kenyan saying that he knows a certain influential man who will give him a letter. His right as a Kenyan enables him to be issued with an identity card.

Mr. Temporary Deputy Speaker, Sir, I have lived in Great Britain for almost five years. I learnt one thing when I was there and this is that anybody who is over seven years old has a right to be issued with a passport because he is an indigenous citizen of that particular country. He has to be issued with a passport without any questions being asked as long as he gives

MR. MWARUWA (ctd);

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proper details and declarations about himself to the Government. But you will find that here we have a lot of problems. Even if when you apply for a passport it takes time before it is issued to you. You have to know a big man. Some of the Africans have to get letters from Europeans instead of the ~~Europ~~ Europeans getting letters from the Africans. The African in this country is the one who is supposed to get the European a letter so that he can be considered for a passport. But you will find that they will tell you to go to your employer to get a letter before you are issued with a passport. So, you will find that a person who works for an Indian as a house servants goes to his employer who may not be able to speak or write in English; he writes in Gujarati and the officer concerned is happy because he has received a letter from an Asian or a European.

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MR. MWARUWA (Ctd.):

For how long are we going to stick to such regulations after 24 or 25 years of Independence. It has become a habit for some of my hon. colleagues in this House, whenever I bring a Motion to this House, to say that some of my Motions are very sensitive. However, my Motions are within the limit of the law of the land and, therefore, there is no question of my Motions being sensitive. I am a typical Nyayo follower and I can even say that I am even ^a more Nyayo follower than other people who call themselves Nyayo followers. My hands are very clean! Even my chickens, my cats and everything else at home are all Nyayo. ~~I am a more Nyayo follower than some of the people who call themselves Nyayo followers.~~

House

Mr. Temporary Deputy Speaker, Sir, recently, I brought a Motion to this House regarding foreigners who have grabbed land in places like Kwale, Mombasa North and in other places in the country. That land should be taken back hands of to the indigenous black & Africans who are the rightful owners of this land. I said that in Kwale, there are Asians who are buying land and these Asians have ~~now~~ grabbed all the land and made our fellow Africans ^{continue} to suffer since the time of colonial regime. Some of our leaders in this country went and joined these Asians and started accusing hon. Mwaruwa of being a tribalist. They are accusing me of intending to take the land from them. I belong to Kwale and I am a Mdiogo by tribe and I feel very bad when I see those Asians holding that land and saying it is theirs when we are the people who have the right to own that land. I would like to assure this House that I will fight with all ^{the} means that I can think ^{of} ~~about~~ to make sure that Wadiogo get back their land from these Asians. I will fight with all means including these to make sure we have our land back.

(Mr. Mwaruwa demonstrated with his hands)

Mr. Temporary Deputy Speaker, Sir, it is very important for us to draw our attention to this question of identity cards - - -

MR. KIKUYU: On a point of order, Mr. Temporary Deputy Speaker.

For the purpose of the records of this House, what will be recorded in the

HANSARD, when the Mover of this Motion says that he ~~will~~ will fight by all means including ^{these} these? Can he elaborate on this so that it can be recorded properly in the HANSARD for our future generations to read it.

MR. MWARUWA: Mr. Temporary Deputy Speaker, Sir, when I talk, I normally move ~~my~~ my hands and ~~if~~ if the hon. Member is blind, then he can say he did not see. ~~me~~ me doing so. I move my hands all the time to exercise my strength. I brought this Motion to the House - - -

MR. KIKUYU: On a point of order, Mr. Temporary Deputy Speaker, Sir. I was watching the hon. Member speaking very well and he said that he will use all means including ^{these} these, and I am asking how this will be recorded in the HANSARD.

THE TEMPORARY DEPUTY SPEAKER: (Mr. Mutiso): Yes, Mr. Mwaruwa, I think it is fair for you to say exactly what you mean so that it is ~~be~~ recorded. The demonstration you made by using your hands cannot be recorded. I think what hon. Kikuyu is insisting ^{ON} is that you say exactly what you mean by saying, "including these" or you simply forget it.

MR. MWARUWA: I wonder why I should be asked to withdraw that. I am very tough and I would like to say that if we do not get ~~us~~ ^{it} back our land, we shall use physical force to get ^{it} back ~~the land~~. When I said that we shall use all means including "these", this is what I meant. This is our method of - - -

MR. KIKUYU: On a point of order, Mr. Temporary Deputy Speaker, - - -

MR. MWARUWA: Let me finish and then you can talk. When I said we shall fight by all means including ^{these} these, I meant to say that we shall ^{make sure we} fight to/get back our land from these people. It is a high time for the Office of the President, which has always been very fair in rendering services to the rich and the poor, to come to our aid. We appreciate the good work that they have been doing and I would like to say thank you very much to them. I am saying this because the ^{tirelessly} Office of the President is one of the few offices which has been ^{assisting} wananchi. Perhaps the information regarding what is now happening in administration offices regarding the issuance of identity cards, has not reached the Office of the President. I brought this Motion to the House so that they can be informed and I am happy because the Minister of State, in the Office of the President is ~~and~~ and has heard all I have said. My intention is not to accuse the ~~Administration~~ Administration.

but the system which they are trying to introduce here is not fair. I think everybody in this country who is a Kenyan has the right to be considered for the issuance of identity cards. I am saying this because without an identity card in this country, one feels that one is not a full Kenyan. Therefore, from today onwards, the Minister should take this matter into consideration and inform his administration officers all over the country to make sure that, in future, every Kenya^{is} is considered for the issuance of an identity card, no matter where he or she comes from. Therefore, as long as a person is a Kenyan, he or she should be issued with an identity card, and this is why I brought this Motion to the House so that the Office of the President may understand what is going on in the administration offices throughout the country.

Mr. Temporary Deputy Speaker, Sir, I brought this Motion to the House because I am a true Nyayo follower. I did not want to go and talk behind the doors on this issue and that is ^{why} where I brought this matter here so that we can discuss it with my hon. colleagues here, so that they can ^{also} air their views. This Motion is well understood and there is nothing sensitive about it. When I bring any issue to this House, it is because I think I have a right to do so, and there is nothing sensitive about this. Therefore, this Motion has nothing sensitive in it. It is a very clean Motion. It is a Motion ~~th~~ with good intentions of assisting our young people who leave schools. When these young people leave school and want to be considered for employment, they cannot be employed without having identity cards, nor can they travel outside Kenya without identity cards.

With those few remarks I beg to move ^{and} ask the Chair to allow Mr. Kiliku to second the Motion.

MR. KILIKU: Mr. Temporary Deputy Speaker, Sir, first and foremost, I would like to thank hon. Mwaruwa for bringing this very important Motion to this House and for calling upon me to second it. This is a signal to the Office of the President regarding the problems facing the young people in the big towns, and particularly in Mombasa. Due to these problems, our young people who have attained 18 years of age, have fallen ~~the~~ victims of many things. They have fallen victims of forced Harambee contributions by the

MR. KILIKU (Ctd.)

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N.D. assistant chiefs. Mr. Temporary Deputy Speaker, Sir, I witnessed one incident in Miritini where youths were being forced to pay Harambee contributions in order to be given application forms for identity cards. I confirmed this incident and raised it in this House. Our young people have also fallen victims of lack of job opportunities because, by law, if you are looking for employment in this country, you ~~are~~ have to be identified and the identity card is the only document which can identify you if you have to get employment. So, these young people have fallen victims of this problem of lack of employment, just because they cannot get identity cards.

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MR. KILIKU (ctd.):

Mr. Temporary Deputy Speaker, Sir, the other point I wanted to mention is that this is a clear case of discrimination of Kenyans by other Kenyans. I do not know why people should ~~be~~ be discriminated ^{against}. Is there any logic for someone to be told to go to his home when he is in Kenya and he is a Kenyan? Some of those people who are told to go to their home districts have no bus fare to go there. We are also wondering as to why people living in Kenyan towns today should be told to report to their respective home chiefs when we believe that so long as they are in Kenyan towns they are at home. I would like to suggest one point which I think the Minister will note down. The Office of the President must establish a certain system so that students in secondary schools and other public institutions be can issued with identity cards on attaining 18 years so that they can leave those institutions with the identity cards. I think ~~th~~ such a system would help our youth a lot. During the last week of the registration of voters, there was a directive from the Government that those clerks doing the registration should go to ~~px~~ institutions like polytechnics and others to register those who were legible. The same system ~~y~~ must be applied ~~with~~ when it comes to issuing identity cards, so that those young men and women who attain the age of 18 can be issued with identification cards without having to go to the chiefs.

The other thing I wanted to say is that I do not ~~xxx~~ know why there is no machinery of identifying Kenyans and non-Kenyans in our towns. This kind of discrimination existed during the ~~king~~ kingdom of the Sultan of Mombasa; it existed during the colonial system. A married lady or even a man was required to be cleared by the chief in order to go to Mombasa. One had to be given a limited amount of time to stay in Mombasa, and if that time period elapsed, he ~~xxxx~~ was required to report to the chief for ~~extension~~ extension. The same discrimination has ~~xxx~~ been carried forward ~~is~~ and is now being applied in the issuance of identity cards. I think it is ~~the~~ the ~~x~~ high time we did away with such a colonial hangover. I do call upon the Office of the President to issue a circular to the effect that if one goes to the chief or the district commissioner for anything, he ~~should~~ should

MR. KILIKU (ctd.):

not be forced to contribute to Harambee projects. Let people contribute to Harambee projects on their own will. These days many people are scared from going to the offices of the chiefs or assistant chiefs; hon. Members of Parliament are now doing the work of chiefs and assistant chiefs because wananchi fear to be forced to contribute to Harambee.

Mr. Temporary Deputy Speaker, Sir, I do not intend to take more time on this very important Motion. I am only calling upon the Government to ensure that all the ~~ma~~ people anywhere in this country, so long as they are Kenyans, must be treated equally.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to ^{second} support the Motion.

(Question proposed)

END..... W. 

MR. MUTHURA: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to say a few words on this Motion. I believe that the hon. Mover, as well as the hon. Seconder, experienced this problem during the course of registration of voters, Kanu registration and also during the registration of persons. When the registration of voters was brought to a halt, there were three exercises which were going on simultaneously in this country. Those who had attained the age of 18 years - although quite a good number of them were past 18 years - were being registered. There was the registration of voters and also the recruitment into the ruling party, Kanu. Sir, you will find that the recruitment into the party and also the registration of voters are very much tied with the registration of persons. This is because in order to be recruited into the party, you must have an identity card and you also must have an identity card in order to be registered as a voter. Without an identity card, you will not be registered.

During that time, there was an announcement through the Voice of Kenya asking whether one had registered himself or herself as a voter and also whether one had registered as a Kanu member. I think time has come when the Government machinery, through the Press, should inform the wananchi in this respect, and remind them, particularly the youth, that ~~after the age of 18 years~~ if they are not registered at the age of 18 years, they will be liable for prosecution. They should be told that once one has attained the age of 18 years, he or she should be registered, that is, obtain an identity card. This announcement could be made through the Voice of Kenya, the Kenya Times ~~newspaper~~ which is the Party newspaper, public barazas which are held by Members of Parliament and the provincial administration, such as, chiefs and so on. Before the commencement of the registration of voters, there were so many young men and women who had attained the age of 18 years but did not have identity cards. In fact, Sir, I saw some who were already 23 years old but they had not been issued with identity cards.

MR. MUTHURA (ctd):

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This information should be relayed so that these people do not fall victims.

As the Secunder of the Motion said, without an identity card, one cannot be able to ge_t a job. The present identity cards are made of material which will not last long. I do not know whether this is the reason why they said that they should be renewed after 10 years. I remember the identity card which I obtained in 1954 was still so good and clean after so many years. I feel that the material which is used for these identity cards should be durable.

I think that the identity cards that we now hold have some discrepancies. I thought that the two numbers on the identity card should agree. You find, ~~that~~ Mr. Temporary Deputy Speaker, Sir, that some of these numbers do not agree. You will find that the number on the left_hand side of the identity card is different from the one on the righthand side. I do not know whether this is a mistake or whether it was meant to be that way. If they do not agree, then I think some correction should be done on these identity cards so that the numbers agree in future.

END X

MR. MUTHUFA (Contd.):

Mr. Temporary Deputy Speaker, Sir, I believe the Mover of this Motion had experienced this problem particularly during the registration of voters. A lot of time is wasted. People have to move from the rural areas to the district headquarters. So, when you imagine districts like Turkana, Laikipia, Machakos, Kakamega, Kisii, Kitui and so on, it means that people have to move long distances to go to the district headquarters where the national registration is being carried out. Then when somebody gets there, ^{he is} only ~~to~~ be told that there are no enough people to be photographed, or we do not have the cards, or the papers for the photographs, or the machine is out of order, or the document is not complete, the chief has not signed or the district officer has not signed it, and so on. This young man or woman has seen the form for the first time. I feel that things should be made easier so that we have no problems.

Sir, I remember I had to persuade two young men to go back and see the chief. They had said that they cannot get ~~the~~ jobs. They ^{are not} ~~are not~~ looking for jobs. They ~~cannot get~~ ^{are not} tired to go there and get identity cards, but they cannot get them. So, there is no point of going there several times, but I had to persuade them to do so. I feel that things should be made easier for young men and women.

Now, how can this be done? The District Registrar should ^{they can visit} arrange a programme to visit various areas. For instance, ^{chiefs} high schools where we have boys who are already 18 years old, ^{chiefs} centres, and divisional headquarters so that those who are not yet registered and have reached the age of registration can be registered there. Otherwise, if the exercise is going to be as difficult as it has been this year, then it means that so many young men and women will not be registered. You can imagine somebody having to walk, say, 10 to 15 kilometres to the registration centres because not all areas have matatus! ^{Somebody} ~~He~~ goes to the office and then he is told that there is a

MR. MUTHURA (Contd.):

document which is missing. Then he has to go back 10 or 15 kilometres to get it. We say that the nearer the Administrators are to the administered, the better. I feel that if the District Registrar would move to the chief's centre and register these people there, I think it would be easier and everybody would be registered.

Sir,, I am making an appeal to the people of this country who are employed, both civil servants and those in the private sector, particularly those who ^{are employed in} ~~contribute towards~~ ^{to keep good records} the N.S.S.F. The people who were employed during the colonial days have different records.


If I could refer to the civil servants, you will find that the Mzungu who employed that person did not regard the identity card as anything. He just looked at that young man and then he said he is probably 20 years. If he was 20 years at that time and the identity card said he was 18 years, and then, probably a mistake was made during the time of getting new identity cards, particularly in 1979, then you will find that this employee or civil servant has three records showing different dates of birth.

Sir, you will find that civil servants are being made to retire after some time. One is told that your last working day will be such and such a day. This is because one has reached the age of 55 years. After he retires and he submits his application to get his N.S.S.F. benefits back, he is told that he ^{still} has five more years to go. I am saying this because of several cases from my Constituency which I have been trying to argue for, but then I find that it is all in vain. This is due to the fact that when this person was employed by that Mzungu in the olden days, the record by the employer and the identity card ^{did} not agree. I appeal to the civil servants and employees ^{by} the Local Authorities and private firms to go back and check their records. They should see that the three records agree; the records by the N.S.S.F., the records in the file, and the identity card.

MR. NUTHURA (Cond.):

Otherwise, they will experience problems particularly after retirement.

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

End Y. 

MR. MULIRO: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. Firstly, I would like to thank the hon. Member who brought this Motion here. This Motion is most timely because ^{our} ~~the~~ country is one country in one region and wherever we go, we are in Kenya. Today, there are children whose parents came from Central Province, Nyanza, Kakamega and even Ukambani and they all live in Kitale. With their parents now staying in Kitale, chiefs have the audacity to tell them, "Go and get your identity cards from the districts where your fathers come from." A child who was born in Trans-Nzoia, after his parents had left Nandi in 1960, does not know the elders in Nandi, Kiambu or Bungoma. How can a child like that be told, "Go to the district of your father's origin"? This discrimination by chiefs should be wiped out.

I would say that the Ministry in charge of Provincial Administration has become a terrorist organisation // to wananchi. The chief has too much authority. Even a sub-chief will tell ^{an hon.} a Member of Parliament, "You cannot hold a meeting." Where are we going? If one is denied the right to address the people who elected him, what does one expect? In Cheranganj and Kwanza Divisions, in my constituency, before a youth of 18 years of age, ^{is given an identity card,} he has to pay Shs.50/= to the chief for development. I do not see where that money for development goes to. The chief has no sub-committee or any committee for any sort of development which handles that money. The money must be going into the personal development of a chief. An identity card is the right of every Kenyan citizen. If a man's parents are questionable, the Administration should establish that. Otherwise, any youth who reaches the age of 18 years should get an identity card because at the age of majority, one should have the right to identify himself as a Kenyan for employment and all other purposes. During the last Kanu Membership Registration Drive, many youngsters in Trans-Nzoia were not able to register themselves because they were not issued with identity cards although that is their right. Others could not register because their identity cards were delayed. Some others could not do so because they did not have Shs.50/= to pay to the chief in order to get clearance.

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MR. MULIRO (CTD.):

Mr. Temporary Deputy Speaker, Sir, there is a case in question in Trans-Nzoia where a chief took away the identity card of a Kenyan citizen who had been allocated a plot and said that the citizen was from Uganda. ~~THE~~

END Z

MR. MULIRO (ctd);

The Chief took that plot and gave it to another chap from Eldoret and the other fellow was repatriated to Uganda. When he got to Uganda the people of Uganda said "This one is not a Ugandan". They imprisoned him for four months. After completing his ~~priz~~ prison term the fellow was given a letter and told "Go ~~hak~~ back to Kenya; you are not a Ugandan citizen." We are filing a case against the State because of ill-treatment of its citizens. There is a chief there who registers any ~~Sebei~~ Sebei because he originally came from Sebei. I am talking about the Chief of Kwanza Location. He registers any ~~Sebei~~ Sebei but he tells the Bukus from Bungoma to go back to Bungoma and be issued with identity cards there. He tells them "You are ~~z~~ Bagisu." ~~He~~ Of course ethnically Bukusu and ~~Bagisu~~ Bagisu are very much alike. But we have been living in Kenya. My grandfathers grave is in Uganda but my ~~father's~~ father's grave is in Kenya. My brother's grave is in Kenya and my maternal grandfather and paternal grandmother are all in Kenya. So, nobody can tell me that I am a Mgishu. I have some connections with Uganda. That has been due to the migration of all Africans from the North ~~to~~ down towards the South. So, I think the ~~ch~~ chiefs have got too much power. The Chiefs' ~~z~~ Authority Act must be scrapped. How can one honestly take money from a youngster of 18 years and who wants to be issued with an identity card? You are a thief if you do that. That chief is a thief. When I raised this matter with the District Commissioner he just said "Do not do that. You will be tired because the Chief is a Nandi." I told him "This is because you are appointing all chiefs from the Nandi tribe because you happen to be Kalenjin."

So, I think the hon. Member who brought this Motion must be thanked by this House. The Government must accept--- If the Government cannot accept accountability of Government officers then that Government is ruining this country. They must be accountable for their misdeeds. ~~That is the responsibility of the Government~~ Nobody is accountable for the problems of Kenyans. No country can be run well when if ~~anything~~ anything ~~you~~ goes wrong nobody can ~~be~~ account for it. How can that be? This is a great shame and it is a humiliation to ~~any~~ any thinking Kenyans.

With these very few remarks, I ~~express~~ heartily support this Motion.

ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER(Mr. Mutiso): Hon. Members I do not think we have more time continue with this debate. It is now time for the interruption of Business and therefore the House is adjourned until this afternoon at 2.30 p.m.

The House rose at thirty minutes past Noon

END.AA..

Fifth Parliament
Fifth Session



VOL. LXXIII

REPUBLIC OF KENYA
**THE NATIONAL
ASSEMBLY**
OFFICIAL REPORT

Wednesday, 14th October, 1987—(Contd.)

(Afternoon Sitting)

ORAL ANSWERS TO QUESTIONS

Questions Nos. 578, 441, 567, 571, 564, 598, 496, 594 and 599 (Col. 297)

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Tsetse Flies Invasion in Karachuonyo (Mrs. Asiyo)—Dropped (Col. 309)

Payment of Salary to Mrs. Bosire (Mr. Abuya-Abuya) (Col. 309)

Owners of East African Publishing House (Mr. Wamae) Col. 311

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Motion

THAT Mr. Speaker do now Leave the Chair

Vote 31—Ministry of Education, Science and Technology—The Minister for Research Science and Technology, on behalf of the Minister for Education on 13th October, 1987—Resumption of Debate—Agreed to (Col. 314)

In Committee and Report

Ministry of Education, Science and Technology—Agreed to in Committee (Col. 342)

Reported without Amendment (Col. 347)

MOTION

Sessional Paper No. 7: Loan Guarantee to Kenya Ports Authority—Mr. Shikuku on 29th July, 1987—Resumption of Debate interrupted on 13th October, 1987—Debate interrupted again without Question proposed (Col. 347)

Thursday, 15th October, 1987

ORAL ANSWERS TO QUESTIONS

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[P.T.O.]

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[Mr. Mwaruwa]

law of the land and, therefore, there is no question of my Motions being sensitive. I am a typical Nyayo follower, and I can even say I am a more Nyayo follower than other people who call themselves Nyayo followers. My hands are very clean. Even my chickens, my cats and everything else at home are all Nyayo.

Mr. Temporary Deputy Speaker, Sir, recently I brought a Motion to this House regarding foreigners who have grabbed land in places like Kwale, Mombasa North and in other places in the country. That land should be taken back to the hands of indigenous black Africans, who are the rightful owners of this land. I said that in Kwale there are Asians who are buying land and these Asians have grabbed all the land and made our fellow Africans continue to suffer since the time of colonial regime. Some of our leaders in this country went and joined these Asians and started accusing hon. Mwaruwa of being a tribalist. They are accusing me of intending to take the land from them. I belong to Kwale and I am a Mdiggo by tribe and I feel very bad when I see those Asians holding that land saying it is theirs when we are the people who have the right to own that land. I would like to assure this House that I will fight with all the means that I can think of to make sure that Wadigo get back their land from these Asians. I will fight with all means including these to make sure we have our land back.

(Mr. Mwaruwa demonstrated with his hands)

Mr. Temporary Deputy Speaker, Sir, it is important for us to draw our attention to this question of identity cards—

Mr. Kikuyu: On a point of order, Mr. Temporary Deputy Speaker. For the purpose of the records of this House, what will be recorded in the HANSARD, when the Mover of this Motion says that he will fight by all means including “these”? Can he elaborate on this so that it can be recorded properly in the HANSARD for our future generations to read it.

Mr. Mwaruwa: Mr. Temporary Deputy Speaker, Sir, when I talk, I normally move my hands, and if the hon. Member is blind, then he can say he did not see me doing so. I move my hands all the time to exercise my strength. I brought this Motion to the House—

Mr. Kikuyu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I was watching the hon. Member speaking very well and he said that he will use all means including “these”, and I am asking how this will be recorded in the HANSARD.

The Temporary Deputy Speaker (Mr. Mutiso): Yes, Mr. Mwaruwa, I think it is fair for you to say exactly what you mean so that it is recorded. The demonstration you made by using your hands cannot be recorded. I think what hon. Kikuyu is insisting on is that you say exactly what you mean by saying, including “these” or you simply forget it.

Mr. Mwaruwa: I wonder why I should be asked to withdraw that. I am very tough and I would like to say that if we do not back our land, we shall use physical force to get it back. When I said that we shall use all

means including “these”, this is what I meant. This is our method of—

Mr. Kikuyu: On a point of order, Mr. Temporary Deputy Speaker—

Mr. Mwaruwa: Let me finish and then you can talk. When I said we shall fight by all means including “these” I meant to say that we shall fight to make sure we get back our land from these people. It is high time the Office of the President, which has always been very fair in rendering services to the rich and the poor, came to our aid. We appreciate the good work that they have been doing, and I would like to say ‘thank you’ very much to them. I am saying this because the Office of the President is one of the few offices which have been tirelessly assisting wananchi. Perhaps the information regarding what is now happening in administration offices regarding the issuance of identity cards has not reached the Office of the President. I brought this Motion to the house so that they can be informed, and I am happy because the Minister of state in the Office of the President is here and he has heard all I have said. My intention is not to accuse the Administration but to say that system which they are trying to introduce here is not fair. I think everybody in this country who is a Kenyan has the right to be considered for the issuance of identity cards. I am saying this because without an identity card in this country one feels that one is not a full Kenyan. Therefore, from today onwards the Minister should take this matter into consideration and inform his administration officers all over the country to make sure that in future every Kenyan is considered for the issuance of an identity card, no matter where he or she comes from. Therefore, as long as a person is a Kenyan, he or she should be issued with an identity card, and this is why I brought this Motion to the House so that the Office of the President may understand what is going on in the administration offices throughout the country.

Mr. Temporary Deputy Speaker, Sir, I brought this Motion to the House because I am a true Nyayo follower. I did not want to go and talk behind the doors on this issue. I brought this matter here so that we can discuss it with my hon. colleagues here, so that they can also air their views. This Motion is well understood and there is nothing sensitive about it. When I bring any issue to this House, it is because I think I have a right to do so, and there is nothing sensitive about this. Therefore, this Motion has nothing sensitive in it. It is a very clean Motion. It is a Motion with good intentions aimed at assisting our young people who leave schools. When these young people leave school and want to be considered for employment, they cannot be employed without having identity cards, nor can they travel outside Kenya without identity cards.

With those few remarks I beg to move and ask the Chair to allow Mr. Kiliku to second the Motion.

Mr. Kiliku: Mr. Temporary Deputy Speaker, Sir, first and foremost I would like to thank hon. Mwaruwa for bringing this very important Motion to this House and for calling upon me to second it. This is a signal to

[Mr. Kilika:]

the Office of the President regarding the problems facing the young people in the big towns, and particular in Mombasa. Due to these problems our young people who have attained 18 years of age have fallen victim of many things. They have fallen victim of forced Harambee contributions by the assistant chiefs.

Mr. Temporary Deputy Speaker, Sir, I witnessed one incident in Miritini where youths were being forced to pay Harambee contributions in order to be given application forms for identity cards. I confirmed this incident and raised it in this House. Our young people have also fallen victim of lack of job opportunities because by law, if you are looking for employment in this country you have to be identified, and an identity card is the only document which can identify you if you have to get employment. So, these young people have fallen victim of this problem of lack of employment just because they cannot get identity cards.

Mr. Temporary Deputy Speaker, Sir, the other point I wanted to mention is that this is a clear case of discrimination of Kenyans by other Kenyans. I do not know why people should be discriminated against. Is there any logic for someone to be told to go to his home when he is in Kenya and he is a Kenyan? Some of the people who are told to go to their home districts have no bus fare. We are also wondering as to why people living in Kenyan towns today should be told to report to their respective home chiefs when we believe that so long as they are in Kenyan towns they are at home. I would like to suggest one point which I think the Minister will note down. The Office of the President must establish a certain system so that students in secondary schools and other public institutions can be issued with identity cards on attaining 18 years so that they can leave those institutions with the identity cards. I think such a system would help our youth a lot. During the last week of the registration of voters there was a directive from the Government that those clerks doing the registration should go to institutions like polytechnics and others to register those who were eligible. The same system must be applied when it comes to issuing identity cards, so that those young men and women who attain the age of 18 can be issued with identification cards without having to go to the chiefs.

The other thing I wanted to say that I do not know why there is no machinery of identifying Kenyans and non-Kenyans in our towns. This kind of discrimination existed during the kingdom of the Sultan of Mombasa; it existed during the colonial system. A married lady or even a man was required to be cleared by the chief in order to go to Mombasa. One had to be given a limited amount of time to stay in Mombasa, and if that time period elapsed he was required to report to the chief for extension. The same discrimination has been carried forward and is now being applied in the issuance of identity cards. I think it is high time we

did away with such a colonial hangover. I do call upon the office of the President to issue a circular to the effect that if one goes to the chief or the district commissioner for anything he should not be forced to contribute to Harambee projects. Let people contribute to Harambee projects on their own will. These days many people are scared of going to the offices of chiefs or assistant chiefs; hon. Members of Parliament are now doing the work of chiefs and assistant chiefs because wananchi fear to be forced to contribute to Harambee.

Mr. Temporary Deputy Speaker, Sir, I do not intend to take more time on this very important Motion. I am only calling upon the Government to ensure that all the people anywhere in this country, so long as they are Kenyans, are treated equally.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Muthura: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to say a few words on this Motion. I believe that the hon. Mover, as well as the hon. Secunder, experienced this problem during the course of registration of voters, Kanu registration and also during the registration of voters was brought to a halt there exercises which were going on simultaneously in this country. Those who had attained the age of 18 years—although quite a good number of them were past 18 years—were being registered. There was the registration of voters and also the recruitment into the ruling party, Kanu. Sir, you will find that the recruitment into the party, and also the registration of voters, are very much tied up with the registration of persons. This is because in order to be recruited into the party you must have an identity card, and you also must have an identity card in order to be registered as a voter. Without an identity card you will not be registered.

During that time there was an announcement through the Voice of Kenya asking whether one had registered himself as a voter, and also whether one had registered as a Kanu member. I think the time has come when Government machinery, through the Press, should inform the wananchi in this respect, and remind them, particularly the youth, that if they are not registered at the age of 18 years they will be liable to prosecution. They should be told that once one has attained the age of 18 he or she should be registered, that is, obtain an identity card. This announcement could be made through the Voice of Kenya, the *Kenya Times* which is the Party newspaper, public barazas which are held by Members of Parliament and the provincial administration, such as, chiefs and so on. Before the commencement of the registration of voters there were so many young men and women who had attained the age of 18 years but did not have identity cards. In fact, Sir, I saw some who were already 23 years old but they had not been issued with identity cards. This information should be relayed so that these people do not suffer.

[Mr. Muthura:]

As the Seconder of the Motion said, without an identity card one cannot be able to get a job. The present identity cards are made of material which will not last long. I do not know whether this is the reason why they said that they should be renewed after 10 years. I remember the identity card which I obtained in 1954 was still so good and clean after so many years. I feel that the material which is used for these identity cards should be durable.

I think the identity cards we now hold have some discrepancies. I thought that the two numbers on the identity card should agree. You find, Mr. Temporary Deputy Speaker, Sir, that some of these numbers do not agree. You will find that the number on the left-hand side of the identity card is different from the one on the right-hand side. I do not know whether this is a mistake or whether it was meant to be that way. If there is a mistake, then I think some correction should be done.

Mr. Temporary Deputy Speaker, Sir, I believe the Mover of this Motion had experienced a problem particularly during the registration of voters. A lot of time is wasted. People have to move from the rural areas to the district headquarters. So, when you imagine districts like Turkana, Laikipia, Machakos, Kakamega, Kisii, Kitui and so on, it means that people have to move long distances to go to the district headquarters where the national registration is being carried out. And when somebody gets there he is told that there are not enough people to be photographed, or "we do not have the cards," or there are no papers for the photographs, or the machine is out of order, or the document is not complete, the chief has or the district officer has not signed it, and so on. This young man or woman has seen the form for the first time I feel things should be made easier so that we have no problems.

Sir, I remember I had to persuade two young men to go back and see the chief. They had said that they cannot get jobs. They are looking for jobs. They are not tired to go there and get identity cards, but they cannot get them. So there is no point of going there several times, but I had to persuade them to do so. I feel that things should be made easier for young men and women.

Now, how can this be done? The district registrar should arrange a programme to visit various areas. For instance, they can visit high schools where we have boys who are already 18 years old, chiefs' centres and divisional headquarters so that those who are not yet registered and have reached the age of registration can be registered there. If the exercise is going to be as difficult as it has been this year, then it will mean that so many young men and women will not be registered. You can imagine somebody having to walk, say, 10 to 15 kilometres to the registration centres because not all areas have matatus. Somebody goes to the office and then

he is told that there is a document which is missing. Then he has to go back 10 or 15 kilometres to get it. We say that the nearer the administrators are to the administered, the better. I feel that if the district registrar would move to the chief's centre and register these people there the process would be easier and everybody would be registered.

Sir, I am making an appeal to the people of this country who are employed, both civil servants and those in the private sector, particularly those who are employed in the N.S.S.F. to keep good records. The people who were employed during the colonial days have different records. If I could refer to the civil servants, you will find that the Mzungu who employed did not regard the identity card as anything. He just looked at that young man and then he said he is probably 20 years. If he was 20 years at that time and the identity card said he was 18 years, and then probably a mistake was made during the time of getting new identity cards, particularly in 1979, then you will find that this employee or civil servant has three records showing different dates of birth.

Sir, you will find that civil servants are being made to retire after some time. One is told that his last working day will be such and such a day. This is because one has reached the age of 55 years. After he retires and he submits his application to get his N.S.S.F. benefits back, he is told that he still has five more years to go. I am saying this because of several cases from my constituency which I have been trying to argue for, but then I find that it is all in vain. This is due to the fact that when this person was employed by that Mzungu in the olden days, the record by the employer and the identity card did not agree. I appeal to the civil servants and employees of the local authorities and private firms to go and check their records. They should see that the three records agree; the records by the N.S.S.F., the records in the file, and the identity card, otherwise our pupils will experience problems particularly after retirement.

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

Mr. Muliro: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. Firstly, I would like to thank the hon. Member who brought this Motion here. This Motion is most timely because our country is one country in one region and wherever we go, we are in Kenya. Today there are children whose parents came from Central Province, Nyanza, Kakamega and even Ukambani and they all live in Kitale. With their parents now staying in Kitale, chiefs have the audacity to tell them, "Go and get your identity cards from the districts where your fathers come from." A child who was born in Trans-Nzoia, after his parents had left Nandi in 1960, does not know the elders in Nandi, Kiambu or Bungoma. How can a child like that be told, "Go to the district of your father's

[Mr. Muliro:]
origin"? This discrimination by chiefs should be wiped out.

I would say that the Ministry in charge of Provincial Administration has become a "terrorist organisation" to wananchi. The chief has too much authority. Even a sub-chief will tell an hon. Member of Parliament, "You cannot hold a meeting." Where are we going? If one is denied the right to address the people who elected him, what does one expect? In Cherangani and Kwanza Divisions, in my constituency, before a youth of 18 years of age is given an identity card he has to pay Sh. 50 to the chief for development. I do not see where that money for development goes to. The chief has no sub-committee or any committee for any sort of development which handles that money. The money must be going into the personal development of a chief.

An identity card is the right of every Kenyan citizen. If a man's parents are questionable, the administration should establish that. Otherwise, any youth who reaches the age of 18 years should get an identity card because at the age of majority one should have the right to identify himself as a Kenyan for employment and all other purposes. During the last Kanu Membership Registration Drive many youngsters in Trans-Nzoia were not able to register themselves because they were not issued with identity cards although that is their right. Others could not register because their identity cards were delayed. Some others could not do so because they did not have Sh. 50 to pay to the chief in order to get clearance.

Mr. Temporary Deputy Speaker, Sir, there is a case in question in Trans-Nzoia where a chief took away the identity card of a Kenyan citizen who had been allocated a plot and said that the citizen was from Uganda.

The chief took plot and gave it to another chap from Eldoret, and the other fellow was repatriated to Uganda. When he got to Uganda the people of Uganda said; "This one is not a Ugandan". They imprisoned him for four months. After completing his prison term the fellow was given a letter and told; "Go back to Kenya; you are not a Ugandan citizen." We are filing a case against the State because of ill-treatment of its citizen.

There is a chief who registers any Sebei because he originally came from Sebei. I am talking about the Chief of Kwanza Location. He registers any Sebei but he tells the Bukusu from Bungoma to go back to Bungoma and be issued with identity cards there. He tells them "You are Bagisu." Of course, ethnically Bukusu and Bagisu are very much alike. But we have been living in Kenya. My grandfather's grave is in Uganda but my father's grave is in Kenya. My brother's grave is in Kenya and my maternal grandfather and paternal grandmother are all in Kenya. So, nobody can tell me that I am a Mgishu. I have some connections with Uganda. That has been due to the migration of all Africans from the North down towards the South.

So I think our chiefs have got too much power. The Chiefs' Authority Act must be scrapped. How can one honestly take money from a youngster of 18 years who wants to be issued with an identity card? You are a thief if you do that. That chief is a thief. When I raised this matter with the district commissioner, he just said: "Do not do that. You will be tired because the chief is a Nandi." I told him "This is because you are appointing all chiefs from the Nandi tribe because you happen to be Kalenjin."

I think the hon. Member who brought this Motion must be thanked by this House. The Government must accept— If the Government cannot accept accountability of Government officers, then that Government is ruining this country. They must be accountable for their misdeeds. Nobody is accountable for the problems of Kenyans. No country can be run well when, if anything goes wrong, nobody can account for it. How can that be? This is a great shame and it is a humiliation to any thinking Kenyans.

With these very few remarks, I heartily support this Motion.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Mutiso): Hon. Members, I do not think we have more time to continue with this debate. It is now time for the interruption of business and, therefore, the House is adjourned until this afternoon at 2.30 p.m.

The House rose at thirty minutes past Noon.

Wednesday, 14th October, 1987

The House met at thirty minutes past Two o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Munyao: Mr. Speaker, Sir, before I ask my question, may I inform the Minister that I have not received the written reply to this question.

No. 578

DRY POWDER MILK PLANT IN TAWA-KITETA

Mr. Munyao asked the Minister for Livestock Development—

- (a) whether he is aware of a proposal to put up a dry powder milk plant in Tawa-Kiteta Location; and
- (b) if the answer is "Yes", when it will be implemented and if "No", whether he will direct a feasibility study to be done with the aim of putting up one.

The Assistant Minister for Livestock Development (Mr. Oyondi): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of a proposal to put up a dry powder milk plant in Tawa-Kiteta Location.

(b) Feasibility study for such a project cannot be carried out at the present time because, milk production in Tawa-Kiteta Location does not warrant such a study.

Mr. Munyao: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, I am wondering whether he has taken into account the availability of milk in Mbooni Constituency since Tawa-Kiteta is right in the middle of Mbooni. Can he authorize a feasibility study to be carried out here, taking into account the availability of milk around the radius of the many locations around there?

Mr. Oyondi: Mr. Speaker, Sir, a project of this nature should have been discussed by the local district development committee (D.D.C.). As it is now, the D.D.C. has never discussed the project; and in any case, the daily production and consumption of milk in Tawa-Kiteta Location for the last three years is as follows:

In 1984, the production was 205,532 kg. and the consumption during that year was 205,523kg. In 1985, they produced 222,251 kg. and the consumption was the same.

In 1986, they produced 359,434 kg. and the consumption also during that year was 359,434.

These figures show that all the milk produced in Tawa-Kiteta Location is locally consumed and, therefore, the farmers should be urged to increase their production if setting up a milk processing plant is to be feasible.

Mr. Munyao: Mr. Speaker, Sir, is the Assistant Minister in order to confine himself on Tawa-Kiteta location when I have, in fact, alerted him that the locations around there are all milk producers; they produce a lot of milk? Is he correct to confine himself to Tawa-Kiteta only?

Mr. Oyondi: Mr. Speaker, Sir, the hon. Questioner asked about Tawa-Kiteta Location and if he now wants to extend his question to cover the whole of Mbooni Constituency, he should ask another question.

Mr. Munyao: On a point of order, Mr. Speaker, Sir, I think the Assistant Minister is evading answering my question. I said that Tawa-Kiteta would be a central point for the purposes of putting up the milk processing plant in order to be fed by farmers from the surrounding area who have a lot of dairy cattle.

Mr. Oyondi: Mr. Speaker, Sir, just do not understand what my hon. friend wants me to do. The question put to my Ministry is about Tawa-Kiteta Location; and I am saying that if he wants that question to include other areas around that location, he should submit that question so that we can reply to it accordingly.

Mr. Speaker: Next question.

No. 590

RECREATIONAL HALLS IN DAGORETTI

Mr. Gachanja asked the Minister for Local Government—

- (a) whether he is aware that there is no recreational hall for the residents of Gatina, Kawangware and Riruta Satelight villages of Dagoretti; and
- (b) when the City Commission will construct the recreational hall and where.

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

(a) Yes, I am aware.

(b) Nairobi City Commission has plans for the construction of community centres at Kawangware and Riruta Satelight to be included in the 1988/89 Estimate. During that financial year, suitable sites will be selected for the projects.

Mr. Gachanja: Mr. Speaker, Sir, that answer is terribly unsatisfactory. The hon. Assistant Minister has avoided saying where this important recreational hall is going to be erected and when. Could he give those two answers?

Mr. Marita: Mr. Speaker, Sir, while carrying out that exercise, we shall consult the hon. Member to tell us which sites would be best. I have just indicated that this will be done during the 1988/89 Estimates. So, as regards the question of saying "When", I have already given an answer.

Mr. Gachanja: On a point of order, Mr. Speaker, Sir, The answer given by the Assistant Minister that he is going to consult me, clearly indicates

[Mr. Gachanja:] that the city commission has no plans because they are not supposed to consult me. They are supposed to know where the recreational hall should be built. Therefore, this clearly indicates that the city commission is doing nothing and so, the Assistant Minister should tell us why the Nairobi City Commission dissolved.

Mr. Marita: Mr. Speaker, Sir, I will not agree with the hon. Member that the Nairobi City Commission is doing nothing. What I mean to say here is that there is plenty of time, and we shall not only consult the hon. Member as to where the sites should be, but also other people concerned.

No. 441

PAYMENT FOR MR. ARAP KALIA'S TEA-LEAVES

Mr. Koske asked the Minister for Agriculture—

- (a) whether he is aware that Mr. Kipsigei arap Kalia, tea farmer No. T. G. 02 0179, Kericho District, was not paid his 539 kilograms of tea-leaves delivered between September, 1985, and May, 1986; and
(b) when he will be paid.

The Assistant Minister for Agriculture (Mr. arap Saina): Mr. Speaker, Sir, I beg to reply.

(a) Mr. Kipsigei arap Kalia, tea grower No. 02 0179, was paid for his green leaf deliveries during the period between October, 1985, and May, 1986, respectively, through his bank account No. 1410045-01160 with Kenya Commercial Bank, Kericho. This was for the month of September, 1985. He was paid in cash for 171 kilograms of green leaf together with his bonus. That, therefore, amounted to KSh. 7,842.10.

(b) In view of the answer to part (a) of the question, this part does not arise.

Mr. Koske: Mr. Speaker, Sir, I am surprised to learn from the Assistant Minister that the complainant was paid. However, is the Assistant Minister aware that some 539 kilograms of tea-leaves belonging to Mr. Kipsigei was overlooked and that it is not reflected in the receipts?

Mr. arap Saina: Mr. Speaker, Sir, the documentation of these accounts is very complicated, but that does not mean that we are not alert to look at certain facts. We are up to date. I understand that we still owe Mr. Kipsigei some KSh. 566.45, which will be paid together with his May, 1987, proceeds. He will be paid through his accounts which I have quoted as account No. 141004501-160 with Kenya Commercial Bank in the hon. Member's constituency.

Mr. Koske: Mr. Speaker, Sir, can the hon. Assistant Minister clarify as to whether what the Kenya Tea Development Authority owes this farmer is the value of the missing 539 kilograms of tea-leaves?

Mr. arap Saina: Mr. Speaker, Sir, I have already clarified that. However, if the hon. Member wants a detailed clarification, I can provide it further.

For a total sum of 1,088½ kilograms of green leaves delivered to our factory, we have paid, through the bank account, a sum of KSh. 9,703.10. The rest of the money, which the hon. Member is doubting, will be paid soon through that same account.

Mr. Koske: On a point of order, Mr. Speaker, Sir, Is it really in order for the Assistant Minister to say that this farmer was paid for his green leaf delivery and then later on to say that they owe him? Is the Assistant Minister in order to say that the farmer was paid everything and then, in the course of his answer, say that the K.T.D.A. owes the farmer some money?

Mr. arap Saina: Mr. Speaker, Sir, the hon. Member said that there were some kilograms of tea-leaves missing in the farmer's receipts, and I told him that we have received the information and we are going to pay the value of those missing kilograms. That is what I have said.

(Hon. arap Saina pointed at hon. Koske)

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I think you saw what hon. arap Saina did. He actually pointed a finger at the hon. Questioner. Is that in order?

Mr. Speaker: No, it was not in order.

Mr. arap Saina: Mr. Speaker, Sir, I was not pointing a finger at anybody, leave alone the hon. Questioner. I was merely turning going back to my seat.

No. 567

PAYMENT OF SALARY TO MRS. MBONE

Mr. Omido asked the Minister for Labour—

- (a) whether he is aware that Mrs. Elizabeth M. Mbone, an employee of M/S Elite Studios Limited of P.O. Box 40683, Nairobi, has not been paid her salary since February, 1987, despite several requests by the employer;
(b) whether he will take immediate action to prosecute the employer for failing to pay an employee wages due to her and thus contravening the Employment Act; and
(c) whether he will ensure that this employee is paid her dues immediately.

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

(a) The Minister is not aware that Mrs. Elizabeth Mbone, an employee of Elite Studios Ltd., has not been paid her salary since February, 1987. The Minister is, however, aware that Mrs. Mbone's services were terminated by the employer on 21st of February, this year. On termination of her services, Mrs. Mbone was offered the following terminal benefits which she initially refused to accept:

	KSh.
One month's pay in lieu of notice ...	800.00
Three months' ex-gratia payment ...	2,400.00
21 days worked in February ...	560.00
TOTAL	3,760.00

[The Assistant Minister for Labour:]

When Mrs. Mbone refused to accept the terminal benefits, the employer deposited the money with the Provincial Labour Officer, Nairobi, and the money is still lying there.

(b) In respect of what I have said in reply to part (a) of the question, my Ministry does not contemplate taking any action to prosecute the employer as he has not failed to pay wages to the employee in question.

(c) Mrs. Mbone's terminal dues amounting to KSh. 3,760.00, as offered by the employer, are lying with the Provincial Labour Officer, Nairobi. A further amount of KSh. 3,200 was claimed by officers of my Ministry on her behalf in respect of severance pay as it was discovered that she was not given prior warning before her dismissal. This additional amount has also been paid and she has been asked to collect it from the Provincial Labour Officer, Nairobi.

Mr. Omido: Thank you, Mr. Speaker, Sir.

No. 571

RELEASE OF MR. MOHAMED SAID'S EXAMINATION RESULTS

Mr. Kiliku asked the Minister for Education—

(a) whether he is aware that Mr. Mohamed Said, a former student at Tudor Day Secondary School, did his EACE, Index No. K1604/058 in 1975 and has not received his results; and

(b) when he will release his results.

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

(a) I am not aware that Mr. Mohamed Said, who was a former student at Tudor Day Secondary School and did the East African Certificate of education Examination using Index No. K1604/058 in 1975 has not received his results. Mr. Said's results were released to the Headmaster of Tudor Day Secondary School in March, 1976, together with the results of other candidates who sat for E.A.C.E. in 1975. However, this candidate achieved an overall result of 52 points, which meant that he failed. He did not, therefore, qualify for the award of an E.A.C.E. certificate.

(b) Mr. Speaker, Sir, in 1975, the East African Certificate of Education (EACE) examination results for Tudor Day Secondary School were released in March, 1976. Mr. Mohammed Said should, therefore, be advised to collect his examination results from the headmaster of Tudor Day Secondary School.

Mr. Kiliku: Mr. Speaker, Sir, my question is not about the qualifications of Mr. Mohammed Said, but about the release of his results. This young man has been going to that secondary school but he has not so far received his results. Since the Assistant Minister was not aware of that and now that he has been made aware that this young man

has not yet received his results, what action is he going to take?

Mr. Kisiero: Mr. Speaker, Sir, Mr. Mohammed Said can go to Tudor Day Secondary School where he can obtain his results from the headmaster of the school.

Mr. Kiliku: Mr. Speaker, Sir, Mr. Mohammed Said has been going to this school, but since there had been some misunderstanding between him and the headmaster, the latter does not want to release the results. What action is the Assistant Minister, therefore, going to take? Why does he not instruct the headmaster to release the results of this young man?

Mr. Kisiero: Mr. Speaker, Sir we will get in touch with the headmaster to find out the problem that exists between him and Mr. Mohammed Said.

No. 564

POOR ACADEMIC PERFORMANCE AT ST. VALENTINE HIGH SCHOOL

Mr. Kikuyu asked the Minister for Education—

(a) whether he is satisfied with the present academic performance of St. Valentine High School, Machakos and if not, what steps he is taking to improve its standards;

(b) how many students have dropped out of that school because of pregnancy in the last three years and what he is doing to curb that trend; and

(c) what measures is the Ministry taking to improve its boarding facilities.

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

(a) I am not satisfied with the present performance of St. Valentine High School, which is a private school situated in Machakos District. The 1986 K.C.E. examination results for this school were deplorable as only 36 out of 153 candidates obtained a pass in Divisions I—III and 44 of them got Division IV while 73 failed the examination.

The following steps are being taken to improve the standards in this school. First of all, the management has undertaken to recruit better qualified teachers. Secondly, the management has purchased more text books and pupils will be encouraged to buy their own copies. Thirdly, secondary school inspectors have been instructed to inspect this school and follow up previous inspection reports to ensure that recommendations made in the reports are implemented. The school has been inspected twice this year, in April and August, and was also visited by our inspectors at the beginning of the current third term. Fourthly, as from 1988, the school will be split into two, a girls' and a boys' school. St. Valentine Girls School will be on a separate site and has already applied for registration.

(b) From 1984, eight girls have dropped out of this school due to pregnancies as indicated below:

[The Assistant Minister for Education]

In 1984—One in Form 4

In 1985—One in Form 4 and one in Form 3

In 1986—Two in Form 4 and one in Form 3

In 1987—One in Form 4 and one in Form 1

Curbing pregnancies will largely depend a lot on the effort of the school and the understanding and attitude of the parents and of the girls themselves. However, the girls will be moved to a new site in a new school known as St. Valentine Girls' Secondary School. This will facilitate security and the welfare of the girls.

(c) The Ministry has already inspected this school and will invariably continue to undertake more frequent inspections to ascertain that this institution conforms to the laid down education standards in the boarding section. Furthermore, the school management has been asked to maintain high standards of health and safety regulations. Besides that the pupils must observe all the school rules and general cleanliness.

Mr. Kijouu: Mr. Speaker, Sir, could the Assistant Minister tell this House what he is doing to curb over-enrolment in most private schools which is making the standards of education go down the teachers do not have enough time to have an individual concentration on each student to see how he can improve?

Mr. Kisiero: Mr. Speaker, Sir, the Ministry is doing everything possible to ensure that private schools improve their standards of education that they offer to the pupils. In fact, recently our Minister for Education addressed members of private schools from Nairobi, Kiambu and Machakos Districts at the Kenya Polytechnic on the 6th October, 1987 where he asked them to offer quality education and healthy competition and not to go in for profits as the motivating force behind their operations. The Minister, furthermore, asked the management of these privately run schools to ensure that the welfare and proper guidance of the pupils was paramount and that planning of the course of action must take into account the well-being and the intellectual, spiritual and social development and discipline of the pupils.

Mr. Kijouu: Mr. Speaker, Sir, in my supplementary question I asked the Assistant Minister to specify the action that he has taken on private schools to curb over-enrolment which is making teaching almost impossible. This is because you will find in one class you have over 80 students squeezed in one class and four sharing a desk. How can they learn in such crowded conditions?

Mr. Kisiero: Mr. Speaker, Sir, the reason why the Minister called the owners of these private schools to a meeting, was to tell them precisely what my hon. friend is saying, that is, not to over enrol, or to be guided by money, but to give quality education. So, the Ministry is paying a lot of attention to ensure that private schools improve their standards of education.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. The question raised by hon. Kikuyu is a very important one. The Assistant Minister has just given a general guidance of what they are doing, but this is a particular question to the effect that in a class you will find that there are about 80 students more than the class can accommodate. What is the Ministry doing in terms of issuing regulations to these private schools in order to curb that over-enrolment? He has not answered that question.

Mr. Kisiero: Mr. Speaker, Sir, I have said they have been instructed to ensure that there is no over-enrolment in a class and to abide by the normal regulations that pertain in other Government schools.

No. 598

QUALIFIED TEACHERS FOR MARAFA SECONDARY SCHOOL

Mr. Ndzai asked the Minister for Education—

- (a) whether he is aware that Marafa Harambee Secondary School does not have any qualified teacher in its establishment; and
- (b) whether he could urgently post Teachers Service Commission teachers to improve its education standards.

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

(a) I am aware that no qualified teacher was posted to Marafa Harambee Secondary School.

(b) I would like to say that, as soon as the TSC was requested to assist in running this Harambee school, they have quickly now posted teachers there to man the school. The teachers have already reported at the school, but one of them has just taken maternity leave and I hope that she will be resuming her duties soon. These teachers are:

Mrs. Mary Naigade—TSC No. 263319

Mr. Ndzui David Ndenge—TSC No. 263317

Mr. Robert Kitili—TSC No. 127061

Mr. Kitiku: On a point of order, Mr. Speaker, Sir. The Assistant Minister did not reply to the question as it is but he talked about the particulars of the teachers. The hon. Questioner wanted to know the qualifications of the teachers who are in that school.

Mr. M'Maitsi: Mr. Speaker, Sir, I said that I was aware that there was no qualified teacher posted to this school and as soon as they are found, they will be posted there. At the moment, we have given them teachers.

Mr. Shitiku: Arising from that sad reply, Mr. Speaker, Sir, is it only now that the Assistant Minister is aware that that school does not have qualified teachers or was he aware before the question was tabled?

Mr. M'Maitsi: Mr. Speaker, Sir, I was aware because I have already posted untrained teachers to that school who are manning it and I am aware that it has no qualified teacher. Therefore, as soon as the teachers are available, we will post them there and to other Harambee schools as well.

Mr. Speaker: Mr. Mwachofi's question.

Mr. Ndzai: On a point of order, Mr. Speaker, Sir, in his reply the Assistant Minister said that three teachers, one of whom is trained, have been posted to the school. However, the headmaster does not want to release this teacher, Mr. Robert Kiti, T.S.C. No. 127061 to go to Marafa Harambee Secondary School. Would the Assistant Minister assure this House that the headmaster will release this teacher so that Marafa Harambee Secondary School can also have a trained teacher?

Mr. M'Maitisi: Mr. Speaker, Sir, if the teacher has received a posting order to go to Marafa Harambee Secondary School, it is his duty to go and report to the headmaster of that school. The Headmaster, Marafa Harambee Secondary School will have to bring us the required returns of his reporting there.

(Hon. Members stood up)

Mr. Speaker: Order! Sit down; you should not remain standing.

Mr. Sitiku: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell the hon. Questioner to go and tell the headmaster to release this teacher? Since when did we have this part to play? I thought that the Assistant Minister is responsible for the whole Ministry and that it is his duty and not the duty of the hon. Questioner to do so. Is he in order to say that?

Mr. M'Maitisi: Mr. Speaker, Sir, unless I did not understand what I was talking about, I never said that to the hon. Member. I only said that if the teacher has received the posting order to go to this school, he will have to report because he has the posting order and he cannot remain at the school where he is.

Mr. Speaker: Let us move on to Mr. Mwachofi's question.

Mr. Karindo: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House because when a teacher receives a posting order, it is the duty of the headmaster of the school where he is teaching who should release him to report to the new school. That is why the hon. Questioner said that that teacher has been denied permission to report to the school where he has been transferred.

Mr. M'Maitisi: Mr. Speaker, Sir, I do not think that that headmaster has authority to refuse a teacher to go to another where he has been posted. If that has happened — and I have just heard so from the hon. Member — this headmaster will be directed accordingly.

Mr. Speaker: Mr. Mwachofi's question.

No. 496

REFUND OF MR. NGURE'S SCHOOL FEES

Mr. Mwachofi alimwuliza Waziri wa Elimu—

(a) ni kwa nini hadi sasa Mwalimu Mkuu wa St. Stephen High School hajamlipa Bw. Christopher Ngure Shs. 3,150 zilizolipwa

kama karo tarehe 23 Aprili, 1985 hata baada ya Waziri kuliambia Jumba kwamba wanafunzi waliopangwa shule hiyo kwa makesa watarudishiwa karo zao;

(b) ni kwa nini Mkurugenzi wa Elimu amekataa kujibu barua ya Bw. Ngure ya tarehe 28 Julai, 1986, na nakili ya barua ya tarehe 15 Novemba, 1985 iliyoandikiwa mwenye shule; na

(c) lini Bw. Ngure atakapolipwa fedha zake.

The Assistant Minister for Education (Mr. M'Maitisi): Bw. Spika, naomba kujibu.

(a) Mwalimu Mkuu wa St. Stephen High School, ameshamlipa Bw. Christopher Ngure Sh. 3,150 zilizolipwa kama karo tarehe 23 Aprili, 1985.

(b) Bw. Ngure alikuwa amefahamishwa na Mkurugenzi wa Elimu kwamba atafuata mambo ya pesa hizo ili aweze kulipwa. Wakati ilipoonekana kwamba mkuu wa shule hakuwa amemlipa, Wizara yangu ilifuata mambo hayo na sasa nina furaha kumwambia Mhe. Mbunge kwamba kutokana na hili swali lake, pesa hizo zimelipwa. Ningependa kumwambia mhe. Mbunge sasa anaweza kuchukuwa hundi hii ili ampatie huyu rafiki yake, Bw. Ngure. Asante sana.

Mr. Abuya-Abuya: Mr. Speaker, Sir, could the Assistant Minister explain why this matter was not effected from the time it was raised here? Why did they have to wait for this question to be raised here for a second time before taking any action?

Mr. M'Maitisi: Bw. Spika, lingawa mhe. Mbunge ameuliza swali lake kwa Kiingereza na swali lilikuwa kwa lugha ya Kiswahili, ni sawasawa na nitamjibu. Mambo ya pesa ni magumu na pesa zikiingia ndani ya akaunti za watu fulani, na ukitaka kurudisha pesa hizo, shida hutokea. Ni rahisi kuweka pesa mahali hata kwa benki lakini wakati unataka kizitoa huko, unaambiwa sahihi haijawekwa mahali fulani na kadhalika. Kuhusu jambo hili tulifuatilia kesi hii na sasa pesa za Bw. Ngure zimelipwa na hundi yake iko hapa na mhe. Mbunge anaweza kuichukuwa kutoka kwangu.

Mr. Mwachofi: Bw. Spika, lingawa nina shukrani kwamba tumeambiwa hundi iko hapa, vile Waziri Msaidizi anapojibu ni jambo la kusikitisha sana. Huyu mwanafunzi ni mmoja wa wale waliopokewa katika shule hiyo kinyume cha mipango ya Wizara. Swali lililetwa hapa na Waziri akakubali kwamba wanafunzi wote waliopokewa katika shule hiyo kinyume cha mipango yao, watarudishiwa pesa. Sasa huu ni mwaka wa tatu tangu jambo hili litokee. Nimefuata pesa hizi binafsi na mwenye shule hii ambaye pia ni Waziri Msaidizi, Archbishop Ondiek, alinikatalia katakata, na akaniambia hata nifanye nini, pesa hizo hazitalipwa. Kutoka hapo, nilimwambia mzazi aandike barua kwa Wizara na anipe nakali na akafanya hivyo. Mwishowe, niliamua nulize swali. Bw. Spika, Waziri Msaidizi anaweza kuliambia Bunge hili kama anatosheka kwamba ni vyema wakati mwananchi wa kawaida anaweka na mtu mwingine ambaye ni mhe. Mbunge?

[Mr. Mwachofi:]

Je, anakubali Serikali iendeleo kumfunikafunika mtu huyo badala ya kumlipa haraka inavyotakikana?

Mr. M'Maitzi: Bw. Spika, ninakubaliana na mhe. Mbunge kwamba haikuwa halali kufanya hivyo. Wizara yangu ilichukua nafasi ya kumfuata mkuu huyo wa shule na kumwambia hakufanya vizuri na ni lazima alipe pesa hizo.

Mr. Speaker: Let us go back to Mr. Githua's question.

Mr. Githua: Mr. Speaker, Sir, before I ask my question, I would like to apologize for having come late.

No. 594

AMOUNT PAID TO MR. THUKU ON RETIREMENT

Mr. Githua asked the Minister for Labour—

- (a) whether he is aware that Mr. Kimata Thuku National Social Security Fund Membership No. 117 306 479 who was an employee of the Ministry of Transport and Communications retired from Government service with effect from 29th February, 1984; and
- (b) what his total dues were from Fund at the time of retirement and how much he was paid.

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

(a) From the information contained in his application for benefits dated 4th July, 1984, the Minister is aware that Mr. Kimata Thuku, retired from Government service in the Ministry of Transport and Communications with effect from 28th February, 1984.

(b) Mr. Kimata Thuku was paid an amount of KSh. 14,562.50 on 15th October, 1984, vide cheque No. 115186 which represented his dues up to December, 1979. His total dues up to February 1984, could not be ascertained accurately because the records at the Fund's disposal indicate that he only contributed up to December, 1979. We have written several letters to Mr. Thuku but the Fund management has not been able to obtain the details to facilitate further investigations with the Ministry of Transport and Communications. Mr. Thuku should be requested to co-operate on this matter so that his benefits can be paid in full.

Mr. Githua: Mr. Speaker, Sir, I thank the Assistant Minister for that reply, but would he tell the House why it would be necessary to write to Mr. Thuku? Why can they not get the details from the Ministry of Transport and Communications? From December, 1979 to February, 1984, Mr. Thuku was still on regular employment and he should be able to get that information from the Ministry which had employed him.

Mr. Obure: Mr. Speaker, Sir, that is correct, but we have also written to Mr. Thuku so that he can assist us in obtaining the information which we have not been able to get up to this moment.

There would be no harm in Mr. Thuku assisting the National Social Security Fund (N.S.S.F.) in order to pay him his benefits.

Mr. Githua: I appreciate the Assistant Minister's attempt to reply to my question, although I will take it upon myself to get Mr. Thuku to respond. Would he agree with me that it is not Mr. Thuku's mistake but rather it is the N.S.S.F. records which are not in order.

Mr. Obure: Mr. Speaker, Sir, I would not want to dispute the statement made by my hon. friend, but precisely we try to get as much information as possible so that we can cross-check so as to ensure that before any payment is made, the figures are correct, I agree with him entirely.

No. 599

REINSTATEMENT OF MR. M'RIMBERIA BY MAGADI SODA COMPANY

Mr. Kiome on behalf of Mr. Wakigondo asked the Minister for Labour—

- (a) what led to the dismissal of Mr. Richard Kiruja M'Rimberia ID/No. 804230/617 from the Magadi Soda Company Ltd. on 15th February, 1983 as a heavy plant driver for five years nine months with the company; and
- (b) whether he would order Magadi Soda Company to re-instate Mr. M'Rimberia.

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

(a) The circumstances that led to the dismissal of Mr. M'Rimberia by the Magadi Soda Company Limited are at the moment under investigation by an investigator appointed under the Trade Disputes Act.

Mr. Michoma: On a point of order, Mr. Speaker, Sir. The rules of this House state that two hon. Members should not stand at the same time. When hon. Assistant Minister was answering a question, hon. Wameyo was standing up although he cannot be seen since he is very short.

Dr. Wameyo: I was sitting down here very comfortably. Why is the hon. Member mentioning me?

Mr. Speaker: Okay, let us go on.

The Assistant Minister for Labour (Mr. Obure): I will read the reply again.

(a) The circumstances that led to the dismissal of Mr. M'Rimberia by the Magadi Soda Company Limited, are at the moment under investigation by an investigator appointed under the Trade Disputes Act and I would therefore, wish to wait for the report before considering taking other actions.

(b) The fate of Mr. M'Rimberia's employment will be known when the investigation is completed.

As a matter of fact the investigations has been received and forwarded to all the parties concerned.

Mr. Kiome: Mr. Speaker, Sir, in form of a supplementary question, what action does the Ministry intend to take on the report?

Mr. Obure: Mr. Speaker, Sir, the Ministry itself will not take any action on the report. The report will be forwarded to the employer, that is, Magadi Soda Company Limited and the employee or his representative. The report can make suggestions as to how the disputes should be resolved. In the majority of cases, the parties would agree with the contents of the report in which case the Ministry would do nothing. However, if the parties do not agree with the report and they wish the matter to be forwarded further, the Minister would forward the matter to the Industrial Court for settlement.

Mr. Speaker: Let us now move to Questions by Private Notice. Mrs. Asiyo's question.

QUESTIONS BY PRIVATE NOTICE

TSETSE FLIES INVASION IN KARACHUONYO

Mrs. Asiyo to ask the Minister for Livestock Development:

- (a) Is the Minister aware that Tsetse flies have invaded and are killing hundreds of cattle in Karachuonyo Constituency?
- (b) Will the Minister launch an emergency treatment programme to save the remaining livestock?

Mr. Shikuku: Mr. Speaker, Sir, would I be allowed to ask it on her behalf because she told me to do so?

Mr. Speaker: I am sorry, we do not do that with Questions by Private Notice. Next question, Mr. Abuya-Abuya.

PAYMENT OF SALARY TO MRS. BOSIRE

Mr. Abuya-Abuya: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:

(a) Is the Minister aware that Mrs. Caren Bosire who was appointed as a U.T. as per Kisii District Education Officer's Ref. ED/287/Vol. III/320 dated 21st May, 1986, and posted to Mogambi Primary School, Sengera Zone, Ogembo Division, Kisii has not been paid any salary since?

(b) When will she be paid?

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

(a) I am not aware that Mrs. Caren M. Bosire, Teachers Service Commission (TSC) No. 263137, an untrained teacher who was employed by the Teachers Service Commission with effect from 4th June, 1986, and posted to Mogambi Primary School, Sengera Zone, Ogembo Division in Kisii District has not been paid any salary since she was recruited as an untrained teacher.

(b) My Ministry, through the Teachers Service Commission, has paid Mrs. Caren M. Bosire, T.S.C.

No. 263137, KSh. 15,268 vide cheque No. 548201. I am sure this has covered all her payments. The delay must be regretted because of mishandling of correspondence between Kisii and the Teachers Service Commission. Thank you.

Mr. Abuya-Abuya: Mr. Speaker, Sir, the Assistant Minister started by saying that he is not aware that this teacher has not been paid, but he is now giving the details of the payment. Could he admit that if they paid her yesterday, the teacher was not paid so that we do not have two conflicting answers?

Mr. M'Maitisi: Mr. Speaker, Sir, I said I was not aware because it had not come to my notice that she had not been paid. But I have now been briefed that she has now been paid her full salary to cover the period that she was not paid. I have also said that the error in the delay is regrettable though it is through correspondence. I am sure my friend the hon. Member will agree that sometimes correspondence could go astray, or delay. Since I saw the delay was too long, I have instructed the officers in the Ministry to follow it up to see who was at fault so that he can be punished for it.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply in which the Assistant Minister is probably trying to make us happy and feel that he is going to do something when we know he is not going to do anything, will he not agree with me that that action was only taken after the hon. Member had tabled this question? In other words, those employed to discharge their duties do not do so until an hon. Member, instead of doing other developmental matters, brings a question here. When will this sort of practice stop? We have had many questions which are similar to this brought here.

Mr. M'Maitisi: Mr. Speaker, Sir, I think the hon. Member must be happy that he has done one of the honourable duties he has to do. But at the same time I agree that when such a thing happens, attention of other officers has to be drawn to them, because one does not have to go to the same person disturbing and wasting one's time. We have several officers. This teacher should have reported to another officer earlier to see that this matter is discharged. But if it has overdelayed like this, it is not our fault. We may have not known about it. But there must have been an officer who knew about it and sat on the matter. That is why I said that this matter will be investigated and followed until I get the culprit.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is the Assistant Minister in order to mislead the House by saying that the officers may not have known about it when they know, and even the Assistant Minister himself knows, that he is to be paid after every 30 days? How could he have sat down there and say "we may not have known about it"? Can we take that seriously?

Mr. M'Maitisi: Mr. Speaker, Sir, if correspondence is delayed and the next officer does not know about it, they would not be angels to know about it:

Mr. Mbori: Mr. Speaker, Sir, the Assistant Minister says that this teacher has now been paid her salary. Could we be told why it has taken so long to be paid so inhumanly to this teacher who is an untrained teacher, and probably has no other source of income? How does he expect her to survive?

Mr. M'Maiti: Mr. Speaker, Sir, what other reason does my friend wish to get? If I have said that correspondence was delayed, it has been found, and we have dealt with the matter what other reason does he want?

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir, I hope the Assistant Minister will stop misleading the House. Personally, I have been to the Teachers Service Commission twice until I could not get an answer. That is why I had to raise this matter here. So, it is not true what the Assistant Minister is telling the House. Could he also tell us when the cheque was written? When was the teacher paid? I have been to the T.S.C. offices twice.

Mr. M'Maiti: Mr. Speaker, Sir, I do not know when the hon. Member visited the Teacher Service Commission offices. If he visited them last week, then the matter was brought to him by the teacher last week, and it was not with us in the Ministry. As such, I thank him to have visited them to hasten this payment.

Sir, the teacher was paid KSh. 15,268 on 12th October, 1987.

Mr. Abuya-Abuya: Just the day before yesterday!

Mr. Speaker: Next Question, Mr. Wamae.

OWNERS OF EAST AFRICAN PUBLISHING HOUSE

Mr. Wamae: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by private Notice:

(a) Who owns the East African Publishing House?

(b) Who are its directors?

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

(a) The shareholding of the East African Publishing House after having gone into evolution from 1966 up to date are as follows:

	<i>shares</i>
1. East African Cultural Trust ...	22,946
2. Prof. Bethuel Ogot	1
3. Afropress Limited	89,311
TOTAL SHARES ...	112,258

(b) The Directors on my record are as follows:

1. William Kimutai Martin.
2. John Ngatia Kariuki.
3. Alexander George Gitau.
4. Edward Nderitu Wainaina.
5. Hervest Kamau.
6. Archibald Githinji.

Now, Sir, I anticipate that a supplementary question will be, "And who is the East African Cultural Trust?" East African Cultural Trust is a limited

company by guarantee. One of its objectives is to take over the properties of the East African Institute of Social and Cultural Affairs which was registered as a business name on 13th April, 1964.

It is also one of the subjects for acquisition of bursaries and scholarships. Now, this company is, therefore, a charitable trust. It was incorporated on 29th August, 1969. It was prohibited from issuing dividends to its members because it is a charitable trust. Now, one John Nottingham and Prof. Bethwell Ogot were its directors. As I have mentioned, this Cultural Trust owns 22,945 shares in the publishing firms. Afro Press Ltd. is a private limited liability company. The name has changed from its earlier name of Kenya Labour Press Ltd. to East African Press Ltd. and now finally to Afro Press Trust Ltd. This was done through a special resolution of 7th November, 1967. The initial holding was The Kenya Federation of Labour, 11,220 shares and one Robert Galbal, 5,390 shares. So, that is the position. I do not think you need any further definition as to who is Prof. Bethwell Ogot, because he is a person whom we know. I have given the information as a bonus thereof.

Mr. Wamae: Mr. Speaker, is the hon. Attorney-General aware that the directors he has referred to were appointees of the Government and that they resigned in February, 1987 so as to facilitate the appointment of a fresh board of directors under the State Corporations Act. Is he also aware that the East African Cultural Trust, which was formed after the East African Institute of Social and Cultural Affairs, was formed by donations made to the East African Governments, and that the three Presidents of the East African Governments were its patrons? Therefore, when the East African Community broke up these assets should have become Kenyan assets. So, the Kenya Government should, therefore, take over the East African Cultural Trust.

Mr. Muli: Mr. Speaker, Sir, the distribution of the assets of the defunct East African Community started in 1978. We concluded that exercise only last year, or, probably, early this year. The East African Cultural Trust, or its predecessors, was not one of these assets of the defunct East African Community. Therefore, it was not distributable to any of the partner states, and I am not aware that any part of it can be termed as part of Kenya assets. So, Kenya cannot assume ownership of anything from this defunct East African Community which was not subject to the Mediation Agreement. I also happened to take part in those negotiations at some later stage.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. The Attorney-General did not answer the first part of the question. The directors resigned as directors of the East African Publishing House Ltd. in February, 1987. So, they are not directors of the East African Publishing House now; they were all civil servants.

Mr. Muli: Mr. Speaker, the East African Publishing House Ltd. as far as I have known, or as I have mentioned, is a private company; the directors might have resigned. I have noticed from the Press that they have, but they still do appear on the returns of the company of 1986. So, until they are removed by a resolution I will continue to presume that they are the legal directors of the company.

Mr. Mutiso: Mr. Speaker, Sir, would the Attorney-General be kind enough to tell the House what is the present operational status of East African Publishing House? Is the East African Publishing House being useful to the country at present?

Mr. Muli: Mr. Speaker, Sir, I am not quite sure what the hon. Member means by "operational status." This is a private company registered as such and is operational as such. Whether it is useful to the country or not depends on the out-turn which the company puts. All that I know is that it is a publishing house. People take their material there to be published; books come out and they are sold to the public and I think that is a very useful thing. But as to its operational standing, I cannot say any more than that.

Now, I must make one point very clear, Mr. Speaker, Sir. It has been surmised that the East African Publishing House is owned by the Government by virtue of the shareholding I mentioned. That cannot make it a statutory corporation. I did give an opinion which has been quoted on various occasions; that I said that it is State corporation. I said that if Cultural Trust was owned by the Government then it would perhaps be deemed to be a State corporation. That is all I said. So, on further scrutiny it has been established that Cultural Trust is not owned by Government. The Government does not own shares in that company. It is a trust company by guarantee and therefore it cannot be deemed to be State corporation for the purpose of Government taking it over.

Mr. Speaker: Question Time is over and I think we should move on to the next Order.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. The hon. Attorney-General has said that Cultural Trust would be a State corporation if it was owned by Government. Would he go further and find out who owns this Cultural Trust? This is because this point was not made clear in his reply.

Mr. Muli: That is why, Mr. Speaker, Sir. I gave the bonus information as to who owns the Cultural Trust. I said that Cultural Trust is owned by two shareholders; Mr. John Nottingham and Professor Ogot. So, the company is not owned by the Government.

(Several hon. Members stood up in their places)

Mr. Speaker: No! That is enough. We cannot continue with this. Next Order.

COMMITTEE OF SUPPLY

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR
VOTE 31—MINISTRY OF EDUCATION, SCIENCE AND
TECHNOLOGY

(The Ministers for Research, Science and Technology, on behalf of the Minister for Education, on 13th October, 1987)

(Resumption of Debate interrupted on 13th October, 1987)

Mr. Speaker: Mr. Jaldessa will continue.

An Hon. Member: Hayuko.

Mr. Speaker: Mr. Sindano.

Mr. Sindano: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to join my hon. colleagues in supporting this very important Motion. I would like to thank the Ministry of Education for the good work it is doing for this nation and particularly for the implementation of the 8-4-4 system of education. But I would like to make an appeal to the Ministry with regard to blind students. These students should be given an equal opportunity when it comes to the selection of candidates to join teacher training colleges. I have in mind the diploma courses. The ratio of admission of these blind students is very, very low compared to that of the other able bodied students.

(There was noise in the Chamber)

Mr. Speaker: Order! There is too much noise in the Chamber.

Mr. Sindano: Mr. Speaker, Sir, I was saying that the ratio of admission of these blind students to teacher training colleges is very low, despite the fact most of them do very, very well in their "A" level examinations. Therefore, I am actually appealing to the Ministry to consider these blind students when selecting those who will join teacher training colleges. They should be treated like the rest of the Kenyans.

Mr. Speaker, Sir, regarding in-service courses I would like to thank the Ministry for starting these in-service courses. We in West Pokot have benefited a lot from these courses. This is because at the moment an in-service teacher training institution is being established in West Pokot District. But I would like to appeal to the Ministry to give more support to this institution and strengthen it. This is because these institutions in various parts of the country are helping to reduce the number of untrained teachers in our Republic.

With regard to our universities, Mr. Speaker, Sir, the Ministry of Education should support the universities' request for staff development and research. This is because this is one of the areas which will play a very important role in our nation building.

I would also like to touch on private schools. Some private schools in the country, at the moment, are not maintaining the required discipline. This is a pity because parents are paying a lot of money thinking that their children are being taken

[Mr. Sindano:]

care of in those private schools. The parents also think that their children are getting good quality education only to find that there is no discipline in these schools. Sometimes the children are left alone to make their own decisions. This means that the standard of discipline in such schools is very, very low.

Mr. Speaker, Sir, you will find that school funds do exist in some of our secondary schools. Some of these funds are as old as the schools themselves. But these funds have not been properly and fully utilized. I would, therefore, like to appeal to the Ministry to take more interest in these schools and inspect them regularly so that they can offer good education to our children. The Ministry should also ensure that these schools are managed by people who are qualified. In some of these schools we have teachers who have qualified from agricultural institutions and they should be given an opportunity to manage the farms of these schools.

I know that sometimes the boards of governors appoint school managers. But it is a pity that some of them do not have enough experience to run these schools and also maintain the farms. You will, therefore, find that there is great wastage of the resources available in the schools. Such schools could feed themselves without any problems.

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

The Assistant Minister for Information and Broadcasting (Mr. Khasakhala): Thank you Mr. Speaker, Sir, for allowing me to say a few words on this Vote of this very important Ministry.

In fact, without the Ministry of Education, we cannot provide trained manpower to this country. It is one Ministry that has to give every institution in this country a guideline towards training, and therefore it is a Ministry we have to be concerned with very seriously. In the first instance, I would like to say something about nursery schools. I do not see the reasons why the Ministry of Education has not concerned itself with nursery schools because they are the basic areas where young children start handling pens and books. This is where they start learning on how to mould their future. This area has been forgotten completely by the Ministry of Education. They should now start training some teachers who should man nursery and pre-primary schools so that the proper system of education could start right from nursery school going up to pre-primary schools, so that a child going to primary school for eight years is able to have the basic education from these two stages which are at the moment not given any guidelines at all.

Coming to secondary schools; I do not see why the Ministry of Education has left it completely to the board of governors to decide on how fee should be paid. At present, fees paid in our secondary schools vary from Sh. 2,000 to Sh. 5,000 although they all provide the same education. I think

the Ministry should look at this matter because most parents are now suffering and they are now not able to educate their children up to secondary level. You will find that the fees charged from one secondary school to the other vary so such that most parents are unable to raise enough money to educate their children.

Having said something about fees, I would also like to say something about the 8-4-4 system. I do not know whether the Ministry of Education has ever known the subject books that we need. We have subject books which are printed by Asians and which are sold without proper authority from the Ministry of Education. It is high time that the Ministry of Education produced a list of subject books to cater for Mathematics, Geography, History, Agriculture and all subjects which are being taught at primary and secondary level. That list should be circulated in all schools. Today, this is not the case. Teachers just try to find out from other schools the books they are using and then they buy the books yet these books are published by some Asian authors like Malkiat Singh and many others. So, the whole trade is in the hands of Asians who print our educational books. We do not know whether they are the right books or not.

We need books like those authored by Mr. Durell for old Mathematics which lasted 20 years in our syllabus. It had all the sorts of Mathematics included in it. Books which are printed these days are used for a year or two and then they become out of date and parents are asked to buy new books. Books like those authored by Mr. Durell and E.G. Francis on Geography, Hygiene and other subjects lasted much longer than those printed these days for the 8-4-4 programme. Books are too expensive. A child cannot leave a book to be used by his sister or brother when he moves to the next class because it may not be used the following year because a new one has been introduced. So, we feel very strongly that the Ministry of Education should step in now and advise teachers on the kind of books that should be used at primary and secondary schools.

When I was in London recently, I compared the prices of textbooks used in universities. The difference in price is fantastic. They cost three times as much here. If you go to London, you will buy a textbook which is used in our universities here at a much lower price. This means that nobody has ever surveyed the market to know the prices of books; how much they cost in London bookshops and how much the local bookshops should be charging for transport and other expenses before fixing prices for books. These days, the costing of books is left to individual bookshops. Every bookshop would like to make as much profit as possible. I think time has come when the Ministry should step in to guide, teachers and headmasters on how to cost various books that are used in our schools and universities.

[The Assistant Minister for Information and Broadcasting:]

Before I sum up my speech on the Vote of this Ministry, I would like to suggest that the university holidays should be programmed in such a way that students should get a chance of going to teach in Harambee schools which are lacking trained teachers. During the university holidays students should be distributed or sent to schools by the Ministry. Let the Ministry do the homework of finding out the number of teachers who are required in various Harambee schools. We cannot run away from them. They are part and parcel of the Ministry of Education. I would like to thank the Minister for Education and His Excellency the President for agreeing to post trained Government headmasters to every Harambee secondary school in the country. This is a credit to the Ministry and the Government at the moment. However, still, there are some Harambee schools which do not have enough teachers up to Form IV. We can utilize university students during the holidays to teach in these schools. Not only can we utilize the university students but we can also utilize the trainees from teacher-training colleges to assist in teaching in our Harambee secondary schools. If we did that, we would remove some of the burdens that the teachers and parents in these schools have in manning these schools.

Finally, Mr. Speaker, Sir, I would like to say that we have not trained enough teachers to handle workshops and home-science classes under the 8-4-4 programme. We have facilities in our primary schools which are not being used today. What about our polytechnics? Why do we not step in and select good students to go to these polytechnics so that they can learn carpentry, masonry and tailoring in order to come out and teach in primary schools? Today, most of the primary schools do not have teachers to teach tailoring, handicrafts, carpentry or even masonry, which is the type of education we are supposed to give to our children under the 8-4-4 programme.

Our polytechnics in the country are important and we should encourage every location to have one. We should do this through the Harambee spirit so as to encourage the chiefs, district officers and administration as a whole to build polytechnics in every location to train teachers who can teach the new subjects in our primary schools. These subjects have just been introduced in the syllabus in primary schools, but there are no teachers to teach them and children are left at the mercy of people with little knowledge in these subjects. Sometimes, these people can mess up with things and, even when they give the children a little guidance, they do not fully teach them since they themselves are not fully capable of doing so. This is because such a teacher only copies things from a book, or has been given some guidance by another teacher from another school, on what they are doing there.

However, we can do this easily by using the existing polytechnics to train the manpower we need for the 8-4-4 programme. If we did this, Mr.

Speaker, we would not need to establish more technical schools because polytechnics are just the same as technical schools. Therefore, instead of spending so much money building technical high schools, let us take some of this money to the polytechnics which are already existing and reinforce the manpower in them by giving them more trained teachers, so that they can train in the new subjects which we have introduced in primary schools, under this 8-4-4 programme. This is a good and practical system, and we should not let it fall aside. Therefore, we should give proper training to our teachers so that we can have better educated people in every field.

With these few remarks, Mr. Speaker, I beg to support.

Mr. Karauri: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute on this Vote for the Ministry of Education Science and Technology. I will start by thanking the Government and the Ministry for increasing the number of universities in this country. We hope that at one time, every province will have a university of its own, of course, not to cater for that province alone, but for the whole country. We would like such universities to be placed in such a manner that every province can be proud of having one, even if students would be drawn from all over the country.

Mr. Speaker, Sir, although there may be no jobs, education is very important to our people since it will enhance development, democracy, and even understanding amongst our people. Education will enable our people to be able to read books and newspapers and this will make them more knowledgeable. I also think that the Ministry should be congratulated for posting teachers to Harambee secondary schools. Presently, they are striving to post three teachers to every Harambee Secondary School and, in most cases, they have succeeded in doing so. Mr. Speaker, Sir, we hope that this effort will continue so that in the final analysis, these Harambee secondary schools will be taken over; in which case, they will be fully staffed by the Government.

Mr. Speaker, Sir, one thing which is intriguing in these Harambee secondary schools is that the Harambee contributions and fees that are collected are not audited until the end of the year. Heads of these schools are asked to send their books for auditing and, perhaps, to explain a few things to their provincial auditors. Mr. Speaker, Sir, we would like to see something better in the area of auditing of schools fees and Harambee funds which are collected in these schools. There should be frequent and surprise visits by auditors from the Ministry to these schools so that the amount of money that parents are paying to these schools for their development is used for the right purpose, for which it is meant. I am saying this because if we leave the heads of these schools to take their books to the auditors at the provinces once a year, and

[Mr. Karauri:]

explain these matters to them, arrangements could be made so that whatever frauds may have been made at the school, are covered. However, if there are surprise visits by auditors, who could go to these schools without giving prior knowledge to the heads of schools, and ask for the books of accounts and say they would like to know how much school fees has been collected in a particular term, and how it has been used, or where it was banked and so on, I am sure parents would feel that the money they contribute to these schools in the form of Harambee contributions or school fees, is used for the right purpose.

Mr. Speaker, Sir, there is an issue which the Ministry of Education, Science and Technology has overlooked in primary schools which to me, as a teacher, is a very serious issue. In primary schools, they allocate teachers per class, instead of allocating teachers per subject. There are teachers who cannot teach mathematics at all. There are also teachers who cannot speak or teach in English or teach Geography. What is happening in our primary schools is that a teacher may be posted to teach all the subjects in Standard 4, whether he knows how to teach certain subjects, or not. That class is doomed for ever!

In certain schools, Mr. Speaker, you wonder why some pupils have ignored subjects like Mathematics, English or Geography. This is because pupils were given a very poor background when they started learning these subjects, say in Standard 1 or even at Standard 4. This is because the teacher who was teaching those subjects was illiterate in those subjects and, therefore, he was incapable of teaching them well. For that reason a pupil gets the wrong impression about a certain subject and thinks that the subject is difficult and that nobody can pass in that subject. This is what is happening in the subjects of Mathematics and English in this country. Pupils get the wrong teachers who teach them the wrong stuff, and we cannot expect these pupils to go far. Some schools do better than others in these subjects because, by coincidence, they have the right teachers for the right subjects in several classes. Mr. Speaker, Sir, I am asking the Minister for Education to take this matter quite seriously so that when they are posting teachers to primary schools, they should ask them to teach different subjects so that one does not take the whole of Standard 8 class when he cannot teach certain subjects.

Sir, there is a matter that has been raised in this House before. I have personally talked about it and the Minister for Education has always said that they are doing something. However, we will not believe him until we see that something has been done about graduate teachers. This is because, a primary school teacher who entered the teaching profession as a P3 may be able to rise to the status of approved teacher, but the graduate teacher who started teaching 30 years ago remains in the same

position. The only opening there is for a graduate teacher, is to become a head of a school. But how many of them can become heads of schools? So, a teacher who started as a P2 catches up with a graduate teacher who went to the university and was not promoted because he could not move up. The hon. Minister has said something will be done. In fact, something had better be done now and fast enough so that graduate teachers do not feel frustrated. They should know that if one teaches well he would be promoted to the next grade instead of remaining in one grade for ever.

Sir, before I conclude my contribution, I would like the Minister for Education to also look into the matter of paying teachers better. I know the Government has revised teachers salaries every now and then. We would also like teachers to be considered as professionals. They are trained specifically as teachers: they join teacher training colleges to train as teachers after completing their formal education. Those who join the universities train as teachers. So, I do not see why teachers have been ignored and why they have never been grouped with that category of professionals. I think it is up to the Ministry of Education to impress upon the Government that the teaching profession is a profession like any other.

With those few remarks, I beg to support.

Mr. Anyumba: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this debate. I would like to begin by congratulating the Government for the speed in which they have established institutions of higher education. We had Nairobi University at the beginning. Now Kenyatta University College is a fully-fledged university then very recently, we established Moi University and Egerton University College. This is extremely welcome because education is one single item which is heavily demanded in this country and there should never be anything like thriftiness about it. Education is the right of every citizen and it is the responsibility of the Government to give it and it has to give it.

Sir, I would like to suggest that even more institutions of higher education should be established. This is because, as has been pointed out here before by a number of hon. Members, we still have more than 10,000 Kenyans in universities abroad. With the advent of our 8-4-4 system of education, our universities are going to start holding up many more students. Therefore, we do not only need to enlarge the present universities, but we also need to establish fresh ones so that they cater for our students out here.

An Hon. Member: Narok University!

Mr. Anyumba: Well, if Narok University would qualify under the Act, then there is no reason why it should not be considered like any other private university.

Sir, Harambee secondary schools have mushroomed all over the country as a result of necessity.

[Mr. Anyumba]

It has been necessary that more and more establishments of education be established simply because the Government could not cater for all students. But as I said earlier, it is the responsibility of the Government to see that every citizen is given education as his right.

I feel that the Government should do more towards Harambee secondary schools. I consider that Harambee secondary school is ready for being taken over if it has already established properly constructed classrooms and put up other things like a science laboratory, a library, teachers' houses and some access road to the school. No secondary school will offer a high standard of education if the teachers teaching there do not feel that they are able to walk in and out of the school because of the lack of access roads, or if they feel that there is no proper accommodation for them and their families. None of them is going to start spending his time in such rather unhygienic conditions. So, I feel that the Government should not assist these schools merely by giving them teachers as it is doing at the moment; it should do a little bit more because by the time the local community has put up all the facilities which I have mentioned above, the backbones of these poor people are badly broken, because recurrent costs become too heavy for them. It is recurrent costs that make some of our Harambee schools rather weak.

Mr. Speaker, Sir, I would like to support what hon. Karauri has just said regarding the question of posting teachers just to teach subjects as opposed to posting them to classrooms. As he pointed out, some teachers will not teach Mathematics, Physics, and so on, and yet their poor kids must pass in these subjects. It is no wonder that when one looks at O-level examination results these days, there are too many Division IV passes. Mathematics has just become like a subject from the blue. Students just do not pass in it; a lot of them fail. It is as if it is not an ordinary subject like any other. During our time, nothing less than a credit pass would satisfy a student. Indeed, we satisfied ourselves only with distinction passes. When you look at examination results these days, you find that a student has either failed in this subject, obtained a Division IV pass or just got a grade 8 in it. Yet, this is a very basic subject that is going to affect the entire life of the student. Whether one becomes a teacher or not, he is going to use Mathematics in one form or another throughout his life. So, it is wrong for students to come up with the fear of Mathematics. I am told that girls particularly seem to make up their minds very early in life that Mathematics is not a subject for them. Mathematics, however, is a subject for everybody, as is physics and all other subjects.

I would like to say something about discipline. I feel that I should congratulate the University of Nairobi, at least, for the time being, Kenyatta University and Moi University as we seem to be

experiencing some cool, calm atmosphere around these institutions. This is the sort of thing the whole country would like to see. We would like to feel that things are calm and cool in all these places, with students being serious with their book work and research work without being disrupted by stone throwing all over the place. Unfortunately, I cannot say the same for Egerton University College. Of late, it has been a bit of a worry to me to wake up in the morning and read of students being on strike at that college. This has happened four times in succession now, over a very short period of time. I fail to know whether it is the lack of dialogue that is taking place in that institution.

I believe in dialogue because it will always solve any problem. Let students say what they want and the authorities concerned listen and then answer. The authorities involved should not shut students up. There must always be a valve for letting off steam. This is a very important aspect of life. Always give room for letting off steam; if you do not do so, steam will eventually burst out. I should, therefore, like to feel that the authorities at Egerton University College will examine themselves most critically and ask themselves whether they are actually giving their students the sort of dialogue that is necessary between the two parties.

On the other hand, if the students there are becoming unruly unreasonably, naturally, one has to take a strong stand. Students cannot have their cake and eat it, but dialogue must be a principle to be established in all institutions. It brings respect for one another, and this is really the crux of the matter. We know many places where people fight and backbite, and do not tolerate one another. This is just a situation of the lack of dialogue and being straightforward with one another. It is a situation of undermining one another. This is the problem, but people should approach problems with open minds. With dialogue in mind, there should be no problem whatsoever. Nothing is unsurmountable, and that is why we are greater than other animals.

With those few remarks, Mr. Speaker, Sir, I beg to support.

The Minister for Environment and Natural Resources (Mr. Nyagah): Thank you, Mr. Speaker, Sir, for giving me this opportunity to stand up and share with my fellow colleagues in this House the fact that the request being made by the Ministry of Education, Science and Technology should be granted. It could do with more. I know, but I would like to say that what they are being provided with at present could stretch a long way if it was properly and seriously used. First of all, let me say that we have every course, as Kenyans, to congratulate ourselves for having achieved, in a very great measure, one of the guidelines that we set ourselves at independence—providing more facilities for education for the greatest number of people possible so that we could finish what we called ignorance, although it was not that. By the way we have provided school education, we have

[The Minister for Environment and Natural Resources] achieved much in that respect. The number of secondary schools, primary schools, school children, and so on, at all levels is something that we should be proud of, and the Ministry of Education, Science and Technology needs a pat on the back for that.

The 8-4-4 system of education is also a good landmark on our way to improving our educational system, and I would like to say that the technical and agricultural aspects of the 8-4-4 system have a long way to go before they can really become something useful. I do not know how these aspects of teaching are examined, but they can be improved. Because there is a craving for education by many of our people, I would like to advocate that the money that is set aside from either Harambee donations, or from the public purse, be stretched to the maximum. In this regard, therefore, I would like to say the type of plans that come out from the Government for dormitories, classrooms and workshops should be such that they reflect economy, and not stick slave like to the Ministry of Works, Housing and Physical Planning's so-called standards. We can stretch this money much more than we are doing today when we are tied down to certain so-called standards of buildings. I know we must be careful not to build the kind of buildings that were built the other day in Eastleigh. At the same time, however, I do not think that same time, however, I do not think that some of the standards of a workshop, for instance, can hold water.

Touching on the administration of education, I would like to suggest that closer supervision and inspection of schools should be hard so that there is discipline among pupils, students, and even teachers themselves. The teachers should be encouraged by people who are, in themselves, thorough in matters of education administration and in their own character. Sometimes, teachers just ignore listening to a person whom they do not think much about. So, this is an aspect into which the Ministry of Education should look and recall somebody who has slipped from the net of the classroom and become an inspector—or a supervisor of schools, or whatever terms they are giving them nowadays—back to school or even for retraining, and move away from supervising others who are, sometimes, better than they are. Also, why do we not re-introduce the use of motor-cycles which were being used at one time by the supervisors of schools so that these supervisors can get along and more widely to the schools within their own areas at a reasonably low cost?

A lot has been said about university education in Kenya, Mr. Speaker. The admission is relatively good; we have expanded our admission facilities in this country by having four universities, and this is something we should be proud of. We have also allowed many people to go overseas to study for university education, but we should also, as a country, look at the other end, the output end—

what we do to absorb the people who leave these university institutions, both abroad and here. This is a major issue that the Government should concern itself with more seriously, so that we do not have people about the streets or in the countryside who cannot be absorbed.

While talking about teachers and teacher-training, I would like to suggest that the Ministry considers a system I once had, or a system that is under-way in another country, that the same college can take two lots of students at a go. When one half the new intake is teaching under supervision, the other half is being taught theories in the classrooms and not overcrowding would be experienced in the classrooms, dining halls or even the dormitories. After half a year, the other half which was outside, teaching under supervision, would come in for a similar treatment and the other one goes to teach. Even if it means increasing the period of training by half year or a year, we would, in the long run, be able to utilize the same college facilities for two intakes, instead of embarking on building a number of colleges in many places. I am not saying that the colleges which the Minister said would be built should not be built, but it is a consideration that could, perhaps, bring economy to the teacher training aspect of our country.

Another system which I introduced here once, and I saw it working, is where the teacher training staff, and the inspectorate staff, are interchangeable. Why should a man or woman, who is entrusted to teach teachers, not be given a chance to go and inspect them or supervise them—follow them outside, whilst a person who is an inspector who is, perhaps, going out-of-date with the classroom practices, goes back to train teachers? So the teacher training staff and the supervisory staff should not be made to look very different from each other. This is an aspect of the educational system that could be looked into.

With regard to the untrained teachers, we have very many good places in which they could be undergoing in-service training during school holidays. Such places are like the day secondary schools and boarding secondary schools which are not fully utilized during the school holidays and, also, in the evenings. Why do we not have in-service courses during week-ends, and also during school holidays, so that at least we can alleviate the standard of teaching of the untrained teachers we have? When these unqualified teachers have had this kind of in-service training, they can then go to the teacher training colleges for a shorter period than they would have if they did not have it.

May I, Mr. Speaker, suggest that what I have said about the teacher training staff and inspectorate staff could also apply to the Teachers Service Commission staff. Sometimes, these officers stay for too long in Nairobi without rubbing shoulders with the classrooms, the chalk and the blackboard such that they need to get out and learn first-hand

[The Minister for Environment and Natural Resources] what goes on before they go back. So, those three classes of people—the college trainers, the inspectors and the administrators of the Teachers Service Commission, could benefit greatly by that method.

The other thing is that we should avoid too much dependence on specialization by teachers in primary schools and some secondary schools. Many excuses for failures in schools are given by schools and teachers that they were not given teachers of some subjects. Sometimes, you find that even in primary schools, a teacher who is a P1 would claim that he cannot teach Mathematics, English or Agriculture. I just cannot see what kind of grounding education such a teacher got when he was a pupil in his time.

Finally, I would like to mention a word about the pre-university induction course. It is good to have these people at Gilgil and Naivasha. After they have undergone this training, the men and women come out with a little discipline, but I would like to say that that the training period should be increased.

With those few remarks, I beg to support.

The Assistant Minister for Agriculture (Mr. arap Saina): Thank you very much Mr. Speaker, Sir, for allowing me to contribute on this Motion of the Ministry of Education.

Mr. Speaker, Sir, it is in order for the Ministry of Education to request for this amount of money, which is in millions, but as we look at the estimates and the budget for the whole country, I think the Ministry of Education even deserves a little more money because it is supporting a large, young section of the population of this country in the form of providing education.

Mr. Speaker, I must, at this point, congratulate the President of our Republic, President Moi, for moulding the education system to what it is now. Before independence, Kenyans used to go abroad to London's Oxford University and Cambridge University and also to the United States of America to get degrees there. But within a very short time, we now have alternative educational institutions. The educational facilities which were not available here before independence are now available here. We now have the University of Nairobi, Kenyatta University, Moi University and the Egerton University College. This shows a proper picture of how a young and stable country is moving faster than those doubting Thomases think a young Independent African nation like Kenya should. This is a challenge. There is no cause for this House to refuse to give this money or even to reduce it. Indeed, in the national budget, 35 per cent of that budget goes to the Ministry of Education.

Mr. Speaker, Sir, sometimes I wonder how teachers survive in the rural areas, when I look at the conditions in which they live. These teachers are

not provided with proper houses. Houses may sometimes be available but there could be no water or light, and all the other infrastructure the other people enjoy in the cities, excluding the Nairobi City Commission or Municipal Council teachers. Teachers in the rural areas deserve consideration and even be given some allowances, for lack of those facilities. I cannot imagine a teacher waking up in the morning and having to walk a distance of half a kilometre, or even two kilometres, to fetch water to prepare tea, or even to wash his face in readiness to go to the classroom. How would such a teacher teach students who are really healthy, benefiting from the School Milk Programme? I thank the farmers for having this programme a success. I will, however, speak on that issue later on. I think teachers should be given some allowances so that they can also improve on their status. If they could get some additional money, they would look a little bit better. Some teachers should be given hardship allowance.

The system of education in Kenya is good. The new 8-4-4 programme—eight years in primary school, four years in secondary school, and four years in the university—is good. We are, however, going to face a problem in future. I think Kenya standard of education surpasses that of Tanzania, Uganda, maybe Sudan, and Ethiopia put together. We are really far ahead. The biggest problem, however, will arise in the future. How are we going to accommodate all these people who are coming out of school, and who are qualified. The pace at which industries are developing will not march the standard and the output of the students that we are recruiting along this programme of 8-4-4. We should also be thinking of what to do in the future. How are we going to employ these people? At present most of the students who come out with a simple diploma, and not actually a professional diploma, may have a problem in getting jobs. We should really be voting for large sums of money to educate these people. At the same time we should be voting for even extra money to develop industries.

Mr. Speaker, Sir, it is quite obvious to everyone of us, especially those of us sitting in this House having been elected by the people, that the resources to support our population are diminishing. Take, for instance, water; we are facing a problem of water. If for a year, we do not get enough rains, the water table goes down and our rivers become small streams. Even now, one can just witness that happening along the Rift Valley where some of the largest lakes like, Naivasha, Nakuru, Elementaita, are drying because the source of water is no longer there. All the small streams which used to feed those lakes are drying up.

So, the resources which would support our country in the future—water is a major resource—are becoming less and less. Unless we also vote for some more money to support the people we are educating, or those who come out of school every

[The Assistant Minister for Agriculture] year, we are going to have a big problem in the future. I have no doubt that the Ministry of Education will get this money. I am especially supporting what the Minister for Environment and Natural Resources said; he himself a teacher once. He is now seeing those diminishing resources like water. He actually has to do something about those resources.

Mr. Speaker, Sir, I think we need to give to this Ministry more money so that in the future they would get better qualified people. I think we should have a specialized kind of training, paying more emphasis on technical training especially to those teachers in primary schools. I think French should be taken seriously in our country. If that should be the case in this country, then children in both primary and secondary schools should be taught that language. Teachers of the French language must be fully trained. I am for the improvement of the morale of our school teachers and, at the same time, I am for the improvement of our schools. I also call upon the management of our schools to look after the schools which we, as parents, have spent money to build.

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

Mr. Tuva: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity so that I can also contribute to this Vote of the Ministry of Education. First of all, I would like to congratulate the Ministry of Education for the good work it is doing in the country. The Ministry of Education is the backbone of our development because, without it and its good work, we can never be able to achieve the development that we want. I do acknowledge very much the work the Ministry of Education is doing.

[Mr Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, there are a few things that I would like to point out to the Ministry of Education, some of which date back to the time when the great philosopher of this Education. At that time, he introduced some measures that I do not agree with at all, mainly on the promotion of teachers. In the olden days before hon. (Dr.) Toweett was appointed to head the Ministry of Education, teachers used to be promoted on academic achievement. This practice was stopped and it has made teachers' morale go down. These days a teacher can pass a higher examination, but he marks time until somebody in the Ministry of Education, maybe, likes his face or behaviour and then he is considered for promotion on merit. Therefore, I would like the Ministry of Education to reconsider the mode of promotion of teachers. During the days when we were teachers, we used to be promoted on somebody's capability of teaching subjects to a higher grade. I can

cite an example where a T. 4 grade teacher was promoted to the grade of T. 3, then to the grade of P. 2 and lastly to the grade of P.1 without passing examinations. Such a teacher could not teach the classes which were supposed to be taught by those grades he was promoted to. A teacher who has been promoted on merit is normally given some light work which is not commensurate with that grade. Therefore, I would like to urge the Ministry of Education to reconsider the mode of promoting teachers.

Mr. Temporary Deputy Speaker, Sir, there is a book that was issued yesterday on education in Kenya, and it is stated in that book that for a teacher to be promoted on merit, which is the only way of promotion now, he should apply. How will a teacher gauge himself and decide that he is fit for promotion? The people supervising him should be the ones to recommend or otherwise; initiatives should not come from the teacher himself. If that is so, we shall be inviting corruptive practices in the teaching profession. The education officers who are supposed to supervise teachers should be in a position to find out who is fit for promotion and who does not deserve promotion. That should not be left to the teacher himself. Therefore, I would like to urge the Ministry of Education to reconsider the old practice of promoting teachers on academic achievements. In fact, if this practice is reintroduced, we shall have teachers working very hard to improve their own education.

The other thing that I would like to draw the attention of the Ministry of Education to is the question of Division IV certificates at 'O' Level. There have been so many people complaining in the Press about the uselessness of Division IV Certificate holders. In fact, some of the youth do cheat their parents that they passed their examinations when, in fact, they got Division IV. To me, and many other Kenyans, Division IV is the same as failing the examination. Therefore, this should be scrapped. The passes should be from Division I to Division III. In fact, a Division IV certificate holder cannot even be employed by the Government on permanent and pensionable terms of service. They are employed as subordinates on temporary terms or as workspaid staff. There are very many Division IV certificate holders roaming about but they cannot get employment because nobody recognizes their certificates. Therefore, I urge the Ministry of Education to scrap these certificates in order not to continue misleading parents who believe that children who get Division IV certificates have passed examinations.

Mr. Temporary Deputy Speaker, Sir, another point that I would like to point out to the Ministry to ponder over is the question of terms of service for teachers as opposed to those of civil servants. Even if we are told that teachers are not civil servants, why should they enjoy completely different terms and conditions of service from those enjoyed by the civil servants. When a civil servant dies, his

[Mr. Tuva]

death certificate is issued to the family free of charge. But when a teacher dies, the family is asked to pay for the death certificate. Since teachers also serve this country in a dedicated manner, I think they should be given the same treatment when they die. Their families should be issued with death certificates freely. Also, when a civil servant dies in an accident, the family is paid group insurance compensation but, because teachers are said not to be civil servants, their families do not benefit from the group insurance programme. I feel that the Ministry of Education should take this matter up with the Directorate of Personnel Management so that teachers' families can also enjoy just as much as those of civil servants.

Sir, there is also something else that appears to me to be an anomaly. When an untrained teacher is employed, all the period before going to teacher training college is not considered for pension purposes. If an assistant chief is employed, he goes to the pension scheme straightaway. If he is promoted to the post of a chief, he still continues to be on pensionable terms. Even some chiefs are promoted to the rank of district officers. But when somebody holding a school certificate is employed as a teacher, the period he serves before he gets trained is not considered for pension purposes. Even a graduate teacher, before he takes a professional course, is not considered for pension for all that period he serves as untrained teacher. I feel very much for this and I urge the Minister for Education to consider the position of these untrained teachers. I am sure we shall have more dedicated people in the teaching profession when we start treating teachers the same way as civil servants. At the moment, we have a lot of untrained teachers who are using those positions as a stepping stone.

Mr. Temporary Deputy Speaker, Sir, that is why I feel that the Ministry of Education should do all that they can to try to retain these people in the service by making sure that the period during which these people worked as untrained teachers should count towards their pension.

Something else which I would like to bring to the attention of the Ministry which I am sure they are aware of but because of, say, financial difficulties and as the Ministry seems to be growing because of the newly introduced 8-4-4 system of education, is that unless we are very careful, in the very near future we shall be faced with a big problem of unemployed skilled people. We should make sure that we introduced courses which will make our people skilled so that if necessary, our people from Kenya will be exported to work in the neighbouring countries. Already we have people who are taken as expatriates in some of the African independent states. If you go to Zimbabwe today, you will find very many Kenyans there providing the expertise from this country. The same applies to Zambia, Tanzania and, in fact, even outside

Africa, we have several people from Kenya who are working overseas as expatriates. We should make sure that the curriculum will lead our children into universities to take courses that can be of use in other African countries. We should, therefore, try to make sure that we do not create unemployment. The educational system that we are working out, should not be a result of unemployment because it will bring a lot of problems.

One other thing that the Ministry of Education should have told the public is that recently when the Minister for Education banned foreign examinations, he should have given good reasons. This is because the reasons he gave were not sufficient at all.

With these few remarks, I beg to support.

Mrs. Waruhiu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in this very important debate.

First of all, I would like to congratulate the Minister for the way he moved the Vote yesterday and the explanation of what he intends to do with the money that he is asking for. Following what many of my colleagues have said today, I would like to start by talking about the need that our country and our Government has accepted to orient our education towards more technical and vocational areas. I do not agree with the fears expressed by some hon. Members that we are going to produce people who are skilled but unemployed. We have not reached that situation. I think the challenge we have is to make our skilled workers much more adoptable.

I think what the Minister should stress to the House, is what effort the Government is going to make to assist the schools to provide the facilities for providing technical and vocational education. We are aware, Sir, that we have now the Presidential Working Party on Education and Manpower Training for the next decade and beyond. One of the objectives of this Working Party is to look into the area of maximum utilization of the resources we have and how they can be used much more optimally. The reason for this is because we all know that quite a lot of our schools, now in the second year of our 8-4-4 education system, do not, as yet, have the facilities for providing technical education as required by the syllabus.

I would like to appeal to the Ministry whether it is possible—as hon. Nyagah said earlier on—for us to see how we can share the facilities we have. It occurs to me that it should be possible, for instance, to create resource or learning centres that can be shared by several schools. If you look around, if you have to buy equipment or tools for the Standard 8 workshops, you will find that they are very expensive. Have we tried to see whether we can do something about cheaper production of these tools that are required for the technical classes or are we just leaving the schools to buy them at a massive rate?

[Mrs. Waruhiu]

The sharing of resources could be done either at the divisional or district level. It is just a question of decentralization like we have done with libraries. We could have a centre that gives special teaching in science where students could spend a month or two in a year instead of expecting every school in the rural areas to be able to duplicate some of these facilities when we know that they are way behind what they can afford due to financial problems.

Mr. Temporary Deputy Speaker, Sir, one hon. Member who spoke yesterday, and whom I also agree with, was talking about the need for us to come out with facts. We all know how much parents are spending through Harambee contributions and through different requirements that the school insists a parent should provide, such as, building fund, uniforms and so on. What we need to explain—and I feel the Minister should explain to the House—is what element of cost-sharing parents should expect in any one year. We know some areas where parents are farmers, have sources of income and have been able to assist their schools. We know many other areas where, even if parents were able to budget and assist schools, they may not know what element of the cost of education is coming to them. This becomes even more important because the problem is not getting easier.

According to the booklet we have now received from the Ministry, we have 4.6 million children in primary schools and we have just about 0.4 million in secondary schools. This means that we have 5 million children in school which is about 20 per cent or 1/5 of our population. At the rate at which our population is growing, we know that by the end of the decade, the demands are going to be even higher. These are the facts that we need to be explained; they are the projections we would like parents to understand. While we say that education is free, we must tell the people: "These are the facts and it is not going to be easier; it is going to get harder."

I was talking about the Working Party on Education and Manpower Training and I referred to the question of the Ministry trying to see how we can share resources. This Working Party is also supposed to deal with the curriculum for admission and developing centres for excellency. I expect, perhaps, the Minister to explain that this should encompass the whole development of knowledge in relation to our own culture and particular needs. The reason why I say this is that in the early years of independence, it was quite normal that our education be geared to producing manpower to enter into jobs that were available. We know now that we are creating very few jobs every year. What we need to teach in our schools, is more self-reliance; how people who leave school can be more creative so that they can make a living on their own without necessarily expecting to be given a job. This is what we generally call education for

life. Again, these are things that we should be very truthful and forthright about.

We have problems of unemployment and as I said, if you look ahead, Sir, you see that they are going to get worse.

Mr. Temporary Deputy Speaker, Sir, as I said from the beginning, we need to focus even more on how we can assist the development of technical and professional training through assistance. As I said before, this can be done by the provision of tools and sharing of resources even if these resources are to be put at particular centres.

Finally, Sir, my last point because I do not want to speak for too long is with regards to the research fund which His Excellency the President has established. Again, I want to commend and thank him for his foresight. Many times when we have spoken in this House because we have had debate on several Bills on the establishment of the universities, we have all seen that the most important role our universities can play is to create knowledge, and knowledge can only be created through research. We know we have received assistance with research funds for our universities from various countries and various organizations outside the country. But this is the first time, as Kenyans, we have received—

QUORUM

Dr. Wameyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to interrupt the hon. gracious lady. But we do not have a quorum.

The Temporary Deputy Speaker (Mr. Karauri): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Karauri): We have a quorum now. You may continue, Mrs. Waruhiu.

Mrs. Waruhiu: Mr. Temporary Deputy Speaker, Sir, I was making the point on recognizing the initiative and very wise decision by His Excellency the President in mounting a special research fund for our universities. The point I was making is that knowledge is created through research, and research is very expensive.

For the first time in this country, we have taken the Harambee spirit towards funding university research. I think this is something that Kenyans should be very proud of, and I hope that this can be extended not only through the research fund, but to funding of work and teaching in specified areas. What usually one would hope to see is either industries that are specializing in manufacturing in particular areas take an interest in some work in a department of engineering or science, and assist the department towards achieving what it is trying to do.

Finally, Sir, in conclusion I want to stress the very basic point of the role of education in development itself. Education is the one sector that is directed towards the improvement of the human

[Mrs. Waruhiu]

person; his own ability to cope with his own environment, his own ability to understand his own environment better, to be more creative, to adapt to new health methods, and also to adapt to a new standard of living. This is why in this country our Government has responded to this challenge even if it is costing us more than one-third of the Budget on our Recurrent Vote support education. This is something which, as a country, should be very proud of. As I was saying, we will only feel that we have achieved what we set out to do if, besides giving the skills to our people, we are also educating them for life and not just towards self-discipline, but also self-reliance. They should be creative so that they are not just looking for where jobs are available in the wage economy, but they should be looking for opportunities right back in the rural areas where they come from towards making a better living and creating income out of the sectors in agriculture and in the small-scale manufacturing industries where they do not require to seek for job employment.

As I was saying, Sir, the one big challenge we have is to tell our people the truth: That, while it is already costing the parent a great deal, it is going to be even harder by the end of the Century. But the Ministry requires to explain more clearly what this percentage of the cost that the parent should expect to bear is, as they have done in the Development Plan. They have told us that we are going to share the cost. We want this cost assessed and given a better idea of what it is.

With those few words, Sir, I beg to support.

Mr. Mutiso: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for allowing me to have a go on this very important Vote.

Because I realize that the time is very short, I want to start straightaway, first of all, by drawing the attention of the hon. Minister to the fact that the Education Vote is the largest Vote of our national Budget. Because of that, we expect also a very large share of the deliverance of goods to our people. I am saying this because looking into my own area of Yatta, it is a very saddening affair because up to now, or since independence, there is only one Government-aided secondary school despite the fact that we are also tax-payers. We are also very loyal and Nyayo people, and we do everything just like any other people in this Republic. We are also a contributor to this 35 per cent of the National Budget. Because of that, I want to tell the Minister that he should take upon himself to ensure that, at least, Government takes three secondary schools in Yatta in this Vote.

Sir, we had already proposed to the Ministry that Katangi Secondary School, Ndalani Secondary School and also Masinga Girls Secondary School, should be taken over by the Government. Over the years, we always pass Votes here for the Ministry, and the people of Yatta do not benefit from them.

Mr. Temporary Deputy Speaker, Sir, I would like to draw the attention of the Minister to this burning issue. If he does nothing then I can assure him that a duel will be fought in this House during the next Budget. The other point which I want to draw the attention of the Minister to is the fact that I have observed that there is a lot of interest—

Mr. Temporary Deputy Speaker, Sir, I think hon. Members should keep quiet and listen to what I am saying.

I was saying that teachers have developed a very keen interest in business. I am not opposed to teachers doing some trade or business. But we must consider the role of the teacher in society. You will find that immediately after classes a teacher rushes to his shop and takes position behind the counter to begin serving customers. You are then left wondering when such a teacher prepares the lessons for the following day. You will find that he will stay in shop up to 11.00 p.m. when he closes up the shop. I know that everybody is concerned about his family's welfare. But there are certain professions which will not allow a person to do anything else. I do not know how this problem is going to be solved. I am, therefore, urging the Ministry to look into this problem. This is because I think this could be one of the reasons why schools in some areas in the country perform poorly in the national examinations.

The other point is the purpose of educating our youth. There is a lot of concern over the number of people we turn out every year and there is no provision as to how they can be absorbed into the society to benefit themselves. Some do get some training. But it is pathetic to find young men and women with K.C.E. and K.A.C.E. certificates but they cannot find jobs anywhere in this Republic. These children are there in great numbers. But is the purpose of the Ministry of Education only to produce these educated youths, like a factory would produce papers, and there is no plan as to how they should be absorbed in gainful employment to benefit themselves. This is a very serious issue. It is not a matter for the Ministry of Education alone to tackle but it is a matter that should be tackled by the whole Government. The Government should consider how best people who finish K.C.E. or K.A.C.E. can get gainful employment. The Government should create some jobs for these people. This is because it is a big problem and a dangerous one too to have these educated youths loitering without jobs. I, therefore, urge the Government to look into this very burning issue and see how we can try to alleviate this problem. I know that there are no ready-made jobs. But the Government can create jobs and that is why it is called "Government". That is why it has been given the responsibility of running the affairs of State; to create some jobs for these young people so that they do not become a problem to their parents and Members of Parliament and relatives. These young people have education and they want to lead decent lives

[Mr. Mutiso]

like other people but jobs are not there. We keep on writing letters for them but this is all in vain.

Mr. Temporary Deputy Speaker, Sir, I would have liked to say more but time is running out very fast and with those few remarks. I urge the Ministry to consider those points and do something about Yatta Constituency in terms of education.

I beg to support the Motion.

Mr. Angatia: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all I would like to join my colleagues in asking the Ministry to expedite the preparation of the scheme of service for teachers. It is a very big frustration to secondary school teachers when they just sit by and watch primary school teachers having not a complete scheme but a reasonable programme of promotion upwards while secondary school or graduate teachers only wait for that day when they will be headmasters. We all know that not everybody can become a headmaster and not everybody should hope to become a headmaster. Therefore, we would like the Ministry not to delay this any more but to bring this scheme of service into operation as soon as possible.

Mr. Temporary Deputy Speaker, Sir, the second point I would like to bring to the attention of the Minister is the admission to universities. We would like to urge the Ministry to introduce a programme at Kenyatta University, University of Nairobi and Moi University where holders of diplomas or its equivalent whether it is from Kenya Science Teachers College, Kenya Technical Teachers College or from Kenyatta University in those days when they offered diplomas or Egerton College when they offered diplomas—A programme should be introduced where diploma holders can be admitted—not to a three year programme but to a two year programme—to become graduates. It is an obvious matter that a lot of these people who go to diploma programmes are people who have university admission qualifications but they are not admitted to degree programmes because there is not enough room in the universities. If that fact is understood that way then those students who get admission to do diplomas should—when they have qualified as diploma holders—be given an opportunity to do their degrees; not in three years but in two years.

Mr. Temporary Deputy Speaker, Sir, we had a funny situation about a year or two ago where diploma holders and SI holders were admitted to some funny programmes in the University of London and offered a degree programme for two years but at the end of the programme it was stipulated that they would not aspire to move to post-graduate work. I hope that when we do introduce this programme in this country it will be a proper programme. I am not asking for the kind of programme which was offered at London University. I hope that we will introduce a programme whereby students will obtain proper degrees because

these students will have earned these degrees properly and they will be eligible to pursue post-graduate programmes without any discrimination or hindrance.

The Temporary Deputy Speaker (Mr. Karum): It is now time for the Mover to reply.

Mr. Angatia: With those remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Minister for Research, Science and Technology (Mr. Ayah): Thank you very much, Mr. Temporary Deputy Speaker, Sir. First of all I would like to thank all hon. Members who have contributed to this debate. They have all made very, very valid points and I am afraid that because of lack of time, I will not be able to refer to each and every one of them. But I can assure all hon. Members who contributed that the Ministry will undertake to study those points that have been raised. Those that can be rectified, if there are mistakes, will certainly be rectified. Those that need to be thought out will be thought out. I only plead with my hon. colleagues that if those things are not done tomorrow or next week, it does not mean that they were not seriously considered.

Mr. Temporary Deputy Speaker, Sir, let me refer to some of the points that were raised. As I have already said if I do not refer to certain points the hon. Members who raised them should not feel that their points were not important.

Let me start with the point that has recently been made by the hon. Member for Lurambi North with regard to the terms of service for secondary school teachers. I can assure him that that is already being taken care of. The Ministry is already working out terms and conditions of service for the secondary school teachers and I am sure that when they are out the hon. Member who is himself an educationist—and if he happens to revert back to his original profession—will find the terms very attractive indeed.

I would also like to assure the Member for Yatta, Mr. Mutiso, that the Ministry will, as the Government would indeed like to do, consider introducing secondary schools in Yatta. But I would like to appeal to him to continue with his normal hard work, with his community in Yatta to ensure that Yatta has as many secondary schools as can be established; not just three but I hope 10 or even 15. Mr. Temporary Deputy Speaker, Sir, there are two general points which I would like to touch on, before I go to some specific points, and one of them was raised by more than one hon. Member, and that is the whole idea of the teaching profession. One hon. Member actually referred to the fact that the Ministry may not be taking the teaching profession seriously. When some of us grew up, Sir, you will remember that at that time, a teacher was a very highly honoured member in the society and the Ministry still considers that a teacher is probably the most important person that they have to deal with. However, there is a secondary side

[The Minister for Research, Science and Technology] to this idea, that the teachers who are in the teaching profession must, themselves, be able to earn the respect from the parents and from the community in which they teach. They must earn the respect from the pupils and the students they teach, and from the general society. I am saying this because it does not matter how well we train a teacher, nor does it matter how well you equip schools or training centres, if the end product, namely the teacher himself, does not behave in a manner which deserves respect from all the elements involved; that is, the general community, the pupils and his fellow professionals; that training would not be useful at all.

One other general point made by hon. Members was the question of the cost of education. The hon. Member for Butere went as far as suggesting that we should re-introduce school fees, instead of saying that we have free education in this country when, in his opinion, we do not. Mr. Temporary Deputy Speaker, Sir, it is the Government policy that we should have cost-sharing, not only in education, but also in all services which are being provided for in our society. This is for the simple reason that if we continue to supply what purports to be free service to the community, two things will happen. One, the Government may not have all the money to provide the facilities to encompass the whole population and, secondly, it would be unfair for those who are better off in society to be supported by the poorer members of the society.

Therefore, I think it is only fair that Government should consider, and it is considering, the fact that costs for services rendered should be shared. In education, too, we are going to have parents progressively bearing some costs of education. They are already doing so in the construction of school buildings and providing school equipment and so on.

Mr. Temporary Deputy Speaker, Sir, the hon. Member for Butere was very strong in the question of discipline in schools and I agree with him entirely. The only thing which I would like to inform him is that the Ministry is already preparing a handbook on discipline, which will be out very soon. When this book is out, there will be something which the teachers parents and the pupils can refer to with regard to discipline in school. However, Sir, the most important thing is to remember that discipline does not begin or end at school. Discipline is something that must be shared by the whole society. Teachers take care of the children for a certain time of the day, and only in a certain session of the year, but the parents have their children with them almost all the year round.

It is important that the parents themselves realize that they should not pass the whole responsibility of discipline to the teachers. I agree that the teachers have the bigger responsibility, because they are professionally involved with the

children, but it is also important that the parents themselves take the question of discipline seriously, so that children do not think that if they are punished at school, they can go back to their parents and say that the teachers are not good. In fact, as the hon. Member himself said, there are cases when parents have complained when their children are disciplined at school. I think we should change our attitude completely, and I hope that hon. Members will encourage their constituents, who are parents, to realize that they must be a party to strict discipline, not only in schools, but also in the society generally.

Mr. Temporary Deputy Speaker, Sir, the other point which was raised by the hon. Member was the question of selection of candidates to the teacher-training colleges. I would like to point out that these colleges are being set up in certain areas which the Ministry calls "zones". We have said that these candidates are going to be identified by the administration. This does not mean that the administration is going to select the candidates. What I mean is that the chief, and the local administration, is going to identify the candidates so that we can ensure that the people who are going to go to these colleges are the people from that particular zone so that the people in that zone benefit from the establishment of that college in that area. Therefore, the hon. Member should have his heart at rest because this is going to be taken care of.

Mr. Temporary Deputy Speaker, Sir, there is one point which was raised by the hon. Member for Aldai, and I thought that this point was rather interesting and this is the question of 8-4-4 Programme. He made a very valid point by saying that there has been some teething problems regarding this programme. It is natural that whenever we have a new and important programme such as the 8-4-4 Programme, you must have certain problems at the beginning. We do admit that in some cases, there have been, and there will continue to be, some problems with regard to the provision of facilities, especially in the rural areas. However, I would like to assure hon. Member that Government is taking every step to ensure that every primary school in the country is provided with all the necessary equipment, so that this wonderful programme, which is an innovation of our own President, is carried out successfully.

I am glad to note that the hon. Member particularly said that he is not opposed to the 8-4-4 system of education in principle, and that he was merely pointing out the fact that there have been some problems, and this is valid enough. As I said, these problems are in the process of being rectified. I would also like to encourage hon. Members to continue to point out to their constituents, particularly the parents, that in line with what I have said earlier about sharing of costs, they have a responsibility of ensuring that these facilities; that is the laboratories and and so on are provided for the benefit of their children. After all, there is no greater responsibility in the society than ensuring

[The Minister for Research, Science and Technology] that the education of our children is well cared for.

Mr. Temporary Deputy Speaker, Sir, there is another point which was made by you, Sir, in your other capacity, regarding the question of posting of teachers. You, Sir, made a valid point that, perhaps, the Ministry should begin to consider posting teachers with regard to subjects, rather than to classes. You will remember, Sir, that one of the components of this Vote is the provision for the National Council of Science and Technology. I would like to inform hon. Members that we are now determined—and this is very important as far as the question of science is concerned—to introduce the attitude in our society that science is not a special kind of knowledge. What has happened in the past is that we have made our children to believe that Mathematics, Physics, Chemistry and so on are special subjects which need special kind of aptitude. As part of my Ministry. I would like to feel that we, as Kenyans, realize that the future of our society depends very much on the attitude we take towards science. Science has now become one very important element in the day-to-day running of any society which would like to advance. Therefore, I would like to encourage hon. Members to tell the people in their public addresses, and anywhere else, and even talk to children at school, that there is nothing special about science. It is not only necessary, but also a way of life. I would like to see introduced in our country a scientific culture that makes children believe that unless they know Mathematics, Physics and Chemistry at some level, they are not educated enough. That is why I take note of the fact that you, Mr. Temporary Deputy Speaker, Sir, raised the point that teachers should perhaps be posted in terms of subjects, rather than the classes they are supposed to handle. This is an extremely valid point, and it will be considered along with others that have been put forward by other hon. Members.

One hon. Member, I think it was hon. Barngetuny, raised the question of differences between rural and urban schools. He said that there is a great difference between the education which is being provided in rural areas and that which is being provided in urban areas. In some ways, this is inevitable. This is not something that is unique to Kenya: it can be found practically in every country, but that does not mean that we must encourage it. It only means that we should redouble our efforts, especially in rural areas, in order to ensure that the education that we provide to our children is, as far as is practicable, uniform, or nearly uniform, among schools in rural and urban areas. The only other obvious thing is that rural people are now having a bigger burden in the construction of new schools, classrooms and other facilities that children need in those schools. However, the fact that there are some differences between these two categories of schools is a valid point to make. The Government is doing every thing possible to ensure that the education we provide in our rural

schools wherever they are is uniform with or similar to, the kind of education that is provided in urban areas. After all, all these children end up in the same universities, and the same society as teachers, engineers and other professionals. Therefore, it is necessary that they all have the same basic education in every respect.

It was the hon. Member for Ugenya who raised the question of, I think, the selection of children after examination. In fact, he referred to it as a question of having to put these private schools into the computer. Perhaps the most important point raised here was the question of teachers being provided to private schools. The only thing I can say in this respect—I am sorry that hon. Member is not here—is that if private schools can have the same terms and conditions of service, and remuneration and pay teachers regularly, there is no reason why they cannot have the best teachers in the society. What has happened, however, is that private schools are, unfortunately, set up as trading establishments. It is very unfortunate that some people in our society think that education is a commodity that can be used to make money. Consequently, they are not prepared to establish terms and conditions of service which will attract good teachers. As a matter of fact, in many cases, they have teachers for a very short time, and the turnover is very high because they do not pay the teachers well. As I have said, however, if they can establish proper terms and conditions of service, I see no difficulty in their having the best teachers available. If they do that, then there will be no difficulty in their children being selected to join the best schools in the country, but I must re-emphasize the fact that we expect private schools to have the same standards as any other schools in the country. After all, as I said yesterday, we in the Ministry of Education, would like to inspect, as we do, these schools. We expect them to have the same kind of standard, not only in teaching but also in the provisions of facilities in schools as in other schools so that we have uniform education.

The hon. and Gracious Lady, Mrs. Waruhiu, made an interesting point which was also made by the Minister for Environment and Natural Resources, with regard to the question of establishing common services. I do not know exactly what expression she used, but I think she said that we should establish some points at which we provide services to schools, like science equipment, laboratories, and so on, so that children can go there and share those facilities. This is a very noble idea, and I can assure the hon. Lady that the "thinking machine" in the Ministry of Education is going to set itself up and see whether this is something that can be done. However, there is also the question of responsibility and cost. The moment you start setting up a common service the questions you run into are: where will you set it up? Who is going to be responsible? Who is going to pay for it? I think that this point will be considered.

[The Minister for Research, Science and Technology]

Mr. Temporary Deputy Speaker, Sir, let me come back to one thing I said earlier, on the question of the National Council of Science and Technology, which is a part of this Vote but which, in the wisdom of His Excellency the President, comes under a separate Ministry. This is an important element to the extent that we have established under the Science and Technology Act of 1979 institutes of research and the National Council of Science and Technology. We are now trying to face the future with a scientific approach. As His Excellency the President has said, we would like to move from the known to the unknown. The only way we can do that is to experiment by carrying out research and finding out the truth before you take any step. You must know what kind of seeds you are going to plant, what kind of medicine you are going to use and what kind of diseases are common so that we may have an attitude that does not bumble around with the problem of the society. That is why I am very happy that, looking at hon. Members' faces, they are going to pass this Vote. It contains particularly the provision for the National Council for Science and Technology. I know that many people regard science as a strange "animal" or something that is only dealt with by specialized people, but I would like to assure the House that science has derived this unfortunate description from people who have never bothered to find out what science is all about. It is merely a method of describing physical facts, and no more nor less than that. I myself consider that History is more difficult than Physics or Mathematics because in History you have to look for all kinds of hidden things. In Mathematics, you merely use a certain language to describe physical facts, and it should not be difficult. I hope that, with this new approach of using science as the basis of looking at our problems in society, we will be able to solve our problems with more accuracy.

Mr. Temporary Deputy Speaker, Sir, I do not want to belabour the point too much; I merely want to come back to thanking all the hon. Members who have contributed to this Vote for the valid points that they have made. I am sure we will be able to move ahead and establish an educational system which is useful to our society without having to copy any other system. I applaud the 8-4-4 educational system because it is unique; it introduces a new approach to our education and it is going to be an important element in the training of our children.

Finally, Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to end my remarks by congratulating His Excellency the President for what he has done for this country for the last nine years, particularly in the field of education, and in any other field in which he has put his fingers. I hope, and pray, that God almighty will give him more years and more wisdom, so that he may continue to lead this nation with greater vigour and wisdom.

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

(Question put and agreed to)

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

IN THE COMMITTEE

[Mr. Chairman took the Chair]

VOTE 31—MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, Sir, I beg to move:

THAT, a sum not exceeding K£200,013,005 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1988, in respect of: Vote 31—Ministry of Education, Science and Technology.

(Question proposed)

RECURRENT EXPENDITURE

(Heads 834, 835, 836, 837, 838, 839, 841, 858, 862 and 863 agreed to)

(Sub-vote 310 agreed to)

(Heads 844, 845 and 846 agreed to)

(Sub-vote 311 agreed to)

(Heads 803, 804, 807, 809, 847, 865 and 871 agreed to)

(Sub-Vote 312 agreed to)

(Heads 810, 811, 848 and 849 agreed to)

(Sub-Vote 313 agreed to)

(Heads 853, 854 and 856 agreed to)

(Sub-vote 314 agreed to)

(Head 816 agreed to)

(Sub-vote 315 agreed to)

Head 800—Board of Governors Maintained Schools

Mr. Angatia: Mr. Chairman, I am referring to page 763. It appears like these schools do not have any teachers; they just have bursars and accountants. Which schools are these?

An Hon. Member: What page are you referring to?

Mr. Chairman: On page 763 where the details of the expenditure are annotated, we have item 800—Board of Governors Maintained Schools. He is raising a question of the first place where it is shown that during the year 1987/88, there will be 15 principal headmasters. He is asking which schools these are.

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, I am informed that these are Government maintained schools and that their names have been published in the Press. These are schools like Maseno and Lugulu—I do not have all the names here.

Mr. Angatia: Mr. Chairman, these schools are under Head 801—Sub-head 316. The heading previous to that, and the one after that, cover those schools that the Minister is referring to. They are item 301—Grants to T.S.C. Teachers. After this one I

[Mr. Angatia]

am referring to, you will find Harambee secondary schools and others. So, these other schools I am referring to seem to have only principal headmasters, bursars and accountants; they do not have any teachers. I do not know which schools these are. Mr. Chairman, I do not know whether the Minister has this book because he does not seem to follow the discussions.

The Minister for Research, Science and Technology (Mr. Ayah): I am sorry, Mr. Chairman, but I was getting a briefing. As I said earlier, these are Government maintained schools and this will be spread all over the country. It is not a question of one particular school or one particular area.

Mr. Shikuku: Mr. Chairman, I am not quite following the hon. Minister, and I do not think he is replying to the question raised by hon. Angatia, to tell us which schools and what specific type of schools they are, because we have very many schools. In fact, we have been asked to contribute Harambee money to some of them. Now, is this the money, or is he trying to tell us that this is the money that will be given when Harambee functions are organized? What is this? He must be specific and tell us which schools these are. Is Butere Girls' High School one of them?

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, the point being raised by the hon. Member is quite valid. What I am saying is that these are large schools like Maseno High School. I do not know whether Butere Girls' High School is one of them, but these are very large schools which have been up-graded; the heads of these schools have been up-graded to the ranks of principals and so on. As I said earlier, I regret that I do not have the names of all the schools, but I can get them right now if hon. Members could be patient a little.

Mr. Angatia: Mr. Chairman, I would not want to insist that the Minister should give names, but if you look at the item before that—secondary Education, item 301—Grant to T.S.C.—you will see that they have 15 principal headmasters who are scattered all over the country. These are the 15 principal headmasters that I know of. There should be 15 principal headmasters, 89 senior headmasters, 187 senior headmasters II and other thousands of teachers who must cover all schools which are maintained by the state. But then, we have this other little bunch down here of 15 principal headmasters, followed by bursars and accountants. That bunch does not talk of teachers or deputy headmasters. I do not even know how they are funded. If they are just headmasters funded direct from the Ministry of Education, are there also some teachers funded from the Ministry of Education direct? Or do they follow under the previous one because I can see the figure of 15 in the previous paragraph? I am suspecting that these are the same

schools and, if they are, then we are double voting; if they are not, then let us know which schools these are which have no teachers except bursars and accountants?

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, I am getting into a bit of a slow reaction here. I think the question raised by the hon. Member seems to suggest that these schools are being repeated, which is not correct. The 15 schools under item 800 are the very large schools that have been up-graded and are going to employ the people that are enumerated here. As he points out correctly, there is no provision for teachers in this item, but the teachers are provided for somewhere else.

Mr. Lotiyo: Mr. Chairman, I think the Minister should let us know the position because we cannot just leave the situation like that. Otherwise, this will create some discrepancies later on for anyone to be up-graded.

The Chairman: Mr. Minister, may be, I can help you here. You see, when you look at the items, you find that item 301 covers the grants to the Teachers Service Commission to pay teachers' personal emoluments. These are the teachers who are paid direct by the Teachers Service Commission. Item 800 covers Board of Governors Schools, and these include the non-teaching staff. That is why you have bursars, accountants and other people who are not necessarily paid by the T.S.C. This is the money that is paid direct by the Ministry of Education, including salaries of some headmasters who are not employees of T.S.C. I think this is where Mr. Angatia wanted the distinction to be made. Maybe, you can now move on from there.

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, I am sorry and I must apologize to the hon. Member for Lurambi North. There is a mistake in this, in the sense that there is a repetition in item 800. Just above that, you see another 15 principal headmasters, something which appears also below there. That is a repetition; it should only be one.

Mr. Shikuku: On a point of order, Mr. Chairman, Sir. I do not quite recall an incident like this one. Where do we stand now, because the Standing Orders provide that we can only amend these allocations by a reduction of £1 but not increasing. Now, as far as the budget is concerned, how do we handle this case because we will require an amendment to delete the first 15 principal headmasters and leave the second lot which the Minister thinks is the correct number. What do we do now? I have never had an occasion like this one where we have had a glaring mistake. The hon. Member for Lurambi should be congratulated for pointing this out to the House. If we want to have a debate, we can move a reduction of K£ 1 to enable us to debate the matter until the time is over, or we ask for the adjournment of the Committee so that

[Mr. Shikuku]

we beg leave to sit again so as to put our heads together and see what we can do. This is an historical incident.

Mr. Chairman: Hon. Shikuku, the position, as I see it, is not the only occasion. We had a similar instance of more significance than this on in 1985's Printed Estimates. These are printing errors which do not, in reality, add or lessen the actual allocation to the Ministry. So, when the Appropriation Bill comes, this will not be reflected.

Mr. Angatia: Mr. Chairman, I do not believe that your last statement is correct, without wanting to challenge it. Can we do a mathematical addition and see whether the second set of 15 principal headmasters is not included in the total amount? On the Floor as we are right now, we cannot do the necessary calculations. You can see that the total down there is K£ 152,680. If any part of that is included in the previous amount, and yet that figure occurs on its own in the overall total, then obviously, we would either have to subtract or it is proven on the Floor by addition that the amount of the extra 15 principal headmasters is not included there.

Mr. Chairman: Well, Mr. Angatia, while sympathizing with that position, I do not think we can work on a supposition. Unless, as I am going through the items, you have done the arithmetic and you can tell me now while we are talking that you have added and there is more that we are going to approve, then I will take the earlier ruling I gave that that is the position we will take.

Mr. Angatia: Mr. Chairman, I take the position that, in fact, it is double voting we are doing and that the amount is included twice. That is my position now.

Mr. Chairman: Just a moment. Where do you total that?

Mr. Angatia, to satisfy your curiosity, if you look at page 744, item 301—Grants to Teachers Service Commission Teachers Personal Emoluments, there is a total K£ 1,700,000. If you look at pages 763 and 764, item 301, the grand total on page 764 is K£ 1,700,000. That is why I said that in the actual total that we are approving, I do not think that there is a problem.

Mr. Angatia: Mr. Chairman, can you repeat the page number?

Mr. Chairman: I am referring to page 744, item 301 Head 802—Secondary Technical Schools. That is where we are. The particular item we have now introduced is item 301—Grants to the Teachers Service Commission Teachers Personal Emoluments. If you look at the end of Estimates 1987/88 column, the total for that item is K£ 1,700,000. That figure is at the end of page 764. The two are what we are approving; so there is no less or more in the actual grand total.

(Head 802 agreed to)
(Sub-Vote 316 agreed to)

Sub-Vote 317—Polytechnic and Post-Secondary Education

Mr. Shikuku: On a point of order, Mr. Chairman, Sir. We were trying to follow you but the way you put the question was to fast, that we could re-orient ourselves on what to do.

Mr. Chairman: Hon. Shikuku, I thought I quoted the page, showed the item and went on beautifully.

(Heads 812, 820, 821, 825 and 866 agreed to)
(Sub-Vote 317 agreed to)

(Heads 827, 828, 829, 832, 833, 867 and 868 agreed to)

(Sub-Vote 318 agreed to)

(Vote R31 agreed to)

Mr. Chairman: We will now go to Development Estimates, page 802.

DEVELOPMENT EXPENDITURE

(Heads 037, 834, 837, 839, 858, and 862 agreed to)
(Sub-Vote 310 agreed to)

(Heads 844 and 845 agreed to)

(Sub-Vote 311 agreed to)

(Heads 803, 804, 809, 847, 865 and 871 agreed to)
(Sub-Vote 312 agreed to)

(Heads 810, 848, 849 and 856 agreed to)

(Sub-Vote 313 agreed to)

Mr. Lotiyo: Mr. Chairman, Sir, I have seen the post-primary schools grants by the Ministry of Education and I feel that there are very few post-primary schools being allocated some grants for—

The Chairman: Which page are you referring to?

Mr. Lotiyo: I am referring to page 508, Mr. Chairman.

Mr. Chairman: No, we are not there.

(Head 856 agreed to)

(Sub-Vote 314 agreed to)

Head 800—Board of Governors Maintained Schools

Mr. Lotiyo: Mr. Chairman, Sir, I would like to know about this capital development particularly for secondary schools. As we understand now, under the district focus for rural development this grant is issued by the Ministry through the district education officers—

Mr. Chairman: We are in Committee and I have read Head 800 and if you wish to raise a question, you have to specify under which item and then ask your question.

Mr. Lotiyo: Mr. Chairman, Sir, I am sorry I am not following you very much. I thought we were talking about board of governors in the same school.

Mr. Chairman: Yes, I am with you and I am only helping you to do the right thing. We are on Sub-Vote 316—Secondary Education, Head 800 and it has got several items, that is, Minor Works and Improvements, Construction of Buildings; Non-Residential and Secondary School Laboratories (U.K.). If you wish to raise a question, it must be under one of those items.

Mr. Lotitiyo: I am talking about item 840, Mr. Chairman, Sir.

The Assistant Minister for Education (Mr. Kisiero): On a point of order, Mr. Chairman. I suspect my hon. friend has got a different edition of the book. He is not looking at the proper book. He is looking at the districts allocations.

Mr. Lotitiyo: Mr. Chairman, I think the hon. Member is not with me. I have the correct book: "Development Estimates".

Mr. Angatia: What we are using is the "green" book. He is using the districts allocations which is wrong.

Mr. Chairman: Order! Order!

(Head 800 agreed to)

(Sub-Vote 316 agreed to)

(Heads 812, 820, 821, 822, 825, and 866 agreed to)

(Sub-Vote 317 agreed to)

(Heads 827, 828, 829, 833, 867 and 868 agreed to)

(Sub-Vote 318 agreed to)

(Vote D31 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

[The Temporary Deputy Speaker (Mr. Karauri) in the Chair]

REPORT

VOTE 31—MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY

Mr. aron Ng'eny: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding K£ 200,013,005 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1988, in respect of Vote 31—Ministry of Education, Science and Technology and has approved the same without amendment.

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Education (Mr. Kisiero) seconded.

(Question put to and agreed)

MOTION

DISAPPROVAL OF SESSIONAL PAPER NO. 7: LOAN GUARANTEE TO KENYA PORTS AUTHORITY

THAT, this House resolves not to grant approval to the proposed Government guarantee of a loan to the Kenya Ports Authority as contained in the Sessional Paper No. 7 of 1987 laid on the Table on 14th July, 1987.

(Mr. Shikuku on 29th July, 1987)

(Resumption of debate interrupted on 13th October, 1987)

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, when the House adjourned, I was trying to tell and

explain to the House why the Kenya Ports Authority does not need this guarantee at all.

May I go further and state when the House guarantees any loan, the implications are that if that particular organization or institution fails to repay the loan, then it is the Government that is supposed to repay that loan from the mwananchi's tax money. It is not just a question of guaranteeing and then getting away with it. That is why I gave the list of guarantees we made last time and lost colossal sums of money, almost billions, which, if we had not done so, and if that money was here, Kenya would have a different "face". I had given example of the now much talked about KSh. 600 million which are outside the country. If you brought that money back and put it in Kisumu Rural, I am sure the "face" of Kisumu Rural would change. Also, KSh. 600 million in Butere, even the District Commissioner, Kakamega, could agree that there would be too much development. But now, where is that money? It is down the drain. That is why I am very careful when doing things.

May I, Sir, at this juncture say this, that I am not bothered and I will not be humiliated, or I will not be ashamed if this Motion does not go through. No! I wish it does not go through so that those who make it not go through shall be answerable one day for their folly today.

An Hon. Member: What about if they are dead?

Mr. Shikuku: Their children shall answer for it!

Sir, we borrow money because we do not have it. All I know is that the Kenya Ports Authority is a parastatal body of this Government and not a banking institution. Why do I say that? It is because they have so much money that they invest for short-term period to the tune of KSh. 199,072,965.75, and which as I had stated earlier, has matured. The latest matured on 21st July, 1987. All this money has come back to the organization. We are being asked to guarantee a project that will cost KSh. 188.9 million. But you can see from this money which has just come back, it is KSh. 199 million! Why do we want to borrow? If the Kenya Ports Authority is so hard up, and it has no source of income, may I now give them this knowledge? I must thank the wananchi in the Kenya Ports Authority for making it known to the public and the tax-payers in this country what "cooks" on in the Kenya Ports Authority. May I take this pleasure Sir, to read you the amounts and interest, and you can work out your own arithmetic to know how much the Kenya Ports Authority does, or what booming business it is doing if those people are paid interest as stipulated here.

Mr. Temporary Deputy Speaker, Sir, the Kenya Ports Authority invested KSh. 20 million in Cereals and Sugar Finance Corporation. They were given KSh. 20 million at the interest rate of 12.65 per cent. This was on 1st August, 1986. The amount matured on 21st July, 1987. Also KSh. 10 million was invested in Trans National Finance Limited at an interest rate of 14 per cent. If you want to

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borrow money in other banks you will never get it at this percentage you can see here 12 per cent and 14 per cent. They normally charge from 16 per cent to 18 per cent. But here you will not find anybody being charged 16 per cent. So, the Kenya Ports Authority is not a poor organization. There is more money given to Trans National Finance Limited. They gave it the following amounts; Sh. 10 million; Sh. 5 million; Sh. 10 million and Sh. 10 million. I do not know why they were doing this. The first figure of Sh. 10 million which was given to Tran National Bank Limited was given on 24th June, 1985 and it matured on 23rd December, 1986. I have already talked about Sh. 10 million. The amount of Sh. 5 million was given to the Bank at the rate of 14.5 per cent. It was invested in December, 1985 and it matured on 4th December, 1986; after one full year. The Bank was also given Sh. 10 million at an interest rate of 14 per cent. You can see they give at 14 per cent and 14.5 per cent. It is the same organization. The other figure of Sh. 10 million was given at the rate of 14.5 per cent and it was given on 24th January, 1986 and it matured on 23rd January, 1987. This is only to Trans National Finance Limited.

We also have got the Trans National Bank which was given Sh. 5 million at the rate of 15 per cent; seven days on call. I am sure it was returned if it was on call. So, it must have gone back probably the same month; maybe it came back even after one week. The total of the figures I have read here is KSh. 40 million.

There is Internation Finance Limited; they got the following amounts Sh. 3 million; Sh. 4 million and Sh. 3 million at the interest rates of 14.75 per cent; 14.75 per cent and 15 per cent. The sub-total here is Sh. 14 million.

Thabiti Finance Limited is the next one. If you check on this institution you might find that there are some people there who have an interest in the Kenya Ports Authority. I do not want to go into that, but if somebody pushes me too far I will go into it. Thabiti Finance Limited was given Sh. 3,072,955.75 and that was on 29th January, 1986. And then on the same day—I do not understand how they were doing this. On 29th January, 1986, Thabiti Finance Limited was given Sh. 3,072,955.75 at the interest rate of 15 per cent to mature on 28th January, 1987. They were given another amount on the same day again. I do not know how they were doing it. Maybe at 8.00 a.m. they were given some money and then another amount at 9.00 a.m. or 11.00 a.m. But on the same day Thabiti Finance Limited was given Sh. 4 million— Oh, this was on 19th June, 1985 and this amount of Sh. 4 million matured on 18th December, 1986. Thabiti Finance Limited was also given the following amounts; Sh. 3 million; Sh. 4 million and the sub-total of the money lent to Thabiti Finance Limited alone comes to Sh. 14,072,065.05

There is Estate Building Society which received the following amounts: Sh. 1 million; Sh. 2 million and Sh. 2 million and the sub-total is Sh. 5 million. All this was seven days on call.

We have Pan African Bank Limited which was given the following amounts: Sh. 3 million; Sh. 15 million and Sh. 10 million at an interest rate of 13 per cent throughout. All these amounts matured on the following dates: 24th December, 1986; 23rd December, 1986 and 21st December, 1986. The money was lent to the same company, maturing at different dates. But you want us to say that this organization is hard up and that it wants some money. The sub-total here is Sh. 28 million.

We also have the Middle Africa Finance Limited which received the following amounts: Sh. 1 million; 4 million and Sh. 2 million. The sub-total is Sh. 7 million and all the amounts have matured.

We have Pioneer Building Society which received Sh. 1 million and Sh. 2 million. The sub-total is Sh. 3 million.

The next one is Bank of Credit and Commerce Limited—

An Hon. Member: Magendo Bank.

Mr. Shikuku: Yes, the Magendo Bank, Sir. Now you can see. The wananchi did not know this but now they will know what is happening in the Kenya Ports Authority. But they will say "Shikuku is after somebody." Whom am I after? I am after the people's property. I am a watchman and I have got to know everything. My bosses are sleeping and my job is to make sure that no thief steals the property of my bosses—even to the extent of losing my life. You have heard of watchmen who have been butchered by robbers while the boss was sleeping upstairs. My work is to blow the whistle and tell wananchi that things are going wrong. Even if I die I shall die with a clean heart; in service to my beloved wananchi of Kenya.

Mr. Temporary Deputy Speaker, Sir, I will now move on to the National Bank of Kenya which was given Sh. 3 million seven days on call.

We also have Pan African Credit Finance something— The photostat copy is not clear but I can see something like A.R.I. I do not know what it means but it is a credit finance company. This one received the following amounts: Sh. 1 million; Sh. 4 million and Sh. 1 million and this adds up to Sh. 6 million. All this matured in January, 1987.

We have got Trade Bank Limited which got Sh. 3 million and that matured in December, 1986. We also have—I think—Central Finance Limited which got Sh. 3 million. We also have another one called Business Finance Limited which got Sh. 3 million. The Bank of India received Sh. 2 million. All these amounts have matured. The sub-total here is Sh. 11 million. There is another one known as International Finance which was given Sh. 1 million. The total shown on page 2 of this document— The short term money which had already come back to the organization in 1986 is

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Sh. 199,072,965.75. Is this the organization which we are being asked to help when they can do this job themselves locally? If you are poor, Mr. Temporary Deputy Speaker, Sir, you will not give me a loan. I do not say that it is wrong to give this money to my Government. But I only want to prove that this organization is not all that poor and it does not require this money we are being asked to guarantee.

On page 2 of this document you will find long term investments—Government Stocks. They were given Sh. 81,841,400 at an interest rate of 8.25 per cent. Where can you get a loan with an interest rate of 8.25 per cent? Where? Probably, this kind of thing would not even happen in Switzerland. The investment is to mature in 1994.

An Hon. Member: It is Government stock.

Mr. Shikuku: Whether it is Government stock or not, this is what it is. It is money. I am talking about money, and not about bananas or something like that. Here again, we have Government stock worth Sh. 100 million at 8.5 per cent interest to mature in 1990. Mr. Temporary Deputy Speaker, the truth shall live for ever and I have warned my brothers in this House that the truth is God, and God is the truth and, therefore, he that fights against the truth, does not fight against Shikuku, or against anybody who has spoken the truth, but fights against God, and is bound to lose. It does not matter how powerful one is politically, or how tall or how educated he is nor does it matter how ignorant or how illiterate he is. If he fights against God, he is bound to perish.

Mr. Temporary Deputy Speaker, Sir, here we have Sh. 51,150,800 at 10.75 per cent interest to mature in the year 2000 when we shall have piped water all over the country.

An Hon. Member: Who tells you so?

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, my brother over here asks me who tells me this, but how many times have we heard from the Minister for Water Development that in the year of our Lord 2000, piped water will be flowing all over the country, and it will be brought up to your kitchen? You will have to close your taps tightly otherwise, your bed will be wet.

Mr. Temporary Deputy Speaker, Sir, this is the situation. They say that in the year of our Lord 2000, although it might be the year of floods, they do not say so. All they say is that there will be piped water in every home in the Republic of Kenya.

The Assistant Minister, Office of the President (Mr. Maiyani) Yes, 13 years from now!

Mr. Shikuku: Yes, 13 years from now. Thank you very much, hon. Njururi. In the year 2000, that is when this investment at 10.75 per cent interest will mature. Can you tell me, Mr. Temporary Deputy Speaker, that this organization requires a loan, when it can live up to the year of our Lord

2000—when piped water will be flowing all over this country—waiting for those investments to mature?

An Hon. Member: On a point of information, Mr. Temporary Deputy Speaker, Sir—

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I will take points of information later, because I would like to conclude my speech. The amount of loan which they have given out is Sh. 232,992,200—under long-term agreement. From there, you go to another investment. The photostat copy here is not good enough and I cannot read it properly, but they gave money to an organization called E.A.H.C. Pension Fund amounting to Sh. 28,278,459.85. I do not know whether this is under short-term agreement or not.

An hon. Member: It is for workers.

Mr. Shikuku: Yes, it could have been for workers or whatever it is, but they gave out the money. There is another organization called Transnational Finance Corporation which has been given a loan of Sh. 5 million at 15 per cent interest. Then there is Thabiti Finance Company being given Sh. 5 million to mature in 1986. There is also a total pension which was given Sh. 146,895,235.45 but they do not show when this money was given out, nor do they say for how long it is going to be loaned.

Mr. Temporary Deputy Speaker, Sir, may I now draw the attention of this House to the fact that the aim of bringing this Motion to this House is to bring to the notice of the people of this country that: one, that we do not need to bedevill ourselves into debts anymore, because we are already in too much debt. If this guarantee is approved, it will involve over £504 million, which is about Sh. 10 billion. According to Sh. 3 billion a year. So, you will find that we are actually going into debt to the tune of three of our national budgets.

Leave that alone, Mr. Temporary Deputy Speaker, Sir. I will now turn to a more serious problem. In this very country, we have residents as at 31st December, 1986, who had taken our foreign exchange and deposited it in foreign banks, outside this beautiful country of ours. This money has been deposited in foreign banks, and it is equivalent to 20 of our national budgets. If all that money was brought here, we would not ask questions in this House. We would not have our brothers here in the Front Bench quarelling with us after asking them what has happened to a certain bridge, or when they are going to complete a certain clinic; when they are going to take over a certain self-help clinic; when they are going to do this, that or the other. Our children would have free education from Standard 1 to the university.

However, Sir, all this money belongs to a few individuals who have deposited it outside this Republic. As if that is not enough, we have now some Asians who are taking money outside this country. I have been "crying" in this House that

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money is being taken outside this country and what I have been saying has always been dismissed as "Shikuku allegations". Mr. Temporary Deputy Speaker, Sir, since the majority of hon. Members in this House are Christians, I would like to remind them—

Hon. Mwachofi: There are some Muslims as well.

Mr. Shikuku: Yes, there are some Muslims in this House. There was a person who was born by the name of John the Baptist, who used to baptise people in the River Jordan, somewhere in Israel. He used to say, "You repent. The Lord is coming soon. Make way for Him", and they refused to hear him and said, "Oh" is that John? That guy always talks like that. He stays in the bush and eats locusts and some honey". I am only giving an example. Those who are civilized say that history repeats itself. It came to pass that Jesus came; indeed, and these human beings, being as bad as they are, wanted him to prove that he was Jesus, indeed. So, Jesus went out of his way and said, "Let the blind see, cripples walk" and so on. Mad fellows were cleansed and the lepers were cured. He even provided free meals at meetings and the people ate their fill. Even drunks were given water that had been turned into wine and they drank it to their merry. However, what did these people do to Jesus? Jesus did not even marry. The only thanks that they gave him were to crucify him and say, "Let him die. Let his blood be upon us and our children."

We all know what is happening now. I am nobody to compare myself to Jesus, nor to Saint John the Baptist, but I only want to say one thing. I was released from detention by the Lord himself, and that is why I am still alive. I should have dropped dead there. I do not want to be like those of us who were given so many good things by Jesus and yet the only thing we gave him was death. I want to praise the Lord because if it were not for him, I would not be on my feet today. No one knew that Shikuku could even kick a ball. Today, however, according to the wonders of God, Shikuku can not only kick the ball but also score goals. Our television crew has seen me score goals, and there is no doubt about this. The only thanks I can give to the Lord is to do my homework, work for the people of this country and speak only the truth. I give these thanks for the sake of it. I am he who praises the Lord.

The Minister for Transport and Communications (Mr. Magugu): We, too, have been praising the Lord.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, hon. Magugu needs some preaching. He should repent. He must repent because these sins are in his Ministry.

The Minister for Transport and Communications (Mr. Magugu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you really satisfied that this hon. House is really for hon. Shikuku's preaching? I thought that if we wanted preaching, we would get that service in the church, or in other areas which are really designed, and designated for preaching.

Mr. Shikuku: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for the information of the hon. Member, who has not wasted any time to know who I am; he forgets that the person now speaking was in the seminary for seven years. Another thing that he should know is that we have been told time and again by His Excellency the President that Kenya is a God-fearing nation. What is wrong with preaching the word of God in the highest authority of the land? This is where the word of God must be preached. We should not abdicate our responsibility. We cannot say on the one hand that we are a God-fearing nation and, on the other hand, when another person raises the issue, we say, "Oh, do not preach to us." Where are we? Is hon. Magugu really a follower of His Excellency the President? From his remarks, he is not. I submit that he is not.

The Minister for Transport and Communications (Mr. Magugu): On a point of order, Mr. Temporary Deputy Speaker, Sir. I will not comment on these remarks; but do I not take it that if we must have a preacher in this House, it should not be in the person of the hon. Member but in the person of a preacher who has a collar, and is ordained to preach?

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, dress is immaterial. I would like—

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Karuri): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 15th October, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

Thursday, 15th October, 1987

The House met at thirty minutes past Two o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

No. 606

REASONS FOR NOT GROWING COFFEE—CENTRAL DIVISION, LAIKIPIA

Mr. Muthura asked the Minister for Agriculture what are the reasons for not growing coffee in Central Division of Laikipia District.

Mr. Speaker: Anybody from the Ministry of Agriculture?

No. 597

PAYMENT OF N.S.S.F. BENEFITS TO MR. PAUL NGULI

Mr. Kikuyu asked the Minister for Labour—

(a) why Mr. Paul Nguli, F. M. No. 119, 715, 368, former employee of New Iveti Coffee Growers Co-operative Society has not been paid his N.S.S.F. dues since his retirement in August, 1985; and

(b) when he would be paid.

Mr. Speaker: Any body from the Ministry of Labour? Next question.

No. 497

NON-PAYMENT OF FIELD ALLOWANCE TO GRAVELLING PROJECT WORKERS

Mr. Mwachofi alimwuliza Waziri wa Uchukuzi na Mawasiliano—

(a) ni nini kilichosababisha kusimamishwa kwa malipo ya nje (field allowance) kwa baadhi ya wafanyakazi wa kituo cha Kenya East Graveling Project, Kitua, tangu 1985 hadi leo;

(b) ni nini kilichosababisha kutokupelekwa michango ya N.S.S.F. ya wafanyakazi zaidi ya 150 tangu mwaka 1978 hadi 1985; na

(c) ni hatua gani zinazochukuliwa kurekebisha haya makosa.

Mr. Speaker: Anybody from the Ministry of Transport and Communications?

No. 600

PAYMENT OF TERMINAL BENEFITS TO MR. WILSON MUGAMBI

Mr. Wakiondo asked the Minister for Finance—

(a) when a Mr. Wilson Kanga Mugambi, P/No. 140516, a former employee of Ministry of Health who retired on 30th November, 1985, would be paid his terminal benefits as per reference letter No. 140516/83 of 10th June, 1987 and the Principal Pensions Officer No. APMPC 28628 of 21st May, 1987; and

(b) whether he could expedite the payment.

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

(a) Mr. Wilson Kanga Mugambi, P/No. 140516, has already been paid his terminal benefits vide cheque No. 536495 of 13th July, 1986. He has in addition been paid pensions for the months of July, August and September, 1987 vide computer cheque No. 02113073 of 30th September, 1987.

(b) In view of the reply that I have just read, the issue of expediting the matter does not, therefore, arise.

Mr. Wakiondo: Mr. Speaker, Sir, may I thank the Minister for the reply he has given. However, could the Minister tell us the reason why this man, after retiring in 1985, has not got his benefits up to this year?

Prof. Saitoti: Mr. Speaker, Sir, I would be grateful if the hon. Member could speak louder.

Mr. Wakiondo: Mr. Speaker, Sir, I have asked the Minister to explain the reasons why his employee who retired in 1985 has so far not been paid his benefits up to this year.

Prof. Saitoti: Mr. Speaker, Sir, I have looked into the matters and records which have been made available to me. Indeed, they show that the pension papers were first of all received in 1985. It is also true that the first cheque was sent in 1987, and thus there is, definitely some kind of delay in that respect.

No. 579

UP-GRADING OF MASII HEALTH CENTRE

Mr. Munyao asked the Minister for Health whether he could consider the up grading of Masii Health Centre to a sub-district hospital in order to ease the congestion at Machakos Provincial Hospital.

The Assistant Minister for Health (Mr. arap Cheboiwo): Mr. Speaker, Sir, I beg to reply.

It is not considered necessary to up-grade Masii Health Centre to a sub-district hospital because at the moment the area around the health centre is receiving adequate health services from existing health facilities.

Mr. Munyao: Mr. Speaker, Sir, I am sorry that the Assistant Minister has misunderstood the question. This is because I am asking that Masii Health Centre be considered for up-grading, so that it may ease the congestion in Machakos Hospital, but not whether the area is receiving adequate health services. The Assistant Minister has totally misunderstood the question.

Mr. arap Cheboiwo: I did not misunderstand the question, Mr. Speaker, Sir. I understood it very well.

Mr. Munyao: On a point of order, Mr. Speaker, Sir. Why is the Assistant Minister denying that he did not misunderstand the question and yet in his reply he says that the area around the health centre is receiving adequate health services? I have not asked whether the area is receiving adequate services. I am saying that Machakos Hospital, so far, is fully congested and we want Masii Health Centre, which is so near, with all the facilities, to be up-graded to a sub-district hospital to ease congestion at Machakos Hospital.

Mr. arap Cheboiwo: Mr. Speaker, Sir, you can now see that the hon. Member is also answering his own question by saying that Masii Health Centre is not very far from Machakos. That is why I am saying that there are so many facilities all around Masii. Since he knows the area, I can tell him that Masii Health Centre serves a population of about 34,000 patients with an average daily attendance of 1150 out-patients. The following are the existing health facilities serving the area around Masii Health Centre:

Machakos General Hospital is only 30 kilometres away; Mala Rural Demonstration Health Centre is 20 kilometres away and Kathiani, which is a wonderful modern hospital about to be opened, is about 20 kilometres away.

As the hon. Member is aware, the Machakos District Development Committee (D.D.C.) of which he is a member, would have to recommend the proposed upgrading of Masii Health Centre to a Sub-district hospital and, in turn, the recommendation would only be implemented subject to the availability of funds. This is because if the D.D.C. recommends that, it is the Ministry that will implement it.

Mr. Muryao: Mr. Speaker, Sir, arising from what the Assistant Minister has said—he has talked well—could he assure the House that when the district development committee of Machakos makes a recommendation in this respect, he is going to take up the issue and upgrade the status of Masii?

Mr. arap Cheboiwo: Mr. Speaker, Sir, there is no question of my having to take up the issue. As soon as we receive the necessary recommendation from Machakos District Development Committee, of which the hon. Member is a member, it will be implemented. I also want the hon. Member to note that I know all these areas that he is talking about. We will talk about no other issue but Masii Health Centre. This health centre will be taken over in order to serve wananchi better.

No. 593

ADDITIONAL BEDS FOR LADY GRIGG MATERNITY WING

Bw. Kiliku alimwuliza Waziri wa Afya—

(a) kama anafahamu kwamba kwa sababu ya ukosefu wa vitanda vya kutosha katika Lady Grigg Maternity Wing, Coast General Hospital, akina mama, baada ya kujifungua, hulala wawili katika kitanda kimoja na wengine hulala chini juu ya sakafu; na

(b) atachukua hatua gani kurekebisha jambo hilo.

The Assistant Minister for Health (Mr. arap Cheboiwo): Bw. Spika, naomba kujibu.

(a) Nafahamu.

(b) Jambo—

Hon. Members: Herufi hiyo hutamkwa “baa” wala si “bii” ni “baa”.

The Assistant Minister for Health (Mr. arap Cheboiwo): Bw. Spika, naomba unisaidie kuhusu Waheshimiwa Wabunge hawa wanazungumza huku nikikidolea kujibu swali la Mhe. Kiliku.

(b) Jambo hilo limerekebishwa.

Mr. Kiliku: Bw. Spika, kama nilivyosema katika swali hili, ukosefu wa vitanda vya kutosha hospitalini hiyo ni mkubwa, na sijui kama Waziri Msaidizi ana fahamu kwamba ukosefu huu umekuwapo kwa muda wa siku nyingi. Ni kwa nini alingojia mpaka nikaja hapa kuuliza swali hili halafu akapeleka vitanda huko?

Mr. arap Cheboiwo: Bw. Spika, matamshi hayo si ya kweli hata kidogo. Wazara haingeweza kungoja mpaka mhe. Mbunge aulize swali hili ndipo ichukue hatua. Waziri wa Afya pamoja na maofisa wake waliitambelea hospitali hiyo kabla ya mhe. Mbunge kuuliza swali hili. Tulijionea taabu hiyo. Taabu yenyewe ni kwamba akina mama hao walikuwa wakilala wawili katika kitanda kimoja, na wengine walikuwa wakilala sakafuni. Hii ndiyo sababu nikajibu katika kifungu cha (a) cha swali hili kwamba ninafahamu taabu hiyo. Katika kifungu cha (b) nilisema kwamba hatua imechakuliwa, na hali hii ikarekebisha kwa kuiongeza hospitali hiyo vitanda vingine 38 zaidi. Kwa hivyo, ule msozgumano uliokuwapo hapo awali ume-pungua. Vitanda hivyo 38 vilianza kutumiwa tarehe 29 Agosti, 1987. Hii inaonyesha kwamba hatua hii ilichukuliwa kabla ya mhe. Mbunge kuuliza swali lake. Sisi wenyewe tuliona shida hiyo, ambayo ilikuwa kubwa kweli. Sisemi kwamba shida hii imekwisha kabisa, lakini imepunguka na bado tunazidi kuirekebisha na kuwasaidia wananchi hao.

Mr. Speaker: Tulirudie swali la Bw. Omido.

Mr. Muryao: Jambo la nidhamu, Bw. Spika. Waziri Msaidizi ana haki ya kukanusha jambo ambalo ni la kweli? Swali hili lilipeleka mbele kwa njia za kawaida mwezi wa Julai, 1987, na hali Wazara ilipeleka vitanda hivyo huko mwezi wa Agosti, 1987. Ana haki ya kuipotosha Bunge? Anafaa kuomba msamaha.

Mr. arap Cheboiwo: Bw. Spika, sijalipotosha Bunge hata kidogo.

Mr. Speaker: Mr. Omido.

Mr. Omido: Mr. Speaker, Sir, I beg to apologize for coming late.

No. 568

IMPROVEMENT OF DRY CLEANING STANDARDS

Mr. Omido asked the Minister for Industry why he has taken no action to improve standards in dry cleaning as promised to the House last year when answering a question in this House on this issue.

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

As I said in answer to a similar question last year, the Ministry is in the process of improving the standards in dry cleaning.

As a first step, the Kenya Standard, Code No. KS. 08.442 of 1987, was gazetted in the Kenya Gazette of 24th July, 1987. This was to enable the consumers and businessmen engaged in dry cleaning to study the proposed standard, so that they can give their reactions and suggestions.

As the matter stands now, there has been no response from the public; so, I plan to publish it under legal notice as soon as I am advised by the Standards Council.

Mr. Omido: Mr. Speaker, Sir, while thanking the Assistant Minister for his reply, will he ensure that when the said legal notice is published, it will include a clause making it mandatory for dry cleaners to pay compensation for any damage to clothes while under their care? As at the moment, so many clothes are damaged while being dry-cleaned and no adequate compensation, or no compensation at all, is paid.

Mr. Lugonzo: Mr. Speaker, Sir, this idea is noted, and I will take it to the relevant legal experts to see if they can include it in the legal notice.

No. 591

ESTABLISHED OF HEALTH CENTRE AT GATINA VILLAGE

Mr. Omido, on behalf of Mr. Gachanja, asked the Minister for Local Government—

(a) why the City Commission of Nairobi has not planned to have a health centre at Gatina Village, of Dagoretti, which is heavily populated; and

(b) when the residents of that area can expect to be provided with these services.

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

(a) Gatina Village of Dagoretti is served by Kangemi, Riruta, Ngong Road and Waithaka health centres, which are usually too congested. However, the city commission has identified the need of the following additional health centres which will not only serve Gatina Village, but also ease congestion in other health centres—Eastern Muthiora Road Market, Kawangware District Health Centre, Karindini Market Centre and Dagoretti District Hospital. The identified site are on private land and the city commission has been requested by us to request the Commissioner of Lands, as soon as possible, to value the affected plots and facilitate compensation and later acquisition.

No. 606

REASONS FOR NOT GROWING COFFEE—CENTRAL DIVISION, LAIKIPIA

Mr. Muthura asked the Minister for Agriculture what the reasons for not growing coffee in Central Division of Laikipia District are.

The Assistant Minister for Agriculture (Mr. arap Saina): Mr. Speaker, Sir, I beg to reply, but before I do so, apologize for not having responded to the question the first time it was called.

Coffee is grown in Kenya between the altitudes 1,400 metres and 2,000 metres above sea level. It also requires adequate rainfall distributed throughout the year, and this rainfall should not be less than 890 millimetres.

Although Laikipia District meets the altitude requirement, which ranges between 1,800 to 2,000 metres, rainfall in this district is below the requirement and it is too scattered during the year; hence, the reason why coffee is not grown here. There are three seasons in Laikipia and these fall in April to May; June to July, and the last season is October to November

which actually has an adequacy of 60 per cent. The trials have shown that coffee is not suitable for this area. It can only be successfully grown here under irrigation as one farmer, Mr. Mugambi, has done. So, even the local district development committee (D.D.C.) has gone into discussion about the possibility of introducing coffee here, but our research team of the Ministry of Agriculture is not satisfied that it should be grown in this area. It is also understood that part from normal precipitation, there is very little water in the rivers and dams that have been constructed to warrant the irrigation to be economical enough to grow coffee. Therefore, at the moment, we will rule out the growing of coffee in this district and introduce another alternative cash crop, and if the hon. Questioner wants it, he can put it through the D.C.C.

Mr. Muthura: Mr. Speaker, Sir, I am surprised by the reply given by the Assistant Minister. In 1964, I was working in a farm right inside Laikipia, and the owner of that farm grew healthy coffee trees. Is the Assistant Minister telling this House, and the people of Central Division of Laikipia District, that anything has changed between then and now?

Mr. arap Saina: Yes, Mr. Speaker, Sir, a lot of things have changed. 1964 is about 40 years ago, and this country used to enjoy abundant rainfall and indeed, then hon. Member will recall that at that time, most of the rivers in Kenya were overflowing, and there was reliable rainfall throughout the seasons; but the climatic factors have now changed to the reverse. In fact, the hon. Member—who was at one time an Assistant Minister in the Ministry—knows exactly what we have projected, and what we are trying to do—to save the little water there is, and we cannot get enough water in this district to warrant the growing of coffee.

Mr. Muthura: Mr. Speaker, Sir, if I got the Assistant Minister correctly, he said that the Ministry has done some trials. Can he point out the particular place in Central Division of Laikipia District where trial has been done?

Mr. arap Saina: Mr. Speaker, Sir, throughout Kenya, we have carried out satellite trials; soil sampling—

An hon. Member: Where in Laikipia?

Mr. arap Saina: I said throughout Kenya, Laikipia District included, and “throughout Kenya” means the whole Republic. We have carried out satellite trials of soil sampling. It is not only the question of availability of water in terms of normal precipitation, but, irrigation and the available water for that use. We have also to analyze the soils because coffee requires particular soil types with specific pH, and specific fertility. So, we have actually found that the soil in Laikipia is not all that good.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Are you satisfied that the Assistant Minister is replying to the supplementary question asked by hon. Muthura? He was asked: “What part in Central Division of Laikipia District was this done”, Let him tell us that part only; he should not tell us about the whole Republic, to avoid wasting time.

Mr. arap Saina: Mr. Speaker, Sir, I did not have to say the specific area, or the longitude or latitude where it lies. I said that we have carried out specific satellite sampling of soils including randomized areas in Laikipia; a randomized means picking from here, there, and even where the hon. Member is. So, we have sampled these soils and found that the soil in Laikipia is not suitable for coffee growing.

Mr. Muthura: On a point of order, Mr. Speaker, Sir. The Assistant Minister is bringing in a lot of contradictions. He has categorically stated that the Ministry of Agriculture has ruled out the growing of coffee in Central Division of Laikipia District. Then he says that there is a farmer in Laikipia growing coffee there. How is it that there is a farmer growing coffee there and yet the Ministry of Agriculture has ruled out the question of growing coffee there while one cannot grow coffee without a permit from the Ministry of Agriculture?

Mr. arap Saina: Mr. Speaker, Sir, you can grow coffee with the permission of the Coffee Board of Kenya which gives you a licence. But I said that one of the factors that are required in the successful growing of coffee is water, and water is limited in Central Division of Laikipia. I have also said that we did not actually rule out 100 per cent the growing of coffee there. I said that the possibilities of growing coffee in that area have not been good. I did not say that we have ruled out the growing of coffee there a 100 per cent. The hon. Member should pay attention and listen carefully.

Mr. arap Koske: Mr. Speaker, Sir, before I ask my question, I beg to apologize for coming in late.

No. 442

DISMISSAL OF MR. MARIERA ONGOSI

Mr. arap Koske asked the Minister for Labour—

(a) whether he is aware that a Mr. Mariera Ongosi, a former employee at Kerenga Engineering of Brooke Bond Limited in Kericho District was laid off with effect from 2nd March, 1987; and

(b) why he was laid off.

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

(a) The Minister is aware that Mr. Mariera Ongosi was laid off by his employers on 2nd March, 1987.

(b) The reasons for his dismissal were that on 5th February, 1987, and without any authority whatsoever, he was found doing his own private work during normal working hours using the employer's materials. The matter was reported; discussions were held between the employer and his union, and it was agreed that he be transferred to Kericho factory where he would swap with another employee—Mr. S. K. Ruto. Mr. Ruto moved to Kerenga Engineering, but Mr. Ongosi refused to move to Kericho factory. Accordingly, his services were terminated for refusing to accept this transfer.

Mr. arap Koske: Mr. Speaker, Sir, how many times was this employee warned prior to being sacked?

Mr. Obure: Mr. Speaker, Sir, that question does not arise because that was a case of gross misconduct

which merits summary dismissal. I would like to add that the matter was exhaustively discussed with the union representing him, and a format of payment was agreed upon, which includes 45 days in lieu of notice, plus the six days worked in the month of February.

Mr. Koske: Mr. Speaker, Sir, since this employee was only found sharpening a pen-knife, is the Assistant Minister satisfied that that was bad enough to make them lay him off after having worked for so many years in that company?

Mr. Obure: Mr. Speaker, Sir, this employee was not merely sharpening a pen-knife, but was making a sword using the employer's materials during working hours.

No. 597

PAYMENT OF N.S.S.F. BENEFITS TO MR. PAUL NGULI

Mr. Kikuyu asked the Minister for Labour—

(a) why Mr. Paul Nguli F. M. No. 119 715 368, former employee of New Iveti Coffee Growers Co-operative Society has not been paid his N.S.S.F. due since his retirement in August 1985; and

(b) when he will be paid.

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

(a) Mr. Paul Nguli, whose registered names are Paul Nguli Mutunga, has not been paid his benefits because his employer, Iveti Farmers Co-operative Society Limited, has not furnished the Fund with the details of his monthly contributions in respect of 1985, which is the only year in respect of which he is entitled to a benefit in this instance, as he had already received all his other benefits in respect of his previous employment in 1977.

(b) The District Compliance Officer, Machakos, has been requested to assist in obtaining Mr. Mutunga's monthly contributions from the employer. I would like to assure my hon. friend that Mr. Mutunga will be paid his dues as soon as possible upon receipt of this information.

Mr. Omido: Mr. Speaker, Sir, the Assistant Minister knows, and he is quite aware, that no worker should lose his benefits because of the Ministry's failure to supervise and make sure that employers submit the N.S.S.F. contributions to the Fund. Can he assure the House that he will take the necessary action to pay Mr. Mutunga his entitlement while the Ministry makes arrangements to claim it from the employer? It is the Ministry's fault because their inspector should have discovered this and taken the employer to court.

Mr. Obure: Mr. Speaker, Sir, we are not talking about any possibility that this particular employee will lose any benefits. As a matter of fact, this employer, Iveti Farmers Co-operative Society, is a very responsible employer according to our records. The employer paid a sum of Sh. 49,372 in respect of its employees in 1985. Unfortunately they did not specify how much of this amount was to be credited to Mr. Mutunga's account. This is the only problem which we are trying to sort

[The Assistant Minister for Labour]

out. As I said, we would like to assure Mr. Mutunga, through his Member of Parliament, that the money will be paid. We are about to receive this information, and the money will be paid to him.

Mr. Kikuyu: Mr. Speaker, Sir, arising from the Assistant Minister's reply what we normally know is that an employer sends his cheque attached with the list of the people for whom he is paying the N.S.S.F. contributions. Why is the Assistant Minister implicating New Iveti Coffee Growers Co-operative Society for not having done that? This Society has done its part and Mr. Mutunga's hope is in the Machakos office which has lost the documents. This office is harassing this man and they are not helping him to get money. Can the Assistant Minister tell his office in Machakos to look for the documents and hurry up the matter so that Mr. Nguli gets his dues paid?

Mr. Obure: Mr. Speaker, Sir, I agree that all employers are supposed to submit a list of the contributions specifying to whom the various amounts would be credited. This Society has always done so in the past, except in this particular instance. We believe it was an oversight and that is why we have taken a rather lenient view with them. In respect to the second part of hon. Kikuyu's question, I would like to say that the District Compliance Officer, Machakos, has already been asked to visit this employer with a view to ascertaining the missing information. I am sure that that will be done any moment now.

Mr. Omido: On a point of order, Mr. Speaker, Sir. If the employer has not submitted the money up to this time, and by the time he remits it, the employee will have lost the interest for that money; what will the Assistant Minister do about it? Will he make sure that the employee does not lose that interest?

Mr. Obure: Mr. Speaker, Sir, as I said, the money is already with the N.S.S.F. and, indeed, it was paid in August, 1985, and it is already earning interest. So, there is no question of this particular employer losing any interest. As soon as the amounts are known, they will be credited to his account inclusive of interest, Sir.

Mr. Shikuku: Mr. Speaker, Sir, before I ask my question, I would like to apologize for being late.

No. 120

PAYMENT TO MR. JARED "ORINGO" BY PORTS AUTHORITY

Mr. Shikuku asked the Minister for Transport and Communications—

- (a) whether he is aware that Mr. Jared Oringo was paid KSh. 1,650 per voucher No. 42331 dated 1st July, 1985 by the Kenya Ports Authority; and
- (b) if so, what services Mr. Oringo rendered to the authority.

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Speaker, Sir, I beg to reply.

(a) According to records held by the Kenya Ports Authority, voucher No. 42331 dated 1st July, 1985, is not payable to a Mr. Jared Oringo and is not for KSh. 1,650 as suggested in the question.

(b) In view of my reply to part (a) of the question, part (b) does not therefore arise.

Mr. Shikuku: Arising from that reply, Mr. Speaker, Sir, which I believe is rather negative, if there was a mistake in typing the voucher number, why did the Assistant Minister not find out whether a Mr. Jared Oringo existed or exists, and whether he is an employee of the Kenya Ports Authority? Why did he not find out because there can be a mistake in voucher numbers?

Mr. Keriri: Mr. Speaker, Sir, we tried to find out, and if there is a mistake in the voucher number, then it is only the hon. Member who asked the question who knows how he got that voucher number. Nevertheless, in our endeavour to find out whether or not Mr. Jared Oringo existed at the Kenya Ports Authority, we found a voucher No. 46331 dated 1st July, 1985 for KSh. 1,650 payable to a Mr. Jared Orege and not to "Mr. Oringo." When we discovered this voucher, it had not been paid, and it was found to be faulty. The claim had been calculated at the rate of Sh. 300 per day instead of Sh. 200 per day. The voucher was cancelled and replaced with voucher No. 46816 dated 19th July, 1985, for KSh. 1,100, which was payable and was paid to Mr. Jared Orege at the rate of KSh. 200 per day, which was the usual correct payment.

Mr. Shikuku: Mr. Speaker, Sir, I thank the hon. Assistant Minister for his co-operation because there could be a typographical mistake. I thank him for being co-operative for the first time. He has become co-operative for the first time. Mr. Speaker, Sir, does he not agree with me, just as he said—that is why I put this question to him—that there was a mistake in the payment of Mr. Orege because he had been overpaid? He agrees with me that this was a mistake. Therefore, hon. Shikuku is really the people's watchman, who knows when things go wrong, and he knows it. Does he not agree with that?

Mr. Keriri: Mr. Speaker, Sir, whether hon. Shikuku is watchman or not—If he is a watchdog, he barks at the wrong time because he gave us the wrong name and the wrong figure, and so he must have been barking at the wrong time, and at the wrong person because a friend came in and he called him an enemy. Anyway, the point is—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to reduce my status to that of a dog because no watchman barks? Is he not reducing my status of being the people's watchman to that of a barking dog? It is only a dog that barks; no watchman barks.

Mr. Keriri: Mr. Speaker, Sir, I should have said that he blew the whistle for the wrong person. This money cannot be paid. The discovery of the wrong payment was made before the money was paid and, therefore, Mr. Orege was not overpaid. It might be necessary to give the details of the payments to my hon. friend. When somebody prepares a voucher, it goes to somebody else to be examined; somebody else authorizes, and lastly another person pays. In that process, it was discovered that the voucher had been wrongly prepared. Therefore, another voucher was prepared.

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Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister be kind enough to tell us whether Mr. Orege is entitled to that sort of allowance because my information is to the effect that he is not?

Mr. Keriri: Mr. Speaker, Sir, again the hon. member is wrong. His information is wrong. Mr. Orege is an administrative police constable. I have his personal number which is 209836. He is assigned to security duties at the Kenya Ports Authority. This is a man who travels on duty for the Kenya Ports Authority. The arrangements between the Kenya Ports Authority and the Office of the President is that officers attached to the Kenya Ports Authority for security purposes, if they travel on duty, have to be paid by the Kenya Ports Authority, and this was done.

Mr. Shikuku: Mr. Speaker, Sir, the hon. Assistant Minister is admitting something which is very serious. Could he tell the House why the Managing Director should be provided with security? Does he carry money with him? Is he so important? Even the Minister himself does not have a bodyguard. What is he?

Mr. Keriri: Mr. Speaker, Sir, I did not say that. In fact, that is news to me.

Mr. Speaker: Let us go back to Mr. Mwachofi's question.

No. 497

NON-PAYMENT OF FIELD ALLOWANCE TO GRAVELLING PROJECT WORKERS

Mr. Mwachofi alimwuliza Waziri wa Uchukuzi na Mawasiliano—

- kilichosababisha kusimamishwa kwa malipo ya nje (field allowance) kwa baadhi ya wafanyakazi wa kituo cha Kenya East Graveling Project Kitui tangu 1985 hadi leo ni nini;
- kilichosababisha kutokupoleka michango ya N.S.S.F. ya wafanyakazi zaidi ya 150 tangu mwaka 1978 hadi 1985 ni nini; na
- ni hatua gani zinazochukuliwa kurekebisha haya makosa.

The Assistant Minister for Transport and Communications (Mr. Keriri): Bw. Spika, nasikitika sikusimama kujibu hili swali lililopulizwa kwa mara ya kwanza kwa sababu sikusikia. Nilikuwa na mambo mengine upande mwingine. Bw. Spika, naomba kujibu.

(a) Wafanyakazi ambao hukaa katika makao makuu ya kambi ya Kenya East Graveling Project hawachukuliwi kama wafanyakazi wa nje, bali huwa wako katika makao yao ya kazi ambako hawastahili kupata malipo ya nje. Wafanyakazi hawa wa kambi kuu ya Kenya East Graveling Project walikuwa wakipata malipo ya nje kwa makosa. na hii ilisimamishwa wakati makosa hayo yalipogunduliwa.

(b) Mkurugenzi wa N.S.S.F. ameshathibitisha kuwa amekwishapokea makato (deductions) ya pesa za N.S.S.F. ya wafanyakazi wanaofanya kazi na Kenya East Graveling Project kutoka mwaka wa 1978 mpaka 1985.

(c) Pesa hizi za N.S.S.F. bado hazijawekwa kwa akiba, yaani akaunti ya kila mfanyakazi kwa sababu pesa hizi zilikuwa zimechelewa kufika makao makuu ya N.S.S.F. kutoka kwa ofisa wa Kitui ahusikanaye na pesa hizi. Sasa pesa hizi zinaendelea kuwekwa kwa akiba ya kila mfanyakazi.

Mr. Mwachofi: Bw. Spika, katika sehemu za (b) na (c) za jawabu la Waziri Msaidizi, amesema wazi kabisa kwamba Mkurugenzi wa N.S.S.F. amekubali kwamba amepokea hizi pesa, na akaendelea kusema kwamba zilikuwa zimechelewa kufika makao makuu ya N.S.S.F. kutoka kwa ofisa wao aliye Kitui. Kwa hivyo, sasa ndio zinaanza kuwekwa katika hesabu za watu. Ningependa alieleze Bunge ni kwa nini pesa hizi zilichelewa, na ni lini hasa zilipofika? Pia, faida ambayo imepotea katika kipindi kile ambacho zilikuwa bado hazijafika katika makao makuu ya N.S.S.F. hawa wafanyakazi wataipata vipi?

Mr. Keriri: Bw. Spika, kwanza, tunapeleleza sababu gani pesa hizi hazikufika zilipotakiwa kufika katika makao makuu ya N.S.S.F. Tena siwezi kusema ni siku gani hasa zilifika. Lakini kwa ile faida ambayo Mhe. Mbunge anasema eti ilipotea, hakuna faida yo yote ambayo ilipotea kwa sababu pesa hizi zitaendelea kupata faida kwa N.S.S.F. mpaka zitakapolipwa.

Mr. Mwachofi: Jambo la nidhamu, Bw. Spika. Waziri Msaidizi analipotosha Bunge. Yeye mwenyewe anakubali kwamba hawa wafanyakazi 150, michango yao ya N.S.S.F. kutoka mwaka 1978 mpaka mwaka 1985, ilikuwa haiendi ama haifiki kwa makao makuu ya N.S.S.F. Sasa ndio anakubali imefika. Anaposema eti faida haikupotea, si analipotosha Bunge? Kama zilikuwa hazijafika kwa huu wakati wote, faida hiyo itatoka wapi, kama si Bunge analipotosha? Yafaa aeleze ni kwa nini zilichelewa; zilifika lini, na faida hiyo itapatikana vipi?

Mr. Keriri: Bw. Spika, kama tajiri hakupeleka pesa kwa N.S.S.F. kwa wakati unapofaa, N.S.S.F. humpiga faini yule asiyezipeleka. Hata ikiwa ni Serikali. ni tajiri au employer. Pesa za mfanyakazi haziwezi kupotea kwa sababu ni makosa ya tajiri. Hiyo ndiyo kesi itakayokuwa baina ya mfanyakazi, tajiri na N.S.S.F. Kama Wizara itaambiwa ilipe gharama hiyo ni lazima, kulingana na sheria, ilipe.

QUESTIONS BY PRIVATE NOTICE

RE-LOCATION OF HERALD PUBLISHING PRESS

Mrs. Asiyo: Mr. Speaker, Sir, I beg to ask the Minister for Culture and Social Services the following Question by Private Notice:

- Is the Minister aware that the Seventh Day Adventist Church is intending to remove the Herald Publishing Press from Kendu Bay to some other place?
- If the answer to (a) above is in the affirmative, where is it being re-located, and what are the reasons for this move?

The Assistant Minister for Culture and Social Services (Prof. Sumbi): Mr. Speaker, Sir, I beg to reply.

[The Assistant Minister for Culture and Social Services]

(a) I am not aware that the Seventh Day Adventist Church is intending to remove the African Herald Publishing House from Kendu Bay to any other place.

(b) The Seventh Day Adventist Church East Africa Union has confirmed that it has no intention of removing the press from Kendu Bay. That is contrary to reports appearing in the local press. The Union has never had any intentions of re-locating the Publishing House.

Mrs. Asiyo: Mr. Speaker, Sir, I wish to thank the Assistant Minister for having, at least, confirmed that the Church says that they have no intention of removing the publishing house from Kendu Bay. But have they at any time, in the last three months, discussed the idea of moving the press from that place to Limuru?

Prof. Sumbi: Mr. Speaker, Sir, according to my knowledge, there have never been such discussions, and to confirm that this press is not going to be removed from the hon. Member's constituency to any other place, there is a press release dated 29th September, 1987, by Pastor F. K. Wangai, Executive Director, Seventh Day Adventist Church, Kenya. This press release was also reported in the *Standard* dated 30th September, 1987. The Press release reads, and I quote:

"The Seventh Day Adventist Church East Africa Union would like to inform all wananchi that we have no intentions of moving African Herald Publishing House from Kendu Bay to Limuru.

Further, contrary to reports appearing in local newspaper, let it be noted that we have never had any intentions of re-locating this Publishing House.

The information circulating in the newspapers regarding this alleged move is just as surprising to us it is to you".

Mr. Omido: Mr. Speaker, Sir, in his reply, the Assistant Minister told the House that he has received confirmation from the Church that they have no intention of moving the Publishing House to any other place. Was this in writing or verbal? If it was in writing, could he lay the documents on the Table of the House?

Prof. Sumbi: Mr. Speaker, Sir, I think I have already answered that question I have just read a press release, and it is reported in the local dailies. I think that is enough.

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. The hon. Member for Karachuonyo took a lot of effort in asking this question on behalf of her constituents, and an Assistant Minister in the Government comes here and tells us that he read his answer from a press release. Does he do his work in the Ministry; does he study his work seriously; does he contact the people he is supposed to, before answering here, or he comes here and answers using press releases?

Prof. Sumbi: Mr. Speaker, Sir, the Press release that I have read was an attachment to a letter from the church. I did not read it from a newspaper; it is information that came from the church to the Ministry. I have only quoted where that information appeared in the newspaper. So, I am saving that the hon. Questioner and Members in this House have been assured

that that publishing house is not moving. I think that was the essence of the question.

Mr. Omido: Mr. Speaker, Sir, the Assistant Minister has again said that the press release was attached to a letter from the church. So, can he lay that letter on the Table?

Prof. Sumbi: Mr. Speaker, Sir, if the House, or the Chair, feels it is necessary that I bring that particular letter from the executive director to the Ministry, then I should be given time to do just that.

FAILURE TO REMIT FOREIGN EXCHANGE BY BANKS

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

(a) Will the Minister tell the House why the Biashara Bank of Kenya and the Bank of Commerce and Credit International did not remit KSh. 600 million to the Central Bank of Kenya after sales of coffee as required by foreign exchange regulations?

(b) Which other banks are involved?

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, I would like to inform the hon. Member, and indeed the House, that the gist of this question is really the subject of a case in court now.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I know what the hon. Minister is talking about, but this question is not referring to anything at all which is in the court: I have been in this House long enough to know that that is not allowed. The question is only asking the Minister to tell us why this money was not remitted. I am not going into the details of who did it and when he did it. I am only asking why the money was not remitted.

(There was noise in the Chamber)

Mr. Speaker: Order! If you read the question carefully, you will see that there are references to matters which are already in court. So, we cannot continue with it.

NON-PAYMENT OF PENSION TO MR. OSCAR KIBAGENDI

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

(a) Is the Minister aware that a pensioner, Mr. Oscar Nestor Kibagendi, APN/PC 13660 of P.O. Box 416, Kisii, has not received his pension dues for the month of March, 1987?

(b) Is he also aware that no adjustment has been made to increase his pension to reflect the changes in the Pension Amendment Act?

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

(a) I am aware that Mr. Kibagendi did report non-receipt of his March, 1987, pension cheque *vide* his letter dated 21st June, 1987. The cheque was returned unclaimed. The Ministry has posted a replacement cheque, No. CA488613, dated 13th October, 1987 through P.O. Box 416, Kisii.

[The Minister for Finance]

(b) I am aware that the adjustment has been done on Mr. Kibagendi's case. He will be paid his pension increase together with his monthly pension for October, 1987.

Mr. Abuya-Abuya: Mr. Speaker, Sir, while appreciating the answer given by the Minister, could he tell the House why the Ministry had to wait for all this time until a question was brought to this House in order for the Ministry to forward the cheque? The Minister says that they forwarded the cheque on 13th October, 1987, and yet there has been several letters from this pensioner to his Ministry, which have gone unanswered.

Prof. Saitoti: Mr. Speaker, Sir, I would only like to inform the hon. Member that the cheques in respect of the pension of the said gentleman have all been posted through the post office number which has been provided by the gentleman in question. However, any time the cheque is sent, it has been returned unclaimed, and replacement cheque has always been made out and sent. So, the fault is not really with the Ministry.

POINTS OF ORDER**MISREPORTING BY "THE STANDARD" NEWSPAPER**

The Assistant Minister for Local Government (Mr. Marita): On a point of order, Mr. Speaker, Sir.

I stand on a point of order in connection with a question which was asked by hon. Gachanja yesterday. The question was put to the Ministry of Local Government and I stood and answered it. But I was surprised this morning to read in *The Standard* that the question was answered by hon. Mwitia, an Assistant Minister in the Office of the Vice-President and Ministry of Home Affairs. In fact, hon. Mwitia was not in this House yesterday. So, I am requesting the Chair to ask that particular reporter of *The Standard* to correct his report and put the record straight.

**DELAY TO HOLD ELECTIONS BY THE COFFEE BOARD—
STATEMENT SOUGHT**

Mr. Karauri: On a point of order, Mr. Speaker, Sir. My point of order is in connection with the Ministry of Agriculture and the Coffee Board of Kenya. According to the Coffee Act, the Coffee Board of Kenya expired on 6th August, 1987. This is because the board members are elected to serve in office for only three years. So, I would like the Minister for Agriculture to make a Ministerial Statement in this House to clarify this matter. He should make this matter clear to the people in this country as to whether the law has changed, or the Coffee Board that is there now is acting illegally. This is because they were supposed to have held elections before the 6th August, 1987. But these elections were not held, and the board, according to the Act, expired on the 6th August, 1987.

Thank you, Mr. Speaker, Sir.

**SURPLUS MONEY AFTER COMPLETION OF LODWAR
SCHOOL**

The Assistant Minister for Education (Mr. Kisiero): On a point of order, Mr. Speaker, Sir.

Last week, when I was answering a question by hon. Ekidor, regarding a secondary in Lodwar, the House wanted to know the amount of money that had not been spent in the construction of the Tuition Block and teachers' houses. I now wish to inform the House that a sum of KSh. 12,000 has still to be spent on the completion of the tuition block as well as the teachers' houses. Also a certificate for the project in question has been issued by the District Development Officer, the District Commissioner, Turkana, and the Provincial Planning Officer.

MINISTERIAL STATEMENT**AUTHORITY FOR COFFEE CONFERENCES GIVEN**

The Minister for Co-operative Development (Mr. Wanjigi): Mr. Speaker, Sir, I am not the Minister for Agriculture but just to put the House at rest, I would like to say that the coffee conferences which should be held on regional basis were slightly delayed because of two things; first of all, there was an International Coffee Organization conference in London to which the Chairman of the Board of Kenya and most of his people had to go. However, authority has now been given so that the pre-conferences for delegates in various regions of the coffee-growing zones can be held. These will, of course, end up with the annual conference from which the delegates will be elected. So, there is question of changing the law. It is only that this was an unavoidable delay. But authority has now been given so that the pre-conference meetings can be held.

Mr. Karauri: Mr. Speaker, Sir, since the Minister for Co-operative Development has chosen to respond to that point of order, I would like him to clarify whether there was some difficulty in convening the meeting, and whether that makes it legal for the Board to continue staying in office after its expiry date. I am sure that the Board members are paid allowances and they make decisions. If the Board made decisions when their period had already expired according to the law, would those decisions be legal? Would the allowances they are receiving be legal? I do not think that the delay changes the law.

The Minister for Co-operative Development (Mr. Wanjigi): Mr. Speaker, Sir, there is nothing illegal about the existence of the Coffee Board of Kenya. All I am saying is that there are explainable causes for the delay which, I am sure, the hon. Member would appreciate. There is nothing illegal about the existence of the present Coffee Board of Kenya. They have done nothing illegal.

BILLS**First Reading****THE HIDE, SKIN AND LEATHER TRADE BILL****THE CONSTITUTION OF KENYA (AMENDMENT) BILL****THE SECTIONAL PROPERTIES BILL**

(Orders for First Readings read—Read the First Time—Ordered to be read the Second Time tomorrow)

MOTION

DISAPPROVAL OF SESSIONAL PAPER NO. 7:
LOAN GUARANTEE TO KENYA PORTS AUTHORITY

THAT, this House resolves not to grant approval to the proposed Government guarantee of a loan to the Kenya Ports Authority as contained in Sessional Paper No. 7 of 1987 laid on the Table on 14th July, 1987.

(Mr. Shikuku on 29th July, 1987)

(Resumption of Debate interrupted on
14th October, 1987)

Mr. Shikuku: Thank you very much, Mr. Speaker, Sir. I wish to conclude my speech by summarizing it for the benefit of those who have not been here.

When the House adjourned yesterday, I was in the process of—I had already read a list showing who was lent money by the Kenya Ports Authority, and how much money was. The amount of money invested on long-terms basis comes to Sh. 458,504,211.05.

Mr. Karauri: On a point of order, Mr. Speaker, Sir. With all due respect to hon. Shikuku, he says that he is going to summarize what he said yesterday for the benefit of those who were not here. Does that not constitute repetition? If he said something and some hon. Members were not here, can he not move ahead without repeating what he said yesterday?

Mr. Shikuku: Mr. Speaker, Sir, that in technical language will mean repetition, which is contrary to Standing Order No. 87, which I do not wish to quote. But I would like to say here that I am not going to repeat what I said yesterday. I have certain points that I want to raise here, and I have lettered them from (a) to (f). I will be very brief.

I know that when I sit down, the Minister responsible and all those who are of this thinking are going to tell the House, "No, Mr. Shikuku is stopping or standing in the way of development". This is what is going to be said: "We want this money urgently because we are going to lose business if we do not do these things urgently." That is not so, Mr. Speaker, Sir, because I took pains to go to the Kenya Ports Authority at my own expense, and I know that we require that berths are repaired. I know that they are asking for berths 11 to 14 to be repaired but if you go there, you will find that we require repairs for even berths 16 to 18, because big woods and rubber are usually placed between the concrete and the ship. I was there on 5th October, and I know that they require repairs, but they have done nothing; that section requires repairs.

As concerns repairs, we are going to be told, "We require foreign currency because we have got to import some materials to facilitate the repairs and renovations and whatever is required." The facts are and hon. Members should understand, that from berths 16 to 18, all we need are big logs of timber and rubber to serve as cushion for the ship when they come to anchor, so that they are not scratched by steel. You cannot tell me these things are going to be obtained from Europe. I do not think so. We have enough huge logs and rubber here, which could be used to make sure this is done.

Mr. Speaker, Sir, I understand what they want to do is to modernize berths 11 to 14. These berths were not meant for containers. They want to repair the berths, harden the ground; and also demolish the present stores, which they use to keep goods from the ships, to accommodate containers. When I asked the people concerned what they do to harden the ground, they informed me that one requires cement; a product which is available at Bamburi Portland Cement Factory. They also need concrete which can be made available locally. So, technicians who had hardened berths 16 to 18 could do that job again. So, we do not need foreign currency for that work.

Mr. Mwavumo: Bw. Spika, nasikitika kumkatiza Mhe. Shikuku, lakini ningependa kumfahamisha kwamba mahitaji tunayotakia hizi pesa si ya berths peke yake, lakini pia ni kutengeza upya oil jetty ya Kipevu na Terminal ya Shimanzi.

Mr. Shikuku: If the hon. Member could only pay attention and wait, he would have been told that the hon. Member speaking knows what he is talking about, and has the Sessional Paper No. 7 with him right here. We are debating Sessional Paper No. 7 which says in clause (iii) as follows:

"A loan has been secured from European Investment Bank for financing repairs, rehabilitation, a new construction of berths 11 to 14, Shimanzi Oil Terminal and Kipevu Terminal in the Port of Mombasa as more particularly described in appendix attached hitherto".

Mr. Speaker, Sir, as I stated earlier, when the Minister was laying the Sessional Paper on the Table, for some unknown reason, he did not lay the appendix on the Table, and he has not done so up to date. So, whether this is legal or not, I do not know. I do not know really whether we should continue debating this Sessional Paper because there is a technical problem here. I am saying this because the Paper we are now debating is incomplete. So, whatever the Minister had in mind, he should stand up and explain to the House; otherwise, we cannot accept the Sessional Paper the way it is. He ought to have appended the Sessional Paper when laying it on the Table. So, we are debating a faulty and incomplete Sessional Paper.

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, just to put the records straight, I do agree with the hon. Member that the appendix he is referring to was indeed omitted. However, all the relevant details, as far as that appendix is concerned, are fully covered under Paragraph 9 of the Sessional Paper. So, the Paper, as it stands, is complete.

Sessional Paper is complete. I am saying this because clause 3 states: "described in the appendix—", but the Sessional Paper does not have an appendix. However, if the appendix is contained in clause 9 why then refer to the appendix?

Mr. Shikuku: Mr. Speaker, Sir, the Minister cannot say that he agrees with me, and later he says that the

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, I had accepted the fact that there was an omission, and I have no reason whatsoever to conceal that fact.

[The Minister for Finance]

At the same time, Sir, I have stated quite clearly that what was in that appendix is fully covered in the full text of the Sessional Paper. So, the Sessional Paper, as it stands in terms of the essence, is complete.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. My point of order is this now that the hon. Minister for Finance has admitted that there was an omission of this appendix, would I not be in order to ask him to bring that appendix, so that we can see whether it is really in conformity with what he is now saying, before we can continue with this debate; so that we have the complete picture of what he had in mind when he said that the appendix should be attached to the Sessional Paper?

The Minister for Finance (Prof. Saitoti): I beg to lay the appendix on the Table, Mr. Speaker.

(Prof. Saitoti laid the document on the Table)

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. Although I may not be very familiar with the Standing Orders, do we now take it that the appendix which the Minister has now laid on the Table is deemed to have been laid at the same time with the Sessional Paper? If we do not do take it as such, are we then discussing something which is valid?

Mr. Speaker: No, what had happened has been corrected. Let us move on.

Mr. Shikuku: Mr. Speaker, Sir, the hon. Minister has just laid a document on the Table, which he says is the appendix to this Sessional Paper. However, I have not read this appendix and, therefore, my conclusion is going to be based on the Sessional Paper, minus the appendix. When hon. Members were given this Sessional Paper, it did not have an appendix. How are they going to debate it fully, when its appendix is just being laid on the Table now? I would like to cooperate with the Minister and, therefore, I would like to suggest that it would be appropriate to adjourn debate on this Sessional Paper, so that we can get the chance to look at it. I might as well withdraw my Motion, if the appendix is reasonable, but I do not know what it contains. So, I would rather we adjourn debate on this Sessional Paper now.

Mr. Munyao: On a point of order, Mr. Speaker, Sir. In view of the fact that when the Minister was laying the Sessional Paper on the Table he forgot to include the appendix, which he has just laid on the Table; and since every hon. Member would like to look at this appendix: according to our Standing Orders, would I be in order to move that debate on this Sessional Paper be adjourned to give hon. Members enough time to read the appendix, so that they can debate the Sessional Paper fully? At the moment, the Minister for Finance has already confused the House.

Mr. Mwachofi: Mr. Speaker, Sir, I am standing to second the proposal by hon. Munyao, that debate on this Sessional Paper be adjourned.

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, I would like to submit to this House what I had submitted earlier on; that is, the appendix was not part of

the Sessional Paper as laid on the Table of this House, and that it was left out. However, I would like to assure this House that this Sessional Paper, as it stands, is complete. I would like to submit, therefore, Sir, that Paragraph 9 caters clearly for what was supposed to be referred to, in as much as the appendix was concerned. This is in reference to the Current Contingent Liabilities of the Government, in respect of the guarantee under section 2 of the Guarantee Loans Act, and all the figures are contained here. Therefore, Sir, I submit that this Sessional Paper, as it stands, with paragraph 9, incorporated, is complete.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. The appendix has been mentioned in the main Sessional Paper which says, "The appendix is enclosed". However, the appendix was not enclosed in the Sessional Paper. It is now for us, as hon. Members, to be convinced that this appendix, which has now been laid on the Table, states the same as clause 9. Why should the Minister dictate to us to believe that they are the same?

The Minister for Co-operative Development (Mr. Wanjigi): On a point of order, Mr. Speaker, Sir. I have had a chance to look at the appendix which is—

Hon. Members: We have not read it!

Mr. Speaker: Order!

The Minister for Co-operative Development (Mr. Wanjigi): No, I know you have not read it. However, the appendix which is on one page is very important, and I would say that in the course of the debate, to which the Mover will also have a chance to respond at the end, he will have read the details contained here. In fact we have nothing to make us doubt the Minister for Finance, since all the details contained in the appendix are contained in paragraph 9, and all the hon. Members will have enough chance to look at the one-page appendix and satisfy themselves that paragraph 9 does summarize all that is contained in the appendix. Therefore, I think instead of adjourning the debate, we should carry on because the Mover will have a chance to look at that one-page appendix.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I thought hon. Munyao moved according to Standing Order No. 45 that the debate on this matter be adjourned, and I saw hon. Mwachofi standing to second him. Are we now debating whether or not to adjourn the debate because the Motion has been moved and seconded. The only thing that has not happened is that the question has not been proposed. But the fact remains that hon. Munyao moved that we adjourn debate on the Motion under Standing Order No. 45; we can move such a Motion without Notice of Adjournment of a debate on a given matter.

Secondly, Mr. Speaker, Sir, when you talk of a Paper being laid, it must be complete. You cannot at a given moment add something else.

(Applause)

We debate what was laid on the Table, but we can not debate something else which will be brought later. So, it is unfair, and I think it is in the spirit of togetherness and understanding that we should try as much as

[Mr. Shikuku]

possible to keep to the rules of this House. Hon. Members must be given that appendix even if it is made of one line—we are told it is one page—to be able to read it, so that they can come fully informed as to what they are going to debate on. My debate all along has been on that Paper which I saw, but I do not know what is in the appendix. In all fairness, the Attorney-General should come in and tell the House whether this Paper refers to the appendix, which was not attached. So, we should just co-operate rather than push things; we are not leaving for heaven tomorrow. We should get the appendix first. We want all the development for this country. It is in that spirit that we should adjourn the debate on this Motion because it has been moved and seconded. I think we should—

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

Mr. Speaker: Just a moment please.

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

Mr. Wamae: On a point of order, Mr. Speaker, Sir. My point of order is very brief. We want to co-operate as much as possible. This is not really a confrontation or anything like that. If the appendix can be made available today, we can continue with the debate on Wednesday next week. We do not have to wait for seven days because we want to co-operate. All that we want is just to look at that appendix, so that we can be able to debate effectively.

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, I would like to thank the hon. Member for that proposal and at the same time I would like to allay the fears of the hon. Members that we are not trying to push a certain document here which contains fictitious figures. I will go along with that proposal, that we adjourn the debate today to Wednesday next week, so that that particular appendix would be made available for the hon. Members to go through it and convince themselves, as I have already proposed to the House, that it does not contain anything new other than what is contained in paragraph 9 of that Paper.

Mr. Speaker: Is that agreed?

Hon. Member: Yes, Mr. Speaker.

ADJOURNMENT OF DEBATE ON MOTION

The Minister for Transport and Communications (Mr. Magugu): Mr. Speaker, Sir, I beg to move that debate on this Motion be adjourned until Wednesday, 21st October, 1987.

The Minister for Finance (Prof. Saitoti) seconded.

(Question put and agreed to)

Mr. Speaker: Next Order.

BILL

Second Reading

THE WEIGHTS AND MEASURES BILL

The Minister for Commerce (Prof. Ng'eno): Mr. Speaker, Sir, I beg to move that The Weights and Measures Bill be now read a Second Time.

Sir, proper use of weight and measures is extremely important in the life of any nation. To quote from one John Adams, who at one time was a Secretary of the United States in 1821, weights and measures may be ranked among the necessities of life to every individual human being. They enter into economic arrangements and daily concerns of every family. Therefore because of the importance of weights and measures, I want to point out a few points in moving this Bill.

The present Weights and Measures Act, Cap. 513 of the Laws of Kenya, was enacted in 1951, and since then amendments have been from time to time to meet various needs. However, over the years, many changes in trade practices have taken place, and also great technical advances in the manufacture and design of weighing and measuring equipment have occurred. Thus, whereas at the time of the enactment of the Act in 1951 there were only simple mechanical weighing and measuring which the Act controlled, we now have new manufacturing techniques involving sophisticated types and designs of equipment, some of which are constructed and designed on electronic principles. The 1951 Act is also inadequate and outmoded because it has not kept pace with the present day revolutionary practices in trade and mass production, where pre-packaging in industries is the order of the day. These changes, both in weighing and measuring technology and pre-packing of goods ready for sale, have made the 1951 Act rather static. There is, therefore, need—and I might say an urgent one—to provide for fresh legal provisions to cover and control these new changes in weights and measures in a wider scope, so that the consumers may be accorded adequate protection. The proposed Weights and Measures Bill is, therefore, intended to meet these needs.

Secondly, Sir, with the introduction of the metric system of weights and measures by the Metric System Act, Cap. 523 of the Laws of Kenya, coupled with the recommendations of the International Organization of Legal Meteorology of which Kenya is a member, the imperial weights and measures that were legalized under the Weights and Measure Act have become obsolete. The Weights and Measures Bill is intended to legalize the international system of units based on the metric system of standards and weights and measures as the only legal units of weights and measures in Kenya. This will bring the Act into line with the international trend in weights and measures legislation, by relating our standards with international standards, thereby ensuring that our exports are acceptable internationally.

Thirdly, Mr. Speaker, Sir, it is proposed to define the seven international base units of measurements which may be used for trade purposes in the Republic of Kenya. The seven base units are provided in the Bill, but I will still refer to them here. One is the kilogram for the measurement of mass or weight. The second one is the metre, which is used for the measurement of length. The third is the second which is used for the measurement of time. The ampere, which is used as a measurement for electric current is the fourth. The fifth one is the kelvin, which is used for measuring thermodynamic temperature.

[Minister for Commerce]

Then we have the candela, which is used for the measurement of luminous intensity. Lastly, there is the mole which is used to measure the amount of substance.

Mr. Speaker, Sir, it is also proposed to give the Minister the power to declare, in relation to these seven base units, such other supplementary or derived units and other units. The units relating to the imperial system of standards, which have become obsolete with time, should be excluded from our statutes.

Fourthly, Sir, the Weights and Measures Act, as it is currently, requires the Kenya Primary Standards to be periodically submitted to England to be verified and justified if necessary, by comparison with the United Kingdom standards. This arrangement is quite unsuitable, and it is therefore, proposed to remove this necessity by empowering the Minister for Commerce to appoint, from the international authority, persons to examine and verify these standards. This will enable the Kenya Primary Standards to acquire international recognition, which is necessary for international trade and commerce. Likewise, all other standards down to the trade standards will bear a relationship with these standards.

Fifthly, Mr. Speaker, Sir, it is intended to accord benefit to all who deal in goods or engage in services in which the determination of quantity is a material factor. This is ensured by introducing comprehensive provisions relating to weighing and measuring equipment in use for trade and by introducing a far-reaching definition of the term for use for trade in order to cover all instances where weighing or measuring is done involving a consideration for the transferring or rendering of money, or money's worth or the making of a payment in respect of any toll or duty.

Sixthly, Sir, it is further proposed to introduce controls on the accuracy of weighing and measuring apparatus used in trade by embodying new provisions for the approval of all new patterns of weighing and measuring equipment intended for use for trade.

Lastly, Mr. Speaker, Sir, it is intended to devise new controls in transaction in goods by techniques which produce a result aiming more to inform the purchaser of the quantity of what he buys. It envisages the necessity of specific control in respect to quantity in the sale of goods in all appropriate aspects. Provisions will be made for general requirements and prohibitions in respect of sale of goods, and it gives the Minister wider powers of making rules and orders to keep abreast of new developments in the control of sale by quantity. This flexible technique is essential because the law applies in intricate detail to a complex and changing subject.

With those few remarks, Mr. Speaker, Sir, I beg to move.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, is there nobody who is going to second this Bill?

The Minister for Planning and National Development (Mr. Omanga): May I ask the hon. Member to be a little bit patient, I beg to second The Weights and

Measures Bill. It is absolutely necessary that this Bill should have been presented to the House and, in fact, it is long overdue.

The question of measures is very important in terms of the economy. At source, it is a thing that will ensure that there is fair play by the person who is selling whatever, he is selling for whatever price, so that there is no cheating in any way, and there are no undue advantages taken. We are at present dealing with the question of maintaining standards. Kenya is well known for the efforts it has made to have industrial standards, which are very important. That is why we have the Kenya Bureau of Standards. While we have standard which are under constant review and are being maintained, it is necessary that there should be legislative support for the activities that we are doing.

QUORUM

Mr. Speaker: Yes, we do not have a quorum. Ring According to our Standing Order No. 24, there should be 30 hon. Members here, but I can only see 17 of them. A few minutes ago, there were many of them here but they are no longer here. This is because they were coming to vote.

Mr. Speaker: Yes, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Speaker: All right, we now have a quorum.

The Minister for Planning and National Development (Mr. Omanga): Thank you, Mr. Speaker. As I was saying, I rise to second this Bill. It is a Bill whose repeal or amendment is long overdue, and the current position does not bear relation to the realities of life in the sense that a lot has taken place since the present Act was enacted. We have, for example, changed from imperial measures, and this should be reflected. Kenya is well known for its maintenance of standards, and it is important that ordinary and regular businesses should have the force of law, and that is exactly what we are trying to give to them.

Mr. Speaker, Sir, hon. Members will notice that the Bill is planned to deal with the question of measurement of weight or mass, so that people trading and having to do with weights do know exactly what is meant by weights and measures. If this is not the case, there can be a lot of cheating, particularly to the ordinary mwananchi who may not know what he is entitled to. In this respect, I beg to say that sometimes we have seen, in shops, people weighing sugar, not by the scale but by putting it in some pieces of paper or packets and telling wanchi that that is the amount of sugar they wanted. We have also seen cases of shopkeepers trying them with pieces of ropes. This is what the Bill intends to do away with. It intends to make sure that we know what our standards and measurements are, so that when the Ministry officials go to inspect weights measures, they know exactly what law they can use in punishing those people who cheat wanchi.

Mr. Speaker, Sir, if you go to some places like Bia-shara Street, you will find that there has been a lot of

[The Minister for Planning and National Development] cheating of wananchi who may not have the patience to see exactly how things are being weighed or measured. Sometimes you find that the person who is measuring cloth, instead of using the actual metre ruler or tape-measure, will place the cloth on the counter length-wise and sometimes they use some markings on the counter to measure the cloth. If there was a lot of material to be measured, you can imagine the amount of money he is making out of it.

So, this Bill is absolutely important and now that it has come to the House, we know that we are going to legislate on matters relating to weights and measures in relation to weight, area in terms of hectares and square metres, and capacity. I know, for example, that without the proper legal machinery, even those officers who are doing an excellent job in the Department of Weights and Measures would have a rough time. I say this because I happened, at one stage, to have been associated with that Ministry, both as a Permanent Secretary and later as the Minister. So, I know that those officers would find it very difficult to operate. They would also find it very difficult to get legal support when they take people to court. I, therefore, hope that hon. Members will agree that this Bill be passed as quickly as possible, and that they will support it. In fact, any delay in passing this Bill now means that there are irregular and illegal activities going on in relation to weights and measures.

Mr. Speaker, Sir, I beg to second.

(Question proposed)

Mr. Shikuku: Bw. Spika, ningependa kuzungumza juu ya Mswada huu. Jambo la kwanza ambalo ningependa kusema ni kwamba Mswada huu umechelewa kwa karibu miaka 20. Swali ni hili: wakati huu wote, Mawaziri waliokuwa katika Wizara hii walikuwa wakifanya kazi gani? Ndiyo sababu saa nyingine wanasema, "Huyo Mbunge wa Butere ni matata; na anapinga vitu". Lakini ninapinga kwa ukweli. Wanawake kule Bomet, Burere, na kila mahali wanasumbuliwa na vipimo hivi. Hata Mhe. Shikuku akienda katika kituo cha petroli, husema, "Nipe petroli ya Sh. 20". Mambo yote kuhusu vipimo vya metriki, lita na vipimo vingine bado yananisumbua. Wale akina mama walioko katika sehemu za mashambani watavijuaje hivi vipimo? Wale walioyajua haya mambo ya metriki na kadhalika wamewaibia kwa muda gani? Wamewaibia kwa miaka 20.

Kwa hivyo. Bw. Spika, ijapokuwa tunamshukuru Waziri huyu ambaye ameuleta Mswada huu, hatuwezi kukosa kuuliza kwa niaba ya wale watu ambao wame-tuchagua kuja katika Bunge hili ni kwa nini jambo kama hili halikufanyika mapema.

Siku hizi naona kama Wabunge au Mawaziri wamekuwa ni watu ambao pengine hawana maana. Lakini mimi pamoja na wenzangu walio katika Bunge hili tuna taka kuwambia wale wanaofikiria hivyo kwamba Mawaziri, Mawaziri Wasaidizi, au Wabunge ni watu wa maana sana, na ni lazima waache mtindo huo. Wabunge.

Mawaziri Wasaidizi na Mawaziri wana wajibu wa kutengeneza sheria na wamechaguliwa na wananchi. Kwa hivyo, ni lazima waheshimiwe.

Kwa sasa, Mswada huu unahitaji Bunge hili lihali-lishe mambo mengi. Ni lazime Wabunge waulize mawswali na kuzungumza. Ni lazima tufanye hivyo kwa sababu wengine wetu, tuna uhuru wa kuzungumza katika Bunge hili peke yake. Hatuwezi kuzungumza kule nje maoni ya wale walio uchagua. Imekuwa ni vigumu kuwatembelea kwa sababu kuna wakubwa ambao wana uwezo mwingi kuliko Bunge. Wakubwa hawa wanaweza kuwanyang'anya Mawaziri chombo cha kupaza sauti; wanaweza kuwanyang'anya Mawaziri vyombo kama hivyo; wanawatendea Wabunge kwa njia hiyo na hata wanawapiga makofi. Wakati umefika ambapo lazima tuwaonyeshe hawa wafanyakazi wa Serikali kwamba sisi ndio tunaotunga sheria. Sisi tumechanguliwa na wakiendelea na mwenendo huc, wale walio uchagua wanaweza kufanya matata katika Kenya hii na umoja hautakuwako. Ni lazima wajue Mbunge ni Mbunge na anastahili kuheshimiwa.

Kuna madaraka mengine ambayo tumewapatia wakuu wa wilaya. Juzi tulisikia kwamba Mhe. Angatia alifanyiwa vituko na chifu msaidizi. "Assistant chief is the last person in the hierarchy of the Civil Service". Huyo ndiye wa mwisho. Nitakuja kuyasema hayo baadaye. Lakini jambo ambalo ningependa kumwambia Waziri sasa hivi ni kwamba Mswada huu unaonyesha wakati ukurasa wa 264 vitu kama 50 carats (metric) na halafu huku chini wanaandika 0.5 carat (metric). Hata wakati tulipoanza kubadilisha vipimo vyetu kutoka kwa inches, pounds, miles, na kadhalika, ungekuwa wajibu wa Waziri huyu wakati huo kuwafundisha watu njia ya kuandika mita na futi. Rais wakionyesha namna hivyo, atajua. Mpaka sasa, Shikuku hajui vile vilivyo. Katika Mswada huu, bado tunasema hivyo tu. Pengine ingekuwa afadhali kama Waziri ningelumia vipimo vya metric na kuweka katika mabano yadi, kwa mifano, na akitumia lita aweke katika mabano gallon. Hapo tungejifunza vipimo hivi vya metric kwa rahisi.

Watu wengi wamedanganywa na wafanyabiashara wa nchi hii, hasa Wahindi. Hawatudanganyi kwa kutumia vipimo vya metric tu, bali hata katika utumiaji wao wa pesa zetu za kigeni. Tumenyonywa sana, lakini kwa sababu Mwafrika ameumbwa na kupewa ngozi ngumu, nywele ngumu na vitu vingine vigumu, bado tunatembea leo. Kama si hivyo, tungekuwa tumeanguka. Kumfanya Mwafrika kuzimia ni vigumu sana; ni lazima upime sana ndipo azimie. Utahitaji kutumia marungu mengi kumfanya Mwafrika azimie, lakini ukimpiga Mhindi au Muzungu rungu moja tu, anaanguka na kupasuka fuvu la kichwa. Mwafrika anaweza kupigwa rungu mara saba kichwani na bado aweze kutembea. Damu tu ndiye itakayotirika, lakini Mwafrika huyu bado atatembea. Kama isingekuwa hivyo, Kenya ingekuwa imekwishazirai kutokana na vile pesa zetu zinavyonyonywa na kupelekwa nje bila kulipa ile asilimia 40 yetu. Kenya bado inakwenda mbele.

Bw. Spika, ningependa Wizara ya Biashara ianze kuwapa watu wetu wanaoishi mashambani uwezo zaidi. Usijali habari ya Shikuku. Ninaweza kujitunza. Lakini

[Mr. Shikuku]

unapomdanganya mama kuile Bomet au Samburu, jambo hili linauma sana, na hali mama huyu amekuwa akiu-mwa nallo kwa miaka 20. Hili ni jambo la kwanza.

Jambo la pili ni kwamba tunahitajiwa kuupitisha Mwsada huu. Tumeambiwa—

(A sheet of paper dropped from Mr. Shikuku's hands on to the Front Bench and he bent over the Front Bench to pick it up)

Bw. Spika, inafaa tufanye mabadiliko katika Bunge hili siku nyingine. Pengine sisi Wabunge wa Viti vya Nyuma tutapewa meza kidogo hapa mbele ya viti kwa sababu hivi sasa ukiweka karatasi juu ya kiti kilicho mbele yako inaanguka, na kuzunguka kwenda kuichukua ni kazi nyingine. Kwa hivyo, tukiongezewa mbao hapa mbele ya kuweka karatasi, pengine itatufaidi. Hii ni shida inayotukabili kikweli kwa sababu ukijaribu kuweka karatasi vizuri hapa mbele, inaanguka huko. Kwa hivyo, sisi Wabunge wa Viti vya Nyuma tuna shida kubwa.

Katika Mswada huu, Waziri anataka uwezo mkubwa sana wa kutoa kanuni fulani na kufanya mambo mengine. Anaomba kupewa uwezo huo katika kifungu fulani hapa, lakini kabla sijalifikia jambo hilo, acha niongee juu ya jambo lingine. Waziri aliyeeunga Mswada huu mkono ametaja wizi ambao umekuwa ukiendelea kwa miaka mingi kwa kutumia vipimo hivi ambavyo havielleweli na wananchi, huku wale wanaovielewa wakiwadanganya wale ambao haviellewi.

Kabla sijalifikia jambo hilo, ningependa kuongea juu ya mambo yanayohusu "Mtu Mdogo" nikitaja shida yake. Mtu huyu hawezi kuja Bungeni; kwa hivyo alim-tuma "Mlinzi wa Watu" kuyaangalia mambo hayo yake. Nitaanza kwa kuongea juu ya First Schedule ambayo inaanza katika ukurasa wa 215, chini ya kichwa "Classes of the Units of the International System of Units (SI)".

"Base Weight Length	Unit kilogram metre	Symbol kg m"
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Watu watajua vipimo hivi namna gani? Sheria inatengenezwa, lakini haitengenziwi wale wanaojua kusoma kama vile Shikuku na Mhe. Archbishop Ondiek walio hapa katika Bunge hili; imetengenezwa kwa ajili ya wale ambao wako nyuma. Watajua alama hizi namna gani? Kwa hivyo, inafaa vipimo hivi vianze kufundishwa tangu mwazo kabisa. Pengine vinafundishwa, lakini yule mama ambaye hajasoma atazijua namna gani alama hizi? Kuna mpango ambao Wazara imefanya ili ijue kwamba mtu alitaja "kg" anamaanisha "kilogramme", na kwamba hili linayoitwa thermodynamic temperature huandikwa "K" ukisoma hapa utaona hii inaoitwa thermodynamic temperature.

The Minister for Commerce (Prof. Ng'eno): On a point of order, Mr. Speaker, Sir, I am very happy with the contribution of my good friend hon. Shikuku, but I just want to inform him that these symbols are not here to be changed. These are given international standards, and there is not going to be a possibility of changing them. We are simply saying that we are adopt-

ing them as opposed to the previous ones, such as feet and yards, which required us to go to England, once in a while, to check them. These here are international standards. The term "kg" is used internationally and is understood by everybody to mean "kilogramme". The symbol "m" means "metre", and there is no way in which we are going to change that. Thank you.

Mr. Shikuku: Bw. Spika, Mswada unapitishwa nani? Unapitishwa international bodies au Kenya? Kama unapitishwa Kenya, tunafaa kufahamu alama hizi. Sisemi kwamba tutafautiane na watu wengine. Kweli alama hizi ni za kimataifa, lakini Mswada huu unatengenezwa kwa ajili ya Kenya, ili tuweze kufahamu mambo ya ng'ambo. Kwa hivyo, ni lazima Mkenya azielewe alama hizi.

Tunajua kwamba kuna wafanyakazi fulani ambao pengine hawazifahamu alama hizi, lakini wana mali. Kuna matajiri wengine ambao hawakusoma, lakini wana-takiwa kuzielewa alama hizi. Hii ndiyo sababu minau-liza ni mpango gani uliofanywa ili kuwaelimisha watu hawa ambao wa'akuwa wakitembelea nchi mbalimbali za ng'ambo? Hata ikiwa kuna mashindano ya mbio, hutoki tu msituni eti unakwenda kukimbia kaziika All-Africa Games. Unaza mashindano katika kata ndogo, halafu unaingia yale ya kata. Hapo inaonekana kwamba mto'o fulani anakimbia sana na anapeleka katika mashindano ya tarafa, halafu ya wilaya na ya mikoa, kisha ya All-Africa Games hapa Nairobi. Wanaridha wengine humunua viatu hapa tu kwa sababu huwa hawana viatu wanapokuja hapa. Riadha tu ndiyo wanayoshiriki. Watu hawa wanafaa kufundishwa vipimo hivi ili wawijue.

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): Hata Waingereza hawavijui.

Mr. Shikuku: Sijui kama hata Waingereza hawavijui. Ninaongea juu ya Kenya. Uingereza si kwetu, ni safari, tu ninakwenda huko. Kama Mhe. Njuno anajua kwamba Waingereza hawavijui vipimo hivi, hiyo ni shauri yao.

Tunafika hata watu wanaosoma elimu ya ngumbaru wawieleve. Utaona hapa katika Mswada kwamba kuna wakati ambao unapimwa kwa sekunde, na alama ya sekunde ni "s". Hata mimi itanibidi kuwa nikiziangalia alama hizi kila mara. Kuna amount of substance ambayo hupimwa kwa mole, ni alama ya mole ni "mol"

Mr. Speaker, Sir, why is it written in small 'm' and not in capital 'M'? Ni lazima vitu kama hivi vifaha-mike. Mswada unasema:

"One ton is equivalent to 1,000 kilogrammes."

Inatakiwa watu wafunzwe vitu hivi. Mswada unaeleza ifuatavyo:

"Kilogramme has the meaning assigned by an order made by the Minister being the meaning appearing to the Minister to reproduce in English and international definition the kilogramme in force at the date of making the order."

Vitu kama, hekta, 0.1 kilogramme, gramme, 0.001 kilo-gramme na kadhalika ni lazima vijulikane na vifanawe kuwa wazi. Hii ni kwa sababu kupitisha Mswada si

[Mr. Shikuku]

jambo la mwisho. Wanasema kwa Kiingereza: "Ignorance has no defence." Huwezi kusema kwamba wewe hukujua hayo maneno. Mswada huu ukipitishwa na kuwa sheria, huwezi kusema kwamba hukujua. Ignorance has no defence. Kwa hivyo, ingefaa elimu ipewe kwa watu wetu. Ninaachia Wizara jambo hilo.

Katika ukurasa wa 217—Measures and Weights lawful for trade; measures of length—Mswada unasema:

"50 metres—3 metres
30 metres—2 metres
20 metres—1 metre
10 metres—1 decimetre
5 metres—1 centimetre"

Hata Waheshimiwa Wabunge wakiuangalia Mswada huu, wataona kwamba una kurasa kutoka 175 hadi 219. Huu si Mswada mdogo; ni Mswada mkubwa. Nilisikitika sana, Bw. Spika, wakati Waziri alipokuwa akiwasitisha Mswada huu. Alikuwa akisoma maandishi aliyokuwa nayo; hakuweza kusimama wakati wote na kueleza kinaganaga maana ya vitu hivi. Kwa mfano, ibara hii inayotakiwa, ina maana gani; ibara hii ambayo nampatia Waziri uwezo wa kufanya mambo anayotaka, inatakiwa kwa nini; kulitokea nini ndio sasa tunataka kupatia Waziri uwezo mwingi kufanya hili na ile? Hakuueleza mambo haya. Kwa hivyo, tutajaribu kumwambia yale tunayofikiria.

Katika ukurasa wa 214—Disposal of Seized Goods, sehemu ya 62 (1) and (2) inasema:

"62 (1) Where any vehicle, instrument, goods or any money has been seized under this Act, the same may be retained for a period not exceeding three months or, if within that period, proceedings are commenced for any offence under this Act, the final determination of those proceedings.

(2) Where any goods are seized and detained under this Act, they shall be returned less any portion which has been reasonably utilized for the purpose of any tests, to the person from whom they were seized within a period of three months after the date of seizure unless within such period some person is charged with an offence under this Act and such offence was committed in relation to or in connection with such goods."

Hatuwezi kusema kwamba mambo hayo hayafanyiki. Ni lazima tukubali kwamba katika Kenya, kuna ufisadi; tunajua mambo haya. Kwa mfano, kama ofisa fulani hamtaki mtu fulani, anakwenda anachukuwa ratili yake na kumwambia: "Hiyo ratili yako si nzuri. Ninachukuwa ili iweze kuchunguzwa." Kama mtu huyu ambaye ratili yake imechukuliwa ni muuza nyama, atapima nyama na nini? Inajulikana wazi kwamba wakati mwingine ratili hiyo inaweza kuchukuliwa si kwa sababu ina makosa, lakini pengine yule ofisa hana "mkate". Yule mwenye ratili akitembea naye, anamwambia: "Ukienda mbele, utatozwa pesa nyingi. Sasa kati yako nami una nini?" Mtu huyu anampatia kile alichio nacho na mambo yanaishia pale.

Ukweli uko na hata kwa wakati huu ninapoongea, watu wengi ambao wanafikishwa kortini kwa kuwa na

chang'aa ni wale ambao hawakuweza kutoa "chai" njiani. Usipotoa "chai", unafikishwa kortini lakini ukiboa "chai", kortini hufikishwi. Tunajua mambo haya.

Tukipitisha Mswada huu, vitu hivyo vitachukuliwa kwa muda fulani na vitarudishwa hata kama hurujiliza. Ni mara ngapi tumesikia—ninashukuru hata Mkuu wa Sheria yuko hapa—kwamba exhibits zinapotea katika vituo vya polisi? Je, ni idara gani inasema juu ya kile kitakachofanywa mali ya wananchi ikiipotea? Hii ni kwa sababu Kenya imekuwa mambo mengine. Kwa wakati huu, kila mtu katika Kenya anataka pesa kwa kifua. Hii ni kwa sababu usipokuwa na pesa, basi wewe si mtu. You are nobody without money in Kenya today. Ukiwa na pesa, hata uwe mpumbavu, unalosema ndilo linafanywa. Yule asiye na pesa hata akisema jambo la kweli, wanasema: "Forget about him. What can he do? Yeye una maneno tu; hatutaki maneno bali tunataka vitendo." Jambo hili linafanya ufisadi kuzidi katika Kenya.

Kwa hivyo, kama huna kitu, you are nobody.

Kwa hivyo, ni lazima kila mtu afanye juu chini ili apate pesa ndio aweze kusimama mbele ya watu. Hiyo ni hatari, Bw. Spika. Jambo hili limeleta taabu nyingi katika Kenya. Mimi kama Mbunge wa Butere na pia kama "people's watchman", ningependa kusema kwamba tulipoumbwa, tuliumbwa tukiwa huru, lakini mtu mmoja alkatunyanganya uhuru huo. Mtu huyo ni Mzungu. Baadaye tulinunyakua Uhuru huo kutoka kwa kama mnamo mwaka wa 1963 tulipokwenda huko Lancaster House. Nilikuwa huko na hatukutoa Harambee kumpatia Duncan Sandys ambaye kwa wakati huo alikuwa Secretary of Colonies. Hatukumpatia Harambee, bali tulimpatia maneno. Aliambiwa maneno kweli kweli na akasema: "Basi hayo yametosha; Uhuru ndio huu."

Kila siku ninapopita hapa mlango, ninamkumbuka Duncan Sandys. Alipo upitia kile kitu kinachoonyeshwa hapo mlango, nilikiangalia; nikakisoma na sikuona comma, fullstop, semi-colon na kadhalika katika maandishi hayo. Tuliambiwa: "Huo ndio Uhuru". Tukaubeba na tukauleta hapa. Kusema kwamba tunataka vitendo, na kwa kutenda ni lazima uwe na pesa, kumbeiharibu Kenya.

Hii ndiyo sababu katika sheria kama hii tunafungua mlango. We are opening a gate. Sasa hapa tunafungua mlango kwa ofisa. Akiona, aneishiwa, yaani hana pesa kazi yake ni kutembea polepole: "Hii ratili yako, Mzee. ilipima kweli?" Halafu ananyakua. Kwa hivyo, Bunge hili kazi yake, ni kutunga sheria, na katika hiyo sheria ni lazima tuangalie loophole ama kifungu ambacho kitamumiza mwananchi, na loophole iko hapa sasa. Hii ni kwa sababu ofisa anaweza kuchukua mali ya mtu na akaenda nayo. Lakini hatusemi akienda nayo na ikivunjikia njiani, itakuwa nini. Hakuna kifungu ambacho kinasema hivyo. Pia, ikiibiwa kule alipoipeleka atafanya nini. Mimi nasema maneno halafu nasaka kueleza ni njia gani ambayo tunaweza kutengeneza sheria ambayo itawalinda wale wananchi ambao waliitupa kura kuja katika Bunge hili.

Kama ni habari ya ratili, hawa wakaguzi, and I have hardly seen them, ambao wanangalia habari ya ratili wawe na gadgets, yaani wawe na vyombo vya kuweza kwenda kwa duka na wamueleze mwenye duka wapime

Fifth Parliament
Fifth Session



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OFFICIAL REPORT

Wednesday, 14th October, 1987—(Contd.)

(Afternoon Sitting)

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[P.T.O.]

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[Mr. Mwaruwa]

law of the land and, therefore, there is no question of my Motions being sensitive. I am a typical Nyayo follower, and I can even say I am a more Nyayo follower than other people who call themselves Nyayo followers. My hands are very clean. Even my chickens, my cats and everything else at home are all Nyayo.

Mr. Temporary Deputy Speaker, Sir, recently I brought a Motion to this House regarding foreigners who have grabbed land in places like Kwale, Mombasa North and in other places in the country. That land should be taken back to the hands of indigenous black Africans, who are the rightful owners of this land. I said that in Kwale there are Asians who are buying land and these Asians have grabbed all the land and made our fellow Africans continue to suffer since the time of colonial regime. Some of our leaders in this country went and joined these Asians and started accusing hon. Mwaruwa of being a tribalist. They are accusing me of intending to take the land from them. I belong to Kwale and I am a Mdingo by tribe and I feel very bad when I see those Asians holding that land saying it is theirs when we are the people who have the right to own that land. I would like to assure this House that I will fight with all the means that I can think of to make sure that Wadigo get back their land from these Asians. I will fight with all means including these to make sure we have our land back.

(Mr. Mwaruwa demonstrated with his hands)

Mr. Temporary Deputy Speaker, Sir, it is important for us to draw our attention to this question of identity cards—

Mr. Kikuyu: On a point of order, Mr. Temporary Deputy Speaker. For the purpose of the records of this House, what will be recorded in the HANSARD, when the Mover of this Motion says that he will fight by all means including "these"? Can he elaborate on this so that it can be recorded properly in the HANSARD for our future generations to read it.

Mr. Mwaruwa: Mr. Temporary Deputy Speaker, Sir, when I talk, I normally move my hands, and if the hon. Member is blind, then he can say he did not see me doing so. I move my hands all the time to exercise my strength. I brought this Motion to the House—

Mr. Kikuyu: On a point of order, Mr. Temporary Deputy Speaker, Sir, I was watching the hon. Member speaking very well and he said that he will use all means including "these", and I am asking how this will be recorded in the HANSARD.

The Temporary Deputy Speaker (Mr. Mutiso): Yes, Mr. Mwaruwa, I think it is fair for you to say exactly what you mean so that it is recorded. The demonstration you made by using your hands cannot be recorded. I think what hon. Kikuyu is insisting on is that you say exactly what you mean by saying, including "these" or you simply forget it.

Mr. Mwaruwa: I wonder why I should be asked to withdraw that. I am very tough and I would like to say that if we do not back our land, we shall use physical force to get it back. When I said that we shall use all

means including "these", this is what I meant. This is our method of—

Mr. Kikuyu: On a point of order, Mr. Temporary Deputy Speaker—

Mr. Mwaruwa: Let me finish and then you can talk. When I said we shall fight by all means including "these" I meant to say that we shall fight to make sure we get back our land from these people. It is high time the Office of the President, which has always been very fair in rendering services to the rich and the poor, came to our aid. We appreciate the good work that they have been doing, and I would like to say 'thank you' very much to them. I am saying this because the Office of the President is one of the few offices which have been tirelessly assisting wananchi. Perhaps the information regarding what is now happening in administration offices regarding the issuance of identity cards has not reached the Office of the President. I brought this Motion to the house so that they can be informed, and I am happy because the Minister of state in the Office of the President is here and he has heard all I have said. My intention is not to accuse the Administration but to say that system which they are trying to introduce here is not fair. I think everybody in this country who is a Kenyan has the right to be considered for the issuance of identity cards. I am saying this because without an identity card in this country one feels that one is not a full Kenyan. Therefore, from today onwards the Minister should take this matter into consideration and inform his administration officers all over the country to make sure that in future every Kenyan is considered for the issuance of an identity card, no matter where he or she comes from. Therefore, as long as a person is a Kenyan, he or she should be issued with an identity card, and this is why I brought this Motion to the House so that the Office of the President may understand what is going on in the administration offices throughout the country.

Mr. Temporary Deputy Speaker, Sir, I brought this Motion to the House because I am a true Nyayo follower. I did not want to go and talk behind the doors on this issue. I brought this matter here so that we can discuss it with my hon. colleagues here, so that they can also air their views. This Motion is well understood and there is nothing sensitive about it. When I bring any issue to this House, it is because I think I have a right to do so, and there is nothing sensitive about this. Therefore, this Motion has nothing sensitive in it. It is a very clean Motion. It is a Motion with good intentions aimed at assisting our young people who leave schools. When these young people leave school and want to be considered for employment, they cannot be employed without having identity cards, nor can they travel outside Kenya without identity cards.

With those few remarks I beg to move and ask the Chair to allow Mr. Kiliku to second the Motion.

Mr. Kiliku: Mr. Temporary Deputy Speaker, Sir, first and foremost I would like to thank hon. Mwaruwa for bringing this very important Motion to this House and for calling upon me to second it. This is a signal to

[Mr. Kiliku:]

the Office of the President regarding the problems facing the young people in the big towns, and particular in Mombasa. Due to these problems our young people who have attained 18 years of age have fallen victim of many things. They have fallen victim of forced Harambee contributions by the assistant chiefs.

Mr. Temporary Deputy Speaker, Sir, I witnessed one incident in Miritini where youths were being forced to pay Harambee contributions in order to be given application forms for identity cards. I confirmed this incident and raised it in this House. Our young people have also fallen victim of lack of job opportunities because by law, if you are looking for employment in this country you have to be identified, and an identity card is the only document which can identify you if you have to get employment. So, these young people have fallen victim of this problem of lack of employment just because they cannot get identity cards.

Mr. Temporary Deputy Speaker, Sir, the other point I wanted to mention is that this is a clear case of discrimination of Kenyans by other Kenyans. I do not know why people should be discriminated against. Is there any logic for someone to be told to go to his home when he is in Kenya and he is a Kenyan? Some of the people who are told to go to their home districts have no bus fare. We are also wondering as to why people living in Kenyan towns today should be told to report to their respective home chiefs when we believe that so long as they are in Kenyan towns they are at home. I would like to suggest one point which I think the Minister will note down. The Office of the President must establish a certain system so that students in secondary schools and other public institutions can be issued with identity cards on attaining 18 years so that they can leave those institutions with the identity cards. I think such a system would help our youth a lot. During the last week of the registration of voters there was a directive from the Government that those clerks doing the registration should go to institutions like polytechnics and others to register those who were eligible. The same system must be applied when it comes to issuing identity cards, so that those young men and women who attain the age of 18 can be issued with identification cards without having to go to the chiefs.

The other thing I wanted to say that I do not know why there is no machinery of identifying Kenyans and non-Kenyans in our towns. This kind of discrimination existed during the kingdom of the Sultan of Mombasa; it existed during the colonial system. A married lady or even a man was required to be cleared by the chief in order to go to Mombasa. One had to be given a limited amount of time to stay in Mombasa, and if that time period elapsed he was required to report to the chief for extension. The same discrimination has been carried forward and is now being applied in the issuance of identity cards. I think it is high time we

did away with such a colonial hangover. I do call upon the office of the President to issue a circular to the effect that if one goes to the chief or the district commissioner for anything he should not be forced to contribute to Harambee projects. Let people contribute to Harambee projects on their own will. These days many people are scared of going to the offices of chiefs or assistant chiefs; hon. Members of Parliament are now doing the work of chiefs and assistant chiefs because wananchi fear to be forced to contribute to Harambee.

Mr. Temporary Deputy Speaker, Sir, I do not intend to take more time on this very important Motion. I am only calling upon the Government to ensure that all the people anywhere in this country, so long as they are Kenyans, are treated equally.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Muthura: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to say a few words on this Motion. I believe that the hon. Mover, as well as the hon. Seconder, experienced this problem during the course of registration of voters, Kanu registration and also during the registration of voters was brought to a halt there exercises which were going on simultaneously in this country. Those who had attained the age of 18 years—although quite a good number of them were past 18 years—were being registered. There was the registration of voters and also the recruitment into the ruling party, Kanu. Sir, you will find that the recruitment into the party, and also the registration of voters, are very much tied up with the registration of persons. This is because in order to be recruited into the party you must have an identity card, and you also must have an identity card in order to be registered as a voter. Without an identity card you will not be registered.

During that time there was an announcement through the Voice of Kenya asking whether one had registered himself as a voter, and also whether one had registered as a Kanu member. I think the time has come when Government machinery, through the Press, should inform the wananchi in this respect, and remind them, particularly the youth, that if they are not registered at the age of 18 years they will be liable to prosecution. They should be told that once one has attained the age of 18 he or she should be registered, that is, obtain an identity card. This announcement could be made through the Voice of Kenya, the *Kenya Times* which is the Party newspaper, public barazas which are held by Members of Parliament and the provincial administration, such as, chiefs and so on. Before the commencement of the registration of voters there were so many young men and women who had attained the age of 18 years but did not have identity cards. In fact, Sir, I saw some who were already 23 years old but they had not been issued with identity cards. This information should be relayed so that these people do not suffer.

[Mr. Mathura:]

As the Seconder of the Motion said, without an identity card one cannot be able to get a job. The present identity cards are made of material which will not last long. I do not know whether this is the reason why they said that they should be renewed after 10 years. I remember the identity card which I obtained in 1954 was still so good and clean after so many years. I feel that the material which is used for these identity cards should be durable.

I think the identity cards we now hold have some discrepancies. I thought that the two numbers on the identity card should agree. You find, Mr. Temporary Deputy Speaker, Sir, that some of these numbers do not agree. You will find that the number on the left-hand side of the identity card is different from the one on the right-hand side. I do not know whether this is a mistake or whether it was meant to be that way. If there is a mistake, then I think some correction should be done.

Mr. Temporary Deputy Speaker, Sir, I believe the Mover of this Motion had experienced a problem particularly during the registration of voters. A lot of time is wasted. People have to move from the rural areas to the district headquarters. So, when you imagine districts like Turkana, Laikipia, Machakos, Kakamega, Kisii, Kitui and so on, it means that people have to move long distances to go to the district headquarters where the national registration is being carried out. And when somebody gets there he is told that there are not enough people to be photographed, or "we do not have the cards," or there are no papers for the photographs, or the machine is out of order, or the document is not complete, the chief has or the district officer has not signed it, and so on. This young man or woman has seen the form for the first time I feel things should be made easier so that we have no problems.

Sir, I remember I had to persuade two young men to go back and see the chief. They had said that they cannot get jobs. They are looking for jobs. They are not tired to go there and get identity cards, but they cannot get them. So there is no point of going there several times, but I had to persuade them to do so. I feel that things should be made easier for young men and women.

Now, how can this be done? The district registrar should arrange a programme to visit various areas. For instance, they can visit high schools where we have boys who are already 18 years old, chiefs' centres and divisional headquarters so that those who are not yet registered and have reached the age of registration can be registered there. If the exercise is going to be as difficult as it has been this year, then it will mean that so many young men and women will not be registered. You can imagine somebody having to walk, say, 10 to 15 kilometres to the registration centres because not all areas have matatus. Somebody goes to the office and then

he is told that there is a document which is missing. Then he has to go back 10 or 15 kilometres to get it. We say that the nearer the administrators are to the administered, the better. I feel that if the district registrar would move to the chief's centre and register these people there the process would be easier and everybody would be registered.

Sir, I am making an appeal to the people of this country who are employed, both civil servants and those in the private sector, particularly those who are employed in the N.S.S.F. to keep good records. The people who were employed during the colonial days have different records. If I could refer to the civil servants, you will find that the Mzungu who employed did not regard the identity card as anything. He just looked at that young man and then he said he is probably 20 years. If he was 20 years at that time and the identity card said he was 18 years, and then probably a mistake was made during the time of getting new identity cards, particularly in 1979, then you will find that this employee or civil servant has three records showing different dates of birth.

Sir, you will find that civil servants are being made to retire after some time. One is told that his last working day will be such and such a day. This is because one has reached the age of 55 years. After he retires and he submits his application to get his N.S.S.F. benefits back, he is told that he still has five more years to go. I am saying this because of several cases from my constituency which I have been trying to argue for, but then I find that it is all in vain. This is due to the fact that when this person was employed by that Mzungu in the olden days, the record by the employer and the identity card did not agree. I appeal to the civil servants and employees of the local authorities and private firms to go and check their records. They should see that the three records agree; the records by the N.S.S.F., the records in the file, and the identity card, otherwise our pupils will experience problems particularly after retirement.

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

Mr. Muliro: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. Firstly, I would like to thank the hon. Member who brought this Motion here. This Motion is most timely because our country is one country in one region and wherever we go, we are in Kenya. Today there are children whose parents came from Central Province, Nyanza, Kakamega and even Ukambani and they all live in Kitale. With their parents now staying in Kitale, chiefs have the audacity to tell them, "Go and get your identity cards from the districts where your fathers come from." A child who was born in Trans-Nzoia, after his parents had left Nandi in 1960, does not know the elders in Nandi, Kiambu or Bungoma. How can a child like that be told, "Go to the district of your father's

[Mr. Muliro:]
origin"? This discrimination by chiefs should be wiped out.

I would say that the Ministry in charge of Provincial Administration has become a "terrorist organisation" to wananchi. The chief has too much authority. Even a sub-chief will tell an hon. Member of Parliament, "You cannot hold a meeting." Where are we going? If one is denied the right to address the people who elected him, what does one expect? In Cherangani and Kwanza Divisions, in my constituency, before a youth of 18 years of age is given an identity card he has to pay Sh. 50 to the chief for development. I do not see where that money for development goes to. The chief has no sub-committee or any committee for any sort of development which handles that money. The money must be going into the personal development of a chief.

An identity card is the right of every Kenyan citizen. If a man's parents are questionable, the administration should establish that. Otherwise, any youth who reaches the age of 18 years should get an identity card because at the age of majority one should have the right to identify himself as a Kenyan for employment and all other purposes. During the last Kanu Membership Registration Drive many youngsters in Trans-Nzoia were not able to register themselves because they were not issued with identity cards although that is their right. Others could not register because their identity cards were delayed. Some others could not do so because they did not have Sh. 50 to pay to the chief in order to get clearance.

Mr. Temporary Deputy Speaker, Sir, there is a case in question in Trans-Nzoia where a chief took away the identity card of a Kenyan citizen who had been allocated a plot and said that the citizen was from Uganda.

The chief took plot and gave it to another chap from Eldoret, and the other fellow was repatriated to Uganda. When he got to Uganda the people of Uganda said; "This one is not a Ugandan". They imprisoned him for four months. After completing his prison term the fellow was given a letter and told; "Go back to Kenya; you are not a Ugandan citizen." We are filing a case against the State because of ill-treatment of its citizen.

There is a chief who registers any Sebei because he originally came from Sebei. I am talking about the Chief of Kwanza Location. He registers any Sebei but he tells the Bukusu from Bungoma to go back to Bungoma and be issued with identity cards there. He tells them "You are Bagisu." Of course, ethnically Bukusu and Bagisu are very much alike. But we have been living in Kenya. My grandfather's grave is in Uganda but my father's grave is in Kenya. My brother's grave is in Kenya and my maternal grandfather and paternal grandmother are all in Kenya. So, nobody can tell me that I am a Mgishu. I have some connections with Uganda. That has been due to the migration of all Africans from the North down towards the South.

So I think our chiefs have got too much power. The Chiefs' Authority Act must be scrapped. How can one honestly take money from a youngster of 18 years who wants to be issued with an identity card? You are a thief if you do that. That chief is a thief. When I raised this matter with the district commissioner, he just said: "Do not do that. You will be tired because the chief is a Nandi." I told him "This is because you are appointing all chiefs from the Nandi tribe because you happen to be Kalenjin."

I think the hon. Member who brought this Motion must be thanked by this House. The Government must accept— If the Government cannot accept accountability of Government officers, then that Government is ruining this country. They must be accountable for their misdeeds. Nobody is accountable for the problems of Kenyans. No country can be run well when, if anything goes wrong, nobody can account for it. How can that be? This is a great shame and it is a humiliation to any thinking Kenyans.

With these very few remarks, I heartily support this Motion.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Mutiso): Hon. Members, I do not think we have more time to continue with this debate. It is now time for the interruption of business and, therefore, the House is adjourned until this afternoon at 2.30 p.m.

The House rose at thirty minutes past Noon.

Wednesday, 14th October, 1987

The House met at thirty minutes past Two o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Munyao: Mr. Speaker, Sir, before I ask my question, may I inform the Minister that I have not received the written reply to this question.

No. 578

DRY POWDER MILK PLANT IN TAWA-KITETA

Mr. Munyao asked the Minister for Livestock Development—

- (a) whether he is aware of a proposal to put up a dry powder milk plant in Tawa-Kiteta Location; and
- (b) if the answer is "Yes", when it will be implemented and if "No", whether he will direct a feasibility study to be done with the aim of putting up one.

The Assistant Minister for Livestock Development (Mr. Oyondi): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of a proposal to put up a dry powder milk plant in Tawa-Kiteta Location.

(b) Feasibility study for such a project cannot be carried out at the present time because, milk production in Tawa-Kiteta Location does not warrant such a study.

Mr. Munyao: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister, I am wondering whether he has taken into account the availability of milk in Mbooni Constituency since Tawa-Kiteta is right in the middle of Mbooni. Can he authorize a feasibility study to be carried out here, taking into account the availability of milk around the radius of the many locations around there?

Mr. Oyondi: Mr. Speaker, Sir, a project of this nature should have been discussed by the local district development committee (D.D.C.). As it is now, the D.D.C. has never discussed the project; and in any case, the daily production and consumption of milk in Tawa-Kiteta Location for the last three years is as follows:

In 1984, the production was 205,532 kg. and the consumption during that year was 205,523kg. In 1985, they produced 222,251 kg. and the consumption was the same.

In 1986, they produced 359,434 kg. and the consumption also during that year was 359,434.

These figures show that all the milk produced in Tawa-Kiteta Location is locally consumed and, therefore, the farmers should be urged to increase their production if setting up a milk processing plant is to be feasible.

Mr. Munyao: Mr. Speaker, Sir, is the Assistant Minister in order to confine himself on Tawa-Kiteta location when I have, in fact, alerted him that the locations around there are all milk producers; they produce a lot of milk? Is he correct to confine himself to Tawa-Kiteta only?

Mr. Oyondi: Mr. Speaker, Sir, the hon. Questioner asked about Tawa-Kiteta Location and if he now wants to extend his question to cover the whole of Mbooni Constituency, he should ask another question.

Mr. Munyao: On a point of order, Mr. Speaker, Sir, I think the Assistant Minister is evading answering my question. I said that Tawa-Kiteta would be a central point for the purposes of putting up the milk processing plant in order to be fed by farmers from the surrounding area who have a lot of dairy cattle.

Mr. Oyondi: Mr. Speaker, Sir, just do not understand what my hon. friend wants me to do. The question put to my Ministry is about Tawa-Kiteta Location; and I am saying that if he wants that question to include other areas around that location, he should submit that question so that we can reply to it accordingly.

Mr. Speaker: Next question.

No. 590

RECREATIONAL HALLS IN DAGORETTI

Mr. Gachanja asked the Minister for Local Government—

- (a) whether he is aware that there is no recreational hall for the residents of Gatina, Kawangware and Riruta Satelight villages of Dagoretti; and
- (b) when the City Commission will construct the recreational hall and where.

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

(a) Yes, I am aware.

(b) Nairobi City Commission has plans for the construction of community centres at Kawangware and Riruta Satelight to be included in the 1988/89 Estimate. During that financial year, suitable sites will be selected for the projects.

Mr. Gachanja: Mr. Speaker, Sir, that answer is terribly unsatisfactory. The hon. Assistant Minister has avoided saying where this important recreational hall is going to be erected and when. Could he give those two answers?

Mr. Marita: Mr. Speaker, Sir, while carrying out that exercise, we shall consult the hon. Member to tell us which sites would be best. I have just indicated that this will be done during the 1988/89 Estimates. So, as regards the question of saying "When", I have already given an answer.

Mr. Gachanja: On a point of order, Mr. Speaker Sir, The answer given by the Assistant Minister that he is going to consult me, clearly indicates

[Mr. Gachanja:]

that the city commission has no plans because they are not supposed to consult me. They are supposed to know where the recreational hall should be built. Therefore, this clearly indicates that the city commission is doing nothing and so, the Assistant Minister should tell us why the Nairobi City Commission dissolved.

Mr. Marita: Mr. Speaker, Sir, I will not agree with the hon. Member that the Nairobi City Commission is doing nothing. What I mean to say here is that there is plenty of time, and we shall not only consult the hon. Member as to where the sites should be, but also other people concerned.

No. 441

PAYMENT FOR MR. ARAP KALIA'S TEA-LEAVES

Mr. Koske asked the Minister for Agriculture—

- (a) whether he is aware that Mr. Kipsigei arap Kalia, tea farmer No. T. G. 02 0179, Kericho District, was not paid his 539 kilograms of tea-leaves delivered between September, 1985, and May, 1986; and
(b) when he will be paid.

The Assistant Minister for Agriculture (Mr. arap Saina): Mr. Speaker, Sir, I beg to reply.

(a) Mr. Kipsigei arap Kalia, tea grower No. 02 0179, was paid for his green leaf deliveries during the period between October, 1985, and May, 1986, respectively, through his bank account No. 1410045-01160 with Kenya Commercial Bank, Kericho. This was for the month of September, 1985. He was paid in cash for 171 kilograms of green leaf together with his bonus. That, therefore, amounted to KSh. 7,842.10.

(b) In view of the answer to part (a) of the question, this part does not arise.

Mr. Koske: Mr. Speaker, Sir, I am surprised to learn from the Assistant Minister that the complainant was paid. However, is the Assistant Minister aware that some 539 kilograms of tea-leaves belonging to Mr. Kipsigei was overlooked and that it is not reflected in the receipts?

Mr. arap Saina: Mr. Speaker, Sir, the documentation of these accounts is very complicated, but that does not mean that we are not alert to look at certain facts. We are up to date. I understand that we still owe Mr. Kipsigei some KSh. 566.45, which will be paid together with his May, 1987, proceeds. He will be paid through his accounts which I have quoted as account No. 141004501-160 with Kenya Commercial Bank in the hon. Member's constituency.

Mr. Koske: Mr. Speaker, Sir, can the hon. Assistant Minister clarify as to whether what the Kenya Tea Development Authority owes this farmer is the value of the missing 539 kilograms of tea-leaves?

Mr. arap Saina: Mr. Speaker, Sir, I have already clarified that. However, if the hon. Member wants a detailed clarification, I can provide it further.

For a total sum of 1,088½ kilograms of green leaves delivered to our factory, we have paid, through the bank account, a sum of KSh. 9,703.10. The rest of the money, which the hon. Member is doubting, will be paid soon through that same account.

Mr. Koske: On a point of order, Mr. Speaker, Sir. Is it really in order for the Assistant Minister to say that this farmer was paid for his green leaf delivery and then later on to say that they owe him? Is the Assistant Minister in order to say that the farmer was paid everything and then, in the course of his answer, say that the K.T.D.A. owes the farmer some money?

Mr. arap Saina: Mr. Speaker, Sir, the hon. Member said that there were some kilograms of tea-leaves missing in the farmer's receipts, and I told him that we have received the information and we are going to pay the value of those missing kilograms. That is what I have said.

(Hon. arap Saina pointed at hon. Koske)

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I think you saw what hon. arap Saina did. He actually pointed a finger at the hon. Questioner. Is that in order?

Mr. Speaker: No, it was not in order.

Mr. arap Saina: Mr. Speaker, Sir, I was not pointing a finger at anybody, leave alone the hon. Questioner. I was merely turning going back to my seat.

No. 567

PAYMENT OF SALARY TO MRS. MBONE

Mr. Omedo asked the Minister for Labour—

- (a) whether he is aware that Mrs. Elizabeth M. Mbone, an employee of M/S Elite Studios Limited of P.O. Box 40683, Nairobi, has not been paid her salary since February, 1987, despite several requests by the employer;
(b) whether he will take immediate action to prosecute the employer for failing to pay an employee wages due to her and thus contravening the Employment Act; and
(c) whether he will ensure that this employee is paid her dues immediately.

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

(a) The Minister is not aware that Mrs. Elizabeth Mbone, an employee of Elite Studios Ltd., has not been paid her salary since February, 1987. The Minister is, however, aware that Mrs. Mbone's services were terminated by the employer on 21st of February, this year. On termination of her services, Mrs. Mbone was offered the following terminal benefits which she initially refused to accept:

	KSh.
One month's pay in lieu of notice ...	800.00
Three months' ex-gratia payment ...	2,400.00
21 days worked in February ...	560.00
TOTAL	3,760.00

[The Assistant Minister for Labour:]

When Mrs. Mbone refused to accept the terminal benefits, the employer deposited the money with the Provincial Labour Officer, Nairobi, and the money is still lying there.

(b) In respect of what I have said in reply to part (a) of the question, my Ministry does not contemplate taking any action to prosecute the employer as he has not failed to pay wages to the employee in question.

(c) Mrs. Mbone's terminal dues amounting to KSh. 3,760.00, as offered by the employer, are lying with the Provincial Labour Officer, Nairobi. A further amount of KSh. 3,200 was claimed by officers of my Ministry on her behalf in respect of severance pay as it was discovered that she was not given prior warning before her dismissal. This additional amount has also been paid and she has been asked to collect it from the Provincial Labour Officer, Nairobi.

Mr. Omiyo: Thank you, Mr. Speaker, Sir.

No. 571

RELEASE OF MR. MOHAMED SAID'S EXAMINATION RESULTS

Mr. Kiliku asked the Minister for Education—

(a) whether he is aware that Mr. Mohamed Said, a former student at Tudor Day Secondary School, did his EACE, Index No. K1604/058 in 1975 and has not received his results; and

(b) when he will release his results.

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

(a) I am not aware that Mr. Mohamed Said, who was a former student at Tudor Day Secondary School and did the East African Certificate of Education Examination using Index No. K1604/058 in 1975 has not received his results. Mr. Said's results were released to the Headmaster of Tudor Day Secondary School in March, 1976, together with the results of other candidates who sat for E.A.C.E. in 1975. However, this candidate achieved an overall result of 52 points, which meant that he failed. He did not, therefore, qualify for the award of an E.A.C.E. certificate.

(b) Mr. Speaker, Sir, in 1975, the East African Certificate of Education (EACE) examination results for Tudor Day Secondary School were released in March, 1976. Mr. Mohammed Said should, therefore, be advised to collect his examination results from the headmaster of Tudor Day Secondary School.

Mr. Kiliku: Mr. Speaker, Sir, my question is not about the qualifications of Mr. Mohammed Said, but about the release of his results. This young man has been going to that secondary school but he has not so far received his results. Since the Assistant Minister was not aware of that and now that he has been made aware that this young man

has not yet received his results, what action is he going to take?

Mr. Kisiero: Mr. Speaker, Sir, Mr. Mohammed Said can go to Tudor Day Secondary School where he can obtain his results from the headmaster of the school.

Mr. Kiliku: Mr. Speaker, Sir, Mr. Mohammed Said has been going to this school, but since there had been some misunderstanding between him and the headmaster, the latter does not want to release the results. What action is the Assistant Minister, therefore, going to take? Why does he not instruct the headmaster to release the results of this young man?

Mr. Kisiero: Mr. Speaker, Sir we will get in touch with the headmaster to find out the problem that exists between him and Mr. Mohammed Said.

No. 564

POOR ACADEMIC PERFORMANCE AT ST. VALENTINE HIGH SCHOOL

Mr. Kikuyu asked the Minister for Education—

(a) whether he is satisfied with the present academic performance of St. Valentine High School, Machakos and if not, what steps he is taking to improve its standards;

(b) how many students have dropped out of that school because of pregnancy in the last three years and what he is doing to curb that trend; and

(c) what measures is the Ministry taking to improve its boarding facilities.

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

(a) I am not satisfied with the present performance of St. Valentine High School, which is a private school situated in Machakos District. The 1986 K.C.E. examination results for this school were deplorable as only 36 out of 153 candidates obtained a pass in Divisions I—III and 44 of them got Division IV while 73 failed the examination.

The following steps are being taken to improve the standards in this school. First of all, the management has undertaken to recruit better qualified teachers. Secondly, the management has purchased more text books and pupils will be encouraged to buy their own copies. Thirdly, secondary school inspectors have been instructed to inspect this school and follow up previous inspection reports to ensure that recommendations made in the reports are implemented. The school has been inspected twice this year, in April and August, and was also visited by our inspectors at the beginning of the current third term. Fourthly, as from 1988, the school will be split into two, a girls' and a boys' school. St. Valentine Girls School will be on a separate site and has already applied for registration.

(b) From 1984, eight girls have dropped out of this school due to pregnancies as indicated below:

[The Assistant Minister for Education]

- In 1984—One in Form 4
- In 1985—One in Form 4 and one in Form 3
- In 1986—Two in Form 4 and one in Form 3
- In 1987—One in Form 4 and one in Form 1

Curbing pregnancies will largely depend a lot on the effort of the school and the understanding and attitude of the parents and of the girls themselves. However, the girls will be moved to a new site in a new school known as St. Valentine Girls' Secondary School. This will facilitate security and the welfare of the girls.

(c) The Ministry has already inspected this school and will invariably continue to undertake more frequent inspections to ascertain that this institution conforms to the laid down education standards in the boarding section. Furthermore, the school management has been asked to maintain high standards of health and safety regulations. Besides that the pupils must observe all the school rules and general cleanliness.

Mr. Kikuyu: Mr. Speaker, Sir, could the Assistant Minister tell this House what he is doing to curb over-enrolment in most private schools which is making the standards of education go down the teachers do not have enough time to have an individual concentration on each student to see how he can improve?

Mr. Kisiero: Mr. Speaker, Sir, the Ministry is doing everything possible to ensure that private schools improve their standards of education that they offer to the pupils. In fact, recently our Minister for Education addressed members of private schools from Nairobi, Kiambu and Machakos Districts at the Kenya Polytechnic on the 6th October, 1987 where he asked them to offer quality education and healthy competition and not to go in for profits as the motivating force behind their operations. The Minister, furthermore, asked the management of these privately run schools to ensure that the welfare and proper guidance of the pupils was paramount and that planning of the course of action must take into account the well-being and the intellectual, spiritual and social development and discipline of the pupils.

Mr. Kikuyu: Mr. Speaker, Sir, in my supplementary question I asked the Assistant Minister to specify the action that he has taken on private schools to curb over-enrolment which is making teaching almost impossible. This is because you will find in one class you have over 80 students squeezed in one class and four sharing a desk. How can they learn in such crowded conditions?

Mr. Kisiero: Mr. Speaker, Sir, the reason why the Minister called the owners of these private schools to a meeting, was to tell them precisely what my hon. friend is saying, that is, not to over enrol, or to be guided by money, but to give quality education. So, the Ministry is paying a lot of attention to ensure that private schools improve their standards of education.

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. The question raised by hon. Kikuyu is a very important one. The Assistant Minister has just given a general guidance of what they are doing, but this is a particular question to the effect that in a class you will find that there are about 80 students more than the class can accommodate. What is the Ministry doing in terms of issuing regulations to these private schools in order to curb that over-enrolment? He has not answered that question.

Mr. Kisiero: Mr. Speaker, Sir, I have said they have been instructed to ensure that there is no over-enrolment in a class and to abide by the normal regulations that pertain in other Government schools.

No. 598

QUALIFIED TEACHERS FOR MARAFA SECONDARY SCHOOL

Mr. Ndzai asked the Minister for Education—

- (a) whether he is aware that Marafa Harambee Secondary School does not have any qualified teacher in its establishment; and
- (b) whether he could urgently post Teachers Service Commission teachers to improve its education standards.

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

(a) I am aware that no qualified teacher was posted to Marafa Harambee Secondary School.

(b) I would like to say that, as soon as the TSC was requested to assist in running this Harambee school, they have quickly now posted teachers there to man the school. The teachers have already reported at the school, but one of them has just taken maternity leave and I hope that she will be resuming her duties soon. These teachers are:

Mrs. Mary Naigade—TSC No. 263319

Mr. Ndzui David Ndenge—TSC No. 263317

Mr. Robert Kitili—TSC No. 127061

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. The Assistant Minister did not reply to the question as it is but he talked about the particulars of the teachers. The hon. Questioner wanted to know the qualifications of the teachers who are in that school.

Mr. M'Maitisi: Mr. Speaker, Sir, I said that I was aware that there was no qualified teacher posted to this school and as soon as they are found, they will be posted there. At the moment, we have given them teachers.

Mr. Shitiku: Arising from that sad reply, Mr. Speaker, Sir, is it only now that the Assistant Minister is aware that that school does not have qualified teachers or was he aware before the question was tabled?

Mr. M'Maitisi: Mr. Speaker, Sir, I was aware because I have already posted untrained teachers to that school who are manning it and I am aware that it has no qualified teacher. Therefore, as soon as the teachers are available, we will post them there and to other Harambee schools as well.

Mr. Speaker: Mr. Mwachofi's question.

Mr. Ndzai: On a point of order, Mr. Speaker, Sir, in his reply the Assistant Minister said that three teachers, one of whom is trained, have been posted to the school. However, the headmaster does not want to release this teacher, Mr. Robert Kiti, T.S.C. No. 127061 to go to Marafa Harambee Secondary School. Would the Assistant Minister assure this House that the headmaster will release this teacher so that Marafa Harambee Secondary School can also have a trained teacher?

Mr. M'Maitisi: Mr. Speaker, Sir, if the teacher has received a posting order to go to Marafa Harambee Secondary School, it is his duty to go and report to the headmaster of that school. The Headmaster, Marafa Harambee Secondary School will have to bring us the required returns of his reporting there.

(Hon. Members stood up)

Mr. Speaker: Order! Sit down; you should not remain standing.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to tell the hon. Questioner to go and tell the headmaster to release this teacher? Since when did we have this part to play? I thought that the Assistant Minister is responsible for the whole Ministry and that it is his duty and not the duty of the hon. Questioner to do so. Is he in order to say that?

Mr. M'Maitisi: Mr. Speaker, Sir, unless I did not understand what I was talking about, I never said that to the hon. Member. I only said that if the teacher has received the posting order to go to this school, he will have to report because he has the posting order and he cannot remain at the school where he is.

Mr. Speaker: Let us move on to Mr. Mwachofi's question.

Mr. Kanindo: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House because when a teacher receives a posting order, it is the duty of the headmaster of the school where he is teaching who should release him to report to the new school. That is why the hon. Questioner said that that teacher has been denied permission to report to the school where he has been transferred.

Mr. M'Maitisi: Mr. Speaker, Sir, I do not think that that headmaster has authority to refuse a teacher to go to another where he has been posted. If that has happened — and I have just heard so from the hon. Member — this headmaster will be directed accordingly.

Mr. Speaker: Mr. Mwachofi's question.

No. 496

REFUND OF MR. NGURE'S SCHOOL FEES

Mr. Mwachofi askiwuliza Waziri wa Elimu—

- (a) ni kwa nini hadi sasa Mwalimu Mkuu wa St. Stephen High School hajamlipa Bw. Christopher Ngure Shs. 3,150 zilizolipwa

kama karo tarehe 23 Aprili, 1985 hata baada ya Waziri kuliahidi Jumba kwamba wanafunzi waliopangwa shule hiyo kwa makosa watarudishiwa karo zao;

- (b) ni kwa nini Mkurugenzi wa Elimu amekataa kujibu barua ya Bw. Ngure ya tarehe 28 Julai, 1986, na nakili ya barua ya tarehe 15 Novemba, 1985 iliyoandikiwa mwenye shule; na

- (c) lini Bw. Ngure atakapolipwa fedha zake.

The Assistant Minister for Education (Mr. M'Maitisi): Bw. Spika, naomba kujibu.

(a) Mwalimu Mkuu wa St. Stephen High School, ameshamlipa Bw. Christopher Ngure Sh. 3,150 zilizolipwa kama karo tarehe 23 Aprili, 1985.

(b) Bw. Ngure alikuwa amefahamishwa na Mkurugenzi wa Elimu kwamba atafuata mambo ya pesa hizo ili aweze kulipwa. Wakati ilipoonekana kwamba mkuu wa shule hakuwa amemlipa, Wizara yangu ilifuata mambo hayo na sasa nina furaha kumwambia Mhe. Mbunge kwamba kutokana na hili swali lake, pesa hizo zimelipwa. Ningependa kumwambia mhe. Mbunge sasa anaweza kuchukuwa hundi hii ili ampatie huyu rafiki yake, Bw. Ngure. Asante sana.

Mr. Abuya-Abuya: Mr. Speaker, Sir, could the Assistant Minister explain why this matter was not effected from the time it was raised here? Why did they have to wait for this question to be raised here for a second time before taking any action?

Mr. M'Maitisi: Bw. Spika, ingawa mhe. Mbunge ameuliza swali lake kwa Kiingereza na swali lilikuwa kwa lugha ya Kiswahili, ni sawasawa na nitamjibu. Mambo ya pesa ni magumu na pesa zikiingia ndani ya akaunti za watu fulani, na ukitaka kurudisha pesa hizo, shida hutokea. Ni rahisi kuweka pesa mahali hata kwa benki lakini wakati unataka kizitoa huko, unaambiwa sahihi haijawekwa mahali fulani na kadhalika. Kuhusu jambo hili tulifuatilia kesi hii na sasa pesa za Bw. Ngure zimelipwa na hundi yake iko hapa na mhe. Mbunge anaweza kuichukuwa kutoka kwangu.

Mr. Mwachofi: Bw. Spika, ingawa nina shukrani kwamba tumeambiwa hundi iko hapa, vile Waziri Msaidizi anapojibu ni jambo la kusikitisha sana. Huyu mwanafunzi ni mmoja wa wale waliopokewa katika shule hiyo kinyume cha mipango ya Wizara. Swali lililetwa hapa na Waziri akakubali kwamba wanafunzi wote waliopelekwa katika shule hiyo kinyume cha mipango yao, watarudishiwa pesa. Sasa huu ni mwaka wa tatu tangu jambo hili litokee. Nimefuata pesa hizi binafsi na mwenye shule hii ambaye pia ni Waziri Msaidizi, Archbishop Ondiek, alinikatalia katakata, na akaniambia hata nifanye nini, pesa hizo hazitalipwa. Kutoka hapo, nilimwambia mzazi aandike barua kwa Wizara na anipe nakali na akafanya hivyo. Mwishowe, niliamua nulize swali. Bw. Spika, Waziri Msaidizi anaweza kuliambia Bunge hili kama anatosheka kwamba ni vyema wakati mwananchi wa kawaida anaonewa na mtu mwingine ambaye ni mhe. Mbunge?

[Mr. Mwachofi:]

Je, anakubali Serikali iendeleo kumfunikafunika mtu huyo badala ya kumlipa haraka inavyotakikana?

Mr. M'Maiti: Bw. Spika, ninakubaliana na mhe. Mbunge kwamba haikuwa halali kufanya hivyo. Wizara yangu ilichukua nafasi ya kumfuata mkuu huyo wa shule na kumwambia hakufanya vizuri na ni lazima alipe pesa hizo.

Mr. Speaker: Let us go back to Mr. Githua's question.

Mr. Githua: Mr. Speaker, Sir, before I ask my question, I would like to apologize for having come late.

No. 594

AMOUNT PAID TO MR. THUKU ON RETIREMENT

Mr. Githua asked the Minister for Labour—

(a) whether he is aware that Mr. Kimata Thuku National Social Security Fund Membership No. 117 306 479 who was an employee of the Ministry of Transport and Communications retired from Government service with effect from 29th February, 1984; and

(b) what his total dues were from Fund at the time of retirement and how much he was paid.

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

(a) From the information contained in his application for benefits dated 4th July, 1984, the Minister is aware that Mr. Kimata Thuku, retired from Government service in the Ministry of Transport and Communications with effect from 28th February, 1984.

(b) Mr. Kimata Thuku was paid an amount of KSh. 14,562.50 on 15th October, 1984, vide cheque No. 115186 which represented his dues up to December, 1979. His total dues up to February 1984, could not be ascertained accurately because the records at the Fund's disposal indicate that he only contributed up to December, 1979. We have written several letters to Mr. Thuku but the Fund management has not been able to obtain the details to facilitate further investigations with the Ministry of Transport and Communications. Mr. Thuku should be requested to co-operate on this matter so that his benefits can be paid in full.

Mr. Githua: Mr. Speaker, Sir, I thank the Assistant Minister for that reply, but would he tell the House why it would be necessary to write to Mr. Thuku? Why can they not get the details from the Ministry of Transport and Communications? From December, 1979 to February, 1984, Mr. Thuku was still on regular employment and he should be able to get that information from the Ministry which had employed him.

Mr. Obure: Mr. Speaker, Sir, that is correct, but we have also written to Mr. Thuku so that he can assist us in obtaining the information which we have not been able to get up to this moment.

There would be no harm in Mr. Thuku assisting the National Social Security Fund (N.S.S.F.) in order to pay him his benefits.

Mr. Githua: I appreciate the Assistant Minister's attempt to reply to my question, although I will take it upon myself to get Mr. Thuku to respond. Would he agree with me that it is not Mr. Thuku's mistake but rather it is the N.S.S.F. records which are not in order.

Mr. Obure: Mr. Speaker, Sir, I would not want to dispute the statement made by my hon. friend, but precisely we try to get as much information as possible so that we can cross-check so as to ensure that before any payment is made, the figures are correct, I agree with him entirely.

No. 599

REINSTATEMENT OF MR. M'RIMBERIA BY MAGADI SODA COMPANY

Mr. Kiome on behalf of Mr. Wakioondo asked the Minister for Labour—

(a) what led to the dismissal of Mr. Richard Kiruja M'Rimberia ID/No. 804230/617 from the Magadi Soda Company Ltd. on 15th February, 1983 as a heavy plant driver for five years nine months with the company; and

(b) whether he would order Magadi Soda Company to re-instate Mr. M'Rimberia.

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

(a) The circumstances that led to the dismissal of Mr. M'Rimberia by the Magadi Soda Company Limited are at the moment under investigation by an investigator appointed under the Trade Disputes Act.

Mr. Michoma: On a point of order, Mr. Speaker, Sir. The rules of this House state that two hon. Members should not stand at the same time. When hon. Assistant Minister was answering a question, hon. Wameyo was standing up although he cannot be seen since he is very short.

Dr. Wameyo: I was sitting down here very comfortably. Why is the hon. Member mentioning me?

Mr. Speaker: Okay, let us go on.

The Assistant Minister for Labour (Mr. Obure): I will read the reply again.

(a) The circumstances that led to the dismissal of Mr. M'Rimberia by the Magadi Soda Company Limited, are at the moment under investigation by an investigator appointed under the Trade Disputes Act and I would therefore, wish to wait for the report before considering taking other actions.

(b) The fate of Mr. M'Rimberia's employment will be known when the investigation is completed.

As a matter of fact the investigations has been received and forwarded to all the parties concerned.

Mr. Kiome: Mr. Speaker, Sir, in form of a supplementary question, what action does the Ministry intend to take on the report?

Mr. Obure: Mr. Speaker, Sir, the Ministry itself will not take any action on the report. The report will be forwarded to the employer, that is, Magadi Soda Company Limited and the employee or his representative. The report can make suggestions as to how the disputes should be resolved. In the majority of cases, the parties would agree with the contents of the report in which case the Ministry would do nothing. However, if the parties do not agree with the report and they wish the matter to be forwarded further, the Minister would forward the matter to the Industrial Court for settlement.

Mr. Speaker: Let us now move to Questions by Private Notice. Mrs. Asiyo's question.

QUESTIONS BY PRIVATE NOTICE

TSETSE FLIES INVASION IN KARACHUONYO

Mrs. Asiyo to ask the Minister for Livestock Development:

- (a) Is the Minister aware that Tsetse flies have invaded and are killing hundreds of cattle in Karachuonyo Constituency?
- (b) Will the Minister launch an emergency treatment programme to save the remaining livestock?

Mr. Shikuku: Mr. Speaker, Sir, would I be allowed to ask it on her behalf because she told me to do so?

Mr. Speaker: I am sorry, we do not do that with Questions by Private Notice. Next question, Mr. Abuya-Abuya.

PAYMENT OF SALARY TO MRS. BOSIRE

Mr. Abuya-Abuya: Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:

(a) Is the Minister aware that Mrs. Caren Bosire who was appointed as a U.T. as per Kisii District Education Officer's Ref. ED/287/Vol. III/320 dated 11st May, 1986, and posted to Mogambi Primary School, Sengeru Zone, Ogembo Division, Kisii has not been paid any salary since?

(b) When will she be paid?

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

(a) I am not aware that Mrs. Caren M. Bosire, Teachers Service Commission (TSC) No. 263137, an untrained teacher who was employed by the Teachers Service Commission with effect from 4th June, 1986, and posted to Mogambi Primary School, Sengeru Zone, Ogembo Division in Kisii District has not been paid any salary since she was recruited as an untrained teacher.

(b) My Ministry, through the Teachers Service Commission, has paid Mrs. Caren M. Bosire, T.S.C.

No. 263137, KSh. 15,268 vide cheque No. 548201. I am sure this has covered all her payments. The delay must be regretted because of mishandling of correspondence between Kisii and the Teachers Service Commission. Thank you.

Mr. Abuya-Abuya: Mr. Speaker, Sir, the Assistant Minister started by saying that he is not aware that this teacher has not been paid, but he is now giving the details of the payment. Could he admit that if they paid her yesterday, the teacher was not paid so that we do not have two conflicting answers?

Mr. M'Maitsi: Mr. Speaker, Sir, I said I was not aware because it had not come to my notice that she had not been paid. But I have now been briefed that she has now been paid her full salary to cover the period that she was not paid. I have also said that the error in the delay is regrettable though it is through correspondence. I am sure my friend the hon. Member will agree that sometimes correspondence could go astray, or delay. Since I saw the delay was too long, I have instructed the officers in the Ministry to follow it up to see who was at fault so that he can be punished for it.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply in which the Assistant Minister is probably trying to make us happy and feel that he is going to do something when we know he is not going to do anything, will he not agree with me that that action was only taken after the hon. Member had tabled this question? In other words, those employed to discharge their duties do not do so until an hon. Member, instead of doing other developmental matters, brings a question here. When will this sort of practice stop? We have had many questions which are similar to this brought here.

Mr. M'Maitsi: Mr. Speaker, Sir, I think the hon. Member must be happy that he has done one of the honourable duties he has to do. But at the same time I agree that when such a thing happens, attention of other officers has to be drawn to them, because one does not have to go to the same person disturbing and wasting one's time. We have several officers. This teacher should have reported to another officer earlier to see that this matter is discharged. But if it has overdelayed like this, it is not our fault. We may have not known about it. But there must have been an officer who knew about it and sat on the matter. That is why I said that this matter will be investigated and followed until I get the culprit.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House by saying that the officers may not have known about it when they know, and even the Assistant Minister himself knows, that he is to be paid after every 30 days? How could he have sat down there and say "we may not have known about it"? Can we take that seriously?

Mr. M'Maitsi: Mr. Speaker, Sir, if correspondence is delayed and the next officer does not know about it, they would not be angels to know about it.

Mr. Mbori: Mr. Speaker, Sir, the Assistant Minister says that this teacher has now been paid her salary. Could we be told why it has taken so long to have so inhumanly to this teacher who is an untrained teacher, and probably has no other source of income? How does he expect her to survive?

Mr. M'Maiti: Mr. Speaker, Sir, what other reason does my friend wish to get? If I have said that correspondence was delayed, it has been found, and we have dealt with the matter what other reason does he want?

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. I hope the Assistant Minister will stop misleading the House. Personally, I have been to the Teachers Service Commission twice until I could not get an answer. That is why I had to raise this matter here. So, it is not true what the Assistant Minister is telling the House. Could he also tell us when the cheque was written? When was the teacher paid? I have been to the T.S.C. offices twice.

Mr. M'Maiti: Mr. Speaker, Sir, I do not know when the hon. Member visited the Teacher Service Commission offices. If he visited them last week, then the matter was brought to him by the teacher last week, and it was not with us in the Ministry. As such, I thank him to have visited them to hasten this payment.

Sir, the teacher was paid KSh. 15,268 on 12th October, 1987.

Mr. Abuya-Abuya: Just the day before yesterday!

Mr. Speaker: Next Question, Mr. Wamae.

OWNERS OF EAST AFRICAN PUBLISHING HOUSE

Mr. Wamae: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by private Notice:

- (a) Who owns the East African Publishing House?
- (b) Who are its directors?

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

(a) The shareholding of the East African Publishing House after having gone into evolution from 1966 up to date are as follows:

	shares
1. East African Cultural Trust ...	22,946
2. Prof. Bethuel Ogot	1
3. Afropress Limited	89,311
TOTAL SHARES ...	112,258

(b) The Directors on my record are as follows:

1. William Kimutai Martin.
2. John Ngatia Kariuki.
3. Alexander George Gitau.
4. Edward Nderitu Wainaina.
5. Hervest Kamau.
6. Archibald Githinji.

Now, Sir, I anticipate that a supplementary question will be, "And who is the East African Cultural Trust?" East African Cultural Trust is a limited

company by guarantee. One of its objectives is to take over the properties of the East African Institute of Social and Cultural Affairs which was registered as a business name on 13th April, 1964.

It is also one of the subjects for acquisition of bursaries and scholarships. Now, this company is, therefore, a charitable trust. It was incorporated on 29th August, 1969. It was prohibited from issuing dividends to its members because it is a charitable trust. Now, one John Nottingham and Prof. Bethwell Ogot were its directors. As I have mentioned, this Cultural Trust owns 22,945 shares in the publishing firms. Afro Press Ltd. is a private limited liability company. The name has changed from its earlier name of Kenya Labour Press Ltd. to East African Press Ltd. and now finally to Afro Press Trust Ltd. This was done through a special resolution of 7th November, 1967. The initial holding was The Kenya Federation of Labour, 11,220 shares and one Robbert Galbal, 5,390 shares. So, that is the position. I do not think you need any further definition as to who is Prof. Bethwell Ogot, because he is a person whom we know. I have given the information as a bonus thereof.

Mr. Wamae: Mr. Speaker, is the hon. Attorney-General aware that the directors he has referred to were appointees of the Government and that they resigned in February, 1987 so as to facilitate the appointment of a fresh board of directors under the State Corporations Act. Is he also aware that the East African Cultural Trust, which was formed after the East African Institute of Social and Cultural Affairs, was formed by donations made to the East African Governments, and that the three Presidents of the East African Governments were its patrons? Therefore, when the East African Community broke up these assets should have become Kenyan assets. So, the Kenya Government should, therefore, take over the East African Cultural Trust.

Mr. Muli: Mr. Speaker, Sir, the distribution of the assets of the defunct East African Community started in 1978. We concluded that exercise only last year, or, probably, early this year. The East African Cultural Trust, or its predecessors, was not one of these assets of the defunct East African Community. Therefore, it was not distributable to any of the partner states, and I am not aware that any part of it can be termed as part of Kenya assets. So, Kenya cannot assume ownership of anything from this defunct East African Community which was not subject to the Mediation Agreement. I also happened to take part in those negotiations at some later stage.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. The Attorney-General did not answer the first part of the question. The directors resigned as directors of the East African Publishing House Ltd. in February, 1987. So, they are not directors of the East African Publishing House now; they were all civil servants.

Mr. Muli: Mr. Speaker, the East African Publishing House Ltd. as far as I have known, or as I have mentioned, is a private company; the directors might have resigned. I have noticed from the Press that they have, but they still do appear on the returns of the company of 1986. So, until they are removed by a resolution I will continue to presume that they are the legal directors of the company.

Mr. Mutiso: Mr. Speaker, Sir, would the Attorney-General be kind enough to tell the House what is the present operational status of East African Publishing House? Is the East African Publishing House being useful to the country at present?

Mr. Muli: Mr. Speaker, Sir, I am not quite sure what the hon. Member means by "operational status." This is a private company registered as such and is operational as such. Whether it is useful to the country or not depends on the out-turn which the company puts. All that I know is that it is a publishing house. People take their material there to be published; books come out and they are sold to the public and I think that is a very useful thing. But as to its operational standing, I cannot say any more than that.

Now, I must make one point very clear, Mr. Speaker, Sir. It has been surmised that the East African Publishing House is owned by the Government by virtue of the shareholding I mentioned. That cannot make it a statutory corporation. I did give an opinion which has been quoted on various occasions; that I said that it is State corporation. I said that if Cultural Trust was owned by the Government then it would perhaps be deemed to be a State corporation. That is all I said. So, on further scrutiny it has been established that Cultural Trust is not owned by Government. The Government does not own shares in that company. It is a trust company by guarantee and therefore it cannot be deemed to be State corporation for the purpose of Government taking it over.

Mr. Speaker: Question Time is over and I think we should move on to the next Order.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. The hon. Attorney-General has said that Cultural Trust would be a State corporation if it was owned by Government. Would he go further and find out who owns this Cultural Trust? This is because this point was not made clear in his reply.

Mr. Muli: That is why, Mr. Speaker, Sir. I gave the bonus information as to who owns the Cultural Trust. I said that Cultural Trust is owned by two shareholders; Mr. John Nottingham and Professor Ogot. So, the company is not owned by the Government.

(Several hon. Members stood up in their places)

Mr. Speaker: No! That is enough. We cannot continue with this. Next Order.

COMMITTEE OF SUPPLY

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR
VOTE 31—MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY

(The Ministers for Research, Science and Technology, on behalf of the Minister for Education, on 13th October, 1987)

(Resumption of Debate interrupted on 13th October, 1987)

Mr. Speaker: Mr. Jaldessa will continue.

An Hon. Member: Hayuko.

Mr. Speaker: Mr. Sindano.

Mr. Sindano: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to join my hon. colleagues in supporting this very important Motion. I would like to thank the Ministry of Education for the good work it is doing for this nation and particularly for the implementation of the 8-4-4 system of education. But I would like to make an appeal to the Ministry with regard to blind students. These students should be given an equal opportunity when it comes to the selection of candidates to join teacher training colleges. I have in mind the diploma courses. The ratio of admission of these blind students is very, very low compared to that of the other able bodied students.

(There was noise in the Chamber)

Mr. Speaker: Order! There is too much noise in the Chamber.

Mr. Sindano: Mr. Speaker, Sir, I was saying that the ratio of admission of these blind students to teacher training colleges is very low, despite the fact most of them do very, very well in their "A" level examinations. Therefore, I am actually appealing to the Ministry to consider these blind students when selecting those who will join teacher training colleges. They should be treated like the rest of the Kenyans.

Mr. Speaker, Sir, regarding in-service courses I would like to thank the Ministry for starting these in-service courses. We in West Pokot have benefited a lot from these courses. This is because at the moment an in-service teacher training institution is being established in West Pokot District. But I would like to appeal to the Ministry to give more support to this institution and strengthen it. This is because these institutions in various parts of the country are helping to reduce the number of untrained teachers in our Republic.

With regard to our universities, Mr. Speaker, Sir, the Ministry of Education should support the universities' request for staff development and research. This is because this is one of the areas which will play a very important role in our nation building.

I would also like to touch on private schools. Some private schools in the country, at the moment, are not maintaining the required discipline. This is a pity because parents are paying a lot of money thinking that their children are being taken

[Mr. Sindano:]
care of in those private schools. The parents also think that their children are getting good quality education only to find that there is no discipline in these schools. Sometimes the children are left alone to make their own decisions. This means that the standard of discipline in such schools is very, very low.

Mr. Speaker, Sir, you will find that school funds do exist in some of our secondary schools. Some of these funds are as old as the schools themselves. But these funds have not been properly and fully utilized. I would, therefore, like to appeal to the Ministry to take more interest in these schools and inspect them regularly so that they can offer good education to our children. The Ministry should also ensure that these schools are managed by people who are qualified. In some of these schools we have teachers who have qualified from agricultural institutions and they should be given an opportunity to manage the farms of these schools.

I know that sometimes the boards of governors appoint school managers. But it is a pity that some of them do not have enough experience to run these schools and also maintain the farms. You will, therefore, find that there is great wastage of the resources available in the schools. Such schools could feed themselves without any problems.

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

The Assistant Minister for Information and Broadcasting (Mr. Khasakhala): Thank you Mr. Speaker, Sir, for allowing me to say a few words on this Vote of this very important Ministry.

In fact, without the Ministry of Education, we cannot provide trained manpower to this country. It is one Ministry that has to give every institution in this country a guideline towards training, and therefore it is a Ministry we have to be concerned with very seriously. In the first instance, I would like to say something about nursery schools. I do not see the reasons why the Ministry of Education has not concerned itself with nursery schools because they are the basic areas where young children start handling pens and books. This is where they start learning on how to mould their future. This area has been forgotten completely by the Ministry of Education. They should now start training some teachers who should manage nursery and pre-primary schools so that the proper system of education could start right from nursery school going up to pre-primary schools, so that a child going to primary school for eight years is able to have the basic education from these two stages which are at the moment not given any guidelines at all.

Coming to secondary schools; I do not see why the Ministry of Education has left it completely to the board of governors to decide on how fee should be paid. At present, fees paid in our secondary schools vary from Sh. 2,000 to Sh. 5,000 although they all provide the same education. I think

the Ministry should look at this matter because most parents are now suffering and they are now not able to educate their children up to secondary level. You will find that the fees charged from one secondary school to the other vary so such that most parents are unable to raise enough money to educate their children.

Having said something about fees, I would also like to say something about the 8-4-4 system. I do not know whether the Ministry of Education has ever known the subject books that we need. We have subject books which are printed by Asians and which are sold without proper authority from the Ministry of Education. It is high time that the Ministry of Education produced a list of subject books to cater for Mathematics, Geography, History, Agriculture and all subjects which are being taught at primary and secondary level. That list should be circulated in all schools. Today, this is not the case. Teachers just try to find out from other schools the books they are using and then they buy the books yet these books are published by some Asian authors like Malkiat Singh and many others. So, the whole trade is in the hands of Asians who print our educational books. We do not know whether they are the right books or not.

We need books like those authored by Mr. Durell for old Mathematics which lasted 20 years in our syllabus. It had all the sorts of Mathematics included in it. Books which are printed these days are used for a year or two and then they become out of date and parents are asked to buy new books. Books like those authored by Mr. Durell and E.G. Francis on Geography, Hygiene and other subjects lasted much longer than those printed these days for the 8-4-4 programme. Books are too expensive. A child cannot leave a book to be used by his sister or brother when he moves to the next class because it may not be used the following year because a new one has been introduced. So, we feel very strongly that the Ministry of Education should step in now and advise teachers on the kind of books that should be used at primary and secondary schools.

When I was in London recently, I compared the prices of textbooks used in universities. The difference in price is fantastic. They cost three times as much here. If you go to London, you will buy a textbook which is used in our universities here at a much lower price. This means that nobody has ever surveyed the market to know the prices of books; how much they cost in London bookshops and how much the local bookshops should be charging for transport and other expenses before fixing prices for books. These days, the costing of books is left to individual bookshops. Every bookshop would like to make as much profit as possible. I think time has come when the Ministry should step in to guide, teachers and headmasters on how to cost various books that are used in our schools and universities.

[The Assistant Minister for Information and Broadcasting:]

Before I sum up my speech on the Vote of this Ministry, I would like to suggest that the university holidays should be programmed in such a way that students should get a chance of going to teach in Harambee schools which are lacking trained teachers. During the university holidays students should be distributed or sent to schools by the Ministry. Let the Ministry do the homework of finding out the number of teachers who are required in various Harambee schools. We cannot run away from them. They are part and parcel of the Ministry of Education. I would like to thank the Minister for Education and His Excellency the President for agreeing to post trained Government headmasters to every Harambee secondary school in the country. This is a credit to the Ministry and the Government at the moment. However, still, there are some Harambee schools which do not have enough teachers up to Form IV. We can utilize university students during the holidays to teach in these schools. Not only can we utilize the university students but we can also utilize the trainees from teacher-training colleges to assist in teaching in our Harambee secondary schools. If we did that, we would remove some of the burdens that the teachers and parents in these schools have in manning these schools.

Finally, Mr. Speaker, Sir, I would like to say that we have not trained enough teachers to handle workshops and home-science classes under the 8-4-4 programme. We have facilities in our primary schools which are not being used today. What about our polytechnics? Why do we not step in and select good students to go to these polytechnics so that they can learn carpentry, masonry and tailoring in order to come out and teach in primary schools? Today, most of the primary schools do not have teachers to teach tailoring, handicrafts, carpentry or even masonry, which is the type of education we are supposed to give to our children under the 8-4-4 programme.

Our polytechnics in the country are important and we should encourage every location to have one. We should do this through the Harambee spirit so as to encourage the chiefs, district officers and administration as a whole to build polytechnics in every location to train teachers who can teach the new subjects in our primary schools. These subjects have just been introduced in the syllabus in primary schools, but there are no teachers to teach them and children are left at the mercy of people with little knowledge in these subjects. Sometimes, these people can mess up with things and, even when they give the children a little guidance, they do not fully teach them since they themselves are not fully capable of doing so. This is because such a teacher only copies things from a book, or has been given some guidance by another teacher from another school, on what they are doing there.

However, we can do this easily by using the existing polytechnics to train the manpower we need for the 8-4-4 programme. If we did this, Mr.

Speaker, we would not need to establish more technical schools because polytechnics are just the same as technical schools. Therefore, instead of spending so much money building technical high schools, let us take some of this money to the polytechnics which are already existing and reinforce the manpower in them by giving them more trained teachers, so that they can train in the new subjects which we have introduced in primary schools, under this 8-4-4 programme. This is a good and practical system, and we should not let it fall aside. Therefore, we should give proper training to our teachers so that we can have better educated people in every field.

With these few remarks, Mr. Speaker, I beg to support.

Mr. Karauri: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to contribute on this Vote for the Ministry of Education Science and Technology. I will start by thanking the Government and the Ministry for increasing the number of universities in this country. We hope that at one time, every province will have a university of its own, of course, not to cater for that province alone, but for the whole country. We would like such universities to be placed in such a manner that every province can be proud of having one, even if students would be drawn from all over the country.

Mr. Speaker, Sir, although there may be no jobs, education is very important to our people since it will enhance development, democracy, and even understanding amongst our people. Education will enable our people to be able to read books and newspapers and this will make them more knowledgeable. I also think that the Ministry should be congratulated for posting teachers to Harambee secondary schools. Presently, they are striving to post three teachers to every Harambee Secondary School and, in most cases, they have succeeded in doing so. Mr. Speaker, Sir, we hope that this effort will continue so that in the final analysis, these Harambee secondary schools will be taken over; in which case, they will be fully staffed by the Government.

Mr. Speaker, Sir, one thing which is intriguing in these Harambee secondary schools is that the Harambee contributions and fees that are collected are not audited until the end of the year. Heads of these schools are asked to send their books for auditing and, perhaps, to explain a few things to their provincial auditors. Mr. Speaker, Sir, we would like to see something better in the area of auditing of schools fees and Harambee funds which are collected in these schools. There should be frequent and surprise visits by auditors from the Ministry to these schools so that the amount of money that parents are paying to these schools for their development is used for the right purpose, for which it is meant. I am saying this because if we leave the heads of these schools to take their books to the auditors at the provinces once a year, and

[Mr. Karauri:]

explain these matters to them, arrangements could be made so that whatever frauds may have been made at the school, are covered. However, if there are surprise visits by auditors, who could go to these schools without giving prior knowledge to the heads of schools, and ask for the books of accounts and say they would like to know how much school fees has been collected in a particular term, and how it has been used, or where it was banked and so on, I am sure parents would feel that the money they contribute to these schools in the form of Harambee contributions or school fees, is used for the right purpose.

Mr. Speaker, Sir, there is an issue which the Ministry of Education, Science and Technology has overlooked in primary schools which to me, as a teacher, is a very serious issue. In primary schools, they allocate teachers per class, instead of allocating teachers per subject. There are teachers who cannot teach mathematics at all. There are also teachers who cannot speak or teach in English or teach Geography. What is happening in our primary schools is that a teacher may be posted to teach all the subjects in Standard 4, whether he knows how to teach certain subjects, or not. That class is doomed for ever!

In certain schools, Mr. Speaker, you wonder why some pupils have ignored subjects like Mathematics, English or Geography. This is because pupils were given a very poor background when they started learning these subjects, say in Standard 1 or even at Standard 4. This is because the teacher who was teaching those subjects was illiterate in those subjects and, therefore, he was incapable of teaching them well. For that reason a pupil gets the wrong impression about a certain subject and thinks that the subject is difficult and that nobody can pass in that subject. This is what is happening in the subjects of Mathematics and English in this country. Pupils get the wrong teachers who teach them the wrong stuff, and we cannot expect these pupils to go far. Some schools do better than others in these subjects because, by coincidence, they have the right teachers for the right subjects in several classes. Mr. Speaker, Sir, I am asking the Minister for Education to take this matter quite seriously so that when they are posting teachers to primary schools, they should ask them to teach different subjects so that one does not take the whole of Standard 8 class when he cannot teach certain subjects.

Sir, there is a matter that has been raised in this House before. I have personally talked about it and the Minister for Education has always said that they are doing something. However, we will not believe him until we see that something has been done about graduate teachers. This is because, a primary school teacher who entered the teaching profession as a P3 may be able to rise to the status of approved teacher, but the graduate teacher who started teaching 30 years ago remains in the same

position. The only opening there is for a graduate teacher, is to become a head of a school. But how many of them can become heads of schools? So, a teacher who started as a P2 catches up with a graduate teacher who went to the university and was not promoted because he could not move up. The hon. Minister has said something will be done. In fact, something had better be done now and fast enough so that graduate teachers do not feel frustrated. They should know that if one teaches well he would be promoted to the next grade instead of remaining in one grade for ever.

Sir, before I conclude my contribution, I would like the Minister for Education to also look into the matter of paying teachers better. I know the Government has revised teachers salaries every now and then. We would also like teachers to be considered as professionals. They are trained specifically as teachers; they join teacher training colleges to train as teachers after completing their formal education. Those who join the universities train as teachers. So, I do not see why teachers have been ignored and why they have never been grouped with that category of professionals. I think it is up to the Ministry of Education to impress upon the Government that the teaching profession is a profession like any other.

With those few remarks, I beg to support.

Mr. Anyumba: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this debate. I would like to begin by congratulating the Government for the speed in which they have established institutions of higher education. We had Nairobi University at the beginning. Now Kenyatta University College is a fully-fledged university then very recently, we established Moi University and Egerton University College. This is extremely welcome because education is one single item which is heavily demanded in this country and there should never be anything like thriftiness about it. Education is the right of every citizen and it is the responsibility of the Government to give it and it has to give it.

Sir, I would like to suggest that even more institutions of higher education should be established. This is because, as has been pointed out here before by a number of hon. Members, we still have more than 10,000 Kenyans in universities abroad. With the advent of our 8-4-4 system of education, our universities are going to start holding up many more students. Therefore, we do not only need to enlarge the present universities, but we also need to establish fresh ones so that they cater for our students out here.

An Hon. Member: Narok University!

Mr. Anyumba: Well, if Narok University would qualify under the Act, then there is no reason why it should not be considered like any other private university.

Sir, Harambee secondary schools have mushroomed all over the country as a result of necessity.

[Mr. Anyumba]

It has been necessary that more and more establishments of education be established simply because the Government could not cater for all students. But as I said earlier, it is the responsibility of the Government to see that every citizen is given education as his right.

I feel that the Government should do more towards Harambee secondary schools. I consider that Harambee secondary school is ready for being taken over if it has already established properly constructed classrooms and put up other things like a science laboratory, a library, teachers' houses and some access road to the school. No secondary school will offer a high standard of education if the teachers teaching there do not feel that they are able to walk in and out of the school because of the lack of access roads, or if they feel that there is no proper accommodation for them and their families. None of them is going to start spending his time in such rather unhygienic conditions. So, I feel that the Government should not assist these schools merely by giving them teachers as it is doing at the moment; it should do a little bit more because by the time the local community has put up all the facilities which I have mentioned above, the backbones of these poor people are badly broken, because recurrent costs become too heavy for them. It is recurrent costs that make some of our Harambee schools rather weak.

Mr. Speaker, Sir, I would like to support what hon. Karauri has just said regarding the question of posting teachers just to teach subjects as opposed to posting them to classrooms. As he pointed out, some teachers will not teach Mathematics, Physics, and so on, and yet their poor kids must pass in these subjects. It is no wonder that when one looks at O-level examination results these days, there are too many Division IV passes. Mathematics has just become like a subject from the blue. Students just do not pass in it; a lot of them fail. It is as if it is not an ordinary subject like any other. During our time, nothing less than a credit pass would satisfy a student. Indeed, we satisfied ourselves only with distinction passes. When you look at examination results these days, you find that a student has either failed in this subject, obtained a Division IV pass or just got a grade 8 in it. Yet, this is a very basic subject that is going to affect the entire life of the student. Whether one becomes a teacher or not, he is going to use Mathematics in one form or another throughout his life. So, it is wrong for students to come up with the fear of Mathematics. I am told that girls particularly seem to make up their minds very early in life that Mathematics is not a subject for them. Mathematics, however, is a subject for everybody, as is physics and all other subjects.

I would like to say something about discipline. I feel that I should congratulate the University of Nairobi, at least, for the time being, Kenyatta University and Moi University as we seem to be

experiencing some cool, calm atmosphere around these institutions. This is the sort of thing the whole country would like to see. We would like to feel that things are calm and cool in all these places, with students being serious with their book work and research work without being disrupted by stone throwing all over the place. Unfortunately, I cannot say the same for Egerton University College. Of late, it has been a bit of a worry to me to wake up in the morning and read of students being on strike at that college. This has happened four times in succession now, over a very short period of time. I fail to know whether it is the lack of dialogue that is taking place in that institution.

I believe in dialogue because it will always solve any problem. Let students say what they want and the authorities concerned listen and then answer. The authorities involved should not shut students up. There must always be a valve for letting off steam. This is a very important aspect of life. Always give room for letting off steam; if you do not do so, steam will eventually burst out. I should, therefore, like to feel that the authorities at Egerton University College will examine themselves most critically and ask themselves whether they are actually giving their students the sort of dialogue that is necessary between the two parties.

On the other hand, if the students there are becoming unruly unreasonably, naturally, one has to take a strong stand. Students cannot have their cake and eat it, but dialogue must be a principle to be established in all institutions. It brings respect for one another, and this is really the crux of the matter. We know many places where people fight and backbite, and do not tolerate one another. This is just a situation of the lack of dialogue and being straightforward with one another. It is a situation of undermining one another. This is the problem, but people should approach problems with open minds. With dialogue in mind, there should be no problem whatsoever. Nothing is unsurmountable, and that is why we are greater than other animals.

With those few remarks, Mr. Speaker, Sir, I beg to support.

The Minister for Environment and Natural Resources (Mr. Nyagah): Thank you, Mr. Speaker, Sir, for giving me this opportunity to stand up and share with my fellow colleagues in this House the fact that the request being made by the Ministry of Education, Science and Technology should be granted. It could do with more. I know, but I would like to say that what they are being provided with at present could stretch a long way if it was properly and seriously used. First of all, let me say that we have every course, as Kenvans, to congratulate ourselves for having achieved, in a very great measure, one of the guidelines that we set ourselves at independence—providing more facilities for education for the greatest number of people possible so that we could finish what we called ignorance, although it was not that. By the way we have provided school education, we have

[The Minister for Environment and Natural Resources] achieved much in that respect. The number of secondary schools, primary schools, school children, and so on, at all levels is something that we should be proud of, and the Ministry of Education, Science and Technology needs a pat on the back for that.

The 8-4-4 system of education is also a good landmark on our way to improving our educational system, and I would like to say that the technical and agricultural aspects of the 8-4-4 system have a long way to go before they can really become something useful. I do not know how these aspects of teaching are examined, but they can be improved. Because there is a craving for education by many of our people, I would like to advocate that the money that is set aside from either Harambee donations, or from the public purse, be stretched to the maximum. In this regard, therefore, I would like to say the type of plans that come out from the Government for dormitories, classrooms and workshops should be such that they reflect economy, and not stick slave like to the Ministry of Works, Housing and Physical Planning's so-called standards. We can stretch this money much more than we are doing today when we are tied down to certain so-called standards of buildings. I know we must be careful not to build the kind of buildings that were built the other day in Eastleigh. At the same time, however, I do not think that same time, however, I do not think that some of the standards of a workshop, for instance, can hold water.

Touching on the administration of education, I would like to suggest that closer supervision and inspection of schools should be hard so that there is discipline among pupils, students, and even teachers themselves. The teachers should be encouraged by people who are, in themselves, thorough in matters of education administration and in their own character. Sometimes, teachers just ignore listening to a person whom they do not think much about. So, this is an aspect into which the Ministry of Education should look and recall somebody who has slipped from the net of the classroom and become an inspector—or a supervisor of schools, or whatever terms they are giving them nowadays—back to school or even for retraining, and move away from supervising others who are, sometimes, better than they are. Also, why do we not re-introduce the use of motor-cycles which were being used at one time by the supervisors of schools so that these supervisors can get along and more widely to the schools within their own areas at a reasonably low cost?

A lot has been said about university education in Kenya, Mr. Speaker. The admission is relatively good; we have expanded our admission facilities in this country by having four universities, and this is something we should be proud of. We have also allowed many people to go overseas to study for university education, but we should also, as a country, look at the other end, the output end—

what we do to absorb the people who leave these university institutions, both abroad and here. This is a major issue that the Government should concern itself with more seriously, so that we do not have people about the streets or in the countryside who cannot be absorbed.

While talking about teachers and teacher-training, I would like to suggest that the Ministry considers a system I once had, or a system that is under-way in another country, that the same college can take two lots of students at a go. When one half the new intake is teaching under supervision, the other half is being taught theories in the classrooms and not overcrowding would be experienced in the classrooms, dining halls or even the dormitories. After half a year, the other half which was outside, teaching under supervision, would come in for a similar treatment and the other one goes to teach. Even if it means increasing the period of training by half year or a year, we would, in the long run, be able to utilize the same college facilities for two intakes, instead of embarking on building a number of colleges in many places. I am not saying that the colleges which the Minister said would be built should not be built, but it is a consideration that could, perhaps, bring economy to the teacher training aspect of our country.

Another system which I introduced here once, and I saw it working, is where the teacher training staff, and the inspectorate staff, are interchangeable. Why should a man or woman, who is entrusted to teach teachers, not be given a chance to go and inspect them or supervise them—follow them outside, whilst a person who is an inspector who is, perhaps, going out-of-date with the classroom practices, goes back to train teachers? So the teacher training staff and the supervisory staff should not be made to look very different from each other. This is an aspect of the educational system that could be looked into.

With regard to the untrained teachers, we have very many good places in which they could be undergoing in-service training during school holidays. Such places are like the day secondary schools and boarding secondary schools which are not fully utilized during the school holidays and, also, in the evenings. Why do we not have in-service courses during week-ends, and also during school holidays, so that at least we can alleviate the standard of teaching of the untrained teachers we have? When these unqualified teachers have had this kind of in-service training, they can then go to the teacher training colleges for a shorter period than they would have if they did not have it.

May I, Mr. Speaker, suggest that what I have said about the teacher training staff and inspectorate staff could also apply to the Teachers Service Commission staff. Sometimes, these officers stay for too long in Nairobi without rubbing shoulders with the classrooms, the chalk and the blackboard such that they need to get out and learn first-hand

[The Minister for Environment and Natural Resources] what goes on before they go back. So, those three classes of people—the college trainers, the inspectors and the administrators of the Teachers Service Commission, could benefit greatly by that method.

The other thing is that we should avoid too much dependence on specialization by teachers in primary schools and some secondary schools. Many excuses for failures in schools are given by schools and teachers that they were not given teachers of some subjects. Sometimes, you find that even in primary schools, a teacher who is a P1 would claim that he cannot teach Mathematics, English or Agriculture. I just cannot see what kind of grounding education such a teacher got when he was a pupil in his time.

Finally, I would like to mention a word about the pre-university induction course. It is good to have these people at Gilgil and Naivasha. After they have undergone this training, the men and women come out with a little discipline, but I would like to say that that the training period should be increased.

With those few remarks, I beg to support.

The Assistant Minister for Agriculture (Mr. arap Saina): Thank you very much Mr. Speaker, Sir, for allowing me to contribute on this Motion of the Ministry of Education.

Mr. Speaker, Sir, it is in order for the Ministry of Education to request for this amount of money, which is in millions, but as we look at the estimates and the budget for the whole country, I think the Ministry of Education even deserves a little more money because it is supporting a large, young section of the population of this country in the form of providing education.

Mr. Speaker, I must, at this point, congratulate the President of our Republic, President Moi, for moulding the education system to what it is now. Before independence, Kenyans used to go abroad to London's Oxford University and Cambridge University and also to the United States of America to get degrees there. But within a very short time, we now have alternative educational institutions. The educational facilities which were not available here before independence are now available here. We now have the University of Nairobi, Kenyatta University, Moi University and the Egerton University College. This shows a proper picture of how a young and stable country is moving faster than those doubting Thomases think a young Independent African nation like Kenya should. This is a challenge. There is no cause for this House to refuse to give this money or even to reduce it. Indeed, in the national budget, 35 per cent of that budget goes to the Ministry of Education.

Mr. Speaker, Sir, sometimes I wonder how teachers survive in the rural areas, when I look at the conditions in which they live. These teachers are

not provided with proper houses. Houses may sometimes be available but there could be no water or light, and all the other infrastructure the other people enjoy in the cities, excluding the Nairobi City Commission or Municipal Council teachers. Teachers in the rural areas deserve consideration and even be given some allowances, for lack of those facilities. I cannot imagine a teacher waking up in the morning and having to walk a distance of half a kilometre, or even two kilometres, to fetch water to prepare tea, or even to wash his face in readiness to go to the classroom. How would such a teacher teach students who are really healthy, benefiting from the School Milk Programme? I thank the farmers for having this programme a success. I will, however, speak on that issue later on. I think teachers should be given some allowances so that they can also improve on their status. If they could get some additional money, they would look a little bit better. Some teachers should be given hardship allowance.

The system of education in Kenya is good. The new 8-4-4 programme—eight years in primary school, four years in secondary school, and four years in the university—is good. We are, however, going to face a problem in future. I think Kenya standard of education surpasses that of Tanzania, Uganda, maybe Sudan, and Ethiopia put together. We are really far ahead. The biggest problem, however, will arise in the future. How are we going to accommodate all these people who are coming out of school, and who are qualified. The pace at which industries are developing will not march the standard and the output of the students that we are recruiting along this programme of 8-4-4. We should also be thinking of what to do in the future. How are we going to employ these people? At present most of the students who come out with a simple diploma, and not actually a professional diploma, may have a problem in getting jobs. We should really be voting for large sums of money to educate these people. At the same time we should be voting for even extra money to develop industries.

Mr. Speaker, Sir, it is quite obvious to everyone of us, especially those of us sitting in this House having been elected by the people, that the resources to support our population are diminishing. Take, for instance, water; we are facing a problem of water. If for a year, we do not get enough rains, the water table goes down and our rivers become small streams. Even now, one can just witness that happening along the Rift Valley where some of the largest lakes like, Naivasha, Nakuru. Elementaita, are drying because the source of water is no longer there. All the small streams which used to feed those lakes are drying up.

So, the resources which would support our country in the future—water is a major resource—are becoming less and less. Unless we also vote for some more money to support the people we are educating, or those who come out of school every

[The Assistant Minister for Agriculture] year, we are going to have a big problem in the future. I have no doubt that the Ministry of Education will get this money. I am especially supporting what the Minister for Environment and Natural Resources said; he himself a teacher once. He is now seeing those diminishing resources like water. He actually has to do something about those resources.

Mr. Speaker, Sir, I think we need to give to this Ministry more money so that in the future they would get better qualified people. I think we should have a specialized kind of training, paying, more emphasis on technical training especially to those teachers in primary schools. I think French should be taken seriously in our country. If that should be the case in this country, then children in both primary and secondary schools should be taught that language. Teachers of the French language must be fully trained. I am for the improvement of the morale of our school teachers and, at the same time, I am for the improvement of our schools. I also call upon the management of our schools to look after the schools which we, as parents, have spent money to build.

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

Mr. Tuva: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity so that I can also contribute to this Vote of the Ministry of Education. First of all, I would like to congratulate the Ministry of Education for the good work it is doing in the country. The Ministry of Education is the backbone of our development because, without it and its good work, we can never be able to achieve the development that we want. I do acknowledge very much the work the Ministry of Education is doing.

[Mr Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, there are a few things that I would like to point out to the Ministry of Education, some of which date back to the time when the great philosopher of this Education. At that time, he introduced some measures that I do not agree with at all, mainly on the promotion of teachers. In the olden days before hon. (Dr.) Toweett was appointed to head the Ministry of Education, teachers used to be promoted on academic achievement. This practice was stopped and it has made teachers' morale go down. These days a teacher can pass a higher examination, but he marks time until somebody in the Ministry of Education, maybe, likes his face or behaviour and then he is considered for promotion on merit. Therefore, I would like the Ministry of Education to reconsider the mode of promotion of teachers. During the days when we were teachers, we used to be promoted on somebody's capability of teaching subjects to a higher grade. I can

cite an example where a T. 4 grade teacher was promoted to the grade of T. 3, then to the grade of P. 2 and lastly to the grade of P.1 without passing examinations. Such a teacher could not teach the classes which were supposed to be taught by those grades he was promoted to. A teacher who has been promoted on merit is normally given some light work which is not commensurate with that grade. Therefore, I would like to urge the Ministry of Education to reconsider the mode of promoting teachers.

Mr. Temporary Deputy Speaker, Sir, there is a book that was issued yesterday on education in Kenya, and it is stated in that book that for a teacher to be promoted on merit, which is the only way of promotion now, he should apply. How will a teacher gauge himself and decide that he is fit for promotion? The people supervising him should be the ones to recommend or otherwise; initiatives should not come from the teacher himself. If that is so, we shall be inviting corruptive practices in the teaching profession. The education officers who are supposed to supervise teachers should be in a position to find out who is fit for promotion and who does not deserve promotion. That should not be left to the teacher himself. Therefore, I would like to urge the Ministry of Education to reconsider the old practice of promoting teachers on academic achievements. In fact, if this practice is reintroduced, we shall have teachers working very hard to improve their own education.

The other thing that I would like to draw the attention of the Ministry of Education to is the question of Division IV certificates at 'O' Level. There have been so many people complaining in the Press about the uselessness of Division IV Certificate holders. In fact, some of the youth do cheat their parents that they passed their examinations when, in fact, they got Division IV. To me, and many other Kenyans, Division IV is the same as failing the examination. Therefore, this should be scrapped. The passes should be from Division I to Division III. In fact, a Division IV certificate holder cannot even be employed by the Government on permanent and pensionable terms of service. They are employed as subordinates on temporary terms or as workspaid staff. There are very many Division IV certificate holders roaming about but they cannot get employment because nobody recognizes their certificates. Therefore, I urge the Ministry of Education to scrap these certificates in order not to continue misleading parents who believe that children who get Division IV certificates have passed examinations.

Mr. Temporary Deputy Speaker, Sir, another point that I would like to point out to the Ministry to ponder over is the question of terms of service for teachers as opposed to those of civil servants. Even if we are told that teachers are not civil servants, why should they enjoy completely different terms and conditions of service from those enjoyed by the civil servants. When a civil servant dies, his

[Mr. Tuva]

death certificate is issued to the family free of charge. But when a teacher dies, the family is asked to pay for the death certificate. Since teachers also serve this country in a dedicated manner, I think they should be given the same treatment when they die. Their families should be issued with death certificates freely. Also, when a civil servant dies in an accident, the family is paid group insurance compensation but, because teachers are said not to be civil servants, their families do not benefit from the group insurance programme. I feel that the Ministry of Education should take this matter up with the Directorate of Personnel Management so that teachers' families can also enjoy just as much as those of civil servants.

Sir, there is also something else that appears to me to be an anomaly. When an untrained teacher is employed, all the period before going to teacher training college is not considered for pension purposes. If an assistant chief is employed, he goes to the pension scheme straightaway. If he is promoted to the post of a chief, he still continues to be on pensionable terms. Even some chiefs are promoted to the rank of district officers. But when somebody holding a school certificate is employed as a teacher, the period he serves before he gets trained is not considered for pension purposes. Even a graduate teacher, before he takes a professional course, is not considered for pension for all that period he serves as untrained teacher. I feel very much for this and I urge the Minister for Education to consider the position of these untrained teachers. I am sure we shall have more dedicated people in the teaching profession when we start treating teachers the same way as civil servants. At the moment, we have a lot of untrained teachers who are using those positions as a stepping stone.

Mr. Temporary Deputy Speaker, Sir, that is why I feel that the Ministry of Education should do all that they can to try to retain these people in the service by making sure that the period during which these people worked as untrained teachers should count towards their pension.

Something else which I would like to bring to the attention of the Ministry which I am sure they are aware of but because of, say, financial difficulties and as the Ministry seems to be growing because of the newly introduced 8-4-4 system of education, is that unless we are very careful, in the very near future we shall be faced with a big problem of unemployed skilled people. We should make sure that we introduced courses which will make our people skilled so that if necessary, our people from Kenya will be exported to work in the neighbouring countries. Already we have people who are taken as expatriates in some of the African independent states. If you go to Zimbabwe today, you will find very many Kenyans there providing the expertise from this country. The same applies to Zambia, Tanzania and, in fact, even outside

Africa, we have several people from Kenya who are working overseas as expatriates. We should make sure that the curriculum will lead our children into universities to take courses that can be of use in other African countries. We should, therefore, try to make sure that we do not create unemployment. The educational system that we are working out, should not be a result of unemployment because it will bring a lot of problems.

One other thing that the Ministry of Education should have told the public is that recently when the Minister for Education banned foreign examinations, he should have given good reasons. This is because the reasons he gave were not sufficient at all.

With these few remarks, I beg to support.

Mrs. Waruhiu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in this very important debate.

First of all, I would like to congratulate the Minister for the way he moved the Vote yesterday and the explanation of what he intends to do with the money that he is asking for. Following what many of my colleagues have said today, I would like to start by talking about the need that our country and our Government has accepted to orient our education towards more technical and vocational areas. I do not agree with the fears expressed by some hon. Members that we are going to produce people who are skilled but unemployed. We have not reached that situation. I think the challenge we have is to make our skilled workers much more adoptable.

I think what the Minister should stress to the House, is what effort the Government is going to make to assist the schools to provide the facilities for providing technical and vocational education. We are aware, Sir, that we have now the Presidential Working Party on Education and Manpower Training for the next decade and beyond. One of the objectives of this Working Party is to look into the area of maximum utilization of the resources we have and how they can be used much more optimally. The reason for this is because we all know that quite a lot of our schools, now in the second year of our 8-4-4 education system, do not, as yet, have the facilities for providing technical education as required by the syllabus.

I would like to appeal to the Ministry whether it is possible—as hon. Nyagah said earlier on—for us to see how we can share the facilities we have. It occurs to me that it should be possible, for instance, to create resource or learning centres that can be shared by several schools. If you look around, if you have to buy equipment or tools for the Standard 8 workshops, you will find that they are very expensive. Have we tried to see whether we can do something about cheaper production of these tools that are required for the technical classes or are we just leaving the schools to buy them at a massive rate?

[Mrs. Waruhiu]

The sharing of resources could be done either at the divisional or district level. It is just a question of decentralization like we have done with libraries. We could have a centre that gives special teaching in science where students could spend a month or two in a year instead of expecting every school in the rural areas to be able to duplicate some of these facilities when we know that they are way behind what they can afford due to financial problems.

Mr. Temporary Deputy Speaker, Sir, one hon. Member who spoke yesterday, and whom I also agree with, was talking about the need for us to come out with facts. We all know how much parents are spending through Harambee contributions and through different requirements that the school insists a parent should provide, such as, building fund, uniforms and so on. What we need to explain—and I feel the Minister should explain to the House—is what element of cost-sharing parents should expect in any one year. We know some areas where parents are farmers, have sources of income and have been able to assist their schools. We know many other areas where, even if parents were able to budget and assist schools, they may not know what element of the cost of education is coming to them. This becomes even more important because the problem is not getting easier.

According to the booklet we have now received from the Ministry, we have 4.6 million children in primary schools and we have just about 0.4 million in secondary schools. This means that we have 5 million children in school which is about 20 per cent or 1/5 of our population. At the rate at which our population is growing, we know that by the end of the decade, the demands are going to be even higher. These are the facts that we need to be explained; they are the projections we would like parents to understand. While we say that education is free, we must tell the people: "These are the facts and it is not going to be easier; it is going to get harder."

I was talking about the Working Party on Education and Manpower Training and I referred to the question of the Ministry trying to see how we can share resources. This Working Party is also supposed to deal with the curriculum for admission and developing centres for excellency. I expect, perhaps, the Minister to explain that this should encompass the whole development of knowledge in relation to our own culture and particular needs. The reason why I say this is that in the early years of independence, it was quite normal that our education be geared to producing manpower to enter into jobs that were available. We know now that we are creating very few jobs every year. What we need to teach in our schools, is more self-reliance; how people who leave school can be more creative so that they can make a living on their own without necessarily expecting to be given a job. This is what we generally call education for

life. Again, these are things that we should be very truthful and forthright about.

We have problems of unemployment and as I said, if you look ahead, Sir, you see that they are going to get worse.

Mr. Temporary Deputy Speaker, Sir, as I said from the beginning, we need to focus even more on how we can assist the development of technical and professional training through assistance. As I said before, this can be done by the provision of tools and sharing of resources even if these resources are to be put at particular centres.

Finally, Sir, my last point because I do not want to speak for too long is with regards to the research fund which His Excellency the President has established. Again, I want to commend and thank him for his foresight. Many times when we have spoken in this House because we have had debate on several Bills on the establishment of the universities, we have all seen that the most important role our universities can play is to create knowledge, and knowledge can only be created through research. We know we have received assistance with research funds for our universities from various countries and various organizations outside the country. But this is the first time, as Kenyans, we have received—

QUORUM

Dr. Wameyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to interrupt the hon. gracious lady. But we do not have a quorum.

The Temporary Deputy Speaker (Mr. Karauri): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Karauri): We have a quorum now. You may continue, Mrs. Waruhiu.

Mrs. Waruhiu: Mr. Temporary Deputy Speaker, Sir, I was making the point on recognizing the initiative and very wise decision by His Excellency the President in mounting a special research fund for our universities. The point I was making is that knowledge is created through research, and research is very expensive.

For the first time in this country, we have taken the Harambee spirit towards funding university research. I think this is something that Kenyans should be very proud of, and I hope that this can be extended not only through the research fund, but to funding of work and teaching in specified areas. What usually one would hope to see is either industries that are specializing in manufacturing in particular areas take an interest in some work in a department of engineering or science, and assist the department towards achieving what it is trying to do.

Finally, Sir, in conclusion I want to stress the very basic point of the role of education in development itself. Education is the one sector that is directed towards the improvement of the human

[Mrs. Waruhiu]

person; his own ability to cope with his own environment, his own ability to understand his own environment better, to be more creative, to adapt to new health methods, and also to adapt to a new standard of living. This is why in this country our Government has responded to this challenge even if it is costing us more than one-third of the Budget on our Recurrent Vote support education. This is something which, as a country, should be very proud of. As I was saying, we will only feel that we have achieved what we set out to do if, besides giving the skills to our people, we are also educating them for life and not just towards self-discipline, but also self-reliance. They should be creative so that they are not just looking for where jobs are available in the wage economy, but they should be looking for opportunities right back in the rural areas where they come from towards making a better living and creating income out of the sectors in agriculture and in the small-scale manufacturing industries where they do not require to seek for job employment.

As I was saying, Sir, the one big challenge we have is to tell our people the truth: That, while it is already costing the parent a great deal, it is going to be even harder by the end of the Century. But the Ministry requires to explain more clearly what this percentage of the cost that the parent should expect to bear is, as they have done in the Development Plan. They have told us that we are going to share the cost. We want this cost assessed and given a better idea of what it is.

With those few words, Sir, I beg to support.

Mr. Mutiso: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for allowing me to have a go on this very important Vote.

Because I realize that the time is very short, I want to start straightaway, first of all, by drawing the attention of the hon. Minister to the fact that the Education Vote is the largest Vote of our national Budget. Because of that, we expect also a very large share of the deliverance of goods to our people. I am saying this because looking into my own area of Yatta, it is a very saddening affair because up to now, or since independence, there is only one Government-aided secondary school despite the fact that we are also tax-payers. We are also very loyal and Nyayo people, and we do everything just like any other people in this Republic. We are also a contributor to this 35 per cent of the National Budget. Because of that, I want to tell the Minister that he should take upon himself to ensure that, at least, Government takes three secondary schools in Yatta in this Vote.

Sir, we had already proposed to the Ministry that Katangi Secondary School, Ndalani Secondary School and also Masinga Girls Secondary School, should be taken over by the Government. Over the years, we always pass Votes here for the Ministry, and the people of Yatta do not benefit from them.

Mr. Temporary Deputy Speaker, Sir, I would like to draw the attention of the Minister to this burning issue. If he does nothing then I can assure him that a duel will be fought in this House during the next Budget. The other point which I want to draw the attention of the Minister to is the fact that I have observed that there is a lot of interest—

Mr. Temporary Deputy Speaker, Sir, I think hon. Members should keep quite and listen to what I am saying.

I was saying that teachers have developed a very keen interest in business. I am not opposed to teachers doing some trade or business. But we must consider the role of the teacher in society. You will find that immediately after classes a teacher rushes to his shop and takes position behind the counter to begin serving customers. You are then left wondering when such a teacher prepares the lessons for the following day. You will find that he will stay in shop up to 11.00 p.m. when he closes up the shop. I know that everybody is concerned about his family's welfare. But there are certain professions which will not allow a person to do anything else. I do not know how this problem is going to be solved. I am, therefore, urging the Ministry to look into this problem. This is because I think this could be one of the reasons why schools in some areas in the country perform poorly in the national examinations.

The other point is the purpose of educating our youth. There is a lot of concern over the number of people we turn out every year and there is no provision as to how they can be absorbed into the society to benefit themselves. Some do get some training. But it is pathetic to find young men and women with K.C.E. and K.A.C.E. certificates but they cannot find jobs anywhere in this Republic. These children are there in great numbers. But is the purpose of the Ministry of Education only to produce these educated youths, like a factory would produce papers, and there is no plan as to how they should be absorbed in gainful employment to benefit themselves. This is a very serious issue. It is not a matter for the Ministry of Education alone to tackle but it is a matter that should be tackled by the whole Government. The Government should consider how best people who finish K.C.E. or K.A.C.E. can get gainful employment. The Government should create some jobs for these people. This is because it is a big problem and a dangerous one too to have these educated youths loitering without jobs. I, therefore, urge the Government to look into this very burning issue and see how we can try to alleviate this problem. I know that there are no ready-made jobs. But the Government can create jobs and that is why it is called "Government". That is why it has been given the responsibility of running the affairs of State; to create some jobs for these young people so that they do not become a problem to their parents and Members of Parliament and relatives. These young people have education and they want to lead decent lives

[Mr. Mutiso]

like other people but jobs are not there. We keep on writing letters for them but this is all in vain.

Mr. Temporary Deputy Speaker, Sir, I would have liked to say more but time is running out very fast and with those few remarks. I urge the Ministry to consider those points and do something about Yatta Constituency in terms of education.

I beg to support the Motion.

Mr. Angatia: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all I would like to join my colleagues in asking the Ministry to expedite the preparation of the scheme of service for teachers. It is a very big frustration to secondary school teachers when they just sit by and watch primary school teachers having not a complete scheme but a reasonable programme of promotion upwards while secondary school or graduate teachers only wait for that day when they will be headmasters. We all know that not everybody can become a headmaster and not everybody should hope to become a headmaster. Therefore, we would like the Ministry not to delay this any more but to bring this scheme of service into operation as soon as possible.

Mr. Temporary Deputy Speaker, Sir, the second point I would like to bring to the attention of the Minister is the admission to universities. We would like to urge the Ministry to introduce a programme at Kenyatta University, University of Nairobi and Moi University where holders of diplomas or its equivalent whether it is from Kenya Science Teachers College, Kenya Technical Teachers College or from Kenyatta University in those days when they offered diplomas or Egerton College when they offered diplomas—A programme should be introduced where diploma holders can be admitted—not to a three year programme but to a two year programme—to become graduates. It is an obvious matter that a lot of these people who go to diploma programmes are people who have university admission qualifications but they are not admitted to degree programmes because there is not enough room in the universities. If that fact is understood that way then those students who get admission to do diplomas should—when they have qualified as diploma holders—be given an opportunity to do their degrees; not in three years but in two years.

Mr. Temporary Deputy Speaker, Sir, we had a funny situation about a year or two ago where diploma holders and SI holders were admitted to some funny programmes in the University of London and offered a degree programme for two years but at the end of the programme it was stipulated that they would not aspire to move to post-graduate work. I hope that when we do introduce this programme in this country it will be a proper programme. I am not asking for the kind of programme which was offered at London University. I hope that we will introduce a programme whereby students will obtain proper degrees because

these students will have earned these degrees properly and they will be eligible to pursue post-graduate programmes without any discrimination or hindrance.

The Temporary Deputy Speaker (Mr. Karauri): It is now time for the Mover to reply.

Mr. Angatia: With those remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Minister for Research, Science and Technology (Mr. Ayah): Thank you very much, Mr. Temporary Deputy Speaker, Sir. First of all I would like to thank all hon. Members who have contributed to this debate. They have all made very, very valid points and I am afraid that because of lack of time, I will not be able to refer to each and every one of them. But I can assure all hon. Members who contributed that the Ministry will undertake to study those points that have been raised. Those that can be rectified, if there are mistakes, will certainly be rectified. Those that need to be thought out will be thought out. I only plead with my hon. colleagues that if those things are not done tomorrow or next week, it does not mean that they were not seriously considered.

Mr. Temporary Deputy Speaker, Sir, let me refer to some of the points that were raised. As I have already said if I do not refer to certain points the hon. Members who raised them should not feel that their points were not important.

Let me start with the point that has recently been made by the hon. Member for Lurambi North with regard to the terms of service for secondary school teachers. I can assure him that that is already being taken care of. The Ministry is already working out terms and conditions of service for the secondary school teachers and I am sure that when they are out the hon. Member who is himself an educationist—and if he happens to revert back to his original profession—will find the terms very attractive indeed.

I would also like to assure the Member for Yatta, Mr. Mutiso, that the Ministry will, as the Government would indeed like to do, consider introducing secondary schools in Yatta. But I would like to appeal to him to continue with his normal hard work, with his community in Yatta to ensure that Yatta has as many secondary schools as can be established; not just three but I hope 10 or even 15. Mr. Temporary Deputy Speaker, Sir, there are two general points which I would like to touch on, before I go to some specific points, and one of them was raised by more than one hon. Member, and that is the whole idea of the teaching profession. One hon. Member actually referred to the fact that the Ministry may not be taking the teaching profession seriously. When some of us grew up, Sir, you will remember that at that time, a teacher was a very highly honoured member in the society and the Ministry still considers that a teacher is probably the most important person that they have to deal with. However, there is a secondary side

[The Minister for Research, Science and Technology] to this idea, that the teachers who are in the teaching profession must, themselves, be able to earn the respect from the parents and from the community in which they teach. They must earn the respect from the pupils and the students they teach, and from the general society. I am saying this because it does not matter how well we train a teacher, nor does it matter how well you equip schools or training centres, if the end product, namely the teacher himself, does not behave in a manner which deserves respect from all the elements involved; that is, the general community, the pupils and his fellow professionals; that training would not be useful at all.

One other general point made by hon. Members was the question of the cost of education. The hon. Member for Butere went as far as suggesting that we should re-introduce school fees, instead of saying that we have free education in this country when, in his opinion, we do not. Mr. Temporary Deputy Speaker, Sir, it is the Government policy that we should have cost-sharing, not only in education, but also in all services which are being provided for in our society. This is for the simple reason that if we continue to supply what purports to be free service to the community, two things will happen. One, the Government may not have all the money to provide the facilities to encompass the whole population and, secondly, it would be unfair for those who are better off in society to be supported by the poorer members of the society.

Therefore, I think it is only fair that Government should consider, and it is considering, the fact that costs for services rendered should be shared. In education, too, we are going to have parents progressively bearing some costs of education. They are already doing so in the construction of school buildings and providing school equipment and so on.

Mr. Temporary Deputy Speaker, Sir, the hon. Member for Butere was very strong in the question of discipline in schools and I agree with him entirely. The only thing which I would like to inform him is that the Ministry is already preparing a handbook on discipline, which will be out very soon. When this book is out, there will be something which the teachers parents and the pupils can refer to with regard to discipline in school. However, Sir, the most important thing is to remember that discipline does not begin or end at school. Discipline is something that must be shared by the whole society. Teachers take care of the children for a certain time of the day, and only in a certain session of the year, but the parents have their children with them almost all the year round.

It is important that the parents themselves realize that they should not pass the whole responsibility of discipline to the teachers. I agree that the teachers have the bigger responsibility, because they are professionally involved with the

children, but it is also important that the parents themselves take the question of discipline seriously, so that children do not think that if they are punished at school, they can go back to their parents and say that the teachers are not good. In fact, as the hon. Member himself said, there are cases when parents have complained when their children are disciplined at school. I think we should change our attitude completely, and I hope that hon. Members will encourage their constituents, who are parents, to realize that they must be a party to strict discipline, not only in schools, but also in the society generally.

Mr. Temporary Deputy Speaker, Sir, the other point which was raised by the hon. Member was the question of selection of candidates to the teacher-training colleges. I would like to point out that these colleges are being set up in certain areas which the Ministry calls "zones". We have said that these candidates are going to be identified by the administration. This does not mean that the administration is going to select the candidates. What I mean is that the chief, and the local administration, is going to identify the candidates so that we can ensure that the people who are going to go to these colleges are the people from that particular zone so that the people in that zone benefit from the establishment of that college in that area. Therefore, the hon. Member should have his heart at rest because this is going to be taken care of.

Mr. Temporary Deputy Speaker, Sir, there is one point which was raised by the hon. Member for Aldai, and I thought that this point was rather interesting and this is the question of 8-4-4 Programme. He made a very valid point by saying that there has been some teething problems regarding this programme. It is natural that whenever we have a new and important programme such as the 8-4-4 Programme, you must have certain problems at the beginning. We do admit that in some cases, there have been, and there will continue to be, some problems with regard to the provision of facilities, especially in the rural areas. However, I would like to assure hon. Member that Government is taking every step to ensure that every primary school in the country is provided with all the necessary equipment, so that this wonderful programme, which is an innovation of our own President, is carried out successfully.

I am glad to note that the hon. Member particularly said that he is not opposed to the 8-4-4 system of education in principle, and that he was merely pointing out the fact that there have been some problems, and this is valid enough. As I said, these problems are in the process of being rectified. I would also like to encourage hon. Members to continue to point out to their constituents, particularly the parents, that in line with what I have said earlier about sharing of costs, they have a responsibility of ensuring that these facilities; that is the laboratories and and so on are provided for the benefit of their children. After all, there is no greater responsibility in the society than ensuring

[The Minister for Research, Science and Technology] that the education of our children is well cared for.

Mr. Temporary Deputy Speaker, Sir, there is another point which was made by you, Sir, in your other capacity, regarding the question of posting of teachers. You, Sir, made a valid point that, perhaps, the Ministry should begin to consider posting teachers with regard to subjects, rather than to classes. You will remember, Sir, that one of the components of this Vote is the provision for the National Council of Science and Technology. I would like to inform hon. Members that we are now determined—and this is very important as far as the question of science is concerned—to introduce the attitude in our society that science is not a special kind of knowledge. What has happened in the past is that we have made our children to believe that Mathematics, Physics, Chemistry and so on are special subjects which need special kind of aptitude. As part of my Ministry, I would like to tell the people, as Kenyans, realize that the future of our society depends very much on the attitude we take towards science. Science has now become one very important element in the day-to-day running of any society which would like to advance. Therefore, I would like to encourage hon. Members to tell the people in their public addresses, and anywhere else, and even talk to children at school, that there is nothing special about science. It is not only necessary, but also a way of life. I would like to see introduced in our country a scientific culture that makes children believe that unless they know Mathematics, Physics and Chemistry at some level, they are not educated enough. That is why I take note of the fact that you, Mr. Temporary Deputy Speaker, Sir, raised the point that teachers should perhaps be posted in terms of subjects, rather than the classes they are supposed to handle. This is an extremely valid point, and it will be considered along with others that have been put forward by other hon. Members.

One hon. Member, I think it was hon. Barngetuny, raised the question of differences between rural and urban schools. He said that there is a great difference between the education which is being provided in rural areas and that which is being provided in urban areas. In some ways, this is inevitable. This is not something that is unique to Kenya: it can be found practically in every country, but that does not mean that we must encourage it. It only means that we should redouble our efforts, especially in rural areas, in order to ensure that the education that we provide to our children is, as far as is practicable, uniform, or nearly uniform, among schools in rural and urban areas. The only other obvious thing is that rural people are now having a bigger burden in the construction of new schools, classrooms and other facilities that children need in those schools. However, the fact that there are some differences between these two categories of schools is a valid point to make. The Government is doing every thing possible to ensure that the education we provide in our rural

schools wherever they are is uniform with or similar to, the kind of education that is provided in urban areas. After all, all these children end up in the same universities, and the same society as teachers, engineers and other professionals. Therefore, it is necessary that they all have the same basic education in every respect.

It was the hon. Member for Ugenya who raised the question of, I think, the selection of children after examination. In fact, he referred to it as a question of having to put these private schools into the computer. Perhaps the most important point raised here was the question of teachers being provided to private schools. The only thing I can say in this respect—I am sorry that hon. Member is not here—is that if private schools can have the same terms and conditions of service, and remuneration and pay teachers regularly, there is no reason why they cannot have the best teachers in the society. What has happened, however, is that private schools are, unfortunately, set up as trading establishments. It is very unfortunate that some people in our society think that education is a commodity that can be used to make money. Consequently, they are not prepared to establish terms and conditions of service which will attract good teachers. As a matter of fact, in many cases, they have teachers for a very short time, and the turnover is very high because they do not pay the teachers well. As I have said, however, if they can establish proper terms and conditions of service, I see no difficulty in their having the best teachers available. If they do that, then there will be no difficulty in their children being selected to join the best schools in the country, but I must re-emphasize the fact that we expect private schools to have the same standards as any other schools in the country. After all, as I said yesterday, we in the Ministry of Education, would like to inspect, as we do, these schools. We expect them to have the same kind of standard, not only in teaching but also in the provisions of facilities in schools as in other schools so that we have uniform education.

The hon. and Gracious Lady, Mrs. Waruhiu, made an interesting point which was also made by the Minister for Environment and Natural Resources, with regard to the question of establishing common services. I do not know exactly what expression she used, but I think she said that we should establish some points at which we provide services to schools, like science equipment, laboratories, and so on, so that children can go there and share those facilities. This is a very noble idea, and I can assure the hon. Lady that the "thinking machine" in the Ministry of Education is going to set itself up and see whether this is something that can be done. However, there is also the question of responsibility and cost. The moment you start setting up a common service the questions you run into are: where will you set it up? Who is going to be responsible? Who is going to pay for it? I think that this point will be considered.

[The Minister for Research, Science and Technology]

Mr. Temporary Deputy Speaker, Sir, let me come back to one thing I said earlier, on the question of the National Council of Science and Technology, which is a part of this Vote but which, in the wisdom of His Excellency the President, comes under a separate Ministry. This is an important element to the extent that we have established under the Science and Technology Act of 1979 institutes of research and the National Council of Science and Technology. We are now trying to face the future with a scientific approach. As His Excellency the President has said, we would like to move from the known to the unknown. The only way we can do that is to experiment by carrying out research and finding out the truth before you take any step. You must know what kind of seeds you are going to plant, what kind of medicine you are going to use and what kind of diseases are common so that we may have an attitude that does not bumble around with the problem of the society. That is why I am very happy that, looking at hon. Members' faces, they are going to pass this Vote. It contains particularly the provision for the National Council for Science and Technology. I know that many people regard science as a strange "animal" or something that is only dealt with by specialized people, but I would like to assure the House that science has derived this unfortunate description from people who have never bothered to find out what science is all about. It is merely a method of describing physical facts, and no more nor less than that. I myself consider that History is more difficult than Physics or Mathematics because in History you have to look for all kinds of hidden things. In Mathematics, you merely use a certain language to describe physical facts, and it should not be difficult. I hope that, with this new approach of using science as the basis of looking at our problems in society, we will be able to solve our problems with more accuracy.

Mr. Temporary Deputy Speaker, Sir, I do not want to belabour the point too much; I merely want to come back to thanking all the hon. Members who have contributed to this Vote for the valid points that they have made. I am sure we will be able to move ahead and establish an educational system which is useful to our society without having to copy any other system. I applaud the 8-4-4 educational system because it is unique; it introduces a new approach to our education and it is going to be an important element in the training of our children.

Finally, Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to end my remarks by congratulating His Excellency the President for what he has done for this country for the last nine years, particularly in the field of education, and in any other field in which he has put his fingers. I hope, and pray, that God almighty will give him more years and more wisdom, so that he may continue to lead this nation with greater vigour and wisdom.

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

(Question put and agreed to)

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

IN THE COMMITTEE

[Mr. Chairman took the Chair]

VOTE 31—MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, Sir, I beg to move:

THAT, a sum not exceeding K£200,013,005 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1988, in respect of: Vote 31—Ministry of Education, Science and Technology.

(Question proposed)

RECURRENT EXPENDITURE

(Heads 834, 835, 836, 837, 838, 839, 841, 858, 862 and 863 agreed to)

(Sub-vote 310 agreed to)

(Heads 844, 845 and 846 agreed to)

(Sub-vote 311 agreed to)

(Heads 803, 804, 807, 809, 847, 865 and 871 agreed to)

(Sub-Vote 312 agreed to)

(Heads 810, 811, 848 and 849 agreed to)

(Sub-Vote 313 agreed to)

(Heads 853, 854 and 856 agreed to)

(Sub-vote 314 agreed to)

(Head 816 agreed to)

(Sub-vote 315 agreed to)

Head 800—Board of Governors Maintained Schools

Mr. Angatia: Mr. Chairman, I am referring to page 763. It appears like these schools do not have any teachers; they just have bursars and accountants. Which schools are these?

An Hon. Member: What page are you referring to?

Mr. Chairman: On page 763 where the details of the expenditure are annotated, we have item 800—Board of Governors Maintained Schools. He is raising a question of the first place where it is shown that during the year 1987/88, there will be 15 principal headmasters. He is asking which schools these are.

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, I am informed that these are Government maintained schools and that their names have been published in the Press. These are schools like Maseno and Lugulu—I do not have all the names here.

Mr. Angatia: Mr. Chairman, these schools are under Head 801—Sub-head 316. The heading previous to that, and the one after that, cover those schools that the Minister is referring to. They are item 301—Grants to T.S.C. Teachers. After this one I

[Mr. Angatia]
am referring to, you will find Harambee secondary schools and others. So, these other schools I am referring to seem to have only principal headmasters, bursars and accountants; they do not have any teachers. I do not know which schools these are. Mr. Chairman, I do not know whether the Minister has this book because he does not seem to follow the discussions.

The Minister for Research, Science and Technology (Mr. Ayah): I am sorry, Mr. Chairman, but I was getting a briefing. As I said earlier, these are Government maintained schools and this will be spread all over the country. It is not a question of one particular school or one particular area.

Mr. Shikuku: Mr. Chairman, I am not quite following the hon. Minister, and I do not think he is replying to the question raised by hon. Angatia, to tell us which schools and what specific type of schools they are, because we have very many schools. In fact, we have been asked to contribute Harambee money to some of them. Now, is this the money, or is he trying to tell us that this is the money that will be given when Harambee functions are organized? What is this? He must be specific and tell us which schools these are. Is Butere Girls' High School one of them?

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, the point being raised by the hon. Member is quite valid. What I am saying is that these are large schools like Maseno High School. I do not know whether Butere Girls' High School is one of them, but these are very large schools which have been up-graded; the heads of these schools have been up-graded to the ranks of principals and so on. As I said earlier, I regret that I do not have the names of all the schools, but I can get them right now if hon. Members could be patient a little.

Mr. Angatia: Mr. Chairman, I would not want to insist that the Minister should give names, but if you look at the item before that—secondary Education, item 301—Grant to T.S.C.—you will see that they have 15 principal headmasters who are scattered all over the country. These are the 15 principal headmasters that I know of. There should be 15 principal headmasters, 89 senior headmasters, 187 senior headmasters II and other thousands of teachers who must cover all schools which are maintained by the state. But then, we have this other little bunch down here of 15 principal headmasters, followed by bursars and accountants. That bunch does not talk of teachers or deputy headmasters. I do not even know how they are funded. If they are just headmasters funded direct from the Ministry of Education, are there also some teachers funded from the Ministry of Education direct? Or do they follow under the previous one because I can see the figure of 15 in the previous paragraph? I am suspecting that these are the same

schools and, if they are, then we are double voting; if they are not, then let us know which schools these are which have no teachers except bursars and accountants?

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, I am getting into a bit of a slow reaction here. I think the question raised by the hon. Member seems to suggest that these schools are being repeated, which is not correct. The 15 schools under item 800 are the very large schools that have been up-graded and are going to employ the people that are enumerated here. As he points out correctly, there is no provision for teachers in this item, but the teachers are provided for somewhere else.

Mr. Lotitoyo: Mr. Chairman, I think the Minister should let us know the position because we cannot just leave the situation like that. Otherwise, this will create some discrepancies later on for anyone to be up-graded.

The Chairman: Mr. Minister, may be, I can help you here. You see, when you look at the items, you find that item 301 covers the grants to the Teachers Service Commission to pay teachers' personal emoluments. These are the teachers who are paid direct by the Teachers Service Commission. Item 800 covers Board of Governors Schools, and these include the non-teaching staff. That is why you have bursars, accountants and other people who are not necessarily paid by the T.S.C. This is the money that is paid direct by the Ministry of Education, including salaries of some headmasters who are not employees of T.S.C. I think this is where Mr. Angatia wanted the distinction to be made. Maybe, you can now move on from there.

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Chairman, I am sorry and I must apologize to the hon. Member for Lurambi North. There is a mistake in this, in the sense that there is a repetition in item 800. Just above that, you see another 15 principal headmasters, something which appears also below there. That is a repetition; it should only be one.

Mr. Shikuku: On a point of order, Mr. Chairman, Sir. I do not quite recall an incident like this one. Where do we stand now, because the Standing Orders provide that we can only amend these allocations by a reduction of £1 but not increasing. Now, as far as the budget is concerned, how do we handle this case because we will require an amendment to delete the first 15 principal headmasters and leave the second lot which the Minister thinks is the correct number. What do we do now? I have never had an occasion like this one where we have had a glaring mistake. The hon. Member for Lurambi should be congratulated for pointing this out to the House. If we want to have a debate, we can move a reduction of K£ 1 to enable us to debate the matter until the time is over, or we ask for the adjournment of the Committee so that

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we beg leave to sit again so as to put our heads together and see what we can do. This is an historical incident.

Mr. Chairman: Hon. Shikuku, the position, as I see it, is not the only occasion. We had a similar instance of more significance than this on in 1985's Printed Estimates. These are printing errors which do not, in reality, add or lessen the actual allocation to the Ministry. So, when the Appropriation Bill comes, this will not be reflected.

Mr. Angatia: Mr. Chairman, I do not believe that your last statement is correct, without wanting to challenge it. Can we do a mathematical addition and see whether the second set of 15 principal headmasters is not included in the total amount? On the Floor as we are right now, we cannot do the necessary calculations. You can see that the total down there is K£ 152,680. If any part of that is included in the previous amount, and yet that figure occurs on its own in the overall total, then obviously, we would either have to subtract or it is proven on the Floor by addition that the amount of the extra 15 principal headmasters is not included there.

Mr. Chairman: Well, Mr. Angatia, while sympathizing with that position, I do not think we can work on a supposition. Unless, as I am going through the items, you have done the arithmetic and you can tell me now while we are talking that you have added and there is more that we are going to approve, then I will take the earlier ruling I gave that that is the position we will take.

Mr. Angatia: Mr. Chairman, I take the position that, in fact, it is double voting we are doing and that the amount is included twice. That is my position now.

Mr. Chairman: Just a moment. Where do you total that?

Mr. Angatia, to satisfy your curiosity, if you look at page 744, item 301—Grants to Teachers Service Commission Teachers Personal Emoluments, there is a total K£ 1,700,000. If you look at pages 763 and 764, item 301, the grand total on page 764 is K£ 1,700,000. That is why I said that in the actual total that we are approving, I do not think that there is a problem.

Mr. Angatia: Mr. Chairman, can you repeat the page number?

Mr. Chairman: I am referring to page 744, item 301 Head 802—Secondary Technical Schools. That is where we are. The particular item we have now introduced is item 301—Grants to the Teachers Service Commission Teachers Personal Emoluments. If you look at the end of Estimates 1987/88 column, the total for that item is K£ 1,700,000. That figure is at the end of page 764. The two are what we are approving; so there is no less or more in the actual grand total.

(Head 802 agreed to)
(Sub-Vote 316 agreed to)

Sub-Vote 317—Polytechnic and Post-Secondary Education

Mr. Shikuku: On a point of order, Mr. Chairman, Sir. We were trying to follow you but the way you put the question was too fast, that we could re-orient ourselves on what to do.

Mr. Chairman: Hon. Shikuku, I thought I quoted the page, showed the item and went on beautifully.

(Heads 812, 820, 821, 825 and 866 agreed to)
(Sub-Vote 317 agreed to)

(Heads 827, 828, 829, 832, 833, 867 and 868 agreed to)

(Sub-Vote 318 agreed to)
(Vote R31 agreed to)

Mr. Chairman: We will now go to Development Estimates, page 802.

DEVELOPMENT EXPENDITURE

(Heads 037, 834, 837, 839, 858, and 862 agreed to)
(Sub-Vote 310 agreed to)

(Heads 844 and 845 agreed to)
(Sub-Vote 311 agreed to)

(Heads 803, 804, 809, 847, 865 and 871 agreed to)
(Sub-Vote 312 agreed to)

(Heads 810, 848, 849 and 856 agreed to)
(Sub-Vote 313 agreed to)

Mr. Lotitiyo: Mr. Chairman, Sir, I have seen the post-primary schools grants by the Ministry of Education and I feel that there are very few post-primary schools being allocated some grants for—

The Chairman: Which page are you referring to?

Mr. Lotitiyo: I am referring to page 508, Mr. Chairman.

Mr. Chairman: No, we are not there.

(Head 856 agreed to)
(Sub-Vote 314 agreed to)

Head 800—Board of Governors Maintained Schools

Mr. Lotitiyo: Mr. Chairman, Sir, I would like to know about this capital development particularly for secondary schools. As we understand now, under the district focus for rural development this grant is issued by the Ministry through the district education officers—

Mr. Chairman: We are in Committee and I have read Head 800 and if you wish to raise a question, you have to specify under which item and then ask your question.

Mr. Lotitiyo: Mr. Chairman, Sir, I am sorry I am not following you very much. I thought we were talking about board of governors in the same school.

Mr. Chairman: Yes, I am with you and I am only helping you to do the right thing. We are on Sub-Vote 316—Secondary Education, Head 800 and it has got several items, that is, Minor Works and Improvements, Construction of Buildings; Non-Residential and Secondary School Laboratories (U.K.). If you wish to raise a question, it must be under one of those items.

Mr. Lotiyo: I am talking about item 840, Mr. Chairman, Sir.

The Assistant Minister for Education (Mr. Kisiero): On a point of order, Mr. Chairman. I suspect my hon. friend has got a different edition of the book. He is not looking at the proper book. He is looking at the districts allocations.

Mr. Lotiyo: Mr. Chairman, I think the hon. Member is not with me. I have the correct book: "Development Estimates".

Mr. Angatia: What we are using is the "green" book. He is using the districts allocations which is wrong.

Mr. Chairman: Order! Order!

(Head 800 agreed to)

(Sub-Vote 316 agreed to)

(Heads 812, 820, 821, 822, 825, and 866 agreed to)

(Sub-Vote 317 agreed to)

(Heads 827, 828, 829, 833, 867 and 868 agreed to)

(Sub-Vote 318 agreed to)

(Vote D31 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

[The Temporary Deputy Speaker (Mr. Karauri) in the Chair]

REPORT

VOTE 31—MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY

Mr. arap Ng'eny: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding KSh 200,013,005 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1988, in respect of Vote 31—Ministry of Education, Science and Technology and has approved the same without amendment.

The Minister for Research, Science and Technology (Mr. Ayah): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Education (Mr. Kisiero) seconded.

(Question put to and agreed)

MOTION

DISAPPROVAL OF SESSIONAL PAPER NO. 7: LOAN GUARANTEE TO KENYA PORTS AUTHORITY

THAT, this House resolves not to grant approval to the proposed Government guarantee of a loan to the Kenya Ports Authority as contained in the Sessional Paper No. 7 of 1987 laid on the Table on 14th July, 1987.

(Mr. Shikuku on 29th July, 1987)

(Resumption of debate interrupted on 13th October, 1987)

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, when the House adjourned, I was trying to tell and

explain to the House why the Kenya Ports Authority does not need this guarantee at all.

May I go further and state when the House guarantees any loan, the implications are that if that particular organization or institution fails to repay the loan, then it is the Government that is supposed to repay that loan from the mwananchi's tax money. It is not just a question of guaranteeing and then getting away with it. That is why I gave the list of guarantees we made last time and lost colossal sums of money, almost billions, which, if we had not done so, and if that money was here, Kenya would have a different "face". I had given example of the now much talked about KSh. 600 million which are outside the country. If you brought that money back and put it in Kisumu Rural, I am sure the "face" of Kisumu Rural would change. Also, KSh. 600 million in Butere, even the District Commissioner, Kakamega, could agree that there would be too much development. But now, where is that money? It is down the drain. That is why I am very careful when doing things.

May I, Sir, at this juncture say this, that I am not bothered and I will not be humiliated, or I will not be ashamed if this Motion does not go through. No! I wish it does not go through so that those who make it not go through shall be answerable one day for their folly today.

An Hon. Member: What about if they are dead?

Mr. Shikuku: Their children shall answer for it! Sir, we borrow money because we do not have it. All I know is that the Kenya Ports Authority is a parastatal body of this Government and not a banking institution. Why do I say that? It is because they have so much money that they invest for short-term period to the tune of KSh. 199,072,965.75, and which as I had stated earlier, has matured. The latest matured on 21st July, 1987. All this money has come back to the organization. We are being asked to guarantee a project that will cost KSh. 188.9 million. But you can see from this money which has just come back, it is KSh. 199 million! Why do we want to borrow? If the Kenya Ports Authority is so hard up, and it has no source of income, may I now give them this knowledge? I must thank the wananchi in the Kenya Ports Authority for making it known to the public and the tax-payers in this country what "cooks" on in the Kenya Ports Authority. May I take this pleasure Sir, to read you the amounts and interest, and you can work out your own arithmetic to know how much the Kenya Ports Authority does, or what booming business it is doing if those people are paid interest as stipulated here.

Mr. Temporary Deputy Speaker, Sir, the Kenya Ports Authority invested KSh. 20 million in Cereals and Sugar Finance Corporation. They were given KSh. 20 million at the interest rate of 12.65 per cent. This was on 1st August, 1986. The amount matured on 21st July, 1987. Also KSh. 10 million was invested in Trans National Finance Limited at an interest rate of 14 per cent. If you want to

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borrow money in other banks you will never get it at this percentage you can see here 12 per cent and 14 per cent. They normally charge from 16 per cent to 18 per cent. But here you will not find anybody being charged 16 per cent. So, the Kenya Ports Authority is not a poor organization. There is more money given to Trans National Finance Limited. They gave it the following amounts; Sh. 10 million; Sh. 5 million; Sh. 10 million and Sh. 10 million. I do not know why they were doing this. The first figure of Sh. 10 million which was given to Tran National Bank Limited was given on 24th June, 1985 and it matured on 23rd December, 1986. I have already talked about Sh. 10 million. The amount of Sh. 5 million was given to the Bank at the rate of 14.5 per cent. It was invested in December, 1985 and it matured on 4th December, 1986; after one full year. The Bank was also given Sh. 10 million at an interest rate of 14 per cent. You can see they give at 14 per cent and 14.5 per cent. It is the same organization. The other figure of Sh. 10 million was given at the rate of 14.5 per cent and it was given on 24th January, 1986 and it matured on 23rd January, 1987. This is only to Trans National Finance Limited.

We also have got the Trans National Bank which was given Sh. 5 million at the rate of 15 per cent; seven days on call. I am sure it was returned if it was on call. So, it must have gone back probably the same month; maybe it came back even after one week. The total of the figures I have read here is KSh. 40 million.

There is Internation Finance Limited; they got the following amounts Sh. 3 million; Sh. 4 million and Sh. 3 million at the interest rates of 14.75 per cent; 14.75 per cent and 15 per cent. The sub-total here is Sh. 14 million.

Thabiti Finance Limited is the next one. If you check on this institution you might find that there are some people there who have an interest in the Kenya Ports Authority. I do not want to go into that, but if somebody pushes me too far I will go into it. Thabiti Finance Limited was given Sh. 3,072,955.75 and that was on 29th January, 1986. And then on the same day—I do not understand how they were doing this. On 29th January, 1986, Thabiti Finance Limited was given Sh. 3,072,955.75 at the interest rate of 15 per cent to mature on 28th January, 1987. They were given another amount on the same day again. I do not know how they were doing it. Maybe at 8.00 a.m. they were given some money and then another amount at 9.00 a.m. or 11.00 a.m. But on the same day Thabiti Finance Limited was given Sh. 4 million— Oh, this was on 19th June, 1985 and this amount of Sh. 4 million matured on 18th December, 1986. Thabiti Finance Limited was also given the following amounts; Sh. 3 million; Sh. 4 million and the sub-total of the money lent to Thabiti Finance Limited alone comes to Sh. 14,072,065.05

There is Estate Building Society which received the following amounts: Sh. 1 million; Sh. 2 million and Sh. 2 million and the sub-total is Sh. 5 million. All this was seven days on call.

We have Pan African Bank Limited which was given the following amounts: Sh. 3 million; Sh. 15 million and Sh. 10 million at an interest rate of 13 per cent throughout. All these amounts matured on the following dates: 24th December, 1986; 23rd December, 1986 and 21st December, 1986. The money was lent to the same company, maturing at different dates. But you want us to say that this organization is hard up and that it wants some money. The sub-total here is Sh. 28 million.

We also have the Middle Africa Finance Limited which received the following amounts: Sh. 1 million; 4 million and Sh. 2 million. The sub-total is Sh. 7 million and all the amounts have matured.

We have Pioneer Building Society which received Sh. 1 million and Sh. 2 million. The sub-total is Sh. 3 million.

The next one is Bank of Credit and Commerce Limited—

An Hon. Member: Magendo Bank.

Mr. Shikuku: Yes, the Magendo Bank, Sir. Now you can see. The wananchi did not know this but now they will know what is happening in the Kenya Ports Authority. But they will say "Shikuku is after somebody." Whom am I after? I am after the people's property. I am a watchman and I have got to know everything. My bosses are sleeping and my job is to make sure that no thief steals the property of my bosses—even to the extent of losing my life. You have heard of watchmen who have been butchered by robbers while the boss was sleeping upstairs. My work is to blow the whistle and tell wananchi that things are going wrong. Even if I die I shall die with a clean heart; in service to my beloved wananchi of Kenya.

Mr. Temporary Deputy Speaker, Sir, I will now move on to the National Bank of Kenya which was given Sh. 3 million seven days on call.

We also have Pan African Credit Finance something— The photostat copy is not clear but I can see something like A.R.I. I do not know what it means but it is a credit finance company. This one received the following amounts: Sh. 1 million; Sh. 4 million and Sh. 1 million and this adds up to Sh. 6 million. All this matured in January, 1987.

We have got Trade Bank Limited which got Sh. 3 million and that matured in December, 1986. We also have—I think—Central Finance Limited which got Sh. 3 million. We also have another one called Business Finance Limited which got Sh. 3 million. The Bank of India received Sh. 2 million. All these amounts have matured. The sub-total here is Sh. 11 million. There is another one known as International Finance which was given Sh. 1 million. The total shown on page 2 of this document— The short term money which had already come back to the organization in 1986 is

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Sh. 199,072,965.75. Is this the organization which we are being asked to help when they can do this job themselves locally? If you are poor, Mr. Temporary Deputy Speaker, Sir, you will not give me a loan. I do not say that it is wrong to give this money to my Government. But I only want to prove that this organization is not all that poor and it does not require this money we are being asked to guarantee.

On page 2 of this document you will find long term investments—Government Stocks. They were given Sh. 81,841,400 at an interest rate of 8.25 per cent. Where can you get a loan with an interest rate of 8.25 per cent? Where? Probably, this kind of thing would not even happen in Switzerland. The investment is to mature in 1994.

An Hon. Member: It is Government stock.

Mr. Shikuku: Whether it is Government stock or not, this is what it is. It is money. I am talking about money, and not about bananas or something like that. Here again, we have Government stock worth Sh. 100 million at 8.5 per cent interest to mature in 1990. Mr. Temporary Deputy Speaker, the truth shall live for ever and I have warned my brothers in this House that the truth is God, and God is the truth and, therefore, he that fights against the truth, does not fight against Shikuku, or against anybody who has spoken the truth, but fights against God, and is bound to lose. It does not matter how powerful one is politically, or how tall or how educated he is nor does it matter how ignorant or how illiterate he is. If he fights against God, he is bound to perish.

Mr. Temporary Deputy Speaker, Sir, here we have Sh. 51,150,800 at 10.75 per cent interest to mature in the year 2000 when we shall have piped water all over the country.

An Hon. Member: Who tells you so?

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, my brother over here asks me who tells me this, but how many times have we heard from the Minister for Water Development that in the year of our Lord 2000, piped water will be flowing all over the country, and it will be brought up to your kitchen? You will have to close your taps tightly otherwise, your bed will be wet.

Mr. Temporary Deputy Speaker, Sir, this is the situation. They say that in the year of our Lord 2000, although it might be the year of floods, they do not say so. All they say is that there will be piped water in every home in the Republic of Kenya.

The Assistant Minister, Office of the President (Mr. Maiyani) Yes, 13 years from now!

Mr. Shikuku: Yes, 13 years from now. Thank you very much, hon. Njururi. In the year 2000, that is when this investment at 10.75 per cent interest will mature. Can you tell me, Mr. Temporary Deputy Speaker, that this organization requires a loan, when it can live up to the year of our Lord

2000—when piped water will be flowing all over this country—waiting for those investments to mature?

An Hon. Member: On a point of information, Mr. Temporary Deputy Speaker, Sir—

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I will take points of information later, because I would like to conclude my speech. The amount of loan which they have given out is Sh. 232,992,200—under long-term agreement. From there, you go to another investment. The photostat copy here is not good enough and I cannot read it properly, but they gave money to an organization called E.A.H.C. Pension Fund amounting to Sh. 28,278,459.85. I do not know whether this is under short-term agreement or not.

An hon. Member: It is for workers.

Mr. Shikuku: Yes, it could have been for workers or whatever it is, but they gave out the money. There is another organization called Transnational Finance Corporation which has been given a loan of Sh. 5 million at 15 per cent interest. Then there is Thabiti Finance Company being given Sh. 5 million to mature in 1986. There is also a total pension which was given Sh. 146,895,235.45 but they do not show when this money was given out, nor do they say for how long it is going to be loaned.

Mr. Temporary Deputy Speaker, Sir, may I now draw the attention of this House to the fact that the aim of bringing this Motion to this House is to bring to the notice of the people of this country that: one, that we do not need to bedevill ourselves into debts anymore, because we are already in too much debt. If this guarantee is approved, it will involve over £504 million, which is about Sh. 10 billion. According to Sh. 3 billion a year. So, you will find that we are actually going into debt to the tune of three of our national budgets.

Leave that alone, Mr. Temporary Deputy Speaker, Sir. I will now turn to a more serious problem. In this very country, we have residents as at 31st December, 1986, who had taken our foreign exchange and deposited it in foreign banks, outside this beautiful country of ours. This money has been deposited in foreign banks, and it is equivalent to 20 of our national budgets. If all that money was brought here, we would not ask questions in this House. We would not have our brothers here in the Front Bench quarelling with us after asking them what has happened to a certain bridge, or when they are going to complete a certain clinic; when they are going to take over a certain self-help clinic; when they are going to do this, that or the other. Our children would have free education from Standard 1 to the university.

However, Sir, all this money belongs to a few individuals who have deposited it outside this Republic. As if that is not enough, we have now some Asians who are taking money outside this country. I have been "crying" in this House that

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money is being taken outside this country and what I have been saying has always been dismissed as "Shikuku allegations". Mr. Temporary Deputy Speaker, Sir, since the majority of hon. Members in this House are Christians, I would like to remind them——

Hon. Mwachofi: There are some Muslims as well.

Mr. Shikuku: Yes, there are some Muslims in this House. There was a person who was born by the name of John the Baptist, who used to baptise people in the River Jordan, somewhere in Israel. He used to say, "You repent. The Lord is coming soon. Make way for Him", and they refused to hear him and said, "Oh" is that John? That guy always talks like that. He stays in the bush and eats locusts and some honey". I am only giving an example. Those who are civilized say that history repeats itself. It came to pass that Jesus came; indeed, and these human beings, being as bad as they are, wanted him to prove that he was Jesus, indeed. So, Jesus went out of his way and said, "Let the blind see, cripples walk" and so on. Mad fellows were cleansed and the lepers were cured. He even provided free meals at meetings and the people ate their fill. Even drunks were given water that had been turned into wine and they drank it to their merry. However, what did these people do to Jesus? Jesus did not even marry. The only thanks that they gave him were to crucify him and say, "Let him die. Let his blood be upon us and our children."

We all know what is happening now. I am nobody to compare myself to Jesus, nor to Saint John the Baptist, but I only want to say one thing. I was released from detention by the Lord himself, and that is why I am still alive. I should have dropped dead there. I do not want to be like those of us who were given so many good things by Jesus and yet the only thing we gave him was death. I want to praise the Lord because if it were not for him, I would not be on my feet today. No one knew that Shikuku could even kick a ball. Today, however, according to the wonders of God, Shikuku can not only kick the ball but also score goals. Our television crew has seen me score goals, and there is no doubt about this. The only thanks I can give to the Lord is to do my homework, work for the people of this country and speak only the truth. I give these thanks for the sake of it. I am he who praises the Lord.

The Minister for Transport and Communications (Mr. Magugu): We, too, have been praising the Lord.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, hon. Magugu needs some preaching. He should repent. He must repent because these sins are in his Ministry.

The Minister for Transport and Communications (Mr. Magugu): On a point of order, Mr. Temporary Deputy Speaker, Sir. Are you really satisfied that this hon. House is really for hon. Shikuku's preaching? I thought that if we wanted preaching, we would get that service in the church, or in other areas which are really designed, and designated for preaching.

Mr. Shikuku: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for the information of the hon. Member, who has not wasted any time to know who I am; he forgets that the person now speaking was in the seminary for seven years. Another thing that he should know is that we have been told time and again by His Excellency the President that Kenya is a God-fearing nation. What is wrong with preaching the word of God in the highest authority of the land? This is where the word of God must be preached. We should not abdicate our responsibility. We cannot say on the one hand that we are a God-fearing nation and, on the other hand, when another person raises the issue, we say, "Oh, do not preach to us." Where are we? Is hon. Magugu really a follower of His Excellency the President? From his remarks, he is not. I submit that he is not.

The Minister for Transport and Communications (Mr. Magugu): On a point of order, Mr. Temporary Deputy Speaker, Sir. I will not comment on these remarks, but do I not take it that if we must have a preacher in this House, it should not be in the person of the hon. Member but in the person of a preacher who has a collar, and is ordained to preach?

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, dress is immaterial. I would like——

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Karauri): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 15th October, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

Thursday, 15th October, 1987

The House met at thirty minutes past Two o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

No. 606

REASONS FOR NOT GROWING COFFEE—CENTRAL DIVISION, LAIKIPIA

Mr. Muthura asked the Minister for Agriculture what are the reasons for not growing coffee in Central Division of Laikipia District.

Mr. Speaker: Anybody from the Ministry of Agriculture?

No. 597

PAYMENT OF N.S.S.F. BENEFITS TO MR. PAUL NGULI

Mr. Kikuyu asked the Minister for Labour—

(a) why Mr. Paul Nguli, F. M. No. 119, 715, 368, former employee of New Iveti Coffee Growers Co-operative Society has not been paid his N.S.S.F. dues since his retirement in August, 1985; and

(b) when he would be paid.

Mr. Speaker: Any body from the Ministry of Labour? Next question.

No. 497

NON-PAYMENT OF FIELD ALLOWANCE TO GRAVELLING PROJECT WORKERS

Mr. Mwachofi alimwuliza Waziri wa Uchukuzi na Mawasiliano—

(a) ni nini kilichosababisha kusimamishwa kwa malipo ya nje (field allowance) kwa baadhi ya wafanyakazi wa kituo cha Kenya East Graveling Project, Kitua, tangu 1985 hadi leo;

(b) ni nini kilichosababisha kutokupelekwa michango ya N.S.S.F. ya wafanyakazi zaidi ya 150 tangu mwaka 1978 hadi 1985; na

(c) ni hatua gani zinazochukuliwa kurekebisha haya makosa.

Mr. Speaker: Anybody from the Ministry of Transport and Communications?

No. 600

PAYMENT OF TERMINAL BENEFITS TO MR. WILSON MUGAMBI

Mr. Wakiondo asked the Minister for Finance—

(a) when a Mr. Wilson Kanga Mugambi, P/No. 140516, a former employee of Ministry of Health who retired on 30th November, 1985, would be paid his terminal benefits as per reference letter No. 140516/83 of 10th June, 1987 and the Principal Pensions Officer No. APMPCC 28628 of 21st May, 1987; and

(b) whether he could expedite the payment.

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

(a) Mr. Wilson Kanga Mugambi, P/No. 140516, has already been paid his terminal benefits vide cheque No. 536495 of 13th July, 1986. He has in addition been paid pensions for the months of July, August and September, 1987 vide computer cheque No. 02113073 of 30th September, 1987.

(b) In view of the reply that I have just read, the issue of expediting the matter does not, therefore, arise.

Mr. Wakiondo: Mr. Speaker, Sir, may I thank the Minister for the reply he has given. However, could the Minister tell us the reason why this man, after retiring in 1985, has not got his benefits up to this year?

Prof. Saitoti: Mr. Speaker, Sir, I would be grateful if the hon. Member could speak louder.

Mr. Wakiondo: Mr. Speaker, Sir, I have asked the Minister to explain the reasons why his employee who retired in 1985 has so far not been paid his benefits up to this year.

Prof. Saitoti: Mr. Speaker, Sir, I have looked into the matters and records which have been made available to me. Indeed, they show that the pension papers were first of all received in 1985. It is also true that the first cheque was sent in 1987, and thus there is, definitely some kind of delay in that respect.

No. 579

UP-GRADING OF MASII HEALTH CENTRE

Mr. Munyao asked the Minister for Health whether he could consider the up grading of Masii Health Centre to a sub-district hospital in order to ease the congestion at Machakos Provincial Hospital.

The Assistant Minister for Health (Mr. arap Cheboiwo): Mr. Speaker, Sir, I beg to reply.

It is not considered necessary to up-grade Masii Health Centre to a sub-district hospital because at the moment the area around the health centre is receiving adequate health services from existing health facilities.

Mr. Munyao: Mr. Speaker, Sir, I am sorry that the Assistant Minister has misunderstood the question. This is because I am asking that Masii Health Centre be considered for up-grading, so that it may ease the congestion in Machakos Hospital, but not whether the area is receiving adequate health services. The Assistant Minister has totally misunderstood the question.

Mr. arap Cheboiwo: I did not misunderstand the question, Mr. Speaker, Sir. I understood it very well.

Mr. Munyao: On a point of order, Mr. Speaker, Sir. Why is the Assistant Minister denying that he did not misunderstand the question and yet in his reply he says that the area around the health centre is receiving adequate health services? I have not asked whether the area is receiving adequate services. I am saying that Machakos Hospital, so far, is fully congested and we want Masii Health Centre, which is so near, with all the facilities, to be up-graded to a sub-district hospital to ease congestion at Machakos Hospital.

Mr. arap Cheboiwo: Mr. Speaker, Sir, you can now see that the hon. Member is also answering his own question by saying that Masii Health Centre is not very far from Machakos. That is why I am saying that there are so many facilities all around Masii. Since he knows the area, I can tell him that Masii Health Centre serves a population of about 34,000 patients with an average daily attendance of 150 out-patients. The following are the existing health facilities serving the area around Masii Health Centre:

Machakos General Hospital is only 30 kilometres away; Mala Rural Demonstration Health Centre is 20 kilometres away and Kathiani, which is a wonderful modern hospital about to be opened, is about 20 kilometres away.

As the hon. Member is aware, the Machakos District Development Committee (D.D.C.) of which he is a member, would have to recommend the proposed upgrading of Masii Health Centre to a Sub-district hospital and, in turn, the recommendation would only be implemented subject to the availability of funds. This is because if the D.D.C. recommends that, it is the Ministry that will implement it.

Mr. Munyao: Mr. Speaker, Sir, arising from what the Assistant Minister has said—he has talked well—could he assure the House that when the district development committee of Machakos makes a recommendation in this respect, he is going to take up the issue and up-grade the status of Masii?

Mr. arap Cheboiwo: Mr. Speaker, Sir, there is no question of my having to take up the issue. As soon as we receive the necessary recommendation from Machakos District Development Committee, of which the hon. Member is a member, it will be implemented. I also want the hon. Member to note that I know all these areas that he is talking about. We will talk about no other issue but Masii Health Centre. This health centre will be taken over in order to serve wananchi better.

No. 593

ADDITIONAL BEDS FOR LADY GRIGG MATERNITY WING

Bw. Kiliku alimwuliza Waziri wa Afya—

(a) kama anafahamu kwamba kwa sababu ya ukosefu wa vitanda vya kutosha katika Lady Grigg Maternity Wing, Coast General Hospital, akina mama, baada ya kujifungua, hulala wawili katika kitanda kimoja na wengine hulala chini juu ya sakafu; na

(b) atachukua hatua gani kurekebisha jambo hilo.

The Assistant Minister for Health (Mr. arap Cheboiwo): Bw. Spika, naomba kujibu.

(a) Nafahamu.

(b) Jambo—

Hon. Members: Herufi hiyo hutamkwa “baa” wala si ‘bii’ ni “baa”.

The Assistant Minister for Health (Mr. arap Cheboiwo): Bw. Spika, naomba unisaidie kuhusu Waheshimiwa Wabunge hawa wanazungumza huku nikikendelea kujibu swali la Mhe. Kiliku.

(b) Jambo hilo limerekebishwa.

Mr. Kiliku: Bw. Spika, kama nilivyosema katika swali hili, ukosefu wa vitanda vya kutosha hospitalini hiyo ni mkubwa, na sijui kama Waziri Msaidizi ana fahamu kwamba ukosefu huu umekuwapo kwa muda wa siku nyingi. Ni kwa nini aalingoja mpaka nikaja hapa kuuliza swali hili hatafu akapeleka vitanda huko?

Mr. arap Cheboiwo: Bw. Spika, matamshi hayo si ya kweli hata kidogo. Wazara haingeweza kungoja mpaka mhe. Mbunge aulize swali hili ndipo iohukue hatua. Waziri wa Afya pamoja na maofisa wake waliitembelea hospitali hiyo kabla ya mne. Mbunge kuuliza swali hili. Tulijionea taabu hiyo. Taabu yenyewe ni kwamba akina mama hao walikuwa wakilala wawili katika kitanda kimoja, na wengine walikuwa wakilala sakafuni. Hii ndiyo sababu nikajibu katika kifungu cha (a) cha swali hili kwamba ninafahamu taabu hiyo. Katika kifungu cha (b) nilisema kwamba hatua imechakuliwa, na hali hii ikarekebisha kwa kuiongeza hospitali hiyo vitanda vingine 38 zaidi. Kwa hivyo, ule msongamano uliokuwapo hapo awali ume-pungua. Vitanda hivyo 38 vilianza kutumiwa tarehe 29 Agosti, 1987. Hii inaonyesha kwamba hatua hii ilichukuliwa kabla ya mne. Mbunge kuuliza swali lake. Sisi wenyewe tuliona shida hiyo, ambayo ilikuwa kubwa kweli. Sisiemi kwamba shida hii imekwisha kabisa, lakini imepunguka na bado tunazidi kuirekebisha na kuwasaidia wananchi hao.

Mr. Speaker: Tulirudie swali la Bw. Omido.

Mr. Munyao: Jambo la nidhamu, Bw. Spika. Waziri Msaidizi ana haki ya kukanusha jambo ambalo ni la kweli? Swali hili lilipelekwa mbele kwa njia za kawaida mwezi wa Julai, 1987, na hali Wazara ilipeleka vitanda hivyo huko mwezi wa Agosti, 1987. Ana haki ya kuipotosha Bunge? Anafaa kucamba msamaha.

Mr. arap Cheboiwo: Bw. Spika, sijalipotosha Bunge hata kidogo.

Mr. Speaker: Mr. Omido.

Mr. Omido: Mr. Speaker, Sir, I beg to apologize for coming late.

No. 568

IMPROVEMENT OF DRY CLEANING STANDARDS

Mr. Omido asked the Minister for Industry why he has taken no action to improve standards in dry cleaning as promised to the House last year when answering a question in this House on this issue.

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

As I said in answer to a similar question last year, the Ministry is in the process of improving the standards in dry cleaning.

As a first step, the Kenya Standard, Code No. KS. 08.442 of 1987, was gazetted in the Kenya Gazette of 24th July, 1987. This was to enable the consumers and businessmen engaged in dry cleaning to study the proposed standard, so that they can give their reactions and suggestions.

As the matter stands now, there has been no response from the public; so, I plan to publish it under legal notice as soon as I am advised by the Standards Council.

Mr. Omido: Mr. Speaker, Sir, while thanking the Assistant Minister for his reply, will he ensure that when the said legal notice is published, it will include a clause making it mandatory for dry cleaners to pay compensation for any damage to clothes while under their care? As at the moment, so many clothes are damaged while being dry-cleaned and no adequate compensation, or no compensation at all, is paid.

Mr. Lugonzo: Mr. Speaker, Sir, this idea is noted, and I will take it to the relevant legal experts to see if they can include it in the legal notice.

No. 591

ESTABLISHED OF HEALTH CENTRE AT GATINA VILLAGE

Mr. Omido, on behalf of Mr. Gachanja, asked the Minister for Local Government—

(a) why the City Commission of Nairobi has not planned to have a health centre at Gatina Village, of Dagoretti, which is heavily populated; and

(b) when the residents of that area can expect to be provided with these services.

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

(a) Gatina Village of Dagoretti is served by Kangemi, Riruta, Ngong Road and Waithaka health centres, which are usually too congested. However, the city commission has identified the need of the following additional health centres which will not only serve Gatina Village, but also ease congestion in other health centres—Eastern Muthiora Road Market, Kawangware District Health Centre, Karindini Market Centre and Dagoretti District Hospital. The identified site are on private land and the city commission has been requested by us to request the Commissioner of Lands, as soon as possible, to value the affected plots and facilitate compensation and later acquisition.

No. 606

REASONS FOR NOT GROWING COFFEE—CENTRAL DIVISION, LAIKIPIA

Mr. Muthura asked the Minister for Agriculture what the reasons for not growing coffee in Central Division of Laikipia District are.

The Assistant Minister for Agriculture (Mr. arap Saina): Mr. Speaker, Sir, I beg to reply, but before I do so, apologize for not having responded to the question the first time it was called.

Coffee is grown in Kenya between the altitudes 1,400 metres and 2,000 metres above sea level. It also requires adequate rainfall distributed throughout the year, and this rainfall should not be less than 890 millimetres.

Although Laikipia District meets the altitude requirement, which ranges between 1,800 to 2,000 metres, rainfall in this district is below the requirement and it is too scattered during the year; hence, the reason why coffee is not grown here. There are three seasons in Laikipia and these fall in April to May; June to July, and the last season is October to November

which actually has an adequacy of 60 per cent. The trial have shown that coffee is not suitable for this area; it can only be successfully grown there under irrigation as one farmer, Mr. Mugambi, has done. So, even the local district development committee (D.D.C.) has gone into discussion about the possibility of introducing coffee here, but our research team of the Ministry of Agriculture is not satisfied that it should be grown in this area. It is also understood that part from normal precipitation, there is very little water in the rivers and dams that have been constructed to warrant the irrigation to be economical enough to grow coffee. Therefore, at the moment, we will rule out the growing of coffee in this district and introduce another alternative cash crop, and if the hon. Questioner wants it, he can put it through the D.C.C.

Mr. Muthura: Mr. Speaker, Sir, I am surprised by the reply given by the Assistant Minister. In 1964, I was working in a farm right inside Laikipia, and the owner of that farm grew healthy coffee trees. Is the Assistant Minister telling this House, and the people of Central Division of Laikipia District, that anything has changed between then and now?

Mr. arap Saina: Yes, Mr. Speaker, Sir, a lot of things have changed. 1964 is about 40 years ago, and this country used to enjoy abundant rainfall and indeed, then hon. Member will recall that at that time, most of the rivers in Kenya were overflowing, and there was reliable rainfall throughout the seasons; but the climatic factors have now changed to the reverse. In fact, the hon. Member—who was at one time an Assistant Minister in the Ministry—knows exactly what we have projected, and what we are trying to do—to save the little water there is, and we cannot get enough water in this district to warrant the growing of coffee.

Mr. Muthura: Mr. Speaker, Sir, if I got the Assistant Minister correctly, he said that the Ministry has done some trials. Can he point out the particular place in Central Division of Laikipia District where trial has been done?

Mr. arap Saina: Mr. Speaker, Sir, throughout Kenya, we have carried out satellite trials; soil sampling—

An hon. Member: Where in Laikipia?

Mr. arap Saina: I said throughout Kenya, Laikipia District included, and “throughout Kenya” means the whole Republic. We have carried out satellite trials of soil sampling. It is not only the question of availability of water in terms of normal precipitation, but, irrigation and the available water for that use. We have also to analyze the soils because coffee requires particular soil types with specific pH, and specific fertility. So, we have actually found that the soil in Laikipia is not all that good.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Are you satisfied that the Assistant Minister is replying to the supplementary question asked by hon. Muthura? He was asked: “What part in Central Division of Laikipia District was this done”, Let him tell us that part only; he should not tell us about the whole Republic, to avoid wasting time.

Mr. arap Saina: Mr. Speaker, Sir, I did not have to say the specific area, or the longitude or latitude where it lies. I said that we have carried out specific satellite sampling of soils including randomized areas in Laikipia; a randomized means picking from here, there, and even where the hon. Member is. So, we have sampled these soils and found that the soil in Laikipia is not suitable for coffee growing.

Mr. Muthura: On a point of order, Mr. Speaker, Sir. The Assistant Minister is bringing in a lot of contradictions. He has categorically stated that the Ministry of Agriculture has ruled out the growing of coffee in Central Division of Laikipia District. Then he says that there is a farmer in Laikipia growing coffee there. How is it that there is a farmer growing coffee there and yet the Ministry of Agriculture has ruled out the question of growing coffee there while one cannot grow coffee without a permit from the Ministry of Agriculture?

Mr. arap Saina: Mr. Speaker, Sir, you can grow coffee with the permission of the Coffee Board of Kenya which gives you a licence. But I said that one of the factors that are required in the successful growing of coffee is water, and water is limited in Central Division of Laikipia. I have also said that we did not actually rule out 100 per cent the growing of coffee there. I said that the possibilities of growing coffee in that area have not been good. I did not say that we have ruled out the growing of coffee there a 100 per cent. The hon. Member should pay attention and listen carefully.

Mr. arap Koske: Mr. Speaker, Sir, before I ask my question, I beg to apologize for coming in late.

No. 442

DISMISSAL OF MR. MARIERA ONGOSI

Mr. arap Koske asked the Minister for Labour—

(a) whether he is aware that a Mr. Mariera Ongosi, a former employee at Kerenga Engineering of Brooke Bond Limited in Kericho District was laid off with effect from 2nd March, 1987; and

(b) why he was laid off.

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

(a) The Minister is aware that Mr. Mariera Ongosi was laid off by his employers on 2nd March, 1987.

(b) The reasons for his dismissal were that on 5th February, 1987, and without any authority whatsoever, he was found doing his own private work during normal working hours using the employer's materials. The matter was reported; discussions were held between the employer and his union, and it was agreed that he be transferred to Kericho factory where he would swap with another employee—Mr. S. K. Ruto. Mr. Ruto moved to Kerenga Engineering, but Mr. Ongosi refused to move to Kericho factory. Accordingly, his services were terminated for refusing to accept this transfer.

Mr. arap Koske: Mr. Speaker, Sir, how many times was this employee warned prior to being sacked?

Mr. Obure: Mr. Speaker, Sir, that question does not arise because that was a case of gross misconduct

which merits summary dismissal. I would like to add that the matter was exhaustively discussed with the union representing him, and a format of payment was agreed upon, which includes 45 days in lieu of notice, plus the six days worked in the month of February.

Mr. Koske: Mr. Speaker, Sir, since this employee was only found sharpening a pen-knife, is the Assistant Minister satisfied that that was bad enough to make them lay him off after having worked for so many years in that company?

Mr. Obure: Mr. Speaker, Sir, this employee was not merely sharpening a pen-knife, but was making a sword using the employer's materials during working hours.

No. 597

PAYMENT OF N.S.S.F. BENEFITS TO MR. PAUL NGULI

Mr. Kikuyu asked the Minister for Labour—

(a) why Mr. Paul Nguli F. M. No. 119 715 368, former employee of New Iveti Coffee Growers Co-operative Society has not been paid his N.S.S.F. due since his retirement in August 1985; and

(b) when he will be paid.

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

(a) Mr. Paul Nguli, whose registered names are Paul Nguli Mutunga, has not been paid his benefits because his employer, Iveti Farmers Co-operative Society Limited, has not furnished the Fund with the details of his monthly contributions in respect of 1985, which is the only year in respect of which he is entitled to a benefit in this instance, as he had already received all his other benefits in respect of his previous employment in 1977.

(b) The District Compliance Officer, Machakos, has been requested to assist in obtaining Mr. Mutunga's monthly contributions from the employer. I would like to assure my hon. friend that Mr. Mutunga will be paid his dues as soon as possible upon receipt of this information.

Mr. Omido: Mr. Speaker, Sir, the Assistant Minister knows, and he is quite aware, that no worker should lose his benefits because of the Ministry's failure to supervise and make sure that employers submit the N.S.S.F. contributions to the Fund. Can he assure the House that he will take the necessary action to pay Mr. Mutunga his entitlement while the Ministry makes arrangements to claim it from the employer? Is it the Ministry's fault because their inspector should have discovered this and taken the employer to court.

Mr. Obure: Mr. Speaker, Sir, we are not talking about any possibility that this particular employee will lose any benefits. As a matter of fact, this employer, Iveti Farmers Co-operative Society, is a very responsible employer according to our records. The employer paid a sum of Sh. 49,372 in respect of its employees in 1985. Unfortunately they did not specify how much of this amount was to be credited to Mr. Mutunga's account. This is the only problem which we are trying to sort

[The Assistant Minister for Labour]

out. As I said, we would like to assure Mr. Mutunga, through his Member of Parliament, that the money will be paid. We are about to receive this information, and the money will be paid to him.

Mr. Kikuyu: Mr. Speaker, Sir, arising from the Assistant Minister's reply what we normally know is that an employer sends his cheque attached with the list of the people for whom he is paying the N.S.S.F. contributions. Why is the Assistant Minister implicating New Iveti Coffee Growers Co-operative Society for not having done that? This Society has done its part and Mr. Mutunga's hope is in the Machakos office which has lost the documents. This office is harassing this man and they are not helping him to get money. Can the Assistant Minister tell his office in Machakos to look for the documents and hurry up the matter so that Mr. Nguli gets his dues paid?

Mr. Obure: Mr. Speaker, Sir, I agree that all employers are supposed to submit a list of the contributions specifying to whom the various amounts would be credited. This Society has always done so in the past, except in this particular instance. We believe it was an oversight and that is why we have taken a rather lenient view with them. In respect to the second part of hon. Kikuyu's question, I would like to say that the District Compliance Officer, Machakos, has already been asked to visit this employer with a view to ascertaining the missing information. I am sure that that will be done any moment now.

Mr. Omido: On a point of order, Mr. Speaker, Sir. If the employer has not submitted the money up to this time, and by the time he remits it, the employee will have lost the interest for that money; what will the Assistant Minister do about it? Will he make sure that the employee does not lose that interest?

Mr. Obure: Mr. Speaker, Sir, as I said, the money is already with the N.S.S.F. and, indeed, it was paid in August, 1985, and it is already earning interest. So, there is no question of this particular employer losing any interest. As soon as the amounts are known, they will be credited to his account inclusive of interest, Sir.

Mr. Shikuku: Mr. Speaker, Sir, before I ask my question. I would like to apologize for being late.

No. 120

PAYMENT TO MR. JARED "ORINGO" BY PORTS AUTHORITY

Mr. Shikuku asked the Minister for Transport and Communications—

- (a) whether he is aware that Mr. Jared Oringo was paid KSh. 1,650 per voucher No. 42331 dated 1st July, 1985 by the Kenya Ports Authority; and
- (b) if so, what services Mr. Oringo rendered to the authority.

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Speaker, Sir, I beg to reply.

(a) According to records held by the Kenya Ports Authority, voucher No. 42331 dated 1st July, 1985, is not payable to a Mr. Jared Oringo and is not for KSh. 1,650 as suggested in the question.

(b) In view of my reply to part (a) of the question, part (b) does not therefore arise.

Mr. Shikuku: Arising from that reply, Mr. Speaker, Sir, which I believe is rather negative, if there was a mistake in typing the voucher number, why did the Assistant Minister not find out whether a Mr. Jared Oringo existed or exists, and whether he is an employee of the Kenya Ports Authority? Why did he not find out because there can be a mistake in voucher numbers?

Mr. Keriri: Mr. Speaker, Sir, we tried to find out, and if there is a mistake in the voucher number, then it is only the hon. Member who asked the question who knows how he got that voucher number. Nevertheless, in our endeavour to find out whether or not Mr. Jared Oringo existed at the Kenya Ports Authority, we found a voucher No. 46331 dated 1st July, 1985 for KSh. 1,650 payable to a Mr. Jared Orege and not to "Mr. Oringo." When we discovered this voucher, it had not been paid, and it was found to be faulty. The claim had been calculated at the rate of Sh. 300 per day instead of Sh. 200 per day. The voucher was cancelled and replaced with voucher No. 46816 dated 19th July, 1985, for KSh. 1,100, which was payable and was paid to Mr. Jared Orege at the rate of KSh. 200 per day, which was the usual correct payment.

Mr. Shikuku: Mr. Speaker, Sir, I thank the hon. Assistant Minister for his co-operation because there could be a typographical mistake. I thank him for being co-operative for the first time. He has become co-operative for the first time. Mr. Speaker, Sir, does he not agree with me, just as he said—that is why I put this question to him—that there was a mistake in the payment of Mr. Orege because he had been overpaid? He agrees with me that this was a mistake. Therefore, hon. Shikuku is really the people's watchman, who knows when things go wrong, and he knows it. Does he not agree with that?

Mr. Keriri: Mr. Speaker, Sir, whether hon. Shikuku is watchman or not—If he is a watchdog, he barks at the wrong time because he gave us the wrong name and the wrong figure, and so he must have been barking at the wrong time, and at the wrong person because a friend came in and he called him an enemy. Anyway, the point is—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to reduce my status to that of a dog because no watchman barks? Is he not reducing my status of being the people's watchman to that of a barking dog? It is only a dog that barks; no watchman barks.

Mr. Keriri: Mr. Speaker, Sir, I should have said that he blew the whistle for the wrong person. This money cannot be paid. The discovery of the wrong payment was made before the money was paid and, therefore, Mr. Orege was not overpaid. It might be necessary to give the details of the payments to my hon. friend. When somebody prepares a voucher, it goes to somebody else to be examined; somebody else authorizes, and lastly another person pays. In that process, it was discovered that the voucher had been wrongly prepared. Therefore, another voucher was prepared.

Mr. Shikuku: Mr. Speaker, Sir, arising from that reply, would the Assistant Minister be kind enough to tell us whether Mr. Orege is entitled to that sort of allowance because my information is to the effect that he is not?

Mr. Keriri: Mr. Speaker, Sir, again the hon. member is wrong. His information is wrong. Mr. Orege is an administrative police constable. I have his personal number which is 209836. He is assigned to security duties at the Kenya Ports Authority. This is a man who travels on duty for the Kenya Ports Authority. The arrangements between the Kenya Ports Authority and the Office of the President is that officers attached to the Kenya Ports Authority for security purposes, if they travel on duty, have to be paid by the Kenya Ports Authority, and this was done.

Mr. Shikuku: Mr. Speaker, Sir, the hon. Assistant Minister is admitting something which is very serious. Could he tell the House why the Managing Director should be provided with security? Does he carry money with him? Is he so important? Even the Minister himself does not have a bodyguard. What is he?

Mr. Keriri: Mr. Speaker, Sir, I did not say that. In fact, that is news to me.

Mr. Speaker: Let us go back to Mr. Mwachofi's question.

No. 497

NON-PAYMENT OF FIELD ALLOWANCE TO GRAVELLING PROJECT WORKERS

Mr. Mwachofi alimwuliza Waziri wa Uchukuzi na Mawasiliano—

- (a) kilichosababisha kusimamishwa kwa malipo ya nje (field allowance) kwa baadhi ya wafanyakazi wa kituo cha Kenya East Graveling Project Kitui tangu 1985 hadi leo ni nini;
- (b) kilichosababisha kutokupelekwa michango ya N.S.S.F. ya wafanyakazi zaidi ya 150 tangu mwaka 1978 hadi 1985 ni nini; na
- (c) ni hatua gani zinazohukuliwa kurekebisha haya makosa.

The Assistant Minister for Transport and Communications (Mr. Keriri): Bw. Spika, nasikitika sikusimama kujibu hili swali lililoulizwa kwa mara ya kwanza kwa sababu sikusikia. Nilikuwa na mambo mengine upande mwingine. Bw. Spika, naomba kujibu.

(a) Wafanyakazi ambao hukaa katika makao makuu ya kambi ya Kenya East Graveling Project hawaohukuliwa kama wafanyakazi wa nje, bali huwa wako katika makao yao ya kazi ambako hawastahili kupata malipo ya nje. Wafanyakazi hawa wa kambi kuu ya Kenya East Graveling Project walikuwa wakipata malipo ya nje kwa makosa, na hii ilisimamishwa wakati makosa hayo yalipogunduliwa.

(b) Mkurugenzi wa N.S.S.F. ameshathibitisha kuwa amekwishapokea makato (deductions) ya pesa za N.S.S.F. ya wafanyakazi wanaofanya kazi na Kenya East Graveling Project kutoka mwaka wa 1978 mpaka 1985.

(c) Pesa hizi za N.S.S.F. bado hazijawekwa kwa akiba, yaani akaunti ya kila mfanyakazi kwa sababu pesa hizi zilikuwa zimechelewa kufika makao makuu ya N.S.S.F. kutoka kwa ofisa wa Kitui ahusikanaye na pesa hizi. Sasa pesa hizi zinaendelea kuwekwa kwa akiba ya kila mfanyakazi.

Mr. Mwachofi: Bw. Spika, katika sehemu za (b) na (c) za jawabu la Waziri Msaidizi, amesema wazi kabisa kwamba Mkurugenzi wa N.S.S.F. amekubali kwamba amepokea hizi pesa, na akaendelea kusema kwamba zilikuwa zimechelewa kufika makao makuu ya N.S.S.F. kutoka kwa ofisa wao aliye Kitui. Kwa hivyo, sasa ndio zinaanza kuwekwa katika hesabu za watu. Ningependa alieleze Bunge ni kwa nini pesa hizi zilichelewa, na ni lini hasa zilipofika? Pia, faida ambayo imepotea katika kipindi kile ambacho zilikuwa bado hazijafika katika makao makuu ya N.S.S.F. hawa wafanyakazi wataipata vipi?

Mr. Keriri: Bw. Spika, kwanza, tunapeleleza sababu gani pesa hizi hazikufika zilipotakiwa kufika katika makao makuu ya N.S.S.F. Tena siwezi kusema ni siku gani hasa zilifika. Lakini kwa ile faida ambayo Mhe. Mbunge anasema eti ilipotea, hakuna faida yo yote ambayo ilipotea kwa sababu pesa hizi zitaendelea kupata faida kwa N.S.S.F. mpaka zitakapolipwa.

Mr. Mwachofi: Jambo la nidhamu, Bw. Spika. Waziri Msaidizi analipotosha Bunge. Yeye mwenyewe anakubali kwamba hawa wafanyakazi 150, michango yao ya N.S.S.F. kutoka mwaka 1978 mpaka mwaka 1985, ilikuwa haiendi ama haifiki kwa makao makuu ya N.S.S.F. Sasa ndio anakubali imefika. Anaposema eti faida haikupotea, si analipotosha Bunge? Kama zilikuwa hazijafika kwa huu wakati wote, faida hiyo itatoka wapi, kama si Bunge analipotosha? Yafaa aeleze ni kwa nini zilichelewa; zilifika lini, na faida hiyo itapatikana vipi?

Mr. Keriri: Bw. Spika, kama tajiri hakupeleka pesa kwa N.S.S.F. kwa wakati unapofaa. N.S.S.F. humpiga faini yule asiyezipeleka. Hata ikiwa ni Serikali, ni tajiri au employer. Pesa za mfanyakazi haziwezi kupotea kwa sababu ni makosa ya tajiri. Hiyo ndiyo kesi itakayokuwa baina ya mfanyakazi, tajiri na N.S.S.F. Kama Wazara itaambiwa ilipe gharama hiyo ni lazima, kulingana na sheria, ilipe.

QUESTIONS BY PRIVATE NOTICE

RE-LOCATION OF HERALD PUBLISHING PRESS

Mrs. Asiyo: Mr. Speaker, Sir, I beg to ask the Minister for Culture and Social Services the following Question by Private Notice:

- (a) Is the Minister aware that the Seventh Day Adventist Church is intending to remove the Herald Publishing Press from Kendu Bay to some other place?
- (b) If the answer to (a) above is in the affirmative, where is it being re-located, and what are the reasons for this move?

The Assistant Minister for Culture and Social Services (Prof. Sumbi): Mr. Speaker, Sir, I beg to reply.

[The Assistant Minister for Culture and Social Services]

(a) I am not aware that the Seventh Day Adventist Church is intending to remove the African Herald Publishing House from Kendu Bay to any other place.

(b) The Seventh Day Adventist Church East Africa Union has confirmed that it has no intention of removing the press from Kendu Bay. That is contrary to reports appearing in the local press. The Union has never had any intentions of re-locating the Publishing House.

Mrs. Asiyo: Mr. Speaker, Sir, I wish to thank the Assistant Minister for having, at least, confirmed that the Church says that they have no intention of removing the publishing house from Kendu Bay. But have they at any time, in the last three months, discussed the idea of moving the press from that place to Limuru?

Prof. Sumbi: Mr. Speaker, Sir, according to my knowledge, there have never been such discussions, and to confirm that this press is not going to be removed from the hon. Member's constituency to any other place, there is a press release dated 29th September, 1987, by Pastor F. K. Wangai, Executive Director, Seventh Day Adventist Church, Kenya. This press release was also reported in the *Standard* dated 30th September, 1987. The Press release reads, and I quote:

"The Seventh Day Adventist Church East Africa Union would like to inform all wananchi that we have no intentions of moving African Herald Publishing House from Kendu Bay to Limuru.

Further, contrary to reports appearing in local newspaper, let it be noted that we have never had any intentions of re-locating this Publishing House.

The information circulating in the newspapers regarding this alleged move is just as surprising to us it is to you".

Mr. Omido: Mr. Speaker, Sir, in his reply, the Assistant Minister told the House that he has received confirmation from the Church that they have no intention of moving the Publishing House to any other place. Was this in writing or verbal? If it was in writing, could he lay the documents on the Table of the House?

Prof. Sumbi: Mr. Speaker, Sir, I think I have already answered that question I have just read a press release, and it is reported in the local dailies. I think that is enough.

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. The hon. Member for Karachuonyo took a lot of effort in asking this question on behalf of her constituents, and an Assistant Minister in the Government comes here and tells us that he read his answer from a press release. Does he do his work in the Ministry; does he study his work seriously; does he contact the people he is supposed to, before answering here, or he comes here and answers using press releases?

Prof. Sumbi: Mr. Speaker, Sir, the Press release that I have read was an attachment to a letter from the church. I did not read it from a newspaper; it is information that came from the church to the Ministry. I have only quoted where that information appeared in the newspaper. So, I am saying that the hon. Questioner and Members in this House have been assured

that that publishing house is not moving. I think that was the essence of the question.

Mr. Omido: Mr. Speaker, Sir, the Assistant Minister has again said that the press release was attached to a letter from the church. So, can he lay that letter on the Table?

Prof. Sumbi: Mr. Speaker, Sir, if the House, or the Chair, feels it is necessary that I bring that particular letter from the executive director to the Ministry, then I should be given time to do just that.

FAILURE TO REMIT FOREIGN EXCHANGE BY BANKS

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

(a) Will the Minister tell the House why the Biashara Bank of Kenya and the Bank of Commerce and Credit International did not remit KSh. 600 million to the Central Bank of Kenya after sales of coffee as required by foreign exchange regulations?

(b) Which other banks are involved?

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, I would like to inform the hon. Member, and indeed the House, that the gist of this question is really the subject of a case in court now.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I know what the hon. Minister is talking about, but this question is not referring to anything at all which is in the court; I have been in this House long enough to know that that is not allowed. The question is only asking the Minister to tell us why this money was not remitted. I am not going into the details of who did it and when he did it. I am only asking why the money was not remitted.

(There was noise in the Chamber)

Mr. Speaker: Order! If you read the question carefully, you will see that there are references to matters which are already in court. So, we cannot continue with it.

NON-PAYMENT OF PENSION TO MR. OSCAR KIBAGENDI

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

(a) Is the Minister aware that a pensioner, Mr. Oscar Nestor Kibagendi, APN/PC 13660 of P.O. Box 416, Kisii, has not received his pension dues for the month of March, 1987?

(b) Is he also aware that no adjustment has been made to increase his pension to reflect the changes in the Pension Amendment Act?

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

(a) I am aware that Mr. Kibagendi did report non-receipt of his March, 1987, pension cheque *vide* his letter dated 21st June, 1987. The cheque was returned unclaimed. The Ministry has posted a replacement cheque, No. CA488613, dated 13th October, 1987 through P.O. Box 416, Kisii.

[The Minister for Finance]

(b) I am aware that the adjustment has been done on Mr. Kibagendi's case. He will be paid his pension increase together with his monthly pension for October, 1987.

Mr. Abuya-Abuya: Mr. Speaker, Sir, while appreciating the answer given by the Minister, could he tell the House why the Ministry had to wait for all this time until a question was brought to this House in order for the Ministry to forward the cheque? The Minister says that they forwarded the cheque on 13th October, 1987, and yet there has been several letters from this pensioner to his Ministry, which have gone unanswered.

Prof. Saitoti: Mr. Speaker, Sir, I would only like to inform the hon-Member that the cheques in respect of the pension of the said gentleman have all been posted through the post office number which has been provided by the gentleman in question. However, any time the cheque is sent, it has been returned unclaimed, and replacement cheque has always been made out and sent. So, the fault is not really with the Ministry.

POINTS OF ORDER**MISREPORTING BY "THE STANDARD" NEWSPAPER**

The Assistant Minister for Local Government (Mr. Marita): On a point of order, Mr. Speaker, Sir.

I stand on a point of order in connection with a question which was asked by hon. Gachanja yesterday. The question was put to the Ministry of Local Government and I stood and answered it. But I was surprised this morning to read in *The Standard* that the question was answered by hon. Mwita, an Assistant Minister in the Office of the Vice-President and Ministry of Home Affairs. In fact, hon. Mwita was not in this House yesterday. So, I am requesting the Chair to ask that particular reporter of *The Standard* to correct his report and put the record straight.

**DELAY TO HOLD ELECTIONS BY THE COFFEE BOARD—
STATEMENT SOUGHT**

Mr. Karuri: On a point of order, Mr. Speaker, Sir. My point of order is in connection with the Ministry of Agriculture and the Coffee Board of Kenya. According to the Coffee Act, the Coffee Board of Kenya expired on 6th August, 1987. This is because the board members are elected to serve in office for only three years. So, I would like the Minister for Agriculture to make a Ministerial Statement in this House to clarify this matter. He should make this matter clear to the people in this country as to whether the law has changed, or the Coffee Board that is there now is acting illegally. This is because they were supposed to have held elections before the 6th August, 1987. But these elections were not held, and the board, according to the Act, expired on the 6th August, 1987.

Thank you, Mr. Speaker, Sir.

**SURPLUS MONEY AFTER COMPLETION OF LODWAR
SCHOOL**

The Assistant Minister for Education (Mr. Kisiero): On a point of order, Mr. Speaker, Sir.

Last week, when I was answering a question by hon. Ekidor, regarding a secondary in Lodwar, the House wanted to know the amount of money that had not been spent in the construction of the Tuition Block and teachers' houses. I now wish to inform the House that a sum of KSh. 12,000 has still to be spent on the completion of the tuition block as well as the teachers' houses. Also a certificate for the project in question has been issued by the District Development Officer, the District Commissioner, Turkana, and the Provincial Planning Officer.

MINISTERIAL STATEMENT**AUTHORITY FOR COFFEE CONFERENCES GIVEN**

The Minister for Co-operative Development (Mr. Wanjigi): Mr. Speaker, Sir, I am not the Minister for Agriculture but just to put the House at rest, I would like to say that the coffee conferences which should be held on regional basis were slightly delayed because of two things; first of all, there was an International Coffee Organization conference in London to which the Chairman of the Board of Kenya and most of his people had to go. However, authority has now been given so that the pre-conferences for delegates in various regions of the coffee-growing zones can be held. These will, of course, end up with the annual conference from which the delegates will be elected. So, there is question of changing the law. It is only that this was an unavoidable delay. But authority has now been given so that the pre-conference meetings can be held.

Mr. Karuri: Mr. Speaker, Sir, since the Minister for Co-operative Development has chosen to respond to that point of order, I would like him to clarify whether there was some difficulty in convening the meeting, and whether that makes it legal for the Board to continue staying in office after its expiry date. I am sure that the Board members are paid allowances and they make decisions. If the Board made decisions when their period had already expired according to the law, would those decisions be legal? Would the allowances they are receiving be legal? I do not think that the delay changes the law.

The Minister for Co-operative Development (Mr. Wanjigi): Mr. Speaker, Sir, there is nothing illegal about the existence of the Coffee Board of Kenya. All I am saying is that there are explainable causes for the delay which, I am sure, the hon. Member would appreciate. There is nothing illegal about the existence of the present Coffee Board of Kenya. They have done nothing illegal.

BILLS**First Reading****THE HIDE, SKIN AND LEATHER TRADE BILL****THE CONSTITUTION OF KENYA (AMENDMENT) BILL****THE SECTIONAL PROPERTIES BILL**

(Orders for First Readings read—Read the First Time—Ordered to be read the Second Time tomorrow)

MOTION

DISAPPROVAL OF SESSIONAL PAPER NO. 7:
LOAN GUARANTEE TO KENYA PORTS AUTHORITY

THAT, this House resolves not to grant approval to the proposed Government guarantee of a loan to the Kenya Ports Authority as contained in Sessional Paper No. 7 of 1987 laid on the Table on 14th July, 1987.

(Mr. Shikuku on 29th July, 1987)

(Resumption of Debate interrupted on
14th October, 1987)

Mr. Shikuku: Thank you very much, Mr. Speaker, Sir. I wish to conclude my speech by summarizing it for the benefit of those who have not been here.

When the House adjourned yesterday, I was in the process of—I had already read a list showing who was lent money by the Kenya Ports Authority, and how much money was. The amount of money invested on long-term basis comes to Sh. 458,504,211.05.

Mr. Karauri: On a point of order, Mr. Speaker, Sir. With all due respect to hon. Shikuku, he says that he is going to summarize what he said yesterday for the benefit of those who were not here. Does that not constitute repetition? If he said something and some hon. Members were not here, can he not move ahead without repeating what he said yesterday?

Mr. Shikuku: Mr. Speaker, Sir, that in technical language will mean repetition, which is contrary to Standing Order No. 87, which I do not wish to quote. But I would like to say here that I am not going to repeat what I said yesterday. I have certain points that I want to raise here, and I have lettered them from (a) to (f). I will be very brief.

I know that when I sit down, the Minister responsible and all those who are of his thinking are going to tell the House, "No, Mr. Shikuku is stopping or standing in the way of development". This is what is going to be said: "We want this money urgently because we are going to lose business if we do not do these things urgently." That is not so, Mr. Speaker, Sir, because I took pains to go to the Kenya Ports Authority at my own expense, and I know that we require that berths are repaired. I know that they are asking for berths 11 to 14 to be repaired but if you go there, you will find that we require repairs for even berths 16 to 18, because big woods and rubber are usually placed between the concrete and the ship. I was there on 5th October, and I know that they require repairs, but they have done nothing; that section requires repairs.

As concerns repairs, we are going to be told, "We require foreign currency because we have got to import some materials to facilitate the repairs and renovations and whatever is required." The facts are and hon. Members should understand, that from berths 16 to 18, all we need are big logs of timber and rubber to serve as cushion for the ship when they come to anchor, so that they are not scratched by steel. You cannot tell me these things are going to be obtained from Europe. I do not think so. We have enough huge logs and rubber here, which could be used to make sure this is done.

Mr. Speaker, Sir, I understand what they want to do is to modernize berths 11 to 14. These berths were not meant for containers. They want to repair the berths, harden the ground; and also demolish the present stores, which they use to keep goods from the ships, to accommodate containers. When I asked the people concerned what they do to harden the ground, they informed me that one requires cement; a product which is available at Bamburi Portland Cement Factory. They also need concrete which can be made available locally. So, technicians who had hardened berths 16 to 18 could do that job again. So, we do not need foreign currency for that work.

Mr. Mwavumo: Bw. Spika, nasikitika kumkatiza Mhe. Shikuku, lakini ningependa kumfahamisha kwamba mahitaji tunayotakia hizi pesa si ya berths peke yake. lakini pia ni kutengeza upya oil jetty ya Kipevu na Terminal ya Shimanzi.

Mr. Shikuku: If the hon. Member could only pay attention and wait, he would have been told that the hon. Member speaking knows what he is talking about, and has the Sessional Paper No. 7 with him right here. We are debating Sessional Paper No. 7 which says in clause (iii) as follows:

"A loan has been secured from European Investment Bank for financing repairs, rehabilitation, a new construction of berths 11 to 14, Shimanzi Oil Terminal and Kipevu Terminal in the Port of Mombasa as more particularly described in appendix attached hitherto".

Mr. Speaker, Sir, as I stated earlier, when the Minister was laying the Sessional Paper on the Table, for some unknown reason, he did not lay the appendix on the Table, and he has not done so up to-date. So, whether this is legal or not, I do not know. I do not know really whether we should continue debating this Sessional Paper because there is a technical problem here. I am saying this because the Paper we are now debating is incomplete. So, whatever the Minister had in mind, he should stand up and explain to the House; otherwise, we cannot accept the Sessional Paper the way it is. He ought to have appended the Sessional Paper when laying it on the Table. So, we are debating a faulty and incomplete Sessional Paper.

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, just to put the records straight, I do agree with the hon. Member that the appendix he is referring to was indeed omitted. However, all the relevant details, as far as that appendix is concerned, are fully covered under Paragraph 9 of the Sessional Paper. So, the Paper, as it stands, is complete.

Sessional Paper is complete. I am saying this because clause 3 states: "described in the appendix—", but the Sessional Paper does not have an appendix. However, if the appendix is contained in clause 9 why then refer to the appendix?

Mr. Shikuku: Mr. Speaker, Sir, the Minister cannot say that he agrees with me, and later he says that the

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, I had accepted the fact that there was an omission, and I have no reason whatsoever to conceal that fact.

[The Minister for Finance]

At the same time, Sir, I have stated quite clearly that what was in that appendix is fully covered in the full text of the Sessional Paper. So, the Sessional Paper, as it stands in terms of the essence, is complete.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. My point of order is this now that the hon. Minister for Finance has admitted that there was an omission of this appendix, would I not be in order to ask him to bring that appendix, so that we can see whether it is really in conformity with what he is now saying, before we can continue with this debate; so that we have the complete picture of what he had in mind when he said that the appendix should be attached to the Sessional Paper?

The Minister for Finance (Prof. Saitoti): I beg to lay the appendix on the Table, Mr. Speaker.

(Prof. Saitoti laid the document on the Table)

Mr. Kikuyu: On a point of order, Mr. Speaker, Sir. Although I may not be very familiar with the Standing Orders, do we now take it that the appendix which the Minister has now laid on the Table is deemed to have been laid at the same time with the Sessional Paper? If we do not do take it as such, are we then discussing something which is valid?

Mr. Speaker: No, what had happened has been corrected. Let us move on.

Mr. Shikuku: Mr. Speaker, Sir, the hon. Minister has just laid a document on the Table, which he says is the appendix to this Sessional Paper. However, I have not read this appendix and, therefore, my conclusion is going to be based on the Sessional Paper, minus the appendix. When hon. Members were given this Sessional Paper, it did not have an appendix. How are they going to debate it fully, when its appendix is just being laid on the Table now? I would like to co-operate with the Minister and, therefore, I would like to suggest that it would be appropriate to adjourn debate on this Sessional Paper, so that we can get the chance to look at it. I might as well withdraw my Motion, if the appendix is reasonable, but I do not know what it contains. So, I would rather we adjourn debate on this Sessional Paper now.

Mr. Munyao: On a point of order, Mr. Speaker, Sir. In view of the fact that when the Minister was laying the Sessional Paper on the Table he forgot to include the appendix, which he has just laid on the Table; and since every hon. Member would like to look at this appendix; according to our Standing Orders, would I be in order to move that debate on this Sessional Paper be adjourned to give hon. Members enough time to read the appendix, so that they can debate the Sessional Paper fully? At the moment, the Minister for Finance has already confused the House.

Mr. Mwachofi: Mr. Speaker, Sir, I am standing to second the proposal by hon. Munyao, that debate on this Sessional Paper be adjourned.

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, I would like to submit to this House what I had submitted earlier on; that is, the appendix was not part of

the Sessional Paper as laid on the Table of this House, and that it was left out. However, I would like to assure this House that this Sessional Paper, as it stands, is complete. I would like to submit, therefore, Sir, that Paragraph 9 caters clearly for what was supposed to be referred to, in as much as the appendix was concerned. This is in reference to the Current Contingent Liabilities of the Government, in respect of the guarantee under section 2 of the Guarantee Loans Act, and all the figures are contained here. Therefore, Sir, I submit that this Sessional Paper, as it stands, with paragraph 9, incorporated, is complete.

Mr. Wamae: On a point of order, Mr. Speaker, Sir. The appendix has been mentioned in the main Sessional Paper which says, "The appendix is enclosed". However, the appendix was not enclosed in the Sessional Paper. It is now for us, as hon. Members, to be convinced that this appendix, which has now been laid on the Table, states the same as clause 9. Why should the Minister dictate to us to believe that they are the same?

The Minister for Co-operative Development (Mr. Wanjigi): On a point of order, Mr. Speaker, Sir. I have had a chance to look at the appendix which is—

Hon. Members: We have not read it!

Mr. Speaker: Order!

The Minister for Co-operative Development (Mr. Wanjigi): No, I know you have not read it. However, the appendix which is on one page is very important, and I would say that in the course of the debate, to which the Mover will also have a chance to respond at the end, he will have read the details contained here. In fact we have nothing to make us doubt the Minister for Finance, since all the details contained in the appendix are contained in paragraph 9, and all the hon. Members will have enough chance to look at the one-page appendix and satisfy themselves that paragraph 9 does summarize all that is contained in the appendix. Therefore, I think instead of adjourning the debate, we should carry on because the Mover will have a chance to look at that one-page appendix.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I thought hon. Munyao moved according to Standing Order No. 45 that the debate on this matter be adjourned, and I saw hon. Mwachofi standing to second him. Are we now debating whether or not to adjourn the debate because the Motion has been moved and seconded. The only thing that has not happened is that the question has not been proposed. But the fact remains that hon. Munyao moved that we adjourn debate on the Motion under Standing Order No. 45; we can move such a Motion without Notice of Adjournment of a debate on a given matter.

Secondly, Mr. Speaker, Sir, when you talk of a Paper being laid, it must be complete. You cannot at a given moment add something else.

(Applause)

We debate what was laid on the Table, but we can not debate something else which will be brought later. So, it is unfair, and I think it is in the spirit of togetherness and understanding that we should try as much as

[Mr. Shikuku] possible to keep to the rules of this House. Hon. Members must be given that appendix even if it is made of one line—we are told it is one page—to be able to read it, so that they can come fully informed as to what they are going to debate on. My debate all along has been on that Paper which I saw, but I do not know what is in the appendix. In all fairness, the Attorney-General should come in and tell the House whether this Paper refers to the appendix, which was not attached. So, we should just co-operate rather than push things; we are not leaving for heaven tomorrow. We should get the appendix first. We want all the development for this country. It is in that spirit that we should adjourn the debate on this Motion because it has been moved and seconded. I think we should—

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

Mr. Speaker: Just a moment please.

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

Mr. Wamae: On a point of order, Mr. Speaker, Sir. My point of order is very brief. We want to co-operate as much as possible. This is not really a confrontation or anything like that. If the appendix can be made available today, we can continue with the debate on Wednesday next week. We do not have to wait for seven days because we want to co-operate. All that we want is just to look at that appendix, so that we can be able to debate effectively.

The Minister for Finance (Prof. Saitoti): Mr. Speaker, Sir, I would like to thank the hon. Member for that proposal and at the same time I would like to allay the fears of the hon. Members that we are not trying to push a certain document here which contains fictitious figures. I will go along with that proposal, that we adjourn the debate today to Wednesday next week, so that that particular appendix would be made available for the hon. Members to go through it and convince themselves, as I have already proposed to the House, that it does not contain anything new other than what is contained in paragraph 9 of that Paper.

Mr. Speaker: Is that agreed?

Hon. Member: Yes, Mr. Speaker.

ADJOURNMENT OF DEBATE ON MOTION

The Minister for Transport and Communications (Mr. Magugu): Mr. Speaker, Sir, I beg to move that debate on this Motion be adjourned until Wednesday, 21st October, 1987.

The Minister for Finance (Prof. Saitoti) seconded.

(Question put and agreed to)

Mr. Speaker: Next Order.

BILL

Second Reading

THE WEIGHTS AND MEASURES BILL

The Minister for Commerce (Prof. Ng'eno): Mr. Speaker, Sir, I beg to move that The Weights and Measures Bill be now read a Second Time.

Sir, proper use of weight and measures is extremely important in the life of any nation. To quote from one John Adams, who at one time was a Secretary of the United States in 1821, weights and measures may be ranked among the necessities of life to every individual human being. They enter into economic arrangements and daily concerns of every family. Therefore because of the importance of weights and measures, I want to point out a few points in moving this Bill.

The present Weights and Measures Act, Cap. 513 of the Laws of Kenya, was enacted in 1951, and since then amendments have been from time to time to meet various needs. However, over the years, many changes in trade practices have taken place, and also great technical advances in the manufacture and design of weighing and measuring equipment have occurred. Thus, whereas at the time of the enactment of the Act in 1951 there were only simple mechanical weighing and measuring which the Act controlled, we now have new manufacturing techniques involving sophisticated types and designs of equipment, some of which are constructed and designed on electronic principles. The 1951 Act is also inadequate and outmoded because it has not kept pace with the present day revolutionary practices in trade and mass production, where pre-packaging in industries is the order of the day. These changes, both in weighing and measuring technology and pre-packing of goods ready for sale, have made the 1951 Act rather static. There is, therefore, need—and I might say an urgent one—to provide for fresh legal provisions to cover and control these new changes in weights and measures in a wider scope, so that the consumers may be accorded adequate protection. The proposed Weights and Measures Bill is, therefore, intended to meet these needs.

Secondly, Sir, with the introduction of the metric system of weights and measures by the Metric System Act, Cap. 523 of the Laws of Kenya, coupled with the recommendations of the International Organization of Legal Meteorology of which Kenya is a member, the imperial weights and measures that were legalized under the Weights and Measure Act have become obsolete. The Weights and Measures Bill is intended to legalize the international system of units based on the metric system of standards and weights and measures as the only legal units of weights and measures in Kenya. This will bring the Act into line with the international trend in weights and measures legislation, by relating our standards with international standards, thereby ensuring that our exports are acceptable internationally.

Thirdly, Mr. Speaker, Sir, it is proposed to define the seven international base units of measurements which may be used for trade purposes in the Republic of Kenya. The seven base units are provided in the Bill, but I will still refer to them here. One is the kilogram for the measurement of mass or weight. The second one is the metre, which is used for the measurement of length. The third is the second which is used for the measurement of time. The ampere, which is used as a measurement for electric current is the fourth. The fifth one is the kelvin, which is used for measuring thermodynamic temperature.

[Minister for Commerce]

Then we have the candela, which is used for the measurement of luminous intensity. Lastly, there is the mole which is used to measure the amount of substance.

Mr. Speaker, Sir, it is also proposed to give the Minister the power to declare, in relation to these seven base units, such other supplementary or derived units and other units. The units relating to the imperial system of standards, which have become obsolete with time, should be excluded from our statutes.

Fourthly, Sir, the Weights and Measures Act, as it is currently, requires the Kenya Primary Standards to be periodically submitted to England to be verified and justified if necessary, by comparison with the United Kingdom standards. This arrangement is quite unsuitable, and it is therefore, proposed to remove this necessity by empowering the Minister for Commerce to appoint, from the international authority, persons to examine and verify these standards. This will enable the Kenya Primary Standards to acquire international recognition, which is necessary for international trade and commerce. Likewise, all other standards down to the trade standards will bear a relationship with these standards.

Fifthly, Mr. Speaker, Sir, it is intended to accord benefit to all who deal in goods or engage in services in which the determination of quantity is a material factor. This is ensured by introducing comprehensive provisions relating to weighing and measuring equipment in use for trade and by introducing a far-reaching definition of the term for use for trade in order to cover all instances where weighing or measuring is done involving a consideration for the transferring or rendering of money, or money's worth or the making of a payment in respect of any toll or duty.

Sixthly, Sir, it is further proposed to introduce controls on the accuracy of weighing and measuring apparatus used in trade by embodying new provisions for the approval of all new patterns of weighing and measuring equipment intended for use for trade.

Lastly, Mr. Speaker, Sir, it is intended to devise new controls in transaction in goods by techniques which produce a result aiming more to inform the purchaser of the quantity of what he buys. It envisages the necessity of specific control in respect to quantity in the sale of goods in all appropriate aspects. Provisions will be made for general requirements and prohibitions in respect of sale of goods, and it gives the Minister wider powers of making rules and orders to keep abreast of new developments in the control of sale by quantity. This flexible technique is essential because the law applies in intricate detail to a complex and changing subject.

With those few remarks, Mr. Speaker, Sir, I beg to move.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is there nobody who is going to second this Bill?

The Minister for Planning and National Development (Mr. Omanga): May I ask the hon. Member to be a little bit patient. I beg to second The Weights and

Measures Bill. It is absolutely necessary that this Bill should have been presented to the House and, in fact, it is long overdue.

The question of measures is very important in terms of the economy. At source, it is a thing that will ensure that there is fair play by the person who is selling whatever he is selling for whatever price, so that there is no cheating in any way, and there are no undue advantages taken. We are at present dealing with the question of maintaining standards. Kenya is well known for the efforts it has made to have industrial standards, which are very important. That is why we have the Kenya Bureau of Standards. While we have standards which are under constant review and are being maintained, it is necessary that there should be legislative support for the activities that we are doing.

QUORUM

Mr. Speaker: Yes, we do not have a quorum. Ring According to our Standing Order No. 24, there should be 30 hon. Members here, but I can only see 17 of them. A few minutes ago, there were many of them here but they are no longer here. This is because they were coming to vote.

Mr. Speaker: Yes, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Speaker: All right, we now have a quorum.

The Minister for Planning and National Development (Mr. Omanga): Thank you, Mr. Speaker. As I was saying, I rise to second this Bill. It is a Bill whose repeal or amendment is long overdue, and the current position does not bear relation to the realities of life in the sense that a lot has taken place since the present Act was enacted. We have, for example, changed from imperial measures, and this should be reflected. Kenya is well known for its maintenance of standards, and it is important that ordinary and regular businesses should have the force of law, and that is exactly what we are trying to give to them.

Mr. Speaker, Sir, hon. Members will notice that the Bill is planned to deal with the question of measurement of weight or mass, so that people trading and having to do with weights do know exactly what is meant by weights and measures. If this is not the case, there can be a lot of cheating, particularly to the ordinary mwananchi who may not know what he is entitled to. In this respect, I beg to say that sometimes we have seen, in shops, people weighing sugar, not by the scale but by putting it in some pieces of paper or packets and telling wanananchi that that is the amount of sugar they wanted. We have also seen cases of shopkeepers trying items with pieces of ropes. This is what the Bill intends to do away with. It intends to make sure that we know what our standards and measurements are, so that when the Ministry officials go to inspect weights measures they know exactly what law they can use in punishing those people who cheat wanananchi.

Mr. Speaker, Sir, if you go to some places like Bia-sara Street, you will find that there has been a lot of

[The Minister for Planning and National Development] cheating of wananchi who may not have the patience to see exactly how things are being weighed or measured. Sometimes you find that the person who is measuring cloth, instead of using the actual metre ruler or tape-measure, will place the cloth on the counter length-wise and sometimes they use some markings on the counter to measure the cloth. If there was a lot of material to be measured, you can imagine the amount of money he is making out of it.

So, this Bill is absolutely important and now that it has come to the House, we know that we are going to legislate on matters relating to weights and measures in relation to weight, area in terms of hectares and square metres and capacity. I know, for example, that without the proper legal machinery, even those officers who are doing an excellent job in the Department of Weights and Measures would have a rough time. I say this because I happened, at one stage, to have been associated with that Ministry, both as a Permanent Secretary and later as the Minister. So, I know that those officers would find it very difficult to operate. They would also find it very difficult to operate. They would also find it very difficult to get legal support when they take people to court. I, therefore, hope that hon. Members will agree that this Bill be passed as quickly as possible, and that they will support it. In fact, any delay in passing this Bill now means that there are irregular and illegal activities going on in relation to weights and measures.

Mr. Speaker, Sir, I beg to second.

(Question proposed)

Mr. Shikuku: Bw. Spika, ningependa kuzungumza juu ya Mswada huu. Jambo la kwanza ambalo ningependa kusema ni kwamba Mswada huu umechelewa kwa karibu miaka 20. Swali ni hili: wakati huu wote, Mawaziri waliokuwa katika Wizara hii walikuwa wakifanya kazi gani? Ndiyo sababu saa nyingine wanasema, "Huyo Mbunge wa Butere ni matata; na anapinga vitu". Lakini ninapinga kwa ukweli. Wanawake kule Bomet, Butere, na kila mahali wanasumbuliwa na vipimo hivi. Hata Mhe. Shikuku akienda katika kituo cha petroli, husema, "Nipe petroli ya Sh. 20". Mambo yote kuhusu vipimo vya metriki, lita na vipimo vingine bado yananisumbua. Wale akina mama walioko katika sehemu za mashambani watavijua hivi vipimo? Wale waliyajua haya mambo ya metriki na kadhalika wamewaibia kwa muda gani? Wamewaibia kwa miaka 20.

Kwa hivyo. Bw. Spika, ijapokuwa tunamshukuru Waziri huyu ambaye ameuleta Mswada huu, hatuwezi kukosa kuuliza kwa niaba ya wale watu ambao wametuchagua kuja katika Bunge hili ni kwa nini jambo kama hili halikufanyika mapema.

Siku hizi naona kama Wabunge au Mawaziri wamekuwa ni watu ambao pengine hawana maana. Lakini mimi pamoja na wenzangu walio katika Bunge hili tuna taika kuwambia wale wanaofikiria hivyo kwamba Mawaziri, Mawaziri Wasaidizi, au Wabunge ni watu wa maana sana, na ni lazima waache mtindo huo. Wabunge.

Mawaziri Wasaidizi na Mawaziri wana wajibu wa kutengeneza sheria na wamechaguliwa na wananchi. Kwa hivyo, ni lazima waheshimiwe.

Kwa sasa, Mswada huu unahitaji Bunge hili lihalalishe mambo mengi. Ni lazime Wabunge waulize maswali na kuzungumza. Ni lazima tufanye hivyo kwa sababu wengine wetu, tuna uhuru wa kuzungumza katika Bunge hili peke yake. Hatuwezi kuzungumza kule nje maoni ya wale waliotuchagua. Imekuwa ni vigumu kuwatembelea kwa sababu kuna wakubwa ambao wana uwezo mwingi kuliko Bunge. Wakubwa hawa wanaweza kuwanyang'anya Mawaziri chombo cha kupaza sauti; wanaweza kuwanyang'anya Mawaziri vyombo kama hivyo; wanawatendea Wabunge kwa njia hiyo na hata wanawapiga makofi. Wakati umefika ambapo lazima tuwaonyeshe hawa wafanyakazi wa Serikali kwamba sisi ndio tunaotunga sheria. Sisi tumechanguliwa na wakiendelea na mwenendo huc, wale waliotuchagua wanaweza kufanya matata katika Kenya hii na umoja hautakuwako. Ni lazima wajue Mbunge ni Mbunge na anastahili kuheshimiwa.

Kuna madaraka mengine ambayo tumewapatia wakuu wa wilaya. Juzi tulisikia kwamba Mhe. Angatia alifanyiwa vituko na chifu msaidizi. "Assistant chief is the last person in the hierarchy of the Civil Service". Huyu ndiye wa mwisho. Nitakuja kuyasema hayo baadaye. Lakini jambo ambalo ningependa kumwambia Waziri sasa hivi ni kwamba Mswada huu unaonyesha wakati ukurasa wa 264 vitu kama 50 carats (metric) na halafu huku chini wanaandika 0.5 carat (metric). Hata wakati tulipoanza kubadilisha vipimo vyetu kutoka kwa inches, pounds, miles, na kadhalika, ungekuwa wajibu wa Waziri huyu wakati huo kuwafundisha watu njia ya kuandika mita na futi. Rais wakionyesha namna hivyo, atajua. Mpaka sasa, Shikuku hajui vile vilivyo. Katika Mswada huu, bado tunasema hivyo tu. Pengine ingekuwa afadhali kama Waziri ningetumia vipimo vya metric na kuweka katika mabano yadi, kwa mfano, na akitumia lita aweke katika mabano galoni. Hapo tungejifunza vipimo hivi vya metric kwa rahisi.

Watu wengi wamedanganywa na wafanyabiashara wa nchi hii, hasa Wahindi. Hawatudanganyi kwa kutumia vipimo vya metric tu, bali hata katika utumiaji wao wa pesa zetu za kigeni. Tumenyonywa sana, lakini kwa sababu Mwafrika ameumbwa na kupewa ngozi ngumu, nywele ngumu na vitu vingine vigumu, bado tunatembea leo. Kama si hivyo, tungekuwa tumeanguka. Kumfanya Mwafrika kuzimia ni vigumu sana; ni lazima upime sana ndipo azimie. Utahitaji kutumia marungu mengi kumfanya Mwafrika azimie, lakini ukimpiga Mhindi au Muzungu rungu moja tu, anaanguka na kupasuka fuvu la kichwa. Mwafrika anaweza kupigwa rungu mara saba kichwani na bado aweze kutembea. Damu tu ndiye itakayotirika. Lakini Mwafrika huyu bado atatembea. Kama isingekuwa hivyo, Kenya ingekuwa imekwishazirai kutokana na vile pesa zetu zinavyonyonywa na kupelekwa nje bila kulipa ile asilimia 40 yetu. Kenya bado inakwenda mbele.

Bw. Spika, ningependa Wizara ya Biashara ianze kuwapa watu wetu wanaoishi mashambani uwezo zaidi. Usijali habari ya Shikuku. Ninaweza kujitunza. Lakini

[Mr. Shikuku]

unapomdanganya mama kule Bomet au Samburu, jambo hili linauma sana, na hali mama huyu amekuwa akiu-mwa mallo kwa miaka 20. Hili ni jambo la kwanza.

Jambo la pili ni kwamba tunahitajiwa kuupitisha Mwsada huu. Tumambiwa—

(A sheet of paper dropped from Mr. Shikuku's hands on to the Front Bench and he bent over the Front Bench to pick it up)

Bw. Spika, inafaa tufanye mabadiliko katika Bunge hili siku nyingine. Pengine sisi Wabunge wa Viti vya Nyuma tutapewa meza kidogo hapa mbele ya viti kwa sababu hivi sasa ukiweka karatasi juu ya kiti kilicho mbele yako inaanguka, na kuzunguka kwenda kuichukua ni kazi nyingine. Kwa hivyo, tukiongezewa mbao hapa mbele ya kuweka karatasi, pengine itatufaidi. Hii ni shida inayotukabili kikweli kwa sababu ukijaribu kuiweka karatasi vizuri hapa mbele, inaanguka huko. Kwa hivyo, sisi Wabunge wa Viti vya Nyuma tuna shida kubwa.

Katika Mswada huu, Waziri anataka uwezo mkubwa sana wa kutoa kanuni fulani na kufanya mambo mengine. Anaomba kupewa uwezo huo katika kifungu fulani hapa, lakini kabla sijalifikia jambo hilo, acha nitongee juu ya jambo lingine. Waziri aliyeunga Mswada huu mkono ametaja wizi ambao umekuwa ukiendelea kwa mtaka mingi kwa kutumia vipimo hivi ambavyo havieleweki na wananchi, huku wale wanaovielewa wakiwadanganya wale ambao havielewi.

Kabla sijalifikia jambo hilo, ningependa kuongea juu ya mambo yanayohusu "Mtu Mdogo" nikitaja shida yake. Mtu huyu hawezi kuja Bungemi; kwa hivyo alimturna "Mlinzi wa Watu" kuyaangalia mambo hayo yake. Nitaanza kwa kuongea juu ya First Schedule ambayo inaanza katika ukurasa wa 215, chini ya kichwa "Classes of the Units of the International System of Units (SI)".

"Base	Unit	Symbol
Weight	kilogram	kg
Length	metre	m

Watu watajua vipimo hivi namna gani? Sheria inatengenezwa, lakini haitengenezwi wale wanaojua kusoma kama vile Shikuku na Mhe. Archbishop Ondiek walio hapa katika Bunge hili; imetengenezwa kwa ajili ya wale ambao wako nyuma. Watajua alama hizi namna gani? Kwa hivyo, inafaa vipimo hivi vianze kufundishwa tangu mwazo kabisa. Pengine vinafundishwa, lakini yule mama ambaye hajasoma atazijua namna gani alama hizi? Kuna mpango ambao Wizara imefanya ili ijue kwamba mtu alitaja "kg" anamaanisha "kilogramme", na kwamba hili linayoitwa thermodynamic temperature huandikwa "K" ukisoma hapa utaona hii inaoitwa thermodynamic temperature.

The Minister for Commerce (Prof. Ng'eno): On a point of order, Mr. Speaker, Sir, I am very happy with the contribution of my good friend, hon. Shikuku, but I just want to inform him that these symbols are not here to be changed. These are given international standards, and there is not going to be a possibility of changing them. We are simply saying that we are adopt-

ing them as opposed to the previous ones, such as feet and yards, which required us to go to England, once in a while, to check them. These here are international standards. The term "kg" is used internationally and is understood by everybody to mean "kilogramme". The symbol "m" means "metre", and there is no way in which we are going to change that. Thank you.

Mr. Shikuku: Bw. Spika, Mswada unapitishwa nani? Unapitishwa international bodies au Kenya? Kama unapitishwa Kenya, tunafaa kufahamu alama hizi. Sisemi kwamba utafautiane na watu wengine. Kweli alama hizi ni za kimataifa, lakini Mswada huu unatengenezwa kwa ajili ya Kenya, ili tuweze kufahamu mambo ya ng'ambo. Kwa hivyo, ni lazima Mkenya azielewe alama hizi.

Tunajua kwamba kuna wafanyakazi fulani ambao pengine hawazifahamu alama hizi, lakini wana mali. Kuna matajiri wengine ambao hawakusoma, lakini wanatakiwa kuzielewa alama hizi. Hii ndiyo sababu ninauliza ni mpango gani uliofanywa ili kuwaelimisha watu hawa ambao wafakuwa wakitembelea nchi mbalimbali za ng'ambo? Hata ikiwa kuna mashindano ya mbio, hutoki tu msituni eti unakwenda kukimbia katika All-Africa Games. Unaza mashindano katika kata ndogo, halafu unaingia yale ya kata. Hapo inaonekana kwamba mtoto fulani anakimbia sana na anapelekwa katika mashindano ya tarafa, halafu ya wilaya na ya mikoa, kisha ya All-Africa Games hapa Nairobi. Wanaridha wengine humunua viatu hapa tu kwa sababu huwa hawana viatu wanapokuja hapa. Riadha tu ndiyo wanayoshiriki. Watu hawa wanafaa kufundishwa vipimo hivi ili wavijue.

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): Hata Waingereza hawavijui.

Mr. Shikuku: Sijui kama hata Waingereza hawavijui. Ninaongea juu ya Kenya. Uingereza si kwetu, ni safari, tu ninakwenda huko. Kama Mhe. Njuno anajua kwamba Waingereza hawavijui vipimo hivi, hiye ni shauri yao.

Tunataka hata watu wanaosoma elimu ya ngumbaru wavielewe. Utaona hapa katika Mswada kwamba kuna wakati ambao unapimwa kwa sekunde, na alama ya sekunde ni "s". Hata mimi itambidi kuwa nikiziangalia alama hizi kila mara. Kuna amount of substance ambayo hupimwa kwa mole, ni alama ya mole ni "mol"

Mr. Speaker, Sir, why is it written in small 'm' and not in capital 'M'? Ni lazima vitu kama hivi vifahamike. Mswada unasema:

"One ton is equivalent to 1,000 kilogrammes."
Inatakiwa watu wafunzwe vitu hivi. Mswada unaeleza ifuatavyo:

"Kilogramme has the meaning assigned by an order made by the Minister (being the meaning appearing to the Minister to reproduce in English and international definition the kilogramme in force at the date of making the order.)"

Vitu kama, hekta, 0.1 kilogramme, gramme, 0.001 kilogramme na kadhalika ni lazima vijulikane na vifanvwe kuwa wazi. Hii ni kwa sababu kupitisha Mswada si

[Mr. Shikuku]

jambo la mwisho. Wanasema kwa Kiingereza: "Ignorance has no defence." Huwezi kusema kwamba wewe hukujua hayo maneno. Mswada huu ukipitishwa na kuwa sheria, huwezi kusema kwamba hukujua. Ignorance has no defence. Kwa hivyo, ingefaa elimu ipewe kwa watu wetu. Ninaachia Wizara jambo hili.

Katika ukurasa wa 217—Measures and Weights lawful for trade; measures of length—Mswada unasema:

"50 metres—3 metres
30 metres—2 metres
20 metres—1 metre
10 metres—1 decimetre
5 metres—1 centimetre"

Hata Waheshimiwa Wabunge wakikuangalia Mswada huu, wataona kwamba una kurasa kutoka 175 hadi 219. Huu si Mswada mdogo; ni Mswada mkubwa. Nilisikitika sana, Bw. Spika, wakati Waziri alipokuwa akiwasilisha Mswada huu. Alikuwa akisoma maandishi aliyokuwa nayo; hakuweza kusimama wakati wo wote na kueleza kinaganaga maana ya vitu hivi. Kwa mfano, ibara hii inayotakiwa, ina maana gani; ibara hii ambayo nampatia Waziri uwezo wa kufanya mambo anayotaka, inatakiwa kwa nini; kulitokea nini ndio sasa tunataka kupatia Waziri uwezo mwingi kufanya hili na hile? Hakuueleza mambo haya. Kwa hivyo, tutajaribu kumwambia yale tunayofikiria.

Katika ukurasa wa 214—Disposal of Seized Goods, sehemu ya 62 (1) and (2) inasema:

"62 (1) Where any vehicle, instrument, goods or any money has been seized under this Act, the same may be retained for a period not exceeding three months or, if within that period, proceedings are commenced for any offence under this Act, the final determination of those proceedings.

(2) Where any goods are seized and detained under this Act, they shall be returned less any portion which has been reasonably utilized for the purpose of any tests, to the person from whom they were seized within a period of three months after the date of seizure unless within such period some person is charged with an offence under this Act and such offence was committed in relation to or in connection with such goods."

Hatuwezi kusema kwamba mambo hayo hayafanyiki. Ni lazima tukubali kwamba katika Kenya, kuna ufisadi; tunajua mambo haya. Kwa mfano, kama ofisa fulani hamtaki mtu fulani, anakwenda anachukuwa ratili yake na kumwambia: "Hiyo ratili yako si nzuri. Ninachukuwa ili iweze kuchunguzwa." Kama mtu huyu ambaye ratili yake imechukuliwa ni muuza nyama, atapima nyama na nini? Inajulikana wazi kwamba wakati mwingine ratili hiyo inaweza kuchukuliwa si kwa sababu ina makosa, lakini pengine yule ofisa hana "mkate". Yule mwenye ratili akitembea naye, anamwambia: "Ukienda mbele, utatozwa pesa nyingi. Sasa kati yako nami una nini?" Mtu huyu anampatia kile alichio nacho na mambo yanaishia pale.

Ukweli uko na hata kwa wakati huu ninapooonga, watu wengi ambao wanafikishwa kortini kwa kuwa na

chang'aa ni wale ambao hawakuweza kutoa "chai" njiani. Usipotoa "chai", unafikishwa kortini lakini ukitoa "chai", kortini hufikishwi. Tunajua mambo haya.

Tukiipitisha Mswada huu, vitu hivi vitachukuliwa kwa muda fulani na vitarudishwa hata kama hujauliza. Ni mara ngapi tumesikia—ninashukuru hata Mkuu wa Sheria yuko hapa—kwamba exhibits zinapotea katika vituo vya polisi? Je, ni idara gani inasema juu ya kile kitakachofanywa mali ya wananchi ukipotea? Hii ni kwa sababu Kenya imekuwa mambo mengine. Kwa wakati huu, kila mtu katika Kenya anataka pesa kwa kifua. Hii ni kwa sababu usipokuwa na pesa, basi wewe si mtu. You are nobody without money in Kenya today. Ukiwa na pesa, hata uwe mpumbavu, unakosema ndilo linafanywa. Yule asiye na pesa hata akisema jambo la kweli, wanasema: "Forget about him. What can he do? Yeye ana maneno tu; hatutaki maneno bali tunataka vitendo." Jambo hili linafanya ufisadi katika Kenya.

Kwa hivyo, kama huna kitu, you are nobody.

Kwa hivyo, ni lazima kila mtu afanye juu chini ili apate pesa ndio aweze kusimama mbele ya watu. Hiyo ni hatari, Bw. Spika. Jambo hili limeleta taabu nyingi katika Kenya. Mimi kama Mbunge wa Butere na pia kama "people's watchman", ningependa kusema kwamba tulipoumbwa, tuliumbwa tukiwa huru, lakini mtu mmoja akatunyanganya uhuru huo. Mtu huyo ni Mzungu. Baadaye tuliunyakua Uhuru huo kutoka kwake mnamo mwaka wa 1963 tulipokwenda huko Lancaster House. Nilikuwa huko na hatukutoa Harambee kumpatia Duncan Sandys ambaye kwa wakati huo alikuwa Secretary of Colonies. Hatukumpatia Harambee, bali tulimpatia maneno. Alitambua maneno kweli kweli na akasema: "Basi hayo yametosha; Uhuru ndio huu."

Kila siku ninapopita hapa mlango, ninamkumbuka Duncan Sandys. Alipo upatia kile kitu kinachoonyeshwa hapa mlango, nilikiangalia; nikakisoma na sikuona comma, fullstop, semi-colon na kadhalika katika maandishi hayo. Tuliambiwa: "Huo ndio Uhuru", tukaubeba na tukauteta hapa. Kusema kwamba tunataka vitendo, na kwa kutenda ni lazima uwe na pesa, kumeiharibu Kenya.

Hii ndiyo sababu katika sheria kama hii tunafungua mlango. We are opening a gate. Sasa hapa tunafungua mlango kwa ofisa. Akiona ameishiwa, yaani hana pesa kazi yake ni kutembea polepole: "Hii ratili yako, Mzee. ilipima kweli?" Halafu ananyakua. Kwa hivyo, Bunge hili kazi yake, ni kutunga sheria, na katika hiyo sheria ni lazima tuangalie loophole ama kifungu ambacho kitamumiza mwananchi, na loophole iko hapa sasa. Hii ni kwa sababu ofisa anaweza kuchukua mali ya mtu na akaenda nayo. Lakini hatusemi akienda nayo na ikivunjikia njiani, itakuwa nini. Hakuna kifungu ambacho kinasema hivyo. Pia, ikiibiwa kule alipopeleka atafanya nini. Mimi nasema maneno halafu nataka kueleza ni njia gani ambayo tunaweza kutengeneza sheria ambayo itawahinda wale wananchi ambao walitupa kura kuja katika Bunge hili.

Kama ni habari ya ratili, hawa wakaguzi, and I have hardly seen them, ambao wanangalia habari ya ratili wawe na gadgets, yaani wawe na vyombo vya kuweza kwenda kwa duka na wamueleze mwenye duka wapime



REPUBLIC OF KENYA
**THE NATIONAL
ASSEMBLY**
OFFICIAL REPORT

Thursday, 15th October, 1987—(Contd.)

MOTION FOR THE ADJOURNMENT

Rural Housing Scheme Benefits to Mbooni Teachers (Mr. Munyao)—
Agreed to (Col. 409)

Wednesday, 21st October, 1987

(Morning Sitting)

ORAL ANSWERS TO QUESTIONS

Questions Nos. 607, 443, 603, 121, 580, 616, 548 and 513 (Col. 417)
Questions Nos. 524 and 601 dropped (Col. 425)

QUESTIONS BY PRIVATE NOTICE

Subdivision of the late Mr. Sakwa Melala's Land (Mr. Angatia)—Deferred
(Col. 431)
Purchase of Foreign Currency by Bank of India (Mr. Lukindo)—Deferred
(Col. 431)
Withdrawal of the Late Mr. Abuga-Abuga Deposits by Next-of-Kin (Mr.
Abuya-Abuya) (Col. 432)

POINTS OF ORDER

Payment of Salaries to Mr. Amusevi (Col. 433)
Malpractices in Purchase of Drugs—Statement Next Week (Col. 434)
Fate of Road Construction Equipment—Statement Wanted (Col. 435)

PRIVATE MEMBERS' MOTIONS

Simplification of Conditions of Issuing Identity Cards—Mr. Mwaruwa on
14th October, 1987—Resumption of Debate interrupted on 14th Octo-
ber, 1987—Negated (Col. 436)
Additional Water Pipeline from Mzima to Mombasa (Mr. Kiliku)—Question
proposed—An Amendment proposed by the Assistant Minister for
Water Development (Mr. Kiptanui)—Debate interrupted without Ques-
tion put (Col. 453)

MOTION FOR THE ADJOURNMENT

Adjournment of the House to a Day Other than the Next Normal Sitting
Day—The Vice-President and Minister for Home Affairs—Agreed to
(Col. 466)

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Thursday, 22nd October, 1987

ORAL ANSWERS TO QUESTIONS

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Question No. 547 dropped (Col. 477)

QUESTIONS BY PRIVATE NOTICE

Position of Kilimanjaro Water Project (Mr. Kikuyu) (Col. 477)
Non-payment: Tea Delivered by Mr. Nyabuti (Mr. Abuya-Abuya)—Question
dropped (Col. 478)
Unpaid N.S.S.F. Dues for Mr. Peter Musya (Mr. Ivuti)—Question dropped
(Col. 479)

POINT OF ORDER

Failure to Implement Ministerial Promise (Col. 479)

MINISTERIAL STATEMENTS

Denial of Allegation on Importation of Tissue Paper—The Minister for
Commerce (Col. 480)
African Participation in Clearing and Forwarding Business—The Minister
for Commerce (Col. 480)

[Assistant Minister for Tourism]

ratili yake akiona, halafu waende zao. Ikiwezekana, watembe na spea ili wamutengenezee mwananchi ratili yake. We are here to serve the people! Yafaa wamutengenezee mwananchi ratili yake; "Hii ratili yako ni mbaya. Tunakutengenezea namna hii". Hata kuwalipa awalipe hapo, halafu waende zao. Lakini isiwe punitive. Mtu anatafuta tu makosa. Akishamkamaita mtu ana chukua mali yake, anakwenda nayo, na huyo anaachwa bure pale. Yafaa tuwe na vyombo tayari ambavyo tuna-weza kutumia kwa kufanya uchunguzi kwa mashine. Halafu tumwambie mzee—

An hon. Member: Wanavyo!

Mr. Shikuku: Sijaviona! Kwa mfano, unapokwenda au unapokimbia mwendo ambao ni zaidi ya kiasi katika barabara, unaona polisi anakufanyia mkono "hivi", halafu unasimama. Anakwambia, "Habari, Bwana?" Unajibu, "Mzuri". Halafu anakuuliza, "Unajua ulikuwa unakwenda mwendo wa maili 140 kwa saa?" Unajibu, "Sijui, lakini nilikuwa naenda haraka kidogo". Halafu anakwambia, "Toka nje". Unafoka kwa motokaa unakwenda kwa ile mashine. Unaona inaonyesha "140", "140", "140"! Halafu anakubali. Unaona ulikuwa unakwenda kasi. Kwa hivyo, unaweka sahihi kwa ile karatasi. You agree because you have seen. Mimi nataka mtindo kama huo huo. Hawa wakienda kukagua vitu hivi waende na measurements au zile gadgets zao za kumweleza mzee, "Hii ratili yako inavunja watu. Badala ya kuonyesha ratili mbili na robo, inaonyesha tu ratili mbili; ile robo memvunja mama. Sasa tutakutengenezea hapa". Wanamtengenezea, na wana kitabu cha risiti. Wakishamtengenezea, wanamilipisha pale pale, waniampa risiti, halafu wanakwenda. We want to bring the service to the people. Hatutaki sheria ya kutafuta watu na kuwapata na makosa. This is what we are passing here now. Sioni kifungu cho chote kinachosema hivyo isipokuwa kifungu cha tatu kidogo kinasema:

"Where any perishable goods have been seized under any provision of this Act, the inspector who has seized the goods shall forthwith report to a magistrate the fact of the seizure and if the magistrate is satisfied that the goods are perishable, he may authorize the inspector to dispose of the goods as the magistrate may think fit".

Bw. Spika, hawa mainspekta wakimshika mtu siku ya Ijumaa, tuseme, saa kumi na nusu, korti zimefungwa 'aji amekwenda weekend, na hapatikani mpaka Jumatatu. Je, "perishable" goods zitakuwa bado perishable? Kifungu hiki kinasema mambo yatakayofanyika. They assume there is a magistrate everywhere, but it is not true. This is not true. Sijoy kila mahali kuna hakimu. Hata Mhe. Mbunge wa Samburu Mashariki anajua hivyo! Sijoy kila mahali unapata hakimu. Kwa hivyo, where is the practicability of this clause? Unaweza kutumia kwa namna gani, Bw. Mkuu wa Sheria? Haiwezekani kwa sababu sehemu nyingine hakuna mahakimu. Ukimtaka. pengine itakubidi uende mwendo wa umbali wa maili 40 ili umpate. Wakati huo mboga inaharibika na ikiwa ni nyama yanuka. Mpaka Jumatatu hata imegeuka sura na haliiki. Tutafanya nini hapo?

Kwa hivyo, Bw. Spika, ningependeleza katika kifungu hiki ca 62 (3) kwamba mahali ambapo mtu ameshikwa—"Perishable" maana yake ni kitu ambacho kinaweza kuoza au kuharibika wakati wo wote. Ikiwa ni maziwa, yakitala kwa siku mbili yatakuwa "maziwa lala" na siyo "maziwa fresh". Ikiwa nyama imekaa kutoka Ijumaa, Jumamosi, Jumapili, mpaka Jumatatu na haiko katika friji au iko sehemu ya Mombasa, harufu yake itakuwa imegeuka. Ningependa kusema hivyo: Ili tuweze kuwaumikia wananchi waliotuhagua katika Bunge hili, ingefaa, badala ya kuwa na inspekta na kutafuta hakimu, pengine tungenesema "It will be the responsibility of the inspector to ensure that akishachukua vitu ambavyo vitakuwa 'perishable', he has to ensure that they do not perish". But the question is how? Sasa hapo ndipo nilijua nitaulizwa "how". There must be a way.

In every district, or division, now that we have electricity—

An hon. Member: Kiswahili!

Mr. Shikuku: Unacna ile shida niliyonayo hapa, Bw. Spika? Unafona hata wewe mwenyewe. Kwa hivyo, inatubidi kufanya mambo kadhaa. Inatubidi kuwa na friji kwa wilaya au tarafa, ambayo inaweza kuwekwa vitu hivi ili vitu hivi vikishashikwa, viwe vinaweza kuwekwa katika friji ili visiharibike, ili mwananchi asipoteze mali yake, na pia sisi tuonyeshe kwamba tunataka kumsaidia na siyo kumwumiza. Pia, makao makuu ya tarafa yawe na friji ya kuweka vitu ambavyo ni perishable.

Bw. Spika, nazungumza maneno hayo kwa sababu najua kuna akina mama ambao wanatafuta karo kutokana na mboga na vitu wanavyouza. Sasa hivyo vikiharibika, kano ya mtoto itatoka wapi; Harambee itatoka wapi?

Jambo liliko, Bw. Spika, ni kwamba yule mama mzee huko nyumbani anaulizwa harambee leo, kesho, na kesho kutwa, ya nasari, kanisa, kujenga ofisi ya chifu na kadhalika. Harambee yote ni juu yake, na mboga yake inaharibika. Ni lazima tufikirie ni njia gani ya kuweza kumhifadhi mtu huyo ili awe na chake, aweze kula na atoe harambee. Lakini sasa ni "harambee", "harambee", "harambee"! Sipingi harambee, lakini nazungumza kwa niaba ya watu wadogo ambao wanapata shida kwa sababu ya harambee, na hawana income au mapato ya kuweza kuwasimamia katika hizi harambee zote ambazo tunafanya. Njia moja ya kumuua yeye iko hapa sasa; hii ya perishable goods. Kama mboga zake zitakwenda, ratili yake itakwenda, nyama itanuka, na kadhalika, basi amekwisha. Asipotoa harambee, chifu anachukua kuku wake saša. Nikimwuliza Mkuu wa Sheria anieleze hapa ni sheria gani chifu na chifu msaidizi wanatumia kuchukua kuku wa maskini, Mkuu wa Sheria ananyamaza.

Bw. Spika, Mkuu wa Sheria anapokea mshahara ili aweze kuwatolea watu maelezo kuhusu sheria. Hii ndiyo taabu ambayo iko katika Kenya. Ni lazima tuyaseme mambo kama haya. Ijapokuwa Mkuu wa Sheria hataki kusema, nitasema kama vile Mhe. Mwangale alisema, kwamba "Nasema na jiwe; halinjibu, lakini limesikia." Ni lazima kuwe na mtambo wa barafu ambapo vitu kama hivi vinaweza kuwekwa. Pia yafaa ielezwe katika

[Mr. Shikuku]

Mswada huu, kama ratili ikichuliwa— Nimesema kwamba haifai kuibeba mizani hiyo. Hata hivyo, ni lazima kuweko na kifungu hapa kusema kwamba mwenye mizani hiyo atalipwa ridhaa ikiwa mizani yake itapotea. Ni lazima ofisa mwenye kuichukua mizani aandike na kuweka sahihi mahali fulani, ili kuonyesha amechukua mizani hiyo. Ikiwa kuna kifungu kama hicho ingefaa Waziri asimame na kunieleza.

Ninasema hivi kwa sababu siku hizi kuna wakora wengi ambao wanaweza kuwaibia wananchi. Mkora anaweza kumwondea mtu na kumwambia "Mzee, lete hiyo ratili yako", na anakwenda nayo. Ni lazima kuwe na fomu ambayo ofisa atakuwa akiweka sahihi kuonyesha kwamba amechukua ratili ya mtu. Pia yafaa nambari ya kitambulisho cha mtu kama huyo ichukuliwe. Hata siku hizi wale majambazi wa "Angola Msumbiji" wanavalia kama askari polisi; wana kabuti na kofia. Wako na kila kitu na ukiwaona, utadhani kwamba wao ni polisi haliisi na kumbe wao ni majambazi. Ni lazima watu hawa wajambulishwe kikamilifu ili mwananchi asije akapunjwa kwa kuambiwa, "Hujui kwamba sheria ilipi ishwa katika Bunge?" "Mimi ni mkaguzi, na ninataka kuichukua hii ratili yako." Pia ni lazima ionyeshwe kwamba ratili hiyo ikivunjika ni wajibu wa Serikali kulipa fidia. Jambo kama hilo ni lazima lionyeshwe katika Mswada huu. Utaona kwamba tunasema tu "Mali ichukuliwe." Pia inasemekana kwamba mtu asipokuja kuichukua ratili yake baada ya miezi mitatu anaweza kuuzwa. Hatuko hapa kutengeneza sheria za kuwauimiza wananchi.

Bw. Spika, sehemu ya 62 (4) ya Mswada huu inasema hivi:

"Where any proceedings are taken for any offence under this Act, the court by or before which the alleged offender is tried may make such order as to the forfeiture of the goods in respect of which such offence was committed or as to the disposal of any goods or money seized in connection therewith as the court shall see fit.

"(5) In this section "goods" shall be construed as including the proceeds of the sale of any goods where such goods have been sold under subsection (3)".

Bw. Spika, sehemu hii inasema juu ya forfeiture ya mali ya watu. Tuna mfano mingi sana. Mtu mmoja alishtakiwa kortini kwa kutolipa deni la mtu fulani. Huu ni mfano mmoja mbaya sana ambapo mtu mmoja alikopeshwa Sh. 120. Alipokopeshwa pesa hizi hakuzilipa. Kulikuwa na private arrangement ambapo huyo mtu alikubali kulipa Sh. 1 kwa kila shilingi katika shilingi hizo Sh. 120. Sasa huyo mzee aliweka sahihi yake. Yeye alikuwa hajui kusoma. Yule mtu alilingoja mpaka zikawa Sh. 600 hatafu akamshataki yule mzee amlipe. Huyo mzee hakuweza kulipa. Alipelekwa kortini, hukumu ikakatwa na shamba lake likachukuliwa; ekari nne zilichukuliwa kwa sababu ya Sh. 600. Kwa hivyo, mke wake na wazoto walikosa makao. Mtu huyo alikuja na sengine na kumwambia mtu huyo "Ondaka hapa." Yeye alikuwa tayari ameipata hati ya kulimiliki shamba hilo. Mambo mengi yanafanyika. Wananchi wako katika taabu.

Kwa hivyo, wakati umefika sisi viongozi katika Bunge hili tuwe tunaziangalia sheria tunazotunga hapa kwa macho mawili. Ni lazima tuwe makini. Pia wakati umefika ambapo ni lazima tuanzishe hazina ya kuwasaidia wale ambao hawawezi kulipa wakili. Sisi huko Butere tunachanga pesa za legal defence kwa watu wadogo, na mataka jambo kama hili lifanywe kila mahali, ili wananchi waache kupunjwa na wale wenye pesa. Kwa mfano, wakati mtu huyo alipopokonywa shamba lake mimi nilienda pale na kumshauri aende kortini na kufanya court injunction. I was shocked. Nilienda kule kuangalia habari ya court injunction, lakini niliambiwa kwamba huwezi kupata court injunction bila kuwa na Sh. 30,000; not less than Sh. 30,000 zinatakikana. Je, mwananchi maskini atapata pesa hizo wapi ili kumzua huyo mtu asijenge kwenye shamba lake?

[Mr. Speaker left the Chair]

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

Kwa hivyo, Bw. Naibu Spika wa Muda, mwananchi wa kawaida katika Kenya hii yuko katika taabu kubwa; Mungu peke yake ndiye anayejua. Sheria imebaki kwa wakubwa. Hata hivi majuzi tulipata watu— Kuli kuwa na Mhe. Munyao, Mhe. Nyoike na Mhe. Njuno, na hawa wote ni Wabunge. Ninaposema kwamba hakuna haki kwa mdogo minafukuzwa katika Bunge hili. Hawa ni Wabunge ambao wana mishahara mikubwa. Lakini utaona kwamba Diwani Maitha ambaye anapata Sh. 1,000 kwa mwezi alifukuzwa kutoka kwa Manispaa ya Mombasa. Ule mshahara wake ulichukuliwa, lakini hawa Wabunge ambao nimetaja hapa hawakufanywa cho chote. Mhe. Njuno ni rafiki yangu, na mshahara wa Bw. Maitha unaweza kuingia katika mshahara wake mara 18. Lakini yeye amesimamishwa kutoka chamani lakini mshahara wake haukuchukuliwa. Pia Mhe. Nyoike hakunyang'anywa mshahara wake. Sasa haki iko wapi?

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): On a point of order, Mr. Temporary Deputy Speaker, Sir, Is hon. Shikuku in order to say what he has said when, in fact, we have been more mentally tortured than that man?

Mr. Shikuku: Najua kwamba Mhe. Njuno ameumiwa sana. Lakini pato lake la kila mwezi halijazuiwa. Lakini najua kwamba yeye yuko taabani. Wengine tuko na taabu. Yeye kama Mbunge aliyechaguliwa na watu wa Kirinyaga hawezi kufanya mikutano huko. That is completely undemocratic. Yafaa Mkuu wa Sheria aeleze ni kwa nini Wabunge hawakubaliwi kufanya mikutano katika sehemu zao na hali wao wamechaguliwa, na wako hapa kihatali na hawawezi kukutana na watu waliowachagua? Yafaa aeleze. Either we have a democratic Government or we do not have it. Kwa nini Bw. Njuno asiruhusiwe kufanya mikutano katika sehemu yake na hali kila mtu anajua kwamba yeye ni Mbunge? Ni kwa nini Mhe. Shikuku, baada ya kueleleka maombi mara 60,000, hajakipata kibali cha kufanya mikutano? Hata leo nilipiga simu huko. Ni kwa nini siwezi kusema na watu wangu? Ni kwa nini Mkuu wa Sheria anaketi hapa na kunyamaza na hali Wabunge wananyanyaswa? Je, Mkuu wa Sheria anataka Serikali hii iwe Serikali ya watumishi wa Serikali?

The Attorney-General (Mr. Muli): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not aware of what the hon. Member is saying, and I am not dealing with administration. Is the hon. Member in order to say that the Attorney-General is sitting here quiet? Those are matters which I do not deal with.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ninaposema mambo hapa huwa na sababu ya kuyasema. Mkuu wa Sheria anasimamia sheria na anajua kwamba Mhe. Njuno hakubaliwi kufanya mkutano. Pia anajua mimi, na nimesema hivi mara nyingi, sikubaliwi kufanya mkutano na hali hajafanya lo lote. Ningependa kusema kwamba mimi simchukii Mhe. Muli. Nataka achukue hataua kwa sababu yeye ndiye mlinzi wa sheria katika nchi hii. Ni kweli kwamba Mhe. Njuno hafanyi mkutano. Kwa hivyo, wao wanakwenda kinyume cha Katiba ya nchi hii, ambayo inasema kwamba watu wa Gichugu wana haki ya kumohagua Mbunge. Wakimohagua Mbunge, wana haki ya kumwona na kusema naye kwenye mkutano, lakini haki hiyo imekwishaondolewa. Freedom of speech is finished! Pengine Mkuu wa Sheria atasimama katika Bunge hili siku moja atueleze ni kwa nini watu wanapiga kura kuwachagua Wabunge na bada ya kuwachagua, hawa Wabunge wanakaliwa na wafanyakazi wa Serikali. They do this under the disguise of security!

Bw. Naibu Spika wa Muda, unahitaji kuweka hali ya usalama wakati Shikuku amapofanya mkutano kule Butere? Je, yeye atawaua watu hawa au watu hawa watamuua? Huo hauwezi kuwa ukweli. Nasema hivyo kwa sababu watchmani anaungwa mkono na watu wengi na kwa hivyo, hawezi kuuawa ati kwa sababu watu hawamtaki. Ningetaka kutokoa shukrani wakati huu kwa sababu—

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker. My point of order is directed to the comments which were made by the Attorney-General a few minutes ago. He asked why he should be implicated and accused of keeping quiet on an issue where he is not involved. Mr. Temporary Deputy Speaker, Sir, a microphone was snatched from you in a meeting, but supposing it had happened the other way round, so that you instead snatched it from the assistant chief; would the assistant chief not have been after you to be put in?

The Attorney-General (Mr. Muli): Mr. Temporary Deputy Speaker, Sir, would you allow the Attorney-General to be used as a scapegoat? If the hon. Member applied to the Administration for a licence to hold a public meeting under the relevant law which applies to public meetings and he was refused, how does the Attorney-General come into it?

Mr. Shikuku: Bw. Naibu Spika wa Muda, Mkuu wa Sheria anauliza jambo hili linamhusu namna gani. Yeye ni Mkuu wa Sheria na ningetataka atueleze zaidi juu ya jambo hili. Kiwa mfano, nikitoka Butere—na sisi tumekubaliana hapa Bungeni kuhusu jambo hili—nitake kwenda kwa Mhe. Njuno au kwa Mhe. Munyao au kwa Mhe. Anyumba, kwa ajili ya heshima, ni lazima niwaambie Waheshimiwa Wabunge hawa kwamba nitatembelea katika sehemu zao. Lakini siku hizi Mhe.

Mbunge anaweza kufanya mkutano katika sehemu ya Mhe. Njuno bila kumwambia na hata hamwaliki katika mkutano huo, na ikiwa aafika pale mkutanoni, hawezi kupatiwa nafasi ya kuzungumza. Jambo hili linafanyika kule Butere pia.

Mhe. Mudavadi amekuwa ndiye Mbunge wa Butere, lakini ningetaka kumweleza hivi: Butere will never be an annexe to Vihiga, and the people of Butere are saying this through their Member of Parliament! Uaminifu wa watu wa Butere uko kwa Mtukufu Rais peke yake na watu wa Butere hawatakwenda kumtembelea Mhe. Mudavadi. Mbunge wa Butere hataongoza ujumbe kwenda Mululu kule kwake. Yeye amekuwa "rais mdogo" kule. Sisi hatumtambui yeye kabisa. Butere does not recognize Mululu. It recognizes Kabarak!

The Temporary Deputy Speaker (Mr. Angatia): Order, Mr. Shikuku! Let us go back to the debate on this Bill on Weights and Measures. Please, could you stop these exchanges.

Mr. Shikuku: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I think the point has been made. Nasema hivyo kwa sababu hakuna uhuru wa kuzungumza tena. Hata siku nyingine tutakatazwa kusema katika Bunge hili. This is closing in too much on us. Mimi ninakubaliana na uamuzi wako, Bw. Naibu Spika wa Muda, lakini shida hii imetusukuma sana. Sasa Mbunge hawezi kuzungumza. He is nowhere! Huko nje, hawezi kuzungumza lakini akiingia hapa Bungeni, atapata nafasi ya kuyapinga mambo haya. Ninasema hivyo kwa sababu imekuwa shida kubwa sana kuzungumza kule nje.

Sasa wanasema juu ya "14 days publication period" katika Mswada huu. Hivyo ni kusema kwamba hakuna mtu atasema juu ya Mswada huu mpaka baada ya siku 14. Hii ni kwa nini? Ingefaa kila Mhe. Mbunge aende katika sehemu yake na kuzungumza na watu wake ili aweze kujua maoni kabla ya kuja kuzungumza juu ya Mswada huu hapa Bungeni. This is what is supposed to be done! Nimekuwa katika Bunge hili tangu mwaka wa 1963, na ninajua kwamba hizi siku kumi na nne zinatolewa ili Wabunge wapate nafasi ya kuzungumza na watu wao. Ningetaka kupata nafasi ya kuzungumza na mawakili wa Butere na wengine wa Ugenya. Mbunge angepatiwa nafasi ya kwenda na kuzungumza na watu wa sehemu yake na kuwambia, "Mswada huu utakuja Bungeni na unasema hivi au vile. Unaweza kusema nini juu yake?" Pengine mawakili watakwambia kwamba kifungu fulani hakifai katika ule Mswada na kwa hivyo, ukifika Bungeni, ukipinge kifungu hicho. Kwa hivyo, unaweza kurudi hapa Bungeni na kuweza kuzungumza vizuri juu ya Mswada huu kwa sababu unoweza kushirikiana na watu wako.

Lakini utawezaje kuwasiliana na watu wako ikiwa huwezi kufanya mkutano? How do I debate on this Bill if I cannot communicate with my people? Sijaweza kukutana na watu wa Butere ili waweze kunieleza maoni yao. Sasa maoni haya ni ya Shikuku peke yake. Ingawa ninawakilisha watu wangu hapa Bungeni, ni lazima nipate nafasi ya kuyasikiza maoni yao kuhusu Mswada huu, na hii ndiyo sababu tunapatiwa siku 14. Wakisema kwamba hawataki Bunge hili ni jabo lingine. Ninajua kwamba tunatumia pesa nyingi hapa—

The Attorney-General (Mr. Muli): On a point of order, Mr. Temporary Deputy Speaker, Sir. May I know who are being referred to as "they".

Mr. Shikuku: Hawa ni wakuu wa wilaya katika Wilaya za Kakamega, Kirinyaga, Machakos na wengine. Mhe. Mkuu wa Sheria amesoma kwenye magazeti kwa miba watu wengine wananyang'anywa vyombo vya kupaa-azia sauti. Bw. Naibu Spika wa Muda, hivi majuzi, wewe ulinyang'anywa chombo cha kupaa-azia sauti na chifu msaidizi na ukaambiwa uondoke mkutanoni bila kusema cho chote. Sasa Mkuu wa Sheria anataka nimwambie ni watu gani hawa ambao wanafanya jambo hili? Si yeye anafahamu chifu msaidizi huyo wa sehemu ya Angatia? Tena jambo hili liliandikwa katika gazeti la *Standard*.

Jambo hili hitaleta hatari kubwa nahini Kenya. We have a right to meet our people and consult with them on every Bill we pass in this House. That is our right, and we are not asking for a favour. Hii ni haki yetu na si msaada. Tunataka jambo hili liwe hivyo.

Mr. Muzyo: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ningetaka kumohukuru Mhe. Shikuku kwa kuitipatia nafasi kidogo, na kwa sababu Mhe. Mbunge wa Kirinyaga yuko hapa, nafikiri atayaweka maneno yangu laini. Unaendelea vizuri, Bw. Shikuku. Wakati unafanya mtihani, unaweza kuulizwa swali, "Who is the Member for Kirinyaga East", lakini hapo chini wanakupatia majina ya watu wanne kama Njuno, Njiru na kadhalika. Lakini ukisema kwamba Njuno ndiye Mbunge wa Kirinyaga East, watu wengine wanasema umekosea, na ikiwa unataka kupita, ni lazima useme ni Njiru aliye Mbunge wa Kirinyaga East.

Mr. Shikuku: Bw. Naibu Spika wa Muda, unasikia? Shikuku hasemi mambo ambayo hayana ushahidi, na kuta kama sitapewa heshima nyingine, ningepatiwa heshima hii. Ninapozungumza hapa, huwa nimefanya uchungumzi wa kutosha. Mambo kama haya yanaweza kuiharibu Kenya mpaka ile amani tunayoimba juu yake wakati wote ipotee. Nasema hivyo kwa sababu unapocheza na Mbunge, unacheza na maelfu ya watu waliomohagua. Siku moja watakapopoteza akili zao na kuchukua sheria mikononi mwao, Mkuu wa Sheria atakuja hapa na kusema kwamba wamefanya maovu.

Wananchi hawaoni raha wanapomwona Mbunge wao akidharauliwa. Hata Mawaziri wa Serikali hii wanadharauliwa, na ni aibu kusika kwamba Waziri wa Serikali au Waziri Msaidizi amenyang'anywa chombo cha kupaa-azia sauti. Is this the Government of civil servants, or is it a political Government? What did I fight for in Lancaster House? Niliupigania Uhuru wa Serikali ya kisiasa na si Serikali ya wafanyakazi wa Serikali. Serikali ya kisiasa ina wajibu wa kutengeneza sheria, na chini ya sheria hii, ni lazima Mbunge aweze kusema na watu wake kabla ya sheria kupitishwa Bungeni. Ikiwa kuna mtu ye yote ambaye anaweza kuiangusha Serikali hii tukufu yetu, yeye atakuwa mtu wa Idara ya Utawala. Hakuna mtu mwingine. Hata Mhe. Mwamunga juzi alikwenda kule Voi na kuambiwa na chifu msaidizi, "Hakuna habari ya leseni hapa; ondoka", na hali yeye ni Waziri.

An Hon. Member: Na bendera yake!

Mr. Shikuku: Ite bendera haina maana yo yote ingawa anaapeperusha. Yule chifu msaidizi alimwambia, "Ondoka na bendera yako". We must say these things here; we cannot have civil servants joking around with elected representatives of the people. Tena wanatumia askari kwenda kuwatisha wananchi. Wafanyakazi wa Serikali kwenda kuwatisha huko na retinue; the whole of Kakamega. Unaona msafara wa magari ukiongozwa na gari la polisi, mkuu wa mkoa anafuata huku akipeperusha bendera yake, na pia mkuu wa wilaya anamfuata pamoja na "mfalme" wa Kakamega akipeperusha bendera yake pia. Eti anataka twende Mululu! No way. Butere people will never go to Mululu.

An Hon. Member: Mululu ni kitu gani?

Mr. Shikuku: Mululu ni kule kwa Waziri wa Serikali za Wilaya; nyumbani kwake. Sisi tutaenda Kabarak.

An Hon. Member: What is Mululu?

Mr. Shikuku: Mululu is the home of the Minister for Local Government, hon. Mudamba Mudavadi, M.P., E.G.H. Sisi tuna imani kwa Rais lakini si Mululu. Watu wa Butere wamekataa kuonyesha imani yao kwa Mululu, na hawataenda huko. I will never go there; my dead body will go there. Any delegation from Butere will be led by the elected representative of the people of Butere. Any other delegation is bogus.

An Hon. Member: Who is the elected representative of Butere?

Mr. Shikuku: I am the elected representative of Butere people. Mwana wa Oyondi.

Bw. Naibu Spika wa Muda, vile tunasema ni kwamba tungepatiwa nafasi ili tuvipeteleke vifungu ambavyo vina wahuu watu wetu katika mikutano ili tuwaulize maoni yao juu ya vifungu hivyo. Hivyo, wataweza kutueleza vipi ambavyo wanaona ni vibaya, na ni vipi ambavyo wanapendelea. That is the only way you can communicate with the people, and you can only communicate when you are allowed to hold meetings. Lakini ikiwa inaonekana kwamba Mhe. Mbunge hana maana, basi— Katika annual Printed Estimates, inaonyeshwa kwamba walipa kodi wa nchi hii wanalipa pesa nyingi sana ambazo zinatumwa na Wahesimiwa Wabunge kwa kuja kukata hapa na kupitisha sheria. Nataka wananchi wajue kwamba pesa zao zinapotea bure kwa sababu Wabunge wao hawapewi heshima; wanavurugwa na maofisa wa utawala. Ikiwa basi wananchi watapendelea Serikali itawaliwe na naibu wa chifu, chifu, mkuu wa tarafa, mkuu wa wilaya na mkuu wa mkoa, basi waseme hivyo ili tulifunge Bunge na pesa tunazotumia hapa ziende kuteteleza miradi ya maendeleo ndipo tuitengeze nchi.

Bw. Naibu Spika wa Muda, we are not going to keep quiet. Mimi sikunyamaza wakati wa ukoloni na sitanyamaza sasa. No way. Wakoloni walienda. Hawa tulionao hapa ni ndugu zangu, lakini wakiendelea na mtindo walionao sasa, jambo hilo linaweza kuleta kutokuwa na amani katika nchi hii. Wananchi watakapokasirishwa kwa kuona Mhe. Mbunge wao akichezewa, wanaweza kufanya mambo mengine makubwa ambayo yata-mshusha Mkuu wa Sheria. Wacha alale kwa sasa, lakini atakuja kuamshwa wakati huo. Yes. Mimi husema vitu

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ambavyo vitakuja. Ha'a sasa hivi ningeketi chini na Mhe. Mibunge ye yote katika Bunge hili amiambie ni kitu gani niliohosema na ambacho hakijaonekana. Ye yote aki-fanya hivyo, nitaondoka na kwenda Butere. Hapa mimi nasema maoni ya wananchi. Watu wanalia. Hata jambo hili ndilo linawafanya wengine wasichukue kura. Wanauliza wanaohukua kura za nini. Wananchi wanasema, "Sisi wanachukua kura na tukishasimama kwa laini na kumchagua Mhe. Mibunge anakaliwa na chifu, mkuu wa tarafa na wengine. Sasa mkubwa ni nani? Ni yule mwenye kupigiwa kura, au ni yule aliyeandikwa?" Hata wakati huu Mawaziri wakihudhuria na kuhutubia mkutano na mkuu wa mkoa akiwoko, inatangazwa tu kwamba Mhe. Mwamunga, kwa mfano, alihudhuria pia. Je, alikuwa huko akifanya nini?

Mr. Ddaiddo: Pengine huwa hawasemi cho chote!

Mr. Shikuku: Hapana. Huwa wanasema lakini maneno ya mkuu wa mkoa ndiyo huandikwa. Hata magazeti pia yanafanya hivyo. We cannot stand this humiliation of elected colleagues of ours on the Front Bench. Mkuu wa Wilaya ya Kakamega will never be the Member of Parliament for Butere. Tunajua ni kwa nini aliweka huko. He rigged Kanu elections, lakini nataka ajaribu kutatiza uchaguzi wa Bunge. Ataona mambo mengine. Haki ya Mungu ajaribu. Akae tu mpaka wakati wa kupiga kura ufike. We know that they have plans to rig the elections just as they rigged Kanu elections, but let him try this time. He is being kept there by his friends. But Butere people are aware, and the whole district is aware. Siku hizi wanasema ukishakuwa rafiki ya mkuu wa mkoa au rafiki ya mkuu wa wilaya au tarafa, basi watakuwanyia mpango wa kupigia kura ya anyuambani. No way. We know it.

An Hon. Member: Kuna kura ya nyumbani?

Mr. Shikuku: Ndio. Kuna kura ya mkuu wa wilaya. Si kura ni mbili katika Kenya? Kuna kura ya mkuu wa wilaya na kuna kura ya wananchi. Tunajua hayo, lakini wajaribu wakati huu. Lining or no lining, wananchi shall rise. Yes. They cannot have their right taken away from them by the Administration. No way.

Bw. Naibu Spika wa Muda, Kifungu Nambari 63 katika ukurasa 261 kinasema hivi:

"Any person guilty of an offence under this Act shall be liable to a fine not exceeding KSh. 20,000 or imprisonment for a term not exceeding three years or both".

Je, ni nani anayeengenezowa sheria hii? Mimi nina-poangalia sheria, naiangalia pamoja na watu wangu wa Butere na kule Lurambi Kaskazini na kupiga picha ya wale watakaohusika. Je, kule kwako Lurambi Kaskazini, Bw. Naibu Spika wa Muda, kuna mwananchi mfanyakazi wa kawaida ambaye anaweza kulipa faini ya KSh. 20,000? Na sisi hapa tunatakiwa tukubaliane na Mswada huu. Je, sheria yenyewe itamwumiza nani? Kama ingekuwa sheria hii inawahusu watu wanaoishi mijini, ningekubaliana nayo kwa sababu *per capita* income katika sehemu za mijini iko juu kuliko *per capita* income ya sehemu za mashambani. Namwona Bw. Naibu Spika yuko hapa—

Mr. Kikuyu: On a point of information, Temporary Deputy Speaker, Sir. I do not want to challenge hon. Shikuku on the *per capita* income, but he should know that despite the *per capita* being higher in towns than in the rural areas, the disparity is the worst. The poorest person is in the town and the richest person is in the town. In the rural areas we are a bit distributed because, at least, a man can own a chicken or a sheep, but there is a lot of disparity in towns. The situation is not as the hon. Member is trying to imply.

Mr. Shikuku: Absante sana kwa hayo maoni. Hatu-hitilafiani na Mhe. Kikuyu. Kilichoko ni kwamba ame-angalia pande zote. Hapa mjini kuna watu ambao wana mamilioni ya pesa, na hapa hapa mijini pia kuna watu ambao kuona shilingi moja ni shida. Lakini aliye mjini anamshinda yule aliye shambani. Nakubaliana na jambo hili. Disparity anayosema ni kweli. The disparity is so great that you cannot imagine it. Kuna watu wengine ambao wanakula hadi wanatajika kwa kushiba, na kuna wengine ambao hawana chakula hata cha siku moja. What a disgrace! Kuna wale watu ambao hawana matumaini ya kupata chakula cha siku moja. That disparity is there. Lakini mimi nilikuwa nikizungumza juu ya sehemu za mashambani kwa sababu mimi ni Mhe. Mibunge wa sehemu ya mashambani kama wewe tu, Mhe. Naibu Spika wa Muda. Yafaa uchunge maduka yako na mizani. Ikiwa mtu ambaye ni mfanyabiashara katika sehemu yako amepatikana kwamba mizani yake sio nzuri, amatakiwa apigwe faini ya KSh. 20,000.

Wakati ambapo kuna mkutano huko mashambani na picha za televisheni zinachukuliwa, utaona kwamba wananchi wanasukumana ili picha zao zichukuliwe katika filamu za televisheni, lakini hawazioni picha hizo walizochukuliwa. Mahali kuliko na televisheni ni Nairobi, Nakuru, Kakamega na Eldoret. Kama watu hawa ni wa Butere, kwa mfano, hawataweza kuziona hizo picha kwa sababu huko Butere hakuna televisheni. Katika Butere nzima, ni watu wawili tu walio na televisheni, nao ni Mwalimu Mkuu wa Butere Boys Secondary School na Mwalimu Mkuu wa Butere Girls Secondary School. Kwa hivyo, huwezi kumwona Bw. Shikuku akisukumana na watu eti ili picha yake ichukuliwe katika filamu ya televisheni. I know where the bread is buttered.

Bw. Naibu Spika wa Muda, ni vigumu sana kumpata mfanyabiashara anayeweza kulipa faini hiyo ya shilingi 20,000 huko Butere. Kwa hivyo, wafanyabiashara kama hao watakuwa wakifungwa jela. Ajabu ni kwamba tunatakiwa tuseme 'Aye' swali litakapoulizwa. Ingefaa kama kifungu hiki kingefanyiwa marekebisho. There should be a difference; kama kulivyo na tofauti ya miji na mashambani. Vile vile, ingefaa kama kungekuwa na sheria tofauti zitakazofuatwa na wafanyabiashara wa mashambani na wale wa mijini.

Mfanyabiashara wa mashambani atawezaje kushinda na na watu kama yule Mhindi niliyemtaja hapa jana anayeitwa Bw. Shailesh Nataavbhai Patel? Can we see these things, as Elected Members of Parliament? Je, hatuwezi kuona tofauti iliyoko baina ya mtu mweusi mfanyabiashara na mweusi au mfanyabiashara wa rangi ya hudhurungi? Kiasi cha shilingi 20,000 ni kidogo sana kwa Patel. He will ask you: "What do you want, if

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it is Sh. 20,000, I will give it to you". Wahindi hawa wanaweza kukwambia, "Ninyi mnasema mna mipango ya harambee kila siku, na mnatawambia tutoe pesa, lakini mimi nasema sitatoa pesa: nitoe namna gani?" Ataendelea kukwambia, "The other day, we had a community meeting and we collected the money and gave it to—for example—Mr. Thuo. The money was Sh. 80,000." Nalitumia jina la Bw. Thuo kama mfano tu; he has not got the money. Maybe I should use my own name. The Asian will tell you, "We gave the money to Mr. Shikuku, but yesterday, when I listened to the radio, what did I hear? In the news item, it was announced that Mr. Shikuku donated only Sh. 20,000. What happened to the other Sh. 60,000?"

Mr. Temporary Deputy Speaker, Sir, Sh. 20,000 is nothing to Mr. Patel, Mr. Mulji Haji or to Mr. Smith, but to somebody in Butere, or Samburu, or any other rural place, it is a lot of money. Kwa hivyo, ingefaa kama Waziri atafikiria kuweka marekebisho katika kifungu hiki wakati wa Committee stage. Hatusemi watu wasipigwe faini. La. Mtu akifanya makosa, ni lazima apewe adhabu, lakini ni lazima tuangalie tuone adhabu hiyo itakuwa ya aina gani. Ingefaa kama tungepanga sheria hii ili faini itakayotowza watu wa mashambani iwe tofauti na ile itakayotowza wale wa mijini.

Bw. Naibu Spika wa Muda, ninapozungumza juu ya Mswada wo wote, ninajua kwamba siku moja, sitakuwa Mbunge wa Bunge hili. This much I know. Najua siku moja, Mungu atanichukua au nitastaafu, au watu wa Butere wataleta Mbunge mwingine katika Bunge hili. Lakini ukipitisha sheria hivi hivi bila kufikiria, ukifikiri eti kwa sababu wewe uliye katika Viti vya Mbebe ni lazima useme 'Aye', kuna wakati ambapo hutaweza kuziona kuta hizi nne za Bunge hili. Unaweza kuja tu kwa sababu Wabunge wa zamani wanaruhusiwa kukaa katika 'Diplomatic Boxes', lakini itakuwa ni ndoto kwao kufikiria kukanyaga sakafu ya Bunge hili. Kwa hivyo, Mbunge atakapoacha kuwa Mbunge wa Bunge hili, na atakapoenda nje, sheria hii anayopitisha hapa itamwathiri. Nao wafanyakazi wa Serikali watainwambia, "Si ninyi ndio mliopitisha sheria hii? Sisi hatukuwa huko Bungeni." Kwa hivyo, inambidi kila Mbunge kusoma kila Mswada, akafahamu na kutoa maoni yake. Sisi tulio katika Viti vya Nyuma pamoja na wale walio katika Viti vya Mbebe tulio katika kikundi kimoja sote.

Bunge hili litakapovunjwa, wale walio na nyama nyingi wataanza kuwa wembemba watakapoanza kufanya kampeni. Kwa hivyo, kwa sababu sisi ni ndugu, ni lazima tuwe pamoja, mbele na nyuma, tusikilizane hapa ili tuwasaidie wananchi; tusije tukagombane sisi kwa sisi kwa sababu filimbi itakapopigwa, kila mmoja ataendelea upande wake, naye Mungu arakuwa kwa wote. Atakayerudi atasema haleluya. Nimeyaona mambo haya mara nyingi sana. Katika mwaka wa 1969 niliyaona; pia, niliyaona katika miaka ya 1974, 1979, 1983 na nangoja kuyaona mwaka wa 1988. Wabunge wengi wanatoka kupitia mlango huu, na hawarudi hapa tena. Kwa hivyo, ni wajibu wetu kukaa pamoja, tukazungumza na kuelewana. Tunapotoa maoni kama haya, ingefaa Waziri akae chini na maafisa wake wazungumze ili waone watayafanyaje maoni hayo.

Nakumbuka kuwa hivi majuzi, Mhe. Mwamunga alikubali kuufanyia Mswada fulani marekebisho. Vile vile, Mhe. Wanjigi aliueta Mswada hapa, tukauzungumzia, tukatoa marekebisho na alipoyakubali, tuliupitisha Mswada huo. Hakuna ugomvi. Sisi tulio katika Viti vya Nyuma, pamoja na wale walio katika Viti vya Mbebe, tufanye kazi pamoja ili tuwasaidie wale waliotuleta hapa. Pamoja na hayo, tupigane na wale wanaotutumia ili tugombane na hali wao wanakunywa kahawa.

Wakati mwingine, utaona kwamba Waziri anapewa jawabu lisilo la kweli, Bw. Shikuku anamrukia na kumtolea karatasi za kuthibitisha kwamba anavyosema Waziri si kweli. Wakati huo, watu wa mawakilisho yake wanasikia yanayoendelea kupitia kwa radio, na mwisho wake, anashindwa kuchaguliwa tena. Yule aliyempa Waziri jawabu lisilo la kweli anaendelea na kazi kwani yeye ni "permanent and pensionable". Why do we fight?

Hivi majuzi, tulikuwa na Bw. J. D. Otiende, aliyekuwa Waziri wa Afya. Alipewa jawabu na mfanyakazi wa Serikali aliyekuwa akifanya kazi katika Wizarati hii na akaliloma. Jawabu hilo lilikuwa limeandikwa hivi:

"Ni kweli marehemu Bw. Ngaira alifanyiwa upasuaji na makasi ya inchi tisa yakaachwa ndani ya mwili wake pamoja na pamba na uzi aliposhonwa".

Alikubali kulisoma jawabu hilo. Nihipomwuliza swali la ziada, alisema, "Well, that could not have been the cause of his death; he was a dying man." Mwaweza kuyasoma maneno haya katika HANSARD. Kumbé yule mtu aliyekufa alikuwa anatoka Mawakilisho ya Ikolomani! Mhe. Mbunge huyo naye alikuwa anatoka Butere. Maneno hayo yalitangazwa katika radio. Katika mwaka wa 1969 tulipokuwa tukifanya kampeni za uchaguzi wa Bunge, aliambiwa, "Ndiyo, tuna'aka urudi huko Bunge kwani waweza kuwa Waziri, lakini kwanza kabisa kabla yetu kukupigia kura, tulettee Bw. Ngaira". Bw. Ngaira alikuwa mwenyekiti wa kwanza wa tume inayowaajiri wafanyakazi wa Serikali. Bw. Ngaira hakupatikana, na hata sasa huyo bwana hajarudi hapa Bungeni. Huo ndio mtindo, na mtindo huu unapotosha kwa sababu Waziri anapewa majibu yasiyo ya kweli na anakuja hapa na kugombana na wenzake. Jambo hili lina'kurudia mwenyewe wakati wa uchaguzi.

Kwa hivyo inafaa tusikilizane na kufahamiana ili tuiendeleze nchi hii mbele kwa manufaa ya watu wetu. Tulikaa pamoja sote tutarudi hapa. Wengine wetu unadanganywa na wafanyakazi wa Serikali wakitwambia, "Fanya hivi na vile" eti ndipo tuletete maendeleo. Unapewa majibu yasiyo ya kweli, huku ukiambiwa, "Fanya hivi na vile", lakini baadaye unapotea, na mwenye kukwambia hivyo anabaki. Wafanyakazi wa Serikali husema kwamba wanaweza kuitumikia Serikali yo yote na kwa hivyo, hii yetu ikiharibika, wao wataitumikia ile nyingine itakayokuwako. Wakati huo wewe utakuwa "maiti". Kwa hivyo, tunahitaji kufiinda Serikali hii yetu tunayoifahamu ili isiharibike.

(Hon. arap Saina entered the Chamber)

The Assistant Minister for Agriculture (Mr. arap Saina): Are you still on?

Mr. Shikuku: Bw. Naibu Spika wa Muda, Mhe. Mbunge anayeingia hapa sasa ananiuliza niko wapi. Ni-

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ko wapi. Niko kazini, lakini yeye anatoka nje. Wale waliomchagua wakijua kwamba anakwenda nje na kurudi hapa kuniuliza ninafanya nini watamwambia si sawa. Mwambie aketi chini.

The Assistant Minister for Agriculture (Mr. arap Saina): Hata mimi natoka kazini.

Mr. Shikuku: Bw. Naibu Spika wa Muda, nitamwacha Mbunge huyu hivyo tu kwa sababu ukiyafuata mambo mengi—

Mr. Kikuyu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for this Assistant Minister to come from outside the Chamber, when we have been sitting here and listening so patiently to what hon. Shikuku is saying, and disrupt everything and talking to hon. Shikuku as if we were in a market place? I think he should respect the Chair.

The Assistant Minister for Agriculture (Mr. arap Saina): Mr. Temporary Deputy Speaker, Sir, I do not know what is irritating the hon. Member. I am only admiring the hon. Member for Butere. I was only telling him to go on.

The Temporary Deputy Speaker (Mr. Angatia): Order, Mr. arap Saina. You were out of order, so sit down and listen.

(Applause)

Mr. Shikuku: Bw. Naibu Spika wa Muda, nilikuwa nikisema kwamba katika kifungu hiki, ambacho ninataka kuacha kuongea juu yake, tutaletewa badiliko, na kwamba kuelewana kwetu ni muhimu sana. Adhuhuri hii tumesema kwamba appendix haikuwako, na badala ya kusema ikae siku saba kulingana na Kifungu cha 461 cha Sheria za Kenya, kuhusu kuwasilisha vitu Mezani, tulisema kwamba tutatandelea na majadiliano haya hapo Jumatano. Ulelewano huo unahitajiwa.

Wabunge hawa wanafaa kujua kwamba kama Mhe. Angatia anafanyiwa dharau, wanafaa kusema kwamba hii si haki kwa sababu hata Mhe Angatia anaweza kuwa Waziri. Sote hapa tunaweza kuwa Mawaziri. Unaweza kuwa Waziri leo, lakini kesho uwe huku nyuma, au uwe Mbunge wa Viti vya Nyuma leo, na kesho uende mbele. Kwa hivyo, sote ni sawa. Huwezi kuwateua wafanyakazi wa Serikali kuwa Mawaziri, na jambo hili linafaa kufahamika. Mfanyakazi mmoja tu wa Serikali ndiye yuko hapa.

An Hon. Member Who is that?

Mr. Shikuku: Ni Mkuu wa Sheria, ambaye hapigiwi kura. Kwa hivyo—

(Laughter)

The Attorney-General (Mr. Muli): On a point of order, Mr. Temporary Deputy Speaker, Sir. It is true that the Attorney-General has no vote, but that should not give the hon. Member authority to use the Attorney-General as a scapegoat for matters that he does not deal with.

Mr. Shikuku: Bw. Naibu Spika wa Muda, najua kwamba Mkuu wa Sheria alikuwa akitaka nafasi hiyo ili naye pia apumue kidogo, na amefanya hivyo. Hii ni interjection nzuri, lakini amekubali ukweli. Hana kura. Sasa amepumua kama alivyokuwa akitaka kufanya.

Ni lazima sisi kama wanasiasa tuyaangalie matakwa ya watu wetu. Bw. Mkuu wa Sheria pamoja na Bw. Waziri wameyasikia maoni yangu. Waheshimiwa Wabunge wengi walio hapa wametoka mashambani. Tunaweza kupanga adhabu hiyo ifuatane na mahali ambapo mtu yuko.

Jambo lingine ni kwamba ninajua kwamba pesa haziko leo. Ukitikata kujua kwamba mambo yamebadilika, itisha mchango wa harambee. Utaona kwamba jumla ya pesa ambazo mimi na mgeni wa heshima pamoja na watu wengine wakubwa wakubwa tunatoa inashinda jumla ya zile ambazo zimetolewa na wananchi. Kama huyaoni mambo haya katika televisheni, siku hizi ukiita mkutano, utaona kuwa watoto ndio wengi na "wakubwa" hawaonekani. Wale wenye kutazama televisheni husukumama ili picha zao zionekane katika televisheni. Unapokwenda nyumbani, unaiangalia picha yako tu. Mbona usiutazame umati wa watu waliohudhuria? Watoto ndio huwa wengi. Hii ni kwa nini? Kwa sababu "watu wakubwa" wamejua ujanja wetu, na sasa hawahudhuri mikutano. Ukiupata mkutano ambao unahudhuriwa na "watu wakubwa" utajua kwamba mwenye kuuita mkutano huo anapendwa. Siku hizi watu wanajua ni upande upi wa mkate uliopakwa mafuta. Kwa hivyo, mambo yanabadilika. Tunafaa kuliangalia jambo hilo. Hii inathibitisha kwamba mali ya nchi hii iko mikononi mwa watu waohache, na ni vibaya sana. Jambo hili linafaa liangaliwe. Shikuku huyasema maneno yake kwanza, yanapingwa, halafu yanarudiwa tena kama kwamba ndipo yanapoanza kusema. Hivyo ni hatari. Ukiwaangalia wananchi siku hizi, utaona kwamba wanayafahamu mambo mengi.

Sauti ya Kenya pia inafaa kufahamu hivi. Inayakata maneno mengine yanayozungumzwa hapa. Haitaki kuyatangaza maneno haya yote, bali magazeti ndiyo huyaandika. Sauti ya Kenya imekuwa chombo cha watu fulani, wala si cha kutangaza maoni yote yanayotoka hapa. Inayataka maoni hayo. Hata haitangazi habari ya pesa hizi za Halmashauni ya Bandari ambazo zilipewa mablenki mengine yaliyovunjika. Sauti ya Kenya inataka kuifunika habari hii. Nataka kuikumbusha Sauti ya Kenya msemu mmoja. Hapo zamani tulipokuwa tukipigania Uhuru wa nchi hii taarifa ya mwanasiasa haikuwa ikitangazwa kupitia Sauti ya Kenya. Hotuba za gavana na mkuu wa mkoa—ambao hawakuwa wakizitoa sana—ndizo zilikuwa zikitangazwa na Sauti ya Kenya. Hotuba za Wabunge wenzangu pia zilikuwa zikitangazwa lakini zetu hazikuwa zikitangazwa. Hata magazeti hayakuwa yakizindika hotuba zetu isipokuwa kuandika mstari mmoja tu, lakini hii haikuzuia Uhuru kupatikana. Kile kilichotufanya kupata Uhuru ni kwamba wale waliokuwa wakizikiliza hotuba zetu walikuwa wakizitangaza kila mahali kwa kutumia ile "radio" ya mdomo, hata ingawa walikuwa wakizitia "chumvi" kidogo. Hivyo ndivyo Uhuru ulivyopatikana.

Sauti ya Kenya inafaa kujua kwamba hata isipoyatangaza maoni ya Wabunge wanayoyatoa katika Bunge hili, eti kwa kuwa wanayafanyia censorship—kama waliivyofanyia ile habari ya Halmashauni ya Bandari ili wazipate pesa hizi—hii haitasaidia kitu. Utajua kwamba Sauti ya Kenya ni chombo cha watu fulani. Waziri ata-

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kapojibu ile Hoja yangu, hotuba yake yote itatangazwa na Sauti ya Kenya. Kwa kufanya hivyo, wafanyakazi wa Sauti ya Kenya wanajidanganya kwa sababu wananchi wamefahamu mambo mengi sasa. Ukweli utawafikia. Ukweli ni Mungu, na Mungu hashindwi. Kwa hivyo, yafaa tujue hivyo.

Wakati huu, wengine wetu tunanyimwa haki ya kufanya mkutano kwa sababu wanaotunyima wanajua kwamba tutawaambia wananchi ukweli. Huko Butere wafanyakazi wa Serikali wamepunja pesa na hawataki kuzilipa, lakini hawashikwi na polisi. Ninasema kwamba wafanyakazi wa Serikali wa Butere wamepunja pesa. Ikiwa Mbunge ye yote anataka thibitisho, aseme hivyo aone. Jambo hili haliwezi kufichwa.

The Assistant Minister, Office of the President (Mr. Kubai): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ningependa kumkatiza Mhe. Munge wa Butere kwa sababu kusema kwamba wafanyakazi wote wa Serikali hupunja pesa ni jambo baya sana. Anaweza kutufafanulia wafanyakazi hao wanaohusika ni nani? Wafanyakazi wote wa Serikali hawawezi kuwa wabaya.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ningependa kusema kwamba Mhe. Mbunge huyu mzee rafiki yangu aliyeleta Uhuru huu, hakuuletea wezi. Niliweka ripoti ya mkaguzi aliyekagua pesa za Butere Self-Help Development Fund juu ya Meza ya Bunge hili. Sasa nina ushahidi mpya ambayo unaonyesha kwamba Mkuu wa Wilaya, Kakamega, anawaambia wananchi mambo ambao si ya kweli. Anaambia dunia na nchi ya Kenya mambo ambayo si ya kweli. Inaonekana kwamba ana-ficha wezi ambao waliko chini yake. Hii ndio sababu hataki kuita mkutano kwa sababu anajua kwamba wananchi watasema ukweli huu.

Ukiangalia katika ripoti ya mkaguzi aliyekagua pesa za Butere Self-Help Development Fund katika ukurasa wa 5 anasema hivi:

"Katika Butere Constituency kuna lokesheni ndogo 26 (wao ndio walikuwa waliohukuwa pesa kutoka kwa wananchi na kuzipeleka kwa mkuu wa tarafa anayezipeleka benki; si Shikuku.) Katika Lunza Sub-location tu ndio chifu msaidizi hakuli pesa". (Nita-weka karatasi hii juu ya Meza).

Kwa hivyo, machifu wasaidizi 25, walikula pesa. Mkaguzi ametia hesabu yote ya pesa ambayo ni Sh. 80,224.80 Chifu Msaidizi wa Lunza peke yake ndiye hakula pesa hizo. Katika ukurasa huo huo kuna mambo mengi na wale wenye kujua hesabu watanambia maana yake kwa sababu mimi Shikuku sijui. Katika ukurasa wa 9, tunasoma hivi:

"It was noted that large amounts were being paid cash, example, Sh.25,000, with no supporting documents from the office. (Hiyo ni ofisi ya mkuu wa tarafa). Paysheets for labourers involved construction of 8-4-4 classes which resulted in cash payment (mimi sina ubaya na Waziri na ninamfahamisha tu na kumshukuru sana kwa kunipa nafasi hii) of Sh.106,964 without supporting documents."

Yaani, alipo ca pesa katika benki, hakusema alimpatia nani; pahali yule mtu aliandika haponekani na wala

yule aliyezipokea hakuweka sahihi pahali po pote. Tuna-jua kwa kawaida mshahara ukichukuliwa katika benki, kwa mfano, Onyango akija, anaambiwa: "Pesa zako ni Sh.800; weka sahihi hapa. Wewe Bw. Shikuku pesa zako ni hizi; weka sahihi hapa." Hakuna vyeti kama hivyo na mambo hayo yote yalifanywa na mkuu wa tarafa.

An Hon. Member: Ameshtakiwa?

Mr. Shikuku: Bado hajashtakiwa kwa sababu the Administration is above the law. Ripoti hii inaendelea kusema:

"Also cheque payment without supporting documents totalled to Sh. 180,499.65. Unvouched expenditure amounts to Sh. 287,465.65."

Sasa, Bw. Naibu Spika wa Muda, ninataka kuonyesha kwamba kazi ya Mkuu wa Wilaya ya Kakamega ni kuwalinda wezi. Aliambia dunia kwamba ripoti ya mkaguzi haikuwa tayari. Hii ni ripoti yake, na nitaiweka juu ya Meza ya Bunge hili. Hana habari nimepata ripoti hii.

An Hon. Member: Is that not wrong addition? Ume-pata nafasi nzuri sana. It should be Sh. 312,000

Mr. Shikuku: Hizo nyingine ni pesa taslimu ambazo ziko upande wa mkuu wa tarafa na ukiongeza Sh. 80,224.80, inakuwa kama Sh. 312,000. Mkuu wa wilaya ndiye aliyetiliza district audit section ikague pesa za Butere Self Help Development Fund; huu si ukaguzi wa Shikuku bali ni ukaguzi wa mkuu wa wilaya. Yeye ndiye aliwaambia watu hawa wafanye hivyo. Ripoti hii iliandikwa mnamo tarehe moja Januari, 1985 na mkaguzi alisema hivi katika ukurasa wa 10:

"(a) Funds still held by sub-collectors (ambao ni machifu wasaidizi) tabulated in the appendix (ambayo nimeonyesha hapo) should be recovered from chiefs and assis'sant chiefs immediately."

Sasa, Bw. Naibu Spika wa Muda, unaweza kuona kwamba Mkuu wa Wilaya ya Kakamega hataki kusema ukweli. Wananchi wameniletea ripoti kwamba watu hawa wameanza kulipa pesa hizi pole pole. Nina risiti hapa za Serikali, na kuna mtu mmoja ambaye amelipa. Yeye ni Chifu Msaidizi wa Lokesheni Ndogo ya Shilinga. Alilipa Sh. 370 na nina risiti hapa ya kuonyesha alirudisha pesa hizo. Alilipolipa, alipatiwa risiti iliyotoka kwa Serikali yetu tukufu na takatifu. Risiti hii imeandikwa hivi:

"Original; Republic of Kenya; Official Receipt No. AC 705725. Dated 2/12/85." (Pesa hizi zinailipwa) on account of Butere Constituency Self-Help Development Fund. Head OOP; Vote—; Sub-Head Province—; Miscellaneous Department."

Hii risiti ni ya Sh. 370. Kule Shilinga alikuwa ameambiwa kwamba amekula Sh. 370. Sasa ukweli uko wapi? Mkaguzi amesema alipe na amelipa, na risiti ndio hii, na hali Mkuu wa Wilaya ya Kakamega anawaambia watu kwamba ripoti ya mkaguzi haijakuwa tayari.

(Laughter)

Ukweli ni kitu kigumu. Ukaguzi ulifanywa mnamo tarehe moja Novemba, 85 na ripoti hii ilitolewa mnamo tarehe mbili Desemba, 1985. It means that he is going by the instructions of the auditor.

[Mr. Shikuku]

Risiti nyingine ni ya Muhaka Sub-location. Huyu wa sehemu hii alikuwa Sh. 2,260.45 na sasa anarudisha pesa hizi. Mkuu wa wilaya hana habari nina vitu hivi. Karatasi kama hizi ni kama mohezo kwangu; I get them like nobody's business. Risiti hii imeandikwa hivi:

"Official Receipt; Republic of Kenya; Receipt No. 893253—"

Huyu amelipa Sh. 2,260.45 na katika ripoti hii mkaguzi anasema alipe Sh. 2,260.45. Mkuu wa wilaya hana habari juu ya mambo haya na ndio sababu ninapomwambia atoe ripoti, anakataa na kusema: "Ninataka pesa hizi zigawanywe mara moja." Hii ni kwa sababu pesa hizi zikiyawanywa hivi, mambo haya hayatajulikana. He should know he is dealing with the wrong character. Kuna mambo mengine mengi, na sitaki kuchukua wakati wa Bunge hili na ningependa kuwauliza Waheshimiwa Wabunge wasome ripoti hiyo. Huu ni mfano tu wa kuonyesha kwamba pesa zinrudishwa na bado mkuu wa wilaya anasema kwamba ripoti haijakuwa tayari. Kama huyo ndiye mkuu wa wilaya wa Serikali hii, basi wananohi wanaweza kuwa na mawazo mengine kwa vile watafikiria kwamba yeye ndiye Serikali. Mtu kama huyo na ukweli kama huo ukiwa kule, hiyo inaweza kuharibu roho za watu. Yeye analinda wezi. Hii ndiyo sababu wizi umezidi katika Wilaya ya Kakamega na yeye ndiye mwenyekiti wa kamati ya ulinzi. Hebu niweke karatasi hii juu ya Meza kwanza.

(Hon. Shikuku laid the document on the Table)

Bw. Naibu Spika wa Muda, nina hakika kwamba Mhe. Mbunge rafiki yangu mzee aliyeleta Uhuru katika nchi hii ameridhika, na sina haja ya kwenda zaidi ya hapo. Najua atachukua hatua kwa sababu mambo haya yanahusiana na Wizara yake. Sheria katika Kenya inasema kwamba ni mtu mmoja tu ambaye yuko juu ya sheria. Kama hatua haihukuliwi kwa hawa watu ambao walikula pesa za Butere, na Mkuu wa Sheria yuko hapa—ametoka—kama hachukui hatua kwa wezi kama hao, basi watakasoma historia watajua hawatakuwa na Mkuu wa Sheria.

Bw. Naibu Spika wa Muda, ninahakika kwamba Mhe. Mbunge rafiki yangu mzee aliyeleta Uhuru katika Wakati wote anataka kusema eti Shikuku ndiye mwenyekiti, na ndiye "amekula" pesa. Je, nimekula pesa wapi? kama ningechukua hata senti tano singekuwa katika Bunge hili. Oh, I would have been grounded a long time ago! Lakini wameangulia patupu.

Yafaa Mkuu wa Sheria achukue manene hayo na ayafanyie kazi. Wananohi wa Butere wanataka kuona haki. Asipofanya hivyo, basi tuajua kwamba the Administration is also above the law.

Bw. Naibu Spika wa Muda, nilikuwa ninakuja kwa habari ya offences, kifungu 65, and I quote:

"The provisions of this Act shall not apply to any equipment designed or used or intended for use in connection with the survey of land".

Bw. Naibu Spika wa Muda, sijui kama Waziri atakaposimama kuibu utanielimisha kidogo ni kwa nini vitu vya survey haviwezi kuwa katika sheria hii. This is clause 65: Exemption for survey equipment. Nataka

Waziri anieleze ni kwa nini survey equipment iwe "exempted". Huenda ikawa hiyo equipment imekwenda kombo, na akifanya hiyo survey yake—I do not think survey equipment is exempted from getting messy—itakuwa mbaya. Nina Mhe. Mbunge hapa ambaye niko tayari anifahamisha kama survey equipment haiwezi kuharibika, ikiwa hivyo basi inaweza kuwa exempted.

Mr. Anyumba: On a point of information, Sir. Survey is a precise science, and it has to be extremely accurate. What is referred to here as "Kenya Primary Standards" precisely refers to survey equipment. We have to standardize them every six months to ensure that due to expansion or contraction, unjustified errors or errors beyond permissible errors do not occur. Thank you Sir.

Mr. Shikuku: Ahsante sana. Kama equipment hiyo inafanyiwa ukaguzi kila miezi sita, basi mimi nitakubali. Sisi sote hatukusomea mambo kama hayo. Ni lazima sisi kuelimishwa, na wahenga wanasema elimu haiishi.

Mr. Anyumba: On a point of information again, Sir. What I meant to say is that the survey equipment should not be exempted.

Mr. Shikuku: Bw. Naibu Spika wa Muda, Waziri sasa anayasikia haya maneno. Hii survey equipment iwe pia ikifanyiwa ukaguzi na isije ikawa exempted.

The Assistant Minister for Information and Broadcasting (Mr. Khasakhala). But we have no experts!

Mr. Shikuku: Mhe. Khasakhala anasema hatuna experts. Sasa kama hatuna experts, tutafanya nini? Equipment iwe ikitupatia wrong measurements, na tundelee tu kwa sababu hatuna experts? I do not agree with my hon. friend. Ni lazima tupate mtu, na watoto wetu wamesome sana. These survey machines are very important.

Mr. Anyumba: On a point of information, Sir. They have experts at Ruaraka.

Mr. Shikuku: Mhe. Khasakhala anasema hatuna experts. Mhe. Khasakhala alikuwa anataka kutupotosha. Anayejua anasema wako hapa karibu. Kwa hivyo, we have experts. Ningestaajabu kwa sababu Kenya tumendelea sana. Some of us do not know. We have really moved. Tumekwenda sana. Hakuna haja ya kuwaweka wageni hapa tena. Tuna watoto ambao wamesoma, na tuna ujuzi mwingi. Kwa hivyo, there should be indigenization 122 per cent kwa sababu tuna watoto ambao wamesema! Kenya tuko juu. Kwa elimu na ulimaji, najua tuko head and shoulders above others.

Ketu kimoja tu ambacho tuko nyuma ni biashara. Uchumi wa nchi hii ungali kwa mkono ya Wahindi. Hii ndiyo peke yake kasoro. Hapo kuna kasoro kidogo na tafanya mpango. Waziri atafanya mpango atuwzeshe tuchukue hiyo. Hiyo ni hurdle moja ambayo hatujawesa kupita. Tumepata Uhuru na maendeleo. lakini uchumi bado hatujapata. Lakini unazuiwa sana na Wafrika wengine wetu wachache ambao wanaungana na amri ama uwezo, wakipatikana na hatia ni kupigwa risasi tu kwa sababu hawa ndio wanatua sisi. Lakini bahati yao sina uwezo. Kama ningekuwa nao, ningeweza.

Bw. Naibu Spika wa Muda, nikija kwa powers of entry and seizure, tunatoa madaraka ama uwezo wa kuingia na kuchukua mali.

[Mr. Shikuku]

This is clause 56 (1), and I beg to quote:

"An inspector may at any reasonable time inspect and test all weights, measures or weighing or measuring instruments which are used or are in any person's possession, or upon any premises for the purposes of trade, and may cause such weights, measures or weighing or measuring instruments to be compared with the working standards, and may apply such test as may be necessary to determine the accuracy therefore and may seize and detain such of them as are liable for forfeiture under this Act".

Bw. Naibu Spika wa Muda, uwezo huo tunampatia mtu huyo. Tunampatia inspekta uwezo wa kuingia na kufanya kazi yake. Pia, tunampatia uwezo wa kunyakua aiachona hakiko sawa. Kifungu cha 56 (2) kinasema, and I quote:

"For the purposes of subsection (1), an inspector may enter any shop, factory, store or warehouse, stall, yard or other premises wherein he has reasonable cause to believe that there are any weights, measures, weighing or measuring instruments which he is authorized under this Act to inspect or where any goods are bought, sold, exposed, pre-packed or kept for sale, or weighed or measured for sale or for conveyance or carriage or for any other trade purpose".

Swali ambalo ningependa kuuliza ni hili: Kuna rufani ambayo inaweza kukatwa na mtu ye yote ambaye kitu chake kimechukuliwa? Pengine inspector amewonea kwa sababu hamtaki. Hii ni kwa sababu kuna wengine ambao huwaambia watu "Utanitambua mimi ni nani, na hilo duka lako utalifunga." These things are there. Kuna sehemu ambayo inaruhusu mtu mwingine aitwe ili aikague hiyo mashine ambayo imechukuliwa? Je, huyo inspector ndiye mtu wa mwisho kufanya vile anavyotaka? Hii ni kwa sababu tunajua wafanyabiashara ambao wametishwa na kuambiwa: "Utalifunga hilo duka lako." They look for very small excuses. Hilo ni jambo ambalo lafaa kufafanuliwa na Waziri. Hatujui kama kuna kifungu ambacho kina uwezo juu ya huyo inspector. Hii ni kwa sababu yeye anaweza kuwa hatari kubwa kwa wengine. Hata anaweza kupewa asoya na watu wengine ikiwa kuna ugomvi kati ya wafanyabiashara.

An hon. Member: Asoya ni nini?

Mr. Shikuku: Asoya ni kiinua mgongo, Bw. Naibu Spika wa Muda. Ikiwa Mhe. Anyumba anauza nyama mimi huenda nikawa ni rafiki wa yule inspector— Lakini kwa vile Mhe. Anyumba anataka kunishinda kwa biashara, ninaweza kumwambia: huyo inspector "Ohai ndio hii"; angalia huyu Anyumba anaweza kufanywa nini. Basi yeye atakwenda kwa Anyumba na kuichukua ratili yake na vitu vingine na kwenda navyo. Kwa hivyo, duka lake la nyama likifungwa, ile la Shikuku litazidi kuendelea. So, what is the remedy? Inaonekana kwamba huyo inspector hana mtu wa kumwangaia. Ukiangalia sehemu ya 47 ya Mswada huu utaona kwamba wanasema kwamba yeye ana uwezo wa kumkamata mtu na kadhalika. Sioni mahali ambapo mtu anaweza kumzuia asifanye mambo kama haya.

Mr. Karauri: Asoya ni lugha gani?

Mr. Shikuku: Asoya, kwa Kiswahili sahihi, Bw. Naibu Spika wa Muda ni kiinua mgongo.

An hon. Member: Asoya ni dhuluo.

Mr. Shikuku: Ndio Asoya ni dhuluo.

Mr. Karauri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku who professes to know all the Standing Orders, and I am sure he does, in order to speak dhuluo when he is contributing to this Bill?

Mr. Shikuku: Bw. Naibu Spika wa Muda, hiki ni Kiswahili. Unaponiona hapa, ninajaribu sana kuizungumza lugha ya Kiswahili na kuna maneno ambayo wawati mwingine hupotea na yale ninayojua nayatumia. Lakini asoya si dhuluo kamili. It is well known. Hili ni neno ambalo linafahamika. Lakini Kiswahili kizuri ni kiinua mgongo. Sijui huu mgongo unaituliwa wapi. Lakini nasikia kwamba kinaitwa kiinua mgongo.

Bw. Naibu Spika wa Muda, ninaweza kuzungumza juu ya Mswada huu kwa sababu nimeusoma sana. Kwa hivyo, ningependa wakati Waziri atakaposimama kujibu aeleze ni wapi mfanyabiashara anapoweza kwenda kulia na kilio chake kisikike, ili huyu inspector achunguzwe. Hii ni kwa sababu huyu inspector ana uwezo mkubwa sana. Hakuna njia ya kumchunguza akianza kuwa mfsadi. Ufisadi umezidi hapa Kenya, na ingefaa Waziri atusaidie.

Bw. Naibu Spika wa Muda, kifungu cha 50 cha Mswada huu kinasema hivi:

"Where any goods are required under this Act to be sold only by quantity expressed in a particular manner—

(a) shall be a sufficient compliance with the case of any sale of, or agreement to sell, any such goods if the quantity of the goods expressed in the manner in question is made known to the buyer before the purchase price is agreed.

Bw. Naibu Spika wa Muda, mimi nimeusoma sana Mswada huu na ninaweza kuchukua muda mrefu nikizungumza, na pengine wenzangu wangependa kuzungumza.

An Hon. Member: Endelea.

Mr. Shikuku: Ndugu zangu mlikubali niendelea nitaendelea, lakini kuna Mbunge ambaye anataka kuzungumza mimi niko tayari kumaliza na kumpa nafasi aseme yale aliyonayo. Mimi nimeusoma sana Mswada huu.

Hon. Members: Endelea.

Mr. Shikuku: Ahsankeni sana. Sehemu ya 50 (b) inasema hivi—

"no person shall be guilty of an offence under section 37(i) by reason of exposing or offering for sale of such goods at any time if both the quantity of the goods expressed in the manner in question and the price at which they are exposed or offered for sale are made known at that time to any prospective buyer. Hii sheria ni nzuri. But how practical is it? Tumeambiwa mara nyingi kwamba bei za bidhaa zitawekwa. Lakini ukweli ni kwamba, na Wabunge wanajua, ni wa-

[Mr. Shikuku]

fanyabiashara wadogo ambao huonyesha bei za bidhaa. Hii sheria iko kwenye vitabu. Lakini utaona kwamba wafanyabiashara hawaonyesha bei za bidhaa. Isitoshé, wakati mwingine hupewa stakabadhi. Wengine wanakupa risiti ndogo sana ambayo huwezi kuweka katika file. Ukitoboa tundu moja utaona kwamba tundu hilo linaweza kuimaliza risiti hiyo. Ni kwa nini hawa inspectors hawajayaona haya makosa? Ni lazima wafanyabiashara waonyeshe bei ya vitu kwenye madirisha ya maduka yao. Haifai kuambiwa "Bei ya kitu hiki ni hii lakini inawezekana kutoa bei nyingine." Unaweza kuuziwa bei moja na mwingine auziwe bei tofauti kabisa.

Katika Kenya kila kitu kina bei mbili. Ukienda kwenye kiwanda kununua bidhaa futani— Unajua Wahindi ni ndugu zangu. Hawataki kwenda India. Hawataki kutoka Kenya, lakini wanazoa pesa zetu. Ukiwa na kiwete utafanya nini? Yeye ni mtoto wako. Hawa ndugu zangu Wahindi wana bei mbili. Mhe. Lalampaa akienda kwa kiwanda hawezi kupewa one hour credit; even half a minute credit. Watamtaka Mhe. Lalampaa alipe pesa zote kwa hicho kitu. Lakini Mulji Halji Lajji akija atapewa 90 days credit. Mhe. Lalampaa akishanunua bidhaa zake na kulipia uchukuzi, na hivi ndivyo tunavyouawa, atakuja na kuziweka dukani na kuweka bei kamili. Lakini utaona kwamba yule Mulji Halji Lajji ambaye amepewa 90 days credit atakuja na kuweka bidhaa zake dukani. Lakini kwanza atachunguza aone Mhe. Lalampaa ameweka bei gani. Akiona kwamba bei iliyowekwa na Mhe. Lalampaa ni Sh. 5, yeye atakwenda na kuweka Sh. 3 au Sh. 4. Sasa mwananchi akienda dukani mwa Mhe. Lalampaa ataona kuwa bei ni Sh. 5 na hali kwa Mhindi ni Sh. 3, na atasema "Mimi nitahunua hapa kwa sababu bei ni nafuu." Kwa hivyo baada ya miezi miwili au mitatu, Mhe. Lalampaa atalifunga duka lake. Hivi vitu vinaudhi na vinauma sana. Hii ndiyo sababu hata baada ya kukaa katika Bunge hili kwa miaka hii yote sina kitambi. Hii ni kwa sababu ninajua mengi na ukijua mengi unapata taabu sana. Kitu ambacho siwezi kupata ni heart failure.

An Hon. Member: Kwa nini?

Mr. Shikuku: Hii ni kwa sababu Mungu amenibariki. Badala ya kupata hypertension utaona kwamba ninazidi kuwa na mvi mwingi. Kuwa na mvi si ugonjwa. So, I am all right. Lakini ninaumia sana katika roho yangu. Sasa Mhe. Lalampaa akishafunga duka, yule Mhindi anairudisha bei kuwa Sh. 5. Ningetaka Waziri ajue kwamba mchezo huu ni kama ule unaofanywa na watoto wa kutupa mawe kwa maji na wanapoonza mawe yakiyapiga maji wanafurahi lakini hawafahamu kwamba wanawaumiza chura majini. Basi siku moja chura alisimama na kusema, "Wato'o, huu mchezo wenu ni mauti kwetu". The sooner my brothers, the Asians, understand this and stop this trick, the better for them. Wasipofanya hivyo, mambo yataharibika kwao. Kuna siku mambo haya yatakowisha. Tunasoma katika Biblia kwamba vitu vyote vilivyo chini ya jua vina mwanzo na mwisho. Hatujui kuhusu vitu vilivyo juu ya jua, lakini mhubiri katika Biblia amasema kwamba cho chote kilicho chini ya jua kina mwanzo na mwisho wake. Kwa hivyo, ni lazima ndugu zangu Wahindi wafahamu kwamba huu

mchezo wao ni mauti kwetu. Mimi ni rafiki yao sana, na yule Mhindi mpumbavu ndiye anaweza kusema kwamba Shikuku si rafiki yake. Shikuku ni rafiki ya Wahindi kwa sababu anawambia yale yatakayowapata. Shikuku hawaembelei Wahindi kwao kutafuta pesa za harambee.

Mr. Munyao: Ni akina nani wanaowatembelea?

Mr. Shikuku: Wengine wanakwenda, lakini Shikuku anawaambia ukweli kuhusu yale mambo ambayo yatawapata. Nitakapokufa Wahindi wataengeza sanamu kubwa ya Shikuku ili kumkumbuka. Watasema kwamba mimi nilikuwa Mwafrika mmoja ambaye alikuwa akiwaambia ukweli. They will put up a statue in honour of Mr. Shikuku. Wengine wanasema "Yes, we are sleeping partners", lakini hawaambiwi ukweli. Ukweli ni kwamba huwezi kula kila siku mpaka unatapika na mimi ambaye ninatala njaa nikuwache. Hapana! Kaini alimua Abel ingawa walitoka kwa tumbo moja.

Wakati huu, mtoto wako pamoja na mtoto wangu ambao tumewasomesha pengine wamefika Kiada'o cha IV au Kiada'o cha VI, au pengine wamefika chuo kikuu, lakini hawawezi kupata kazi. Lakini hujamwona mtoto wa Mhindi akitembea kutafuta kazi. Sijamwona mtoto wa Mhindi akisimama kwa mstari katika ofisi ya Wizaru ya Wafanyakazi akitafula kazi. Aliyeupigania Uhuru wa nchi hii ni Mwafrika, lakini hawa Wahindi walikuwa upande ule mwingine. Sasa mimi ninaweza kuwaangalia na kuvumilia lakini, je, mtoto wa Shikuku ataweza kuwavamilia? They will never get away with it. Dawa ambayo Shikuku angetaka kuwapatia ni hii; ni lazima Wahindi washirikiane na Waafrika! Ni lazima wachache huu mchezo wao wa kuchukua sehemu katika mji huu na kuzifanya zao. Sasa ukienda kule Panklands, uawa kuta Wahindi watupu. Wao hawamtaki mtu mwingine ye yote aingie kule, na jambo hili ni la hatari kubwa kwao. Hii ni kwa sababu mambo yanapoharibika, tutajua ni upande gani tutaweza kuwapata kwa njia rahisi. Watu watoka kule Eastlands kama njugu na kwenda kule Panklands:

Ni lazima Wahindi wachanganyane nasi, ili mtoto wangu amwee mtoto wa Mhindi, na mtoto wa Mhindi amwee mtoto wangu. Jambo hili likifanyika, kutakuwa na undugu kati yetu. Utakuwa na mjomba Mhindi, na mjomba hawezi kumpiga mjomba wake badi atamtetea. Lakini wakikataa kuyasikia mawazo yangu na kuendelea kukaa upande moja peke yao, mimi nimesema wataona taabu. Wasiniletee nabii wa waovu; mimi ni nabii wa kusema ukweli ambaye anataka Kenya iwe shwari. Ni lazima tuyasahihishe makosa haya ili tuishi vizuri. Mhindi hawezi kurudi kule India tena kwa sababu hata kikani kule na hawezi kuvumilia taabu iliyo kule. Mhindi hana haja ya kwenda kanisani kwa sababu hapa Kenya ni kama yuko mbinguni.

Mr. Munyao: Ndio, hapa ni kama mbinguni.

Mr. Shikuku: Mimi nimekwisha tembea na ninafahamu kwamba Kenya ni kama mbinguni kwa sababu watu wanakula kila kitu. The best cars here are theirs! The best buildings are theirs! Everything good here is theirs. Lakini hatutaki kuwanyang'anya. Tunataka kushirikiana nao ili tuweze kuendelea pamoja. Lakini wakikataa na kuendelea na mchezo huu wa kuwakata miguu wa-

[Mr. Shikuku]

fanyabiashara Waafrika wanaojaribu kufanya biashara, jambo hili litaleta taabu na hitakuwa mauni yao. Wasije wakafikiria kwamba watanichukua kuwa their "sleeping partner" katika biashara zao. Mimi nitasema, hapana! Shikuku ni mtu mmoja tu katika sehemu ya Butere ambapo kuna wapiga kura zaidi ya 80,000. Kwa hivyo, kumchukua Shikuku na kuwaacha watu 80,000 wakiwa na njaa ni hatari sana. Wao, pamoja na Shikuku, watakwenda. Wao watakwenda! Therefore, Mr. Shikuku, with those Asians he is conniving with to take money outside this country, will all have to go. They will not say that they have good conduct in this country, nor will they say that they know so-and-so, who will take care of the situation. Yes, he will take care of the situation for the time being but in future, how do you know that he will take care? You had better be friendly to everybody. Tukifanya hivyo, tutaisi vizuri. Lakini ikiwa jambo hili la "kutukata" litaeendelea kufanyika, kutakuwa na hatari.

Ninaweza kumwona Mhe. arap Ng'eno hapa, na ninafuraha kwa sababu ananisikia. Hata yale mambo ya forwarding and clearing ni lazima yawekwe mikononi mwa Waafrika, na yeye angesema hivyo. Akifanya hivyo, tutaweza kuziokoa pesa za kigeni. Sasa yeye alikuja akaniambia habari ya Kenyanization. Hata Mzungu anajua kwamba sisi hatuna ubaguzi, ikiwa watu wengine watakuwa wakila mpaka wakatapika, wakati wengine wanalala njaa, hakuna usalama; hakuna uhabiti. Mhindi halimi, lakini anakula kile chakula kizuri katika Kenya, lakini chakula hicho kinatokana na jasho letu. For how long shall we keep quiet? Mimi siwezi kunyamaza tena. Mimi ningependa kuwe na mapenzi kati yetu na Wahindi, na si wao kula wakati mimi ninapolala njaa. Yes, they are saying that they are contributing to the development of this country, but what development are they contributing to? Sisi Waafrika ndio tulizijenga nyumba hizi zote hapa Nairobi.

Bw. Naibu Spika wa Muda, ni lazima viongozi wa nchi hii waseme juu ya mambo haya. Sisi tunawataka Mawaziri wetu wachukue uongozi, na sisi Wabunge wa Viti vya Nyuma tu'awaunga mkono. Ni lazima wajue kwamba habari hii ya tumbo ndiyo inaweza kuleta mauni katika nchi hii. Lakini ikiwa Mawaziri wataendelea kusema kwa unyenyekevu ili wawe wakipata pesa za Harambee kutoka kwa Wahindi hawa, hizo pesa za Harambee zitakuwa mauni yao. Wakati huu, ni lazima wajue kwamba vijana ni wengi kuliko wazee. Wao ni asilimia 60, na ikiwa kuna Mhe. Mbunge ye yote ana yeketi hapa na kufikiria kwamba atasema na wazee wampigie kura ili arudi hapa Bungeni, ni lazima afahamu kwamba uwezo, wa kupiga kura uko kwa vijana. Hata ukitoa pesa za Harambee kiasi cha Sh. 450,000 pamoja na bibi yako, ni Shikuku aliye na mtoto atakayepata kitu kizuri kwa sababu mtoto wake ataenda kusoma. Je, yule mtoto wa umri wa miaka 16, 18 au 21, ambaye hajaoa, atajua wewe umefanya nini? What these people want are jobs and not your Harambee contributions. Tena wanajua kwamba hizo pesa za Harambee si zako kwa sababu umezinyakua, na hii ndiyo sababu vijana hawafiki kwa mikutano yenu ya Harambee. Sasa mna-

wakusainya watoto wa shule kuja kumpigia makofi. Huo ndio ukweli mchungu. Wananchi wanamwambia watchman wao, "Waambie wajue. Tunangojia hizo pesa zao za Harambee. Waje wajenge na wataona. Tunajua wanakula na akina Mulji Halji na Patel". You will wish you were never born. Utajiri hautaiokoa nchi hii. Tunataka utajiri ugawanywe kwa sababu ukiuweka mikononi mwa watu wachache, kutakuwa na hatari. Hii Serikali ni yako, yangu na ya watoto wangu. Wakati huu sina kitu kingine cho cho'e ninachotaka katika Kenya hii. Nimeshazaa watu kumi na sita katika nchi hii. Sasa minazungumza kwa niaba yao. Mimi nikifa wakati huu hakuna ubaya kwa sababu nimemaaliza kazi yangu. I have had a nice time.

An hon. Member: Umezaa watoto wangapi?

An hon. Member: Ulikuwa na nani?

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi nasema mambo yangu. Hawa Waheshimiwa Wabunge wanaoingilia hawawezi kusema mambo yao. Hata wakiwa wagonjwa hawataki kusema ni wagonjwa. Ni lazima waelewe kwamba kifo kitakapotokea, tutajua, kwa mfano, Mhe. Kitele alikuwa mgonjwa. Kama Shikuku akiwa mgonjwa, basi itangazwe kwamba Shikuku ni mgonjwa kwa sababu mimi ni mtu wa umma. I should be an open book. Ikiwa nimeshikwa na ugonjwa, basi watu waambiwe ili waweze kuniombea. It is not criminal to be sick. Hata nikipatwa na ugonjwa wa ukimwi (Aids) itangazwe kwamba Shikuku ameshikwa na ugonjwa huo. Mtu anaweza kupata ugonjwa wa Aids kupitia kwa sindano ya daktari, au kupitia njia nyingine. Watu wengine wakiwa wagonjwa wanaficha, na wanaenda kutibiwa ng'ambo polepole. Mwisho watakufa na tutapata ukweli. Tutasikia, kwa mfano, redio ikisema "Tunasikitika kutangaza kifo cha Mhe. arap Saina". Redio iko tayari kabisa kusema maneno hayo.

Bw. Naibu wa Spika wa Muda, mimi nazungumza kuhusu hali ya watoto wetu katika siku za usoni. Tunangojia hivyo kwa sababu wakati wetu umekwisha. Ni lazima tuitengeneze nchi hii kwa minajili wa watoto wetu. Natoka watoto wa Mulji Halji waishi pamoja na watoto wetu kwa amani, na waoane. Ajabu ni kwamba Mulji Halji anamtaka binti yangu, lakini mtoto wangu akienda kwa binti ya Mulji Halji, huyo binti ataweza hata kuuawa. Why should it be like that? Wahindi wanawachukua wasiohana Waafrika na kuwachezea, lakini hawataki watoto wetu wacheze na wasichana wao, ilehali wako Kenya. Kenya will never be a part of India in any way. Never! Kwa hivyo, Wahindi wakiwa hapa wanatakiwa kuishi kama Wakenya na wachanganyike na Wakenya kwa manufaa ya nchi hii.

Hata ukitaka kuwa mwanachama wa msikiti wa Wahindi huwezi kuruhusiwa. Wahindi wanakutana kila usiku na kufanya mikutano ya usiku, ilehali sisi tukikutana tunaambiwa, "Oh ninyi mnaifanya mikutano ya usiku". Je, hii mikutano ya Wahindi wanayofanya ina leseni? Katika Premier Club wanakutana kila usiku. Hata wanapoenda kule Kichoja Mosque huwa hawaendi kuomba; wanaenda kuangilia vile mambo ya mbeca yanavyoendela. Mbona hawashikwi? Mnatutafuta sisi tu

[Mr. Shikuku]

na tukiwa watu wataatu tunashikwa kwa kuwa na mkutano usio na leseni. Je, hali ya hatari iko kwa Mwaafrika na hali yeye yuko humu?

Bw. Najibu Spika wa Muda, bila chuki ya yote, mambo haya yote yanahitaji kuangaliwa kwa makini. Sasa tumekuwa huru miaka 24, na bado tunasema kwamba mambo ya aina hii yanastahili kuangaliwa.

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

[Mr. Deputy Speaker took the Chair]

Ni kwa nini hatuwezi kuyachunguza mambo haya?

Bw. Najibu Spika, pengine mimi huchukua muda mwingi kuongea hapa kwa sababu ninajua Uhuru ulitoka wapi na sioni kile kiku ambacho watu wengine walikufa wakipigania. Sioni ni kitu gani Mhe. Kubai hapa alichokuwa akipigania; naona kitu kidogo tu. Mahali pa tumbo ndipo nataka makamate, na hapo ni mahali pa biashara. Wahindi wakitaka bendera wanaweza kuzichukua mradi tu nishikilie biashara. Nikishika biashara ambayo iko katika Barabara ya Biashara, Wahindi wanaweza kupeparusha bendera hata zile za India. Nataka nishikilie biashara, where the real thing is.

Hon. Members: Hapana! Hapana!

Mr. Shikuku: Bw. Najibu Spika, Waheshimiwa Wabunge wengine ambao hata sikuwaona wakati tulipokuwa tukipigania Uhuru wanasema "Hapana" angawa wako hapa na hawajui ninasema nini. Mimi sikumwona Mhe. Thuo wakati wa kupigania Uhuru. I do not know what he was at that time. Mimi ninayezungumza najua ninazungumzia kitu gani.

Mr. Deputy Speaker: Order, hon. Shikuku. Your time is over.

Mr. Shikuku: Bw. Najibu Spika, kwa hayo machache, naunga Mswada huu mkono.

MOTION FOR THE ADJOURNMENT

RURAL HOUSING SCHEME BENEFITS TO MBOONI TEACHERS

Mr. Deputy Speaker: Hon. Members, you will recall that Mr. Speaker indicated that hon. Munyao wanted to raise a Motion on Adjournment and, therefore, I will call upon a Minister to move a Motion for the Adjournment.

The Minister for Works, Housing and Physical Planning (Mr. Mwamunga): Mr. Deputy Speaker, Sir, I beg to move that the House do now adjourn.

Mr. Munyao: Thank you very much, Mr. Deputy Speaker, Sir. The purpose of raising this Motion for the Adjournment is in connection with Question No. 458 which appeared on the Order Paper of 21st July, 1987. If you allow me, I will read the relevant question and the reply, so that you can see the reason why I decided to follow it up. The question was addressed to the Minister for Works, Housing and Physical Planning, and it said:

"(a) How many teachers from Mbooni Division have benefited from the Rural Housing Scheme in the last five years?

(b) Will the Minister give the number of applicants over the same period and the percentage of those granted the loans?

(c) How much of the approved amounts has been fully disbursed during the same period?"

In his reply, the Minister said, and I quote.

"(a) In the last five years, that is, between 1982 and 1986, only five teachers from Mbooni Division benefited from the Rural Housing Scheme.

(b) In the period between 1982 and 1986, there were 629 applicants from the whole of Machakos District, of whom 143 people benefited from the Scheme. This amounted to 22.7 per cent.

(c) The disbursement of funds is a continuous process and it depended on the successful applicants' finalization of the security for the loans. The total amount all comes to K£327,000.

As I said earlier, Sir, I have no malice in this matter. I only wanted a straightforward thing, and I wanted the Minister to know my concern over these teachers.

Mr. Deputy Speaker, Sir, in Machakos District, we have the highest number of primary schools in the whole Republic, and also the highest number of secondary schools. We have the highest number of employed teachers in the whole Republic. For the information of the House, second to Machakos District is Kakamega District. It is the reason therefore, why I followed up the matter. In fact, Mbooni Division has the highest number of teachers, compared to all other divisions in Machakos District. There are only eight divisions in my area, and Mbooni Division has the highest number of primary schools, secondary schools and teachers.

Having said that, I now want to point out that with that kind of population, if only five teachers benefited from the Rural Housing Scheme, it means that only one teacher per year was considered for the loan for all the five years in question. It even follows that during the period before 1982, teachers from Machakos District benefited from the scheme. My question is, why can the Minister not share this national cake equally?

Mr. Deputy Speaker, Sir, I believe that if there is anybody who requires that loan, it is a teacher. I say this because a teacher is an employed man; he works on permanent and pensionable terms of service. Therefore, he has enough security in the form of employment. He, therefore, has the means of repaying the loan.

I need not say that with the introduction of the District Focus for Rural Development Strategy, and the other strategies for development, teachers will tend to go to work near their homes. Any teacher who lives in his own house gets the owner-occupier house allowance, which is a handsome amount of money. They are getting an advantage by getting that money. We are, therefore, calling upon the Minister to improve his records because we want our people to construct houses, so that they can keep up their standards.

Mr. Deputy Speaker, Sir, I need not over-emphasize the fact that a teacher is a person who should be setting an example within his area. If teachers are expected to

[Mr. Munyao]

set an example, they should have good homes. Since they have good salaries, they should be leading a better life-style than those other people living around them, who would copy them.

It was very disappointing to hear the Minister for Works, Housing and Physical Planning say that it is only five teachers who have received these loans in the last five years. I think these are the only teachers who have ever benefited from any housing scheme. There are so many teachers who have applied for these loans, but what has happened to their applications? The Minister has to be considerate. He is a Minister we respect very much. He even made tours of several parts of Machakos District when he was the Minister for Commerce and Industry. He, therefore, knows the area. We want an assurance from him that the applicants whose application forms are lying in his office, and who meet all the conditions required for the granting of those loans, will get some assistance. I do not think there is any other thing we can do to settle the minds of these people who handle our children day and night, since they have no other means of building those houses. My only wish is to have those teachers get good houses.

In the area I am talking about, we do not have a lot of cash crops, and even if we did, a teacher is supposed to be in school for five or seven days. These days they are even teaching during weekends, and also during the holidays because they are not competing within the division but, also, within the districts. Districts are also competing with each other. The better a teacher is in class, the more respect he gets from the parents of the children he teaches, and from the other ordinary wana-nchi.

Therefore, Mr. Deputy Speaker, Sir, without taking a lot of time, I would only appeal to the Minister for Works, Housing and Physical Planning to tell us what he is going to do with all those teachers who have applied for those loans. He should also assure the House that more efforts are going to be taken to meet the desire of these teachers. While I am talking about the teachers in Mbooni and Machakos in general, I would like him to come up with a policy which will also cover his own area of Voi, among other areas.

With those few remarks, I beg to move.

(Question proposed)

Mr. Kikuyu: Mr. Deputy Speaker, Sir, as you have heard the hon. Member for Mbooni, who is the Mover of this Motion for Adjournment, say, there has been a big cry throughout the whole of Machakos District. I appreciate all that he has done in order to highlight the problem to the Minister. The number of applicants for this rural housing scheme is so big that you will not believe it when you are told that in a division like Mbooni, only five people have been allowed to benefit from the scheme in the last five years. In other words, only one person has benefited each year. If the Minister feels that this scheme has outlived its usefulness, he had better scrap it; otherwise, it makes no sense for one teacher per division per year to benefit from it. The

scheme will end up with a lot of favouritism and corruption when it comes to choosing a teacher to benefit from that scheme. To be realistic, in order to get the relevant application forms, you have to use almost half the loan you are expecting from the National Housing Corporation. These forms are said to be nowhere. When you go to the officers concerned, you are told, "We have no forms", and this goes on like that until you know the "language of greasing" their hands, so that the forms may be made available. "Greasing" those officers' hands becomes an embarrassing process to the nation. Imagine getting all the teachers in the nation to know that the rural housing scheme of the National Housing Corporation cannot benefit one without the "greasing" of hands!

The Assistant Minister for Works, Housing and Physical Planning (Mr. Musyoka): On a point of order, Mr. Deputy Speaker, Sir, Hon. Kikuyu has just made a very serious allegation on the question of the "greasing" of hands. Could he substantiate this? If he cannot do so, I think it would only be sensible for him to withdraw the remark.

Mr. Kikuyu: Mr. Deputy Speaker, Sir, the Assistant Minister asking me to substantiate my remark has been a lawyer by profession, and now he is an Assistant Minister. I have been a teacher, and I know what I am saying. I have gone through those corridors, and I could not get any help. If I have to substantiate this, let me say that I am Kikuyu and I tried to apply for these benefits, but I could not get any help. If you could still not get any help way back in those days before I came to Parliament, imagine what is happening now with the increase that has been there in the number of teachers since that time. The situation must be worse now than it was then. I think that should be enough to alert the Minister concerned that there is something wrong here, especially when you cannot get an application form even if you have to pay a fee of, say, Sh. 10 to get it. This form should be readily available. When you say that there are forms to fill, and you know that you cannot get any in the whole department, what do you end up with, besides the greasing of hands? These teachers have turned back to Members of Parliament to get the forms for them. When you go there, you find that the officers there do not know who you are. So, you tell them, "I am the Member of Parliament for Iveti South." They then tell you, "We have said that these forms are not available. Hon. Kikuyu, do not disturb us any more." They are not like police officers who carry numbers on them. If they had such numbers, I would have given you a few of their numbers.

All that we are requesting the Ministry to do is to have an equitable distribution of this facility if it is there. If it is not there, let us scrap the scheme totally throughout the Republic, so that it does not benefit just a few teachers from a few areas because there are officers favouring those areas, or benefit only officers who sit in some offices. We always say that we do not want corruption.

Mr. Deputy Speaker, Sir, corruption cannot be wiped out when things are not done in the correct way. It

[Mr. Kikuyu]

should not be a question of brotherization; it should not be a question of who knows who in that department. They do not even respect the stages they have reached. Those who are known get their loans given out fully before even the foundation stone is laid while the others are given hard conditions. Those who are supposed to get housing loans have grass-thatched houses while the loans they were supposed to get are sent elsewhere. The needy teacher, who needs to improve his living standard and who needs a house for himself, does not get the loan facility. If there is no better way of administering this scheme, then the easiest way is to scrap and introduce another system whereby a teacher can get a housing loan from other sources. We should not have such a narrowed thing.

We must also think about disbursement of the moneys involved. This is another big problem. If we were to be serious on the national housing scheme, we should also see to it that the loan which is given completes the house which the loanee is building. Some Acts on house loans have outlived their usefulness. A loan of Sh. 70,000 is not enough to build a house let alone the digging of the foundation. This amount in the 1960s, was enough to build a maisonette, whereas today, you need, for example, Sh. 1 million to build a four-roomed house.

The Minister for Works, Housing and Physical Planning knows very well that in order to get an architectural design, you will have to pay more than the Sh. 70,000 which is given as a loan to the teacher and the rest of the people.

I would like to urge the Minister to be sincerely considerate and distribute these services fully and equitably throughout the Republic, without anybody having to grease somebody's hands.

Thank you, Sir.

The Minister for Works, Housing and Physical Planning (Mr. Mwangi): Thank you very much, Mr. Deputy Speaker, Sir. First of all, I would like to express my gratitude to the hon. Member because in his Motion of Adjournment, he did not dispute the facts given in our reply to his question. He has, indeed, expressed quite legitimately, his concern for teachers which we all share in this House.

As pointed out when replying to the question, my Ministry is very much aware of the problem relating to housing of teachers. Furthermore, I would like to confirm that the Ministry and, indeed all of us, share, as I said earlier, the concern of the hon. Member on the plight of teachers who may have been victims. We are aware that teachers are the first victims of some unscrupulous private organizations with promises of providing housing loans which, in some cases, have never materialized. We agree, that teachers do constitute a very important section of our community. They play the noble role of moulding the character of the youth of our country, and I would like to say that they deserve better treatment in housing matters.

Mr. Deputy Speaker, Sir, to that end, my Ministry is prepared, whenever necessary, to review the rules

governing the allocation of housing loans in keeping with the prevailing situation, having regard to the availability of funds for the benefit of wananchi throughout the country, including the teachers.

Mr. Deputy Speaker, Sir, the funds for this scheme come from the Government. The National Housing Corporation does not have funds for allocation on a day-to-day basis since the Government allocation is done every financial year, under the Budget which we approve in this House. The scheme, I would like to say, is still extremely very popular. I would like to assure hon. Kikuyu that the scheme is popular, not only to teachers, but to all our people in the rural areas. I do not think there is any need to consider scrapping this scheme.

On the other hand, Mr. Deputy Speaker, Sir, funds from the Government over the years have remained static, and that is the real problem. As a result, applications remain pending over a long time because of lack of adequate funds for allocation.

Taking the case of Machakos District, for instance, this allocation is done as per district on the basis of population. In the case of Machakos District, where Mbooni Division is situated, in 1982/83, the allocation for Machakos was K£37,500. In 1984, it was K£101,250. In 1985, the allocation was K£124,800, and in 1986, it came down to K£72,500. It also went down in respect of other districts.

Mr. Deputy Speaker, Sir, of the nine successful applicants in Mbooni Division of Machakos District over those years, five of them were teachers. The figure of five is by no means satisfactory, but we have been limited by the availability of funds. We could not do any better, no matter how much we wished to do so.

Mr. Deputy Speaker, Sir, the policy of the corporation over the years was to release 50 per cent of the funds approved on a guarantee basis. This was intended to enable beneficiaries continue with the construction of their houses while looking for adequate security. The balance of the loan was to be released after a charge over the applicant's property is registered in favour of the corporation. This has been the case everywhere. However, this system has been limiting applicants from areas where land adjudication—as you rightly pointed out—is not yet complete and, therefore, title deeds are not available to be charged to the corporation.

Mr. Deputy Speaker, Sir, the Corporation has, therefore, resolved, with the approval of the Ministry, that applicants from such areas will have whole loans released to them provided that there is proof from the Administration to confirm that land adjudication process is not finalized, or started. Such proof is required to guard against who can take such advantage to cheat the corporation. The corporation is reluctant to release funds on guarantee basis except in the above circumstances because of the very high rate of default among a number of beneficiaries. Most of the beneficiaries from Mbooni have had 50 per cent of their loans released to them because of the reasons I have detailed above. However,

[The Minister for Works, Housing and Physical Planning]

in view of the corporation's resolution applications from Mbooni and other places, who do not have title-deeds, can have their loan balances released on guarantee basis provided there is such proof as I have detailed above.

I would like to request the hon. Member for Mbooni to get in touch with the corporation's management, as he has done in the past, to sort out some of these problems. We have one of the teachers who were beneficiaries. That is one Mr. Amos Matolo who was allocated K£3,000, and appropriate legal guarantee was forwarded to his proposed guarantor in 1985 for execution. But to-date the corporation has not received any response from the guarantor or from Mr. Amos Matolo, the teacher.

Mr. Deputy Speaker, Sir, I think I have responded to this Motion to the satisfaction of the hon. Member

and the House. This is a Motion that touches on this very important question of housing for teachers under this rural housing scheme, operated by the National Housing Corporation, which all of us here agree should be maintained. When it comes to providing funds, this House will help us get more funds from the Treasury to benefit the large majority of our people, including the teachers.

Thank you.

(Question put and agreed to)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, the House will now adjourn until Wednesday, 21st October, at 9.00 a.m.

*The House rose at
Seven o'clock.*

Wednesday, 21st October, 1987

The House met at Nine o'clock.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

No. 607

DEMARCATON OF LAND BY REGISTERED SURVEYORS

Mr. Muthura asked the Minister for Lands and Settlement—

- (a) since there are many co-operative and company farms which have been subdivided by un-registered surveyors, what he is doing to ensure that these farms are divided again by registered surveyors to enable the shareholders title-deeds easily; and
- (b) whether he could send a list of registered surveyors to the district and divisions for easier reference by these land owners.

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

(a) It is true that there are some company and co-operative farms that have been subdivided by unlicensed surveyors countrywide, which is contrary to the Survey Act and Regulations.

According to the Survey Act and Regulations, all surveys for title purposes must be carried out by either a Government surveyor or a licensed private land surveyor. What this means is that all shareholders in companies and co-operative farms that have been subdivided by unlicensed surveyors cannot get their title-deeds.

In order to rectify this position, Mr. Speaker, Sir, both Government surveyors and private licensed land surveyors are already re-surveying such farms, so that the shareholders can get title-deeds to their plots.

(b) A list of all currently registered land surveyors has already been despatched to all district commissioners for their distribution to districts and divisions for easier reference by the land owners.

Mr. Muthura: Mr. Speaker, Sir, first of all, I would like to thank the Minister very much for his reply. In the third paragraph of part (a) of the reply by the Minister he says that Government surveyors and private licensed land surveyors are already re-surveying such farms. Could the Minister point out areas where this is being re-done? This is because there are several areas where farms were subdivided by unlicensed land surveyors. Could he pinpoint some areas where this is happening right now?

Mr. Nyakiamo: Mr. Speaker, Sir, according to my information here, it is true that certain farms have been surveyed by unlicensed land surveyors, and the Government has had to re-survey them. Most

of these farms are in Laikipia West and Gatarakwa. The Government is already working on these farms.

Mr. Mate: Mr. Speaker, Sir, according to his reply, the Minister says that there are some unlicensed surveyors who have done work which they are not supposed to do, and that wananchi have lost money through ignorance. Could the Minister tell us what action the Government is taking to make sure that these wananchi are not cheated any more by these unlicensed surveyors?

Mr. Nyakiamo: Mr. Speaker, Sir, that is the reason why the Questioner asked this question. That is also the purpose of sending a list of all currently registered land surveyors to all district commissioners.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir, I do not think the Minister replied to the supplementary question asked by the hon. Member. What action has the Government taken against these unlicensed land surveyors? This is because they have committed a crime by subdividing farms when they knew very well that they are unlicensed. What action did the Minister take in this regard? This is because these people acted unlawfully.

Mr. Nyakiamo: Mr. Speaker, Sir, I said, in my reply, that the land owners whose farms were surveyed by these unlicensed land surveyors run the risk of not getting any title-deeds. As a result of that, we licensed private land surveyors and the list was sent to the district commissioners for their distribution to districts and divisions for easier reference by the land owners. This will enable our people to get information as to who to go to. So, I would have thought that that was the right action to have been taken by the Government.

Mr. Muthura: On a point of order, Mr. Speaker, Sir, let the Minister be fair to the hon. Members in this House. These people have committed a crime by doing a job they were not qualified to do. The hon. Member wants to know what action the Minister is going to take against them for committing this crime. So, let him be fair to the hon. Member, and the House as a whole. He should tell this House what action he is intending to take against these people. These are thieves!

Mr. Nyakiamo: Mr. Speaker, Sir, I am as much concerned about this matter as anybody else. If the hon. Member wants to know whether these people have been arrested by the police, the truth is that they have not been arrested. I do not know whether this has now been done, but I can check on it.

No. 443

UNDERPAYMENT OF LEAVE ALLOWANCE TO CHEIMEN ESTATE WORKERS

Mr. Omido, on behalf of Mr. Koske, asked the Minister for Labour—

- (a) whether he is aware that 39 employees of Cheimen Estate of Brooke Bond Limited in Kericho District are complaining that

[Mr. Omido]

they were under-paid their leave allowance in 1985;

(b) why they were under-paid; and

(c) what action he is taking to ensure that the complainants are paid their dues.

The Assistant Minister for Labour (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

(a) These employees have never reported their complaints to my labour office at Kericho. However, after receiving this question, I carried out an investigation, and I have established that the complaint is not in relation to leave allowance for 1985. The rate of leave allowance which was applicable in 1985 was KSh. 18.65 per day as specified in a collective bargaining agreement signed in 1948.

The problem which has led these employees to complain arises from a misunderstanding over the interpretation of the collective bargaining agreement which was signed in December, 1986; two years later. This agreement was negotiated after Kenya had adopted a five-day working week and, as such, a higher rate of leave allowance at KSh. 27.30 per day was stipulated.

When Kenya reverted to a six-day working week early this year, the rate of leave allowance was reduced to KSh. 22.75 per day. This consequential reduction of the rate and the amounts payable has apparently not been fully understood and appreciated by the workers of Cheimen Estate. The union has, however, accepted the new rate because its downward adjustment was a logical consequence of having reverted to a six-day working week.

(b) In view of the answer in part (a) above, the workers in question were not underpaid in 1985 or thereafter.

(c) My investigations indicate that these employees have misunderstood the interpretation of the consequential adjustments which have had to be made in the 1986 agreement between their union and the employers in so far as this relates to the payment of their allowance. The union and the employers in the other estates have encountered no problem in this regard. Under the circumstances, therefore, I would recommend that the employees of Cheimen Tea Estate be advised to see their union for the necessary explanations.

Mr. Omido: Mr. Speaker, Sir, under the provisions of the Employment Act and the Wages Regulations Order, where the terms of an agreement entered into between the workers and the employers are better than those provided in the General Wages Order, then the terms of the agreement take precedence. Where the union has negotiated worse terms than those provided for in the Wages Regulations Order, then the wages order provisions take precedence. In this case, it is clear that the collective bargaining agreement provided for a better leave allowance. Under what law did the Assistant Minister decide to reduce it and to accept what

the employer had told him, when it was contrary to the law?

Mr. arap Metto: Mr. Speaker, Sir, I do not think it is correct to say that there is contravention of the law here because if there was any, the union representing the employees would have taken it up with us. But in this regard, the union is agreeing with us on behalf of the employees and, therefore, this does not arise.

Mr. Omido: Mr. Speaker, Sir, it is the duty of the Ministry to ensure that the workers get a better deal than that which is provided for. Why did the Ministry accept this when they knew that under the collective bargaining agreement, it was provided that the workers receive Sh. 27.30 per day, whereas the one that the Ministry proposed in their Wages Regulation Order provided for only Sh. 22.75? The Ministry knows that the provision of Sh. 27.75 per day should have taken precedence because that was the agreement between the union and the employer.

Mr. arap Metto: Mr. Speaker, Sir I have explained the reason why it came to only Sh. 22.75. When we reverted to a six-day working week, this figure came down. But I have said that where the union and the employers agree, there is no way the Ministry or the Minister can intervene because in this particular regard, the union, on behalf of the employees has accepted, and this is where I advised the Questioner to approach the employees and request them to ask their union to explain this to them.

Mr. Shikuku: Arising from that reply, Mr. Speaker, Sir; and taking into account that it is part of our responsibility in this House to safeguard the interests of the workers and wananchi in general; and due to the fact that it has now been raised by an hon. Member of this House that this union and the employer were mistaken; would the Assistant Minister take it upon himself to correct this error? Unions are not God and, therefore, they can make mistakes.

Mr. arap Metto: Mr. Speaker, Sir, according to the information available to me now, I do not see how I can take that responsibility, but if there is any particular law which has been broken at this particular moment, I am not aware. However, if there is any, then I will go and check and get the legal fellows to advise me on this, and then I will take the necessary action. Otherwise, as far as I am aware, at this particular moment, there is no regulation which has been broken. As I have stated, the union should have taken up this matter with our labour officer, and it would have come to our notice.

Mr. Speaker: We shall now move on to Mr. Shikuku's question.

Mr. Omido: On a point of order, Mr. Speaker, Sir. You have jumped my question, which is no. 603.

Mr. Speaker: All right, Mr. Omido's question.

No. 603

TRAINING OFFERED TO ESTATE AGENTS BY BUTARIC AGENCIES

Mr. Omido asked the Minister for Labour—

- (a) what kind of training M/S Butaric Agencies of P.O. Box 19474, Nairobi, conduct for Trainee Estate Agents, and
- (b) what facilities they have for such training and what the qualifications of their instructors are.

The Assistant Minister for Labour (Mr. arap Metto): Mr. Speaker, Sir, I beg to reply.

My Ministry has carried out extensive investigations but has failed to establish what M/S Butaric Agencies of P.O. Box 19474, Nairobi, do and whether they conduct any type of training. The agency is not registered by the Directorate of Industrial Training as a trainer, or as a training levy contributor. Investigations to locate the physical address of this agency in the country have also proved fruitless.

Mr. Omido: Mr. Speaker, Sir, quite a number of people have approached me in my office and have shown me letters indicating that this alleged firm trains estate agents, and that the agency collects a substantial amount of money as fees from these fellows, after promising them that after training, they would find employment for them. However, these people do not get any form of training, and they end up losing their money. I was wondering whether the Ministry would refer this matter to the police for investigation because the public are actually losing money.

Mr. Speaker, you will remember that I raised almost a similar question in this House two or three years ago, and a fellow was found to be operating from a private house in Langata; he had collected a lot of money, and the police were able to locate him.

Would the Assistant Minister undertake to make more extensive investigations because the public are actually losing a lot of money?

Mr. arap Metto: Mr. Speaker, Sir, it is true that my Ministry has taken steps to try to locate this company. In fact, I would like to say that initial search from the Registrar of Companies indicated that the owner of M/S Butaric Agencies of P.O. Box 30041, Nairobi, who are a commission agency, is a Mr. Christopher E. Gitau. However, a subsequent search in the office of the Registrar of Companies indicated that the company's file was lost.

Information available from the records of the Ministry of Lands and Settlement indicate that the business is located on Plot No. 209/695 Jevanjee Street, now Mfangano Street, Nairobi. Physical search was carried out from door to door and from floor to floor, but there was no evidence of the existence of such business in the building where the above plot is situated. Therefore, Mr. Speaker,

Sir, I think, as was suggested by the hon. Member, the Questioner, we may end up referring this matter to the police for further investigations.

Mr. Muthura: On a point of order, Mr. Speaker, Sir. The Assistant Minister seems to be in the dark. The hon. Member said that wananchi have been going to his office complaining, and they have shown him documents to the effect that they have paid some money to this firm. I was wondering whether the hon. Member could assist the Assistant Minister to locate this place. If they knew where they paid the money, possibly, the hon. Member could assist the Assistant Minister in locating the place, so that they can know where the firm is. I am saying this because the Assistant Minister seems to be in the dark.

Mr. Omido: Mr. Speaker, Sir, after receiving some of these complaints, I have tried to ask these fellows whether they could trace the firm, but the office where they paid the money no longer exists. As I said, this is a company which appears to be swindling the public of their money and, I think it is only the Government which can be in a position to locate the firm, because they have the means to investigate the matter and protect the public interests.

Mr. arap Metto: Mr. Speaker, Sir, my Ministry is very much concerned about this company in the same way that the hon. Member and the House is concerned because members of the public have been losing money, and I think as was suggested by the hon. Member—

Mr. Shikuku: You think you cannot get the fellows!

Mr. arap Metto: Mr. Speaker, Sir, the hon. Member is putting words into my mouth. What I am saying is that we are going to use our office to see to it that we investigate the matter further, even if it means referring it to the police.

No. 121

LIFTING OF BAN ON NIGHT MOVEMENT OF LORRIES

Mr. Shikuku asked the Minister for Transport and Communications—

- (a) who authorized the lifting of the ban on the movement of lorries, trailers and other heavy trucks travelling between 6 p.m. and 6 a.m.; and
- (b) whether he is aware that this lift of the ban is the cause of many accidents on our roads and, if so, what he is doing to ensure that the carnage on the roads is minimized.

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Speaker, Sir, I beg to reply.

(a) The Government has authorized the lifting of the ban on the movement of lorries, trailers and other heavy trucks travelling between 6 p.m. and 6 a.m.

(b) According to the available statistics, the lifting of the ban is not the cause of the increased

[The Assistant Minister for Transport and Communications]

number of accidents on the roads. Accidents involving the heavy trucks are fewer than those involving cars and light-utility vehicles. The Government has introduced the Traffic Amendment Act, 1986, which is intended to minimize the carnage on our roads if fully complied with by motorists and other road users.

Mr. Shikuku: Arising from that reply, Mr. Speaker, Sir, there must have been a reason why the Government banned the travelling of these heavy vehicles on our roads between that specific period. Assuming that there was a reason, could the Assistant Minister tell the House why they lifted the ban? Is it because the situation had improved and, if so, by what percentage?

Mr. Keriri: Mr. Speaker, Sir, there are always reasons for making decisions and also for rescinding them. This is not the first ban that has been lifted in this country. However, as I said, statistics do, in fact, indicate that the increase in the number of accidents was not necessarily caused by these heavy trucks on the roads, but by other things. For example, Mr. Speaker, before the ban, accidents increased annually by 11 per cent between 1976 and 1979; that is a range of four years. During the ban, accidents increased by 14 per cent over the same period of time. This is an indication that even with the ban, the increase of accidents was higher than before the ban. Taking the other aspect of road transport into account, including the hauling of goods, this must have slowed down because there were no lorries travelling at night. So, the Government found that there was a reason for lifting the ban.

Mr. Lukindo: Would the Assistant Minister tell this House whether it is correct to say that this ban was lifted only through the pressure of the lorry owners but not due to decrease in the number of accidents?

Mr. Keriri: I am not aware of that, Mr. Speaker.

Mr. Shikuku: Arising from the reply which he gave to my previous supplementary question, as to what was the reason for banning the vehicles from using the roads and then later lifting the ban; will he tell this House why, in the first place, they banned the movement of heavy vehicles, and the reason for lifting the ban? He has not told the House that. Why was the ban imposed in the first place, and why was the ban lifted in the second place?

Mr. Keriri: Mr. Speaker, Sir, the hon. Member knows very well that his question is based on the reasons why the ban was imposed. It was imposed as an effort to reduce accidents at night, a fact which he knows, and that is why he asked the question. Now, after some time it was found that, in fact, while this ban was hurting the economy, it was not reducing the accidents.

Mr. Muthura: If I remember very well, when the late hon. Leonard G. Ngala was the Minister for Transport and Communications, he complained about these accidents, and after travelling at night from Nakuru to Nairobi, he imposed a ban on this night movement of heavy vehicles but later on it was lifted. So, when the ban was reintroduced again, there must have been a better reason for that action. Is the Assistant Minister telling the House and the nation that the situation improved so much that the ban had to be lifted? This is the second time after 1971.

Mr. Keriri: Mr. Speaker, Sir, I am not saying that the situation had improved so much. All I am saying is that the ban did not, in fact, achieve its purpose, but it continued to hurt the economy. So, I am not saying that the situation improved so much; there was nothing like that.

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

Mr. Speaker: Order! Let us make sure that it is a real point of order.

Mr. Mathenge: Is the Assistant Minister in order to mislead the House? The question requires him to tell us about the number of accidents caused by the heavy vehicles during the night. In his reply, he talked about the economy being boosted by those lorries. Is he in order to mislead this House?

Mr. Speaker: That was a part of the reply that was given. I think you had better try very hard to raise a real point of order, and not a supplementary question.

Mr. Mutiso: Mr. Speaker, Sir, arising from the answer given by the Assistant Minister to the effect that it was discovered that banning these vehicles from travelling at night was hurting the country's economy; is he telling the House that before this consideration was thought of, the Ministry had not carried out a proper survey to know exactly whether banning night travel by these vehicles would hurt the economy or not; or was this as a result of some pressure applied by those who own these vehicles?

Mr. Keriri: Mr. Speaker, Sir, as all hon. Members are aware—

(Noise)

if only they could listen to the answer to this supplementary question, our planning is based on pragmatic thinking. At one stage, one factor weighs more heavily on us than another. The factor of life must weigh more than all the others. At that time, the Government thought that night travel by heavy trucks was the cause of most road accidents. We also had to take into consideration the economic contribution made by these trucks, but we thought we would do better by banning them from night travel in order to save lives, even if the economy was going to suffer. After some years, however, it was found that the rate of accidents was still increasing. All these accidents could not necessarily have been caused by these heavy vehicles. In fact, more accidents occur during the day than is the

[The Assistant Minister for Transport and Communications]

case at night. So, this is no reason why we should continue banning these vehicles from travelling at night, when we know that we are hurting our economy and not saving lives.

Mr. Mwakileo: Mr. Speaker, Sir, could the Assistant Minister tell the House which are more; accidents occurring at night or those occurring during the day?

Mr. Keriri: Before I sat down, Mr. Speaker, Sir, I said that accidents occurring during the day are more than those occurring at night.

No. 601

FATE OF HEALTH TECHNICIAN—MR. JACKSON KIGARU

Mr. Speaker: Is Mr. Wakiondo not here?

(Question dropped)

No. 580

DELAY IN RELEASE OF ORDINARY AND ADVANCED LEVEL CERTIFICATES

Mr. Munyao asked the Minister for Education—

- (a) whether he is aware that the original certificates for Ordinary and Advanced level examinations take unnecessarily too long to come out after the examination results are out; and
- (b) whether he will assure this House that such certificates will be released to students along with examination results.

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

(a) I am aware that the original certificates for the Ordinary and Advanced level examination are issued one year after the release or examination results because the logistics involved will not allow for the issue of these certificates with the results. Furthermore, after the release of results, there follows a period for receiving enquiries from candidates and then making necessary corrections. My Ministry, through the Kenya National Examinations Council, needs ample time to settle all such enquiries, so that the issue of the certificates is final.

(b) I wish to assure the House that during this period, candidates are not inconvenienced because they are given results slips to present to prospective employers or institutions of higher learning. My Ministry, through the Kenya National Examinations Council, also issues certifying statements to employers and institutions in respect of any student, on request. Under these circumstances, therefore, my Ministry does not plan to issue certificates at the time results are released, as the current system is working well.

Mr. Munyao: Mr. Speaker, Sir, I am surprised that the Ministry needs a year to correct errors. In view of the reply given by the Assistant Minister, is he aware that there are some institutions which do not accept result slips and that, therefore, this inconveniences students?

Mr. Kisiero: Mr. Speaker, Sir, I am not aware that there are any institutions which would insist that students must get original certificates. All these institutions are a part of our Government, and they know very well that in case a student cannot make available a result slip, they can always get in touch with the Kenya National Examinations Council or our Ministry, after which we will certify that such-and-such a student obtained such-and-such marks. So, I would be surprised to hear that there are any such institutions as the hon. Member refers to.

Mr. Munyao: Mr. Speaker, Sir, is the Assistant Minister aware that if a student wants to pursue overseas education, some colleges and universities need examination transcripts, and not result slips? That kind of requirement would not be satisfied by a mere result slip.

Mr. Kisiero: Mr. Speaker, Sir, as I said earlier, there would be no way of giving students original certificates immediately examination results are released, but if such students are being offered places overseas, most of the institutions admitting them are associated, in one way or another, with our Ministry of Education, or the Kenya National Examinations Council, which is recognized in many countries, particularly in the Commonwealth. So, such overseas institutions should be able to get in touch with us, and we can certify a candidate's pass.

Mr. Kirior: Mr. Speaker, Sir, may I know what period is given by the Kenya National Examinations Council for receiving complaints from candidates and making the necessary corrections?

Mr. Kisiero: Mr. Speaker, Sir, the council takes about one year to remark examinations where there have been complaints and for the security committee of the Kenya National Examinations Council to check the new marks obtained after remarking. Once we have known the exact figure of the students who have passed and made all the necessary correction of names, we print the certificates in Britain. We have to print the exact number of certificates required, so that when they come here, they are neither in excess nor short. We need about one year to carry out this exercise.

No. 616

DISTURBANCE ALLOWANCE FOR MACHAKOS SURVEY TEAMS

Mr. Muliso asked the Minister for Water Development—

- (a) why the employees of survey teams under the Machakos Integrated Development Programme (M.I.D.P.) are not paid field disturbance allowances; and
- (b) whether he can direct that these teams now doing survey work in Yatta, Kibauni and Machakos Town be paid these allowances.

The Minister for Water Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply.

[The Minister for Water Development]

(a) The employees of survey teams under the M.I.D.P. are paid field disturbance allowances every three months. It has been found more practical and convenient to pay these allowances every three months.

(b) The allowances for the teams now working in Yatta, Kibauni and Machakos Town have already been paid.

Mr. Mutiso: Mr. Speaker, Sir, while agreeing with the Minister on the reply he has given to part (a) of the question, could he be more specific about part (b) and tell the House when they were paid; how many they were, and how much money they were paid?

Mr. Mwendwa: Mr. Speaker, Sir, I do not have the figures for the number involved nor the amount of money paid as allowances, but they were paid on 28th September, and 3rd October.

Mr. Mutiso: Mr. Speaker, Sir, I agree with the statement just made by the Minister, but as far as I know, disturbance allowance is usually paid monthly. Is this the same disturbance allowance that is being paid after three months, or which disturbance allowance is he talking about?

Mr. Mwendwa: Mr. Speaker, Sir, there is a disturbance allowance paid when one moves from station to another, but that is paid once after transfer from one station to another. But these are field officers who move frequently from one place to another in shorter periods and, consequently, this is regarded as a disturbance also. It is not possible to pay them the day after they move because you have to go and look for them to find out where they are, in order to pay them. So, that is why it is easier to pay them after three months, after collecting the relevant data.

Mr. Mutiso: Mr. Speaker, Sir, I still feel that the Minister is not being fair. He should be in a position to tell the House how much money was paid to these workers. This is because he cannot simply say that they were paid. He must have more information on that. Do we have to accept that they were paid, and yet we are not shown any evidence at all? What evidence has he got to prove that they have been paid?

Mr. Mwendwa: Mr. Speaker, Sir, I believe my officers in the field, and when they tell me that they have done something, I regard that as good evidence for whatever I wanted to know. I do not have the information he is asking for.

I have already said that I do not have the information on how much they were paid, and the number of workers that was involved. But if he particularly wants that information, then I could always let him have it.

No. 548

PROVISION OF BOREHOLE WATER TO VARIOUS INSTITUTIONS

Mr. Sifuna asked the Minister for Water Development—

(a) whether he could provide borehole water through Kefinco to Kabula Secondary School, Bulondo Health Centre, Sangalo Secondary School, Chief's Centre at Kitale, Manyanja Market, Machineru Dispensary, Siritanyi School, Siekumulo School and Lwanda Secondary School; and

(b) whether he is aware that institutions in these areas and the people are having water problems and if so, what action he is taking to assist them.

The Minister for Water Development (Mr. Mwendwa): Mr. Speaker, Sir, I beg to reply.

(a) Manyanja Market and Siritanyi School have already been provided with boreholes and hand pumps. Siekumulo School has been provided with a protected spring. The other places, that is, Kabula Secondary School, Bulondo Health Centre, Sangalo Secondary School, the Chief's Centre at Kitale, Lwanda Secondary School and Machineru Dispensary are outside the area covered by the agreement between Kenya and Finland; consequently, Kefinco is not in a position to provide them with borehole water. However, this area will be covered under the Bungoma Rural Water Supply Scheme which is now at the tendering stage.

(b) The Minister is aware that the institutions referred to and the people of the area are having water problems, and that is why Bungoma Rural Water Supply Scheme has been designed. It is expected that once this project is completed, the water problems of the area in question will be solved.

Mr. Sifuna: Mr. Speaker, Sir, I am surprised to get that answer from my hon. friend. We do not have borehole water at Siritanyi School. We have it at Siritanyi Market which is over 10 kilometres from the School. That is why I asked specifically for water for Siritanyi Primary School, and not the market. Secondly, the protected spring at Siekumulo School is non-existent. Could the hon. Minister tell us which protected spring he is referring to at Siekumulo School because there is nothing of that sort?

Mr. Mwendwa: Mr. Speaker, Sir, the information I have here is that Siekumulo School has a protected spring provided. I have not got the local name. Again, if the Questioner would prefer me to call it by the local name, I will find out and let him know.

Mr. Sifuna: Mr. Speaker, Sir, I would like to inform my hon. friend that there is nothing like a protected spring at Siekumulo School. I would like the Minister to go and get a proper answer and, may be, give us borehole water at this particular place. I remember in 1981—and let the Minister be very careful about this matter—there was this Bungoma Rural Water Scheme which was advertised and tendered for in the local dailies, as well as in the *Weekly Review*. It is now seven years since the so-called Bungoma Rural Water Scheme was advertised, but nothing so far has taken place.

[Mr. Sifuna]

What is he telling us now by saying that it is at the tendering stage, when they did so in 1981?

Mr. Mwendwa: Mr. Speaker, Sir, I am saying that the tenders are being considered.

Mr. Sifuna: On a point of order, Mr. Speaker, Sir. I wonder whether the Minister is very serious about this matter? I have just told him that in 1981, the Minister for Water Development tendered for this Bungoma Rural Water Scheme. Now, he is telling us again that it is at the tendering stage. How many tendering stages do we have if they advertised this tender in 1981?

Mr. Mwendwa: Mr. Speaker, Sir, the information I have is that the scheme is at the tendering stage.

Mr. Speaker: We will go back to Mr. Mwachofi's question.

Mr. Mwachofi: Bw. Spika, naomba msamaha kwa kuchelewa.

No. 513

LOSS OF BAG IN VEHICLE BY MATHREW MHINDOO

Mr. Mwachofi alimwuliza Waziri wa Nchi, Ofisi ya Rais—

- (a) kama anafahamu kwamba pale 23 Februari, 1987, Bw. Mathew Mhindoo alipoteza mfuko wake katika gari la abiria KWP 051 na kwamba alipiga ripoti katika kituo cha polisi Kamukunji (Police Case No. 112 of 1987);
- (b) ilikuwaje kwamba baada ya kupiga ripoti kila juma (majuma kadhaa) polisi walimuamuru Bw. Mhindoo asirudi huko tena; na
- (c) anamshauri mwananchi huyu achukue hatua gani.

The Assistant Minister, Office of the President (Mr. Kubai): Bw. Spika, naomba kujibu.

(a) Sina habari.

(b) Kutokana na jibu langu katika (a), swali hili halipo.

(c) Ikiwa ni kweli kwamba Bw. Mathew Mhindoo aliupoteza mfuko wake katika gari la abiria, anashauriwa apige ripoti katika kituo cha police cha Kamukunji au kituo kingine chochote cha polisi.

Mr. Mwachofi: Bw. Spika, jawabu la Waziri Msaidizi, nafikiri hata yeye mwenyewe akikubaliana nami, ni la kusikitisha sana. Swali hili si Swali Maalum, na Wizara imekuwa nalo kwa miezi minne sasa, na maelezo yote kuhusu swali lenyewe katika sehemu ya (a) na (b). Ni kwa nini analipotosha Bunge hili kwamba hana habari? Itakuwaje amuulize huyu mwananchi mtukufu kwamba aende polisi Kamukunji, na hali katika sehemu ya (a) ya swali hili, inaonyesha wazi kwamba alipiga ripoti huko tarehe ishirini na tatu Februari, 1987? Sasa atenda kupiga ripoti ya kuwashitaki polisi au ataenda kupiga ripoti ya kumshtaki nani?

Mr. Kubai: Bw. Spika, kulingana na ripoti tuliyoi-pata kuhusu swali hili ni kwamba hakuna ripoti

iliyopokelewa na kituo cha polisi cha Kamukunji kutoka kwa Bw. Mathew Mhindoo kwamba tarehe 23 Februari, 1987, alikuwa ameupoteza mfuko wake katika gari la abiria KWP 051. Hata haijulikani hiyo kesi nambari 112 ya 1987 ya polisi, kama ilivyotajwa, ilitolewa wapi kwani hakuna rekodi hiyo katika kituo cha polisi cha Kamukunji. Ikiwa ni kweli kwamba Bw. Mathew Mhindoo aliupoteza mfuko wake, anashauriwa ayapeleke maelezo hayo katika kituo cha polisi cha Kamukunji au kituo kingine cho chote cha polisi. Zaidi ya hayo, hakuna mwananchi ye yote anayekatazwa kupiga ripoti katika kituo cha polisi wakati ameupoteza mali yake.

Mr. Mwachofi: Bw. Spika, inakuwa vigumu kujua nitamwambiaje Waziri Msaidizi kwa sababu huyo mwananchi anasema hivi katika barua yake—

"Nilienda Kamukunji Polisi Station kuandikisha statement baada ya kuwajulisha polisi. Wakaniambia nirudi asubuhi. Niliporudi huko nilipewa polisi wawili tukaenda Nyamakima. Tulipokuwa njiani hiyo wakaniambia nitoe 'chai'. Nikakataa. Tulipofika kwenye ofisi ya Nunguni Bus, polisi waliingia ndani. Wakaongea na meneja. Wakapewa pesa. Wakaniambia tuende kwa sababu kondakta ametumwa kuutafuta mfuko. Ikawa sasa wakaniambia niwe nikienda kupiga ripoti kwa polisi station crime office No. 8, second floor. Nikaenda kila wiki, na baadaye inspekta akaniambia—Waliniambia, 'Mambo yako hatutaki. Wakanifukuza nisifike tena kwa hiyo polisi station'".

Sasa ikiwa hali ni hiyo, Bw. Spika, sasa mwananchi anaambiwa aende kituo hicho cha polisi, swali ambalo namwuliza Waziri Msaidizi ni kwamba ataenda huko kuomba msaada kwa nani, kama wale ambao walikuwa wakimsaidia ndio walimfukuza?

Mr. Kubai: Bw. Spika, hatuna hiyo habari za idhi ambayo ilitolewa na mhe. Mwachofi kutokana na habari tulizopata kutoka kituo cha polisi cha Kamukunji. Kwa vile sasa tuna habari hiyo, ni—

Mr. Lukindo: Jambo la nidhamu, Bw. Spika. Nidhamu yangu ni kusema kwamba Bw. Mathew Mhindoo aliniandikia barua kusema kwamba basi la kam-puni ya 'Wendo wa Nunguni' liliachwa na sanduku lake lenye bidhaa nyingi sana. Aliziandika bidhaa hizo katika barua. Nami nikamjulisha aende kwa kituo cha polisi. Ni kweli alikwenda katika kituo cha polisi cha Kamukunji. Lakini ajabu ni kwamba polisi walishikamana na kondakta wa lile bas mpaka wakayapuuza madai ya bwana huyo. Polisi na kondakta huyo wakafanya walivyofanya mpaka Mhindoo akapoteza sanduku lake pamoja na mali yake. Jambo hili halikuandikiwa katika rekodi za polisi. Kwa hivyo, Ofisi ya Rais haina habari hii.

Mr. Shikuku: Jambo la nidhamu, Bw. Spika. Jambo langu la nidhamu linahusu swali hili. Mhe. Waziri Msaidizi, Bw. Kubai, amesema ukweli ule anaofahamu. Kwa kawaida kama kuna swali, ni juu ya Wizara kuuliza kituo kinachohusika kuipatia majibu. Kwa vile sasa ni wazi kwamba maofisa wa polisi wenyewe walihusika katika vitendo vichafu

[Mr. Sh'kakul mhe. Waziri Msaidizi hangeweza kupata ukweli huu anaopewa. Kwa vile sasa Bw. Mwachofi na Bw. Lukindo, ambao ni Waheshimiwa Wabunge, wanamfahamisha ukweli wa mambo kama yalivyokuwa, anaweza kukubali kwenda kuyachunguza maneno haya upya yeye mwenyewe, akitumia mbinu nyingine, na sio ile mbinu iliyotumiwa na kituo cha polisi, na aliletee Bunge hili jibu?

Mr. Kubai: Bw. Spika, ndiyo.

(Applause)

Mr. Speaker: Order! Mr. Gachanja's question.

No. 524

PROVISION OF ELECTRICITY TO KABIRIA AND MUTUINI

Mr. Speaker: Mr. Gachanja is still not here! Let us move on to Questions by Private Notice.
(Question dropped)

QUESTIONS BY PRIVATE NOTICE

SUB-DIVISION OF THE LATE MR. SAKWA MALALA'S LAND

Mr. Angatia to ask the Minister for Lands and Settlement:

- Is the Minister aware that the Kakamega District Land Registrar and Surveyor are sub-dividing parcel of land No. West Kabras/Lukune/793, belonging to the late Sakwa Malala before succession procedures are gone into?
- Could the Minister stop the sub-division intended to be carried out on 16th October, 1987, to enable the heirs file a succession suit in court?

(Question deferred)

PURCHASE OF FOREIGN CURRENCY BY BANK OF INDIA

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

- Is the Minister aware that £924,000 was purchased from the Central Bank of Kenya for delivery to Bank of India, Ref. Purchase (10300) of 25th May, 1984?
- Why did the Central Bank of Kenya authorize this sale?

Mr. Speaker: Is there anybody here from the Ministry of Finance?

Next question.

(Question deferred)

Mr. Abuya-Abuya: Mr. Speaker, Sir, before I ask my Question by Private Notice, and the Attorney-General replies, may I make a correction. There is only one hon. Abuya-Abuya in the whole of the Republic of Kenya. I have just received a reply from the Attorney-General which he is talking about "the late Abuya-Abuya."

Hon. Members: It is late Abuga-Abuga!

WITHDRAWAL OF THE LATE MR. ABUGA-ABUGA'S DEPOSITS BY NEXT-OF-KIN

Mr. Abuya-Abuya: If he looks at the name in the question, he will see that it is completely different. I am not yet "late".

Mr. Speaker, Sir I beg to ask the Attorney-General the following Question by Private Notice:

- Is the Attorney-General aware that the family of the late Abuga-Abuga, Administration Cause No. 285 of 1985, had applied to the Public Trustee to have the money deposited with Barclays Bank, Kisii, by the late Abuga-Abuga, paid to them?
- Since all information regarding the above has been supplied, will he now pay this family without further delay?

The Attorney-General (Mr. Muli): Mr. Speaker, Sir, I must apologize for the typing error. I hope this sort of typographical error did not cause a lot of embarrassment to the hon. Member. The deceased that we are talking about is the late Abuga-Abuga, and not Abuya-Abuya. So, that mistake should be corrected immediately to read Abuga-Abuga and not Abuya-Abuya.

Now, Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the Public Trustee has received funds due to the estate of the late Abuga-Abuga from the account with the Barclays Bank of Kenya at Kisii. Nonetheless, the said funds cannot, now, be released to the deceased's family as the same is subject to certain statutory and administration charges plus other outstanding legal formalities pertaining to the deceased's land, Ref. No. East Kitutu/Kebirichi/165.

Mr. Speaker, Sir, I wish to refute the suggestion or idea that all particulars regarding this case have been received by the Public Trustee because the Public Trustee has, on several occasions, written to one of the widows demanding the land certificate to enable him proceed with the transfer of the said immovable property. However, all these efforts have been without success. I will appeal to the hon. Member for Kitutu East, through the Chair, and the District Commissioner, Kisii, to try and assist us by providing the land certificate and other particulars, to enable this estate be brought to immediate conclusion.

Mr. Abuya-Abuya: Mr. Speaker, Sir, while agreeing with the Attorney-General that the information he requires has not been forwarded, the matters pertaining to this case are being handled by the District Commissioner, Kisii, but I have looked at the file in the District Commissioner's office and I have not seen any letter from the Attorney-General's Office asking for these particulars. If any letters have been written to that effect, could the Attorney-General lay copies of those letters on the Table?

Mr. Muli: Mr. Speaker, Sir, I have letters here addressed to Mrs. Teresia M. Abuga starting from 29th

[The Attorney-General]

September, 1986. The one of that date, in part, says:

"Could you, please, send land certificates of the said immovable property to me at your earliest?"

The one dated 2nd February, says in part:

"I refer to my letter Ref. I regret you have not sent me these certificates. Your quick response to this matter shall be highly appreciated".

The other one dated 11th May, in part, says:

"I would appreciate the land certificates to enable transfer of this property".

Mr. Speaker, Sir, since I have done my best, could the hon. Member try to kick the ball from that side, and then I will be able to assist?

Mr. Abuya-Abuya: Mr. Speaker, Sir, could the Attorney-General then try to consider releasing the money which, at the moment, has nothing to do with the land, so that the late Mr. Abuga's family could utilize it for paying school fees while he deals with the immovable property?

Mr. Muli: Mr. Speaker, Sir, I have explained the role of the Public Trustee. Incidentally, that Department is being reorganized to be called Administrator-General, where the Public Trustee's Section will be. Now, the Public Trustee does not deal with matters of this nature piecemeal; his first duty is to assemble the estate of a deceased person. When he has done that, he then gets the letters of administration of the whole estate. On obtaining the letters of administration from a court, then the Public Trustee is able, by law, to distribute the estate, including immovable property just like in this case. All that I can do is that if the family of the late Mr. Abuga has some financial problems and they make an application to the Public Trustee for a modest sum, a reasonable sum can be advanced to them. I would be quite pleased to advance some money but not to release the whole estate.

POINTS OF ORDER

PAYMENT OF SALARIES TO MR. AMUSEVI

Mr. Sifuna: On a point of order, Mr. Speaker, Sir. In April this year, there was a question raised in this House in connection with the Ministry of Water Development about a Mr. Amusevi who is working with the Ministry, and who had not been paid his salary from 1981 to 1985. The Minister for Water Development promised this House that Mr. Amusevi would be paid all his dues. In June this year, the Minister wrote a letter to the Permanent Secretary, Ministry of Water Development, asking him to speed up the process of paying Mr. Amusevi but up to now, the said employee has not been paid his dues. Could the hon. Minister make a Ministerial Statement and tell the House when Mr. Amusevi will be paid his dues?

The Minister for Water Development (Mr. Mwendwa): Mr. Speaker, Sir, it is not possible for me to say,

at this point in time, when Mr. Amusevi will be paid his dues. However, if the hon. Member gives me time, I will be able to let him know some time next week.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. It is becoming a habit in this House for Ministers not to respond to the matters we raise here immediately. Whether that is deliberate or not, I do not know. However, I am worried about the dignity and honourability of this House as far as the Front Bench is concerned. We are soon losing control over the trend of affairs in the House.

Mr. Speaker, Sir, on 7th October, 1987, I listed statements which were required to be made here by Ministers, starting with the Attorney-General and other Ministries. Up to now, I have not seen any Minister coming up to make any such statements which they promised the House to make. You can now see that this issue has been raised by hon. Sifuna, and the Minister for Water Development is saying that he is going to have a look at it. Now, for how long can we tolerate this state of affairs? We either behave honourably in this House, or we are no longer hon. Members of Parliament, particularly the Front Bench.

MALPRACTICES IN PURCHASE OF DRUGS—STATEMENT NEXT WEEK

The Minister for Health (Mr. Matiba): On a point of order, Mr. Speaker, Sir. I guess that the hon. Member includes the Ministry of Health—

Mr. Shikuku: No, I do not.

The Minister for Health (Mr. Matiba): Oh, he does not. Thank you. I must appreciate that.

Mr. Speaker, Sir, on Wednesday, 14th October, 1987, the hon. Member for Butere, Mr. Shikuku, raised a matter concerning the procurement of drugs in this House, and he made a number of allegations regarding the purchase and acquisition of the same by my Ministry. He accused a senior member of my Ministry's staff of corrupt practices in the matter of the intended purchase of drugs. Following that, my Assistant Minister who was in the House promised that I was going to make a statement to the House this week. I was on a tour of Nyanza Province, and I only returned to Nairobi over the weekend. I had hoped that I was going to make a statement to the House this morning but, unfortunately, I was not able to get myself ready because there are a number of points I am investigating, which are very serious, and about which I must be clear in my own mind when making a statement in this House. I do not want to leave this House in any doubt as to exactly what is happening. For the time being, I can assure the House that no drugs have been acquired as yet and, therefore, nobody has been awarded the tender to supply drugs to the Ministry of Health. I am investigating the matter to see how far some of the allegations go, and then I will report accordingly. I intend to make the statement

[The Minister for Health]

on Thursday next week because, by that time, I will have had all the details that I want.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. May I correct one point the hon. Minister has said, that I accused a senior member of his staff of funny dealings in the purchase of drugs. I only referred to the senior officer's letter of extension of the tender, but not purchasing. If he goes with that in mind, it might help him to do a good homework, so that he comes and tells us his findings. Secondly, when the Minister comes to reply to this House, I would like him to deny or accept as to whether he did receive any letter from the Attorney-General and the Criminal Investigation Department to the effect that this Indian, Shailesh Patel—the Middle name is very hard to pronounce—should not even tender to the Ministry.

The Minister for Health (Mr. Matiba): Mr. Speaker, Sir, as can be expected, that will be part and parcel of the statement that I will make when I come on Thursday next week. As far as the point regarding the senior executive of my Ministry is concerned, namely, the Director of Medical Services, the hon. Member here might not have made that specific allegation. However, the impressions created in the Press were very bad. In fact, the headlines in our daily newspapers were "Director of Medical Services named in Drugs Scandal". That was the headlines. So, my statement is not without foundation.

FATE OF ROAD CONSTRUCTION EQUIPMENT—STATEMENT WANTED

Mr. Abuya-Abuya: On a point of order, Mr. Speaker, Sir. With your permission, I would like the Minister for Transport and Communications to make a statement to clear some allegations that the contractor for the road under construction between Chemosit and Kisii, whose contract has been terminated, has moved to the site to acquire equipment worth millions of shillings without the decision of the Government; that a section of his Ministry is in favour of this, and as a result, the Government will lose a lot of money. If that is the case, we would like to have a statement from the Ministry of Transport and Communications to the effect that there will be no favouritism. He should assure the House that there are no officers who are in favour of this contractor acquiring the equipment worth millions of shillings.

On top of that, there are allegations that he will be paid a sum of about Sh. 70 million, thereby deflating the whole amount of the contract, which is Sh. 146 million. We would like to have a clear statement from the Ministry of Transport and Communications regarding this issue.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Let us move on to the next Order.

PRIVATE MEMBERS' MOTIONS

SIMPLIFICATION OF CONDITIONS OF ISSUING IDENTITY CARDS

THAT, considering the fact that Kenyans are free to live, work and settle in any district of their choice within the Republic of Kenya, irrespective of their districts of origin; this House urges the Government to allow wananchi to obtain the national identity cards wherever they are within the country without requiring them to obtain prior clearance from the Provincial Administration (i.e. chiefs) of their original districts.

(Mr. Mwaruwa on 14th October, 1987)

(Resumption of Debate interrupted on 14th October, 1987)

Mr. Anvumba: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity.

Mr. Speaker, Sir, unfortunately, I stand to oppose this Motion very, very much because there are a number of reasons for opposing it.

An hon. Member: You have been bribed!

Mr. Anvumba: I have not been bribed because none of us takes a bribe. One opposes or supports a Motion on the basis of principle, and I will oppose it on these grounds.

One, the possession of the national identity card of Kenya implies that the holder is a Kenya citizen. Secondly, it also implies that the holder can go forward and register as a voter in Kenya.

Thirdly, Mr. Speaker, Sir, it goes on to imply that the holder of the identity card can get a job and work in Kenya because he is a Kenya citizen. These are three straight forward conditions. We know that the demand for our national identity card is great, particularly from nationals of neighbouring countries. These people would like to come and work in Kenya and enjoy the peace and liberty prevailing in Kenya while pretending to be Kenya citizens. These people are, therefore, working hard day and night trying to get the national identity cards. If the police investigate, they will find that these people are Kenya citizens illegally.

We can recollect, Sir, that our law courts have been busy prosecuting a number of non-Kenya citizens who have been in possession of our national identity cards illegally. This has been going on, and I have no doubt that the Mover of the Motion can remember what has been going on around Ngong area, apart from other cases which he must obviously have read about in the Press.

Mr. Mwaruwa: On a point of order Mr. Speaker, Sir. I am not aware of what the hon. Member is alleging. Could he substantiate who happened to be a non-Kenya citizen and was issued with an identity card?

Mr. Anvumba: Mr. Speaker, Sir, we all read newspapers. These instances have been going on since identity cards started being issued, with a view

[Mr. Anyumba]

to enable people acquire the voters' cards. There was a report in the newspapers on how a member of the Provincial Administration had been issuing identity cards to non-Kenya citizens in the Ngong area. All that was contained in the newspapers.

Mr. Mwaruwa: On a point of order, Mr. Speaker, Sir. I would like to inform the hon. Member that we do not work through the Press, and this House does not work on the strength of what is contained in the newspapers. He has alleged that there are some people who are not Kenya citizens, but who were issued with identity cards. I would like him to substantiate this, and give the names of those people and when that took place.

Mr. Anyumba: Although I am not going to withdraw that, I would like to ask the Speaker to give me a little time, so that I can go to the library here and extract that report from the newspapers. I am sure the hon. Member read that story although he is denying it.

Mr. Speaker, Sir, as I said earlier, and I do not want to repeat—

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

Mr. Speaker: Order! Sometimes, Mr. Mwaruwa, you are interrupting without grounds.

Mr. Anyumba: Thank you very much, Mr. Speaker, Sir. The hon. Member is making me repeat myself at times. With your permission, Sir, I would like to emphasize three more points so that it can go on record why I am opposing the Motion.

First of all, I said that the possession of our national identity card implies that the holder is a Kenya citizen; secondly, the holder can proceed and register himself to vote during Parliamentary and Civic elections; thirdly, he can work in Kenya as a Kenya citizen. This is because the identity card shows that he is a Kenya citizen. These advantages should be made available to Kenyans alone and not to non-Kenyans.

We know how hostile people, particularly from our neighbouring countries, have been pursuing the possession of Kenyan identity cards, so that they can be able to enjoy the peace and tranquillity we have here and even work amongst our people. It is, therefore, important to ensure that any person who is issued with a Kenyan identity card, is a Kenya citizen or else, we are going to have foreigners in this country pretending to be Kenyans. This matter does not end there, but will also touch on matters of security. If there is laxity in the issuing of identity cards, we can also have agents of hostile governments pretending to be innocent citizens and be issued with identity cards. The only way by which we can ensure that we are issuing our identity cards to Kenya citizens is to make sure that the man we are identifying to be issued with an identity card is known by the local Administration. This must go right down to his home district; he must be identified by his chief and assistant chief.

The Mover of the Motion mentioned that the exercise becomes too slow when chiefs have to be consulted. That is another matter altogether. The exercise can be hastened. I know that when the Government started registering voters, the exercise was slow, but due to the pressure we had put on the Ministry concerned, they were able to make available more and more registration units which hastened the exercise very much. The exercise can be hastened as opposed to merely issuing identity cards to anybody who may wish to obtain it anywhere in Kenya.

Mr. Speaker, Sir, I completely oppose the Motion and insist that we identify each and every person by saying he is a Kenyan and then issue him with an identity card.

With these few remarks, Sir, I beg to oppose the Motion.

The Assistant Minister for Culture and Social Services (Mrs. Ogot): Mr. Speaker, Sir, I stand to oppose the Motion that people should be issued with identity cards regardless of where they come from in the country.

The reasons are simple. First of all, it is a fact that Kenyans can work wherever they wish, starting from Mombasa to Busia, and East to West. This is only possible when the identity of the person has been ascertained, that he is a Kenyan. We have just been going through the rigorous exercise of issuing identity cards to both men and women. The procedure laid down by the Government has enabled young Kenyans to get their identity cards very quickly. This is because, where there has been doubt—I am giving the example of Yala Division—of a young married woman or a young person who has been living with his parents in the city, the chiefs and assistant chiefs have been able to quickly identify the boys and girls.

This also applies to those who have lost their identity cards. Identification of these people has been very easy through the local Administration. This is very important because issuing of identity cards and thus making people Kenya citizens would be very dangerous because anybody can cross the border on foot or otherwise, to acquire an identity card if nobody questions him. One could go ahead and register many non-Kenyans to the detriment of our people. This is not only on the job issue, but also on the security of the nation. The Mover of the Motion might have had good intentions, but what benefit would it give Kenyans to have so many young people from other countries crossing the border and registering as Kenyans? Would it not infringe on the rights of Kenyans, both his sons and daughters as well as mine? I, therefore, feel that since the procedure has been moving on very smoothly in all parts of Kenya, so as to have enabled us to register over six million people in a very short time, there would not be any need to take a short cut on this issue.

[The Assistant Minister for Culture and Social Services]

The second point is that I would like to say a word of thanks to Provincial Administration for having co-operated with Kanu officials and speeded up the issuing of identity cards. This has happened everywhere, including the area which hon. Mwaruwa represents. As regards that issue, there has not been any handicap or delay, apart from the fact that there have been a few complaints from some areas that some assistant chiefs and chiefs were probably trying to ask for little amounts of money before these forms were signed. By and large, the exercise was done speedily and in very good spirit and co-operation between the people, the Government, and Kanu.

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

The Assistant Minister for Commerce (Mr. Lalampaa): Ahsante sana, Bw. Spika, kwa kunipa nafasi hii, ili pia niseme machache juu ya Hoja hii.

Ninasimama kuipinga Hoja hii kwa sababu ni hatari kwa usalama wa nchi hii. "It can be a security risk" ikiwa tutaipitisha Hoja hii. Sababu ya kwanza ni hii: Mgeni akitoka nchi jirani, na kuelekea Mombasa na kuwaambia wale maofisa wanaotoa vitambulisho kwamba anatoka Busia, Kakamega, Kisumu, Samburu, Embu, au Kirinyaga, itakuwa vigumu sana kwa maofisa hao kumjua huyu mgeni bila kupitia kwa chifu au chifu msaidizi, ili waweze kujua kama huyu mtu angestahili kupatiwa kitambulisho. Ikiwa Hoja hii itapitishwa, wageni wengi watajiandikisha kama Wanakenya bila ruhusa ya Serikali na watu wa Kenya. Jambo kama hilo linaweza kuwa hatari sana kwa sababu hata unaweza kuandikisha wapelelezi kutoka nchi za nje. Watu kama hawa wanaweza kuchukua vitambulisho kisha wakafanya upelelezi katika nchi hii. Kwa hivyo, Hoja hii ni hatari sana kwa usalama wa nchi hii.

Muda mrefu hupotezwa wakati mwananchi ana-poambiwa aende achukue kitambulisho mahali ambapo alizaliwa. Kile ambacho Serikali inahitaji ni thibitisho kutoka kwa chifu au chifu msaidizi ambaye anamjua yule mwananchi. Chifu ndiye anaweza kusema, "fulani wa fulani ni mzaliwa wa sehemu fulani, katika tarafa fulani, katika wilaya fulani". Baada ya thibitisho kutoka kwa chifu au chifu msaidizi, mwananchi huyo anaweza kupewa kitambulisho cha Jamhuri ya Kenya. Jambo hili linafanywa ili tusije tukafanya makosa ya kuandikisha wageni ambao baadaye wanaweza kuwa hatari kwa usalama wa Taifa la Kenya.

Bw. Spika, ningependa kuwamba Waheshimiwa Wabunge wengine waipinga Hoja hii kwa sababu itahatarisha usalama wa wananchi wa Kenya.

Mr. Mwaruwa: How?

The Assistant Minister for Commerce (Mr. Lalampaa): Bw. Spika, mhe. Mwaruwa ananiuliza "how". Mimi sitaki kuyarudia yale niliyoongea kwa sababu ni kinyume cha Kanuni za Bunge. Nimesema kwamba Hoja hii ikipitishwa, itakuwa hatari kwa usalama wa nchi hii.

Bw. Spika, ingefaa vitambulisho vya Kenya viwe vikipewa wananchi wa Kenya peke yao, na sio pamoja na wageni. Kama kuna mgeni ye yote anayetaka kuwa Mwanakenya, basi sheria iko wazi; njia ya kujiandikisha iko wazi. Mtu kama huyo anatakiwa atume maombi yake kwa Serikali, na yatafikiriwa. Kama mtu huyo amekuwa nchini kwa muda mrefu akiwa mgeni, na kuna sababu ya kumfanya asitake kutoka humu nchini, kuna sheria inayomruhusu mtu kama huyo kutuma maombi yake kwa Serikali, ili apewe kitambulisho cha Kenya. Lakini, haifai mgeni ye yote kutoka nchi nyingine kupewa kitambulisho mara tu aingiapo Kenya. Ikiwa hivyo, wageni wengi watapewa vitambulisho vya Kenya, na huenda wakachukua nafasi za kazi ambazo zingekuwa za watu wa Kenya. Vile vile, jambo hilo laweza kufanya idadi ya watu katika nchi hii kuongezeka.

Kwa hayo machache, naipinga Hoja hii.

Mr. Mutiso: Thank you very much, Mr. Speaker. Let me also join my colleagues in opposing this Motion because it is an unfortunate one. The Mover of this Motion usually brings very good Motions to this House, and we whole-heartedly support him. But this time, I will not support him.

A national identity card is a very important document because it gives the holder all the constitutional rights of that nation. In fact, even when one is applying for a passport, he is first of all asked to produce his identity card. In the identity card, it is indicated clearly where one was born, along with other details. Our system of Government is so good in ensuring that it does not let into the country people who come in camouflaged in one way or another, who would end up becoming spies, saboteurs, agents of imperialism and all other kinds of agents. It is difficult to tell the origin of a person by merely looking at him; his colour does not mean very much as far as his origin is concerned. For instance, you might not tell the difference between the Asians who were born in Mombasa or the Waswahili. It might be difficult for you to tell whether that person is a Kenyan citizen unless you have—

Mr. Kiliku: On a point of order, Mr. Speaker, Sir. Could the hon. Member speaking define the word 'Waswahili'? Who are Waswahili?

Mr. Mutiso: Mr. Speaker, Sir. I was talking about those people who have a different colour—

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

Mr. Speaker: No, I would like to hear what hon. Mutiso is saying.

Mr. Mutiso: Mr. Speaker, I wish the hon. Member would be patient because we want to pass legislation on a very important matter and, therefore, the views of other hon. Members should be heard in silence and with respect.

I was saying that people from the Coast, who are not totally black—they have a mixture of colours and their day-to-day language is Kiswahili

[Mr. Mutiso]

are the people we call Waswahili. This is a normal thing, and the hon. Member should not ask me to substantiate the obvious.

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

Mr. Mutiso: Mr. Speaker, Sir, would you, please, protect me from these hon. Members?

Mr. Mwaruwa: On a point of order, Mr. Speaker, Sir. I come from the Coast and I am not very black. I speak Kiswahili but I am not a Mswahili. Could the hon. Member substantiate and tell us who the Waswahili are? We would like to know that.

Mr. Mutiso: Mr. Speaker, Sir, I was doing exactly what the hon. Member is asking me to do. I said that the people who use Kiswahili as their normal daily language of communication and who do not have a black skin are the people we know as the Waswahili from the Coast. If the hon. Member holds a different view, that is a matter of opinion.

What I want to say, Mr. Speaker, Sir, is that our system of Government is so good that it is organized in such a way that—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I am sorry to take my hon. friend's time. He is talking about the Waswahili, but the Mover, when he was moving this Motion, said that there is some sort of discrimination against those with black skins, but those with a brown colour are not asked about their ancestry.

Mr. Mutiso: Mr. Speaker, Sir, I just gave an example of the people from the Coast. I am now coming to the black people. It would be equally difficult to tell the difference between person from Bungoma or some other part of Western Kenya at the boundary, who speaks Luhya or Bukusu, and those people living across the border in Uganda. It is not easy to tell whether such a person is a Kenyan or a Ugandan. We, therefore, need a system by which we should ensure that we issue identity cards only to Kenyans. We have such a system whereby we have provincial commissioners heading provinces; district commissioners heading districts; district officers heading divisions; chiefs heading locations, and even assistant chiefs heading sub-locations. All these positions are held by Government officers. This goes right down to the village, to facilitate the identification of individuals.

For example, if I went to my chief, he would say, "This is Gideon Munyao Mutiso who was born in this location, and we know his parents."

There, therefore, cannot be any question of somebody trying to camouflage his origin in order to get Kenyan identity card. Some people from foreign countries, have erroneously been issued with identity cards, only to be discovered much later when the damage has been done. Some people only use passports; they do not have identity cards. We have heard of spies who only got discovered after they had caused a lot of damage. We do not want that kind of thing to happen to Kenya.

I, therefore, fully support the idea of issuing identity cards to those people who have been identified from the villages from which they claim to have come, and up to the district commissioner or the provincial commissioner. With that kind of system, our nation shall remain free from infiltration by saboteurs, agents and that kind of people.

Mr. Speaker, Sir, I feel that this Motion has been a very unfortunate one, and it should be opposed vehemently.

Mr. Mate: Mr. Speaker, Sir, I also stand to oppose this Motion very strongly. The purpose of having an identity card is to be able to be identified, and if someone cannot be identified, then he should not be given an identity card because he has not been identified.

Sir, as it has been said before by hon. Members, this Motion is very unfortunate, and I think the Mover might have slept badly that night. This is because if we allow something like this to happen in the Republic, we shall be jeopardizing the affairs of the whole country, our Government and the whole system, because anybody from any part of the globe will be free to come and register in Kenya as citizen. So, the present system of issuing of identity cards is even supported by wananchi the local old men and the elders because they also assist in the process of identification. Not anybody should come forward and say that "I am a Kenyan and I should be given an identity card". In fact, I strongly doubt whether any sensible system of government would allow something like this one to be done so haphazardly, the way the Mover has proposed, because it would be very dangerous, as I said earlier on.

Sir, I would also like to thank the Office of the President for conducting the recently ended exercise of registering people. They were moving from one location to the other, registering people using the established system, but not the one that my hon. friend is trying to advocate. They assisted those without identity cards to get them in order to enable them to register as voters. It was a nation-wide exercise. We appreciate the kind of work they did in western, eastern, central and north-eastern provinces. They did not stay in their offices; they moved from one place to the other registering people. I wish to register my thanks for the kind of good job that was done by the Office of the President.

Sir, at this juncture, when debating this unfortunate Motion, I would like to remind the Government that some school-leavers leave school at the age of 15 years and they cannot be registered before they have attained the age 18 years. For a period of about two or three years, they cannot be employed because they have attained the age of 18 to be able to be issued with identity cards. I think it would be a good idea to consider the plight of these youngsters because not all of them continue with education after Standard 7 or 8.

[Mr. Mate]

So, there is that period after Standard 8, when they cannot be issued with identity cards because they have not attained the required age of 18. This is an issue which I think the Government should consider, in order to know what should be done with those youngsters who leave school when they cannot get identity cards because they have not attained the age of 18 years. This is an issue which requires Government attention.

Finally, Sir, it has been decided by hon. colleagues that this Motion should be opposed by every hon. Member in this House because by supporting it, we will be jeopardizing the whole system of our Government.

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

Mr. Omido: Thank you very much, Mr. Speaker, Sir. I also rise to oppose this Motion very strongly. This Motion, in part, says:

“This House urges the Government to allow wananchi to obtain the national identity cards wherever they are within the country without requiring them to obtain prior clearance from the Provincial Administration—”

Mr. Speaker, Sir, we are now opening our registration of persons system to very serious abuses. Anybody will come from anywhere and walk to any registration centre in the country and say that he is a Kenyan, and he will get an identity card because no clearance from the Provincial Administration will be required. That is a very dangerous thing to do, Mr. Speaker, Sir.

Mr. Speaker, Sir, what I would suggest here is that the Government should look into the system of registration of persons in this country, with particular emphasis on those young men and women who are leaving school. The registration teams should move into schools, so that as boys and girls prepare to leave school, after attaining the age of 18 years, they are issued with identity cards. These boys and girls should leave school with identity cards. This is because when we let these children come out of school without identity cards, then the registration centres will get flooded with these youngsters.

You will find that it will be very difficult indeed for these registration centres to cope with these large numbers of youngsters seeking identity cards. I say this because I have experienced the problem at Makadara in my constituency. There are very many young people queuing for registration every day. This problem could be eased a bit if we sent registration teams to schools like Alliance High School, Kenya High School and Nairobi School, where boys and girls are completing Form VI and are going out to either continue with university education, or to join other Kenyans in other fields of our development. The arrangement that I have just mentioned is acceptable. But let me say that the question of allowing anybody to move to any

registration centre and to obtain an identity card without prior clearance from the Provincial Administration is very, very dangerous. We could have non-citizens registering as citizens, and as some of my colleagues have said here, these could be people who are sent to this country to come and sabotage our economy and so on. So, you will find that since you have registered them as citizens of this country, you cannot send them out of the country. This could be a very dangerous thing.

So, with these few remarks, Mr. Speaker, Sir, I strongly oppose the Motion.

The Assistant Minister for Energy and Regional Development (Mr. Ad'chareh): Ahsante sana, Bw. Spika. Mimi pia nasimama kuungana na wenzangu kui-pinga Hoja hii. Hii ni kwa sababu Hoja hii itauharisha usalama wa nchi hii. Ninasema hivyo kwa sababu ikiwa sisi tutatoa ruhusa ili kila mtu awe akijiandikisha ko kote aliko, tutakuwa tunaiharisha nchi hii. Mambo yatakuwa mabaya hasa katika wilaya zilizoko kwenye mipaka yetu na jirani zetu. Ni lazima mtu ambaye anataka kupewa kitambulisho awe anajulikana vyema na chifu au naibu wa chifu. Hii ni kwa sababu watu wakikubaliwa kuchukua vitambulisho bila barua ya aina yoyote kutoka kwa chifu, watu wengine kutoka nchi jirani wataweza kuingia Kenya na kupewa vitambulisho. Tukifanya hivyo tutakuwa tunaitusi na kuchezea sheria yetu.

Si jambo jema kamwe kuwapa vitambulisho watu ambao wanaweza kuwa maadui wakubwa wa nchi hii. Ijapokuwa tunataka watu wetu wapate vitambulisho, hatusemi jambo hili lifanywe bila uangalifu wo wote. Kwa mfano, mtu akisafiri kutoka Moyale hadi Mombasa na kusema “Mimi natoka Moyale”, yule ofisa wa Serikali kule Mombasa atajua je kwamba mtu ametoka Moyale, Mandera au Samburu? Hakuna mtu ambaye atalikubali jambo kama hili. Sisi hapa hatuwezi kuikubali Hoja hii. Kwa hivyo, nadhani yafaa mwenye kuileta Hoja hii aiondoe. Hii ni kwa sababu Hoja hii haitakubaliwa kamwe. Hakuna mtu ambaye ataikubali Hoja hii. Hakuna mtu ye yote katika Bunge hili ambaye ataikubali Hoja hii. Hakuna mtu ambaye kwa hakika ni mwananchi wa nchi hii atakayeikubali Hoja hii.

Mr. Kibuku: Jambo la nidhamu, Bw. Spika. Ni sawa kwa Waziri Msaidizi kusema kwamba hakuna Mbunge ye yote atakayeunga mkono Hoja hii? Anajuwaje, na hali kuna wengi ambao hawajazungumza?

(There was noise in the Chamber)

Mr. Speaker: Order! That was his opinion, and he is entitled to it.

The Assistant Minister for Energy and Regional Development (Mr. Ad'chareh): Ahsante sana, Bw. Spika. Ninafikiri maoni yangu yanakaribia kuwa sawa na ya kila Mbunge. Sisi ndio tunaozitunga sheria za nchi hii, na tukiwa wenye kutunga sheria, hatunge-taka kuitusi sheria ya nchi hii. Kama kunaye mwananchi ambaye amekatazwa kitambulisho, hiyo ni kesi ambayo inazweza kufanyiwa kando.

[The Assistant Minister for Energy and Regional Development]

Lakini kusema mtu ye yote, po pote alipo katika nchi hii apatiwe kitambulisho, bila kujua kule atokako ni jambo lisilokubalika hata kidogo kwa sababu sisi tuna nchi jirani, na watu kutoka nchi hizo wanaweza kuingia kutoka huko na kusema wao ni wananchi wa Kenya.

Kwa mfano, watu wanaweza kuingia kutoka Somalia, Ethiopia, Tanzania au Uganda na waombe kupewa vitambulisho. Huko ndiko kutumia mam-laka io vyema? Je, tutakuwa tukilinda amani ya nchi hii? La, hatukubali mtu ye yote apewe kitambulisho mpaka naibu wa chifu aseme "Mimi namjua mama na baba ya huyu mtu, na amezaliwa hapa". Mtu akitambuliwa na chifu, anaweza kupe-wa kitambulisho. Kama sivyo, hoja hii ni lazima ipingwe kabisa.

Kwa hayo machache, naomba kuipinga Hoja hii.

Mr. Speaker: It is now time for the Government Responder.

The Assistant Minister, Office of the President (Mr. Kubai): Mr. Speaker, Sir, I beg to reply to the Motion, on behalf of the Government.

I would like to thank the hon. Member for Mombasa North for bringing this Motion to this House. Ideally, the Motion is an appreciation of the existing freedom enjoyed by Kenyans whereby they are free to work and settle in any of the districts in this country.

I also wish to commend in general, the other hon. Members who had the opportunity to contribute to this Motion. I want to assure them at the outset that their views have been taken very seriously.

Sir, registration of persons is an exercise of importance to any nation, ours included. It is through this paramount exercise that eligible Kenyans are issued with identity cards; a very important document indeed. An identity card is a document required for various purposes. For example, recruitment into the armed forces; as a form of identification in financial institutions like banks, post offices, payment of salaries and so forth.

The possession of an identity card is also a requirement for those wishing to register themselves as Kanu members and the just concluded voters' registration exercise. It is imperative therefore, that those holding Kenyan identity cards are, in actual fact, true citizens of this country. The prevailing peaceful and stable economic and political situation in this country today, under the able and wise leadership of President Daniel arap Moi, undoubtedly, has attracted many aliens into the country as refugees and otherwise.

It is not a secret that these are aliens who take the slightest advantage of any slackness in the registration process, and present themselves for registration. Hon. Members, too, are aware of the dangers inherent in a situation where aliens may

be able to register themselves as Kenyans. It is necessary for us, as Kenyans, to guard ourselves from such an eventuality, by sealing all possible loopholes to ensure that no non-Kenyan is issued with an identity card.

Mr. Speaker, Sir, regrettably, what this Motion is urging the Government to do is to relax the existing system of vetting applicants seeking to obtain identity cards. The provision of Cap. 107 of the Laws of Kenya, demands that careful vetting of applicants be done accurately, as improper output would subsequently render proper identification impossible. In the absence of proper identification, illegal registration of non-Kenyans would result and that would endanger the security of this country. The existing system of registration of persons is geared to ensure that the registration of non-Kenyans is curbed. All applicants have therefore, to be vetted by the Provincial Administration officials of their home districts; that is chiefs and assistant chiefs. This system, however, cumbersome, is the best alternative possible as these officials are the best people suited to determine really those who are of true citizenship status or otherwise. As intimated above, we have today, in our country, many aliens and we should not allow a situation where those people will be able to register themselves and, thereby, acquire Kenyan citizenship status by compromising the vetting system of applicants.

Mr. Speaker, Sir, the number of applicants has been on the increasing trend over the years. The increase can be attributed to the many young Kenyans who are becoming of age after the completion of high school education. More recently, the high demand for registration has been occasioned by both Kanu membership drive as well as the registration of voters. But, all in all, to be able to cope with this trend, the Government has gone a step ahead by expanding the programme. As of today, registration centres have been opened in virtually all administrative divisions in the country. To date, a total of 8,723,676 Kenyans have been issued with identity cards.

Finally, Mr. Speaker, Sir, I would like to assure this House that the Government is taking the registration of persons very seriously in response to many complaints that are being raised. At the same time, the security of this nation must be guarded very jealously indeed by all of us. Every attempt will, however, be made to make sure that the issuance of identity cards, to genuine Kenyans, is done expeditiously.

With these few remarks, Mr. Speaker, Sir, I beg to reject this Motion on behalf of the Government in view of the grave security implications the exercise may have if the existing vetting system of registration is relaxed.

Mr. Mbori: Mr. Speaker, Sir, first I am grateful to the Mover of this Motion, Hon. Mwaruwa, Member for Mombasa North, for having brought this Motion at this time, when registration of young

[Mr. Mbori]

persons from schools and other places over the age of 18 years is being done throughout the country. Mr. Speaker, Sir, I say I am grateful to the hon. Member for bringing this Motion to the House because I have taken time to observe what takes place during the registration of young persons by the administration staff, and one really wonders about the slow rate at which these young persons are being registered in order to obtain their identity cards. The rate is not only slow but frustrating. The young persons are indeed being frustrated.

You will find somebody attending this exercise for one week, one month or even several months. When a person goes to apply for an identity card, he is told to come the following Monday or Friday, and this is continued non-stop. This is more embarrassing to young women who have reached the age of 18 years. These women are told to produce their baptismal certificates, or their school leaving certificates, and if they do not have any of these, they are asked to produce letters from their fathers confirming that they are truly married to their husbands and that their names are such-and-such. These are some of the obstacles that have come in the way of the registration of young persons. I would like to give an example of Oyugis, which I represent in South Nyanza, where young people have been standing out in the sun day in, day out. Sometimes, some of these young people are told to bring their affidavits to prove that they are married, before they are issued with identity cards.

Mr. Speaker, Sir, I think the Mover of this Motion has brought it at the right time, when this exercise is being carried out and the system is frustrating our young persons. These are the people who are going to take up our places as leaders in this House and elsewhere, but they are being frustrated. This is why I am saying that this Motion has come to the House at the right time. I believe also, that as a father, you can have a daughter or a son living with you at Mombasa. I am not very clear whether it is mandatory that when your son or daughter wants to be issued with an identity card, he or she must go all the way to Busia to be issued with the identity card. Similarly, I could have my son or daughter attending school at Nyeri, or even Machakos, but I happen to come from Nyanza. When my son or daughter attains the age of 18, I do not think it is fair for the young boy to come all the way from Nyeri or Mombasa to South Nyanza to be issued with an identity card. I am of the opinion that the Mover of this Motion was right in bringing the Motion at a time like this. I support him in that this Motion should remain as it is, so that our young persons, wherever they may be, are issued with identity cards without these unnecessary obstacles. To me, it sounds as if we are discriminating against young persons; our offsprings who are going to succeed us. I do not know how we want this exercise to be done.

When I was young—I do not know whether this was right—I was given my identity card in Nyeri, although I come from South Nyanza. Why did the colonialists not return me to South Nyanza in order for me to obtain my identity card there? I believe that this Motion is right. Those who oppose it have a right to do so, but I am of the opinion that this Motion should remain the way it is, so that our young persons are issued with identity cards because, as Kenyans, they deserve the cards. If Kenyans can live wherever they choose in Kenya, why would you expect a Maasai from Loitokitok to go back there in order to obtain his identity card there whereas he is working elsewhere, say, at Kisumu or Kakamega? How is this going to be done?

Mr. Speaker, Sir, I believe that this Motion has come at the right time, and that these obstacles, which have been put upon young people by the administration, must be removed forthwith in order to allow our young people to get their identity cards. Who does not know the importance of an identity card? Getting an identity card means that you qualify as a mature Kenyan at the age of 18 years to be a voter or to be voted for and you become a man who is able to look for his livelihood tomorrow. In the absence of an identity card, no Government, private firm or any individual person will offer you any job. If young people are continually denied identity cards just because they must go back to their places of origin, then they are being denied their future livelihood, in independent Kenya, and this is a shame on us.

With these few remarks, Mr. Speaker, Sir, I beg to support this Motion.

The Minister for Energy and Regional Development (Mr. Biwott): Thank you very much, Mr. Speaker, Sir.—

Mr. Shikuku: On a point of order. Mr. Speaker, Sir. I seek your guidance here. The Government Responder responded to this Motion, and I wonder whether one could move a slight amendment. I think this is possible. I have been trying to do this, but I have failed miserably.

Mr. Speaker: I think we are, more or less, moving on to the next stage.

The Minister for Energy and Regional Development (Mr. Biwott): Thank you very much, Mr. Speaker, Sir, for giving me these few minutes to contribute effectively to this Motion. I think there is some confusion here. If you read the Motion as it stands at the moment, you will see that it leaves wide open the possibility of foreigners having access to our identity cards.

(Applause)

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. This is where we have a problem.

(Mr. Biwott continued standing)

Could the hon. Member resume his seat?

[Mr. Shikuku]

Is the Minister not repeating what we have been told more than a dozen times, just because he was not here to hear it? The same argument has been repeated, and it is now being repeated again. Is that in order? Is the Minister aware that Standing Order No. 87 forbids such repetition?

The Minister for Energy and Regional Development (Mr. Biwott): Mr. Speaker, Sir, I think this is calculated just to waste my time. It is very important that this Motion be understood very clearly. In fact, this is the reason why the hon. Member, who is now interjecting, has asked for an amendment.

From the way the Motion is written, and considering the fact that our borders are inhabited by people who transcend them; if the Motion is passed in this form, there will be a possibility of an influx of people into the country to register themselves because of the flexibility of our own system that will exist. So, this is because of the security aspect of the matter; not the necessity of our people to get identity cards, because this is their right. The need to ensure that eligible Kenyans are registered easily and without many problems is valid, but this Motion does not portray that particular picture. The Government has clearly rejected the Motion because of its wide presentation. The presentation is such that if the Motion were passed, we would be in danger. The argument that the hon. Member for Kasipul /Kabondo advanced is right. Kenyans must register, be identified and feel proud of having their own identity cards. This is patriotism. Registering yourself anywhere, provided that it is known that you properly belong to Kenya, is perfectly in order.

I obtained my identity card away from my own district because I could identify that I come from a particular place. So, the issue here is not the case with which Kenyans are enabled to get their identity cards, but the fact that from the way the Motion now stands, it is so wide open, and if it is allowed to pass in this form, we will have a grave security danger because anybody across our borders, speaking the same language and having relatives on this side of the border, can walk in and easily get an identity card. In that case, we will have problems in no time.

Let us not forget that today, Kenya is so secure that everybody wants to be identified with it.

Mr. Shikuku: We have already been told that.

The Minister for Energy and Regional Development (Mr. Biwott): Even if you have been told this, it does not do any harm to also have a bit of—

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Should we allow our Standing Orders to be flouted? Standing Order No. 87 has not been amended. You should not repeat your own, or anybody else's argument. Is the Minister now in order? He uses not here, but we have already heard that argument, and we are already fed up with it.

Mr. Speaker: Well, he now knows where he slipped. This is just because he was not here when this was said.

The Minister for Energy and Regional Development (Mr. Biwott): Mr. Speaker, Sir, I am fully aware of the Standing Orders of this House, so I know about the issue of repetition, but I have not repeated anything. Even if you check what I am saying in the HANSARD tomorrow, you will not find it identical to what has already been said. Therefore, this cannot be repetition. The whole of my sentence construction must be different from that of my colleagues who spoke before me.

The issue at hand, as it is now, is not that the Government is against facilitating the registration of persons. We are all involved in the exercise of recruiting Kanu members and issuing identity cards to all eligible Kenyans. We know that this is a major requirement which we come across daily. Qualified young people would like to register themselves, but this has to be done in such a way that those people who have infiltrated into our country are not registered as Kenyans because of the lack of thoroughness in our system. No country in the world has a registration system which is so loose that anybody can come in and register himself. We must ensure that we in Kenya have the best registration system.

I am not saying that the present registration system is water-tight, but it is as good as it can be. There could be loopholes in it, and this is where the Government could be urged to ensure that adequate facilities are given so that Kenyans do not get frustrated or held up in registering themselves. The Government could be urged to ensure that the officers who deal with such registration spare no effort in seeing that every Kenyan who needs to be registered is registered. However, that is a different issue from the one that is being presented in this Motion as it is at the moment. It is precisely for that reason that we are opposing the Motion.

We are Kenyans and Elected Members of Parliament, although some of us sit on the Front Bench. It is not less important to us in the Front Bench than it is to Back-benchers to ensure that our people are registered. They are Members of Parliament just as we are, and we all have similar problems. It is the security of the nation that comes first. It is the "undiluted" Kenyan that we must protect, to make sure that when he walks at night and says, "I am a Kenyan", he is truly a Kenyan. Otherwise, we will have so many people who will be marauding having obtained Kenyan citizenship and, therefore, have access to our passport, and use it to go out and attack our own country. We know of one or two cases which have had access from other countries, and are now taking us to task.

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

Mr. Speaker: It is now time for the Mover to reply.

Mr. Mwaruwa: Mr. Speaker, Sir, with permission from the Chair, could hon. Lukindo and hon. Shikuku each be allowed two minutes to contribute to this Motion?

Mr. Lukindo: Ahsante sana, Bw. Spika. Namshukuru sana Mhe. Mbunge kwa kunipatia nafasi hii.

Kusema kweli, Bw. Spika, kitambulisho ni kitu cha maana sana katika Kenya. Lakini wakati wa kukipita, masharti juu ya kupata kitambulisho ni lazima yawekwe mkazo kweli kweli. Nakubaliana na haya kabisa. Lakini kwa mara ya kwanza, mtu wa Kenya akipata kitambulisho, kwa hakika ni lazima apitie kwa naibu wa chifu, chifu mwenyewe na yote yote yule, ili kuhakikisha kwamba yeye ni mwananchi wa Kenya. Lakini ajabu ni kwamba wakati mwingine mtu hupoteza kitambulisho na yeye anafanya kazi mbali sana. Pengine anaibiwa pamoja na vyombo vyake. Yeye anafanya kazi Mombasa au mbali sana. Akikipoteza, anapiga ripoti kwa polisi. Mimi sioni—sababu mtu huyo aliyepoteza kitambulisho duplicate au nakili yake iko kwa mkuu wa wilaya—ni kwa nini inamlazimu arudi mpaka akamuone naibu wa chifu na chifu ili apate nakili ya kile kitambulisho chake. Nafikiri kufanya hivyo ni kupoteza wakati pamoja na pesa.

Kwa hivyo, Hoja hii naiunga mkono sana. Ni heri marekebisho yafanywe kwa sababu sisi tumeletwa hapa na wananchi, na mahali wanapoona wakitatizika, wanatuambia sisi. Pia, kulingana na Katiba yetu ya Kenya, tuna uhuru wa kurekebisha na kuondoa, na tuna uhuru wa kuongeza sheria nyingine. Kwa hivyo, ikiwa sheria inawaumiza wananchi ambao tunawawakilisha hapa, sioni ni kwa nini matakwa ya wananchi waliotutuma hapa yapuuzwe. Hiiyo ni kusema kwamba ningeonelea marekebisho yafanywe ili watoto wachanga wapatiwe vitambulisho vikipotea bila ya kwenda kwa naibu wa chifu. Hii ni kwa sababu sheria yo yote inatungwa ili kuwafaa wananchi, lakini siyo eti sheria isimame kama mti na haiwezi kuondoka. Watu wenyewe ndio wanaopaswa kubadilisha sheria ili iwafae. Kwa hivyo, marekebisho yakifanywa, Bw. Spika, mimi nitaiunga mkono Hoja hii.

Mr. Shikuku: Thank you very much, Mr. Speaker, Sir. It is just too bad that I did not catch your eye in the course of this debate. I was here throughout, from the beginning.

The facts are that the Motion is not as bad as it has been painted to be. The fact remains that there is discrimination, and that is what the hon. Mover said when he was moving the Motion. When you are black in Mombasa, it is impossible for you to get your identity card. But if you happen to be "brownish" or slightly "whiter", then there is no problem at all. This is the issue we are supposed to look at now.

Secondly, Mr. Speaker, Sir—

The Minister for Energy and Regional Development (Mr. Biwott): On a point of order, Mr. Speaker, Sir. That is a very serious issue because Kenya stands for all, and Kenya has no discrimination at

all. If there is discrimination, can somebody substantiate that it is so?

Mr. Shikuku: Mr. Speaker, Sir, you can see the problem this House has got. The hon. Member was not here. It was spoken by the hon. Mover himself, and this is what made him bring this Motion here. We want anybody, wherever he is, to get his identity card there rather than sending him all the way back where he originated. That was the problem. I, Mr. Shikuku, was born in Lake Magadi, and I was brought up in Butere. When I wanted a job I was registered at Lake Magadi. I got my identity card there. They did not send me back to Butere to look for my assistant chief. The essence of this Motion is to have all—

The Assistant Minister for Energy and Regional Development (Mr. Adichareh): On a point of order, Mr. Speaker, Sir. The hon. Member or Mover is talking of discrimination, and we want this to be substantiated. We do not have any discrimination in Kenya. We shall not allow anybody to cross the border and be given an identity card.

Mr. Shikuku: Mr. Speaker, Sir, if the hon. Member wants substantiation, I would like to do it right here for him. We know there is discrimination in this country. For instance, one day, an African—an employee of the Voice of Kenya—was beaten up here by a Mhindi, and the Mhindi has never been taken to court! The other day we had the Hemed and Maitha cases in Mombasa. Today, we have Hemed being forgiven and Maitha not being forgiven. This is happening in Mombasa. We know of so many cases. I do not know why this Minister sleeps! There is discrimination in this country, and there is no use—

Mr. Speaker: Mr. Shikuku, will you speak on the Motion?

Mr. Shikuku: Mr. Speaker, Sir, I am speaking on the Motion.

I have been challenged to substantiate that there is discrimination in the country, and that is what I am trying to do now.

Mr. Speaker: Okay, you may go back to the subject matter.

Mr. Shikuku: Mr. Speaker, Sir, may I continue.

The Minister for Energy and Regional Development (Mr. Biwott): On a point of order, Mr. Speaker, Sir. I raised this point of order so that we can do something to end discrimination in this country.

The hon. Member who is now speaking, quotes the Mover. It is true that I was not here; I accept that. But he alleges that there is discrimination in Mombasa as far as registration of persons is concerned. We want to know who was discriminated against in this identity card registration, where somebody else was given an identity card and an African was refused so that action can be taken?

Mr. Shikuku: Mr. Speaker, Sir, it is common knowledge. The black man in Mombasa is still down trodden. We know it. I even gave the most recent

[Mr. Shikuku] example. Why did they not forgive Maitha? It is because he had "wrong" pigmentation, while that Arab Hemed was cleared. We know it, and I know it. I say, as a very senior politician in this country, that there is discrimination in the Coast. I know it, and that is why I fought the colonialists. I do not know where these hon. Members were? They were probably eating their potatoes in the kitchen. But I know it for certain.

The Minister for Energy and Regional Development (Mr. Biwott): On a point of order, Mr. Speaker, Sir. I must insist on this because it is good for the country. We must not confuse the issues. Maitha's is a Kanu affair, and we will deal with it when we are in Kanu. But we want substantiation on discrimination that pertains to the registration of persons, which is a right, and not a privilege. People must be given identity cards. But we want to know who has been discriminated against, so that action can be taken.

Mr. Shikuku: Mr. Speaker, Sir, it is a shame that the hon. Minister should take my time when he had his time, and told us nothing other than repeating himself. He should sit down and listen to some wisdom from somebody who knows what he is talking about. Substantiation means that you either saw or know, and that is what you base your argument on. I know, I was there and, I fought the colonialists. There is discrimination in the Coast. Even today, people in the Coast are actually without land. They are all squatters. There is discrimination in the Coast.

Mr. Speaker: Mr. Shikuku, may I remind Mr. Mwaruwa that he was the one who was to speak last, and the time is almost over. So, it is now time for the Mover to reply.

Mr. Mwaruwa: Thank you, Mr. Speaker, Sir. I beg to move.

(Question put and negatived)

ADDITIONAL WATER PIPELINE FROM MZIMA TO MOMBASA

Mr. Kiliku: Mr. Speaker, Sir, I beg to move the following Motion:

THAT, in view of the fact that water flowing through Mzima Water Pipeline towards Mombasa cannot adequately serve the increased water consumption on West Mainland (where there are several industries and a large population): this House urges the Government to lay an additional water pipeline from Mzima to Mombasa to augment the present water supply.

Mr. Speaker, Sir, what has necessitated me to move such a very important Motion at this very time is that the present Mzima Water Pipeline was laid sometime back when there were very few people in this particular area, and when there were no industries in the area. As we are talking here now, the demand for water in this area is very high, although the capacity and the volume of the pipeline remain the same. We have been experiencing

water shortage problems in Mombasa especially in Mombasa West Mainland, where so many people want water which is hardly there. I am also moving this Motion on the strength of a promise made by a Permanent Secretary in the Ministry of Water Development on the Christmas Eve of 1985.

At that time, there was a serious burst of water pipes, and there was no water in the area. The then Permanent Secretary in the Ministry of Water Development happened to tour Mombasa, and he promised wananchi that the Government was going to solve the problem in the area by laying an additional water pipeline. It is a long period of time since December, 1985, and we have all along been waiting for what the Permanent Secretary promised the people. Nothing so far has happened. Maybe, what we were given was an empty promise aimed at cooling down the people because they were complaining. Perhaps the Permanent Secretary was not serious. That is why I have to move this Motion at this time in order to remind the Ministry that they did a very big mistake by giving the people of Mombasa West Mainland a promise that did not materialize.

[Mr. Speaker left the Chair]

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

That is very serious. If a Government official knows that something is not going to happen, it is not good to commit the Government to do something for wananchi, such that wananchi start thinking that the Government has failed to fulfil its promise when, in fact, it is a mistake made by the Government official.

Mr. Temporary Deputy Speaker, Sir, when this water supply was started in Mombasa, there was the Water Pipeline Board whose responsibility was to look into the water supply problems in that area. However, this Board was dissolved sometime back and has not resumed its duties. That is the kind of problem I wanted to point out to the Ministry concerned.

The other reason why we have this water shortage problem is that we have only three water tanks in this area, which hold only 35 million gallons of water. We want more water tanks in this area so that water can be stored in case of any shortage. The other cause of our problem is the pipeline from Baricho, which comes from a place called Lango Baya, some 50 miles from Malindi. That pipeline was supposed to pump some 12 million gallons of water but it does not do so because of the pumping system. In fact, the water that passes through that pipeline is only 8.5 million gallons per day. That is another reason why we have problems throughout in Mombasa.

Sir, I do not know why the planners in the Ministry of Water Development have been so short-sighted that they do not plan according to the demand of the people. It is high time the Ministry recognized the problem of water in this

[Mr. Kūku]

country because not only do we have such problems in Mombasa alone but also elsewhere in the country. I take this opportunity to thank His Excellency the President for appointing hon. Mwendwa as the Minister for Water Development because he comes from a district which has been experiencing water problems. If those dry areas in this country are not going to get water supplied to them now, then it will be quite unfortunate. There will not be any reason why the country should not blame the Minister because he has practical experience of water problems.

Mr. Temporary Deputy Speaker, Sir, everything we do depends on water. When the Government Responder replies to this Motion, he should not forget the promise which was given by a former Permanent Secretary in that Ministry of Water Development. I would also like the Government Responder to say something about the construction of more water tanks in the area in question. When the Ministry is laying water pipelines, especially in Taita/Taveta District, it should be done in such a manner that the pipeline has outlets in order to supply the people of Taita/Taveta and Kilifi with water. It is not good to by-pass wananchi when it comes to supplying either water or electricity. All people are equal and, therefore, there is no reason why a certain group of people should be by-passed when doing things like laying water pipes or installing electricity. In fact, one of the reasons why Mzima Water Pipeline bursts all the time is that there are no outlets. To say the truth, the pipeline does not "breathe" when it is hot, something that makes it burst due to high pressure. Why can the planners who plan water pipelines not consider having outlets, so that the pipe can "breathe"? It is common sense to see why we need outlets in pipelines.

Mr. Temporary Deputy Speaker, Sir, the water problem is understandable to everybody in this House, and I will not take a long time talking about this very important Motion. I think the Ministry will do something this time. I also want to remind the Minister of another promise they have given us. We have a lot of promises on paper. For example, we have been promised that by the year 2000, everybody is going to have water supplied to him. Mr. Temporary Deputy Speaker, Sir, we are now in 1987 and we have only 13 years to go, and this is a very short time to plan for anything. I do not know what efforts the Ministry has made to give the people water by the year 2000. If the Ministry does not do this, then it would be very bad. That is why I said that Government officials should not commit the Government by making promises which do not materialize. If they do not have money to accomplish their plans, they should speak the truth because the truth must prevail.

With these few points, I beg to move the Motion and with your permission, Sir, I would like to call upon my colleague, hon. Mwaruwa, to second this very important Motion.

Mr. Mwaruwa: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for allowing me to join my colleagues in moving this Motion, and I strongly support it.

The Assistant Minister for Health (Mr. arap Cheboiwo): You are seconding, not moving the Motion.

Mr. Mwaruwa: You cannot correct me in the usage of the English language; I can teach you English!

The problem of water is not new in this country. Water is very important, and we cannot do anything without water. Water has become very essential to everybody. Sir, in my constituency, Mombasa North, and where my colleague comes from, that is Mombasa West, availability of water has become very difficult; there is no water there. Last year, the people in Mombasa North went for about a month without water. I brought that question to this hon. House, and later on moved a Motion in that regard. When the Minister and his Assistant Ministers came to reply, they did not satisfy me at all. They just came here with their papers and read them as though they were reading story books. I would like the Minister, and his Assistant Ministers, to take very seriously the problem of water in every part of the country. This is because water is the key to whatever we do.

Before independence, there was a good example which we must now take into account. This was in connection with having piped water from Taita to Mombasa. These pipes did not burst on any one day; they stayed under the earth for quite some time. During that time, there was no complaint about water because we were very happy about it. Since we took over, the Government has tried its best to make sure that water is made available to the people of this country. As my hon. colleague said, we really do not know what the Government officers who are running those Ministries are doing in their offices. This because a water pipeline from Taita to Mombasa, or from Mombasa to Nairobi, should be given time to "breathe".

For example, after every 100 kilometres, water should be allowed to flow from a given pipeline freely. This is to allow the pipes to have some breathing space instead of leaving them to burst. However, since Government officers are now Africans and were jealous of those people who were utilizing the water which was pouring freely by diverting it to their shambas and doing a lot of good cultivation; they decided to shut those taps. In consequence to doing so, these officers have made the Government to incur a lot of money in buying new pipes and replacing the old ones now and then.

Some time back, the Ministry laid a new pipe which did not last very long; it lasted for about one-year before bursting. Secondly, it seems as though the Minister, his Assistant Ministers and engineers only buy very cheap materials for us. I do not know where they take the rest of the

[Mr. Mwaruwa] money. They should stand up and tell us. I can see that an Assistant Minister for Water Development, who is seated there, is listening very carefully. I will be very happy if he can tell us where the rest of the money goes. This is because we pass money in this House for the particular Ministry to be used for particular functions. After they have got the money, things do not seem to go right. The Ministry lays plastic pipes which do not last very long. This is too bad. When we pass money for that good purpose, it should be used in a very good way.

While seconding this Motion, I would like to ask the Ministry to make sure that the problem of water is eradicated in all parts of the country. It is not only in Mombasa which has water problems, but also places like Machakos, Kitui, Kisumu, Luhyaland and so on. We have Lake Victoria which is full of fresh water. I do not see the reason why the Ministry does not make use of that lake to make the country rich with water; the country should not be left to suffer by not having water. What we see is the Minister and his Assistant Ministers driving big Mercedes Benz cars, going here and there eating kuku, because they have a lot of water in their houses. This is why they do not think of other people's problems. For how long shall we be afraid of telling them the truth? I, Mr. Mwaruwa, the son of a woman, stand here to tell them the truth; that they do not do their job properly.

While I am still on that, they should not bring in the question that Mr. Mwaruwa brings sensitive Motions, or Mr. Mwaruwa is dangerous to the Government. That is wrong. I think some hon. Members who stood here and said that Mr. Mwaruwa brings sensitive Motions which are dangerous to the Government are wrong. It seems that they do not know the meaning of danger, and if they do, then they should not say so. As an Elected Member of Parliament, I have the right to bring any kind of Motion here, and it is entirely upon this House to accept or reject that Motion. They should not stand here to speak if they are bankrupt in what to say; they had better sit down and keep quite. They should not stand here and say: "Mr. Mwaruwa's Motions are so sensitive and dangerous." Do you put me into the class of Mwakenya? That is what you mean when you say that this Motion is going to be dangerous to the country. What kind of danger would that Motion have brought?

Mr. Temporary Deputy Speaker, Sir, I am more Nyayo than those people who call themselves Nyayo. I would like them to understand that. They must remember that I was elected by the people in the same way they were elected. Such hon. Members are trying to be ignorant about the people who have elected them, and that is why they stand here and say so. I am not trying to forget my people.

This Motion on water is very important, but it will not be surprising to see some hon. Members standing here and opposing it. I do not know what they are up to. We must understand that the jobs of Ministers and Assistant Ministers have been given to other people. There are no more jobs of that nature. Even if an hon. Member stands up and opposes this Motion, he should know that he will not get the post of an Assistant Minister or Minister. All those opportunities have gone. We should stand here as men.

I was told by hon. Leakey, a European Member of Parliament, to withdraw my Motion. I, Mr. Mwaruwa, and conforming with my manhood and married with children, would be ashamed to withdraw that Motion. I would never withdraw it, and I did not. I wanted it to pass the way it was. I was defending my manhood.

The Assistant Minister for Energy and Regional Development (Mr. Adichareh): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member is not contributing to the current Motion; he is talking on the previous Motion which was rejected. He should, therefore, revert to the current Motion.

Mr. Mwaruwa: Mr. Temporary Deputy Speaker, Sir, that Motion was very important, and we urge that the Minister and his Assistant Ministers—

The Temporary Deputy Speaker (Mr. Mutiso): Order! Mr. Mwaruwa, you are seconding the current Motion, and would you, please, stick to it?

Mr. Mwaruwa: Mr. Temporary Deputy Speaker, Sir, I was on the right track, unless my hon. friend the Assistant Minister, did not understand my English. I do not speak American English because Americans speak broken English; I speak British English.

With those few remarks, I beg to strongly support this Motion.

(Question proposed)

Mr. Kikuyu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to support this Motion.

The Mover of this Motion, hon. Kiliku, had a very good idea. Most of our towns are expanding so fast, with people moving from rural areas to urban areas, that the facilities offered by the towns are not sufficient, and neither are they anywhere near being adequate to support the populations there.

Mr. Temporary Deputy Speaker, Sir, considering that Mombasa is the second largest town in the country—second only to Nairobi—and that the Mzima Water Pipeline was laid a few years back; and that since it was laid, the population of Mombasa has increased drastically, especially in the areas west to Mombasa Island where there are very many factories and large housing estates; it appears necessary that the Government should accept this Motion without amendment because it

[Mr. Kikuyu]

asks about what the Government should be doing now, unless they want to be overtaken by events and the whole of the town is put into a water crisis.

Although the Motion is specifically on Mombasa Town, many other towns in the Republic are facing water shortages due to population increase, coupled with the starting of rural industrialization. This has put strains on the supply of water to those towns such that most areas must have their water supply rationed; hence making town life a bit difficult. The Mover of this Motion had the idea of easing the difficult life of the people of Mombasa, and especially on the mainland areas where the population is expanding very fast. As I mentioned earlier, these problems exist in most of our towns, and Machakos is a case in point. The water supply in the town, which was put up in 1957, is not adequate to cope with the population which has increased almost twenty-fold. We, therefore, urge the Ministry to look, sincerely, into the planning of urban water supply system.

Whereas we would like to see every home in the townships having piped water, as a first step towards achieving this goal, we need proper planning of urban water supply systems. Urban areas do not have wells from which they could get water, as is the case in the rural areas. Likewise, they do not have rivers which are not polluted, like in the rural areas. The people in urban areas must be provided with piped water, otherwise, the rest of the water in the urban areas is polluted. We would therefore, urge the Minister for Water Development to start planning seriously on water supply systems in the urban areas.

I am saying this because most of the time, these planners are overtaken by events; they start planning for water when the town is already too congested. There is not enough water; the water that is available cannot allow industrial expansion, and it cannot even feed the population. We are also calling upon the water engineers in towns to start thinking of re-circulating the available water if the resource, according to them, is so scarce that cannot increase its supply from the wells, bore-holes, rivers or dams that we have. Re-circulating this water would ease the problem of water shortages.

Mr. Temporary Deputy Speaker, Sir, we cannot go on saying that we are giving our people adequate services when a woman in a place like Katulani in Machakos District has to travel for about four kilometres to fetch water; a woman who is in town. How is that? We should not let life in town deteriorate so much that a person living in the town is worse off than a person living in a rural area, when we consider the water situation in most towns in the country.

If you take an example of those people living on the slopes of Mount Kenya, you will find that they are better endowed with water than a person

in Mombasa or Machakos towns and yet these are urban areas. Are these urban areas affluent when the living conditions in them are so filthy due to lack of water? We urge the Minister and his staff to re-dedicate themselves and start proper planning of urban water supply systems.

With those few remarks, I beg to support.

Mr. Michoma: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving this opportunity to contribute on this timely Motion. Water is very essential to human life. It is also very essential in industrial activities. Without water, nothing can be done in this world. I would like to say that the Ministry of Water Development has done a very good job. The Ministry has also told the entire population of Kenya that by the year 2000 A.D., we shall have water taps near the people's homes. This is impracticable, Sir, because the Government does not have adequate funds to finance such a huge project. Let us call a spade a spade.

Mr. Temporary Deputy Speaker, Sir, I know that the Ministry of Water Development has its own planners. But those planners have misled this good Government of ours. We have to be told where we need to expand water supplies. We should also be told which districts need water more than others. This is the reason why His Excellency the President saw it fit to introduce the District Focus for Rural Development Strategy. Recommendations by district development committees have not been taken seriously.

Mr. Temporary Deputy Speaker, Sir, I have said time and again, in this Parliament and in the previous one, that there are urban centres which need water more than others. For instance, the whole area of Ukambani, and the North-Eastern Province and parts of the Rift Valley Province are very dry. These areas need water very desperately. But you will find that this problem has not been taken seriously by the Ministry of Water Development. For how long are the district development committees in Kitui, Machakos, Marsabit, Baringo and Samburu going to make recommendations, one after another, without these recommendations being implemented?

Mr. Temporary Deputy Speaker, Sir, when the Minister for Water Development stands to respond to the views of hon. Members, he should tell this House in very clear terms whether or not people should continue expecting water from the Ministry, or whether they should devise their own methods of getting water. I think towns in this country have been planned without adequate water supplies. I have been to Machakos and Kitui, and I know what I am talking about. The Mover of this Motion says that Mombasa Town faces many water problems, but Kisii Town which is expected to get water from Kuja River also has no water.

An hon. Member: Where is the water?

Mr. Michoma: Where is the water? The Ministry must tell us where the water is. The Minister for Water Development must tell us whether priorities

[Mr. Michoma]

mean anything to his Ministry. You will find that those areas which were neglected during the colonial era have not been taken into account.

Mr. Temporary Deputy Speaker, Sir, we have over-worked our leader, His Excellency the President. He is the only one who has been able to foresee what will happen in 200 years to come. But some of us, hon. Members, do not see it that way.

The Assistant Minister for Health (Mr. arap Cheboiwo): Especially the nominated Members!

Mr. Michoma: Even some of the Government officers do not see it that way.

An hon. Member: Na Wabunge wa kuteuliwa je?

Mr. Michoma: If some nominated Members are not seeing far, it is not hon. Michoma who is not seeing far. I must say this quite frankly because I am not one of them.

Hon. Members: You are right!

Mr. Michoma: Mr. Temporary Deputy Speaker, Sir, I would like the Minister, when he stands up to respond, to tell us how industries can be established in Kakamega, Mombasa and in all towns, so as to alleviate the problem of unemployment in this country.

Mr. Temporary Deputy Speaker, Sir, the Member for Butere, hon. Shikuku, has said time and again in this House— If you go outside here, you will find young school-leavers coming to see hon. Members in order to ask them to seek employment for them. Mr. Temporary Deputy Speaker, I think—

QUORUM

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to interrupt the hon. Member on the Floor—

The Assistant Minister for Health (Mr. arap Cheboiwo): But you have already interrupted him.

Mr. Shikuku: I am doing it because I have to carry out my duty in this House, which is to ensure that this House has the requisite number of hon. Members.

An hon. Member: Do not talk about lack of quorum.

Mr. Shikuku: Mr. Temporary Deputy Speaker, there is no quorum.

The Temporary Deputy Speaker: (Mr. Mutiso): Yes, there is no quorum. Will you ring the Division Bell?

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Mutiso): We have a quorum now. Will you continue, Mr. Michoma.

Mr. Michoma: Thank you, Mr. Temporary Deputy Speaker, I was saying that our town planners are responsible for planning where water supplies are going to be installed in accordance with the recommendations of the district development committees. From time to time, hon. Members in this House have raised questions, one after the other, but they

are always told, "Go back to your district development committee". The district development committees have done their job, and we all know that Members of this House are members of the district development committees, but for how long are we going to be told to go back to these committees?

It is time for the Minister for Water Development to come out and tell us, if there are no funds available, what the money which this country borrows every time does. I think the Ministry of Water Development has a share in the blame, and the Minister should tell us whether it is possible for us to plan for water in our towns, or not. If it is not possible, he should tell us what to do because he knows better. We are not in Maji House! Those in Maji House should be able to tell us what they are trying to do; otherwise, we should forget all about water projects. We need water for human and animal consumption. When you go to shops, you find imported water in bottles. That is a shame. It is as if we have no water.

I would like the Minister, when replying, to tell us whether his Ministry should not help us in alleviating the problem of unemployment in this country. We can put up industries and youth polytechnics, but we cannot do this without water. This is a straightforward Motion, and the Minister should be able to tell us what his problem is in the Ministry. Is it that he has no planners? His Excellency the President has spoken on this issue time and again. Why does the Minister not heed what His Excellency the President has been saying? We cannot make him sing a "chorus" every now and then.

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

The Assistant Minister for Water Development (Mr. Kiptanui): Mr. Temporary Deputy Speaker, Sir, I stand up to say that the Motion is straightforward. It has been the policy of the Ministry of Water Development to get a second water pipeline constructed from Mzima Springs to Mombasa. A promise to this effect has been there for quite a long time, but it has not been implemented. The problem is that financial constraints have been experienced in the Ministry. We are doing our best to get a donor to finance this project, in order to alleviate the problem of water shortage in Mombasa.

We know that this pipeline was constructed a long time ago, but it was discovered that it was not catering for the needs of the people of Mombasa and other areas along the pipeline. What we did was that we initiated another project, namely Sabaki Water Supply, to cater for Mombasa, Kilifi and Lamu. This is a supplement to Mzima Springs Water Pipeline. Since what I have said is the policy of the Government, we accept the Motion as it is, but with a minor amendment to the effect that it will be implemented when funds are available.

[The Assistant Minister for Water Development]

It has been said here that the Ministry should come out and tell this House what we are planning to do. The year 2000 is when we are going to launch the "Decade for Water and Sanitation Programme". Our problem is money, and that is why I said that this Motion will be implemented when funds are available. We are unable to get enough money to construct this giant water supply. This project will cost much more money than we are able to get now. So, what we are doing is that we are negotiating with donor countries to give us money to fund the project. We have plans, and we are hopeful that before long, we will come out with an announcement that the second pipeline from Mzima be started.

I also remember that we have been requested by this House to supply water to Machakos from Loitokitok Spring. The other day, we witnessed His Excellency the President laying the foundation stone of the pipeline to supply water from Loitokitok to Machakos. That was as a result of funds being made available from the Australian government. We hope we will be able to get a donor country to assist us in laying this pipeline.

Sir, when we talk of planners, we have them. But the constraint of funds is what makes the Ministry appear as if they do not have any plans. But they have. We have recommendations from the district development committees, and if we go by the system that is in practice; that a district development committee has to identify the sources of water supply; when they send their proposals to the Ministry, we will go by them. They also do the costing because the district water engineers are the people who have the knowledge for planning, and they know the cost of each project. So, we have not been able to finance all the projects within the Republic, but we are hopeful that before long, we shall get some donor countries to help us.

So, Sir, I beg to move the following amendment. After the word "Government" in the fifth line, insert the following words—

"when funds are available".

Sir, I beg to move the amendment.

The Assistant Minister for Energy and Regional Development (Mr. Mwicigi): Mr. Temporary Deputy Speaker, Sir, I want to second the amendment. What the Assistant Minister is saying is correct. The project is good, but we need money. The Assistant Minister also sees this problem, that additional water is required along the Coast, both for local people and also for the tourists. The need is there.

Sir, there have been plans to have an additional water pipeline in that area. So, I want to thank the Mover of this Motion for coming up with that idea, and also request him to agree with this amendment because without money and other resources, nothing can be done.

It is important for Mombasa to have more water. Whether it is the mainland, East or West, Mombasa should have more water because it is one of the most attractive areas around the world due to the beaches there. You get all sorts of people, including millionaires, wishing to go to Mombasa because it has all sorts of advantages. So, we hope that the Ministry will look for money in order to see to it that the water supply in Mombasa is expanded. We also hope that this area will be given the priority it deserves.

Mr. Temporary Deputy Speaker, Sir, water is so important that, perhaps, is it second to air which we breathe. Human beings need water for their survival; we need water for our livestock; we need water for our crops, and we need water to fight against drought. So, water is almost the life of everything. It is important that the entire Republic of Kenya is covered with water. But, due to limited resources, we have to sort what priorities water should be given. The designers who decide on the sizes of pipes of water from point A to B often ignore the fact that population gets bigger, and the demand for water goes high. They should consider the element of the population increase. Most of our designers design these things just for the present, and that is a mistake. If Mzima Pipeline was given the necessary consideration, perhaps, we could not be experiencing the present kind of problem. Let there be water everywhere. Let us utilize the waters of Lake Victoria, Lake Naivasha, Mzima Springs and other sources of water, to provide our people with water.

Sir, there is something else which is also equally important. For example, there is drought in a lot of areas of the Republic. However, soon there will be very heavy rains with flood waters taking everything to the Indian Ocean, and the rest of the water will be going through River Nile to the other side of Africa. Why can we not construct big dams to contain or to hold this water, so that we can preserve it for a bad day? This is something which should also be considered in a larger way.

Mr. Temporary Deputy Speaker, Sir, now that we are talking about water, I would like to say that we need some more water in my area, now that the place has another one more constituency called Gatanga. We need one more intake, so that the two constituencies do not share the same intake when it has seven locations. If we had another intake, each constituency would be having its own water scheme. The Government can also give us some extra funds to complete the part of Kandara Water Project which is not completed yet. It is important that we use water well where we have either Government-aided water schemes, or where we have Harambee water schemes. What normally happens it that where there is an easy flow of water, people tend to leave their taps open. When those pipes discharge water day and night, the consequences are not good because some people use more water than others. In fact, it is those people

[The Assistant Minister for Energy and Regional Development]

living on the lower sides who do not get adequate water.

Mr. Temporary Deputy Speaker, Sir, we have to consider donors who are helpful to us. The European Economic Community has done a lot, and the International Monetary Fund can also take up some other projects. In each district, there are water project designs. When those designs are ready and we go to ask for aid while considering what we have in our files, it makes things much easier if we follow this procedure.

I do not want to take much time because there are other hon. Members who would like to speak. I would like us to know one thing; that we as leaders of this country, should not sleep. We should not sleep. We should ask ourselves: "Have we satisfied our people with a basic requirement called water?" Access to water helps women a great deal. This is because according to most of our traditions, fetching water from rivers is the responsibility of women. I am bold to state that if the responsibility of going to the river to fetch water was men's every home would have water today. But because women are the ones who are responsible for producing children and going to fetch water from the river, they bear a big burden and they should, therefore, be assisted. Therefore, we should give more consideration to those poor ladies who are doing this difficult job. I would also like to re-emphasize the need of more water everywhere, including Kandara. I would like to say we badly need a second intake for Kandara Water Scheme.

With those few remarks, I support.

Mr. Munyao: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me time to say a few words on this very important Motion. I would like to thank the Mover of the Motion, hon. Kiliku for his genuine concern about his own constituency and the general public at large. The Mzima Water Project and the improvements which are going to be put up are not only going to serve the Changamwe and Miritini people, but other people as well. As hon. Mwicigi said, this water will serve the people of Mombasa including tourists.

I would like to say these things point by point. Water, as the hon. Member for Kandara—now Gata-nga—said, is very important. Water is second to air because you need it after every one hour or so. We must accept that water is very important. A project like the Mzima Water Project which emanates from Chyulu Hills and goes all the way to Mombasa, must be taken up very seriously. Where water is tapped, we must have some water points, so that the people enroute the pipeline can also have water. Having expressed my concern about people in Mombasa and Taita-Taveta, who will actually benefit from the Mzima Water Project, we cannot forget people from other areas who, like hon. Michoma said, need water also. Places like

Machakos, Lodwar, Turkana, Baringo and so on, need water. The Government has to take the water policy differently by pinpointing some of the areas which need water. Since we have established that water is very important, the policy of its distribution has to be understood genuinely.

As I speak, I am not ashamed to say that water is very expensive in this country apart from what we have said, that it is also very important. I get shocked when I hear that so-and-so's water has been disconnected. We know that water is very important. It has to be a general policy of the Government that water should not be disconnected even if one has not paid for it. If it is the families of, say, hon. Munyao, hon. Michoma and hon. Omido in Bahati who that are affected when water is disconnected, it is those gentlemen I have mentioned who pay for the re-connection and not their families.

When you disconnect the water supply, you make people suffer because they were dependent on that water. Such a man who disconnects other people's water supply should be taken to court, or have his salary be attached. He should not make families suffer by disconnecting their water supply.

Mr. Temporary Deputy Speaker, Sir, water is very expensive in this country. If you take the example of Changamwe, Maringo and the other low income estates, you will find that water in those places is the most expensive item. So, I am calling upon the Government to review water rates in most of these areas. I would not mind if the people in Muthaiga, Lavington and such other areas are required to pay a bit more for water. But for the people living in areas like Maringo, Miritini, Changamwe and such other places, water should be the cheapest thing because these people have low income. How else do we support the idea that water is important, and yet it is so expensive? Over the weekend, I went to an area which you know so well, called Katangini, which used to be in Makueni but now is in Mbooni, and I was surprised. This area has a water project known as Katangi Water Project which gets its water from River Thwake. The point of collection of this water has been done in a very haphazard manner. This is a very big river, but the project itself has been done in a haphazard manner by the Ministry. This is the only source of water in that area. This water project is in the middle of Katangini, in Kalawa Location. I was so surprised; I almost wept when I saw that water was being sold to the people of that area at Sh. 5 per drum; a calabash of about 20 litres is being sold at Sh. 1. How many people in such a dry area in the middle of nowhere can afford to buy this water? This is very bad. Our good Government—

MOTION FOR THE ADJOURNMENT

Adjournment to a Day other than the next Normal Sitting Day.

The Vice-President and Minister for Home Affairs (Mr. Kibaki): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a point of order which does not strictly concern what the hon. Member is saying.

I am just wondering whether, for the convenience of the hon. Members of this House, the House would agree that when we come to the interruption of business, we adjourn until tomorrow, to enable us, hon. Members of Parliament, to join the President at the airport, to receive the President of Nigeria, who is arriving at the same time as when our business in the House would have commenced in the afternoon. I was more hesitant to propose that we meet at a later hour because we may not know the exact hour to commence business, if we adjourn now. So, for neatness, I thought it would be better for us to resolve to meet tomorrow and, therefore, miss the afternoon sitting. This is for a very worthwhile cause, because we are quite a receptive and hospitable nation.

Could I, therefore, propose that when the House comes to the interruption of business, it does adjourn until tomorrow, Thursday?

The Minister for Energy and Regional Development (Mr. Biwott) seconded.

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

The Temporary Deputy Speaker (Mr. Mutiso): Order, Mr. Shikuku. You cannot raise a point of order on top of another. I think it is for the convenience of the House to adjudge on this issue. You have heard what the Vice-President and Minister for Home Affairs has said.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Mutiso): It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 22nd October, at 2.30 p.m.

The House rose at thirty minutes past Twelve o'clock.

Thursday, 22nd October, 1987

The House met at thirty minutes past Two o'clock

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Gachanja: Mr. Speaker, Sir, before I ask Question No. 592, I would like to make a small correction. The question is on the district officer's office at Ndurarua and not Ndararua.

No. 592

DISTRICT OFFICER'S OFFICE FOR NDURARUA

Mr. Gachanja asked the Minister of State, Office of the President—

- (a) when the construction of the district officer's office at Ndurarua, near Kawangware Village, Dagoretti Constituency, commenced;
- (b) when this project is going to be completed; and
- (c) why it has been delayed for so long.

The Minister of State, Office of the President (Mr. ole Tipis): Mr. Speaker, Sir, I beg to reply.

(a) The construction of the district officer's office in Dagoretti had initially started as a chief's office in 1983. In 1986 the project was merged to include the district officer's office.

(b) The project will be completed when enough funds become available. In the meantime the project has been allocated Sh. 100,000 this financial year.

(c) The delay involved has been caused by the lack of funds.

Mr. Gachanja: Mr. Speaker, Sir, with all due respect to the answer given by the hon. Minister, you will agree with me that 1983 is a long time ago. When the Minister consoles us by saying that the project will be completed when funds are available, and then adds that Sh. 100,000 has been allocated to it, that is confusion. Could he really clarify to us when exactly this Sh. 100,000 will be made available?

Mr. ole Tipis: Mr. Speaker, Sir, if my hon. friend and colleague would listen to me carefully, I would want to clarify this issue. The project was initially started as a chief's office in 1983, whereupon it was allocated Sh. 60,000 by the Government. With this amount, the foundation was laid, and the project came to a standstill due to the exhaustion of the money then available. In 1986, the project was revived and this time combined to include the Dagoretti District Officer's office. The fund received a boost, for which I must thank the hon. Member, of Sh. 70,000 collected on a Harambee basis from the Kawangware Market

Committee. As I said, in this 1987/88 Financial Year the project is in the budget which has already been passed and an additional Sh. 100,000 has already been approved by this august House. This will assist in the completion of the project, and if there are any shortfalls here and there, of course, the Government is fully committed to have this project completed.

No. 619

DELAYED PENSION—LIVINGSTONE MUGANDA

Mr. Otwani asked the Minister of State, Office of the President—

- (a) whether he is aware that Mr. Livingstone F. Muganda, P/No. 190539, ID/No. 0828259/63, retired from service as an assistant chief grade IA on 31st December, 1982;
- (b) whether he is further aware that he has not been paid his retirement benefits and pension; and
- (c) when he will be paid this money which is due to him.

The Minister of State, Office of the President (Mr. ole Tipis): Mr. Speaker, Sir, beg to reply.

(a) Yes, I am aware.

(b) No.

(c) According to our records, Mr. Livingstone E. Muganda was paid commuted pension gratuity of Sh. 33,677.50 through the District Commissioner, Bungoma, on 13th October, 1983. He is also being paid pension of Sh. 607.30 monthly with effect from 1st January, 1983.

Mr. Otwani: Mr. Speaker, Sir, perhaps I will ask the Minister to tell the House why this former assistant chief still expected to receive benefits from the Government up to 1st July, 1987. The Minister may be aware of the reason for this.

Mr. ole Tipis: Mr. Speaker, Sir, let us put the records straight. As I said, the former assistant chief was paid his commuted pension gratuity of Sh. 33,677.50. This amount is supported by this letter, which I have before me here, from the Treasury and which forwarded the cheque involved to the former assistant chief. Secondly, he has been receiving, all along from 1st January, 1983, a monthly pension of Sh. 607.30. The last payment of Mr. Muganda's dues for September 1987 was collected by him on 6th October, 1987. The month of October, 1987, is not over yet, and he will receive his dues for this month as usual.

No. 444

DEATH GRATUITY FOR LATE MAINA CHEMIS

Mr. arap Koske asked the Minister of State, Office of the President—

- (a) whether he is aware that the family of the late Assistant Chief Francis Maina Chemis of Cheptalal Village, Kericho District, has not been paid death gratuity since the deceased passed away in 1979;

[Mr. arap Koske]

(b) why the Ministry has failed to reply to the letter written by the Principal Pensions Officer ref. No. APN/GC 25378 dated 17th April, 1986, regarding the dues of the family of the deceased; and

(c) when they will be paid.

The Minister of State, Office of the President (Mr. ole Tipis): Mr. Speaker, Sir, I beg to reply.

(a) The family of the late Maina Chemis has already been paid death gratuity dues by the Principal Pensions Officer amounting to Sh. 13,426.90 only through the Public Trustee on 10th June, 1987.

(b) The letter in question, Ref. No. APN/GC 25378, dated 17th April, 1986, was not received in my office.

(c) Arising from my reply to part (a), part (c) of this question does, not arise.

Mr. arap Koske: Mr. Speaker, Sir, while thanking the Minister for having taken action on the matter and paid the complainants, can he explain to the House as to who this money had to be retained for more than eight years in the Treasury?

Mr. ole Tipis: Mr. Speaker, Sir, the late Mr. Maina Chemis died on 31st March, 1979. The delay of the payment of death gratuity benefits was occasioned by delay in the submission of the last pay slip of the deceased by the dependants, which was required by the Principal Pensions Officer.

Let me, through you, Mr. Speaker, Sir, assure my hon. friend that in that particular year there was a big bottleneck somewhere and we have been ordered, and we are complying with those orders, to speed things up. As of now that bottleneck does not any longer exist.

Mr. arap Koske: Mr. Speaker, Sir, can the Minister agree or disagree that it is an offence to keep money for that length of time, particularly without paying any interest on it? If he agrees to that can he consider paying some interest to the complainants because they have stayed without money for all that length of time? Has this money just been lying idle somewhere or has it been in use?

Mr. ole Tipis: Mr. Speaker, Sir, I made it categorically clear that the cause of delay was due to the dependants of the deceased failing to submit the information required by the Treasury in time. So, you cannot point a finger at the Government. When they submitted this information, the claim was immediately settled.

No. 608

CO-OPERATIVE OFFICERS FOR LAIKIPIA

Mr. Muthura asked the Minister for Co-operative Development whether since co-operative activities have progressively increased in Laikipia District, he could post Co-operative Officers to Ng'arua, Rumuruti, Central and Mukogodo Divisions.

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

Currently there is no urgent need to establish divisional offices at Ng'arua, Rumuruti and Mukogodo because the two offices, that is, the District Headquarters at Nanyuki and the Divisional Headquarters at Nyahururu, are rendering adequate services to all co-operative societies in the district.

The Ministry will, however, consider sending additional staff to the district as soon as it is considered necessary.

Mr. Muthura: Mr. Speaker, Sir, the last part of the Assistant Minister's reply says that the Ministry will post more staff if they find it necessary. Does he not find it necessary to send officers and possibly open an office at Ng'arua Divisional headquarters when he knows that the people from that area are served by the district co-operative officer in Nyandarua, who does not belong to Laikipia District?

Mr. Ejore: Mr. Speaker, Sir, some of the societies in this division are not active. If the hon. Member could listen to me very carefully, I will give him the following information: Ng'arua Division has one active society and nine dormant societies; Rumuruti Division has seven active societies and four dormant ones, Central Division has 18 active and eight dormant societies and Mukogodo Division has no active society, but has one which is dormant.

As soon as the nature of the work calls for additional staff, then the Ministry will consider posting them to the district.

Mr. Muthura: Mr. Speaker, Sir, we have two categories of co-operative societies, marketing and savings societies. To which class does the breakdown given by the Assistant Minister refer? Is it to the marketing or savings co-operative societies?

Mr. Ejore: The marketing co-operative societies. Mr. Speaker, Sir.

Mr. Bora: Mr. Speaker, Sir, arising from that reply given by the Assistant Minister, in the records he was giving, it shows that most of the co-operative societies there are dormant. Why could he not send officers there to revive those dormant societies?

Mr. Ejore: Mr. Speaker, Sir, the officers in Nyahururu go to these places every day to give encouragement to the farmers. The hon. Member could also help by encouraging the farmers to work harder so that they elevate the standard of their societies.

Mr. Muthura: Mr. Speaker, Sir, transport is a touchy problem in this country, and if these officers travel from Nyahururu to Ng'arua everyday, which is about 40 kilometres to and fro, does the Assistant Minister not find this more expensive than stationing these officers at either Ng'arua or Rumuruti?

Mr. Ejore: Mr. Speaker, Sir, transport has now been arranged by the Ministry and those officers will get transport facilities as soon as possible.

No. 596

DIVIDENDS FOR USIKU CO-OPERATIVE SOCIETY

Mr. Kiliku asked the Minister for Co-operative Development—

(a) whether he is aware that the members of Usiku Savings and Credit Co-operative Society under Kenya Union of Savings and Credit Co-operative Societies (KUSCCO), of P.O. Box 85113, Mombasa, have not been paid any dividends since 1975; and

(b) when they will be paid.

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

(a) It is not true that the members of Usiku Savings and Credit Co-operative Society, under KUSCCO, have not been paid since 1975.

(b) During the years 1975 and 1980 there were no dividends available for distribution due to lack of surplus.

However, in July, 1987, a total of Sh. 14,872.45 was distributed to the members of Usiku Savings and Credit Co-operative Society, being dividends for the years 1981 to 1984.

The books for the year 1985/86 have not yet been audited.

Mr. Kiliku: Mr. Speaker, Sir, according to that reply given by the Assistant Minister it appears that members of Usiku Savings and Credit Co-operative Society received their dividends for the years, 1981 to 1984, in July this year. Could the Assistant Minister tell this House why they delayed the payments for six years?

Mr. Ejore: Mr. Speaker, Sir, this is because the amount during the year 1984, for the members of Usiku Savings and credit Co-operative Society, stood at Sh. 2,033, with a share capital of Sh. 559, 109. Between the years 1975 to 1980 the society did not realize any surplus from its activities. Therefore, no money was available for distribution in the form of dividends.

Mr. Speaker, Sir, during 1981, 1982, 1983 and 1984 the following amounts were duly approved for distribution, vide the Commissioner's letter Ref. CS/2377/VOL.1/(62):

1981	1982	1983	1984
KSh. 3,592.00	KSh. 4,177.00	KSh. 639.00	KSh. 6,520.00

Mr. Kiliku: Mr. Speaker, Sir, could the Assistant Minister tell us what happened to the years 1985 and 1986? When are these people going to be paid their dividends for these two years?

Mr. Ejore: Mr. Speaker, Sir, the dividends will be paid as soon the audited report is completed by the society concerned.

No. 547

DISMISSAL OF MR. OWAGA BY MARSHALLS LIMITED

Mr. Speaker: Mr. Sifuna not here? Mr. Mwachofi's question.

No. 516

LENGTH OF MWANDA—MWAKITAU ROAD

Mr. Mwachofi alimwuliza Waziri wa Uchukuzi na Mawasiliano—

(a) barabara itokayo Mgange kupitia Mwanda hadi Mwakitau ina urefu wa kilomita ngapi;

(b) sehemu ya kutoka Mwanda hadi Mwakitau ilifunguliwa lini rasmi na nani; na

(c) tangu ichukuliwe na Serikali ni kwa nini haijatengenezwa hata mara moja.

The Assistant Minister for Transport and Communications (Mr. Keriri): Bw. Spika, naomba kujibu.

(a) Barabara itokayo Mgange kupita Mwanda hadi Mwakitau (E690) ina urefu wa kilomita 18.

(b) Uchunguzi uliofanywa ulionyesha kwamba mnamo miaka ya 1960 wananchi wa sehemu hiyo waliungana kwa moyo wa Harambee na kufungua sehemu ndogo ya barabara hii na ikaanza kutumika. Lakini mnamo mwaka wa 1982 Serikali iliichukua barabara hiyo na ikaiweka katika orodha ya barabara nyingine zinazohudumiwa na Serikali, yaani classified roads.

(c) Serikali ilifungua kilomita 10 ikitumia grader lakini kwa vile barabara hii inapitia sehemu yenye milima na mawe kazi ya kuifungua barabara hii zaidi ilisimamishwa. Hii ni kwa sababu kazi hiyo ilikuwa inagharimu pesa nyingi, na pia kulikuwa kunatakikana mashine kubwa, yaani, bulldozer. Pia ilikuwa ni lazima kujengwe mifereji ya chini kwa chini ya kuchukua maji kutoka upande moja wa barabara hadi ule mwingine. Mifereji ya aina hii hujulikana kama box culverts.

Ofisa anayesimamia barabara wilayani Taita Taveta ameamriwa kutoa machine kubwa na kuifungua barabara hii upesi iwezekanavyo.

Mr. Mwachofi: Bw. Spika, ningependa kwanza kumsahihisha Waziri Msaidizi anaposema kwamba urefu wa barabara hiyo ni kilomita 18. Ukweli ni kwamba huo ni urefu wa kutoka Mwanda mpaka Mwakitau peke yake. Hata hivyo, tungependa Waziri Msaidizi alifafanulie Bunge hili kuhusu ile amri ambayo amedai kwamba ilitolewa. Je, amri hiyo—ambayo Waziri Msaidizi amesema ilitolewa kwa ofisa anayehusika—ilitolewa siku gani na kazi yenyewe imeanza au bado?

Mr. Keriri: Bw. Spika, amri hiyo ilitolewa kama mwezi Agosti mwaka huu na—

Mr. Mwachofi: "Kama"!

Mr. Keriri: Amri hiyo ilitolewa mnamo mwezi Agosti mwaka huu. Pia grader ilipelekwa huko mwezi Agosti mwaka huu lakini haingeweza kufanya kazi kwa sababu ya ukosefu wa diesel. Hii ni kwa sababu pesa zilikuwa zimemalizika. Kwa wakati huu District Engineer amepewa pesa ili aanze kazi kwenye barabara hiyo.

Mr. Mwachofi: Bw. Spika, ni jambo la kusikitisha kusikia kwamba—kama Waziri Msaidizi alivyo-sema—kilomita 18 zimeichukua Wizara miezi mitatu kutengeneza. Lakini hiyo ni kazi ambayo inaweza kufanywa ndani ya muda wa wiki moja peke yake. Pia Waziri Msaidizi amesema kulikuwa na ukosefu wa diesel. Je, anaweza kuliambia Bunge hili—ikiwa ni kweli wametoa pesa—hii kazi itamalizika siku gani?

Mr. Keriri: Bw. Spika, tunatumainia kuimaliza kazi hii ndani ya wiki tatu zijazo.

No. 581

PUMP FOR MBIUNI WATER SUPPLY

Mr. Munyao asked the Minister for Water Development—

- (a) whether he is aware that the pressure of Mbiuni Water Supply is not strong enough to push water to the water tank and the health centre; and
- (b) whether he will direct that a bigger pump be installed in order to rectify this problem.

The Assistant Minister for Water Development (Archbishop Ondiek): Mr. Speaker, Sir, I beg to reply.

(a) The Minister is aware that the pressure of Mbiuni Water Supply is not adequate to push water to the water tank and the health centre.

(b) The Ministry is, however, in the process of purchasing one high lift and one low lift water pumps for use at the water supply, and once they are delivered they will be installed immediately. In addition to that, the Ministry has already identified another supply point at Kwelendu Spring on Kanzalu Hills. From this supply the water will flow by gravity to the existing 20,000 gallons Mbiuni tank—a distance of 5 kilometres. The spring has sufficient water and construction of the intake is already in progress. The pipes will be bought under the Machakos Integrated Development Programme Scheme, and once they are laid it is expected Mbiuni will have sufficient water.

Mr. Munyao: Mr. Speaker, Sir, while appreciating the answer from the hon. Archbishop, is he aware that his good answer may have no meaning if he does not know when the two pumps are going to be bought? Would he tell the House when these two pumps are going to be purchased?

Archbishop Ondiek: Mr. Speaker, Sir, the two pumps will be available soon.

Mr. Munyao: Mr. Speaker, Sir, I am sure that the House agrees with me that that answer is vague. Can the Assistant Minister be specific enough to tell the House whether the pumps will be purchased this month or next month?

Mr. Mwaruwa: Yes! Do not take us for a ride.

Archbishop Ondiek: Mr. Speaker, Sir, my Ministry will try hard to make sure that the pumps are made available fairly soon.

Mr. Speaker: Next question.

Mr. Mwaruwa: On a point of order, Mr. Speaker, Sir. This is an hon. House; and so, when questions are asked here very clear answers should be given. I would like the Assistant Minister to tell us the truth. This is because "soon" means no particular day. Can he give us a specific date when these pumps are going to be installed? He should not take us for a ride because we are not kids.

Archbishop Ondiek: Mr. Speaker, Sir, my Ministry will try to make sure that the pumps are available as soon as possible.

No. 605.

HEARING CIVIL CASE NO. 322 OF 1985

Dr. Wameyo, on behalf of Mr. Omido, asked the Attorney-General—

- (a) what has delayed the hearing of High Court Civil Case No. 322 of 1985, Nairobi; and
- (b) when it will be heard.

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

Any delay in the disposal of this case falls squarely on the parties and/or their advocates because the circumstances surrounding the issue are as follows:

On 30th March, 1984, Rispa Jandekā and Sabina Mutola were involved in a motor accident, sustaining injuries, while travelling in a bus belonging to Kenya Bus Services Limited. On 5th February, 1985—a year later—they filed a case at the High Court through the firm of Gautama and Kibuchi Advocates. On 4th March, 1985, Guram & Company Advocates entered appearance for the defendant company, Kenya Bus Services Limited and the driver, Thomas Makori Onentia, filing a defence on 27th March, 1985 and denying negligence on the part of the driver and the company.

By consent of both advocates' representatives, the case was fixed for hearing for 9th and 10th July, 1986 and before these dates the advocates for the plaintiffs applied to court for the case to be transferred to the Senior Resident Magistrates' Court at Sheria House. The application was fixed for hearing and the same was granted on 19th July, 1986. The matter was then transferred to Sheria House where it was assigned and a number given. It was listed for hearing on 24th April, and later on the 9th June, 1987, but on both occasions, by consent of both parties, stood over generally.

(b) You can see, Mr. Speaker, Sir, that there is no further blame which can be attached to the court. The parties are to blame for the delay of this case and the case is now fixed for hearing. I can only advise that the parties will co-operate and see that the case is heard when the date is fixed.

Mr. Speaker: Let us go back to Mr. Sifuna's question.

No. 547

DISMISSAL OF MR. OWAGA BY MARSHALLS LIMITED

Mr. Speaker: Mr. Sifuna is still not in? Next Order.
(Question dropped)

QUESTIONS BY PRIVATE NOTICE**NON-PAYMENT—TEA DELIVERED BY MR. NYABUTI**

Mr. Abuya-Abuya to ask the Minister for Agriculture:

- (a) Is the Minister aware that a Mr. Nyabuti Borura, tea grower No-NY 120302 has not been paid for his green tea sold to K.T.D.A. since January, 1986 to date?
- (b) When will he be paid and what are the reasons for such delay?

Mr. Speaker: Mr. Abuya-Abuya not in? Next question.

UNPAID N.S.S.F. DUES FOR MR. PETER MUSYA

Mr. Ivuti to ask the Minister for Transport and Communications:

- (a) Is the Minister aware that Mr. Peter Syengo Musya, a former employee of Kenya Railways Corporation under check No. T.F.C. 310452/M.S.A. has not been paid his N.S.S.F. dues since he retired in 1973?
- (b) Has the Corporation remitted his contributions to the N.S.S.F. under Fund Membership No. 43235620?

Mr. Speaker: Mr. Ivuti not in either? Next question.

POSITION OF KILIMANJARO WATER PROJECT

Mr. Kikuyu: Mr. Speaker, Sir, I beg to ask the Minister for Water Development the following Question by Private Notice:

- (a) What is the present position of the Kilimanjaro Water Project?
- (b) Can the Minister assure the House that when the water eventually reaches Machakos Town it will be distributed to the people in the municipal area?

The Assistant Minister for Water Development (Archbishop Ondiek): Mr. Speaker, Sir, I beg to reply.

(a) The Kilimanjaro Water Project is in its implementation stage. Work on the project is due to start any time now when funds are made available to us by the donor Government of Italy.

(b) I cannot assure the House that when the water eventually reaches Machakos Town it will be distributed to all the people in the municipality. The project has been designed to supplement the existing water supplies, and it is expected that the additional 40,000 people within the municipality will benefit from the Kilimanjaro Water Project.

Mr. Kikuyu: Mr. Speaker, Sir, recently this water project was officially opened by His Excellency, the President. Is the Assistant Minister telling us

that it was opened without being implemented, and that it was just a false starting?

Archbishop Ondiek: Mr. Speaker, Sir, I am sorry I did not hear what the hon. Member said.

Mr. Kikuyu: Mr. Speaker, Sir, when the official inauguration was done, was it done before the money was there or the money had not yet been released?

Mr. Speaker, Sir, can you ask the Assistant Minister to sit near the microphone so that he can hear me properly? I am asking this: when this water project was inaugurated, was there no money because he says that he is waiting for money so as to implement this project?

Archbishop Ondiek: Mr. Speaker, Sir, it seems that I do not really follow the hon. Member's question because there was no project. This is the Kilimanjaro Water Project, but it is in the implementation stage and the project has to be designed.

Mr. Kikuyu: Mr. Speaker, Sir, I think the Assistant Minister did not do his homework properly. Design and all costings of this water project are complete and recently, the official inauguration was done, whereby our Government was represented by His Excellency the President and the Government of the donor was represented by their ambassador. Is the Assistant Minister telling this House that we were inaugurating a project when there was no money because he says we are waiting for money from the donor?

Archbishop Ondiek: Mr. Speaker, Sir, it is true that the project was opened by His Excellency the President but it does not mean that there is no money. The money has to be programmed according to the stages.

Mr. Kikuyu: Mr. Speaker, Sir, when the Assistant Minister says that 40,000 people in Machakos will benefit from the increased water from Kilimanjaro Water Project, essentially, what part of Machakos Municipality does he have in mind?

Archbishop Ondiek: Mr. Speaker, Sir, we have in mind the whole of Machakos Municipality.

Mr. Speaker: Let us go back to Mr. Abuya-Abuya's question.

NON-PAYMENT—TEA DELIVERED BY MR. NYABUTI

Mr. Abuya-Abuya to ask the Minister for Agriculture:

- (a) Is the Minister aware that a Mr. Nyabuti Borura, tea grower No-NY 120302 has not been paid for his green tea sold to K.T.D.A. since January, 1986 to date?
- (b) When will he be paid and what are the reasons for such delay?

Mr. Speaker: Mr. Abuya-Abuya still not in? Let us go to Mr. Ivuti's question.

(Question dropped)

UNPAID N.S.S.F. DUES FOR MR. PETER MUSYA

Mr. Ivuti to ask the Minister for Transport and Communications:

- (a) Is the Minister aware that Mr. Peter Syengo Musya, a former employee of Kenya Railways Corporation under check No. T.F.C. 310452/M.S.A. has not been paid his N.S.S.F. dues since he retired in 1973?
- (b) Has the corporation remitted his contributions to the N.S.S.F. under his membership No. 43235607?

Mr. Speaker: Mr. Ivuti still not in either? Next Order.

(Question dropped)

POINT OF ORDER**FAILURE TO IMPLEMENT MINISTERIAL PROMISE**

Mr. Mwachofi: Bw. Spika, jambo langu la nidhamu linahusiana na Swali Maalum ambalo niliuliza tarehe 22 Julai, 1987, na likajibiwa na Waziri wa Wafanyakazi. Swali lenyewe lilihusu wafanyakazi watatu wa kampuni ya Bata Shoe Company, ambao walikuwa wameshtakiwa na kufungwa, na baadaye wakakata rufani na wakashinda kesi hiyo kortini. Waziri alipojibu swali hilo alilihakikishia Bunge hili kwamba haki itafanywa, na kwamba hawa wafanyakazi watalipwa ridhaa. Kwa kweli, Waziri alisema hivi pale mwisho:

"Nimezungumza na kampuni hiyo ili iwarudishe watu hawa kazini, na nilisema kampuni hiyo imelipa pesa za hawa watu na sasa pesa hizo ziko katika Ofisi ya Wafanyakazi, Nairobi, na hawa wafanyakazi wakifika kule kesho watapata pesa hizo.

Jambo la kusikitisha, Bw. Spika, ni kwamba tangu siku hiyo hawa watu watatu wameenda kwa Wizara ya Wafanyakazi, wakaambiwa "Sisi hatuyajui mambo hayo; nendeni ofisi kuu ya wafanyakazi ya mkoa". Walienda huko, na pia wakaambiwa "Hatuna habari ya hayo mambo". Kwa hivyo, hawajalipwa na hali Waziri alikuwa amesoma wangelipwa hata siku hiyo hiyo. Kwa hivyo, ningependa alieleze Bunge hili ni kwa nini alitoa ahadi ambayo haikuwa ya ukweli, na kulipotisha Bunge hili?

The Minister for Labour (Mr. Okondo): Bw. Spika, sijui kama mambo hayo ni ya kweli na, kwa hivyo, ningependa kwanza nirudi ofisini mwangu ili niangalie kwa nini watu hawa hawakulipwa. Sikuwa nimejitayarisha au kujua mambo yalikuwa hivyo. Lakini ninajuiliza kama hawa watu hawakuwa wamelipwa siku hizi zote, mbona hawakuniandikia barua au kuniuliza kwa kutumia njia nyingine badala ya kupitia kwa Mbunge? Kama wangeniletea mambo hayo, tungekuwa tumeyaangalia na kuyamaliza. Lakini, hata hivyo, tutayamaliza.

Mr. Mwachofi: Bw. Spika, jawabu hilo la Waziri ni la kusikitisha sana. Yale mambo nimesema ni kwamba Bunge hili limenyimwa heshima lake kwa

sababu ahadi ilitolewa Bungeni kuhusu swali hilo Maalumu lililoulizwa mwezi wa Julai, 1987. Sasa Waziri anasema twende ofisini mwake ili tutengeze mambo hayo, na hali mambo hayo hayo yalikuwaliwa katika Bunge hili. Hii ni kuonyesha anayima Bunge hili heshima ambayo linastahili. Ingefaa aliambie Bunge hili ni hatua gani atakazozichukua kuhakikisha hawa watu watalipwa haraka iwezekanavyo. Kwa hivyo, ninamuomba ahadi Bunge atatoa taarifa kamili wiki ijayo.

The Minister for Labour (Mr. Okondo): Bw. Spika, nitachunguza mambo hayo na nitaleta majibu baadaye.

MINISTERIAL STATEMENTS**DENIAL OF ALLEGATION ON IMPORTATION OF TISSUE PAPER**

The Minister for Commerce (Prof. Ng'eno): On a point of order, Mr. Speaker, Sir, I have two points of order to make. The first one relates to the Ministerial Statement I undertook to make some time this week. Unfortunately, yesterday I was not in Nairobi, and that is why I could not make that statement. Some time early this year newspapers reports indicated that imported tissue paper was being sold in some supermarkets in Mombasa. As a result of this revelation the District Trade Development Officer, Mombasa, was instructed, in consultation with the Import and Export Officer in Customs Department, to undertake a quick survey to establish how these goods came to land in Kenya market. Investigations were finalized in May and my office took the opportunity to check the situation in Nairobi and found that there were no imported tissue rolls in Nairobi. However, my officers in Mombasa confirmed that only one supermarket was selling imported toilet paper. This supermarket is known as Omees. It was also revealed that Omees Supermarket bought their consignment from the Department of Customs and Excise open auctions on 13th January, 1987. In effect, they were selling goods which were auctioned because they had been imported illegally.

AFRICAN PARTICIPATION IN CLEARING AND FORWARDING BUSINESS

The Minister for Commerce (Prof. Ng'eno): My second point of order, Mr. Speaker, Sir, relates to the question raised by hon. Shikuku in June. Hon. Shikuku wanted to know if I had implemented the Government statement to the effect that all clearing and forwarding companies should be run by and large by Kenyans of African origin. I now have the pleasure to submit a list of registered companies with at least 51 per cent shareholding by Kenyans, which includes the names of directors or partners and distribution of shares.

I am afraid, Sir, the list is very long, but since this is a very important matter, I will read a few names.



REPUBLIC OF KENYA
**THE NATIONAL
ASSEMBLY**
OFFICIAL REPORT

Thursday, 22nd October, 1987—(Contd.)

MINISTERIAL STATEMENTS

Running of KANU Newspapers—No Party Interference—The Vice-President and Minister for Home Affairs (Col. 481)

Laying of Papers—Substantiation of Answer to a Question—The Assistant Minister, Office of the President (Mr. Onyancha)

COMMITTEE OF SUPPLY

Motion:

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 12—Ministry of Local Government (The Minister for Local Government)—Question proposed and Debate interrupted without Question put (Col. 484)

Tuesday, 27th October, 1987

ORAL ANSWERS TO QUESTIONS

Questions Nos. 609, 251, 618, 492, 554, 582, 550, 445 and 562 (Col. 593)
Question No. 543 dropped (Col. 595)

QUESTIONS BY PRIVATE NOTICE

Removal of Illegal Structures from Mumbuni School Compound (Mr. Kikuyu)—Deferred (Col. 605)

Withdrawal of Deposits—Tropical Building Society (Mr. Lukindo) (Col. 605)

Delay in Payment for Tea—Tombe Factory (Mr. Abuya-Abuya)—Dropped (Col. 607)

POINT OF ORDER

Misreporting by the Press (Col. 509)

COMMITTEE OF SUPPLY

Motion:

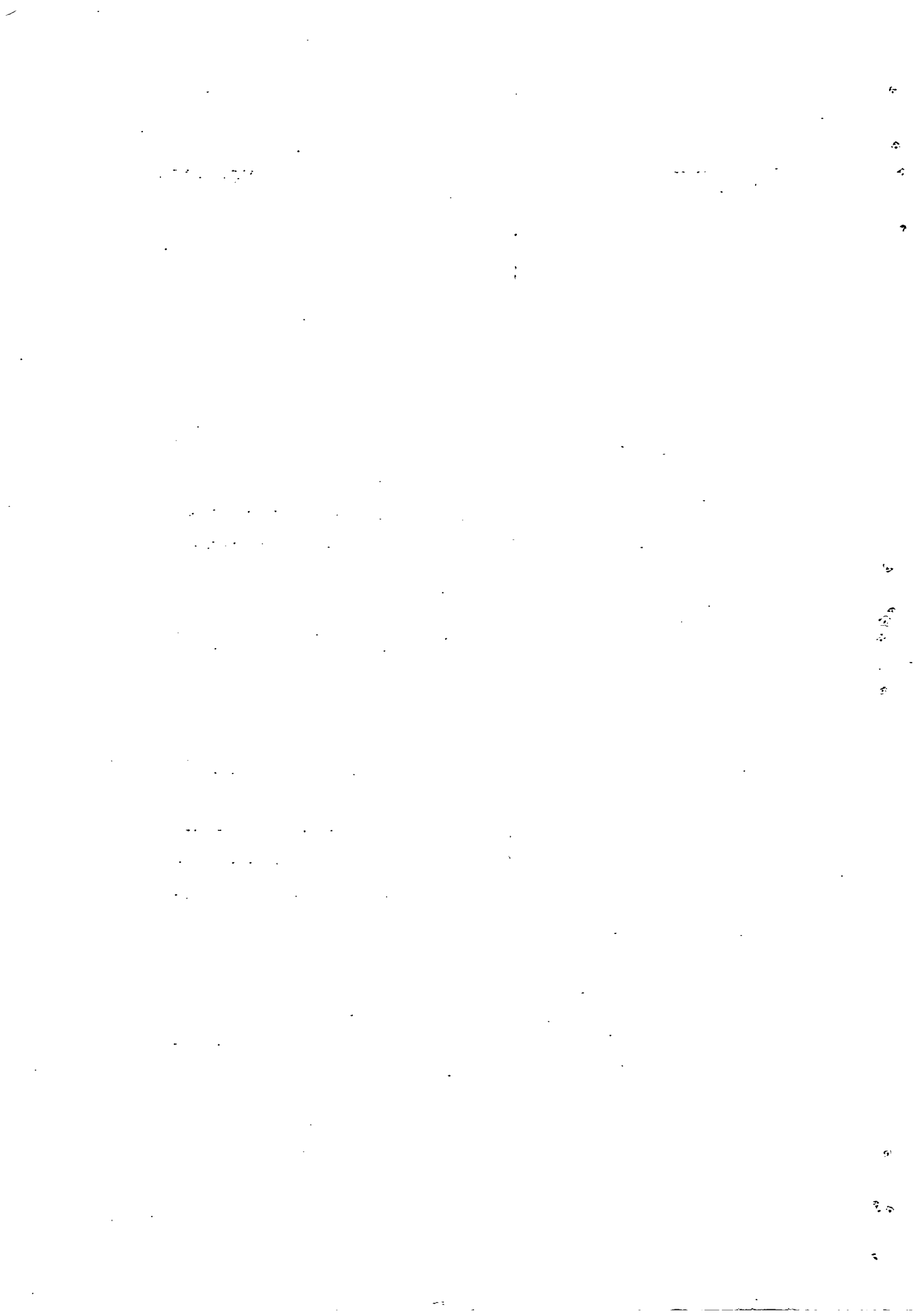
THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 12—Ministry of Local Government—The Minister for Local Government on 22nd October, 1987—Resumption of Debate—Agreed to (Col. 510)

In Committee and Report

Agreed to in Committee (Col. 637)

Reported without amendment (Col. 640)



[The Minister for Commerce]

These companies are as follows:

<i>Licencee's Name and Address</i>	<i>Directors/Partners</i>	<i>Shares Held by Kenyans</i>	<i>Remarks</i>
1. Cafria Kenya Ltd., P.O. Box 98088, Mombasa	M. O. Masumbuko	75%	Kenyan
2. Nu-Leaf Africa Ltd., P.O. Box 86072, Mombasa	Rajab K. Musa	25%	Ugandan
	S. Kosla	100%	Kenyan
	P. K. Shah		Kenyan
	M. B. Shah		Kenyan
	A. S. Heer		Kenyan
3. Inland Container Depot Ltd., P.O. Box 80469, Mombasa	Jerry Njoroge	100%	Kenyan
	Mohamed H. Jather		
	Robert Khasenye		
	Albert Karanja		
4. Economic C and F Shipping Agents, P.O. Box 86489, Mombasa	S. Haiderali	100%	Kenyan
	M. Haiderali		Kenyan
5. EMM International C and F, P.O. Box 48017, Nairobi	Mrs. E. Madoka	100%	Kenyan
	Major M. H. Madoka		Kenyan
	Mrs. E. W. Mwangiru		Kenyan
6. Kilindini C and FO Ltd., P.O. Box 82824, Mombasa	Mrs. M. Garduer	100%	Kenyan
	Mr. J. A. Gardner		Kenyan
7. Eagle Conveyors Co. Ltd., P.O. Box 73966, Nairobi	Raphael Mwanza	100%	Kenyan
	Thomas Munywoki		Kenyan
	Joshua Munywoki		Kenyan
	Fredrick Munywoki		Kenyan
	Felix Wambua		Kenyan
	John Mutisya		Kenyan
8. Interlink F (K) Ltd., P.O. Box 67946, Nairobi	J. Mang'oli	100%	Kenyan
	Burundi Nabwera		Kenyan
	Caroline B. Mang'oli		Kenyan
	Saul M. Matete		Kenyan
9. Rising Freight Ltd., P.O. Box 12129, Nairobi	Kundan B. Solanki	100%	Kenyan
	Kantilal B. Solanki		Kenyan
10. Kentur K. Ltd., P.O. Box 47942, Nairobi	W. R. Malumbe	100%	
	Mrs. Mor Malumbe		

Mr. Speaker: Order!

The Minister for Commerce (Prof. Ng'eno): I have a list, Sir, going up to 356 companies.

Mr. Speaker: Order! May I know how much of the list you have yet to read.

The Minister for Commerce (Prof. Ng'eno): Mr. Speaker, Sir, the list is very long. It comprises 356 companies. With your permission, Sir, I beg to lay this list on the Table.

(Prof. Ng'eno laid the list on the Table)

RUNNING OF KANU NEWSPAPERS—NO PARTY INTERFERENCE

Mr. Karauri: On a point of order, Mr. Speaker, Sir. My point is on the poor distribution of the party newspaper, that is, *Kenya Times* and *Kenya Leo*. In my constituency, the vendor at Kianjai Market has been refused to sell *Kenya Times* and *Kenya Leo*. For example, when we as leaders meet at these divisional headquarters and we want to buy this newspaper at Kianjai Market, we never have access to it at all. People in that market and the surrounding areas have no access to the party newspaper—even when we have no meetings. The vendor in that market says that he has been refused to sell the newspaper by whoever distributes it in Meru Town. It is common knowledge that this paper arrives in certain towns later than other newspapers

when people have already bought the other newspapers and read them.

We have all been complaining and urging our people to buy the *Kenya Times* and I feel that the paper should be careful when reporting Members of this house and party leaders. This is because they do not report what every hon. Member says in this house. Of late they have been trying to choose the hon. Members they would like to report. *The Standard* and the *Daily Nation*, may, for example, report what hon. Members have said, but *Kenya Times* tends to choose on certain individuals that they would like to cover. The party newspaper must be more careful. Our electors want to read what we have said in all the newspapers; but when they see that a particular newspaper is not reporting what their representative said, then even if you tell them to buy that newspaper they will not do so, and that will be a loss of revenue to the party newspapers.

I do not know to whom I should complain. I thought in this House there are important people leading the party; I can see the Vice-President and Minister for Home Affairs is here; hon. ole Tipis was here but has just gone out. This must be corrected.

The Vice-President and Minister for Home Affairs (Mr. Kibaki): On a point of order, Mr. Speaker,

[The Vice-President and Minister for Home Affairs] Sir. Although it is not Question Time, Sir, certainly we know that it is a policy of the *Kenya Times* and *Kenya Leo* that they will report all news that is suitable to be reported. I can assure the House that there are no directives as to who should and who should not be reported. Newspaper editors and reporters do operate as freely as those others in any other newspaper. We know that in order to succeed as a business we have to be competitive with those that are in that field. Therefore, I can assure the hon. Member that there will be no instructions from the party as to what and whom they may report.

On the other hand, I can undertake to investigate the particular business matter which was raised; namely, that somebody somewhere is denying a sub-distributor access to the party newspaper. If this is so, then that kind of distributor would be unsuitable for us. We want somebody who would encourage wider distribution.

LAYING OF PAPERS—SUBSTANTIATION OF ANSWER ON A QUESTION

The Assistant Minister, Office of the President (Mr. Onyancha): On a point of order, Mr. Speaker, Sir. On the 8th of this month, while I was responding to a question raised by hon. Mbori, I promised to lay on this Table Minutes of the Oyugis Health Centre Development Committee as per his request. I wish to fulfil my promise by laying these Minutes on the Table.

(Mr. Onyancha laid the Minutes on the Table)

POINT OF ORDER

CALL FOR STATEMENT—MEMBERS' SPEECHES IN KENYATTA DAY MEETINGS

Mr. Githuho: Mr. Speaker, Sir, my point of order is in connection with the just concluded Kenyatta Day celebrations, on 20th October, 1987. In Nyeri District, where I, the Nyeri Mayor, the Chairman of the County Council of Nyeri and other leaders were present. The Provincial Commissioner, Central Province, Mr. Etemesi, explained to us and to the public that he had instructions from Kanu headquarters that only the District Kanu Chairman would address the public in response to the Presidential speech. He said it very clearly, that he had the instructions in writing. While I do not doubt that the provincial commissioner may have had those instructions, I noticed the following day, from the papers, and from the Voice of Kenya, that in other districts Members of Parliament who are not necessarily chairmen of Kanu, councillors, and other leaders, were accorded the opportunity to address the public.

(Applause)

My worry is whether those instructions from Kanu headquarters were only to apply in Nyeri District. If it was so, I want to request the Minister of State in charge of provincial administration—

or in charge of Kanu affairs for that matter—to make a statement in this House to explain the motive behind those kinds of instructions. Situations like that one would create hard feelings between elected leaders, the provincial administration, and the public.

Thank you, Mr. Speaker, Sir.

COMMITTEE OF SUPPLY

(Order for Committee read being 11th Allotted Day)

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR

VOTE 12—MINISTRY OF LOCAL GOVERNMENT

The Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

Mr. Speaker, Sir, my Ministry is responsible for guiding, controlling, and co-ordinating the activities and functions of local authorities, within the framework of Central Government policies.

The Ministry intends to spend K£6,106,930 net, for recurrent expenses and K£4,167,750 net on development projects. The corresponding gross figures are K£6,236,030 and K£9,157,125 respectively, with the K£129,100, and K£4,989,375 being Appropriations in Aid.

Mr. Speaker, Sir, I would like to begin with the Recurrent Vote, which provides the funds required for salaries and general administration expenses of the Ministry, as well as contributions in lieu of rates and grants payable to local authorities.

Hon. Members will note that the provision for Sub-Vote 120—General Administration (Headquarters and Provincial Services) had gone down from K£6,553,500 last year to K£6,106,930 this year. This decrease is partly explained by non-allocation of any funds to pay off arrears of contributions in lieu of rates, especially to the Nairobi City Commission which is now owed more than K£7 million.

The Sub-Vote 122—Contributions in Lieu of Rates—has gone up slightly, from K£4,600,000 last year to K£4,740,790 this year, an increase of only K£140,790. The net result is that this allocation can hardly meet the normal claims from local authorities, and arrears will continue to accumulate. Mr. Speaker, Sir, contributions in lieu of rates are statutory payment under the Rating Act (Cap. 267) and the Government is duty bound to meet them. It is, therefore, necessary to re-examine this matter in future in order to comply with the law.

Under Sub-Vote 124—Grants to Needy Local Authorities—my Ministry is asking for K£350,000 for assisting, to some extent, the councils financially unstable on account of climatic conditions and other circumstances beyond their control. Our basic policy, however, remains one of helping such councils to develop to the level where such grants

[The Minister for Local Government]

would become unnecessary. We are determined to strengthen the financial base of all the local authorities so that they can provide more satisfactory services.

Turning to the Development Expenditure, the Ministry is requesting a gross sum of K£9,157,127 for the year 1987/88. These funds are intended for the development of infrastructure within different urban areas of the Republic. Hon. Members will appreciate that Kenya's urban population is growing at a rate higher than that of the country's population as a whole, and there is need to keep on expanding infrastructural services. Although the Government is making every effort to improve the quality of life in the rural areas, migration into towns is expected to continue. At the end of this century our urban population could hit the nine to ten million mark, making the urban population in Kenya 26 or 27 per cent of the population.

Mr. Speaker, hon. Members will note that the Development Estimates have not exceeded the 1986/87 level, despite our commitment to try and meet the expanding needs of the urban population. The gross estimates for last year were K£9,240,000 as opposed to this year's K£9,157,125. Our external receipts are broken down as follows: Full grants issued as revenue—K£500,000. Full grants issued as Appropriations in Aid—K£630,625. Loans issued as revenue—K£1,232,200. Loans issued as Appropriations in Aid—K£358,750.

I would now like to turn to the specific programmes and projects under the Local Authorities Sewage Schemes. My gross expenditure allocation has slightly gone up, from K£3,075,906 during the previous financial year, to K£3,750,000 during the current financial year. This small increase in the allocation to this very important sector is very much appreciated. Nevertheless, I should like to point out that it is too little to enable us to expand sewage services to the new and fast growing towns.

The development strategy outlined in the Sessional Paper No. 1 of 1986 on Economic Management for Renewed Growth hinges crucially on avoiding the concentration of population in Nairobi and Mombasa and shifting towards the vigorous growth of secondary and smaller urban centres throughout the Republic.

Mr. Speaker, Sir, in my budget I have attempted to move the sectoral services into these secondary towns. These include, among others, Murang'a, Kisii, Bungoma, Thika, Nvahiruru and Nveri municipal councils. Also included are Homa Bay, Isiolo Busia and Naivasha town councils. All these projects are financed through different financial agencies and arrangements. For example, Murang'a Kisii, Bungoma, Thika and Nveri municipalities' sewerage systems are currently financed through a loan provided by both the African Development Bank and the African Development Fund. On the other hand, Nyahiruru, Homa Bay, Isiolo and Busia

town councils' sewerage systems, now under construction, are financed through a full grant provided by Danish International Development Agency (DANIDA).

Sir, as hon. Members are undoubtedly aware, it is a declared Government policy to provide clean and treated water to all citizens of this country by the year 2000. It is our intention, as a Ministry, to play a significant role towards the achievement of this goal. We have a number of water supply schemes which we would like to see constructed under the councils. We have completed a study on water supply projects in many local authorities and we are ready to embark on the implementation of some of them. These include, among others, projects—Nairobi, Kericho, Kisumu, Eldoret and Thika. In order to be able to carry on with the implementation work so as to provide clean and treated water for the people catered for by these councils we will require an allocation of higher figure to this sector alone in the future.

Mr. Speaker, Sir, the programme for local authorities' roads maintenance is one area which sometimes has attracted considerable debate in this House. I need not go into details, Mr. Speaker, because all that ought really to be said about the state of roads within some of our municipalities has already been said and it is common knowledge today. Hon. Members, however, should note that there are no Treasury allocations to this sector. The local authorities have been left with virtually nothing, and will find it very difficult to construct new roads or even maintain the existing ones. Mr. Speaker, unless local authorities are able to raise funds from other sources, the roads are likely to get worse as time passes.

The local authorities housing and building sector, including the small town shelters, has so far progressed quite well. The second and third urban projects are financed through a loan agreement between the Government of Kenya and the World Bank. The second urban project is now coming to an end. The World Bank disbursements to the project have ceased, but small project components, which are not yet completed, have to be financed between the Treasury and the local authorities. These programmes are intended to provide housing infrastructure and community facilities in the major urban centres and shelters for the growing urban areas, which I have already mentioned above.

Mr. Speaker, Sir, there is an item in my budget referred to only as "Miscellaneous Programmes"—not that it is any less important; it is very important. I have the following projects under this heading: municipal council markets, transportation study project, refuse collection project, vipingo slaughterhouse, land acquisition, fire fighting equipment and wholesale markets proposed. Under the item of municipal council markets, Mr. Speaker, we are currently constructing a huge wholesale market in Mombasa, through a loan arrangement

[The Minister for Local Government] between the K.F.W. of West German and the Government of Kenya, for a sum of K£2,450,000. The construction of this market is at a very advanced stage, and I must say it is about to be completed. The problem currently being experienced at Mwebbe-Tayari Market in Mombasa should be a thing of the past when this market starts to operate.

Mr. Speaker, Sir, plans are also under way to construct similar markets within the Municipality of Kisumu and in Nairobi. The wholesale market proposed to be built in Nairobi, when completed should relieve the congestion problems currently being experienced at the Wakulima Market, while the market proposed to be built at Kisumu should cater for horticultural produce in the whole of western Kenya.

The urban transportation study is intended to provide a long-term solution to the transportation problem currently being experienced in Nairobi and in other major urban centres. The study is well underway, and the first stage of the study has already been completed. The first part of the study has made recommendations for suitable transportation systems which could be adopted in the City of Nairobi. The second stage of the study should focus on whichever system the Government decides to adopt. Mr. Speaker, Sir, this, together with the introduction of the National Youth Service Bus System, should go a long way towards alleviating the transportation problem currently being experienced in the City of Nairobi and in other urban centres.

Mr. Speaker, Sir, turning to the fire-fighting equipment and the refuse collection projects—these are two very important priorities. We all know, Sir, that fires have caused untold damage in this country, and it is time we prepared ourselves to fight them more effectively. On the other hand, Mr. Speaker, uncollected garbage is both an eyesore and, more important, a real health hazard. The proposed project is intended to deal with this problem adequately. The refuse collection project is intended to supply refuse collection equipment and maintenance facilities in our local authorities. First, we have made arrangements for the Eldoret and Nakuru municipalities to have, later this year, refuse collection vehicles. Later on, we shall move on to Nairobi and other large municipalities. We are at the moment in the process of negotiating an agreement with the Italian Government to finance the whole of this project.

Mr. Speaker, Sir, the Government of the United Kingdom has already supplied fire-fighting equipment to nine county councils on a full grant basis. We are grateful for this generosity, but our expanding needs are far from being met. As a result we have, therefore, made requests for more equipment from the Government of Britain, particularly for both Nairobi and Mombasa municipalities, which are badly off at the moment.

Mr. Speaker, Sir, some of these projects require land in order to be implemented. There may be money; but then, there is that question of land. We have, therefore, put aside some money for this purpose. Currently the resources we have reserved for this purpose are not adequate for all the land required in my ever-increasing urban centres, especially for Nairobi water supply. We have been able to acquire land and we are able to pay for it so that Chania Phase III may commence.

Mr. Speaker, Sir, with these few remarks, and since my Ministry does take a lot of money, I beg to move that Votes R12 and D12 covering my estimates, be approved by this august House.

Mr. Speaker, Sir, I beg to move.

The Minister for Energy and Regional Development (Mr. Biwott): Mr. Speaker, Sir, I beg to second and resume my right to speak at a later stage. With those few remarks, I beg to second.

(Question proposed)

The Assistant Minister for Commerce (Mr. Lalampaa): Ahsante sana, Bw. Spika, kwa kunipatia nafasi ili niseme machache juu ya Wizara ya Serikali za Wilaya.

Naichukua nafasi ya kwanza kumpongeza Waziri mwenyewe, Mawaziri Wasaidizi wake, na vile vile maofisa wote wa Wizara hii ya Serikali za Wilaya. Wizara hii ina kazi ya muhimu ya kuwafanyia wananchi wa nchi hii. Tunajua ya kuwa serikali za wilaya ni nguzo ya demokrasia hapa nchini—the grass-root of democracy in this country. Pamoja na hayo, ni juu ya Wizara hii ya Serikali za Wilaya kuhakikisha makonseli yamepata pesa au njia za kujipatia mapato, kwa sababu huduma zifaazo hazivezi kutolewa bila pesa. Tumeelezwa sasa hivi na Waziri wa Wizara hii kwamba serikali za wilaya zimeachwa bila kupata mapato yo yote kwa sababu hazipati pesa zo zote baadhi ya pesa ambazo hupitishwa hapa Bungeni. Tunatarajia serikali za wilaya kutoa huduma kwa wananchi. Lakini zitawezaje kuzitoa huduma ikiwa hazina mapato? Ni juu ya Wizara hii kutafuta njia ya kuziletea makonseli mapato barabara.

Jambo lingine ambalo Wizara hii ingehakikisha ni kwamba serikali za wilaya zingekuwa na njia nzuri ya kusimamia pesa. Itakuwa kazi bure ikiwa zitakuwa zikitumia mapato yao kwa njia mbaya.

Bw. Spika, nasema hayo kwa sababu nimekuwa na ujuzi mwingi sana kwa serikali za wilaya. Kabla sijaingia Bunge nilikuwa diwani na mwenyekiti wa baraza la wilaya kwa miaka kumi. Kwa hivyo, naelewa sana serikali za wilaya.

Bw. Spika, ni juu ya Wizara ya Serikali za Wilaya kuhakikisha magari ya serikali za wilaya yanakuguliwa vile vile na Government Check Unit ili maofisa na vile vile wenyekiti na madiwani wasije wakayatumia magari kwa njia mbaya au kwa njia ambayo si rasmi. Vile vile yafaa magari haya yangaliwe au yakaguliwe sawasawa na magari ya Serikali Kuu. Jambo hilo vile vile linastahili kufanywa.

[The Assistant Minister for Commerce]

Jambo lingine, Bw. Spika, ambalo ningependa kupendekeza kwa Wizara ya Serikali za Wilaya ni kutoa seminars kwa madiwani ili wajue roho zao ili wasije wakagongana na wale maofisa ambao wameajiriwa na serikali za wilaya. Hii ni kwa sababu wasipoelezwa na kufundishwa wajibu wao kama madiwani, basi, wataingilia kazi ya utawala ya serikali za wilaya. Ingefaa waelewe kazi yao ni kutoa mwendo, yaani to formulate policy. Huo ndio wajibu wao, yaani kutunga sheria za serikali za wilaya, na vile vile kuyapendekeza mambo yanayohitajika kufanyika. Pia yafaa wawaachilie wale maofisa ambao wameajiriwa na serikali za wilaya watekeleze mambo hayo, yaani implementing officers to be executives na sio madiwani kwa sababu watakuja kugombana. Njia moja ya kufanya hivyo ni wao kuwa na seminar ya kueleza kazi yao ni ipi na pia kazi ya executive officers ni ipi.

Bw. Spika, jambo lingine ni kwamba kwa vile tunaelekea karibu na uchaguzi, tungemwuliza Waziri wa Serikali za Wilaya ahakikishe kila lokesheni itakuwa na diwani kwa sababu hapo awali kuliwa na lokesheni nyingine ambazo ziligawanywa lakini bado diwani mmoja ndiye alikuwa anasimamia karibu lokesheni mbili. Kwa uchaguzi ujao tunamwomba Waziri ahakikishe kila lokesheni ina diwani mmoja ambaye amechaguliwa na wananchi.

Pia tunajua madiwani wateule hawawezi kuwa zaidi ya theluthi moja ya madiwani ambao wamechaguliwa. Basi, jambo bora ambalo Wizara ingefikiria wakati wa uchaguzi ni kuhakikisha kila sehemu imewakilishwa. Ikiwa wilaya moja itakuwa na madiwani sita au kumi wa kuteuliwa, yafaa wahakikishe kila sehemu imewakilishwa. Ikiwa baraza moja la konseli fulani lina mawakilisho matatu hivi, si vizuri madiwani wa kuteuliwa watoke sehemu moja au mawakilisho moja. Mawakilisho yote matatu yafaa yapate faida kutokana na madiwani wateule ili tuhakikishe wananchi wanawakilishwa vizuri.

Kwa hayo machache, Bw. Spika, naunga mkono.

Mr. Koske: Thank you very much, Mr. Speaker, Sir, for giving me an opportunity also to make some contributions to this Vote.

First of all I would like to thank the Minister for Local Government for the work he has done with his members of staff. A councillor in an area is one of the most important men in the localities, and being one of the leaders he is expected to live in a manner that gives a good example to the rest. But at the moment the allowances given to them, with the number of fund-raising meetings they have to attend, they are unable to be presentable to wananchi. I would like to urge the Government to see that these allowances are improved so that these people may display better examples to wananchi.

Mr. Speaker, Sir, some of the wards are far too large, so that some of the councillors manning those areas are unable to attend to the people and the various projects which are going on there.

Therefore, I would like to urge the Government to see to it that loan facilities are made easier for them so that they can at least afford to run motor-cycles. Again, I would like to support hon. Lalampaa on the idea that each location should have its own councillor. Not only that: some of the wards in some areas are far too large, so that for them to be manned by one councillor is very difficult. I would urge the Government to see that in such areas they give more wards so that more councillors can represent the people.

Mr. Speaker, Sir, we also have some unclassified roads. Most of them go to schools, and others to some small market centres. Some of the bridges along these roads got broken sometime ago. Because The Ministry of Transport and Communications only deals with classified roads, I think these roads remain the responsibility of councils. But I am afraid that councils—even like mine—do not have money to do so. Therefore, I urge the Government to see to it that more money is given to this Ministry so that it may manage to maintain some of these small roads which are not classified, but which are very important.

Mr. Speaker, Sir, I think it is pathetic for a school to be in a place where communication is difficult. We all know the activities which are done in schools, including games and so on. Sometimes if there is an accident—say, a child has fallen down and broken a leg, or something else happens—it is pathetic that some of those schools cannot be reached by vehicles. Even as of now children have to carry milk and school equipment from some distance because vehicles cannot reach there.

Mr. Speaker, Sir, nursery schools should also have teachers. I think the councils or the Ministry of Local Government should be given enough money to cater for employment of good, educated and qualified teachers to man nursery schools in the country. At the moment some of the nursery schools are manned by very, very poor teachers; people who have never had a chance to learn well, and who cannot even be trained because they are very low educationally. I do not see the reason why the councils cannot take over such schools and see that good services are provided.

I was an inspector of schools and several times I visited nursery schools and found that what was being taught was very irrelevant to what should have been happening there. Somebody is sent to a school only to spoil children by trying to follow primary school syllabus instead of teaching what is supposed to be taught in nursery schools. Since not all parents are educated enough to be able to realize the effects of teaching a young child the wrong thing, I would urge that all nursery schools be taken over by local authorities. That is why I am advocating that the Government gives councils more money so that they can take over the running of nursery schools.

Mr. Speaker, Sir, as I have said, teachers in nursery schools should be trained; teachers and places

[Mr. Koske]

should be increased so that we do not have untrained teachers teaching for a long time in a nursery school. We would like them to give a sound guidance to our children.

Mr. Speaker, Sir, some of the municipal and town councils in the country, particularly those in my constituency are not clean enough. Some of them do not even have toilets. Even for those which have them, you find that the toilets are very poorly maintained. When something goes wrong with them, it takes time before any action is taken. I think this happens because of lack of money. So, these toilets and other facilities should be provided, together with enough money to maintain them.

Mr. Speaker, Sir, another thing I would like to remind the Government is that facilities which were given to local authorities sometime back are no longer enough due to the increasing populations in towns. Even in some towns we have water problems. Londiani Township, in my constituency, Kericho District, is an example of a place where we have regular water problems; Kipkelion Town is another example. Even as I am talking here now this problem is being experienced in these places. Sometimes even children in schools within towns are forced to go to rivers to look for water, because water in the towns is never enough. The Government should know that since these facilities were provided things have changed a lot. So, I am now bringing these problems to the attention of the Government so that action can be taken.

Mr. Speaker, Sir, some plots have been allocated to people temporarily for too long. I would like the Government to speed up allocation of plots. A person should be told whether a plot is his or not his so that he can develop it without any fear of being moved from it later on. Plots which have not been surveyed should be surveyed and allocated so that the owners can begin developing them. In some towns plots have remained undeveloped for a long time, simply because plots are allocated to people on a temporary basis, and so the owners are not keen on developing them. So, allocation of plots should be speeded up so that development can continue. And while allocating plots, the local deserving wananchi should get the first priority. Local people should be considered even in places where they are not yet interested in plots—all plots should not just be given to outsiders because later on when the local people develop interest for plots there will be none to give them. So, the local people should get the first priority in plot allocation. Care should be taken to avoid discrimination. I have witnessed some cases where a person is given as many as seven plots while another one has been applying for a plot for a long time but he has not been given one. Yet what happens is that some people are given plots only to sell them later on. People should only be given plots to develop and not to sell. I think where somebody is unable to

develop a plot, the Government should repossess it and then give it to someone who is prepared to develop it. So, plots should not be given to people who are not prepared to develop them. This practice should not be allowed to continue—plots should be given to people who can develop them.

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

(Michoma stood up in his place)

Mr. Speaker: Yes, Mr. Michoma.

Mr. Michoma: Mr. Speaker, Sir, I was just rising on a point of order in connection with what my hon. colleague has said, that outsiders are given plots without specifying who those outsiders are. I just wanted him to tell us who those outsiders are.

An hon. Member: Asians!

Mr. Koske: Mr. Speaker, Sir, I think that that is very obvious. In most towns we have non-Africans being given plots. In fact, that is even happening in Kisii Town.

The Assistant Minister for Water Development (Archbishop Ondiek): Thank you, Mr. Speaker, Sir, for giving me this opportunity to join my hon. brothers to contribute to this very important Motion.

Sir, I listened to the Minister for Local Government very carefully when he was moving his Vote, and I would like to give my observations on nursery schools, which are being run by county councils and municipalities. I have observed that the teachers in such nursery schools are not paid on time, despite the fact that we do realize that unless a teacher is paid on time he cannot be competent to man his work in the classroom. I would, therefore, like to urge the Minister for Local Government to intervene in this matter so that the teachers of nursery schools, are paid properly and on time. As you know, Sir, under our education system our children must pass through nursery schools. If there is no proper foundation in the nursery schools our children's future will be totally ruined.

Having said that, Sir, I would now like to touch on the revenues collected by county councils and municipal councils. While I agree with the Minister that his Ministry does not have enough revenue to enable it to run county councils and municipalities effectively, I would like to point out that there is a lot left to be desired in the way county councils and municipalities are being managed. There is lack of supervision in those areas in that whenever you meet either county council or municipal council workers, they tell you that they have not been paid for the last two years or so. Despite the fact that the workers are healthy and willing to do their work, they are never paid for almost two years. Since no receipts are issued to workers for the collection of rates, you find that most of the revenue collected by them does not reach the right places. I am sure if the local authority

[The Assistant Minister for Water Development]

workers are properly supervised county councils or municipalities would not have any problem of money. Although we do pay rates, we do not exactly see any services being provided by either county councils or municipal councils in return, despite the fact that there are so many areas in which county councils and municipal councils can help wananchi.

Mr. Speaker, Sir, not a single day passes without county council and municipal council workers collecting fees from markets, yet if you look at most of these centres, you will find that they are filthy and they have no toilet facilities. The money is being collected and misused and there are no services being rendered to the wananchi in return. I would like to request the Minister for Local Government to look into this matter so that the revenue which is collected from poor wananchi is properly used. Let wananchi benefit from the collection of that revenue. We do appreciate that county councils and the municipal councils are doing an important job, but we would like to see some services being rendered to wananchi. There is a very important market in my constituency called Ugunja which is very filthy. That place has no toilet facilities. There are other markets which do not even have pit latrines. This happens despite the fact that there are by-laws in the local authorities which take care of health services. I think something should be done to make this Ugunja market cleaner.

Mr. Speaker, Sir, turning to the question of the supervision of county council and municipal council workers, I would like to say that the senior officers employed by these local authorities should do their job properly. What after all, is their job? They should try to supervise their juniors so that the collection of revenue and its use is taken care of properly. This is in line with the principles of management. Although councillors are the heads of our county councils and municipalities, some of them lack the knowledge of how to manage these local authorities. First of all, most councillors are not being paid. Of course, we are in agreement that councillors are the heads of their respective councils, but they are never paid because of mismanagement of funds and because of lack of supervision of workers.

When we talk about the maintenance of roads, especially in Nairobi City, I must thank His Excellency the President—

QUORUM

Dr. Wamevo: On a point of order. Mr. Speaker, Sir. The House has no quorum, despite the fact that there are no toilets in the market!

Mr. Speaker: Yes, there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

Mr. Speaker: We have quorum now. Continue, Archbishop Ondiek.

The Assistant Minister for Water Development (Archbishop Ondiek): Thank you, Mr. Speaker, Sir.

Sir, before my hon. colleague raised the quorum issue I was talking about the need for total management of our councils. I do appreciate that there are very competent officers who are supposed to manage our councils, but those officers should try to be earnest with their supervision and ensure that the revenue collected by councils is well taken care of.

Mr. Speaker, Sir, we know that there are elected councillors to our county councils and municipalities, but because they do not get their payments in time they are quite inefficient. They cannot be able to work without being paid. Sometime ago, our elected councillors used to get grants, but since this grant was cut off due to some other financial difficulties there should be another method of ensuring that the councillors get their payments in time. That way they will be able to monitor what is going on in their respective councils.

Sir, touching on the elevation of our urban councils, I would like to point out that certain councils were elevated due to political reasons. In some areas urban councils do not even have income sufficient to manage their councils even when they collect revenue from markets and other areas; that is not enough even to pay the members of staff and the councillors. I have an urban council whose expenditure is about KSh. 20,000 per month, when the income can never be more than KSh. 7,000 per month. How are they going to manage that urban council, Mr. Speaker, Sir? Something should be done. We should try to look for ways and means to get funds which we can allocate to these urban councils so that they can function. We know such urban councils are there; they exist, and they must be made to survive. The only way to make these urban councils survive is for the Minister for Local Government and his team to sit down and look for ways and means to get more funds. They should add more markets to these urban councils so that there is enough income for any of these particular urban councils.

Mr. Speaker, Sir, there are new wards, or new locations, which were created recently. When the Minister will be giving his reply I would like him to tell us when these new locational areas will be made electoral wards. Wananchi would like to know this because—in my constituency, there is a location which was created in 1978 but up to now it has never been gazetted as an electoral ward. We would be very, very grateful if this is done.

Mr. Speaker, Sir, my hon. friend talked about the allocation of plots. We know the method which is being used in the allocation of plots. In Siaya District, previously they were trying to use the secret ballot method. Through the secret ballot system anybody was given the plots; even a person who can never develop a plot was being given one. In fact, we complained to the chairman, and I think the situation was rectified, but in future we

[The Assistant Minister for Water Development] would like to see that such things do not happen. Before they introduced the secret ballot system they used to find out the financial status of a person before they could allocate a plot to him. This was to make sure that if he is given a plot he will be able to develop it within a certain period.

Mr. Speaker, Sir, I urge the Minister to try to look into this matter and assist as much as possible. We also hope that the Government will try to look for ways and means of getting funds and avail them to the urban councils and municipalities so that they can be able to maintain roads. At the moment the roads in Kisumu are impassable. Wanchi pay their rates to the urban councils and they may not know that the money that they pay is not enough— Mr. Speaker, Sir, with those few remarks, I beg to support.

Mr. Gachania: Mr. Speaker, Sir, thank you very much for giving me this opportunity to join my hon. colleagues in saying something concerning this very, very important Ministry.

Mr. Speaker, Sir, as we are all aware, the Ministry of Local Government is very important. The Minister is asking this House to approve the use of well over K£5 million. I am very grateful that the Minister is here; I know he is very concerned and he will take the relevant notes so that he can mend where the Ministry has gone wrong.

This Ministry engulfs the cities, the towns and so on. I am happy that the City Commission has taken keen interest in improving the water situation in the city. Before I criticize, let me give credit where it is due. The water situation in the city has improved. In Dagoretti Constituency, for example, we had areas like Mutuini, Satellite and Gando which did not have water for very many years, and today there is plenty of water. So, I am very grateful to the people who are concerned with the supply of water. Apart from some individual people in the City Commission who have integrity, the City Commission has totally failed. The reason why I am saying this is that we are all aware that anybody who comes to Kenya is mainly interested in Nairobi, it is the mirror. No matter what we do elsewhere, Nairobi is the country's mirror. However, it is a total shame that the roads in this beautiful "City in the Sun" are a big shame. They are full of potholes, and there is no planning towards this end. Even in the case of the existing roads, it is only now that the City Commission is starting to patch them up. We have roads which were tarmacked way back when hon. Charles Rubia was the Mayor of Nairobi. I can quote an area like Kangemi where most of the roads were tarmacked then. In Satellite Estate, too, most of the roads were tarmacked a long time ago. Today those roads do not have even murrum. The tarmac they had has been eaten away, their murrum is also gone and only soil remains. We have to cry and beg that

those roads be murramed. If you take the Satellite—Dagoretti Market Road—Dagoretti Market is very important as, I think, it supplies more meat than even the Kenya Meat Commission itself—you will see that it is impassable. As I said, it was tarmacked many years back. So, there must be something wrong somewhere.

The City Commission has commissioners who have not been directed to take care of particular areas, and none of them is responsible for anything. So, road care is a question of individuals. If the Director of City Civic Services, Mr. Shigoli, wants to take care of these roads, he could go round the city. The same applies to anybody in the City Commission who wants to take interest in the roads. However, there are no specific individuals to whom certain jobs are allocated and who are responsible for them. You cannot use the roads in a centre like Kawangware to go to Gatina Village during the rainy season.

Sometime back I went to these areas accompanied by the city engineer. He told me, "You have been saying that the roads in Dagoretti are impassable and people have to be transported on shoulders when it rains. Show me where these roads are." We went to Gatina—but we had to walk three miles because the car could not go any further. So, the Minister, in his goodwill—I know he is interested in these roads and he has this country at heart—should go deep into this matter and check on what the City Commission is doing and what improvement, if any, it has made, short of worsening this city.

The schools in this beautiful city, too, are another shame. These schools were built when we had a mayor and councillors here. We have such schools as Mukarara, Gitiba, Kagira and Rumithitu which are in a very bad state. The buildings have not been painted for the last decade and some of their roofs are leaking. If you go to Rumithitu School and look at the teachers' houses there, you will see that not even a labourer or anybody else can occupy them because they are in a very bad condition. In this connection I would like the Minister to think deeply so that when he comes to answer he may tell us how much of these millions of shillings is going to be allocated to Dagoretti Constituency. I am very much interested in this issue.

Mr. Speaker, Sir, the health centres in my constituency are no better than donkey sheds, and I have said this before in this House. The curtains used there are pieces of gunny bags. I know that the Minister concerned was once in Kangemi. I do not know whether he chanced to visit the health centre there. This health centre is a big shame, and I would hate to see any visitor coming to visit Kangemi and Kawangware health centres. The Minister has said that the Ministry is going to do something about these centres and expand them when funds are available. We do not know when these funds are going to be available, and I am

[Mr. Gachanja]

worried about it. I hope that the Minister is going to say that in this present budget some of the money he has been promising to come to Dagoretti is available.

Landowners in Dagoretti have not been given the land by the Government. This is freehold land, and yet these people are paying rates for purported services which they have never received. The Minister concerned wants somebody to pay rates because of roads, and yet those roads are impassable. It is not possible to have your cake and eat it. The Minister should decide on whether to render the necessary services or withdraw the collection of rates.

With those few remarks, Mr. Speaker, Sir, I beg to support.

The Assistant Minister for Lands and Settlement (Mr. Karume): Ahsante sana, Bw. Spika, kwa kunipatia nafasi hii ili nami niyaseme machache. Wizara ya Serikali za Wilaya ni mojawapo ya zile ambazo zimejitambulisha kabisa kwa wananchi wa mashambani. Ninafurahi na ninamshukuru Waziri wa Serikali za Wilaya kwa sababu hivi majuzi aliwondoa ushuru uliotozwa kahawa, ambao ulikuwa ukiwaumiza wakulima wa kahawa sana. Wakulima hawa walikuwa wakilipa ushuru wa asilimia tatu, lakini sasa ushuru huu umepunguzwa ukawa asilimia moja. Waziri aliongeza ushuru unaotozwa miwa, mahindi na mimea mingine. Ningemwomba Waziri aliangalie jambo hili zaidi kwa sababu naona labda kuna zao moja lililosahauliwa, nalo ni nanasi. Mananasi hukuzwa sana hasa katika Thika, na tunajua yanaleta pesa nyingi za kigeni kwa sababu mengi yake huuzwa ng'ambo. Ingefaa tufikiri kuyatoza mananasi ushuru kama tunavyofanya, na mimea mingine kama mahindi. Ingefaa tuone kwamba serikali za wilaya zimepata ushuru kiasi fulani kutokana na ukuzaji wa mananasi.

Hatujasema kuwa hatutaki kutozwa ushuru, lakini mara nyingine wakulima hunung'unika wakisema kwamba ushuru huu haufai kwa sababu wanapoutozwa hawaoni unafanyiwa nini. Kile ambacho tungependa Wizara iangalie sana ni kuona kwamba pesa zinazotuzwa wananchi zinarudishwa kwa njia ya kutengeneza barabara. Barabara zote zinazoelekea kwenye viwanda vya kahawa na nyinginezo zinafaa kuangaliwa kabisa kwa kutumia pesa hizi za ushuru. Viwanda vingine vya kahawa vina taabu sana kwa sababu havina visima vya maji na huduma nyingine. Tungependa serikali za wilaya ziwe zikiangalia huduma hizi sana. Tunajua serikali za wilaya hufanya kazi za maana sana. Konseli ya Kiambu, kwa mfano, ina shule za nasari zaidi ya 400 na walimu wengi sana. Tunajua huduma hizi zinagarimu pesa nyingi sana. Tungependa serikali zote za wilaya zifanye zaidi ya vile zinavyofanya sasa kwa sababu wananchi wanaponung'unika huwa kweli wana shida, huku wakijua wanatuzwa ushuru na hali huduma nyingi zimesahauliwa. Tunajua Waziri wa Serikali za Wilaya ana-fanya kazi kubwa, lakini ingefaa aliingilie jambo.

hili zaidi na kuona pesa hizi haziwekwi katika benki peke yake. Hakuna haja ya kuweka pesa katika benki ili zikae huko tu na watu fulani wazikopeshwe, wakati ambapo wale wanaohitajiwa kusaidiwa kwa pesa hizi, huko katika mahali pesa zilikutoka, hawapati huduma yo yote. Hili ni jambo ambalo linafaa kuangaliwa sana. Ninaona kwamba konseli nyingine zina mamilioni ya pesa; lakini ukiangalia viwanda, barabara na shule za nasari, unaona kwamba kazi mbaya tu ndiyo iliyoifanywa.

Hilo, Bw. Spika, ni jambo ambalo ningependa kuiomba Wizara iliangalie. Pia ningependa kusema yafaa kodi ya mazao mbalimbali iendelee kutolewa. Hii ni kwa sababu kodi hiyo ikiondolewa—kama vile watu wengine wanavyotaka—tutakuwa na taabu. Pengine shule fulani za nasari zitafungwa kabisa.

Bw. Spika, vile vile ningependa Wizara iwafikirie madiwani kote nchini. Tunajua kuna upungufu wa pesa, lakini ukweli ni kwamba mishahara na marupurupu ya madiwani yahitaji kuchunguzwa. Mishahara ya madiwani ni ya chini sana ikilinganishwa na kazi wanayofanya. Ni kweli kwamba mambo mengi hapa nchini yanafanywa kwa njia ya Harambee. Kwa hivyo, utaona kwamba madiwani na mameya wanahitaji kutoa michango ya Harambee. Lakini madiwani hulipwa mishahara midogo sana. Tunajua kwamba makonseli mengine hayawezi kuwalipa madiwani wao mishahara mikubwa. Hata hivyo, yafaa njia ya kuwasaidia madiwani hawa itafutwe ili waweze kupata kitu cha kuwafariji kidogo.

Bw. Spika, ni furaha yangu kutaja hapa kwamba Wizara hii imefanya kazi kubwa katika Manispaa ya Kiambu. Sasa tumeona kwamba Wizara imetoa tenda ya kutengeneza mfereji wa kupitishia maji machafu katika Mji wa Kiambu. Hii ni kwa sababu mfereji huo ulikuwa umeharibika kabisa. Kwa hivyo, ningependa kumshukuru Waziri kwa kazi hiyo nzuri anayotufanyia. Vile vile Wizara imetupatia pesa za kujenga kituo cha mabas. Hii ni kwa sababu mabas na matatu yalikuwa yanasimamishwa barabarani na hungeweza kupita kwenye barabara hiyo. Lakini sasa Wizara imefanya vizuri sana kutupatia pesa za kujenga kituo cha kuegeshea magari.

Jambo lingine, Bw. Spika, ni kwamba ningeiomba Wizara itupatie mkopo ili tuweze kutekeleza mradi wa maji katika Mji wa Kiambu. Hii ni kwa sababu mji huo hukabiliwa na ukosefu wa maji mara kwa mara. Ninajua kwamba Wizara hii inafanya kazi vyema na inaweza kuturekebisha hali hiyo.

Pia ingefaa wakulima wawe wakitoa kodi kwa zao la kahawa mara moja tu. Hii ni kwa sababu wakulima wana mahitaji mengi sana ya pesa. Nina-sema hivi kwa sababu wakulima hutozwa kodi kadha wa kadha zinazohusiana na zao hili la kahawa. Kwa hivyo, tungetaka Waziri wa Fedha alichunguze jambo hili. Kwa mfano, sasa bei ya kahawa katika soko la dunia imeshuka sana. Ukiangalia utaona kwamba wakulima wa kahawa hawapati cho chote. Hata wakati mwingine wakulima

[The Assistant Minister for Lands and Settlement] hubaki na madeni. Utaona kwamba wakati wakulima wanapopata faida kidogo, wao hutozwa kodi kama vile export tax, na kadhalika. Kwa hivyo, ningependekeza tuendeleo na ule mtindo wa kutoa kiwango cha kodi ya mazao ya kiwango cha 1 per cent kutokana na mazao yanayohusika.

Kama nilivyosema hapo mbeleni, yafaa Waziri aiangalie kwa makini habari ya mananasi. Tunashindwa kuelewa ni kwa nini wakulima wa zao hili hawatozwi kodi yo yote. Tunalipa kodi kutokana na mahindi, miwa, na kadhalika. Lakini utaona kwamba mananasi yamejaa hapa, na vile vile yanaenda kuuzwa ng'ambo. Ile kampuni ya Kenya Cannors Limited ndiyo inayokuza mananasi kwa wingi. Pia kampuni hii huza mananasi katika nchi za nje. Kwa hivyo, ingefaa kiwango fulani cha ushuru kitolewe ili pesa hizo zitumiwe katika ujenzi wa shule na zahanati katika eneo hilo. Haifai kuacha pesa zote ziende ng'ambo.

Kwa hivyo, Bw. Spika, mimi naiunga mkono kikamilifu Wizara hii na kusema kwamba pesa ambazo Wizara hii inaomba ipewe hazitoshi. Hii ni kwa sababu hii ni Wizara kubwa sana. Waziri amejaribu sana, na tunafahamu yeye ana kazi nyingi. Yeye amekabiliwa jukumu la kuwachunga viongozi wengine kama madiwani. Hii ni kwa sababu madiwani vile vile ni wanasiasa kama sisi na si kazi rahisi kuwaangalia na kuhakikisha kwamba mienendo yao ya kisiasa inafaa.

Kwa hivyo machache, Bw. Spika, naomba kuunga mkono.

Mr. Boru: Ahsante sana, Bw. Spika, kwa kunipa nafasi hii ili nami niweze kusema machache kuhusu hii Wizara. Wizara hii ya serikali za wilaya ni muhimu sana katika taifa hili, na hasa katika wakati huu ambapo wilaya zimefanywa mashina ya maendeleo katika ule mpango wa District Focus for Rural Development Strategy. Kwa hivyo, kufuatana na mpango huo wa kuzipa wilaya mamlaka ya kutoa mapendekezo kuhusu miradi ya maendeleo ni lazima Wizara hii ifanye kazi bega kwa bega na kamati za maendeleo za wilaya.

Hata hivyo, Bw. Spika, kuna jambo moja ambalo limenishangaza sana. Sijui kama tatizo hili linaweza kupatikana katika wilaya nyingine hapa nchini isipokuwa kule Marsabit. Utaona kwamba Wizara hii hajawahi kuwa na mipango yo yote ya maendeleo katika wilaya hiyo katika muda wa miaka mitano iliyopita. Makao makuu ya Wizara hii yako hapa Nairobi. Pia kuna provincial local government officer katika kila mkoa. Lakini utaona kwamba wale wanaokaa katika makao makuu ya wilaya hawafanyi kazi yao. Maofisa wakuu kama town clerks, town treasurers na wengine hawatoji huduma yo yote kwa wananchi. Utaona kwamba kuna usimamizi mbaya wa pesa katika makonseli. Pesa ambazo zinakusanywa kama ushuru huishia kwenye mifuko ya hawa maofisa wakuu. Wao wamepanga njama na madiwani ili wawe wakichukua pesa hizi.

An hon. Member: Pesa hizo hutolewa kwenye mikutano ya Harambee!

Mr. Boru: Wananchi wanahitaji kuhudumiwa, Bw. Spika. Wabunge wengine wamependekeza madiwani waongezwe mishahara. Hakuna sababu ya kuongeza marupurupu na mishahara ya madiwani. Kama maofisa wa Kanu wanaweza kujitolea kufanya kazi sioni ni kwa nini madiwani hawawezi kufanya kazi kwa njia nzuri. Hawa madiwani hawafai kupewa cho chote kwa sababu hawatoji huduma yo yote kwa wananchi. Wananchi wanahitaji kuhudumiwa. Wao wanalipa kodi za ploti, leseni za maduka yao, mahoteli yao, na vile vile kwa masoko ya mifugo. Lakini huduma zinazotolewa na makonseli mbalimbali hazilingani na kiasi kikubwa cha pesa ambacho hutolewa na wananchi kama kodi za aina mbalimbali. Hizo pesa hutumiwa kulipia mishahara ya madiwani na wafanyakazi wengine na sijui zile zinazobaki hupelekwa wapi.

Bw. Spika, utaona kwamba katika kila konseli kuna kamati mbalimbali; kuna kamati ya fedha, kamati ya mipango na masoko na pia kuna kamati ya huduma za jamii. Lakini utaona kwamba kamati hizi—kutoka wakati wa uchaguzi hadi wakati wa uchaguzi mwingine—haziitishi vikao vyo vyote. Hawajawahi kukutana kujadiliana juu ya mambo ambayo wananchi wanahitaji kufanyiwa. Pia kuna miji mingine ambayo haijapangwa na majengo yamejengwa ovyo ovyo. Wananchi hutuma maombi ya kupewa ploti na maombi yao hukubaliwa na kamati zinazohusika. Utaona kwamba baada ya kikao cha baraza zima kukubali kumpatia mwananchi ploti, mwananchi huyo atakaa kwa muda wa miaka mitano bila kuipata ploti hiyo. Lakini jambo la kuudhi ni kwamba mtu kama huyo huendelea kutozwa kodi kutokana na ploti hiyo ambayo bado hajaiona. Kwa hivyo, ni lazima Wizara izichunguze wilaya ambazo ziko mbali na makao makuu ya Wizara. Yafaa Wizara iwatumbe wakaguzi kwenda kuangalia ni kitu gani kinachotendeka katika wilaya mbalimbali.

Utaona kwamba wananchi hutozwa kodi kutokana na viwanja ambavyo hawajavijenga. Hiyo si haki. Pia utaona kwamba ploti moja inaweza kutolewa kwa watu wanne au watano. Kwa hivyo, utaona kwamba watu hawa humaliza muda mwingi wakienda kortini kufanya kesi. Haya ni makosa ya maofisa ambao ni wafisadi. Utaona kwamba baada ya mtu kupewa ploti katika full council meeting, karani anaweza kumpatia mtu mwingine karatasi na kumwambia "Nenda ukaichukue hiyo ploti." Hii ni njia moja mbaya sana ya kuwagonganisha wananchi.

Wananchi wanahitaji vitu kama slaughterhouses. Kwa hivyo, wananchi wanataka kuziona huduma ambazo zinatolewa na makonseli. Sisi tumekuwa tukijaribu kuyatetea haya makonseli kila wakati. Hata kuna Hoja iliyopitishwa katika Bunge hili ikitoa himizo Wizara hii iongeze mishahara na marupurupu ya madiwani. Madiwani hawa wakipewa mishahara mizuri wataweza kushiriki kikamilifu katika shughuli za maendeleo na mambo mengine. Lakini ukichunguza kwa makini utaona kwamba hata hakuna haja ya kuwa na makonseli

[Mr. Boru]

katika sehemu nyingine za nchi hii. Hii ni kwa sababu ukienda huko kumwona town clerk utaambiwa hayuko. Pia ukisema unataka kuwona town treasurer utaambiwa kwamba yeye hayuko. Pia cashier huwa hapatikani. Ukiuliza zaidi utaambiwa kwamba maafisa hawa wako katika field. Pia sales collectors hawapatikani maafisi mwao. Hata mata-rishi hawawezi kupatikana. Mara nyingi ofisi za konseli huwa hazina watu, na hali wananchi wanahitaji kuhudumiwa. Labda ukienda huko mwisho wa mwaka utawakuta maafisini wakingojea pesa ili waende wakalipe karo za shule, na dhalika.

Bw. Spika, konseli nyingine hezina internal auditors wa kuchunguza vile pesa zinaingia. Hii ni kwa sababu utaona kwamba, kwa mfano, sales collector akishapewa kitabu cha stakabadhi cha miscellaneous revenue, ataenda nacho usiku, akae nacho kwa siku nne au tano na atarudisha hizo pesa baada ya hicho kitabu kujaa, labda baada ya mwezi mmoja. Wakati ule mwingine wote huwa hakuna mtu anayeangalia mambo yanaendaje. Kuna wakati mmoja tulipolalamika kuhusu konseli ya Marsabit, mainspekta wakatolewa na Waziri wa Serikali za Wilaya wakaenda kukaa kwa muda wa miezi mitatu, na sijui walienda kuchunguza nini kwa sababu hadi sasa hatujasikia ripoti yo yote kuhusu uchunguzi wao. Kwa sasa konseli hii imekuwa mbaya zaidi kuliko wakati huo. Tukiwauliza maafisa wenyewe wa konseli hiyo, wao hutuambia tuende Nairobi tuwaite auditors hao wetu tena. Mwenendo huo huivunja mioyo ya wananchi kwa sababu wananchi wanahitaji kuhudumiwa.

Ukiangalia upande wa barabara za miji—mji kama wa Marsabit hauhitaji barabara za lami; unahitaji marrum pekee. Hata ingawa Konseli ya Mji wa Marsabit haina grader, kuna grader ya Wizara ya Uchukuzi na Mawasiliano ambayo inaweza kutolewa kwa konseli ikikubali kuinunulia mafuta. Wakati mvua inaponyesha, kama hivi sasa, huwezi kutembea katika mji huo kwa gari. Kutoka mjini kwenda kwa ofisi ya mkuu wa wilaya ni jambo moja ambalo haliwezekani kwa sababu barabara imeharibika kabisa na maji. Lakini wakati mwingine utaona barabara imerekebishwa—labda wakati Mtukufu Rais anapotembelea wilaya hii. Utaona graders, ambazo sijui hutoka wapi, zikiweka marrum mjini na malori yakimwaga maji barabarani mpaka kuwe hakuna vumbi kabisa mjini. Tunataka Wizara ichunguze mambo na ihakikishe wananchi wanapewa huduma wanazostahili. Tunakubali kuwa konseli nyingine hazipati pesa nyingi, lakini hata hivyo zinastahili kuwapa wananchi huduma iwezekanavyo.

Kwa mfano, katika Marsabit County Council kuna mbuga za wanyama wa porini za taifa mbili—Losai National Reserve na Marsabit National Reserve. Wao hupata misaada ya pesa kutoka kwa Wizara ya Utalii na Wanyama wa Porini. Kila mwaka wao hupewa pesa, lakini ukienda kwa hizi mbuga za wanyama wa porini utaona kuwa hakuna huduma yo yote inayotolewa huko. Watalii pia huwa

na shida kwenda katika hizo mbuga za wanyama wa porini za kitaifa. Kwa hivyo, pesa ambazo hutolewa kama msaada kutumika kwa kazi fulani yafaa zisimamiwe na Wizara pia kwa sababu kama konseli itapoteza pesa badala ya kuzitumia kwa kazi zilizotarajiwa, yaonekana hakuna maendeleo yatakayopatikana katika nchi hii.

Kwa hayo machache naunga mkono.

Mr. Michoma: Thank you, Mr. Speaker, Sir, for giving me this chance to join my colleagues in supporting this Motion—

Mr. Munyao: I knew!

Mr. Speaker: Order! What did you say, Mr. Munyao? Just because I called somebody else, you said "I knew" and you repeated it? You did not even let me finish.

Mr. Munyao: Mr. Speaker, Sir, it must have been a slip of the tongue. I was looking at my colleague, whom I was talking to.

Mr. Speaker: You better be careful, Mr. Munyao!

Mr. Michoma: Thank you, Mr. Speaker, Sir. I would first of all want to congratulate the Minister for the manner in which he has handled the affairs of the Ministry of Local Government. This is a very important Ministry and the Minister has done his best; but in some other various occasions he has been failed by councillors and chief officers of the councils. I would also like to mention that the Local Government Regulations of 1986, revised edition, have not been followed strictly by most councils. This is because these regulations stipulate that councillors have been given powers to administer financial matters and to make by-laws.

Mr. Speaker, Sir, the Minister has done well in certain councils because he has effected the transfers of the chief officers to work in other councils. However, it seems as though the Minister has not completed the exercise. I would like the Minister to effect transfers of all chief officers of all county councils, municipal councils, urban councils and so on. It is not fair for the Minister to effect transfers in certain municipalities and county councils and leave others. I hope that the Minister will do that. He knows that I am very sincere in what I am saying; I am happy with his job and he should, therefore, effect this so that these chief officers do not operate as agents of certain politicians in certain areas.

I would like to remind the Minister through you, Sir, that mayors, clerks and chairmen of councils go out of their boundaries wearing their gowns. The law stipulates this very clearly. For example, Sir, you find the mayor going outside his boundary wearing the gown. This also applies to county council clerks. This can only be done under very special occasions, say, when His Excellency the President is visiting a certain area, and perhaps they want to meet him at the boundary of a certain district. It is not fair for them to fly flags on their cars outside their boundaries.

[Mr. Michoma]

Secondly, the Minister should assist municipal councils such as Kericho, Kisii, Kakamega and so on by giving them fire brigade vehicles. I am saying this because houses in Kisii, Kakamega, Kericho and so on normally catch fire. For example, there is no fire brigade vehicle in Kisii Municipality. I would like the Minister to assist these municipalities. Last time, Sir, the Minister received vehicles and they were despatched to Kisumu and elsewhere but Kisii, Kericho and Kakamega did not receive any. I am citing this example—I hope the Minister is listening—because we would like to have uniformity in the distribution of Government grants. These grants should be spread to all municipalities. I know that the Minister does not favour his own district. I would like the Minister to take a serious note of this so that when he gets aid from donors he may consider these areas.

I would like to say that in certain municipalities, particularly Kisii, most markets do not have latrines; they do not have even a single latrine. This is a shame because councils get revenue from wananchi. I would like to urge the Minister to consider allowing Bobaracho and Nyaora Wards of Kisii Municipality to have two councillors each. Those wards are unusually large, and I think the Minister should take note of this. Members of those areas feel that those areas should be considered.

I would like to touch on the question of elevation of towns to urban and town councils and eventually to municipalities. I know that this was done hurriedly elsewhere and there was no consideration of funds. These councils do not have funds whatsoever. Before 1969, when the Central Government took over three major services—namely, education, health and roads—councils' work was seen by wananchi. Now we do not see what the councils are doing. It is not their fault because the little money they get from coffee cess and elsewhere is used for paying salaries. This is not fair to coffee farmers, Mr. Speaker, Sir. Coffee farmers have been paying cess over the years. I would like to thank the Government, through the Minister and through you, Sir, for reducing coffee cess from 3 per cent to 1 per cent. Still, coffee farmers feel that the councils are not doing enough. Coffee farmers should be exempted from paying cess because they have been doing so over the years while farmers of other crops were not paying cess.

I would like to touch on roads leading to coffee factories. The councils should oversee these roads. At the moment they are not doing anything at all. The other point relates to electricity to coffee factories. Councils should assist in this way because they are getting money from coffee cess but they are not doing so.

The other point I would like to make is in relation to the mismanagement of funds in local authorities. The Minister should be tough on this. We

will and are supporting him to make sure that there is no loss of funds in local authorities. Perhaps auditors and inspectors from the Ministry are not enough, and I think the Minister should get more staff from other departments and deploy them in local authorities. This is because certain local authorities have lost funds and nothing has been done.

The other thing I would like to say is on nomination of councillors. When Members of Parliament go to the Minister to see him on the question of nomination of councillors, he should say "No." Why should one Member of Parliament in a given area nominate all councillors without consulting other Members of Parliament in that area? This is a serious matter, and I know the Minister knows what I am talking about. For example, it is not fair when hon. Shikuku—let me use your name because I know you—who comes from Kakamega District gives the Minister a list of names of people from his constituency when other Members of Parliament from that area do not have even one single nominee.

Mr. Shikuku: Tell him again!

Mr. Michoma: He has heard. The other point is on the question of allocation of plots. For example, in Kisii Town there was one Asian known as Gudka who acquired many plots. The councillors and the chairman of the plots allocation committee—I do not know who he is—denied wananchi that facility. The time has come for things to be straightened; Kenya is independent. I know that the district commissioner is the chairman of the plots allocation committee, but this is excessive power, Sir. I beg to support.

Mr. Boy: Ahsante sana. Bw. Spika, kwa kuminatia nafasi niungane na Waheshimiwa Wabunge wenzangu kuzungumza katika Hoja hii muhimu sana.

Bw. Spika, Wizara hii tunayoizungumzia leo ni moja ya Wizara zilizo muhimu sana kati ya Wizara zetu. Wizara hii ina kazi kadha wa kadha zinazochukuliwa na mabaraza ya miji. Mtu akifanya uvema yafaa asifiwe kwa wema wake, na akifanya uovu alaaniwe kwa uovu wake. Kwa hivyo, mimi nitaisifu Wizara hii kwa kazi njema iliyofanya. Pia namsifu Waziri kwa bidii aliyoionyesha. Kwa mfano, sisi watu wa Wilaya ya Kwale twaishukuru Wizara kwa sababu tumeongezewa mitaa miwili na, kwa hivyo, baada ya uchaguzi wa mwaka ujao tutakuwa na madiwani mawili zaidi. Basi, kwa hivyo, inafaa tumpe Waziri shukrani. Lakini sisemi kwamba aliye na haki ya kumlaumu asimlaumu. Mimi niliye na haki ya kumsifu namsifu kwa kazi nzuri aliyotufanyia hapo.

Bw. Spika, makonseli yako tofauti na yanafanya kazi tofauti kulingana na umuhimu wake. Kwa mfano, Konseli ya Kwale ndiyo inayochukua takataka zote za mahoteli katika South Coast, kuanzia hoteli ya Golden Beach mpaka katika hoteli zile mpya zilizofunguliwa huko Lagoon Reef. Tatizo ni kwamba konseli hii ina ukosefu wa pesa. Lakini

[Mr. Boy]

ukitazama hali ya Wilaya ya Kwale utaona kwamba si ya kuifanya konseli hii iwe na ukosefu wa pesa kwa sababu ya haya mahoteli yaliyoko—laiti kama kila kitanda kingelipishwa peni moja kwa mtu atakayelala kwa siku moja, Konseli ya Kwale ingekuwa na pesa nyingi kuiwezesha kutoa huduma kadha wa kadha. Lakini leo inaondoa uchafu lakini haipati faida na matunda. Kuondoa uchafu ni kazi ya Konseli ya Kwale, lakini pesa za hawa watalii ni kazi ya watu wengine. Hilo ni jambo la kuhuzunisha. Ningependa kumwuliza Waziri, aliye hapa pamoja na maofisa wake, kama si hakika kwamba peni moja haliwezi kupandisha gharama katika mahoteli yetu katika Kenya hii leo. Konseli hii itapata peni hilo kwa sababu ya huduma inayotoa.

Bw. Spika, huko Kwale ndiko kuliko na Leopard Beach, Leisure Lodge, Diani Reef, na mahoteli mengi makubwa makubwa; lakini konseli hiyo haliwezi kupata hata peni kutoka kwa mahoteli hayo. Ingefaa kama Wizara ingeangalia ione kwamba mahali kama hapo, ambapo kuna uwezekano wa kupata pesa, kunapatikana ushuru. Mkulima anayelima mihogo na korosho hutozwa ushuru kwa zao lake. Mzungu milionea anayekuja kulala huko likizoni—maanake wajapo huko huja likizoni—hatozwi ushuru wa konseli. Ukitazama hapo utaona kuna matatizo. Hatusemi mamilionea hawa watozwe shillingi kumi, la. Tunasema watozwe peni moja tu na konseli hii.

Gari la konseli hii la kuchukua takataka ni moja tu; likivunjika mahoteli yatalalamika eti konseli haifanyi kazi. Gari hilo ni la zamani sana—mwaka wa 1978, na namba zake ni “KJV”, wakati ambapo siku hizi magari mapya kuwa nambari zinazoanza kwa “KY—” Tatizo hili liko kwa sababu konseli hii haina uwezo wa kununua gari lingine. Vile vile, ukija huko makao makuu ya konseli hiyo, kwenye mahoteli hayo yenye sifa hiyo, utakuta kwamba hakuna taa za barabarani; ndovu wanakuja mpaka wanapiga hodi kwenye ofisi ya konseli hiyo; sijui kama wanataka ushuru au nini. Kama kungelikwa na taa za barabarani ndovu hao wasingefika huko. Sasa hivi wamewaua watu wawili. Mwekahazina wa konseli hiyo alilazwa hospitalini ya Aga Khan kwa wiki mbili baada ya kupigwa na ndovu na kuvunjwa mbavu moja ndani ya Mji wa Kwale.

Kama konseli hii ya Kwale ingepewa usaidizi iweze kutoza mahoteli haya ushuru, mwekahazina huyo wa konseli hiyo asingeuawa. Leo ni mwekahazina aliyuawa, baadaye itakuwa mwenyekiti, baada yake itakuwa Waziri, kama atakuja kutu-tembelea huko usiku, au mimi! Kwa hivyo, jambo hili ni muhimu sana.

Bw. Spika, Wilaya ya Kwale inakua, hasa kwa sababu ya mpango wa kuzifanya wilaya chanzo cha maendeleo, lakini ukosefu wa nyumba katika Mji wa Kwale umezidi. Nyumba zilizoko huko mjini, ambazo ni za konseli, ni chache na zinazokodishwa maofisa kadha wa kadha wa Wizara za Serikali. Nashindwa ni kwa nini Wizara haliwezi kutafuta “soft loan” ili ijenge nyumba huko ili maofisa wote

wa Wizara mbalimbali waweze kupata nyumba huko na konseli iwe ikipata pesa. Konseli hii ina viwanja na inaweza kupata mkopo kutoka kwa National Housing Corporation, au kutoka kwa watu binafsi, ili iweze kujenga nyumba za kuishi, lakini Wizara haifikirii mambo haya. Nayo konseli ikiulizwa inasema ni lazima ipate mkopo kutoka kwa Wizara, nayo Wizara inasema hakuna pesa. Hatusemi Wizara itoe pesa, lakini tunasema mpango ufanywe kuiwezesha konseli kupata mkopo wa kujengea nyumba.

Kufuatana na mpango wa kuzifanya wilaya chanzo cha maendeleo, wafanyakazi wengi wa Serikali wamepeleka katika wilaya. Si katika Kwale peke yake. Kuna miji mingine inayopanuka, kama vile Ukunda. Kila mwaka ifikapo Agosti na Desemba Mawaziri wengi huteremka huko Ukunda, lakini madereva wao hawapati mahali pa kukaa. Mawaziri hulala katika mahoteli makubwa makubwa, lakini madereva wao hawana mahali pa kukaa. Konseli ya Kwale ingefaa ikubaliane ipewe mkopo wa kujenga hoteli moja ya wale watu tunaowaita makabwela, kama vile madereva wa Mawaziri, na hapo pesa zingekuwa zikipatikana. Hakuna haja ya kulia kila siku kuwa hakuna pesa. Je, tutalia “hakuna pesa” mpaka lini? Miradi iko ya kutoa pesa. Twakubali kuwa hakuna pesa, lakini miradi ya kutoa pesa iko.

Hapa twasema hakuna pesa, nawe una njia ya kuzalisha pesa, na unasema huna pesa. Ingefaa wakurugenzi wa Wizara washirikiane na maofisa wa makonseli angalau ionekane makonseli yamejitoshela katika mambo yao kadha wa kadha. Pia, kama makonseli yana pesa, na yamepeleka makisio ya matumizi kwa Wizara, lisingekuwa jambo la busara kwa Wizara kuyakataka makisio hayo, ili miradi ya makonseli iendelee. Kwa kawaida, makonseli yapelekapo makisio kwa Wizara, Wizara huwa inayakataza kufanya mambo mengine, wakati ambapo makonseli hayo yana uwezo wa kufanya mambo hayo. Wizara ifanyapo hivyo, huwa inarudisha nyuma maendeleo ya makonseli hayo. Hilo ni jambo la umuhimu, na tungemwomba Waziri ahakikishe makonseli yanapopeleka makisio kwa Wizara kila mwaka, ili yapitishwe kabla ya makisio ya matumizi ya nchi nzima kusomwa, yasiwe yakikatakatwa na kutiliwa vikwazo. Makonseli huilaumu Wizara ya Serikali za Wilaya; nayo Wizara hiyo inailaumu Wizara ya Fedha. Kila siku kunatafutwa kisababu ambacho hakifai: Na kutafuta kisababu hicho ndio kunakotufanya tusiendelee mbele, na kama tunaendelea mbele, tunaendelea kwa mwendo mpole, wakati ambapo tungeli-lewa tukiendelea kwa mwendo unaofaa.

Kwa hayo machache, naunga mkono.

Mr. Jaldesa: Thank you very much. Mr. Sneaker, for giving me this opportunity to contribute on the Vote of the Ministry of Local Government. This is a very important Ministry in the sense that it takes care of the elected leaders in the local authorities. The local authorities themselves, that is, the county councils, the urban councils and the municipalities

[Mr. Jaldesa]

are all very important. One thing which surprises me is that the senior officers in the local authorities, particularly in the northern part of Kenya, are so powerful that their power even exceeds that of the Minister for Local Government. If you take for example, an area like Isiolo, you will find that we have been complaining to the Minister about the clerk to the council for the last four years. All the previous Members of Parliament from this area, the chairman of county councils, all the Kanu officials, and everybody else, including senior Government officers from this district, have been complaining about this particular officer. Despite the fact that the Minister has promised to take action against this officer, nothing has been done. We are aware of the fact that this calibre of officers are now transferable to other local authorities but because of the corrupt system in the local authorities, 90 per cent of the revenue collected in that district goes to the pocket of the clerk to the council, who uses it for his personal defence. All his evil activities are covered up by the money that he gets illegally.

Mr. Speaker, Sir, time and again we have complained this to the Minister and to some senior officers in the Ministry, but this man seems to have laid such a strong base for himself in the Ministry that he cannot be transferred from where he is. Sometime back some senior officers in the Ministry defied the Minister's order when he ordered inspectors to go to Isiolo to investigate the activities of this officer. So, with all due respect to the Minister, for whom I have a very high regard, he should try and make sure that local authorities are run effectively in a manner that can serve the people they are intended to serve.

Mr. Speaker, Sir, hon. Members have talked about plot allocation. In Isiolo the same officer has discovered a very complicated method, in which he goes to all the influential personalities and tells them, "Come to Isiolo and I will give you plots", and, in fact, he has done so. He has been doing that and he will continue to do so because there are people who are protecting him indirectly.

The other thing I would like to talk about is with regard to electoral areas in the local authorities. Recently there was a commission established to review electoral boundaries in constituencies and wards. However, Sir, I am surprised that this commission has not reviewed electoral boundaries in my constituency. I am saying this because although my constituency is thinly populated, it is very vast. We have only five elected councillors, although this area has been recommended for an additional ward. However, to my surprise this ward has been taken to another constituency, although according to the recommendation by the district development committee my constituency was the one supposed to be given priority, because it is very large. I appeal to the Minister to do something about this, before the next elections and review electoral boundaries in this area.

Mr. Speaker, Sir, councillors' allowances have been the subject of debate in this House. It is my opinion that councillors, being elected leaders, earn very little allowances. Isiolo County Council would be one of the richest county councils in the Republic had it not been for corruption. I think the Minister should devise a method of giving more allowances to councillors in an area which is capable of paying the councillors instead of, for example, equating councillors in Isiolo with those in Marsabit. I know that Marsabit County Council cannot afford to pay its councillors, but Isiolo County Council can do so, if only the Minister can remove that bad man from there. If this man could be removed from Isiolo, then Isiolo County Council would be the richest in the country, and I do not see any reason why councillors there could not be given more allowances.

Mr. Speaker, Sir, the worst of all problems in Isiolo District is the problem of banditry activities. It is not surprising to find that the whole cause of tribal conflict between it and the neighbouring districts comes from the county council offices. Recently leaders from Garissa and Isiolo met and pledged to unite and preach peace; but this clerk to the council organized a delegation of five councillors to the provincial commissioner to say that they refused to accept what we, as leaders, had declared to do. So, unless the Minister takes action against this officer, the only thing left for us now is to demonstrate that we have exhausted all the machinery. The Minister should expect this very soon from Isiolo. I am saying this because this man is becoming a security risk. The worst thing is that whenever there is any correspondence from the district to the headquarters here, there is a junior officer who takes all the letters from this officer's file, and this is very dangerous. Eighty per cent of the revenue collected in Isiolo County Council is being used by this man to cover his evil activities, and we do not foresee any improvement.

Therefore, I would like to make a very humble request to the Minister, that he takes the necessary action. I know the Minister personally, and maybe he is being given a very different picture from what is happening out there in Isiolo. I have no doubt that he is very sincere, but he must check to find out what is happening. We cannot all be complaining about one man for many years. All the Members of Parliament from Isiolo District have been complaining about this man in writing. Even the former town clerk, the district Kanu chairman, and his predecessor, have been complaining about this man. We cannot all be complaining about one man without a reason. We know that this man cannot face the public, and so the best thing the Minister can do—if he cannot discipline the officer since he is powerful after accumulating a lot of money from illegal collections—is to transfer him to another place.

An hon. Member: We do not want him!

Mr. Jaldesa: Perhaps he cannot work anywhere else; but if he cannot be disciplined the only thing that the Minister can do is to transfer him elsewhere.

With those few remarks, I beg to support.

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): Thank you very much, Mr. Speaker, for giving me this opportunity to support this very important Vote of the Ministry of Local Government. The Minister concerned is a good friend of mine, and he is a man I respect highly. However, what I am going to say is for his own benefit, and I know he will be grateful in future when he comes back here—and I only give him six months to do so—and tell us that he has placed Kirinyaga County Council under a commission, because it is collapsing. It has been very strong financially for all those years since it was incepted. Everything has been going on very well. I know at one time we had problems with the late Minister for Local Government. But this time I do not blame the Minister for the problems we have. The problems are there because of “god-fathers” in the Ministry. They are the ones who condone mistakes done by some individuals.

Mr. Speaker, Sir, our laws here say that local government is for the people and not for individuals. We want to encourage the local government to continue. But you will find that things go wrong from day to day, month to month, and so on, because there are some “god-fathers” in the Ministry who want to support some individuals rather than the community.

Mr. Speaker, Sir, Kirinyaga County Council, which is collapsing today, cannot give school grants to the children whose parents are unable to pay school fees simply because they do not have the money. This money has been squandered within a period of six months. What is happening today in the council is buying of vehicles, one after the other, renovation of offices, buying furniture, and so on, while the public is waiting for all their amenities for the taxes they pay. To make it worse, those tax-payers go to the county council offices as if it was a police station. You would have expected a mwananchi to go to the offices of his county council with confidence, since he had paid his taxes. That is why he would expect to be served. However, today they are kept outside the offices. For instance, when they go to pay revenue, they cannot go into the hall. They have to line up or queue outside waiting for long hours because they are not allowed to go in.

Mr. Speaker, Sir, you will be surprised to find that there are armed guards at the entrance of the county council offices. What are they for? They are there to protect the clerk to the council. Sir, I do not hate anybody, but I am only telling the Minister that in six months' time, if no action is taken, he will have to put Kirinyaga County Council under a commission because it is run bureaucratically today. Councillors cannot meet unless

they are requested to come and discuss one agenda which will be chosen by senior officers.

[Mr. Speaker left the Chair]

The Temporary Deputy Speaker (Mr. Karauri) took the Chair]

Sir, it is good for the Minister to note this very seriously, that there are several officers of the county council who are on compulsory leave and they are getting their money. Some have stayed away for more than one year and their cases have never been resolved because nobody is interested. Councillors cannot say anything because bureaucratically people there have their “god-fathers” in the Ministry. Why should we pay somebody for one year, while he is doing nothing? If he did a mistake, why was he not sacked? He could not be sacked because he had a “god-father” in the Ministry.

Mr. Mbori: On a point of order, Mr. Temporary Deputy Speaker. I am not sure whether I heard my good colleague mention that these people in the council have their “god-fathers” in the Ministry? Can he tell us who are these “god-fathers” in the Ministry?

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): Mr. Temporary Deputy Speaker, Sir, if that is what the hon. Member heard, then I will repeat it for him to hear properly. I would like to say that if there are “god-fathers” who protect those officers, they should stop it because the council is going to collapse.

Sir, my aim in supporting this Motion is sincerely to ask the Minister to appoint a select committee, or a probe committee, to look into the affairs of the council. Even if it is composed of two independent people they should come and save the council from collapsing; it is most welcome.

Sir, today you will find that people who were given plots legally, and with all the procedures followed, and they have even the allotment letter from the Commissioner of Lands, are not allowed to develop them because somebody feels that they were given them when he was not the clerk to the council. He wants to revise all that.

Now, Sir, there are so many plots which had gone half-way in development, but the work has been stopped. This is all over the district. This is done because the plots were given in his absence. I would ask the Minister to appoint a probe committee to look into this matter because it is very important. When development on these plots is being stopped, the same plots are being given to members of staff of the council and to civil servants. Councillors have no say at all in that council. I am only requesting the Minister to look in this problem. Job opportunities have always to be announced, so that all the candidates can go for interviews. But today people are employed by one person, and he chooses whom to employ. As a result of this you will find that most of the employees come from one particular place because the

[The Assistant Minister for Tourism and Wildlife] councillors have no say. The council is run—

Mr. Michoma: On a point of order, Mr. Temporary Deputy Speaker. While I do not want to waste the time of my good friend, the hon. Assistant Minister has alleged that Kirinyaga County Council cannot be able to meet. Is there no chairman? According to Local Government Regulations, it is the chairman who is supposed to convene meetings and not the clerk. Is there no chairman to that county council?

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): Mr. Temporary Deputy Speaker, Sir, I wonder whether that was a point of order. The so-called "native land" is under the trusteeship of the council. They are supposed to give the village plots to those who never got land after the state of emergency. They are landless, and they are supposed to live in those village plots. However, today, when the county council gives plots to those who are landless, the bureaucracy comes and "uproots" them. The council gives them to some other people. The council goes and gives out the next village plots to landless people; but, again, somebody else comes and "uproots" them. All the matters that we take to the Ministry are turned down because we do not know what they know and they do not know what we know. I am now requesting the Minister to help now before the county council collapses. He should change the system because it is very bad. We do not have a treasurer. We have only one person who signs cheques. Why? What was the mistake of the treasurer? Why was he sent home for all those months, and continued getting his full salary?

Sir, we were told that there would be a commission which would be responsible for the senior officers of the councils. Why are they now left to the mercy of one individual?

Thank you, Sir.

Mr. Mathenge: Thank you very much, Mr. Temporary Deputy Speaker, for allowing me to contribute to this very important Vote.

Sir, the local authorities we have today seem to be "lame" because there is no development which is going on in this country. This is because the local councils do not know what they should do. It is high time the local authorities in the rural areas directed their development programmes through the district development committees. Today those two organizations are working along different lines, and the work done by the local authorities is not seen. Wananchi have been paying rates, cess and rents but no services are being rendered to them. I wonder where all this money goes. Whenever local authorities design new projects, they go looking for loans. This happens particularly when local authorities want to construct new sewerage systems; they always go for grants from the Ministry of Local Government. When you hear that, you are bound to ask yourself whether

it is actually true because since the time of independence no local authority has ever completed even one project by itself.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Local Government is very important to our people. It is true that previously the local authorities were doing the maintenance of roads. In fact, up to now they have machinery which is lying idle. Some of the machinery is broken down and it is not being used. You find that instead of working for the people and bringing development to the people, the elected councillors' main duty is to grab plots to enrich themselves. Do we really elect councillors to enrich themselves or to initiate development projects in their areas? The Minister for Local Government should select a commission to go round the country and assess what individual local authorities are doing. I do not agree with the Member from Isiolo who said that county council clerks should be transferred from one place to another when they do something wrong. My opinion is that if a clerk to a given local authority does a wrong thing, he should not just be transferred; he should be sacked. If you transfer that officer, he will carry over the same misdeeds to another local authority. If county council clerks are causing chaos, then the Ministry of Local Government should come out with actions to rectify the situation. Everywhere in this country everyone is crying about local authorities.

Mr. Temporary Deputy Speaker, Sir, I want to urge the local authorities in my area to avail culverts to our roads because during rainy seasons we cannot cross some roads even to go to schools. The relevant councils should look into the matter seriously and supply us with culverts in order to make our roads passable even during rainy seasons. Although they have money, whenever you go to them they tell you that there is no money at all, or that they do not have allocation for what you are telling them to do. What, then, is the use of having local authorities? It is high time the Minister reformed his councils with a view to making them render services to wananchi. All councillors should be stopped from snatching plots and be told that they should work for this country. This country is on the run and it should be developed. In fact, corruption starts right from the local authorities before spreading to other places. Councillors are using a lot of Government money to buy many vehicles for transporting them but not for doing work for wananchi. So, I kindly urge the Ministry of Local Government to reorganize his local authorities.

Sir, due to the increased number of locations in my area, we now have four more electoral wards for councillors. We want to see those elected councillors working and bringing development to the people. If they cannot work, then the Minister for Local Government should devise another way of bringing development to the people. That is why I said that any development project in a district,

[Mr. Mathenge]

no matter how small and no matter who is doing it, should be done through the district development committee. You find that when you go to ask about any development project from the councils, somebody refers you to the district development committees. What are the councils themselves doing?

Mr. Temporary Deputy Speaker, Sir, we have settled quite a number of landless people. Despite this settlement plan, we have left some areas for public utility. However, the local authorities are now using the areas we have left for public utility to allocate people plots. In fact, the councillors are allocating plots to only those who vote for them. Those people who are allocated plots are paying a sum of KSh. 1,000 per plot, which money is not brought to the account books of the local authorities. Where does this money go? There are some people who paid and have receipts dating as far back as 1976 but they have not been allocated plots. Is this the way we are going to run our local authorities? It is high time the local authorities pulled up their socks and looked for ways and means of co-ordinating development together with other people. I appeal to the Minister for Local Government to put an end to this allocation of plots which is being done without any plans because this is what is bringing corruption in the rural areas. In fact, in my area there is a plot that the Ministry of Environment and Natural Resources has given to the local authority for future development in the town. Even before the area has been planned, councillors have already started giving out plots to people who have paid money. The Minister should take note of this and stop all this malpractice in our local authorities so that we can march together in development.

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

Mr. Shikuku: Absente sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niseme machache kuhusu Wizara hii.

Jambo la kwanza ambalo ningependa kutaja ni uchafu katika miji ya nchi hii. Ukienda Mombasa utakuta kuanuka; ukija Nairobi utapata mdiko makao makuu ya harufu mbaya na ukienda Kisumu ndiko kwenye hatari bin danger. Mji wote unakokwenda unakuta unanuka. Ijapokuwa Mtukufu Rais amejaribu kusaidia katika mambo haya kwa kusema kuwe na tume kulisaidia Jiji la Nairobi, jiji hili bado ni chafu. Je, ni kwa sababu gani?

Bw. Naibu Spika wa Muda, hii ni kwa sababu wafanyakazi walioajiriwa kazi katika mji huu waliokuwa wakipitia kwa madiwani waliokuwako zamani. Kwa hivyo, uaminifu wao uko kwa wale madiwani, na hali kazi haifanyiki. Dawa ni nini? Dawa si kuwa na kamshina na watu wengine. Dawa ni kumwomba Waziri asikie yale tunayoyasema. Hii ni kwa sababu sisi wengine tuna wakati wa kufikiria; wao wana wakati wa kuangalia mali na

kuyanyakua. Sisi wengine tumekataa kunyakua, na kazi yetu ni kuona kitu gani tutakachofanya. Kitu cha kufanya ni hiki. Wakati umefika ambao ingefaa Tume ya Jiji la Nairobi igawanywe. Hii ni kwa sababu jiji hili limekuwa kubwa sana. Ingefaa katika sehemu ya Eastlands kuweko na kampuni ya kuchukuwa takataka, na wale wafanyakazi wa Tume ya Jiji la Nairobi wanaofanya kazi huko wajiiriwe kazi na kampuni hiyo ili wawe wakifanya huko, na kama hawaokoti takataka wafutwe. Kwa wakati huu huwezi kumfuta mfanyakazi wa tume hii kwa sababu aliajiriwa kazi wakati ule na wale waliokuwako, na kazi yake ni kufanya vile anavyotaka. Watu kama hawa ni wengi na kazi hawafanyi. Itakuwa jambo bora kama kandarasi itapewa makampuni binafsi kufanya kazi katika sehemu nyingine jijini, kama vile Eastlands na kuingineko. Makampuni haya yatakuwa huru kuwaajiri watu hao kazi, ambao wataona kwamba jiji hili limekuwa safi, na kuona kwamba kazi inaendelea mbele. Hii ndiyo itakayokuwa jawabu. Tunajua hakuna watakaoweza kulifanya jiji hili liwe safi, mpaka tuwape watu wengine kandarasi ya kufanya kazi hii. Makampuni yatakayopatiwa kandarasi hizi watapatiwa rufusa ya kuwachukuwa wafanyakazi wa tume hii na kuwaajiri kazi, na kama hawafuati amri zao, wafutiliwe mbali na tume hii ilipe kampuni hizo kwa kazi zitakaofanya.

Jambo la pili ni kwamba mambo ya ploti, ambazo Waheshimiwa Wabunge wengi wameongea juu yake yamekuwa ni ufisadi mkubwa kwa miaka kuja, miaka nenda. Wajibu wa Bunge hili ni kutazama mambo yanayowahusu watu waliotuchagua kuja hapa. Sisi katika Bunge hili tunasema, na wale tunaowaambia hawasikii. Wakati umefika ambapo ingefaa Select Committee ya Bunge hili iende mji hadi mwingine na kuuliza: "Ploti hii ilipewa nani; hii ni ya nani?" Tukipata mtu mmoja ana ploti 60, kwa mfano, tutavitisha kwamba mtu huyo anyanganywe ploti hizo na aachiwe moja tu ili tukirudi hapa tulate Mswada hapa utakaowashtaki wale waliopata ploti zaidi ya moja. Hata akiwa Waziri, tutamnyoosha hapa. Hiyo italeti haki katika nchi hii. Tunataka haki katika nchi hii. Uhuru tulioupigania katika nchi hii haukuwa wa kuwaruhusu wakubwa kunyakuwa kila kitu. Tulipigania Uhuru ili kila mtu apate kido ale, lakini si watu wachache kula na kutapika hali wengine wako njaa. Huo si Uhuru tulioupigania. Mimi ninasema kama yule aliyekwenda huko Lancaster House kuuleta Uhuru huu—waache wale waliokuja juzi na wameanza kunyakuwa mali hapa. Hatukuleta Uhuru kuwaruhusu watu wakubwa kunyakuwa kila kitu. Kwa hivyo, ningependa kamati teule ya Bunge hili kuhusu jambo hili iwekwe ili tuende mji hadi mwingine kuona kwamba ploti zinagawa sawa sawa na watu wanapata haki yao.

Jambo lingine linahusu uhuru wa kusema katika makonseli. Ningependa kumwuliza Waziri aliambie Bunge hili na nchi nzima kama kuna uhuru kwa makonseli kutoa maoni ya watu waliwachagua. Ninaona kama uhuru huo hauko. Hii ni

[Mr. Shikuku]

kwa sababu watu waliochaguliwa kama madiwani sasa wamekuwa wafanyakazi wa Wizara ya Serikali za Wilaya; hawasemi maoni yao. Juzi kulikuwa na mchezo kule Mombasa, kwa mfano, ambapo Diwani Maitha alitoa maoni yake kuhusu subtenants na wakakosana na Meya wa Manispaa ya Mombasa. Baada ya kukosana alitolewa huko na kupelekwa katika tawi la Kanu, Mombasa, na kufukuzwa chamani kwa muda wa miezi 12. Kwa wakati huo alikuwa hawawakilishi watu wake na alikuwa hapati mshahara na marupurupu yake. Tumegurua kwamba mambo hayo yote hayakuwa haki. Kama kuna uhuru wa kusema, na kama watu wanamchagua mtu aende Bungeni au kwa manispaa kusema, ni kwa nini Wizara ya Serikali za Wilaya ilinyamanza mtu huyu alipopelekwa katika tawi la Kanu, Mombasa, na kufukuzwa katika konseli kwa muda wa miezi 12 hali alikuwa akitoa maoni ya watu wake waliomchagua? Haki iko wapi? Ingefaa diwani akichaguliwa aseme, na Mbunge akichaguliwa aseme, na wala sio kutishwa na mkuu wa mkoa au mkuu wa wilaya kwa yale anayoyasema. Kama nchi hii inataka tutawaliwe na wakuu wa mkoa, wakuu wa wilaya, machifu na wasaidizi wao, basi, ni vizuri tuambiwe tuende nyumbani ili waendeshe nchi. Kuna maana gani kumpigia mtu kura, na halafu akija hapa akisema jambo fulani anaambiwa, "utaona!"

Juzi nilisikia Mkuu wa Wilaya, Kakamega, akisema kupitia kwa redio—habari hii haikuwa magazetini: "Kama mtu anatumia Bunge kusema maneno yanayowaingilia wafanyakazi wa Serikali, tutamwonyesha cha mtema kuni?" Je, watanionyesha cha mtema kuni gani? Ni lazima Wabunge waseme kile kinatakiwa kisemwe katika Bunge hili na sio nje ya Bunge hili. Wananiambia: "Acha wale Wabunge wanasema Bungeni waseme nje." Who elected the district commissioner or the provincial commissioner? Nobody! They should shut up. Sisi tuna uhuru wa kusema katika Bunge hili na katika makonseli. Ikiwa watu wanataka kuleta matata katika Kenya hii, watayapata. Mbunge amechaguliwa na watu wake wanamwunga mkono. Mkuu wa mkoa au mkuu wa wilaya akicheza na Mbunge au na diwani, na ajue kwamba anacheza na wananchi. Akicheza na wananchi, ijapokuwa anafikiri ana wale askari tawala wanamlinda, siku moja mambo yatakuwa mabaya. Wananchi watawanyoosha wote—na hasa wakuu wa wilaya na askari wao wote. Wakicheza na Mbunge, basi, wanacheza na wananchi, na hiyo ni hatari. Hatari inakuja katika Kenya kwa sababu serikali za wilaya sasa zinawachezea wale watu waliochaguliwa na wananchi, na wao hawakuchaguliwa na wananchi. Wanaiita Serikali, na hali wao ni wafanyakazi wa Serikali.

Ningependa Waziri akiia kujibu atwambie ni kwa nini diwani huyu alifukuzwa kwa sababu ya maneno aliyosema katika mkutano wa konseli na watu wake wakakosa mtumishi wao. Ningependa aeleze mambo haya. Je, hiyo ni democracy au ni dictatorship kutoka kwake?

Bw. Naibu Spika wa Muda, sisi Wabunge tumechoka kuonywa na wakuu wa mkoa na wakuu wa wilaya. Sisi si wafanyakazi wa wakuu wa mkoa na wakuu wa wilaya. No way! We are elected representatives of the people na Katiba inasema hivyo. Ingefaa wakuu wa mkoa wajue wanavunja Katiba wanapowachezea watu waliochaguliwa na wananchi. Ingefaa pia waandishi wa magazeti na redio wayadharau maoni ya wafanyakazi wa Serikali kuwachezea wale watu waliochaguliwa na wananchi. Hii ni kinyume cha Katiba. Katiba ina sema: "There shall be a National Assembly." Haisemi; "There shall be a provincial commissioner in the National Assembly." Sisi tumeapa kulianda Katiba na heria za nchi hii. Ningependa kuwaambia Wabunge wengine hapa kwamba wasije wakawatumia wafanyakazi wa Serikali kwenda kujaribu kuwakanyaga wanasiasa ambao hawawapendi. Kuna Wabunge katika Bunge hili wanawaharibu watu hawa. Wanawaambia: "I am very close to Bwana Mkubwa." Wakienda mikutanoni hawawezi kwenda peke yao; wanachukuwa mkuu wa mkoa wanamweka mbele na pia mkuu wa wilaya na askari chungu nzima na kuwatisha wananchi na bendera zao. Sisi tulipigana na mkoloni na tuko tayari kupigana na hawa ambao walikuwa wakubwa wakati huo; hawakuwa watoto na walikuwa wamewaogopa. Sasa wanasema eti wao ndio wakubwa, na hali wanakwenda na wakuu wamikoa na wakuu wa wilaya kila mahali. Kama wanataka ugomvi wataupata kwa wananchi. Wananchi wamechoka, na wameniambia niseme katika Bunge hili kwamba hawaoni vizuri kama Mbunge wao aliychaguliwa anayanganywa chombo cha kupaaza sauti mikutanoni na anakaliwa na chifu msaidizi na kufanyiwa fujo. Kuna maana gani ya kuchukua kura na kumchagua mtu na halafu, na anakaliwa na wafanyakazi wa Serikali? Kama wanataka waitawale nchi hii, basi, na waseme hivyo. Tunajua wao si watawala bali wao ni watumishi wa Serikali na sisi ndio watawala. Ingefaa hii ijulikane. Na kama kuna Mawaziri, Mawaziri Wasaidizi na Wabunge ambao wanawatumia watumishi wa Serikali kuwatesa wenzao waliochaguliwa, matata yatatokea katika Kenya. Hii ni kwa sababu wananchi hawatavumilia mchezo huo. Kutakuwa na vita ya watumishi wa Serikali na wale waliotuchagua kuja katika Bunge hili. Ingefaa wakome na wasilete taabu; sisi hatutaki taabu Kenya.

Ninaunga mkono.

The Minister for Planning and National Development (Mr. Ombaga): Thank you very much, Mr. Temporary Deputy Speaker, for giving me the opportunity to contribute to this very important debate on the Vote for the Ministry of Local Government. Within our system of Government in Kenya, there is a constitutional provision for local authorities and this House therefore, must give all the support that is required for that constitutional provision. I must thank the hon. Minister for moving his Vote very ably. Sir, it is very encouraging to note that since the attainment of independence, local authorities have been playing

[The Minister for Planning and National Development] a great role in the development of this country and they must be viewed as such. In a country like ours, we have 80 per cent of our people living in the rural areas. We must, therefore, look at the role of the local authorities, particularly the county councils in that concept.

Over a number of years, we have seen what Government has been trying to do with regard to the up-coming urban centres. I would like to thank the Minister, who has been constantly been reviewing the position of up-coming urban centres and providing for them a local authority a nucleus of local government in those particular areas. I would particularly like to thank the Minister for what he has done in my own district which is Kisii, and in Ogembo, Nyamira and so on. This has been done all over the place, showing that the distribution of urban and town councils has an approach of a balanced growth.

Mr. Temporary Deputy Speaker, Sir, another important point I would like to make is that from the point of view of development local authorities must be viewed not as structures for their own sake but as instruments of development for our own people in the rural areas. We now have a situation where we must maintain an urban/rural balance, and if we do not maintain this balance everybody will tend to come to Nairobi, Mombasa, Kisumu and so on, and the provision of services in the rural areas will be affected. The point I would like to make to the Minister is that the up-coming towns should be given funds; in fact, that is what this House should be talking about. The question of a councillor who says this or that or does this or that is a matter which can be followed up so that he can be disciplined. The question which this House should be very much concerned about is whether we are providing the local authorities with enough funds to develop the infrastructure which is important. The infrastructure is important, and it touches on the question of provision of water, house and so on, because we want the up-coming towns or urban councils to be assisted, so that our people do not continue migrating to Nairobi, and into other large towns, just because they feel that everything good comes out of Nairobi. As we go ahead, Nairobi will not be in a position to provide for everybody who comes here and therefore, we must hold back our people in the small up-coming towns. I think this House should give the Minister all the support he requires.

Mr. Temporary Deputy Speaker, Sir, the Local Government Loans Authority should be strengthened so that it is able to attract funds for itself, as a revolving fund, just like other organizations do. This will mean that the Minister should be able to shop around for donor countries which can help us, and a number of countries have helped us; particularly the Nordic countries, West Germany and so on, so that we can provide for this kind of services.

Mr. Temporary Deputy Speaker, Sir, the question of land is very important. Land in this country is very limited; and every day our population goes up which means that we have less and less land available in Kenya. It is important, therefore, that those who are the custodians of land allocation do allocate land as carefully as they can. Local authorities must make sure that there is enough land left for development and for common services. They must make sure that there is enough land left for schools, hospitals, playgrounds for school children who are coming up, and so on. If land allocation is not properly checked, it will bring us to danger. There have been cases of county councils acting irresponsibly in plot allocation, a question which quite a number of hon. Members have raised hue and cry about. However, councillors are not elected to go and allocate land to people, but some councillors make sure that before their tenure of service expires they have done their best to allocate land to themselves, or to their friends, and so on. This must be stopped. We may not like the role of the administration—

Mr. Shikuku: Forget the administration for a while.

The Minister for Planning and National Development (Mr. Omanga): I can hear the Member for Butere making a comment about this, but as far as this House knows, the district commissioners are the chairmen of the district allocation committees. Sir, I do not want to mention places here, but I have a strong fear that as general election approach, the allocation of land can be so irrational that a councillor may be able to say, "Oh, I was able to do this for you; therefore, be my godfather, as far as this or that is concerned". In some cases I think we could go as far as suggesting that the Minister should stop this exercise of land allocation unless it is strictly necessary. I am saying this because we are likely to get into a situation whereby by the time we find out what has happened we are told that the land has gone. There is a case where land which is normally used as a burial ground for the Muslim community in a town which is very close to my home was also allocated to another community for church building. There is no easier way of bringing about inter-religious conflict than to invite a Christian denomination to build a church next to a Muslim cemetery. This is very wrong. So, this kind of practice needs to be completely stopped.

Finally, Mr. Temporary Deputy Speaker, district development committees play a great role in terms of our development process, but local authorities are also encompassed in the district development committees, but they do not need parallel planning in those particular areas. However, they are fully represented in this district development committees, so that they can be able to discuss things there and not to appear to run— There is only one National Assembly. The local authorities are subordinate to the National Assembly, and they

[The Minister for Planning and National Development] should not try to become the National Assembly within their set up, and I am sure this has never been envisaged to be the case. I am sure the hon. Minister, who is the supervisor and the watchdog on behalf of the people, will hear this in mind so that local authorities are brought into line with the general policies which are going on.

Mr. Temporary Deputy Speaker, Sir, when I said that local authorities should not appear to run like National Assembly, I meant to say that everybody has his role to play.

Sir, the local councillor has his role. He can never be a substitute for a Member of Parliament. He cannot. Nor can he try to grow horns bigger than those worn by a Member of Parliament in his place. I think it is important that this is understood. In some places some councillors have even gone beyond their areas of jurisdiction. They do not realise that they are councillors within a ward and, therefore, their effectiveness is judged by that ward. They have even gone beyond that situation.

Again, here, Sir, I hope the Minister will do what he can to cautiously draw the attention to the provincial administration of the need to do what they can.

With those few words, I beg to support.

Mr. MURRAY: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me time also to join my friends in congratulating the Minister for Local Government. I would like to congratulate him for ably handling the affairs of the councils in this country.

Sir, councils are one of the most difficult institutions in this country. I remember one time we had a Motion here to do with the welfare of councillors, but somehow we decided to do otherwise. I do not intend to bring it up, but councils are the most difficult institutions to run in the country.

Sir, I have about five items I would like the Minister, at the time of replying, to make a comment on. One, if the Minister takes the House seriously, and if he respects the House, about three or four times—last time was in April this year—the Minister for Local Government, hon. Mudavadi, stood here and directed the County Council of Machakos to employ Joyce Mbula since December, 1986, and that has never been done. Who is bigger than the other, the council or the Minister. The Minister should direct the council in what to do. That has never been done. It would be a very big shame if that should happen. It is all here in the HANSARD. The Minister directed here, about three or four times, that this lady ought to be employed. This is since December, 1986. I have written to the Minister, and I have all the respect for the Minister. But I am at a loss as to what has been happening as regards his own local officials.

Sir, the other point I would like the Minister to tell me, and also the people of Mbooni, is why

we have two locations in Mbooni which, since time immemorial, have never been declared electoral areas. This is Tulimani Location, which is part of Mbooni since 1963, and Kalawa Location. They have never had a councillor. All the time they have been taken care of by the councillors from the old locations; that is the councillor from Mbooni and the councillor from Kimauni. I would like to support the Minister to get even double the money he is asking today, but let that money be used to provide services to wananchi.

Sir, I would like to draw the attention of the Minister to the fact that since some of the roads were constructed in several towns, it is a long time and population has increased tremendously. For example, all roads leading into Nairobi need to be widened up. For instance, Kiambu Road, Langata Road, and so on. It is impossible to move along those roads in the morning. There is congestion of traffic. People take about three or four hours to get to town. I live in Langata. Every morning, if you leave after 6.30 a.m., you will not get to town on time. You will get to town after 9.00 o'clock. This is due to congestion of traffic. Estates are also mushrooming up everywhere. For instance, the Langata/Dam Site and several others. As these estates are mushrooming up, the Minister should be planning well in advance where to provide some dual carriage ways in those areas. At times we have also to provide overhead bridges, or whatever, so that it might be easier for people to get to work on time. It is impossible now for people to get to work on time in this City. I am wondering what the Minister is planning to do in future. We are hardly one million people in this City. What are we going to do when we are more than five million people? We have seen some world cities where the Minister and his senior officers have been. For instance, Hong Kong, which is a new town. This city alone has more than six million people but the traffic is very well controlled. It is high time the Minister for Local Government worked in close liaison with the Minister for Transport and Communications and any other Minister, and particularly he should work in close liaison also with the Minister for Environment and Natural Resources. I can see them sitting close together. They should also be closer in offices so that they can share ideas so that this town is not as stinking as it is at the moment.

Sir, our town has also to be planned properly to provide amenities in all areas necessary. For instance, look at the areas of buses, matatus and so on? There is congestion all over the place. It is high time the Minister for Local Government, the administration, the police, and everybody gave ideas as to how these things should be planned. I am sure in about four or five years, one will not be able to walk, leave alone cycling, in this City.

Sir, I would like to congratulate Brig. Shigoli and his team, but they need some assistance. As hon. Shiku said earlier, the City is stinking very

[Mr. Munyao]

badly. I support the Minister when he appeals for funds to buy some fire extinguishers, and so on. I am sure he needs them because every home in Nairobi has a pit where to dump the garbage. Look at all areas; everywhere! Every home has dug up a pit because the people in the city commission are not collecting garbage any more. What do we do?

Sir, I am happy that the Minister talked about fire, because it has become a threat in the City. I would like to appeal to him to do something about it. For instance, on 8th May, this year—I read from the local dailies—the Minister for Works, Housing and Physical Planning then, hon. Matiba, at the Railway Club, inaugurated a chemical known as "PTE 111". This chemical is not inflammable. It can be used in oil paints and so on. So, if it is used in oil paints it means it will prevent fire, and there will be no fire in this town. Therefore, since the chemical has been approved and recommended by the Ministry of Works, Housing and Physical Planning, why do we not use it and make it mandatory that it should be used in every building, kiosk, jiko and all places? It has been analyzed, and the Minister was talking about it. It is totally inflammable. So, let it be taken seriously, and be used in a lot of areas. For instance, offices and so on. Then we will prevent fire.

Sir, fire is dangerous. Now, having said that, I will address the Minister about the money he is demanding now. It is a shock to tell the Minister that at the moment, as we are talking now, most of the senior officers in Machakos County Council are not there. What is he going to do with the money we are going to give him? This is a council with no deputy clerk, committee clerk, treasurer, deputy treasurer, payment cashier, building superintendent, divisional community development assistant, market superintendent, surveyors, and all the rest of them. About ten posts are all handled by one man. Why should we do that?

Mr. Temporary Deputy Speaker, Sir, if the Minister gets this money today, can he promise this House that he is going to make sure that the County Council of Masaku is going to be assisted? I congratulate the new Town Clerk for Machakos. He has put that office in a good operating position. The previous town clerk, and his people have been doing nothing other than selling sand. That is a miserable situation. Sand collection in Machakos District has become chaotic. This is because the issue has been left in the hands of the county council. So, you will find that there are problems every day.

The other day, Mr. Temporary Deputy Speaker, Sir, you read in the newspapers that over 200 people in Mwala area had declared war on sand harvesters. Last Saturday over 10 people in Tawa declared war on sand collectors. What has been happening is that a few county council officials and their godfathers have been giving permission

to some people to collect sand from Machakos without any revenue going to the county council. The revenue accruing from sand collection has been going into the pockets of a few individuals.

I have a lot of respect for the ordinary councillors of Machakos Municipality and the new town clerk. But the previous town clerk and a few other people left a lot to be desired. I will take time to prove this point because I have got a Motion which I am going to Table in this House—on sand harvesting in Machakos. This is looting being done in Machakos District. I hope the Minister will be able to do something when I move that Motion. This question of sand harvesting or looting in Machakos District in a sad affair.

With those remarks, I beg to support the Motion.

Mr. Angatia: I thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity so that I may also contribute to this Motion. First of all I would like to appeal to the Minister to make the newly created locations into electoral wards. The more wards we have the more councillors we have, and the closer the electoral system comes to the people, and I think the closer the administrative system comes to wananchi. When we have this kind of arrangement it means that the people are in touch with the authorities and elected leaders who can speak for them. This ensures that people do not suffer quietly without anyone speaking on their behalf. Therefore, I am sure that the Minister will appreciate that all the newly created locations—administrative locations—deserve to have elected representatives. They should be made wards immediately and have councillors before the next general elections.

The second point I would like to bring to the attention of the Minister concerns the councillors's salaries. I know many think that councillors do very little and, therefore, they do not deserve to be given more allowances. But you will find that KSh. 1,200 per month for a councillor in a situation where he must always appear in Harambee meetings, and travel on behalf of wananchi to go and plead for various issues, and meet visitors and appear presentable in front of the electors and visitors—You will agree with me that KSh. 1,200, as allowance, per month is too little. The councillors deserve to be given something reasonable. No amount of money can be enough, but I think the Minister will agree with me that this is too little.

Mr. Temporary Deputy Speaker, Sir, either we have councillors and give them proper allowances, and they do the job we want them for, or we do not have councillors and, therefore, we do not have the allowances, and hence the work is done by somebody else. As the situation is, we have agreed that we will have councillors. If we have councillors, let us give them reasonable allowances. My third point, Mr. Temporary Deputy Speaker, Sir, is about cleanliness in the City of Nairobi. It is not possible for the city commission workers

[Mr. Angatia]

in Nairobi to keep this City clean. It does not matter how many people you employ. It is not possible to keep this City clean. Unless we agree that for every resident in Nairobi City we shall have a cleaner, it is not easy to keep the City clean. This is because every resident is dropping some paper; every resident is negligent and he is dropping rubbish around. Every resident is doing something that makes the City dirty. So, to ask cleaners to be following everybody, whether they have a bus ticket which they are dropping on the road or a letter which they have read and they are dropping it on the road, or they have cleaned their houses and they are throwing rubbish out of their houses—It is not possible for city commission workers alone to keep this City as clean as we would like it to be.

We want to appeal to the wananchi of this country particularly the residents of Nairobi, since they are the leaders in development and being modern and in civilization, to make sure that they help to make the City clean.

Mr. Temporary Deputy Speaker, Sir, we can even flog workers; create the office of the commissioner; the office of a governor and even another office for cleaners. You cannot keep the City clean unless the residents themselves decide they want a clean City. Cleanliness is a state of development; it is a state of awareness for somebody who wants a decent life. You cannot lead a decent life if you have rubbish all around you—at your backyard, in front, around your house, on your clothes, on the road, and even in the shops. People are dropping litter everywhere, and the rubbish they have swept into the road. A system of educating our people should be found. And I am appealing to the hon. Members of this House, and I know the Minister can join me through his councillors and the local authorities and also all other Kenyans, to make sure that we keep our City clean for our own good life. If we appreciate cleanliness, then it means we appreciate decent life and a clean environment in which we can enjoy our good weather, our good country, our good facilities and all the other good things we enjoy.

We can have the Government spend money on tarmacking roads and building beautiful houses, parks, and everything, but if the residents do not want that kind of standard of living, clean areas—they will make it dirty. And then making tarmac roads will come to nothing, building good houses will come to nothing, creating beautiful parks and planting flowers will come to nothing. If the residents do not want a clean City, there will be no clean City.

Mr. Temporary Deputy Speaker, Sir, I am spending time on this one because I would like to appeal to all, particularly on this occasion when we are debating this Vote, and to the Minister, also, to set up some committees as think-tanks to work out what we can do to educate our wananchi so that

they can appreciate cleanliness, not only in Nairobi but in all our towns. It is possible to reduce the number of cleaners we have in Nairobi, Kisumu, Mombasa and all the other towns and still keep the towns cleaner than they are provided the residents are mindful of cleanliness.

I would like to thank the Minister for the efforts that have been made in small municipalities like Kakamega. We now have a reasonable bus park there; there is some fresh air in the town, and also we now have some vehicles and equipment for fire-fighting. But occasionally we see these vehicles being used as if they were passenger vehicles. If, for example, a fire broke out when the vehicle was far away at Mukumu or at the hospital dropping people there, people would not get it when they need it because it has gone passengering—carrying people and dropping them around. I hope the Minister will look into this to make sure that those vehicles are used for fire-fighting, and that their number is increased and they are looked after properly because fires do not tell you when they are going to come. They do not wait until you have dropped your friend in an estate in order that fire may break out. They break out at any time.

Mr. Temporary Deputy Speaker, Sir, I would like to support one hon. Member who talked about the Local Government Loans Authority. I would like to appeal to the Minister to give some power to this authority and make it a fully-fledged bank at the disposal of the local authorities. It is possible to make this authority a proper bank. In this way it will carry out its duties responsibly, such as paying out money, and it will also make sure that it pays its debts responsibly. This is better than having a loose arrangement whereby local authorities can borrow money from the authority without taking it too seriously. They think that since the money came from the Government they can take it easily since the authority is part of the same Government. Therefore, they do not make an effort to make sure that this money is paid. We would like the Minister to look seriously into the possibility of making this authority a fully-fledged bank to serve the local authorities.

The next point I have is on the Commissioner of Lands and the local authorities. People want to put up industries, houses, and various institutions in towns, market places and small urban areas, but the land still belongs to individuals. This is becoming a big problem. If you take local authorities that were made urban councils recently, such as Mumias, Luanda and others, you will find that their land still belongs to individuals, who are putting up permanent structures. However, the Commissioner of Lands has not taken over this land in order to make sure that planning is properly done; in such a manner that if there is going to be a police station, a school, or a factory that emits a lot of smoke in certain areas, these facilities are where they are required. Nobody has thought of this. When you make a place like

[Mr. Angatia]

Luanda or Mumias an urban council, somebody should move in quickly to plant and instil restriction so that nobody does a certain thing in this or that area. We cannot wait until it is too late, or until the situation is smouldering and suffocating us before we realize that we should plan and allocate land to various sectors of a town. The moment any area is declared an urban, market or trading area, a system should be evolved whereby landlords exploit people, besides creating congestion at once.

We have very good planners in this country, as we have the necessary facilities, people and foresight. We know what we want, and yet we sit back and see structures go up. We know that these are the wrong structures, but they are growing up because we are too late in planning these areas. So, a combination of the Ministry of Local Government and the Commissioner of Lands ought to move in quickly and make sure that these areas are properly planned so that they do not grow up as they wish, and that everything is not left to chance. This will also minimize the exploitation of wananchi by a few people who happen to accidentally have land close to these councils, whereby they keep selling land to one person today and re-selling it to other people the following day. In this process these landlords exploit people, besides creating congestion and bad town development.

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

The Assistant Minister for Culture and Social Services (Prof. Sumbi): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for this opportunity to contribute to this Motion. The Ministry of Local Government is very important as it encompasses both rural and urban areas.

My first point is on physical planning. The previous speaker mentioned something about this, and I would like to emphasize that the Ministries of Local Government and Works, Housing and Physical Planning, whenever they see a shopping centre, where people have started constructing the first permanent buildings, should move in and carry out physical planning there. Most of you here have been to Mombasa, I am sure. Along the Nairobi-Mombasa Road you will see that towns and shopping centres have sprung up, but whenever you approach them you are, first of all, faced by either dirty kiosks or shallow pit latrines, and you find that you even do not want to get in there because of the smell coming from the toilets. If the physical planner had initially gone there, you would be faced by beautiful buildings beside which one would want to stop and have a soda. So, I request the Ministries of Local Government and Works, Housing and Physical Planning to come together and make sure that they carry out physical planning before a lot of buildings are constructed in a place.

Mr. Temporary Deputy Speaker, Sir, dirt seems to be our lover. I am saying this because our main towns, and even our smaller ones, are today very filthy. The previous speaker said that every mwanchi should be made aware of the importance of cleanliness. The Ministry of Local Government should provide equipment for garbage collection and workers who can work. If that is not possible, just like we have seen in Nairobi where a lot has been done to remove garbage, then we do not know what to do. We are aware that Nairobi estates that are occupied by the middle and upper income groups are very dirty. The residents just throw the garbage outside their houses, and no vehicles come to collect the garbage for months although we continue to pay for garbage collection. For example, I have talked to the town clerk and to deputy town clerk and asked them to come and see for themselves the garbage in Ngumo Estate but nothing has happened. I have even mobilized the residents and told them not to throw papers all over the place, but they asked me, "If our dust bins are full, then where do we take the garbage?". There are so many flies around that area that I am even scared that my children may get sick. Why can we not get sufficient vehicles to collect all that garbage? Why can we even not start a fund on Harambee basis to keep our city and our towns clean? Why can we not do something like that, and buy the necessary equipment if the city commission cannot afford?

Sir, there is another alternative I would like to suggest to the Minister for Local Government. In most towns and cities around the world it is not the local authorities that provide garbage collection services. Why can we not get contractors to do that job? That way, we would be able to tell the contractors: "If this garbage is not collected, we are not going to pay you for this month". Why can we not have something like that because the employees we have, especially the city commission workers, are not able to do the job? For example, there is one street where my house is located in Ngumo Estate that can be kept clean by one person if he works at least five hours a day. But when you go there you find a group of about twenty men and women sweeping the same street but they never keep it clean. They draw the garbage from the road and put it on the pavement, and when I asked them why they do that, they said, "That is someone else's department; some other people will collect the garbage and take it away". But before those other people come, the filth is blown by the wind to the doors, and to the road again.

Mr. Temporary Deputy Speaker, Sir, I am saying that His Excellency the President has assisted to keep Nairobi clean, but we are not keeping the City clean ourselves. If the workers continue to be the way they are, we should give this job to private firms who will be able to keep the City clean.

ADJOURNMENT

business. The House is, therefore, adjourned until Tuesday, 27th October, at 2.30 p.m.

The Temporary Deputy Speaker (Mr. Karauri): Hon. Members, it is now time for the interruption of

The House rose at thirty minutes past Six o'clock.

Tuesday, 27th October, 1987

The House met at thirty minutes past Two o'clock.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

No. 609

PLANS TO ENCOURAGE RURAL INVESTMENTS

Mr. Muthura asked the Minister for Industry what plans he has to encourage investors to go into rural towns like Nanyuki where the necessary facilities for setting up industries are readily available.

The Assistant Minister for Industry (Mr. Lugonzo): Mr. Deputy Speaker, Sir, I beg to reply.

It is the Government's policy to give incentives to entrepreneurs who want to locate their plants in the rural areas. These incentives include duty free machinery importation whereby the projects investment does not exceed KSh. 10 million. There is also a 50 per cent investment allowance to such projects located in rural towns such as Nanyuki.

In addition to the above incentives, Mr. Deputy Speaker, Sir, the Government will continue encouraging prospective entrepreneurs who have no finances, to borrow money from the established loan agencies such as the Kenya Industrial Estates, Industrial and Commercial Development Corporation and the Small Enterprise Finance Company and so on.

The Government is also planning to set up other loan agencies which will be geared to helping small scale entrepreneurs such as the Jua Kali Enterprises.

Mr. Deputy Speaker, Sir, my Ministry plans to post Industrial Development Officers to each district so that they may educate wananchi on the opportunities available for them in industrial development.

Mr. Muthura: Mr. Deputy Speaker, Sir, I do not think the Assistant Minister understood my question. This is because it was not a question of facilities or loans. It was the question encouraging those who want to set up industries to go to the rural towns like Nanyuki. They should be encouraged to set up industries not only in Nairobi, Mombasa and Thika but also in other urban areas where there are many unemployed people. We have the necessary facilities in most of these rural towns. What is the Government doing to encourage those who want to set up industries to go outside the three major towns, Nairobi, Mombasa and Thika? What is the Government doing to encourage them to go and set up industries in the rural areas?

Mr. Lugonzo: Mr. Deputy Speaker, Sir, I have already replied to that question. We can only do that by giving incentives to entrepreneurs who want to locate their plants in rural towns. These incentives are not applying to Nairobi and other major towns in this country. They only apply to rural areas and other small towns. For example those who want to set up their plants in Nairobi cannot be allowed to import machinery into the country duty free. This is for those who want to invest in rural towns. Also the 50 per cent investment allowance goes to those who want to locate their projects in rural towns.

Mr. Muthura: If that is the case, Mr. Deputy Speaker, Sir, can the Assistant Minister tell the House whether they have encouraged anybody to set up a project in a rural town? Can he also give examples of rural towns where people have set up industries after being encouraged to do so by the Government?

Mr. Lugonzo: Mr. Deputy Speaker, Sir, this policy has been spelt out in Sessional Paper No. 1 of 1986, on Economic Management for Renewed Growth. The strategy for industrial growth is very clear. This includes directing productive resources to the development of growing rural market centres, towns and small cities in order to encourage the creation of non-farm employment opportunities in the rural areas and also encouraging informal sector and other small scale industries and services.

Furthermore, Mr. Deputy Speaker, Sir, the Government is encouraging domestic investors to invest their money inside Kenya rather than abroad.

Mr. Shikuku: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that the Assistant Minister is replying to the supplementary question asked by the hon. Questioner? Would he reply to the supplementary question by hon. Muthura instead of reading those notes of his?

Mr. Muthura: Mr. Deputy Speaker, Sir, the Assistant Minister has read a lot of things here. But since he says that is Government policy, I have asked him to give examples—even if only one or two—of rural towns where they have encouraged these entrepreneurs that he is talking about and who as a result of that encouragement have set up industries in those rural towns? Has this taken place anywhere else apart from Nairobi, Mombasa and Thika? Let him give us at least one example.

Mr. Lugonzo: Mr. Deputy Speaker, Sir, this is a new strategy and we are now looking forward to entrepreneurs coming forward to set up projects in the rural areas. It is a new strategy which is in fact supposed to encourage leaders, like the ones we have in this House, to come forward and get loans and establish industries in the rural areas. They should not expect people from outside to come and do this.

Mr. Deputy Speaker: Mr. Mate's question.

No. 543

ISSUE OF TITLE-DEEDS TO EVURORI LAND OWNERS

Mr. Deputy Speaker: Mr. Mate not here? Mr. Shikuku's question.

(Question dropped)

No. 251

NON-UTILIZATION OF SIDA DONATION

Mr. Shikuku asked the Minister for Finance—

- (a) whether he will tell the House why a sum of KSh. 30 million donated by the Swedish International Development Agency (SIDA) to improve the Artificial Insemination Service in this country was recalled by the donor last year after we had failed to use it; and
- (b) who was responsible for the failure to utilize the said amount and the action he contemplates to take against the culprits.

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

(a) The Swedish International Development Agency (SIDA) has not recalled the sum of Sh. 30 million donated to the Kenya Government as a grant for the rehabilitation of the Artificial Insemination (A.I.) Services. What happened, in fact, was that there were conditions which the donor required us to fulfil before the utilization of the above grant. One of these was that A.I. charges should be raised at least to cover the transportation costs. At that time, the Government was not prepared to raise the charges and consequently, negotiation with SIDA were protracted. At that time, which was back in 1984, after the drought, the grant was now to be applied from the 1987/88 charge above what the wananchi could bear. As a result of the negotiations that took place later, the grant was now to be applied from the 1987/88 to 1990/91 financial years. As a further consequence of the negotiation, SIDA has agreed to give the Kenya Government a further grant of Sh. 18 million so that the total sum will be Sh. 48 million for the whole project. The grant agreement is now in the process of being drawn to be signed between SIDA and the Kenya Government.

(b) Consequently, there will be nobody to blame for the delay, given the above circumstances.

Mr. Shikuku: Arising from that reply, Mr. Deputy Speaker, Sir, would the Assistant Minister be frank enough to tell this House which year this grant was going to be utilized? I can see in his reply he says that this grant is going to be for the 1987/88 to 1990/91 Financial Years. Could he tell us when this would be implemented and when they got this grant; which year?

Mr. Gor: Mr. Deputy Speaker, Sir, the grant was first negotiated in 1984.

Mr. Wamae: Mr. Deputy Speaker, Sir, if the money has been available since 1984 and negotiations are still going on, how long will it take? Secondly, is the Assistant Minister aware that the A.I. programme in Kenya and particularly in Nyeri District has collapsed and that cattle farmers are not being served? This is a very serious problem to the country as a whole!

Mr. Gor: Yes, Mr. Deputy Speaker, Sir, we are aware of the gravity of the matter and as of now, the agreement has been concluded and it should be operational from this financial year up to the 1990/91 Financial Year. As I said earlier, the agreement was negotiated in 1984, but this policy of the Government is that we do not wish or want to be dictated upon by the donors. I think hon. Members are aware that often when a donor country insists on raising a certain cost locally, and the people themselves cannot bear the cost, it becomes a problem for the country and the people and dissatisfaction arises. Consequently we would be prepared to take a certain amount of delay, rather than impose what I would call exorbitant costs on the services. In the end, if the services are too costly, the people cannot buy them and the purpose of the grant is defeated.

Mr. Omidu: Mr. Deputy Speaker, Sir, it is now three years since, the farmers have been suffering and we have raised this matter several times in this House, that A.I. is very unsatisfactory. How does the Assistant Minister explain that negotiations for this grant have taken three years and are still not completed and farmers are still experiencing problems?

Mr. Gor: Mr. Deputy Speaker, Sir, we try to speed up negotiations as fast as we can, but it takes two parties to agree. One thing we could not accept is to impose unduly high charges on the services because this would only defeat the purpose of the whole programme.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir, arising from the Assistant Minister's reply, I think it is better to pay more for a service than to have no service at all. The cost would have been good to the farmers if the service was given, but now there is no service and the farmers had better pay more for the service and have it available.

Mr. Gor: Mr. Deputy Speaker, Sir, we are now instituting the A.I. service after a proper agreement is made.

Mr. Shikuku: Mr. Deputy Speaker, Sir, would the Assistant Minister not agree with me that this is not the only instance where we have money donated to us by friends from outside this country and then the officers responsible for this grant drag their feet for such a long time? It is probably because they do not get the 10 per cent cut? That could have been the reason for if there was the 10 per cent cut we would have had the grant already.

Mr. Gor: Mr. Deputy Speaker, Sir, I do not know who could have taken this 10 per cent cut. I do not think it could have been our colleagues in the Ministry of Livestock Development because certainly it is not in the Ministry of Finance. What we have done is to get a further Sh. 18 million for the programme.

No. 618

REFUND OF INSURANCE PREMIUM CONTRIBUTIONS

Mr. Abuya-Abuya asked the Minister for Finance—

- (a) whether he is aware that the Apollo Insurance Company Limited, P.O. Box 81821, Mombasa has refused to refund a Mr. Joel Abuga his premium contributions on surrender of Insurance Policy No. 022553 on his retirement as a teacher due to age grounds; and
- (b) how much is due to him and whether he will order that the company pays him immediately.

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

(a) The Apollo Insurance Company Limited of P.O. Box 81821, Mombasa has not refused to refund Mr. Joel Abuga his premium contributions on the surrender of Insurance Policy No. 022553. Mr. Abuga paid the monthly premium of Sh. 130 from December, 1983, to August, 1985; a period of only 21 months.

Hon. Members: We cannot hear you!

The Assistant Minister for Finance (Mr. Thuo): Mr. Abuga's Insurance Policy has, therefore, not acquired a surrender value in accordance with the provisions of clause No. 6 of the Insurance Policy No. 022553 which stipulates that his policy acquires a surrender value after a minimum of three years monthly premiums.

(b) In view of my answer in part (a) above, there is no refund due to Mr. Joel Abuga. However, if Mr. Abuga wishes to revive his policy, Apollo Insurance Company will reinstate it without the necessity of Mr. Abuga having to pay all the arrears and interest, subject, of course, to evidence being given on his continued good health.

Mr. Abuya-Abuya: Mr. Deputy Speaker, Sir, could the Assistant Minister enlighten this House as to whether, according to the new Insurance Act that this clause has been catered for and, therefore, that Mr. Abuga is entitled for a surrender value?

Mr. Thuo: Mr. Deputy Speaker, Sir, the reply is based on the policy at the time Mr. Abuga took it.

Mr. Abuya-Abuya: Mr. Deputy Speaker, Sir, since this Insurance Act has come into effect—this means that it supercedes any law that existed at that time—what is the Assistant Minister doing to ensure that Mr. Abuga gets his dues as per the present law?

Mr. Thuo: Mr. Deputy Speaker, Sir, the reply I have given takes into consideration what the Questioner

is asking. Therefore, Mr. Abuga should be satisfied with this answer as I have given it.

Mr. Deputy Speaker: Mr. Mwachofi's question.

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

Mr. Deputy Speaker: Mr. Mwachofi's question.

No. 492

PROMOTION OF PRIMARY SCHOOL TEACHER HEADS

Mr. Mwachofi alimwauliza Waziri wa Elimu—

- (a) katika shule za msingi nchini ni wakuu wa shule wangapi ambao ni wa daraja la P3 na P2; na
- (b) ni lini watumishi hawa wema watakapo-pandishwa vyeo.

The Assistant Minister for Education (Mr. M'Maitisi): Bw. Naibu Spika, naomba kujibu.

Mr. Abuya-Abuya: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister did not answer my question.

Mr. Deputy Speaker: Order, Mr. Abuya-Abuya.

Mr. Abuya-Abuya: He did not answer my question.

Mr. Deputy Speaker: Order, Mr. Abuya-Abuya. We have moved on to Mr. Mwachofi's question.

The Assistant Minister for Education (Mr. M'Maitisi): Bw. Naibu Spika, naomba kujibu.

(a) Kati ya wakuu wa shule za msingi nchini wapatao 14,372, idadi ya 3,933 ni wa daraja la P2, na 954 na wa daraja la P3.

(b) Wizara itaendelea kuwapandisha vyeo wakuu wa shule kulingana na vile shule zao zinavyozidi kufanya vyema katika mambo yote ya shule na pia kiasi cha pesa zilizoteuliwa kwa malipo ya mi-shahara ya walimu.

Mr. Mwachofi: Bw. Naibu Spika, nafikiri kwamba Waziri Msaidizi atakubaliana nami kama mwalimu wa zamani, kuwa jawabu lake si kamilifu kwa sababu anakubali kwamba hata ingawa daraja za walimu hawa ni za chini, wamekubaliwa kuongoza shule. Hili ni thibitisho kwamba walimu hawa ni wazuri na wanaweza kuwaongoza walimu wenzo. Waziri Msaidizi anafahamu pia kwamba kulikuwa na majadiliano baina ya Wizara yake na chama cha walimu ambapo walikubaliana kwamba inafaa hatua ichukuliwe ya kuwapandisha vyeo walimu hawa wote. Anaweza kuliambia Bunge ni kwa nini tangu mwaka wa 1985 hadi leo mapatano hayo yaliyokuwa baina ya chama cha walimu na Serikali hayajaheshimiwa?

Mr. M'Maitisi: Bw. Naibu Spika, haiwezekani kuwa-sukuma mbele walimu wote mara moja na kuwa-weka katika vyeo fulani, bali ni lazima wachungu-zwe vile wanavyoendesha kazi zao kama wakuu wa shule. Inajulikana kwamba hatuwezi kuwa-ondoa wote kazini wakati mmoja na ni lazima utaratibu uliowekwa ufuatwe ili kuwachunguza wa-limu hawa. Pengine, wengine wao waliajiriwa kwa

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sababu hatukuwa na walimu waliokuwa wamehitimu mafunzo wakati ule, lakini tunajaribu wamehitimu mafunzo haya na kulingana na vile wanavyofanya kazi Wizara itawachunguza na kuwaweka katika vyeo vinavyofaa. Siwezi kusema kwamba Wizara inaweza kuwapandisha vyeo walimu hawa wote mara moja; lazima jambo hili lilinganishwe na zile pesa ambazo tunazo.

Mr. Galgalo: Bw. Naibu Spika, tukikubaliana na Waziri Msaidizi kwamba Wizara haitaweza kuwapandisha vyeo walimu wote wakati mmoja, anaweza kutueleza ni walimu wangapi wa daraja hizi ambao wamepandishwa vyeo tangu mapatano hayo yalipofanywa mpaka leo?

Mr. M'Motisi: Bw. Naibu Spika, inaonekana kwamba walimu wakuu waliopandishwa hadi cheo cha P1 kutoka cheo cha P2 ni 82. Wale waliopandishwa kutoka cheo cha P3 hadi cha P2 ni walimu 13. Kwa hivyo, walimu hawa wote ni 95. Manaibu wa walimu wakuu pia walipandishwa vyeo, na hawa wote ni walimu 183.

No. 554

FOODSTUFF COLLECTION CENTRE FOR THARAKA SCHOOLS

Mr. Wakiondo asked the Minister for Education—

- (a) whether he is aware that Kamwathu, Nduini, Iruma and Maragwa primary schools in Tharaka Division are being forced to collect their foodstuffs from Karuguaru Primary School where the food is left by the lorries of the School Feeding Programme; and
- (b) whether he will direct the staff concerned to deliver the foodstuffs and milk to the respective schools to avoid unnecessary interruption in the schools' programme.

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

(a) I am not aware that Kamwathu, Nduini, Iruma and Maragwa primary schools in Tharaka Division are being forced to collect their foodstuffs from Karuguaru Primary School. I am, however, aware that lorries transporting foodstuffs and milk do not reach the compounds of Kamwathu, Nduini and Maragwa Primary Schools due to the very inaccessible condition of the roads. My Ministry, through the field education administration, has made arrangements for the parents and the community served by the schools to collect the foodstuffs and milk from the office of the Assistant Education Officer, Marimanti, under whose care the lorries leave the provision. Iruma is accessible by road and so lorries deliver food and milk direct to the school compound.

(b) The transportation of food and milk does not in any way interrupt the school timetable in the three schools. The staff in my Ministry will

continue to provide the service using all possible means to get food to the school without involving the pupils.

Mr. Wakiondo: Mr. Deputy Speaker, Sir, while appreciating the answer given by the Assistant Minister, I just want to correct an error here. This answer completely contradicts the meaning of the whole issue here. In part (a), the answer mentions Kamwathu, Nduini, Iruma and Maragwa primary schools, but I only know that there is Turuma Primary School, and not Iruma Primary School. If that was a typing error, would the Assistant Minister tell this House why on 29th and 30th June, 1987, pupils in these schools were involved in going to collect their foodstuffs and milk from Karuguaru?

Mr. Kisiero: Mr. Deputy Speaker, Sir, with regard to the first part of this supplementary question, I would like to say that the notice that came from the National Assembly gave us the name of Iruma, whereas the hon. Member says that it should have been Turuma. The truth is that there is another school by the name of Iruma, and that is the one which I said is accessible by road. If this misspelling was done in the National Assembly, it is not our fault. If Turuma, and not Iruma Primary School is what was meant, it is still our expectation that the parents and the local community and the school committees involved will make arrangements, through the headmasters in those schools, to have their foodstuffs and milk collected. We insist that no children should be made to go and collect these foodstuffs and milk. So, I would urge my colleague to remind the headmasters concerned of this fact. We, on our part, have told them already that no pupils should be used to carry milk, or anything else like that. It is the parents who should do that. Secondly, I would urge the hon. Member to ask his district development committee to do something about the roads there so that food can reach the schools.

Mr. Wakiondo: Mr. Deputy Speaker, Sir, while still appreciating the sentiments that an error was made probably by the National Assembly in typing out the name Iruma, let me say that there is a primary school called Turuma, but this is quite different from the school in question. The former is in another educational zone, Gatunga. It is not in Marimanti, where the Assistant Minister says he has made arrangements for the collection of foodstuffs and milk. The other school is entirely different in that it is in North Gatunga Educational Zone.

Mr. Deputy Speaker: Order! Just ask your question, hon. Wakiondo.

Mr. Wakiondo: Mr. Deputy Speaker, Sir, on 17th September, 1987—

Mr. Deputy Speaker: Order! Sit down.

Next question.

No. 582

PRIMARY SCHOOLS INSPECTOR FOR KALAWA

Mr. Munyao asked the Minister for Education—

- (a) what has delayed the opening of the office of the Assistant Primary Schools Inspector (A.P.S.I.) in Kalawa Location; and
 (b) whether he would post an A.P.S.I. there immediately as recommended by the District Educational Board/Divisional Development Committee (D.E.B./D.D.C. of Machakos.

The Assistant Minister for Education (Mr. M'Maitisi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Although Mwala Divisional Development Committee has recommended the creation of two educational zones from Kibauni Location, namely, Kibauni and Kala, this recommendation must be presented and discussed at the Machakos District Education Board Meeting which will soon be scheduled so that it is given its blessing.

(b) Once Machakos District Education Board authorizes the creation of the two educational zones, an assistant primary schools inspector for Kalawa Zone will be appointed and posted there immediately.

Mr. Munyao: Mr. Deputy Speaker, Sir, the Assistant Minister has misled the House. Mwala Divisional Development Committee did not recommend the creation of two educational zones. It recommended only one zone, namely, Kalawa because Kibauni was already there. For that matter, the office of the assistant primary schools inspector at Kalawa has already been created. Would the Assistant Minister tell this House correctly why they have not sent an A.S.P.I. to Kalawa and when will this be done? I will be at the meeting scheduled for 30th October, 1987.

Mr. M'Maitisi: Mr. Deputy Speaker, Sir, the D.E.B. will have to rectify the recommendation made to split the said zone and then we shall post an officer there.

Mr. Karauri: Mr. Deputy Speaker, Sir, the Questioner suggests that this was a recommendation of the D.E.B. and the D.D.C. Could we get a clarification from the Assistant Minister whether it is not true that the board met. This is because he says that the board is going to meet, but the Questioner says the board met and recommended.

Mr. M'Maitisi: Mr. Deputy Speaker, Sir, as I said, it was not debated at the D.E.B. and the D.D.C. It was done at the divisional development committee. It should go through all the relevant channels and then we will take action.

No. 550

USE OF MALABA/KOCHOLIA WATER PROJECT

Mr. Sifuna asked the Minister for Water Development—

- (a) whether he would make sure that the people of West and South Bukusu Location do benefit from Malaba/Kocholia

Water Project which passes through these locations are recommended by the district development committee (D.D.C.); and

- (b) whether he could provide "T" connections on this water project at various points in these two locations.

The Assistant Minister for Water Development (Mr. Kiptanui): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, the Minister will ensure that the people of South and West Bukusu locations, as well as those of other locations, which fall within the designed supply limits of Malaba/Kocholia Water Project in both Bungoma and Busia districts benefit from the project when completed.

(b) "T" connections will be provided at various points within the area covered by the project when the laying of trunk pipes is completed.

Mr. Sifuna: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for that first-time good reply, could he tell us why it has taken so long for the Ministry to complete this particular water project because it was started in 1982 and up to now it has not been completed? Why has it taken so long to complete while money was there?

An hon. Member: Financial problems!

Mr. Sifuna: The money was there!

Mr. Kiptanui: Mr. Deputy Speaker, Sir, I do agree with the hon. Member that it has taken quite some time, but not too long, for the project to be completed. This project was started in 1982. This is a Kenya Government project being undertaken with limited funds. We hope to complete the project. As the moment we are trying to get some money for that project. It will cost about K£3,000 per annum.

Mr. Sifuna: Mr. Deputy Speaker, Sir, the problem is that we know that before projects start, the Government allocates money for them. Now, the money was allocated and the project took off from the ground. Could the Assistant Minister tell this House the exact date when this particular Malaba/Kocholia Water Project will be completed? This is because it has taken too long to be completed, and the Government has already provided money for it. The people of Bungoma and Busia districts are anxious to get the water. When is this particular project going to be completed?

Mr. Kiptanui: Mr. Deputy Speaker, Sir, this is one of the Rural Development Water Projects. Being so, and covering two districts, it will have to take time. I cannot say exactly when it will be completed, but even with the financial constraints, we will have to keep on making water connections. Twenty five per cent of the work has been completed and, so, we are going to make sure that we finish the rest of the work.

Mr. Sifuna: On a point of order, Mr. Deputy Speaker, Sir, I wonder whether the Assistant Minister is being serious in answering my question.

[Mr. Sifuna]

Is he aware that work on this particular water project stopped two years ago? They have not been working on it because of financial constraints, and yet we know that the Government had provided money for the project. Is he in order to mislead this House by saying that it is going to take time when we know very well that no work has been going on there for last two years?

Mr. Kiptanui: Mr. Speaker, Sir, according to the Bungoma and Busia D.D.C.s, this project is of the first priority. So, it is our hope that when we get money from the Treasury we shall complete the project, as the hon. Member asks.

No. 445

DELAYED PAYMENTS TO LATE LANGAT'S FAMILY

Mr. Koske asked the Attorney-General—

(a) whether he is aware that the family of the late Mr. Francis Kimutai Langat (Adm. Cause No. 28 of 1985; Your letter reference No. PT/28/85/4 dated 21st May, 1985) has not been paid KSh. 24,000 held by the Public Trustee; and

(b) what action he is taking to ensure that the complainants are paid their money forthwith.

The Attorney-General (Mr. Muli): Mr. Deputy Speaker, Sir, before I reply, the proceeds of a deceased person are quite sensitive matters, which I have advised on in the past and should be excluded in being disclosed, for obvious reasons. In this case there is a specific figure and I ask the hon. Member, through you to accept that I do not mention the figure, or the sum of the money.

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

(a) The Estate of Francis Kimutai Langat, who is now a deceased person, was referred to the Public Trustee for purpose of administration by Barclays Bank, Kenya Limited, Kericho, on 17th January, 1985, when the said bank forwarded a certain sum of money to the Public Trustee.

After obtaining the necessary information or prerequisites, the Public Trustee petitioned to the High Court for the issue of the grant of letters of administration, which was subsequently granted on 16th October, 1986. The grant has now been filed with the High Court for confirmation, which is a normal procedure, and as soon as this is done, the Public Trustee shall proceed to draw out the account for the approval of the heirs of the deceased, so that the money can be distributed.

May I, at this juncture, appeal to the hon. Member, through you, Sir, to advise the heirs of the deceased's estate not to solely look upon the meagre estate for their future sustenance.

As I have said, Mr. Deputy Speaker, Sir, the estate comprises a gross sum which is not very large. The deceased is survived by two wives and

11 children. Nevertheless, on confirmation of the account and approval of the heirs the farm which I do not wish to disclose, will be distributed.

Mr. Koske: Mr. Deputy Speaker, Sir, while thanking the Attorney-General for his answer and knowing very well that wananchi generally have problems which are aggravated by deaths, can he tell the House when the amount of money for compensation will be released to the complainants because they need this money?

Mr. Muli: Mr. Deputy Speaker, Sir, this is one of the estates which I am quite happy with. I started investigating this matter only last year and I am about to complete it. I would have liked to complete it as early as possible but because of the information that I normally require from the heirs and the district commissioner, it might take a bit of time. I would like to say that the estate is nearing completion and money will be released within a very near future.

Mr. Deputy Speaker: Mr. Omido's question.

No. 562

FURTHER INVESTIGATIONS INTO INQUEST No. 100

Mr. Omido asked the Attorney-General—

(a) the steps he has taken to institute a better investigation as ordered in the ruling by the magistrate who conducted inquest No. 100 of 1985 in the Chief Magistrate's Court at Nairobi on 29th April, 1986; and

(b) why the investigating officer did not give evidence in this inquest.

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

(a) In accordance with the said ruling which was given on 29th April, 1986, the inquest file was handed over to a more senior police officer who instituted fresh investigations which have now been completed. The file is now ready for presentation to the magistrate for further inquest proceedings.

(b) It is not normal for the investigation officer to be called to give evidence except purely formal evidence for the simple reason that he may not have been at the scene of a crime but he came later just to investigate a crime and his evidence, is, therefore, perhaps, worthless.

Mr. Omido: Mr. Deputy Speaker, Sir, I would like to thank the Attorney-General for his reply. Can he tell the House why it has taken more than two years to complete further investigations?

Mr. Muli: Mr. Deputy Speaker, Sir, normal investigations do take time. Since the ruling and reference are sent to my office and then to the police, further investigations take some time. This matter Sir, although I do not want to discuss it at length as to the stages involved, it involves an instance where a police patrol car came across a number of people lying on top of a person. One of the

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people started running towards the police almost wanting to cut them with a *panga* and he was shot dead. To assemble witnesses who shoot and run, it does take some time. Since the court was not satisfied with the first inquest, a thorough investigation has to be gone into. I am glad to say that this has been done and the file is going to the magistrate again.

Mr. Deputy Speaker: Next Order.

QUESTIONS BY PRIVATE NOTICE**REMOVAL OF ILLEGAL STRUCTURES FROM MUMBUNI SCHOOL COMPOUND**

Mr. Kikuyu to ask the Minister for Local Government the following Question by Private Notice:

- (a) Is the Minister aware that land which was allocated for school development of Mumbuni (Kwa-Nthanze) Machakos County Council in 1967 is being encroached upon by private developers with authority from the same council?
- (b) Can the Minister order immediate removal of all illegal structures in the school compound to allow the school (Kwa-Nthanze) to develop the basic facilities which are urgently needed for the proper implementation of the 8-4-4 System?

Mr. Deputy Speaker: By special request, Mr. Kikuyu's question has been deferred. Next question.

(Question deferred)

Mr. Karuri: On a point of order, Mr. Deputy Speaker, Sir. The question by hon. Mate has not been called for the second time.

Mr. Deputy Speaker: I am on Question No. 2 by Private Notice and I have no intention of going back.

Mr. Karuri: On a point of order, Mr. Deputy Speaker, Sir. Will this question be asked on another day?

Mr. Deputy Speaker: No. I have finished with it. Next question.

(Question dropped)

WITHDRAWAL OF DEPOSITS—TROPICAL BUILDING SOCIETY

Mr. Lukindo: Mr. Deputy Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:

- (a) Is the Attorney-General aware that Messrs. John Kimenye Acc./No. 031964, Judah Kilonzo Mulwa Acc./No. 041108 and many others at Tropical Building Society, Wundanyi, cannot withdraw their money from the said society?
- (b) What steps will he take to ensure that their money is recovered?

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

(a) I am aware of the problems experienced by depositors and members of Tropical Building Society. I directed the Registrar of Building Societies who eventually ordered that the Tropical Building Society be dissolved under the provisions of section 70 of the Building Societies Act. The depositors and other creditors of the Society who may include Messrs. John Kimenye and Judah Kilonzo Mulwa, should file their claims with the liquidator of this society.

(b) The Attorney-General cannot intervene since this matter has already been put into a statutory procedure which must be followed to a conclusion. May I add that a building society has what we call depositors and incidentally, Judah Kilonzo Mulwa and John Kimenye are really some of the owners of this society which has gone into dissolution. Nevertheless, they are entitled to claim from that society the amounts that they think they are owed. This is I suppose, to a creditor who has loaned money to the building society.

(The Deputy Speaker left the Chair)

(The Temporary Deputy Speaker (Mr. Mutiso) took the Chair)

Mr. Lukindo: Mr. Temporary Deputy Speaker, Sir, while thanking the Attorney-General for his good reply, would he tell this House what would be the fate of the rest of the wananchi who have deposited money with this collapsing society?

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, as I explained—and I anticipated that—depositors are owners of the societies just like shareholders of a company. If a company becomes insolvent, what happens is that the shareholders of that company cannot claim anything out of it because their shares are valueless. In this case, I would imagine that the building society in question has some assets somewhere and if the liquidators will be able to realize money out of the sale of some assets of this society, then members are entitled to share that money *pro rata* in accordance with depositing procedures. I am afraid I cannot allude the fate of these people who invested in their own society which has gone bust.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, is the Attorney-General aware that Tropical Building Society had branches all over the country, including Machakos and it asked teachers to open accounts there? Is he further aware that this society has been bought by another society and has taken its assets? Will he tell the new society to take liabilities which include the teachers salaries which have not been paid for a long time in so many places?

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, if my memory serves me well, I did answer a similar question last year. At that time I said that the company in question was bought by another one, and the assets were, therefore, taken over. Since hon. Munyao's question is quite different from what I was answering, I would like to investigate

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that. Nevertheless, the Tropical Building Society, as it stands, is under liquidation. That in itself presupposes that it was not bought. I would, however, like to go into that a little further because—

Mr. Munyao: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Attorney-General has accepted, and very rightly, said that he is going to investigate. Would he promise to bring the results of his investigations to this House when he has found the right facts? The fact is that this company escaped with so much money belonging to the poor teachers.

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, I would like to know what investigations hon. Munyao wants me to carry out. All that I would like to know is whether the Tropical Building Society, which is under liquidation has anything that was passed over to the other company. I was not prepared to answer that aspect because it appears to be a different question.

Mr. Karinda: Mr. Temporary Deputy Speaker Sir, could the Attorney-General tell the House why his office is reluctant to take the directors of these collapsing banks to court? If they have taken people's money and are not prosecuted, that would encourage other banks to do the same; to escape with wananchi's money.

Mr. Muli: Mr. Temporary Deputy Speaker, Sir, through you, I would like the hon. Member to withdraw the word "reluctant". I do not know where he has got that word from.

The Temporary Deputy Speaker (Mr. Mutiso): Let us move on to the next question.

Mr. Munyao: On a point of order, Mr. Temporary Deputy, Speaker, Sir. I have two very short points of order to make; one of them is addressed to the Chair. Severally in this House, last year, and even this year, the Chair—

The Temporary Deputy Speaker (Mr. Mutiso): Is it related to the question?

Mr. Munyao: Not it is not.

The Temporary Deputy Speaker (Mr. Mutiso): You will then have to wait. Let us move on to Mr. Abuya-Abuya's Question by Private Notice.

DELAY IN PAYMENT FOR TEA: TOMBE FACTORY

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice:

Is the Minister aware that the following tea farmers, Mr. Ombuki Oseko TE/040063 and Mr. Dennis Makori, TE/060459, who delivered their green tea to Tombe Tea Factory since September, 1986 to-date, have not received first and second payments due to them for all the period in question; and if so, when will they be paid?

Hon. Members: Apologize for coming late.

The Minister for Agriculture (Mr. Mwangale): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Mr. Munyao: On a point of order. Mr. Temporary Deputy Speaker, Sir. My friend has been here for many years and he knows that since he was late he should apologize to the Chair, and the House, because you had called his question twice. This question has now come up for the second time.

The Temporary Deputy Speaker (Mr. Mutiso): Yes, hon. Abuya-Abuya, you should apologize.

Mr. Abuya-Abuya: I do not understand what is nagging my colleague here. I went out to look for materials on this question.

An hon. Member: That does not matter.

The Temporary Deputy Speaker (Mr. Mutiso): Order! Mr. Abuya-Abuya, if the Chair called you and you were not there, you should apologize. We had passed your question.

(applause)

Mr. Shikuku: On a point of order. Mr. Temporary Deputy, Speaker, Sir. I did not hear what he said. Could he open his mouth and say it clearly?

The Temporary Deputy Speaker (Mr. Mutiso): We could not hear you Mr. Abuya-Abuya.

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I can convey my apology through the Chair by responding to the points raised. But my friend here is undermining me.

The Temporary Deputy Speaker (Mr. Mutiso): Order! Mr. Abuya-Abuya, you know our procedures. One must say that he is sorry because of this and that. We did not hear what you said.

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I will abide by your ruling. I beg to apologize.

The Minister for Agriculture (Mr. Mwangale): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

I am aware that the tea growers referred to in the question have had their payments stopped because the Kenya Tea Development Authority suspected both of them for fraud and leaf falsification. We have now done our investigations, and I am glad to say that only one of them—Mr. Ombuki Oseko, grower No. TE/040063—will now be paid the bonus for 1986 of KSh. 8,535/60, and the payment up-to-date, including up to September this year, of KSh. 4,082/85. Payment is being effected within the next few days.

Mr. Temporary Deputy Speaker, Sir, in the case of Mr. Makori, the investigations are still going on and I would like to take this opportunity to appeal to my hon. colleagues in Kisii to impress upon the tea growers there not to continue these fraudulent activities of leaf falsification. We have tried everything else possible, and I hope that in their public rallies and meetings, they will cooperate with the Kenya Tea Development Authority so that they can stamp out this malpractice once and for all.

Mr. Abuya-Abuya: Mr. Temporary Deputy Speaker, Sir, I accept the encouraging answer from the Minister, but would he indicate, roughly, how long

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the investigations concerning the other farmer will take, and could he also take similar steps to enhance the investigations that involve many other farmers?

Mr. Mwangale: Mr. Temporary Deputy Speaker, Sir, this is a phenomenon that affects only farmers in Kisii—only a few of them. When I was moving the Motion on the Vote on the Ministry of Agriculture, I said that we have taken a lot of steps, which include carrying out a census of the tea bushes and computerizing the total number of farmers we have in Kisii. We are now getting close to getting the true deliveries for each farmer and we hope that this will be completed soon.

The Temporary Deputy Speaker (Mr. Mutiso): Next Order.

POINT OF ORDER

MISREPORTING BY THE PRESS

Mr. Ng'eny: On a point of order, Mr. Temporary Deputy Speaker, Sir.

I rise on a point of order to correct an erroneous impression which was created by a heading constrained in *The Standard* of 14th October towards my contribution, when we were discussing the Vote of the Ministry of Education, Science and Technology. The heading says, "Ng'eny criticizes 8-4-4."

Normally, I would not raise an issue with this kind of report, but because of the general understanding by the general public on the meaning of "criticize", which usually is negative, I must correct this impression which has been put across to, in particular, my constituents who know and respect me as a senior educator. They take what I say on matters of education very seriously, and I would not like to leave this impression with them, as they might think that their hon. Member of Parliament has suddenly decided that he does not like the 8-4-4 system of education.

Mr. Temporary Deputy Speaker, I would like to quote the relevant section of the HANSARD of my contribution. I was making the third point of my introduction in which I said:

"Thirdly, Mr. Speaker, Sir, I would like to congratulate the Government as a whole for being brave enough to allocate nearly 40 per cent of our national budget for purposes of improving our educational system. But having said that, I would like to put my mind to our new 8-4-4 system of education. However, I would like to say that whatever I am going to say here is not a criticism of the policy or the introduction of the 8-4-4 system of education in this country".

I said this in my own words.

"This is because, as you will recall, Mr. Speaker, Sir, the paper that outlines the introduction and implementation of the 8-4-4 programme was adopted in this very House when the then Minister for Education, Science and

Technology, Prof. Ng'eno, laid this on the Table. My remarks are going to be on certain aspects of the implementation."

That is all I said. Therefore, I would like to assure all my friends and colleagues and my constituents in particular, that at no time have I said I did not approve of, that I was opposed to the 8-4-4 system of education in this country which, I think, is the best system that has ever been devised in the African continent.

Thank you, Mr. Temporary Deputy Speaker, Sir.
Hon. Members: On a point of order.

The Temporary Deputy Speaker (Mr. Mutiso): Order! I think we are pressed for time because we have a Motion on the Committee of Supply and the Order Paper says that we should start on it not later than 3.30 p.m. It is now almost 25 minutes to 4 p.m. I, therefore, rule out all other points of order until tomorrow. So, we will proceed.

Next Order.

COMMITTEE OF SUPPLY

(Order for Committee read being 12th Allotted Day)

MOTION

THAT, MR. SPEAKER DO NOW LEAVE THE CHAIR
VOTE 12—MINISTRY OF LOCAL GOVERNMENT
(Minister for Local Government on 22nd October, 1987)

(Resumption of Debate interrupted on
22nd October, 1987)

The Assistant Minister for Culture and Social Services (Prof. Sumbi): Thank you, Mr. Temporary Deputy Speaker, Sir. Before the interruption of business last Thursday, I gave a suggestion to the Ministry of Local Government on how to handle dirt in this City, in major towns, and also in shopping centres in the rural areas.

I said that it seems as if the Nairobi City Commission is not capable of cleaning this City and, as such, the Nairobi City Commission should contract with the private sector so that our City can be clean. I went on to say that I am even surprised by local authorities. You find that small towns and shopping centres are never swept and yet there are employees who are supposed to sweep them. I do not know, but I think all county councils are the same as the Machakos County Council, which has employees in every shopping centre, and yet these people do not do a good job—most of the time, they do not sweep these shopping centres. I, therefore, appeal to the Minister for Local Government to do something about that.

Mr. Temporary Deputy Speaker, Sir, another point is about physical planning in the upcoming small towns, especially along the Mombasa-Nairobi Road. People put up buildings after they have been allocated plots by the local authorities. But later

[The Assistant Minister for Culture and Social Services] on it is discovered that the plots should have been allocated by the Ministry of Lands and Settlement. There has been such a problem at Emali, Mtito Andei and Makindu. Actually, I feel that if the Ministry of Lands and Settlement owns those places, it should send its physical planners to those small towns, along Mombasa-Nairobi Road. If they fall under the Ministry of Local Government, then it should do the same.

With those few remarks, I beg to support.

Mrs. Asiyo: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

Sir, I would like to appeal to the Minister to do something about the long term planning for all local authorities irrespective of whether they are county, urban, town or municipal councils. To come directly to the point, Sir, South Nyanza County Council takes care of 48 per cent of the total population of Nyanza Province. Its size is also as big as that and yet the amount of funds that the Minister indicated were going to be given to the local authorities in South Nyanza cannot take care of the immediate or even the long term plans that they already have put underway.

Sewerage is a very serious problem in that area especially in the up-coming small trading centres. I have in mind Kendu Bay Trading Centre which has no sewerage system whatsoever and there are no plans under way for providing a proper sewerage system and yet this is a trading centre which is situated very close to Lake Victoria. We know that there are very many other trading centres around Lake Victoria which do not have sewerage systems. We are scared that very soon the lake will be polluted if all these drains are left loose to run into the only fresh water lake that we have of its size in this country. Therefore, I want to appeal to the Minister to find out what the local authorities around Lake Victoria are doing about the sewerage systems so that that lake would not be polluted by the sewage from the various trading centres around that lake.

Sir, there are several activities that the county councils can involve themselves in especially in helping them to collect revenue in the markets and other places. An example is South Nyanza where it is not possible now for the people of Karachuonyo to sell their cattle in the markets where the county council gets its revenue because of tsetse-flies which have invaded the entire area. The Minister should find a way of appealing for funds from donor agencies in order to assist the South Nyanza County Council to fight and eradicate this special type of tsetse-fly which has invaded the entire district. It is, in fact, making it impossible for the farmers in Karachuonyo to have good cattle. In effect most of the farmers have lost almost all their cattle.

Mr. Temporary Deputy Speaker, it would appear that when the Ramtu Salaries Review Commission made recommendations, the doctors working under municipalities were not covered. As a result there is now a very big gap between the salaries of doctors who are working in Government hospitals and those working in municipalities. Consequently, quite a number of doctors have ran away from municipal councils. If you take for example, doctors working in Nairobi, you will find that in Pumwani Maternity Hospital, where there are supposed to be 23 doctors, there are only ten doctors today, and they cannot cope with the amount of work at that hospital. This is a hospital in which the majority of babies in this country are delivered and without enough doctors, it is very likely for the few doctors there to be overloaded. It is also very likely for accidents to happen especially in case of operations and in other complicated cases when we do not have enough doctors at the hospital. Therefore, I would like to appeal to the Minister to have a look at Pumwani Maternity Hospital and to ensure that doctors working in municipalities are given the same salaries as those working in Government hospitals.

Mr. Temporary Deputy Speaker, Sir, several hon. Members have asked the Minister to set aside land for the future development of this country. I am worried that unless this is done now, there is not going to be land in any county council, urban council or municipality for the development of hospitals, schools or even industries. So, unless the Minister takes action now there will be no land for future development in these areas. I am saying this because there are quite a number of land-grabbers in this country who use their positions, either as town clerks or people who are well placed in Government, to acquire large tracts of land all over this country leaving our people without any land for future development. Those of us who are concerned about recreation grounds for children feel very bad when we notice that there is no land left aside in this country where families or children can go and have their recreation. I have high hopes that the Minister will take note of this.

Finally, Mr. Temporary Deputy Speaker, there is a contractor who abandoned the contract on sewerage works at Homa Bay Urban Council and went away with all the money that he had been given. Up to this moment, that sewerage system is a stand-still and nothing has been done about it while the contractor has disappeared. Would the Minister, when he stands up to the sentiments which we are making here, tell us about the sewerage construction works in Homa Bay where the contractor abandoned the contract and ran away with part of the money that he had been given at the time.

With these few remarks, I beg to support.

The Assistant Minister for Information and Broadcasting (Mr. Khasakhala): Thank you very much, Mr.

[The Assistant Minister for Information and Broadcasting]

Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few words. First of all, I would like to congratulate the Minister, and his staff, for the hard work they have done since he took over as the Minister for Local Government. We used to have a lot of problems with the local authorities but since the present Minister took over from the previous Minister, he has worked so well that he has been able to solve the problems in his office. In fact, there is no Minister I have found to be as busy as the present Minister for Local Government. He sometimes does not even go for his lunch but stays in his office trying to solve the problems of the local authorities.

Secondly, I would like to thank the Minister very much for having up-graded Luanda Trading Centre into an urban council. Luanda Trading Centre has been a township for a long time before the attainment of our independence. Those who know where Luanda is, know that Asians settled there a long time ago. We have a railway station there. This is an area which is going to develop in future. When I am talking about Luanda, I would like to appeal to the Ministry of Local Government to organize up planners immediately an area is gazetted as an urban council so that plans are properly laid down for its development. It is not good enough to have an area gazetted as an urban council and then allow people to build houses there in any manner they like without considering the future development of the area. It is only the Ministry of Local Government that can create employment in the country today and I appeal to the Ministry of Finance to give more finances to this Ministry. I am saying this because within the local authorities, where we have urban councils, there are opportunities for employment if they are properly tapped. If these employment opportunities are properly tapped, unemployment can be eased. We can get more people employed in the urban areas if more money would be injected into plans and proper projects properly undertaken without the urban councils.

I therefore would like the Ministry to go ahead and request the Ministry of Planning and National Development to gazette strategic areas and make proper plans for health centres, town halls, residential houses, roads and so on. I am saying this because this requirement goes along with the planning of an urban area. An urban area without a proper road system will fail to do its job well because traders cannot easily get supplies to their shops if roads are not properly planned. In fact, Sir, this should be learned from the way the streets of Nairobi are planned. If the streets in Nairobi were not properly planned, we would be having a lot of problems with the traffic. We can have a lot of problems in our urban areas if the planners do not consider the future development in these urban areas. I am saying this because development in urban areas is not going to remain stag-

nant because these areas are going to be the future townships in this country and they will have to grow like Mombasa, Nakuru, Eldoret and other areas have grown. These areas started as very small trading centres but, they have now expanded greatly.

So, we should be broad-minded in our planning so that whenever a township is planned, we set aside enough land for the future development. We should foresee the future planning and the future problems right at hand. Secondly, it would be most unfair to leave urban councils to run their water systems. I think water supply systems should be the responsibility of the Ministry of Water Development because this is a technical service. If we leave the municipalities alone to run their water supply systems, they will always run into problems. I would say that this is one area in which we should liaise with the Ministry of Water Development to run the water supply system. The Ministry of Water Development should be fully in charge of the water supply system. I am saying this because even if a water supply system for townships serves one area, it has to serve the people in the suburbs or in the rural areas. Therefore, there should be a co-ordinated liaison between the municipalities and the Ministry of Water Development.

Mr. Temporary Deputy Speaker, Sir, the other problem which I have noticed is that instead of the councillors looking at the problems in the whole area, each councillor is fighting for his own area, instead of looking at problems involving the development of the whole country. I would like to say that the councillors should be respected as Elected Members of this House are respected, but they should plan for their urban areas properly and not to continue arguing on small points which do not assist in developing the area to a standard required by the people in the area.

Mr. Temporary Deputy Speaker, I would now like to turn to the markets. I do not know whether municipalities have ever had supervisors to look at the sanitation state in markets, which is appalling in some of our markets. It is so appalling that I do not know what to say about it. I know we have the chairmen of county councils, clerks to councils, councillors and so on, but whether they see the appalling state of sanitation in our markets, is the question. I am saying this because you find that people going to the markets have nowhere to help themselves. It is really ashaming to see a lady running behind the shops to relieve herself, and yet that market is fetching a lot of money on the market day. Why do they not inject some of these money back into the market for developing it by providing water and sanitation facilities? It is important that we should look at these markets very carefully, because they can cause a lot of problems by spreading diseases. We hear of Aids being talked about everywhere.

Mr. Anyumba: Do not talk of it here!

The Assistant Minister for Information and Broadcasting (Mr. Kinasakhalo): I will leave that point, but we have to be very careful so that diseases are not spread in the markets where we have food displayed in the open. Flies fly over foodstuffs like dried fish and meat. So, I think, Mr. Temporary Deputy Speaker, Sir, the Minister should have a special man in his Ministry to advise him on market affairs so that they are properly constructed and properly provided with sanitation facilities. Sanitation is important and I do not know why the Ministry of Health has not closed down some of the markets without these facilities. The blame goes to the Ministry of Health officers who are supposed to go round to ensure that these markets are properly looked after and clean throughout.

Finally, I feel that municipalities should be given some tractors to maintain roads around markets. They do not have enough machinery to murrum and construct roads so that those leading to markets are properly maintained. They should be provided with some machinery so that they can do their own murruming and grading of roads especially on major markets which we have throughout the country. Without markets, whatever we grow would not be sold easily. That is where peasants earn money in this country for paying school fees for their children. So, they should be taken care of.

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

The Minister for Supplies and Marketing (Mr. Kitele): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to air my views on this important Vote. First of all I would like to say that I support the Vote. I would also like to thank the Minister for the good job they have done. The Ministry of Local Government has done a good job in the country, but there are a few things which I would suggest to them so that they can look at them. Perhaps, these things are happening only in my constituency, because I am not very conversant with the affairs of the other constituencies. I will first of all speak on nursery schools in my constituency. Nursery schools are supposed to be under the county councils. Teachers in nursery schools are paid by the county council but some of them are not paid by the same council. Mr. Temporary Deputy Speaker, Sir, although they are not paid by the county council, some of the nursery schools have only five or ten students who pay only Sh. 10 per month. If there are 50 or 100 in one nursery school, the total fees paid would either be Sh. 50 or Sh. 100.

On top of that, the county council gets either Sh. 1 or Sh. 2 from each child. I am suggesting to the Ministry to take over the management of nursery schools in the county so that they can pay the teachers. For instance, most of the nursery schools in Athi River Location, Iveti Location, and Mitamboni Location are very poor, and the teachers are never paid. Sometimes they teach up to

seven o'clock in the evening, and the poor teachers go on doing so without any payment at all. I am requesting the Ministry to see what they can do about those teachers. I am requesting them to take over the nursery schools and, at least, pay the salaries of the teachers. We, as parents, shall look after the books and so on. I do not know what happens, in other areas, but that is what is happening in my area.

This also applies to some urban councils, for instance, Athi River Urban Council where some nursery school teachers are paid by the council and other teachers are not paid by the council. Can we have uniformity so that all teachers can be paid by the urban council?

Sir, there are also some "young" municipalities which need assistance from the Ministry of Local Government. They need assistance in the construction of roads. I will not give any example here because there are so many of them in Kenya. I would only like to urge the Ministry to give a hand in helping the "young" municipalities. They should also be helped in planning. The wananchi who are about ten miles from the boundary of a municipality should be told that they will have to pay the rates to the municipalities in future.

Sir, we have some big markets, especially in my constituency. However, you will see that there are no good toilets in the markets. This is where wananchi are supposed to go and help themselves. I think this is a responsibility of the county council concerned because anybody who comes to sell anything in that market pays some money to the council. I am requesting the Ministry to see to it that the county councils do put up good toilets in market places. I wonder what happens in other markets? Some people are very fussy especially when they go to a market in the rural areas. I am sure hon. Members do not mind because we are all "rural" except only a few hon. Members who are "urban". We know how to use such toilets. So, I am requesting the Ministry to look into that problem. The county councils must make sure that there are good toilet facilities especially during market days. This is when one cannot even be able to use the toilets. In fact, it is impossible to go into them!

This does not only happen in the rural areas. For instance, in a place like Pumwani, toilets are in a very poor state. I went to see a friend of mine there, and went into one of the toilets, but I was unable to go in because people help themselves wherever they like. I think something must be done about this problem because we are here to serve wananchi and see that they are well-looked after.

Sir, we grow very little maize in my area because people have gone into coffee farming than in farming maize and beans. There is a cess levied from coffee which goes to the county council. I am requesting the Ministry to help some county councils because they are in dry areas. For example, Komo

[The Minister for Supplies and Marketing]

Rock in my area is very dry. There is no water. The Government has tried because they have done something, but I would like the county council to do something also to assist. I am sure they will do so when they get help from the Ministry of Local Government. We would also like the municipalities and town councils to give a hand in providing wananchi with water.

Sir, I mentioned that in the rural areas coffee cess is paid to the county councils, and some of the roads which are supposed to be maintained, especially those ones going to coffee factories, are not looked after by the county councils concerned although they have tractors and other machinery to do the work. I am requesting them to make sure that these roads are properly maintained. For instance, in my area, the roads are impassable in some of the places. I request the Ministry to look into that problem.

Thank you, Sir. I support the Vote.

Mr. Kiome: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Motion.

Sometimes the Ministry of Local Authorities is viewed as being as large as the Government itself. They have councils in every district. They have so many local authorities in the names of municipalities, townships, urban councils, and so on. So, the Ministry of Local Government is everywhere.

An hon. Member: It is not Ministry of Local Authorities.

Mr. Kiome: It is the Ministry responsible for local authorities. So, it is the Ministry of Local Government. So, the Ministry of Local Government is as large as the Central Government. For that reason, the broadening of its approach, it should be as large as that of the Central Government. I am only wondering why they are asking for so little money here. They should have asked for three times more. and. I am sure, if that money was there, it would have been given to them. But then the question is: "What will they do with that money, or what have they done with the little that they ever got."

Every council collects so much money from the people. The Nairobi City Commission collects so much money by way of revenue every year. But there is not a single day when the wananchi have ever said that they were served properly by a single local authority. I am as yet to hear of my municipal, town or urban council that has satisfied, or met, even to the extent of 10 per cent, the basic requirements of the citizens it serves. We have just heard the previous speaker talking of public toilets in markets; such toilets do not exist anywhere. Those which exist in Nairobi are a nuisance. They are places where the pungent smell which come out gives this country, this City and everybody in this nation disrespect. We are disrespected by the visitors who come to Nairobi, the City under the Sun, only to find a "city under the stench".

Mr. Shikuku: Yes, it is the City under stench!

Mr. Kiome: We have very pungent smell coming from these toilets; yet it requires only Sh. 10 to maintain one toilet in a month. What are the people in the councils there for? So, we are yet to get the services that we require from the councils. For that reason, I am suggesting, probably for a start, that the Nairobi City Commission should take a little money, say, Sh. 4 on each housing unit, from the money set aside for sewerage and conservancy, and pay it to a profit-making company so that it can take care of toilet cleaning and refuse collection. This will not cost Sh. 1 per housing unit. Now, councils collect that money and use it for purposes that are known, and yet garbage is not collected, toilets and streets are not cleaned. We can as well do without those commissions, county councils, urban councils and town councils. So, in this case, the Ministry should be made a department in the Ministry of Health. They are asking for money with which they do not do anything.

An hon. Member: Why are you against the Minister?

Mr. Kiome: I am not against the Minister, he is a very competent person. He has spoken, of late, as a very competent man, and we have seen it in the newspapers.

(Laughter)

So, Mr. Temporary Deputy Speaker, what I am asking is that things which have been passed in this House should be implemented. Recently, we passed a Bill here that brought local authorities' employees under the Public Service Commission. Mr. Temporary Deputy Speaker, Sir, you are aware that the clerk to your own county council has been there for the last 20 years; the treasurer for the last 25 years, and the other junior officials have been there since the colonial days. This is creating kingdoms for these people; it creates places for them to remain in forever. That is why they mess with the administration of local authorities. I have learned from experience that civil servants stay in one place for a maximum of five years, and that three years' stay is the normal period before an officer is transferred. However, some officials in the Nairobi City Commission, and in county councils of Kisumu, Kakamega, Isiolo, Meru and so forth, have been there for the last 10 years. Now, does that make sense? This does not make sense in the face of a Bill that made them transferable throughout the Republic. This was done so that one may learn and secondly forget the idea that they are tribal chieftains or that since he is a Kikuyu, he should be the clerk to Nyeri County Council forever. Why can somebody from Nandi, Baringo, Isiolo not be the clerk to Nyeri County Council or Isiolo County Council. I am not against the clerk to Isiolo County Council; let him know that. He is a competent man, but he can learn more by working as the clerk to the Nairobi City Commission, which is a very responsible place. Let these people also move in between their jobs by way of transfer.

[Mr. Kiome]

Mr. Temporary Deputy Speaker, Sir, there is also something else that the Minister is very aware of, and that is the fact that several locations have been created and they all fall under his Ministry. In fact, some of the new locations have been created during this year. Some of them have been declared as electoral areas while a few of them seem to have been forgotten. As I talk here now, we have a new location called Isiolo West that requires a councillor. For that matter, I would like to point out that the new location should get a councillor so that the people of that location can get the services that others have by way of elected leaders; they should also get services by way of representation in the local authorities. The local authorities fall very much under the Central Government's representation because they tax people everywhere. So, those people in the new locations should not be taxed without representation; they should be represented if we are going to be democratic and if we hold the view that democracy is as important as the air we breathe, the food we eat and the water we drink. Democracy is as important as that although some people may take it lightly. If we do not have democracy, then there is no way that people can be satisfied. Without democracy we are like people without air to breathe, food to eat and water to drink. So, I urge the Minister to give those new locations local representation.

Finally, Sir, let me touch on the councillors themselves. Right now there are no requirements that a councillor should be educated. In fact, a councillor need not be educated at all, and I am not going to suggest that we should have graduate councillors or "O" Level standard of education councillors. I am not going to say that councillors should be engineers, lawyers or anything like that but they should be provided with opportunities to learn the principles of local authorities, the principles of administration of local government and so on so that the wrangling between councillors and officials of the local authorities can be minimized. At times the wrangling becomes too much because the officials of local authorities do not understand that their bosses are elected leaders. For example, a local authority clerk who has served for about 20 years can talk to about 20 or 30 councillors as if he is their boss. In fact, the councillors should be able to dismiss such a clerk and there should be no remedy. When a clerk has been dismissed by councillors, he should not be allowed back to his office. The councillors are in charge of local authorities and the wananchi who put them there did so knowing that they should be the bosses. Councillors should not be overruled by anybody else in the local authorities. We shall not allow that in the name of democracy. Therefore, a lot of educational seminars and training opportunities should be provided for councillors.

Before I sit down, Mr. Temporary Deputy

Speaker, Sir, I would like to ask the Minister for Local Government to remember to implement a Motion of this House that urged the Government to review councillors' salaries with a view to increasing them. This House passed that Motion and every hon. Member who has spoken here has talked about it. You see, councillors are paid only KSh. 1,000 per month and they are required to attend Harambee fund raising almost every day. That is very unfair.

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

Mr. Mwavumo: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami nijiunge na Waheshimiwa Wabunge wenzangu kumpongeza Waziri wa Serikali za Wilaya kwa kazi nzuri anayofanya ya kuhakikisha kwamba mabaraza yote hapa nchini yanaendeshwa kwa utulivu.

Jambo la pili ambalo nataka kusema ni kumwuliza Waziri wa Serikali za Wilaya ahakikishe kwamba ule msaada uliotolewa na Serikali ya Italia unagawiwa Manispaa ya Mombasa. Kwa sasa, manispaa hiyo haina magari ya kubeba takataka na jambo hilo limesababisha Manispaa ya Mombasa kushambuliwa na wananchi na kuonekana kama haifanyi kazi. Kupitia kwako, namwuliza Waziri atupatie magari ya kubeba takataka ili Manispaa ya Mombasa ifanya kazi vizuri. Pia, naomba tupatiwe magari ya kuzima moto. Ni jambo la kusikitisha kwamba magari ya kuzima moto katika Mji wa Mombasa ni machache sana. Kwa hivyo, kupitia kwako, namwomba Waziri atupatie magari ya kuzima moto.

Bw. Naibu Spika wa Muda, kama vile unavyojua, mji wetu wa Mombasa ni mkubwa sana na kwa hivyo unahitaji magari ya kubeba wagonjwa na pia magari ya kubebea maiti. Nataka kusisitiza haja ya kuwa na magari ya kubeba wagonjwa kwa sababu kila wakati magari tuliyo nao huwa maovu na wananchi huwa wakipata taabu sana. Ikiwa Wizara haina pesa za kutosha kununua magari hayo basi namwomba Waziri achukue magari ya Wizara nyingine yaliyoharibika na yarekebishwe ili yapelekwe Mombasa ndipo wananchi wapate huduma hii muhimu. Kwa wakati huu ninapongea hapa, imekuwa shida sana kwa wananchi kupata huduma hii ya magari ya kubebea wagonjwa. Kwa hivyo, kwa sababu najua kwamba Waziri wa Serikali za Wilaya ni mtu anayependa kufanya kazi na kuwatoshela wananchi wenzake, namhimiza sana afikirie juu ya jambo hili na alitimize haraka sana ili ipatikane katika Mombasa.

Jambo lingine ambalo nataka kusema ni kwamba kila mhe. Mbunge aliyeongea hapa amesema kwamba vyoo vyao ni viovu mno. Lakini nataka kusema kwamba katika sehemu ninayowakilisha shida si vyoo kuwa viovu; vimefungwa kabisa. Choo cha Likoni Ferry kimefungwa na kimekuwa hivyo kwa muda mrefu. Pia, choo cha Mtongwe Ferry kimefungwa. Kwa hivyo, kupitia kwako, Bw. Naibu Spika wa Muda, naiomba Wizara hii iwahurumie

[Mr. Mwavumo]

wananchi na kuvifungua vyoo hivyo ili wananchi waweze kuvitumia. Ni jambo la kusikitisha kuona choo cha baraza kimefungwa. Je, wananchi watajisa idia wapi? Kwa vile Bw. Waziri ni mtu anayefanya kazi kwa bidii, namwomba awasaidie wananchi ili vyoo hivi vifunguliwe.

Pia, Bw. Naibu Spika wa Muda, namwomba Waziri wa Serikali za Wilaya ashirikiane na Wizara ya Uchukuzi na Mawasiliano ili barabara za trunk roads ambazo zinapatia katikati ya miji zitengenezwe. Kwa mfano, barabara ya Likoni ni mbovu sana na tunamwomba Waziri azungumze na Waziri mwenzake ili barabara za aina hii zirekebishwe.

Kuhusu shule za nasari ambazo ziko chini ya Wizara ya Serikali za Wilaya nataka kusema kwamba kile kilichoko ni majengo tu na wakati mwingine watoto hawana hata vifaa vya kufanyia kazi. Walimu wanashindwa jinsi ya kuwafunza watoto. Kwa hivyo, ikiwa tunataka kuendesha shule za nasari, Bw. Waziri, patia walimu vifaa.

Mr. Shikuku: Address the Chair!

Mr. Mwavumo: Bw. Naibu Spika wa Muda, kuna Spika mmoja tu katika Bunge hili. Ningekuomba umwulize mhe. Shikuku afahamu wajibu wake.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. Ikiwa Mhe. Mwavumo, ambaye si mgeni katika Bunge hili, hajui utaratibu wa kuongea katika Bunge ni lazima afundishwe. Alikuwa anazungumzia Waziri bila kupitia kwa Kiti. Kama hajui hivyo, sisi ambao tumekuwa hapa kwa muda mrefu tunafaa kumfundisha.

Mr. Mwavumo: Asante sana, Bw. Naibu Spika wa Muda. Lakini kama Mhe. rafiki yangu hajui Kanuni za Bunge hili, yafaa aeleva kwamba hawezi kuongea kama ameketi chini. Hiyo ndiyo imenifanya nimdharau. Ukitaka kuongea katika Bunge hili unasimama na kuomba ruhusa kufanya hivyo.

Mr. Shikuku: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Nataka kumfundisha Mhe. Mwavumo tena. Kuna kitu kinachoitwa interjection, na unaweza kufanya interjection kama umeketi chini. Yeye hajui hivyo ingawa amekuwa hapa. Wakati umefika watu wake wamtupe nje tena.

The Temporary Deputy Speaker (Mr. Mutiso): Yes, interjections are allowed in the House. An hon. Member can interject while seated. Anyway, do not take too long on that. Carry on.

Mr. Mwavumo: Ahsante sana, Bw. Naibu Spika wa Muda. Nilikuwa nikisema kwamba namwomba Waziri wa Serikali za Wilaya apeleke vifaa katika shule za nasari ili vijana wetu, pamoja na walimu, wasipate taabu.

Bw. Naibu Naibu Spika wa Muda, tunaweza kulaumu watoto kwa kutofanya vizuri kwa masomo, au tunaweza kulaumu walimu kuwa hawafundishi lakini hii si kweli; ni kwa sababu shule nyingi za nasari hazina vifaa. Hii ndiyo imewafanya watoto wasifanye vizuri.

Bw. Naibu Spika wa Muda, jambo lingine ni lile Bw. Waziri alileta; kuwa atatengeneza vibanda aki-

anzia Nairobi. Wazo hili ni nzuri sana. Ningependa vibanda hivi vienee katika Kenya nzima ili viweze kuwasaidia wananchi ambao hawana kazi. Nataka viwe kama pahali pa kufanyia kazi ili wananchi wajipatie riziki. Nampongeza Bw. Waziri kwa huo mpango ambao ameleta.

Bw. Naibu Spika wa Muda, pia ningependa Bw. Waziri aongeze misaada yake katika mabaraza. Wakati huu mabaraza mengi yanaendelea kufiliska. Njia zote walizokuwa nazo za kupata pesa sasa zimekatazwa au zimeondolewa. Bw. Naibu Spika wa Muda ningependa Serikali imuruhusu Waziri atume misaada mingi sana katika mabaraza haya ili wananchi wapate huduma bora. Kwa hivi sasa tunavyosema, dawa na vifaa vingine vimepungua katika mabaraza. Nikiangalia pesa ambazo Bw. Waziri ameomba, naona kuwa pesa hizi ni kidogo sana. Pesa hizi haziwezi kutimiza kazi ambayo wananchi wanataka ifanywe katika mabaraza. Waziri bado ana nafasi ya kuongeza pesa hizi ili watu waweze kupata huduma bora katika mabaraza. Ikiwa mabaraza yatakosa pesa, basi mara kwa mara Waheshimiwa Wabunge watakuwa wakiuliza maswali hapa. Watakuwa wakiuliza ni kwa nini jambo hili hali-jafanywa, au ni kwa nini jambo lile limeharibika. Hii ni kwa sababu mabaraza yetu hayana pesa. Tungemwomba Waziri aongeze pesa ili tupate huduma bora.

Bw. Naibu Spika wa Muda, nikiongezea, nitaunga mkono Waheshimiwa Wabunge wenzangu kwamba maofisa wa mabaraza wamekuwa wakifanya kazi mahali pamoja kwa muda mrefu. Ikiwa hawa maofisa wameajiriwa ili waitumikie nchi hii ni vizuri waruhusiwe kwenda katika kila baraza ili wapate kutoa huduma zao. Lakini kama mtu hawezi kutoa huduma bora kwa baraza analofanyia kazi, badala ya kuhamishwa na kupelekwa katika baraza lingine ni vizuri aondolewe kwa manufaa ya nchi yetu.

Kwa hayo machache Bw. Naibu Spika wa Muda, naunga mkono.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me this opportunity to make my contribution to this important Vote.

Firstly, I would like to commend the Minister and his officers for the good work they have continued to do. It was just recently that the Minister up-graded a number of small trading centres to the status of urban councils. This is a commendable move and whenever the Minister up-grades an urban council or a town council or a municipality to higher status, it shows that those particular councils are growing. In this connection, I would like to make a very special appeal to the Minister to up-grade Kikuyu Trading Centre.

Mr. Temporary Deputy Speaker, Sir, it is my view that when the Minister recommended the elevation of various trading centres in the country—a move that I have commended him for—there was an oversight in leaving Kikuyu Trading Centre

[Mr. Kinyanjui] out. The Kiambu County Council—a body that comes under the Ministry of Local Government—made a very clear recommendation; a written recommendation that Kikuyu Trading Centre was due for elevation to the status of urban council. All the leaders in the area were convinced by the District Commissioner, Kiambu, and they all agreed that Kikuyu Trading Centre should be up-graded. If there was an individual who, for his selfish reasons, wanted to oppose that move—The Minister should not be guided by such selfish moves by individuals. He should listen to the recommendations made to him by the elected leaders. I do hope that the Minister will take this matter very seriously because we in Kikuyu Constituency are being left behind in terms of development.

Mr. Temporary Deputy Speaker, Sir, Kikuyu Trading Centre has more than 14 industries. Some of them are exporting their wares as far away as the United States of America and other places. It is therefore, in my view, unfair not to upgrade such a trading centre. We have all the facilities that are needed in up-grading a trading centre into an urban area.

Mr. Temporary Deputy Speaker, Sir, it is not surprising to realize that in Kikuyu Constituency we have three important national schools. This is where we have the famous Alliance Boys' High School, Alliance Girls' High School and Thogoto Teachers' College. We also have important churches in this area. Therefore, Kikuyu Trading Centre is due for elevation to the status of an urban council.

Mr. Temporary Deputy Speaker, Sir, if the Minister for Local Government would compare Kikuyu Trading Centre with some other trading centres which he up-graded he would, I am sure, agree that Kikuyu Trading Centre qualifies for up-grading into an urban council.

Mr. Minister, you will recall that—

An hon. Member: Address the Chair.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, the Minister will recall that when I led a delegation to his office on this issue, he and his Permanent Secretary agreed that Kikuyu Trading Centre was due for up-grading. I think the Minister owes us an explanation as to why Kikuyu Trading Centre should continue to be held back.

Let me, Mr. Temporary Deputy Speaker, Sir, touch on another important issue. This concerns our elected councillors. These civic leaders continue to be grossly underpaid. How do we expect them to serve the people? How do we expect them to travel from one area of their locations to another if the allowances they get are hardly adequate even to buy petrol? I would join my colleagues here in recommending that salaries and allowances paid to councillors should be reviewed and improved in order to enable the councillors to do their work more effectively.

Mr. Temporary Deputy Speaker, Sir, some councillors are tempted to snatch things like plots from people. This is as a result of the poor remunerations that they get.

An hon. Member: Not necessarily.

Mr. Kinyanjui: Mr. Temporary Deputy Speaker, Sir, we strongly recommend that the Minister should look into this issue.

Mr. Temporary Deputy Speaker, Sir, I will now touch on another matter regarding the cleanliness of our urban areas. I am sure the Minister is concerned that our urban areas should remain clean. I am also sure that the local authorities are doing their best including the section of the that is in front of his shop to keep our urban areas clean. But they are still very dirty. I would like to suggest that the Minister must consider passing a by-law which would require that every plot owner and every shop owner should be responsible for cleaning the area in front of his shop including the section of the road that is in front of his shop. If this is done I am sure we would see a great improvement in the cleanliness of our urban areas.

Mr. Temporary Deputy Speaker, Sir, the Ministry's officials are here and I am sure some of them have travelled a lot. Have they ever tried to find out why other countries have managed to keep their towns and cities clean? The people of Japan have managed to keep their cities and towns clean. This is simply because they have by-laws which require property owners in that country to keep their properties clean.

Mr. Temporary Deputy Speaker, Sir, in addition to the introduction of the by-law I am suggesting, I think the Minister should also consider imposing some fines on any citizens who are seen throwing rubbish about. If they are caught they should be made to pay a fine. I am sure this would stop people from dropping rubbish all over the place.

I think if local authorities provided rubbish bins and placed them strategically in the towns, this would encourage our people to keep our urban areas clean. Also the system of refuse collection should be improved. In some countries—and I think this is through by-laws—refuse is collected in bags and then placed in strategic positions for collection. The Minister should, therefore, consider introducing such a method here and also consider giving the job of refuse collection to private contractors. This is because we feel that these private contractors could do a better job. I, therefore, hope that when the Minister stands to reply he will respond to these suggestions and tell us what his views are.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

The Assistant Minister for Labour (Mr. arap Metto): Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi ili nami niweze kujiunga na Wabunge wenzangu katika kuijadili Hoja hii inayoihusu Wi-

[The Assistant Minister for Labour]

zara ya Serikali za Wilaya. Kusema kweli Wizara hii ambayo inaongozwa na Mhe. Mudavadi imefanya kazi nyingi. Ni jambo la kufurahisha kuona kwamba wakati huu makonseli yameonyeshwa njia za kujitafutia mapato. Hata hivyo utaona kwamba hapo awali makonseli haya yalikuwa yanakabiliwa na shida nyingi sana. Lilikuwa jambo gumu sana kwa haya makonseli kujipatia pesa za kuyawezesha kutekeleza wajibu wao katika ujenzi wa taifa. Ninasema hivi kwa sababu hapo awali makonseli mengi yalikuwa hayaruhusiwi kuwatoza wakulima kodi kutokana na mazao mbali mbali na hali hili ni jambo ambalo lingeyawezesha makonseli kupata pesa za kuendesha shughuli zao. Lakini nafurahi na ninatoa shukrani kwa Waziri kwa kuyapigania makonseli kote nchini. Kwa wakati huu makonseli yameruhusiwa kukusanya kodi kutokana na mauzo ya mazao mbali mbali: kwa mfano mahindi, kahawa na mengine mengi. Hili ni jambo la busara kwa sababu tunajua kwamba wakati fulani Wizara ya Uchukuzi na Mawasiliano ilianza kusimamia na kutengeneza barabara ambazo hapo awali zilikuwa chini ya makonseli. Hata hivyo kuna barabara nyingine nyingi na ambazo ni ndogo ambazo hazikuchukuliwa na Wizara hiyo. Hiyo ni kazi ya Wizara kupitia kwa makonseli, kuona ya kwamba wakulima wamepewa huduma hiyo. Jambo kama hilo, ni la busara na wananchi watafurahi sana wakisia ya kwamba kodi inavotowza huingia kwenye hazina ya konseli. Pesa zikiingia humo, ni lazima zitumiwe kurekebisha barabara ndogo ndogo ambazo Serikali au Wizara ya Uchukuzi na Mawasiliano haijazichukua kwa sababu barabara hizo ni muhimu sana kwa kuwawezesha wakulima kuya-peleka mazao yao sokoni, hasa upande wa mashambani.

Jambo lingine ambalo ningependa kugusia ni juu ya huduma nyingine ambazo zilikuwa zikitolewa na serikali za wilaya hapo mbeleni. Baada ya Serikali Kuu kuichukua miradi hiyo, kwa mfano, mipango ya maji, kwa wakati huu tunaona kuna mipango mingi ambayo haijatekelezwa na Serikali kupitia kwa Wizara ya Ustawi wa Maji. Hapo awali, huduma hizo zilikuwa zikitolewa na serikali za wilaya. Mambo kama haya, wakati pesa zitapatikana, ni lazima yaangaliwe na Wizara hii ya Serikali za Wilaya ili tuweze kuukamilisha ule mpango wetu wa kuwawezesha wananchi wote kupata maji.

Jambo lingine ambalo ningependa kuipongeza Wizara ya Serikali za Wilaya ni kwamba makonseli mengine, hutayarisha maonyesho ya kilimo ambayo huleta pesa na kuwasaidia wananchi waweze kufahamu njia za kilimo za kisasa. Mambo kama haya huwasaidia wananchi kuendesha mambo ya kilimo kwa vile nchi hii hutegemea zaidi kilimo.

Ningependa kutaja pia ile shida ambayo tunaona kwa wakati huu katika miji midogo na miku-bwa katika nchi yetu. Jambo hili linahusiana na mipango ya ujenzi wa nyumba na viwanda. Vile tunavyoona ni kwamba hakuna mpango kamili ka-

tika manispa au makonseli wa kuwawezesha wananchi kujenga nyumba na kujua ni mahali gani panapofaa kujengwa viwanda, nyumba na kadhalika. Wakati huu huu ninapozungumza, tunashangaa kuona ya kwamba wananchi wanajisaidia wenyewe. Utaona kwamba nyumba zinajengwa ovyo ovyo. Mwisho, utaona kwamba wakati mpango kamili wa kila mji utakapotayarishwa, wananchi wengi watakuwa wamepoteza pesa zao zilizotumika kwa ujenzi wa nyumba zilizojengwa ovyo ovyo kwenye miji yetu. Nafikiri ni wajibu wa Waziri wa Serikali za Wilaya kuona kwamba kila mji ume-pangwa vizuri. Kama Mhe. Kinyanjui alivyosema kwamba anataka kituo cha biashara cha Kikuyu kipandishwe daraja, yafaa kuwe na mpango kamili katika kila konseli kuona kwamba mji huo utaendelea. Ni lazima Waziri achukue hatua kuhakikisha kwamba hakuna nyumba zitakazojengwa ovyo ovyo kila pahali. Wananchi wenyewe wanataka nyumba za kuishi, lakini kule Eldoret, kwa mfano, nimeona majumba mengi yaliyojengwa ovyo ovyo katika mahali panapoitwa Langas na pengine panapoitwa Shauri Yako. Mengine ya majumba haya ni ya kudumu, na upangaji wa miji ukitokea baadaye, pengine itasemekana kwamba sehemu hizo si mahali pa kujenga nyumba. Kwa hivyo, yangu ni kutoa mwito tu kwa Wizara hii ione kwamba mipango yao ya miji imetokea mapema ili iwangoze wananchi waweze kuelewa ni wapi wanapofaa kujenga majumba yao.

Jambo lingine ni kwamba ningependa kuwauka mkono wale Wabunge wenzangu waliozungumza mbele yangu juu ya alamsi za madiwani. Kwa kusema kweli, hatuwezi kuwafananisha na wale wa zamani. Siku hizi tuna mwito wa Harambee ambao kulingana nao ni lazima kila kiongozi ajitokeze na kuiongoza miradi yote ya Harambee. Ukiangalia hesabu ya pesa wanazolipwa madiwani hawa, utaona kwamba ni kidogo sana. Kwa hivyo, ninapendekeza kwamba inafaa mishahara yao ifikiriwe tena kulingana na mapato ya konseli zao. Jambo hili likitimizwa litawasaidia sana madiwani kufanya kazi bila kusitasita.

Ningependa kumpongeza Waziri kuhusu ile sheria ambayo imebadilishwa ili awe na uwezo wa kuhamisha wakuu wa idara za Wizara ya Serikali za Wilaya. Hapo mbeleni uhamishaji huu ulikuwa shida kwa sababu hata uhusiano baina ya madiwani na wakuu wa idara hao ukiharibika kidogo, ilikuwa vigumu kumhamisha mtu. Hata ikiwa mtu angefanya makosa yasiyotosha kumfukuza kazini, ilikuwa hawezi kuhamishwa eti kwa kuwa mtu huyo alikuwa mkuu wa idara. Lakini maofisa wadogo wadogo, kama vile community development assistants, wanaweza kuhamishwa kutoka kata moja hadi nyingine. Kuhusu wakuu wa idara, kulingana na vile mambo yalivyo sasa, ni juu ya Waziri kuona kwamba mambo kama haya yakitokea maofisa hao wanaweza kuhamishwa kutoka sehemu moja mpaka nyingine.

Jambo lingine ambalo ningependa kusema juu yake ni uwakilishi. Tunajua kwamba wakati huu Ofisi ya Rais imeongeza hesabu ya kata. Hii ni njia

[The Assistant Minister for Labour]

moja ya kuwasaidia wananchi kupata huduma vizuri. Lakini tunajua kwamba katika sehemu fulani diwani huwakilisha eneo la chifu mmoja. Wakati mwingine utamkuta diwani anayewakilisha maeneo ya machifu wawili. Mambo kama haya yakifanyika, inafaa Waziri aone jinsi anavyoweza kuongeza hesabu ya madiwani kulingana na ongezeko la idadi ya wananchi ili tuhakikishe kwamba wananchi wanapata utumishi bora.

Kuhusu bursaries, wakati huu elimu imekuwa ya gharama ya juu sana. Serikali za Wilaya zikipata pesa zinaweza kutenga bursaries za kuwasaidia watoto maskini.

Ahsante sana, Bw. Naibu Spika wa Muda.

The Assistant Minister for Transport and Communications (Mr. Keriri): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this very important Vote. First of all, I would like to thank my friend, the Minister for Local Government, for the amount of effort he has been putting into his job in order to try and improve the performance of local authorities. I think he has been doing a lot of work in that area, as can be seen in his actions and speeches.

I see from the Ministry's Estimates that the Minister has provided quite a lot of money—in accordance with our budgetary resources. I think this is a lot of money that he has provided for sewerage and water schemes for many urban areas. To my surprise, however, when I read the Estimates, I do not see any urban area in my own district, Kirinyaga, that has been given any money either for water or sewerage. There are places like Sagana where no drainage exists, and I would like to appeal to my friend to see whether he could provide only drainage—we might come to normal sewerage in the future. If he provides some drainage in places like Sagana, Kutus, and so on, we would be happy.

Kirinyaga County Council has in the past provided a lot of services. I am sure that the Minister will agree with me that this is a council which has not given him any problems in respect of resources. It has utilized its resources properly and carefully. With the amount of effort the Minister is trying to make to improve county council services, I would appeal to him—I am sure he can do this, and it was only proved the other day that I am his admirer; and for the admiration I owe him, I think he ought to listen to my appeal—to try to save Kirinyaga County Council. Of late, Kirinyaga County Council has been run very improperly. There is an impending crisis there, and I would like to appeal to the Minister to solve this problem. There are a number of things involved here, but I would like to give the Minister only a few of them so that he may look at them. There are many things involved, and I cannot quote all of them. There is a new young man in Kirinyaga County Council in the name of the new clerk to

the county council. He has taken the whole job of the council to himself, and has not allowed the chairman and other councillors to do anything. They do not even meet. He, himself, has taken the whole job to himself. Some of the things he has done are, in fact, so dangerous that within another six months Kirinyaga County Council will have collapsed, if he keeps up the rate at which he is moving.

The Minister himself has, for example, approved Sh. 4 million for the gravelling of coffee access roads and Sh. 800,000 for children's bursaries in Kirinyaga, but none of this money is being spent for those purposes. The Sh. 4 million is not being spent for the purpose of gravelling roads to coffee areas where our income comes from. The Sh. 800,000 is not being spent for bursaries. The clerk to Kirinyaga County Council has made a plan of his own where he calls just one councillor to his office and telling him, "If you support me, I will issue a few bursaries to your children." This is wrong. This is what he is doing. Instead of using this money for gravelling our roads and giving bursaries, he has been incurring unauthorized expenditures. He has, for example, been employing, promoting and giving arrears of salary to new and old officers without any authority from the county council. I can quote some of the officers he has employed. He has employed typists, telephone operators and 13 nursery school teachers. It is good to employ teachers, but you must have authority from the relevant council to employ them. This clerk has not sought such authority.

There is an item for the purchase of vehicles. Instead of going to tender so that the council can decide what type of vehicles to purchase, this young man is very fast. He has gone his own way and purchased a Peugeot 504, a Mitsubishi minibus and other vehicles, all on his own.

Mr. Temporary Deputy Speaker, Sir, sometimes this year, he spent over Sh. 1 million which was alleged to have been spent on improving the Kerugoya Stadium. That money had never been approved by the Kirinyaga County Council. There was no finances and general purposes committee to approve that money; the main council did not meet and, thus, he spent on his own. The only other man who knew about it was the district commissioner. The former clerk to the council refused to pay it because there were no verifications of vouchers, no approvals were shown and there were no explanations for the expenditure. But, when this other officer came, because, I think, he wanted to have a share of the money, he paid the money to a Mhindi, over Sh. 1 million, and we do not know what he did with it.

Now, I would want the Minister to listen to this. He is the Chairman of Kakamega Kanu Branch. I do not think he, himself, and his county council would construct a road to or landscape the compound of his house in a place called Mululu, or some place like that. I do not think the Minister

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who is very honest would do that. But in Kirinyaga the county council spent over Sh. 300,000 landscaping, gravelling and tarmacking the compound of the Chairman of Kanu, Kirinyaga Branch, and that money has not been approved by the council.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I cannot believe my ears. What my hon. friend is saying here is terrible. Is it really true? Can he substantiate all these allegations? This is because I can see the Minister sitting over there very comfortably. These are terrible things to hear. Are they really true?

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Temporary Deputy Speaker, Sir, the hon. Member is wasting my time because I am saying that over Sh. 300,000 was spent. Vehicles from the county council, all kinds of machines and workers were all at the chairman's house for more than a month landscaping, gravelling and tarmacking part of the access road to the chairman's house. This is unacceptable and furthermore, the county council did not approve it. Another Sh. 1 million, as I said, was spent—

The Minister for Transport and Communications (Mr. Magugu): On a point of order, Mr. Temporary Deputy Speaker, Sir.

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

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

The Minister for Transport and Communications (Mr. Magugu): I do agree that these accusations are very serious and, perhaps, I would agree that if there is evidence of some kind, it be laid on the Table of the House.

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Temporary Deputy Speaker, Sir, I do not mind, I will do it. I did not come with them here, but I will bring a copy to the Minister and a copy of the list of the vehicles that were used at that time to this House. I will do that next week.

Mr. Angatia: On a point of order, Mr. Temporary Deputy Speaker, Sir. What sort of substantiation does the hon. Member have to do when he has named a person, he has given the date and he has said the things that were done. It is up to the Minister to check up the facts; the hon. Member has stated everything.

The Temporary Deputy Speaker (Mr. Mutiso): Let us carry on. He is going to bring some documents. He has agreed to do that and, I think, it is best that we agree on that. Let us proceed.

The Assistant Minister for Tourism and Wildlife (Mr. Njuno): On a point of order, Mr. Temporary Deputy Speaker, Sir. I need your guidance here. It is popularly known and everybody in Kirinyaga knows and has seen that these people at the county council do not record what they do. We have seen

the council's vehicles and workers doing that job and the councillors know that they did not authorize that. What documents is the hon. Member of Parliament supposed to give?

The Temporary Deputy Speaker (Mr. Mutiso): The House is not in a position to know what goes on in Kirinyaga. That is why this was challenged, and it is only best and advisable that we have these documents here before the House. The Ministry has not denied them. We may, perhaps, take it that they might be aware of this; we want the facts to be brought before the House, and the hon. Member has agreed to do so.

The Assistant Minister for Transport and Communications (Mr. Keriri): Mr. Temporary Deputy Speaker,

Mr. Temporary Deputy Speaker, Sir, if they want me to bring the people who saw the vehicles there, I will do so. Of late, that same clerk has given himself three plots of the county council and he is developing them with council vehicles, tractors and so on. He does not have letters of allocation and he is doing it right now.

Mr. Nyaga: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Vote. First of all, I believe that what the Assistant Minister for Transport and Communications has said is a tip of the iceberg of what is happening in Kirinyaga District. This is actually happening in many places, including Runyenjes Urban Council. I would like to say that the Minister for Local Government has done a commendable job in the Ministry over the last four years he has been heading that Ministry.

Local Government is a very complex and complicated system of Government in this country. As you are all aware, the Minister is dealing with more than 100 small parliaments similar to this one. These people have authority and power which makes supervision very difficult; it also makes it difficult for order to be maintained. Local Government is here to stay. We have said several times at the Kenya Institute of Administration that Local Government is going to be part and parcel of our democratic system in Kenya. We, as a Parliament, have to make it work. One way of doing it is by letting local authorities have a viable financial base. The Minister has failed to bring this case before Parliament for approval for over all this period. How can we have a system which is crumbling for lack of financial support?

When I was in the Ministry of Local Government in 1974/75, we made several recommendations and the Minister is aware of the Nyaga Report. In that Report, we recommended various ways in which we were to make local authorities in this country financially stable. It is now more than 15 years and we are still debating on the issue. We are still saying that the Local Government must continue; it is a system. It is a non-existing system. I say this because if you have a system of a Government which has no sound financial base, then it is a mockery of that democracy and system.

I would like to call upon the Minister to come before this House and re-introduce the Graduated

[Mr. Nyaga]

Personal Tax. In this way we can net a much bigger and wider section of the community who can pay the Graduated Personal Tax. In this way, the Nairobi City Commission, municipal councils, new town councils and new local authorities will have a financial base. If that will not work, I would like to call upon the Minister, during this Session, to introduce in this House, a new formula for the purchase tax which has already been agreed upon by the Government as contained in Sessional Paper No. 1 of 1986. It was stated in this Sessional Paper that there was going to be a local purchase tax for local authorities to enable them have a financial base from which they can provide essential services which we call upon them to provide everyday. We cannot keep on saying that we are supervising local authorities; we want to make them more efficient and to ensure that they are not corrupt, when they themselves are fighting over the coffee cess and maize cess. This is not a stable financial base, Sir. If there is a poor coffee or maize harvest, due to bad climatic conditions, then the local authorities will have their buildings, machinery and so on sold because of debts.

I have had a bitter experience of having to rescue local authorities from their property being auctioned. I would like to appeal to the Minister for Local Government to remember the area which I represent, that is, Embu North.

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Nyaga, your time is over. It is now time for the Mover to be called upon to reply.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to reply to this Motion.

First of all, before thanking hon. Members in this House for their valuable contributions, I would like to quickly go through point by point on what they have said. The question of financial management in local authorities has figured very prominently in this debate. I have tried to arrange for seminars to train chief officers and councillors as to how they should manage the finances of local authorities. I agree with hon. Members that most of the points raised cannot really be implemented and the services required cannot adequately be rendered to wananchi without finance.

I have noted very carefully the way my clerks in municipalities, town councils and county councils have handled their activities. With regard to Kirinyaga, Marsabit and Isiolo, I have to investigate and find out what actually happened about the allegation of mismanagement of Local Government funds. According to the Local Government Act, no single cent can be spent by any council in this country without authority. I have 106 councils at the moment. Any single cent, even if it is Sh. 10, must have my approval before expenditure is incurred.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Minister says that no

county council, or any other council, can spend money without his approval. A few minutes ago, an Assistant Minister from that area talked of large sums of money which have been spent without the Minister's approval. Either, the last speaker or the Minister, is telling us a fairy story. The Assistant Minister said that over Sh. 1 million was spent. I just do not know whether the Minister is aware of that and whether he approved it, or was he telling us something that is not true?

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I have said that I will have to investigate that matter because I am supposed to approve the councils' expenditure.

As hon. Members have raised the question of having a councillor for each new location in this country, I will try to see to it that the Government makes the new locations as electoral areas so that where a new location has been established, there will be a councillor. This will be considered by the Government.

I have also noted the question of nominated councillors and also the question of councillors' freedom of speech. Together with that, I have noted the question of councillors in Mbooni, Machakos, and also councillors' salaries.

Councillors' salaries, or allowances, have been discussed here many times, either through questions and also in many other quarters. The problem of raising these allowances has been, mainly, as hon. Nyaga said, due to lack of funds. It is a good thing to say that councillors' allowances be raised but, first of all, like in any other estimates, we must know how we are going to pay those allowances. Otherwise, it would be a mockery to say that the salaries be raised when many of my councils cannot meet them.

Mr. Mwachofi: On a point of order, Mr. Temporary Deputy Speaker, Sir. My point of order is in connection with what the hon. Minister has repeatedly mentioned, that is the question of salaries for councillors. We know that councillors all over the country do not receive any salaries. I would, therefore, request the Minister to make that correction, such that he talks of allowances and not salaries. He is misleading the House.

The Temporary Deputy Speaker (Mr. Mutiso): Would you clarify whether councillors get salaries or allowances?

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, we refer to what we pay councillors as allowances because they are not salaries, as such—they get only Sh. 1,200 per month. I agree that they have to attend to Harambee meetings in their wards and in their constituencies and that they cannot do very much to assist in the Harambee meetings with this little money. The Government is thinking very seriously about it, as hon. Nyaga said, to try and find ways and means of making these councils more financially viable. As this is being considered by the

[The Minister for Local Government]

Government, it would be difficult for me to say how far it has gone so far.

In fact, in order to improve the sources of revenue, I have succeeded in getting cess applied to other agricultural produce in other areas. Councils in Central, Eastern and a few other provinces have been collecting cess in respect of coffee but, at the moment, it has been agreed that even those farmers who grow maize, tea and other agricultural produce will have to pay cess. This is one way of finding sources of revenue for the councils.

I also agree that we are discussing how we can maintain or improve services in big towns like Nairobi by introducing a sort of taxation. As you may be aware, in a place like Nairobi, the population has grown beyond our imagination. It has grown so rapidly that we were caught unaware. It came without planning, and we are trying to catch up with the times, especially in the supply of water. We are approaching donor countries because the Nairobi City Commission, having lost grants-in-aid from the Government and many other sources of revenue which made it very rich such as the Graduated Personal Tax, finds it very difficult to serve wananchi adequately in view of the increasing population.

I have noted the question of roads and nursery schools. Nursery schools in rural areas are the responsibility of my local authorities—county councils. However, in urban areas too, it is the responsibility of municipalities, town councils and urban councils. The local authorities, especially county councils, find it very difficult to run a large number of nursery schools, but I will make sure that when their financial position improves, the position will also improve in as far as nursery schools are concerned.

I have made a special note on plots and plot allocation throughout our urban centres in our Republic. I sent out a circular in 1984 saying that in each district, the chairman of plot allocation will be the district commissioner. In his committee, he can have the chairman of the county council, the mayor, and also the town clerk. I made it clear that at the provincial headquarters, the chairman of the plot allocation in places like Kisumu, Nyeri, Mombasa, Kakamega, Nakuru and so on will be the provincial commissioner. If there are any weaknesses of people grabbing the remaining plots in our urban centres, which are intended to be for future development, I will find that out from the chairman, on whom I have entrusted this responsibility. Mr. Temporary Deputy Speaker, Sir, in addition, the Commissioner of Lands—

Mr. Karuri: On a point of order. Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to continue addressing you as "Mr. Chairman"?

The Minister for Local Government (Mr. Mudavadi): I did not quite get the hon. Member's point of order, Sir.

The Temporary Deputy Speaker (Mr. Mutiso): The point of order he was raising is that you are referring to the Chair as "Mr. Chairman".

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I was referring to the chairmen of the plot allocation committees who are the district commissioners and the provincial commissioners, but I apologize if it was misunderstood.

Mr. Temporary Deputy Speaker, Sir, I would like to say—

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker, Sir. When the Minister was moving this Motion, I thought I heard him say that the councillors in the former Nairobi City Council grabbed so many plots, but could he tell us how many city commissioners have grabbed plots since the Nairobi City Council was dissolved. There are so many of them!

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Chepkok, that is not a point of order. It is really a point of argument.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, from the time I dissolved the Nairobi City Council in March, 1983, I have not allowed any plot allocation to take place.

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

The Temporary Deputy Speaker (Mr. Mutiso): Yes, Mr. Shikuku.

Mr. Abuya-Abuya: On a point of order. Mr. Temporary Deputy Speaker. Hon. Chepkok has categorically said—

The Temporary Deputy Speaker (Mr. Mutiso): Order Mr. Abuya-Abuya! I called Mr. Shikuku.

Mr. Abuya-Abuya: Hon. Chepkok made a very serious allegation that the city commissioners have been grabbing land. Could he substantiate the allegation?

The Temporary Deputy Speaker (Mr. Mutiso): Order Mr. Abuya-Abuya! You are out of order because I did not call you.

(Mr. Abuya-Abuya kept on standing)

The Temporary Deputy Speaker (Mr. Mutiso): Will you sit down, Mr. Abuya-Abuya! Yes, Mr. Shikuku.

Mr. Shikuku: Mr. Temporary Deputy Speaker, I do not know when hon. Abuya-Abuya became Mr. Shikuku. Nevertheless, Sir, I thank you very much for giving me this chance to stand on a point of order to request my good friend, hon. Chepkok to substantiate his allegation. I am saying this because he stood up and made a very categorical statement to the effect that the present city commissioners have looted plots. The word "looted" might not have been used, but I think he said that they have grabbed plots. Could he substantiate that allegation?

The Temporary Deputy Speaker (Mr. Mutiso): I ruled him out of order in the first place and therefore, we cannot pursue that point further.

Mr. Abuya-Abuya: On a point of order, Sir—

The Temporary Deputy Speaker (Mr. Mutiso): No! No!

Mr. Abuya-Abuya: I do not know why the Chair is so impatient today because we are raising matters which are very important to the nation, but the Chair does not seem to give us any hearing. Hon. Chepkok made a very categorical statement and he should be asked to substantiate it.

The Temporary Deputy Speaker (Mr. Mutiso): What is your point of order, Mr. Abuya-Abuya?

Mr. Abuya-Abuya: My point of order, Mr. Temporary Deputy Speaker, Sir, is that hon. Chepkok has categorically stated the present city commissioners have grabbed plots which is a very serious allegation. In this case, there are—

The Temporary Deputy Speaker (Mr. Mutiso): Order, Mr. Abuya-Abuya! I must rule you out of order because the point which hon. Chepkok raised was not in order and therefore, you cannot go back to it. Will you continue, Mr. Mudavadi.

The Minister for Transport and Communications (Mr. Magugu): On a point of order. Mr. Temporary Deputy Speaker, Sir. Hon. Abuya-Abuya, has made a very categorical statement. I do not know why—

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker—

The Temporary Deputy Speaker (Mr. Mutiso): What is wrong with you, Mr. Chepkok. The Minister is on a point of order.

The Minister for Transport and Communications (Mr. Magugu): Mr. Temporary Deputy Speaker, Sir, I do not really know whether it is in order for an hon. Member to state categorically that the Chair is impatient when the House is satisfied that the Chair is not impatient at all. I do not know what really made the hon. Member make such a statement. Could he withdraw that statement, Sir?

The Temporary Deputy Speaker (Mr. Mutiso): I think the Chair is quite patient and to show that the Chair is quite patient, we will just ignore him so that we can continue. Continue, Mr. Mudavadi.

Mr. Chepkok: On a point of order, Mr. Temporary Deputy Speaker—

The Temporary Deputy Speaker (Mr. Mutiso): No! Will you sit down, Mr. Chepkok!

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, with regard to plot allocation, I would like to say that in all our urban centres, the Commissioner of Lands is also empowered, even if people have developed their plots, to acquire that land when there is a Government project which requires land, and pay compensation to the owner or owners of that land.

Mr. Temporary Deputy Speaker, Sir, I have noted the question of revenue collection. I have also noted the points raised regarding rates and the elevation of county councils. Sir, I am aware of the problem facing Kikuyu Township. It is true as hon. Kinyanjui said—I agreed that there is a problem here and visited the area but a number of councillors refused to accept that the reason why the urban council could not be established at Kikuyu Trading Centre, was because the boundary had encroached on people's land which was planted with coffee. As a result I decided to suspend the establishment of an urban council at Kikuyu until the matter is resolved by the county council of Kiambu.

Mr. Temporary Deputy Speaker, Sir, I have noted the point raised about the former Nairobi City Council ranging from salaries, rates, and so on, and I will see to that point. I have talked about cess which applies to the entire Republic and has had to include more agricultural products other than coffee.

Mr. Temporary Deputy Speaker, Sir, with regard to water, it is true that we are doing all we can through friendly donor countries to get money for sewerage and water supply in most of our urban centres. For instance, we are going to spend a lot of money very soon to prepare for the year 2000 when the population of Nairobi will be very large. So, we have to get donor agencies like the World Bank to give us the money we require. This applies to all other centres like Mombasa, and so on.

As far as fire-fighting equipment is concerned, we are doing all we can. The British Government did donate a grant of 9 small AA fire-fighting equipment with small Land Rovers but we are expecting larger vehicles which can put off fires on tall buildings. I have already approached donor countries for this particular item. With regard to garbage collection vehicles, we have been moving pretty fast and we will soon be having garbage collection vehicles in a number of local authorities like Nakuru, Eldoret, Nairobi and Mombasa. In fact, in Mombasa, as an interim measure, we have already got a company which has bidden for the supply of these vehicles and we shall be getting them soon. We are getting them soon before we can get assistance from other donor countries outside Africa.

Now, talking of cleanliness in this City and in many other towns, Sir, I would like to say that a private contractor will need money, and it is not possible today to do so unless the councils have the money to employ a private contractor to collect garbage. What I need is what I have ordered for. I have already ordered for more garbage collection vehicles.

Now, if a private contractor takes over, you cannot assure me that the people who are now employed as casuals or manual employees in the city commission or any other town will be given a job. They will have to be laid off. They will not

[The Minister for Local Government] be given a job with a contractor. It is a case which I have to study very carefully even if the funds are made available.

Sir, I have noted the state of street lights and housing facilities. I am in the process of strengthening the Local Government Loans Authority so that a lot of my local authorities can benefit by getting loans from this fund which carries only 3½ per cent interest repayable in 30 years time. I have made a note of that, and I will do what I can to make sure that it is strengthened.

Sir, planning is very important, and I have made a note of it. As I have promised, I will try to get in touch with the Ministry of Works, Housing and Physical Planning and see how this can be done. I have about 106 local authorities and I would like to see how many they are able to plan for, and indeed for the new ones about 32 of them—which will be coming up next year.

Sir, I, therefore, ask for a sum not exceeding K£5,137,340 to be approved by this House from the Consolidated Fund to enable my Ministry to meet expenditure for the year ending 30th June, 1988.

Sir, I beg to move.

(Question put and agreed to)

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

IN THE COMMITTEE

[The Temporary Chairman (Mr. Karauri) took the Chair]

VOTE 12—MINISTRY OF LOCAL GOVERNMENT

The Minister for Local Government (Mr. Mudavadi):

Mr. Temporary Chairman, Sir, I beg to move:

THAT, a sum not exceeding K£5,137,340 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1988, in respect of:

VOTE 12—MINISTRY OF LOCAL GOVERNMENT

(Question proposed)

RECURRENT EXPENDITURE

Head 360—Headquarters Administrative Services

Mr. Angatia: Mr. Temporary Chairman, Sir, there is a small point here which I would like to be explained because I do not understand it. On page 270, Head 360, item 603. It says "Nomination Fees". It was not there in 1986/87 Financial Year. What are these "Nomination Fees?" They were not there last year, but they are there this year. I do not know what "Nomination Fees" these ones are for which the Minister is going to receive K£20,000. Is it Appropriations-in-Aid?

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, Sir, this is the money

expected to come from the councillors during the General Elections nomination.

(Heads 360, 362, 367 and 372 agreed to)

(Sub-Votes 120, 122 and 124 agreed to)

(Vote R12 agreed to)

DEVELOPMENT EXPENDITURE

Head 360—Headquarters Administrative Services

Mr. Angatia: Mr. Temporary Chairman, Sir, I have a small question again on page 271, Head 360, item 154 and also item 961. This is the same item. What I am asking is what is "Small Towns Sectoral Planning"? What is involved, and which towns are involved here?

The Temporary Chairman (Mr. Karauri): Mr. Minister, hon Angatia is referring to page 221, Head 360, items 154 and 961. He wants to know which small towns you are talking about here.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, the small towns that I am talking about here are about six, but I cannot really remember the names. However, the priority is on the six small towns.

Mr. Shikuku: Mr. Temporary Chairman, that is a very serious matter. The hon. Minister has his officers lined up there and he should consult them and tell us exactly which small towns he is talking about here. Does that include Butere and other places? We must know for what purposes we are voting money here. Could the Minister's officers not be kind enough and furnish him with that very important information?

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, these are towns which are smaller than Nairobi or Nakuru. If the hon. Member wants details, I will be able to supply him with them at a later date.

Mr. Shikuku: Mr. Temporary Chairman, when shall the information be supplied to us? We are now in the Committee Stage and there is no other stage after this. It is either we vote and give the whole amount or we get the Vote reduced by one pound. I hope the Minister will not force me into reducing K£1 from this Ministry so that we get an opportunity to have a full debate on his Ministry. We must be given the information now and not later.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, Sir, the small towns referred to here are Iten, Mandera, Garissa, Homa-Bay, Embu and Ruiru.

Mr. Angatia: Mr. Temporary Chairman, my original question was about what is really involved here because the same item appears in both the issues and Appropriations-in-Aid. That is why I referred to items 154 and 961. Who is giving the money and who is spending it? What is actually involved?

[Mr. Angatia]

The explanation that is in brackets does not match with G.T.Z., and that is why I wanted to know the meaning of this abbreviation. Why is the amount being voted and, at the same time, being received?

The Temporary Chairman (Mr. Karauri): Mr. Minister, the hon. Member wants to know what G.T.Z. is in full.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, G.T.Z. is a term we use for these needy towns where the councils are very poor compared with other councils' finances.

Mr. Michoma: Mr. Temporary Chairman, I would like some clarification from the Minister. When he read the list of the towns he refers to as small, he included Embu when, in fact, we know that Embu is not a small town. It is a municipal council. Did he mean Runyenjes or Embu Municipality? I think he should clarify that because Embu is not a small town.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, I did not want to say Runyenjes; I meant Embu. Of course, I have not included other poor county councils like Wajir, Turkana and others. Although I have listed six small towns only, there are more councils which are poor. The finances of Embu Municipality are not as good as those of other municipalities. When you come to county council of Embu, you find that Tabere, which is a dry area, has not been properly looked after.

The Temporary Chairman (Mr. Karauri): Mr. Minister, hon. Angatia also wanted to know where you are going to get the K£400,000 from.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, we normally submit the names of the poor councils and we receive the money from the exchequer.

Mr. Shikuku: Mr. Temporary Chairman, the first question by hon. Angatia has not been answered. What does the abbreviation G.T.Z. stand for? We would like to be educated on that.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Chairman, Sir, there are small towns which may not be in a position to finance some needy projects. As a result, such councils are assisted by grants from general finance. G.T.Z. is an abbreviation used for general finance.

(Head 360 agreed to)

(Sub-Vote 120 agreed to)

(Heads 364, 365, 368, 369 and 370 agreed to)

(Sub-Vote 125 agreed to)

(Vote D12 agreed to)

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Committee of Supply do report to the House its consideration of Vote 12—Ministry of Local Government and its approval thereof without amendments.

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

[The Temporary Deputy Speaker (Mr. Mutiso)
(in the Chair)]

REPORT

VOTE 12—MINISTRY OF LOCAL GOVERNMENT

Mr. Karauri: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered Vote 12—Ministry of Local Government and approved the same without amendment.

The Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said resolution.

The Minister for Industry (Dr. Ouko) seconded.

(Question proposed)

(Question put and agreed to)

MOTION

DISAPPROVAL OF SESSIONAL PAPER NO. 7: LOAN GUARANTEE TO KENYA PORTS AUTHORITY

THAT, this House resolves not to grant approval to the proposed Government guarantee of a loan to the Kenya Ports Authority as contained in Sessional Paper No. 7 of 1987 laid on the Table on July 14, 1987.

(Mr. Shikuku on 29th July, 1987)

(Resumption of debate interrupted on 15th October, 1987)

The Temporary Deputy Speaker (Mr. Mutiso): Mr. Shikuku will continue.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, I was just about to conclude my speech when this question of the Appendix took the upper hand in the business of the House for that day.

Mr. Temporary Deputy Speaker, Sir, I am glad to say that I am now in a position to comment on the Appendix which was not laid on the Table alongside the Sessional Paper mentioned in the Motion under discussion now. Looking at this Sessional Paper I find it difficult to believe what the Minister for Finance was telling the House namely, that it is all in clause 9. I have looked at it and I have got some questions to ask here, though that may not change my attitude altogether. This is because it adds nothing apart from aggravating the whole situation. They have given a break down of the cost as follows: They say here that the implementation period is from 1986 to 1990 and works will cost a sum of KSh. 136.6 million. With regard to the contingencies which the Minister should have explained—and he did not explain—they say that this will cost KSh. 19.6 million. They are also talking about price increase and they have put it at KSh. 10.3 million. You can see that they are already speaking in terms of increasing the prices. This is where we lose a lot of money.