

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 1st March, 2012

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PETITION

PROPOSED REFORMS IN KENYA BROADCASTING CORPORATION

Mr. Mbadi: Mr. Speaker, Sir, I would like to present a petition on behalf of the staff of Kenya Broadcasting Corporation (KBC) on the proposed reforms to the KBC.

We the undersigned citizens of the Republic of Kenya, registered voters, taxpayers and staff of the KBC having authorized the Member for Gwasi, Mr. John Mbadi to present this Petition to the National Assembly on our behalf draw the attention of the House to the following:

1. Whereas Article 34(4) of the Constitution provides that all State-owned media should be free to determine independently the editorial content of their broadcast or other communications, be impartial and afford fair opportunity for presentation of divergent views and dissenting opinion, the KBC established by the Kenya Broadcasting Corporation Act, Cap.131 operates in an environment of interference, political manipulations and competitive and low employee terms of service and oppressive wages.
2. That the management of KBC has over the years failed to address the grievances of their staff and instead resorted to victimization whenever a member of staff raises a concern.
3. That the KBC has been mismanaged leading to brain drain, loss of revenue, and lethargy amongst members of staff.

Therefore, your humble petitioners pray that the Parliament of the Republic of Kenya:

1. Do investigate the Corporation with a view to establishing the factors that have led to the current state of affairs at the KBC;

2. Do investigate the concerns related to the welfare of staff of the Corporation with a view to addressing their grievances and offering a long-term solution;

3. Do review the Kenya Broadcasting Corporation Act, Cap.131, with a view to harmonizing the law with the Constitution and strengthening the competitiveness of KBC.

Your petitioners will forever pray.

Mr. Speaker, Sir, this is presented on behalf of the petitioners by hon. John Mbadi, Member of Parliament for Gwasi. I signed the Petition yesterday, 29th February, 2012. There are signatures of 248 members of staff of the Corporation.

Mr. Mungatana: Mr. Speaker, Sir, I rise to support this Petition that has been very well presented by hon. Mbadi. I would like to say, in support of this Petition, that we inherited the practice of having a national broadcaster from our former colonial masters. If you look at the

way the BBC is structured, the way it is held in respect and the way it is treated as a State corporation, there are good things that we need to emulate from that broadcasting corporation.

Some new thing crept somewhere along the way saying that the KBC must make profit. However, you cannot compare a national broadcaster with other commercial stations. They have a duty far and above making money. This petition is in place and we will support it as a House.

Mr. C. Kilonzo: Mr. Speaker, Sir, as I support this Petition brought by my good friend, hon. Mbadi, I must say that we, the political class, have been accused of going to bed with the private media houses and ignoring our national broadcasting station. Today, the KBC is being referred to by the staff as *Kazi Bila Chakula*. Yesterday, the Assistant Minister stated that no action would be taken against the members of staff who are on strike. However, on the same day, the Managing Director gave a notice to the members of staff saying that he was going to sack them. This is against what the Assistant Minister said in the House!

As this matter is being referred to the relevant departmental Committee, this strike reminds of the strike by the doctors. That strike was not only about benefits and salaries; rather it was about improvement of facilities. We are now faced with a similar strike where employees are saying that it is not just about what they take home, but it is also about improving the facilities so that KBC can become a modern day station.

Mr. Speaker, Sir, this Petition is more than timely, and I support it.

Eng. Rege: Thank you, Mr. Speaker, Sir, for giving me this opportunity to also support my colleague, hon. Mbadi. The grievances of KBC have not been taken seriously by the Government. First of all, KBC is employing far too many individuals as there are many Kenyans who really need jobs. It cannot, therefore, be expected to compete in the media business so as to make money enough to pay the staff. My Committee has recommended several times that the Minister for Finance takes serious action and approach the Government of Japan to write off a huge bill resulting from equipment that was dumped in this country many years ago. I am talking about the AM Radio Equipment which consumes over Kshs30 million in power.

Mr. Speaker, Sir, the Treasury has not taken any action in this regard. It will be prudent that the Minister takes action by contacting the Japanese Government to let this thing go. This is because this equipment was brought into the country when that technology was already obsolete. Why did the Government of Kenya buy this equipment? This is causing a huge financial burden to the corporation.

I beg to support.

Mr. Njuguna: Mr. Speaker, Sir, this is a very critical Petition and it calls for a very urgent attention by the Government because it affects an important segment at the Corporation. We know that KBC is our pride and heritage, but it has become a laughing stock of this nation. The operations at KBC must be streamlined effectively. This Corporation has accumulated a lot of debt that have demoralized the workers who are currently underpaid. If you look at these workers, they are not comparable to their counterparts working for other stations in this country. Therefore, this Petition is very important and timely.

Mr. Speaker: Member for Ikolomani and then we will come to the Minister and really we must close this matter.

Dr. Khalwale: Mr. Speaker, Sir, I would like to support this Petition. I note that KBC enjoys funding from the Government. It also realizes huge amounts of money through collections from Appropriations-in-Aid (A-in-A). Therefore, the issue of financial management comes to question at this Corporation. You know very well as the chief of this institution that the services that we are enjoying here are not for free. The millions of shillings that Parliament has been

paying is part of the collection as A-in-A and because this has been going on for three years plus, we would be interested to know how this money has been utilized.

Finally, maybe, this is the time for the Government, and mainly the President and the Prime Minister, to ask themselves whether or not they want to leave a legacy in this country whereby the only time they respond to matters of welfare of members who serve the Government is when those people go on strike.

I beg to support.

The Assistant Minister for Information and Communications (Mr. Khaniri): Mr. Speaker, Sir, I rise as the Assistant Minister in charge of this particular corporation. At the very outset, the concerns that have been raised in the Petition by hon. Mbadi are very genuine and it is important that, as Government and Parliament, we look into these concerns seriously and address them once and for all.

I want to cite the third concern where the hon. MP is requesting that we review the Kenya Broadcasting Corporation Act, Cap.131. I support this fully. It will be the responsibility of this Parliament to do this particular task. My Ministry is going to take the initiative to see that we review this Act so that it is in tandem with the current times and the Constitution.

Mr. Speaker, Sir, KBC is the national broadcaster. It is a very important component of this country and it must, therefore, be supported fully both in terms of budgetary allocation and advertisements by Government institutions and Ministries. It saddens me to learn that less than 10 percent of the money spent by Government Ministries and departments come to KBC. This is not supporting the corporation. I am on record on the Floor urging Ministries and Government departments to carry out their advertisements through the national broadcaster.

In response to what hon. C. Kilonzo alluded to, it is true that I was very loud and clear on Floor saying that no employee of KBC will be victimized. I still stand by that and I want to give that assurance that no employee will be victimized. I am having a meeting with the striking employees tomorrow morning to see if we can get solutions to their grievances. I want to reiterate that once we get the solutions, no employee will be victimized.

Lastly, I want to appeal to the striking employees that as a Ministry, we are looking into their grievances. I am confident that we will come up with solutions to their problems. We appeal to them to remain calm at this very difficult time for them. Their problems are being looked into.

Mr. Speaker: Hon. Members, I refer this petition to the Joint Committee on Energy, Communications and Technology and the House Broadcasting Committee. That joint Committee will be co-chaired by the hon. Member for Karachuonyo and the hon. Member for Rarieda. Please investigate into this matter and table your report in the House within 21 days given the nature of the matter and its implications. I expect that you will do so expeditiously and perhaps table your report as much as possible close to 10 days from today because it is an urgent matter. That is so directed.

Next Order!

QUESTIONS BY PRIVATE NOTICE

SHORTAGE OF JUDGES IN BUNGOMA HIGH COURT

Dr. Khalwale: Mr. Speaker, Sir, I beg to ask the Minister for Justice, National Cohesion and Constitutional Affairs the following Question by Private Notice.

(a) Is the Minister aware that Advocates at the Bungoma High Court have been boycotting court sessions since 2011 in protest of the shortage of judges at the court?

(b) What measures will the Minister take to arrest the situation, which is denying Kenyans access to justice?

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Mr. Speaker, Sir, I beg to reply.

(a) The Minister is aware of the challenges facing the Bungoma High Court and the advocates who practice there have expressed their displeasure about this situation through boycotts of the court.

(b) The honourable Chief Justice held a meeting with the Bungoma Branch of the Law Society of Kenya (LSK) members on 4th October, 2011 with a view to developing a common understanding and a common approach to addressing challenges experienced in the administration of justice particularly in the Bungoma Law Courts.

The following measures have been taken into account to address the situation:-

- (i) A chief magistrate has been posted and reported to the Bungoma Law Courts on 1st December, 2011.
- (ii) A magistrate and a Kadhi have also been posted to the station and are due to report on 5th March, 2012.
- (iii) Amendments to the Judicature Act, Chapter 8 of the Laws of Kenya, have been proposed through the presentation to this House of the Judicature (Amendment) Bill, 2011 which underwent its First Reading on 20th December, 2011. The object and the purpose of this Bill is to amend the Judicature Act to increase the number of judges of the Court of Appeal from 14 to 30 and those of the High Court from 70 to 150 in order to increase the capacity of the judiciary and thereby improve the level of dispensation of justice and judicial services.

Dr. Khalwale: Mr. Speaker, Sir, the sad situation in Bungoma is partly due to the shortage of judges in the country but also due to poor administration. Under the new Constitution, we expected that Justice Willy Mutunga would live true to the spirit of justice. There are 94 High Court Judges in Kenya, 28 of them are in Nairobi which has a population of about four million people. Bungoma with a population of just below two million people has got only one judge. Kakamega with a population of around two million has only two judges. If there was proper administration, the very least you will expect in Kakamega would be 14 judges and 12 judges in Bungoma. But be that as it may, given that the Chief Justice has 94 High Court Judges, could the Assistant Minister direct him to rearrange those judges so that Nairobi does not seem to be the only preferred place for people to file cases?

Mr. Cheptumo: Mr. Speaker, Sir, I would like to agree with my colleague here that the Kenyan people in Bungoma and indeed in most parts of the country are not getting access to justice because of the fact that we do not have enough judges. The situation is so serious in this country because it is not only in Bungoma where we have this problem. There is a problem in Meru, Embu, Kerugoya, Kisumu, Kisii and other areas. That is the reason why we have now been able to present an amendment to this House so that we can amend the Judicature Act so that we increase the judges to 140. This is an action in the right direction. That Bill is coming for the Second Reading very soon. If we pass that one, then the issue of shortage of judges shall be a problem of the past. So, I would like to appeal to my colleagues in this House who are facing a similar problem that we understand the situation. The setting of the number of judges is done under legislation. The Judicature Act is the limiting factor and we are going to increase. I believe

that we are going to have that passed as soon as possible because once we pass the law, we will have a judge going to Bungoma.

Mr. Speaker, Sir, for me to direct the Chief Justice to rearrange is a proposal that can be taken but I would like to say that what is more important is to have a permanent solution to that problem.

Mr. Olago: Mr. Speaker, Sir, the issue of staffing high courts outside Nairobi with sufficient number of judges has been pending for a very long time. The fact that Nairobi enjoys a large number of judges than anywhere else in the country has been a cause of concern. I had the privilege to serve as the chairman of Western Law Society for several years and in 1999, magistrates and advocates in Bungoma High Court had a strike against Justice Mary Ang'awa. It took my intervention to talk to the advocates in Bungoma to sit down and talk with Justice Ang'awa. So, as much as the amendment to the Judicature Act may help, the issue raised by Dr. Khalwale has got to be addressed.

That aside, the issue that needs to be addressed also is how to let advocates know that their job and their training entails facing these challenges head on and not boycotting. To boycott by an advocate in my view is an act of cowardice. Instead of advocates in Bungoma boycotting, they should hold consultations and dialogue not just with the Chief Justice but with the Registrar of the High Court as well so that their grievances are addressed in a structured manner and not by boycott.

Under these circumstances, is the Assistant Minister willing to give an undertaking to this House that he is going to push through the House Business Committee for the Judicature (Amendment) Bill to come before the House as soon as possible?

Mr. Cheptumo: Mr. Speaker, Sir, let me start with the last item. We will request the House Business Committee to bring the Bill to the House as soon as possible so that we are able to pass this law. The Chief Justice took a step and held a meeting with lawyers in Bungoma on 4th--- In that meeting, he appealed to them to understand the situation and proceed with the matters in court. In that meeting, he promised that immediately we recruit the next judges, one would be posted to Bungoma. He also promised to post a chief magistrate there which he immediately did as soon as he came to Nairobi. I would like to agree with my learned senior that these are issues that are beyond us at this point in time but steps are being taken so that we can get a solution.

The issue of relooking at the number of high court judges in Nairobi with a view to realigning the postings is a proposal that I think can be considered. I can be able to share with the Chief Justice because it is for the betterment of the Kenyan people. My appeal to my learned colleagues in Bungoma is that we have one judge who is willing, able and available to deal with the matters in the High Court. If they could allow that this Judge be able to even dispense with some of the cases, it will go a long way. I appeal to them that they should be mindful of our Kenyan people who are facing a serious problem. I want to say that we have no option as a country. Under the new Constitution, we have no option but to ensure that we allow as many Kenyans as possible to access justice.

Mr. Mungatana: Mr. Speaker, Sir, when we used to practice in Mombasa, we also had a serious problem of backlog of cases. At that time - the law has not changed - one of the immediate measures that was taken by the then Chief Justice was the appointment of Commissioners of Assize who were able to execute the authority similar to the one of a judge of the High Court. The immediate impact was a huge reduction of the backlog of cases. What I am asking is why can the Chief Justice not appoint four or five Commissioners of Assize to reduce

this problem and add to the number of Justice Muchelule and they will be five of them. I am sure that the immediate impact will be felt. Why is the Assistant Minister saying that we have no option but to wait? Why can he not urge the Chief Justice to take immediate remedial measures and reduce the suffering of the people of Bungoma?

Mr. Olago: On a point of order, Mr. Speaker, Sir. Is it in order for Mr. Mungatana to mislead the House by asking the Assistant Minister for appointment of Commissioners of Assize when he is fully aware or ought to be aware that the issue of appointment of Commissioners of Assize was controversial because they do not know or do not owe any allegiance to the law because they are not judges in the real sense of the word?

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

Mr. Speaker: Order, Mungatana! Let the Assistant Minister respond.

Mr. Cheptumo: Mr. Speaker, Sir, thank you for that comment. As I have always been, I will be very candid here. The issue----

The Attorney-General (Prof. Muigai): On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Do you want to be informed?

Mr. Cheptumo: Mr. Speaker, Sir, being my senior, I would really appreciate that information.

The Attorney-General (Prof. Muigai): Mr. Speaker, Sir, I would like to inform the Assistant Minister that as a Member of the Judicial Service Commission, we have had very extensive discussions with the Chief Justice about the appointment of Commissioners of Assize. A list has been prepared by the LSK and has been sent to the Office of the Chief Justice. I believe that in the very near future, there will be appointments in the manner requested by Mr. Mungatana.

Mr. Speaker: Assistant Minister, proceed!

Mr. Cheptumo: Thank you, Mr. Speaker, Sir. There is nothing more useful for me to add because what the Attorney-General has said was the information that I wanted to pass on to my colleague. I think this will help in the process.

Dr. Eseli: Thank you, Mr. Speaker, Sir. As the Questioner had put it and the Assistant Minister has tried to answer, it is quite clear that the counties of Bungoma, Kakamega and Busia have actually been disadvantaged in the justice system. While we appreciate the attempts to appoint the Commissioners of Assize, could the Assistant Minister justify why there is this discrepancy in the sense that the counties of Bungoma, Kakamega and Busia that account for a population of over 4 million people are subjected to only three judges as matters stand now? Even with the current shortages, why have they allowed the situation to degenerate to that extent?

Mr. Cheptumo: Mr. Speaker, Sir, I thought that I had answered that question. I think it is important because it is still a very important Question. I said the issue of whether the Chief Justice can rearrange judges and, perhaps, see whether it is possible to post one to that region is a proposal that can be considered. But I said that we need to deal with this problem once and for all by increasing the number of the judges to 150 so that we will have a permanent solution to this problem. But still, I would like to say that it is unfortunate that our Kenyan people are facing this situation. But as I said, we should be here to give solutions now.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Assistant Minister! That Question has been asked, I think, twice, but you are not dealing with it justly. You know justice delayed is justice denied? You are looking for a permanent solution and these hon. Members are asking you that, in the short-run or in the meantime, why do you not move to exercise some equity?

Hon. Members: Yes!

Mr. Speaker: Take the population of Kenya and try and share out these judges fairly!

Mr. Cheptumo: Mr. Speaker, Sir, I said that, that is a proposal that I will take up with the Chief Justice---

Mr. Speaker: Order, Mr. Assistant Minister! You are not categorical. You have said that it is something we can consider. You have not even said "it is something you are going to consider!" So, please, be more firm than that!

Mr. Cheptumo: Mr. Speaker, Sir, let me confirm to the House that it is the proposal I am going to consider and take up with the Chief Justice.

Mr. Speaker: Yes, the hon. Member for Dujis!

Mr. Duale: Mr. Speaker, Sir, you have raised the issue of equity on this matter. Can the Assistant Minister confirm that as much as lawyers have gone on strike in Kakamega, there are parts of this country in the last 48 years or since Independence who have never seen a judge? These are areas like Marsabit, Moyale, Wajir and Mandera. Could he confirm that as much as we are discussing the issue of Kakamega, what is he doing about equity? There are those who have not even seen a judge since Independence!

Mr. Cheptumo: Mr. Speaker, Sir, first and foremost, the new Constitution is giving us a solution to that issue because there will be an intention to post a judge to every county. The other issue that hon. Duale has raised is what I have now said that we are going to ensure that the Chief Justice considers the fair distribution of judges in the meantime as we look forward to passing the law.

Mr. Speaker: Very well. Yes, the hon. Member for Ikolomani!

Dr. Khalwale: Thank you, Mr. Speaker, Sir. When the Chief Justice was in Bungoma on 4th October, 2011, members of the Law Society of Kenya (LSK) were very hopeful and it was a very nice meeting the Chief Justice. However, when the Chief Justice arrived in Nairobi, he responded by posting a magistrate and a kadhi. Can the Assistant Minister confirm to the country that the magistrate and the Kadhi he sent to Bungoma have no jurisdiction whatsoever over matters that have been referred to the High Court and, therefore, he is playing around with *wananchi* who are seeking justice and also playing around with the members of the LSK who practice in Bungoma and Kakamega?

Mr. Cheptumo: Mr. Speaker, Sir, it is true that the magistrate who was posted to Bungoma has a pecuniary jurisdiction of Kshs3 million only. The matters pending in the High Court are matters that are Kshs3 million and above in terms of value. That is why we are saying that the only solution to that problem is to post a judge to Bungoma.

The pecuniary jurisdiction of the magistrates are again set out in the relevant Act; that is, the Magistrates Court Act, Cap.10, Laws of Kenya. Unless and until we enhance that pecuniary jurisdiction, magistrates will still deal with matters for Kshs3 million and below, and the problem will still arise. So, it is because a judge has not been posted to Bungoma that occasioned the problem.

Thank you, Mr. Speaker, Sir.

(Mr. Olago stood up in his place)

Mr. Speaker: What is it, the hon. Member for Kisumu Town West?

Mr. Olago: Mr. Speaker, Sir, as we are discussing the issue of Commissioners of Assize, hon. Members seated around me were asking the hon. Assistant Minister to explain what it means. Who is the Commissioner of Assize?

Mr. Speaker: Mr. Assistant Minister, although that is not a valid point of order, but I think for the sake of empowering hon. Members with knowledge, you may proceed!

Mr. Cheptumo: Mr. Speaker, Sir, these are people who are qualified to be appointed as judges of the High Court and given powers to be able to undertake matters at the level and with the powers of a High Court Judge.

Mr. Speaker: Very well! Mr. Assistant Minister, you should have added that there are quite a number in the House who qualify!

(Applause)

Yes, the Member for Rangwe!

APPOINTMENT OF FRANCIS KIMEMIA AS
ACTING HEAD OF PUBLIC SERVICE

Mr. Ogindo: Mr. Speaker, Sir, I beg to ask the Minister of State for Public Service the following Question by Private Notice.

(a) What legal basis and procedure was used in the appointment of Mr. Francis Kimemia as the Acting Permanent Secretary in Office of the President and the Permanent Secretary and Secretary to the Cabinet and Head of the Public Service?

(b) What law provides for the appointment in an acting capacity and what are the other terms of the appointment?

(c) Why was the appointment made without the approval of the National Assembly?

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, as hon. Members will appreciate, an adequate answer to this Question would require reference to the old Constitution, the Code of Regulations and further reference to the Transitional Clauses under the new Constitution. I feel and, indeed, agree that I should get a formal opinion from the Attorney-General before I submit the answer to this House.

Therefore, Mr. Speaker, Sir, I am begging that you allow me to answer this Question next Tuesday in the afternoon.

Thank you, Mr. Speaker, Sir.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Let me hear the hon. Member for Rangwe first!

Mr. Ogindo: Mr. Speaker, Sir, I am satisfied with that position and I will patiently wait.

Mr. Speaker: Very well. In that case, the hon. Member for Ikolomani for the optimal use of our time, I direct that the Question appears on the Order Paper on Tuesday, next week at 2.30 p.m.!

(Question deferred)

Next Question by the Member for Mandera East!

UPSURGE OF INSECURITY
IN LAFEY DISTRICT

Mr. M.H. Ali: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that teachers in Lafey District are currently deserting schools citing insecurity in the area?

(b) What measures will the Minister take to avert the situation?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that teachers in Lafey District were deserting schools back in November, 2011, owing to the security situation in the area at that time and not now. The exodus of the teachers followed after a Safaricom booster and Administration Police Camps in the area were attacked on 26th November, 2011.

However, the situation has since normalized after security was beefed up within Lafey and the neighbouring Mandera East District. Out of the 42 teachers working in Arabia Primary School, Arabia Boys, Arabia Girls, Lafey Girls and Lafey Boys, only eight teachers have not reported back to work due to personal reasons and not due to insecurity because the security situation in that area has so far normalized.

(b) The following measures have been put in place to ensure that all Government workers – not only teachers – and residents operate in a secure environment. The security along the border areas has been beefed up with more regular and administration police officers posted to volatile areas within that particular district. Security patrols have been enhanced within the district; awareness campaigns are being conducted in the district through the Provincial Administration to tell the people and the workers of the prevailing security situation and encourage the residents to volunteer information on suspicious strangers.

Mr. Speaker, Sir, Government employees and other people working in the district have been advised to always seek police escort whenever they are planning to travel and already, this is happening. Joint security operations are being carried out in the area to root out suspected criminals from the area and collection of intelligence has been beefed up.

Thank you, Mr. Speaker, Sir.

Mr. M.H. Ali: Mr. Speaker, Sir, I appreciate the answer given by the Assistant Minister and acknowledge that there is some level of security enhancement. But the problem still is that the security personnel who have been posted there do not have sufficient transport. So, even if they are posted to those stations, they cannot move around and do the patrols and this still creates some fear. That could be the reason why the eight teachers that the Assistant Minister has mentioned – actually, they are not eight, they are more than that, that is only one school – could not go back to their schools. What will the Assistant Minister do to ensure that there is sufficient transport and equipment so that the regular police and the APs who have been posted there can perform their duties as required?

Thank you.

Mr. Ojode: Mr. Speaker, Sir, as far as we are concerned, we do not have any shortfall or any problem with transport. If there is any, the commandant of that particular squad would have requisitioned for it. We are ready to give once we get the requisition.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Yes, hon. Mohammed!

Mr. M.H. Ali: Thank you, Mr. Speaker, Sir. Whenever there are conflicts in pastoral communities and specifically in those parts of the northern districts, schools are worst affected in that region. Occasionally, the teachers who come from one or so of the communities that are either fighting or in conflict are displaced and some of them even volunteer to get out of service all together. We have experienced these problems in Isiolo, Marsabit and Moyale as currently seen by everybody and it must have been appreciated by this House. My question to the Assistant Minister is: What long-term measures does he have in place such that in case there are future conflicts in the rest of the country or rather there are such conflicts in these parts of the country, schools will not be disrupted so that normal learning will continue? Of course, you appreciate that these pupils sit the same examinations with the rest of the country.

Mr. Ojode: Mr. Speaker, Sir, indeed, it is true that in some areas, we have had these kind of problems. The long-term measures are as follows: One, we were thinking of establishing police posts and police stations in each and every location.

Mr. Speaker, Sir, in Rafiki area, Kimilili, Bungoma and Ndalu, we are having those similar cases of insecurity on a weekly basis. So, the best thing which we are going to do and we must do is to establish some police posts or police stations within each and every location. That will reduce the occurrences of insecurity cases.

Thank you.

Mr. Sirat: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House by saying that there is no transport problem when I hereby confirm that Wajir South District – the biggest in North Eastern Province – the APs have no even one vehicle? When Gerille was attacked recently, they could not even get transport to go and assist their fellow APs. Is the Minister in order to mislead this House?

Mr. Ojode: Mr. Speaker, Sir, we have various vehicles including those belonging to various agencies like the GSU. I have said in this House that we do not have enough vehicles simply because we are waiting for money for Police Reforms. However, we are awaiting the arrival of 60 vehicles donated by the Chinese Government. We will definitely sort out that mess once we receive those vehicles. In the meantime, I am not aware of any transport hitch within that area.

Mr. Mwangi: Mr. Speaker, Sir, while we appreciate the answer given by the Assistant Minister with regard to the fact that he is not in the Ministry of Education, there is some information that would be very important to the schools management. The schools were deserted in November last year. That means there was no teaching in the last month. Could the Assistant Minister tell the House, out of the schools he mentioned have 42 teachers, are the teachers enough? Is the staffing properly done so that the schools can recover what could have been lost last year?

Mr. Ojode: Mr. Speaker, Sir, you will realise that that question belongs to the Ministry of Education. My question is whether I can provide enough security officers to guard the residents together with the teachers, the students and the area at large. I am saying that we will provide security and we have provided security. That incident happened in November. As we speak, there is enough security and there is no cause of alarm.

Mr. M.H. Ali: Mr. Speaker, Sir, indeed, this Question is cross-cutting and it was originally addressed to the Ministry of Education. I appreciate that sometime after the question appeared on the Order Paper, a District Education Officer has been posted to Lafey. However, we still have shortage of teachers. It is true that the teachers who were posted there, in the first

place, were inadequate. When some of them desert these schools, particularly the non-locals, the situation gets worse. So, we still have a problem of inadequate teachers and we want assurance from the Government that enough teachers will be posted there because this is its responsibility. Those who have left because of insecurity should be replaced whether or not that was their reason for deserting the schools.

Mr. Ojode: Mr. Speaker, Sir, I will convey the same message to the Minister responsible for education matters to make sure that he posts enough teachers to serve Lafey, Alba and the rest of the schools there. I will also provide security for the general surveillance of the area.

CAUSES OF HUSBAND BATTERING IN NYERI COUNTY

Mr. C. Kilonzo: Mr. Speaker, Sir, I beg to ask the Minister, Ministry of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) How many men have been battered by their wives in Nyeri County over the last three (3) years?

(b) What causes husband battering in the county?

(c) What urgent action the Government is taking to discourage the menace?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) A total of five cases of husband battering have been reported in Nyeri County over the last three years.

(b) The following reasons may be attributed to cases of husband battering;

(i) inability to satisfy sexual needs of their spouses;

(ii) over indulgence in illicit brews;

(iii) infidelity;

(iv) communication breakdown between spouses;

(v) inability by the husbands to provide for their families;

(vi) stress related to lack of employment and lack of money;

(vii) lack of economic empowerment leading to high levels of unemployment amongst men in that county; and,

(viii) overburdening the women with family responsibilities.

(c) The following measures are being taken to discourage the menace. We have ordered for the crackdown on illicit and second generation brews; empowerment of unemployed men and youth to enable them earn a living through the Youth Enterprise Fund (YEF), sensitizing members of the public on harmonious co-existence among other religious gatherings and public *barazas* and poverty reduction initiatives through the *Kazi Kwa Vijana* (KKV) projects.

Mr. C. Kilonzo: Mr. Speaker, Sir, many cases of husband battering or husbands being beaten by their wives go unreported not only in Nyeri County but all over the country. The Government seems unable to deal with the problem of illicit brews. In parts of my constituency, brewing has been taking place since time immemorial. Why is the Government not able to totally crackdown on these illegal brews?

Mr. Ojode: Mr. Speaker, Sir, it is true that this problem is not just confined to Nyeri County. It is a countrywide problem. We have instructed the police, the chief and assistant chiefs to make sure that they crack down on illicit brews within their areas of operation. Within the performance contracts that the DOs and the DCs signed, we agreed with them that they will make sure that no local brews will be brewed within their localities. We will have to do something to the managers who are supposed to be collecting and destroying local brews in areas where we still have them.

Mr. Linturi: Thank you, Mr. Speaker, Sir. I really sympathize with the people of Nyeri County because of this kind of problem. However, because they belong to this country, we are willing to assist them but before we do that, the Assistant Minister has to clearly make this House and the country understand exactly what the main problem is. In his answer, I do not find him being serious in trying to sort out the problem of men in Nyeri County. If the problem that he attributes to husband battering in Nyeri County is the inability to satisfy sexual needs of their spouses, I would have been happier if in the answers that he gave us, he told us what the Government is doing to discourage this menace. Maybe he should have told us in his answer that he is liaising with the Ministry of Health to give these men boosters like Viagra and something else to give more energy to the men of Nyeri to attend to their needs. Is the Assistant Minister considering giving the men from Nyeri County these boosters so that they can service their women?

Mr. Ojode: Mr. Speaker, Sir, ordinarily, if you drink the local brew without eating something, you will be weak. They become weak simply because they drink from morning to evening. Even if we were to advise the Ministry of Health to provide boosters in an empty stomach, it will still not work.

The Minister of State, Ministry of State for Development of Northern Kenyan and Other Arid Lands (Mr. I.E. Mohamed): On a point of order, Mr. Speaker, Sir.

Mr. Ojode: Mr. Speaker, Sir, the Minister can only inform the Government.

(Laughter)

The only thing we need to do as a Ministry is to crack down on the supply of local brews not only in Nyeri County but countrywide so that people do not drink from morning to evening. In any case, we had a Bill here popularly known as “The Mututho Bill” which also dictates the time alcohol should be taken. That was the essence of that Bill so that we have shorter time for drinking. We encourage people to go to their families.

The Minister for the Development of Northern Kenya and Other Arid Lands (Mr. I.E. Mohamed): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Minister! You notice that, that is a Question that is being answered by your colleague.

The Minister for Development of Northern Kenya and Other Arid Lands (Mr. I.E. Mohamed): Mr. Speaker, Sir, what the hon. Member is---

Mr. Speaker: Order! Minister, you will be treading on very dangerous ground. You know you can run the risk but, maybe, you better take some advice from hon. Munya before I allow you.

(Mr. Munya stood up in his place)

Order! Order! I asked the good Minister for the Development of Northern Kenya and Other Arid Lands to take some advice from you before he rises on a point of order.

Proceed, hon. Mureithi!

Mr. Mureithi: Mr. Speaker, Sir, whereas I sympathize with the men of Nyeri where I was born, I feel very bad that, maybe, the women are battering their husbands. But the factors that the Assistant Minister has brought forward can be dealt with right from the word go. At the moment, there is a Bill which is with the Ministry headed by hon. Dalmas Otieno, regarding counseling psychology. If we were to introduce psychology right from the word go, like they do in the developed world, maybe, some of these issues that come into homes would be dealt with at the grassroots level. That is because after it was reported in Nyeri---

Mr. Speaker: Order, hon. Mureithi! You realize that you stood to ask a supplementary question.

Mr. Mureithi: Mr. Speaker, Sir, I would like to ask a supplementary question. Could the Assistant Minister then go and consult with the Minister of State for Public Service, so that they can fast-track that Bill to come to the House, so that we can introduce that part that stipulates how people should relate when they are together in a family?

Mr. Ojode: Mr. Speaker, Sir, yes, this is a joint effort which we will try to fast-track with the Minister of State for Public Service but we should not just leave it to the two Ministers. It is our own responsibility to make sure that we get rid of the local brews even within our areas. It is not a preserve of Nyeri County only. Let us join the efforts and go out there and destroy the local brews that affect the families.

Mr. Linturi: On a point of order, Mr. Speaker, Sir. I think it will be out of order for the Assistant Minister to really mislead this House that all local brews have a negative effect to a man in terms of performance. Could he tell us which local brews are affecting the men? Where I come from, there is a brew, which is made out of millet and cassava, which has a lot of potency and really assist men.

Mr. Speaker: Order! Order! Mr. Assistant Minister, you need not respond to that.
Yes, Member for Kamukunji!

Mr. Hassan: Mr. Speaker, Sir, I just think that this is a very serious matter and I am sorry that some hon. Members are trivializing it. It is not just the question of men and women. But it is a serious problem that is affecting the people of Nyeri and other parts of this country; that requires a comprehensive and much serious effort from the Government to deal with, in terms of protecting and providing support for the victims and finding a comprehensive answer. That way, we will overcome the ills that the Assistant Minister has spelt out in his list. That is because it is simply not the issue of men's impotence, potency or wherever it is. It is much more serious and our society should take it very seriously.

Mr. Speaker: Thank you, Member for Kamukunji for a good opinion.
Hon. A. Abdalla!

Ms. A. Abdalla: Mr. Speaker, Sir, before I ask my question, I wish to urge hon. Members that this is televised live and the language that some of us are using is very inappropriate for children.

(Applause)

Mr. Speaker, Sir, having said that, what measures is the Assistant Minister taking to bring about legislative protection for both men and women. That is because it is you in the Front

Bench who have refused to bring the Family Protection Bill? When do you plan to do that, so that we can protect both male and female from domestic violence?

Mr. Ojode: Mr. Speaker, Sir, we have started generating a Bill which is going to protect the family. This House will decide on what to have in that particular Bill. It can either amend it or come up with new faces.

Mr. Kiuna: Mr. Speaker, Sir, it is true that men from Nyeri County are being battered now and then. It is also true that those men are endangered species and if we do not take emergency measures, maybe, very soon we will not have any men from Nyeri County. What emergency measures is the Assistant Minister taking to make sure that those men are not battered by either providing them with helmets, gumboots or waterproof clothing?

(Laughter)

Mr. Ojode: Mr. Speaker, Sir, you will agree that I had already dealt with that particular part elaborately and quite exhaustively.

Mr. Speaker: Yes, you have! Last question, Member for Yatta!

Mr. C. Kilonzo: Mr. Speaker, Sir, the family unit is under threat because of illicit brews in most parts of this country. It is one of causes of failed marriages which eventually affect the children of that family. The Assistant Minister and Member for Nyeri Town, hon. Mathenge, once said in this House that they have a problem of illicit brew and that, a big number of men in Nyeri sleep actually under the bed, if you know what I mean. There is, indeed, a councillor who has been going around given Kshs1,000 to every pregnant woman in that county. It is in the same county where schools are closing down because there are no children. Could the Government consider taking up this problem and, maybe, form a special body and fund it to deal with the problems affecting the family as a unit in areas where there is a serious problem of illicit brews?

Mr. Ojode: Mr. Speaker, Sir, that is a genuine concern. We will try to look for funds and constitute a committee or body to go round the country. That is because the problem is not just within Nyeri County. It is widespread. So, once we get funds, we will constitute a committee to go round the country.

ORAL ANSWERS TO QUESTIONS

Question No.1187

POSTING OF DO TO KIBAUNI DIVISION

Mr. D. Muoki asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that Kibauni Division in Mwala District has remained without a District Officer (DO) since 2007 and, if so, when will one be posted to the division;

(b) how many official vehicles are allocated to each of the four divisions in Mwala District; and,

(c) what other measures he is taking to ensure that the officers discharge their duties effectively within their vast areas of jurisdiction.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) Kibauni Division is currently being administered by the District Officer for Mwala Division. The Ministry has a shortage of 600 District Officers and has obtained authority from the Ministry of State for Public Service to recruit 215 additional district officers. Kibauni Division will be considered alongside others upon the recruitment of the 215 district officers who will report by July, 2012.

The District Officer for Mwala Division, who is currently manning Kibauni, is allocated a motor vehicle registration no.GKA 790M, a Land Rover pick-up engine No.16L05506C acquired in 2005 and is still serviceable. Motor vehicle registration No.GKA 730, based at the headquarters is also availed to the District Officer when the need arises.

The Ministry has ensured timely disbursement of Authority to Incur Expenditure (AIEs) to the districts to take care of their operational costs of fuel, airtime and stationery.

Mr. Deputy Speaker, Sir, the ministry has ensured that it comes up with resources. It is, however, important to note that resources available are inadequate. So, if we get enough funds I will even increase the supply of fuel to the expansive district which includes Mwala.

Mr. D. Muoki: Mr. Deputy Speaker, Sir, the reason why the DO Mwala is acting for Kibauni which is the other extreme end of the district is because the DO for Yathwii who has been out for training for more than a year has also been transferred. Could the Assistant Minister confirm that he is in the process of posting a DO to Yathwii and that a DO will be posted to Kibauni Division in July?

Mr. Ojode: Mr. Deputy Speaker, Sir, that is exactly what I have said but I have shortages of district officers and we have requested for recruitment and approval has been obtained for us to recruit 215 but the shortage is over 600 DOs. So I will manage, once we have recruited the Dos, to post a DO not only in Mwala but also in areas where we still have a shortage of DOs countrywide.

Mr. Keter: Mr. Deputy Speaker, Sir, it is not only in Mwala where some of the divisions do not have DOs. Even my constituency has not had one for the last five years and you have heard the Assistant Minister saying that what they are going to post is only about 215 but the shortage is 600. I want to know what criterion he is going to use in posting the 215.

Mr. Ojode: Mr. Deputy Speaker, Sir, we requested to be given authority to recruit 600 DOs. We only managed to get approval for 215 which is better than nothing. So we are saying that we take the 215 first, take them for training and then later on post them. The criterion which is going to be used among other things is expansiveness of your division, areas where there are insecurity situations and a number of other things. So those will be taken into consideration but I know a majority of my colleagues do not have DOs including the Assistant Minister himself who is speaking. I have two more divisions where we still have a shortage of DOs but I will try my level best to prevail upon the Public Service Commission (PSC) again to allow us to recruit the remaining 385.

Mr. A.H. Ali: Mr. Deputy Speaker, Sir, we have heard the Assistant Minister say that provisions have been made and DOs will be posted in due course. My question is: Has he factored in the DOs for newly created districts where those divisions are yet to be created? The same Assistant Minister has already assured that those divisions will be created for example, Sololo District which was created in 2009 yet the divisions are yet to be created.

Mr. Ojode: Mr. Deputy Speaker, Sir, in my office we have many requests for divisions to be created and the reason why we are still hesitant to create those divisions is because, among other things, we do not have or have not identified the DOs who are going to work there. I know for sure that there is a division within Homa Bay District called Nyokal which was created some time back when we were doing the Referendum and to date we have not posted a DO there. I want to assure this House that Nyokal and other places in the country will definitely get DOs. Those areas where we have not created divisions, I would request my colleagues to hold on until we sort out this mess.

Mr. Ochieng: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us when he is going to operationalise some of these divisional headquarters, for instance West Nyakach and North Nyakach, which have remained unoperationalised for the last three years? When is he going to operationalise some of these divisions using the DOs who are there now?

Mr. Ojode: Mr. Deputy Speaker, Sir, I think I had mentioned that we are going to post the DOs once recruitment has been done and we took them for training. I know that Nyakach Constituency has a shortage of about two to three DOs and it is not just Nyakach. This is phenomenal! This is a problem within us and I am assuring my colleagues that once we get the DOs we are going to post them immediately. By July each and every division should, at least, have a DO except for those who will not get who will also have to wait until we get authority from the PSC to recruit.

Mr. D. Muoki: Mr. Deputy Speaker, Sir, most of these senior Government officers occupy offices that do not befit their status and thus portray the Government in bad image. What is the Assistant Minister doing to ensure that DOs have adequate office space which is fully equipped? Is he also saying that there is a vehicle lying idle at Mwala District Headquarters waiting for a DO to ask for it?

Mr. Ojode: Mr. Deputy Speaker, Sir, I want to mention to my colleague and friend that vehicles within the district include GK A558Q, GK A79---

Dr. Nuh: On a point of information!

Mr. Deputy Speaker: Apparently, he is not interested in your information, Dr. Nuh!

Mr. Ojode: Mr. Deputy Speaker, Sir, GK A790, GK A730 which is at the Headquarters.

Mr. Deputy Speaker: Mr. Ojode, do you wish to be informed by Dr. Nuh?

Mr. Ojode: No, he is far from the Ministry of State for Provincial Administration and Internal Security!

Mr. Deputy Speaker: Proceed!

Mr. Ojode: Mr. Deputy Speaker, Sir, I was just saying that we are going to manage and try our level best to give out vehicles to make sure that each and every district officer has a working car, an office and a residential place together with a vehicle.

Mr. D. Muoki: On a point of order, Mr., Deputy Speaker, Sir. My main question was whether the Assistant Minister was aware that these DOs do not have offices that reflect their status and what he is doing to ensure that they are properly given offices. He did not reply to that! Is he in order?

Mr. Deputy Speaker: But I thought he said something about that!

Mr. D. Muoki: He did not, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Can you repeat for the benefit of the hon. Member?

Mr. Ojode: I replied!

Mr. Deputy Speaker: Why then did he say you did not? He is asking about residences and offices befitting their status.

Mr. Ojode: Mr. Deputy Speaker, Sir, I mentioned here that by the time we are posting the DOs, we will make sure that a residential house, an office and vehicle will be there.

Mr. Deputy Speaker: Fair enough!

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Is Mr. Ojode in order to mislead this House that he is going to employ new DOs and post them to district offices when we have passed a Bill that DOs would henceforth change to county and serve as county administrators and that they will be hired at the county level? Is he in order to mislead this House that he has the capacity and power to employ more DOs?

Mr. Ojode: Mr. Deputy Speaker, Sir, let me explain. I thought he was in the House, but he was not there at that time. Though we passed that Bill, the President has petitioned us saying that we had contravened the very Constitution which we are supporting. He has rejected to assent to that Bill and that is why we will come up with a National Government Bill.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid addressing the point of order by Dr. Nuh? The memorandum he is talking about remains a memorandum which this House is likely to reject as we are planning to reject it. So, he should not base his decision on a memorandum that we will reject.

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

Mr. Deputy Speaker: You are out of order, Mr. Mwangi! When the Chair is telling you “order”, you are supposed to freeze.

Mr. Mbadi, you are out of order! The Assistant Minister represents the Government which is the Executive. The Executive is signified by none other than the President. This means the President and his Government have plans. Whether those plans will be approved by Parliament or not, is a matter that will be for another day, not today.

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

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! Mr. Koech and Dr. Nuh, it will be my pleasure to send you out of the House if you rise on one more point of order when the Chair is talking.

It is in order for the Assistant Minister to indicate his plans because, for all practical purposes, the Government does want to retain the Provincial Administration as the distinct body in the manner it is, or by whatever other reforms, but different from the way the Bill was passed in the House here. Whether it is the Executive that will carry the day, or the way Parliament wanted it, it is a matter for another day.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House and quote as law the opinion of one Mr. Mutula Kilonzo on issues of constitutionality when each and every other Member in this House has an opinion as to whether a Bill passed is constitutional or not?

Mr. Deputy Speaker: Order! The constitutionality or unconstitutionality of that matter is not a matter for debate today. It will come on its own.

Next Question, Mr. Ethuro!

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

Mr. Deputy Speaker: I hope it is not on the same, Mr. Koech.

Mr. Koech: No, Mr. Deputy Speaker, Sir. You heard the Assistant Minister say before a DO is posted to a division, there must be a house, an office and a vehicle. Is he in order to mislead this House because, in my own constituency in Kosirai Division, Mosoriot, we have a District Officer who does not have a vehicle or motorcycle? He actually walks on foot. How was he posted?

Mr. Deputy Speaker: Order, Mr. Koech! This matter has been put to rest. The Chair gave you an opportunity to rise on a point of order because you indicted that it was on a different matter. That matter has been put to rest and we will move on to the next Question.

Question No.1109

NUMBER OF ACCOUNTING/ENGINEERING STAFF
WORKING IN GOVERNMENT

Mr. Deputy Speaker: Mr. Ethuro is out of the country! This Question is deferred to a day to be agreed upon between Mr. Ethuro and the Clerk's office.

(Question deferred)

Next Question!

Question No.897

CREATION OF UNIVERSITY INFRASTRUCTURE BOND

Mr. Odhiambo asked the Minister for Higher Education, Science and Technology:-

(a) whether the Government has plans to create a policy on "University Infrastructure Bond" (UIB) to raise finances to promote research and development in local universities; and,

(b) how the Government is structuring the programme considering that the achievement of "Vision 2030" requires emphasis on research and development in institutions of higher learning.

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

(a) No, the Government does not yet have any plans to create a policy on university infrastructure bond to raise finances to specifically promote research and development in local universities.

However, what we have done is to request the Office of the Prime Minister and Minister for Finance to consider floating UIBs to raise funds for the same. To the extent that some of these funds are available, they will be used to support the development of facilities and research.

We await the response of the Office of the Prime Minister and the Minister of Finance. Once the Office of the Prime Minister and the Ministry of Finance in principle is in agreement with us regarding the idea of the UIB for higher education, tertiary education and training, then we shall work together in structuring to ensure that, among other things, this money goes for research and development.

(b) Finally in terms of policy, this is one of the issues being looked at by the task force set up by the Minister on the alignment of higher education and training for science and technology. The findings of this taskforce are awaited by the end of March.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that detailed answer. However, I wish to point out one thing or two. The Minister has taken it that both the Ministry of Finance and the Prime Minister's office are going to respond positively. But on matters to do with finance they become very critical. Therefore, it is even possible that the answer to your request, could be negative. So, could he tell this House what arrangements he can make meanwhile as he awaits for the response from the two Ministries to allocate some funds specifically for research and development, especially in our public universities?

Dr. Mwiria: Mr. Deputy Speaker, Sir, already the Government is allocating resources for infrastructure development. All the new constituent colleges and universities receive an amount of money ranging from Kshs200 million to Kshs500 million every year. With regard to research, money has been put aside by the National Council for Science and Technology to the tune of Kshs500 million which is available to all researchers in universities. The amount of Kshs500 million is not a lot, but it is a beginning. There never used to be such a fund before. We are also encouraging universities as always, because they are the best placed institutions, to mobilize research resources and university researchers. So, we also encourage them, especially because it is also a requirement for research and publication. Therefore, we have put some money aside as we do that, but we will continue to negotiate with the Treasury and the Prime Minister's Office to ensure that we get to this because this might be the ultimate solution to the serious problems afflicting our universities in the area of infrastructure development and research.

Mr. Deputy Speaker: The last supplementary question on the same, Mr. Odhiambo?
Mr. Odhiambo, proceed.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, some other hon. Members wanted to contribute. Could you, please, allow them to contribute?

Mr. Deputy Speaker: It is the prerogative of the Chair to decide who to contribute and not you.

Proceed and ask your last supplementary Question.

Mr. Odhiambo: Thank you. I will oblige.

Mr. Deputy Speaker: The principle has been set.

Mr. Odhiambo: In part "b" of the reply the Assistant Minister has carefully or intentionally avoided or evaded addressing the fact that without serious research and development, our country Kenya may not be able to achieve Vision 2030. Could you tell this House what alternative methods or means we could use in the absence of research and development to achieve Vision 2030?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I could never have avoided that. One of the justifications for expanding university education in addition to allowing more young people into our universities is because we appreciate that higher education is the basis for technological advancement. So, of course, we have to put money in research and we have to support the science faculties in different ways and that is already happening with regard to the amounts of money that are already being availed to universities even for paying of teaching staff. But also we are starting new programmes that will support Vision 2030 plans in terms of providing the human resources and the research capacity to support those kinds of plans. So, that is happening. We cannot avoid it. It is extremely crucial that we have science development as a crucial pillar for Vision 2030.

Mr. Deputy Speaker: Next Question!

Mr. Odhiambo: On a point of order, Mr. Speaker, Sir. I wish to request for your indulgence because this Question seems to be raising a lot of interest in this House and it would have been fair if you allowed a few more Members to ask questions on this.

Mr. Deputy Speaker: Question No.903 by Mr. Boaz Kaino!

Question No.903

NUMBER OF ACADEMIC ATTACHES
IN MISSIONS ABROAD

Mr. Kaino asked the Minister for Foreign Affairs:-

(a) whether he could provide a list of Education Attachés in all the Kenyan Embassies, High Commissions and diplomatic missions, stating their respective stations, qualifications, positions and districts of birth;

(b) whether the officers deployed meet the minimum educational requirements to hold their respective positions; and,

(c) whether he could consider rationalizing the deployment of the officers with regard to regional and ethnic balancing.

Mr. Deputy Speaker: Where is the Minister for Foreign Affairs?

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, I am so sorry. My Assistant Minister took the answer and the Question and left the office to come and answer. I do not have the answer now.

Mr. Deputy Speaker: And you do not have your Assistant Minister?

The Minister for Foreign Affairs (Mr. Wetangula): And I do not have my Assistant Minister either. I am surprised that he is not here. I was even surprised when you called me. Could you perhaps put the Question to the end so that I look for him?

Mr. Deputy Speaker: Okay.

Next Question; Question No.1334 by Mr. Charles Keter!

Question No.1334

RECIPIENTS OF MONEY AWARDED
TO M/S PAN AFRICAN BUILDERS

Mr. Keter asked the Minister for Labour:-

(a) whether he could state how the Kshs662,993,980.06 awarded by Milimani Commercial Court to M/s Pan Africa Builders & Contractors Ltd. vide HCC No. 701 of 2005 was paid out, indicating the respective recipients, the reasons for the payments and the amount paid; and,

(b) why the lawyers who acted for the company in the suit were by-passed in the settlement.

Mr. Deputy Speaker: Minister for Labour!

Leader of Government Business or any other senior Minister!

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Mr. Deputy Speaker, Sir, I will inform the Minister and we will ensure that the Question is answered next week.

Deputy Speaker: Tuesday next week, it is so directed!

(Question deferred)

Next Question by Mr. Mahamud Sirat!

Question No.1155

MISAPPROPRIATION OF FUNDS BY ALRMP

Mr. Sirat asked the Minister of State for Development of Northern Kenya and other Arid Lands:-

(a) whether he is aware that money that was earmarked for projects in arid and semi arid areas was misappropriated by the Arid Lands Resource Management project (ALRMP) and, if so, how much was misappropriated and whether he could indicate the constituencies and districts that were affected;

(b) whether he could provide details of all projects that stalled as a result of the misappropriation and also state the number of people and animals that are affected due to the incomplete projects; and,

(c) whether he could confirm or deny that the misappropriation of funds by ALRMP has negatively affected the image and relations between the country and development partners.

Mr. Sirat: Mr. Deputy Speaker, Sir, I do not have a written answer.

Mr. Deputy Speaker: Do you wish to proceed and prosecute this Question without an answer or you wish to have a written answer before you prosecute it?

Mr. Sirat: Mr. Deputy Speaker, Sir, given the interest it is generating in the House today, I would wish to have the Question deferred to another day.

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Mr. Deputy Speaker, Sir, this Question has been deferred since August last year. All the papers were supplied. I think this is the sixth time that I am coming here to answer it. If the hon. Member was interested, he should have asked to take copies of the answers from Parliament. This Question has been listed on the Order Paper so many times but either the Member is not around or something else happens.

Mr. Deputy Speaker: Have you supplied him with a written answer?

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. M. I. Elmi): We have supplied Parliament with 15 copies of the written answer. I am talking of 1st August.

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper on Tuesday next week and the hon. Member be supplied with a written answer.

Mr. Sirat: Thank you Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Minister, can you supply the written answer to the questioner now?

(Question deferred)

Next Question, No.903 by Mr. Kaino!

Question No.903

NUMBER OF ACADEMIC ATTACHES
IN MISSIONS ABROAD

Mr. Kaino asked the Minister for Foreign Affairs:-

(a) whether he could provide a list of Education Attachés in all the Kenyan Embassies, High Commissions and diplomatic missions, stating their respective stations, qualifications, positions and districts of birth;

(b) whether the officers deployed meet the minimum educational requirements to hold their respective positions; and,

(c) whether he could consider rationalizing the deployment of the officers with regard to regional and ethnic balancing.

Mr. Deputy Speaker: Minister for Foreign Affairs!

Initially we did not have the Assistant Minister for Foreign Affairs and now we do not even have the Minister!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, we have just dispatched the Minister to go and look for his Assistant Minister who had stepped out there to make some phone calls as they are preparing for the State banquet in honour of the---

Mr. Deputy Speaker: The Question is deferred to Tuesday next week! Can you ask him to be available on Tuesday next week?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, he is back.

Mr. Kaino: On a point of order, Mr. Deputy Speaker, Sir, let me ask the Chair to come to the help of this Question. This Question has been deferred five times! In fact, it is six times. I have not even been supplied with any answer to this Question. I do not know but I think the Minister is avoiding answering the Question.

The other time they said the Question was supposed to be answered by the Ministry of Education. Let the Minister come clear. If you have put the Question on Tuesday, let it be answered on Tuesday.

Mr. Deputy Speaker: The Chair notices that the Minister is actually in the House now.

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, the questioner is a close friend of mine. I have been talking to him about this Question. This Question has come to this Floor several times. We have always been ready to answer it but for some reason it has not been answered. I know the answer but I do not have it. He knows that we have discussed it.

My Assistant Minister was here but you know we have two Heads of State and I have only one Assistant Minister. He may be busy engaged in something to do with the visits. May I apologize to the House and to Mr. Kaino and request that I answer the Question myself or my Assistant Minister at the earliest available opportunity from the Floor.

Mr. Deputy Speaker: Which is Tuesday next week!

The Minister for Foreign Affairs (Mr. Wetangula): Fine, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: You have given a firm undertaking.

May be you should have one more Assistant Minister given that the Ministry of Foreign Affairs is a business that needs a lot of engagements; you always have foreign dignitaries here.

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, I am sure the two Principals are hearing me.

Mr. Deputy Speaker: Fair enough! Question deferred to Tuesday next week!

(Question deferred)

Next order!

Eng. Gumbo: On a point of order, Mr. Deputy Speaker, Sir. On the 30th of November the Engineers Bill went through the Third Reading in this House; that is more than three months ago. This matter is causing a lot of anxiety among the professionals in the engineering industry because it has taken very long. Could I therefore, be in order if I could kindly request that your office---

Mr. Deputy Speaker: Order, Eng. Gumbo! You should have waited until the next order is read out!

Next order!

POINTS OF ORDER

(Eng. Gumbo stood up in his place)

Mr. Deputy Speaker: Eng. Gumbo, are you seeking a Statement?

Eng. Gumbo: No, Mr. Deputy Speaker, Sir. It is a point of order.

Mr. Deputy Speaker: What is your point of order?

STATUS OF THE ENGINEERS BILL

Eng. Gumbo: Mr. Deputy Speaker, Sir, on the 30th of November last year the Engineers Bill went through the Third Reading in this House and, therefore, the next stage was the Presidential assent. As you know this Bill compared to the previous Engineer's Bill had a lot of provisions that were meant to enhance the practice of engineering in Kenya and, is therefore, now causing a lot of anxiety among the practitioners of engineering in Kenya. Would I be in order to kindly request your office to help us in liaising with the relevant Ministries so that we could get to know the fate of this Bill? A lot of issues that are capsulated in this Bill are things that are going to change the engineering profession in the country.

Mr. Deputy Speaker, Sir, I thank you.

Mr. Deputy Speaker: The Chair will find out the status of that Bill itself.

Mr. Koech, please, proceed!

LEADERSHIP WRANGLES AT TJRC

Mr. Koech: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Justice, National Cohesion and Constitutional Affairs regarding the leadership wrangles at the TJRC that is denting the image of the Commission and is likely to impact negatively on its much awaited report.

Mr. Deputy Speaker, Sir, in the Statement the Minister should:-

(a) State whether the annual audit report on the Commission for the year 2010/2011 by the Auditor-General has been issued and if so, if the Minister could table and also table the Ethics and Anti-Corruption Commission Report on the activities of the TJRC if any.

(b) Why Amb. Bethwel Kiplagat has not resumed office despite having been cleared by the courts.

(c) To state what powers the Commissioners have to lock out any of their own and what actions the Minister intends to take against the Commissioners.

(d) what urgent measures he is putting in place to ensure that the Chairman of the TJRC, Amb. Kiplagat, resumes office and that the Commission completes its work and tables a report that will have been agreed to by all Commissioners and that will heal the wounds, and reconcile Kenyans as per their mandate.

Mr. Deputy Speaker: Yes, is the Minister in? Could the Deputy Leader of Government business give an undertaking?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, we will endeavour to communicate the message and have the statement by Thursday, next week.

Mr. Deputy Speaker: Thursday, next week, it is so directed.

PERSONAL STATEMENT

OFFICIAL CHANGE OF NAME BY
MEMBER FOR MAKADARA

Mr. Mbuvi: Mr. Deputy Speaker, Sir, I wish to make the following personal statement pursuant to Standing Order No.76.

Mr. Deputy Speaker, Sir, I wish to inform the House that I have changed my names to Mbuvi Gedion Kioko Mike Sonko.

Mr. Deputy Speaker, Sir, secondly, I table the following documents in this regard:-

1. Sworn affidavit.
2. Duly registered deed poll in change of name.
3. Statutory declaration of identity
4. Kenya Gazette.

Mr. Deputy Speaker, Sir, I am also in the process of adding the initials "MBT" to my names. Thereafter my names shall read: Mbuvi Gedion Kioko Kivangulya Kiviyatu Nangelesi (MBT) meaning "*Mkamba Born Town*"

Thank you.

(Mr. Mbuvi laid the documents on the Table)

POINTS OF ORDER

KIDNAPPING OF GOVERNMENT OFFICIALS
BY *AL SHABAAB* MILITANTS

Mr. Mbuvi: Mr. Deputy Speaker, Sir, on the 21st of this month, I requested for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the raid by *Al Shabaab*, whereby a District Officer (DO) was kidnapped.

Mr. Speaker, Sir, the Leader of Government business on that day promised to deliver the statements by Tuesday, this week. Up to now, the statement has not been delivered. I wish to notify the House that the *Al Shabaab* have sent a CD to the family containing of video clips, outlining their conditions for them to release the kidnapped DO. I hereby table the CD from the *Al Shabaab*.

(Mr. Mbuvi laid a CD and documents on the Table)

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Deputy Speaker, Sir, as you have heard the hon. Member has sought a Ministerial Statement regarding the unfortunate incident that took place sometimes last year, when a District Education Officer and also two other Kenyans were abducted by the *Al Shabaab*.

Mr. Deputy Speaker, Sir, to the extent that the hon. Member has tabled a CD in relation to whereabouts of this officer, I would wish that I be given time to be able to come up with a comprehensive statement next week on Wednesday, having gone through that particular CD. This is because that CD itself, may very well shed some light on the exact position and locations where this Kenyan is, or the other Kenyans are.

The Assistant Minister for Roads (Dr. Machage): Mr. Deputy Speaker, Sir, whereas we appreciate the work hon. Mbuvi has done to present a CD from the *Al Shabab* to this House, we are worried on how he received that CD and who he is.

Would I, therefore, be in order, to request that hon. Mbuvi be told to declare whether he is a member of the *Al Shabaab*, or in what capacity he has delivered that CD to this House?

Mr. Mbuvi: Mr. Deputy Speaker, Sir, I received the CD from the family. They are my neighbours where I reside in Buruburu.

Mr. Deputy Speaker: I think that matter rests there. The Minister has given an undertaking and that is it.

CANCELLATION OF KCSE RESULTS

Mr. Affey: On a point of Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Education on the circumstances that led to the cancellation of Kenya Certificate of Secondary Education National Results in this country, and in particular in most of the schools in the Counties of Wajir, Mandera and Garissa.

Mr. Deputy Speaker, Sir, this is a very unfortunate act on the part of the Government. In that statement, I wish him to confirm whether his action or this particular action violates the Constitution, and in particular Article 47 of our Constitution relating to fair administrative actions.

Mr. Deputy Speaker, Sir, in this statement the Minister should tell the House, whether, in fact, he is considering ordering a forensic audit and establishing the reasons behind this cancellation and punishing the culprits.

Mr. Deputy Speaker, Sir, because of the urgency of this matter, I wish that this statement be delivered at the earliest possible opportunity. As I speak now, there is a lot of anxiety in the three Counties of Mandera, Wajir and Garissa, particularly among the students who sat for these

examinations, and also among their parents. So, I request that this statement be given on Tuesday, next week.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. I also request that I also add to that request for a Ministerial Statement.

Mr. Deputy Speaker, Sir, when the Minister is answering, I request him to kindly tell us which officials were responsible for any leakages of the examination papers. What exact punishment, or what they have done in respect of those officers and why the children are being punished because of the officers, who have leaked the papers.

Mr. Letimalo: On a point of order, Mr. Deputy Speaker, Sir. I want the Minister when he delivers that statement to also cover what led to the cancellation of KCSE results in some schools in Samburu County.

Mr. Outa: On a point of order, Mr. Deputy Speaker, Sir. This is really important. Two weeks ago, I sought a Ministerial Statement from the Attorney-General---

Mr. Deputy Speaker: Order! Is it on the same Ministerial Statement that was sought by hon. Affey?

Mr. Outa: No! This is---

Mr. Deputy Speaker: Then, wait until it is disposed of.

Mr. Outa: Thank you, Mr. Deputy Speaker, Sir.

The Assistant Minister for Education (Mr. Mwatela): Mr. Deputy Speaker, Sir, the request made for the statement to be read on Tuesday, I think is a little bit too ambitious considering the sensitivity of the matter. I would plead with the Members that they give the Ministry up to Thursday, next week, so that we come up with a comprehensive Statement on this matter.

Mr. Affey: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has just said that he cannot issue a Ministerial Statement on Tuesday because of the sensitivity of the matter. What is so sensitive about the results he has cancelled if he is not sensitive to the thousands of those students whose results he has cancelled? What is so sensitive about it? We want it on Tuesday, so that we are able to take action early enough, if there is need to take action.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Before the Ministry decides to cancel results, there must be good reasons and those reasons are definitely available. So, asking us for one week in order to give us information that is readily available is not right unless the Ministry is telling us that they canceled results without reasons. If already they have cancelled the results there must have been reasons and, therefore, the reasons can be supplied to this House on Tuesday.

Mr. Letimalo: On a point of order, Mr. Deputy Speaker, Sir. In addition to that, I think it is important for the Assistant Minister to note that both the candidates who are affected and their families are living in anxiety. So, I think it is important that we get to know what really happened, so that the necessary action is taken. It is critical that we get this information early enough.

The Assistant Minister for Education (Mr. Mwatela): Mr. Deputy Speaker, Sir, first of all, I do not know where the hon. Members got this idea that the results were cancelled. The results were withheld because there are investigations going on. So, withholding the results is very different from cancelling the results. Please, give us up to Thursday.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Ministerial Statement be delivered on Thursday next week. Hon. Outa.

SUPERIMPOSING OF COAT OF ARMS
ON VICE-PRESIDENT'S HAT

Mr. Outa: On a point of order, Mr. Deputy Speaker, Sir. Two weeks ago, I sought a Ministerial Statement from the Attorney-General of Kenya whether my good friend, the Vice-President and Minister for Home Affairs, contravened any law by superimposing the Coat of Arms on his hat during one of the prayer meetings in Mombasa; to date he has not responded to that.

Mr. Deputy Speaker: Who was supposed to respond to that?

Mr. Outa: The Attorney-General of the Republic of Kenya.

Mr. Deputy Speaker: Fair enough. Deputy Leader of Government Business in the House, can you respond to that?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I will fetch the Attorney-General and we will attempt to give a response by Wednesday next week.

Mr. Deputy Speaker: Yes, it is so directed. Yes, hon. Eugene Wamalwa.

TRANSFER OF DR. WAKWABUBI FROM KITALE
DISTRICT HOSPITAL

Mr. Wamalwa: On a point of order, Mr. Deputy Speaker, Sir. On 15th of February I requested for a Ministerial Statement from the Minister for Medical Services regarding the controversial transfer of one Dr. Wakwabubi, the Medical Superintendent at the Kitale District Hospital, which the hon. Minister undertook to give yesterday, but I did not see him in the House. I have not seen him in the House today. Could we have a direction since it is an urgent matter?

Mr. Deputy Speaker: The Minister for Medical Services is not in the House now; Deputy Leader of Government Business?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, as hon. Members may be aware, there is a huge demonstration taking place by the health workers and I believe the Minister and his assistant maybe preoccupied with that. So, if we give them adequate time, then on Tuesday we can have the response.

Mr. Deputy Speaker: It is so directed. Hon. Mwadeghu.

Mr. Mwadeghu: On a point of order, Mr. Deputy Speaker, Sir. I wish to request for a Ministerial statement from the Minister of State for Provincial Administration and Internal Security regarding the---

Mr. Deputy Speaker: Order, hon. Mwadeghu! Make sure you have brought the request for a Ministerial Statement to the attention of the Chair. That is the rule. You can only seek it after the Chair has approved your request.

DELAYED APPROVAL OF FINANCE BILL, 2011

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister for Finance regarding the delayed approval of the Finance Bill 2011, Bill No.12. Aware that the Minister shelved the Bill and prevented it from being committed to the Committee of the Whole House, I would like him to address the following: 1. Explain why he was unable to move the Bill during the Second Reading. 2. Explain the effects of

the delayed approval of the Bill on the economy in terms of increased budgetary deficit and whether or not the Government has been levying illegal taxes.

3. Indicate when he intends to have the debate on the Bill resumed.

Thank you.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Deputy Speaker, Sir, I can read the Ministerial Statement even today since I have the answers; I can give an official response on Tuesday next week.

Mr. Deputy Speaker: Okay. It will be on Tuesday next week.

Next Order,

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. I am not so sure whether hon. Mbadi is asking for the Second Reading; the Bill has already gone through the Second Reading. So, if that is the case, the matter is spent and no Ministerial Statement is due.

Mr. Mbadi: Mr. Deputy Speaker, Sir my statements reads that: "Aware that the Minister shelved the Bill from being committed to the Committee of the Whole House." So, I am asking why the Minister withdrew the Bill from the House. That is what I am asking.

Mr. Deputy Speaker: Was the Bill at the Committee Stage?

Mr. Mbadi: Yes, Mr. Deputy Speaker, Sir, and the Minister was the one who withdrew the Bill from the House. It was not the House Business Committee (HBC); it was the Minister who withdrew the Bill; I want an explanation as to why this Bill was withdrawn at whatever stage. It was withdrawn from the House by the Minister. I urge the Deputy Leader of Government Business to stop misleading the Acting Minister for Finance and allow him to address my issue.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Deputy Speaker, Sir, I will give the Ministerial Statement on Tuesday.

Mr. Midiwo: On a point of order, Mr. Deputy Speaker, Sir. I wish to add that while the Minister is addressing the concerns raised by hon. Mbadi, could he also state what the Government is doing, or will do, to compensate Kenyans from whom they are collecting taxes illegally, that is without the approval of this House?

Mr. Deputy Speaker: Indeed, the Bill had not been committed to the Committee of the Whole House; it was not withdrawn. It was deferred. The HBC did not ballot it. So, indeed it is only right that the Minister gives a Ministerial Statement on the same. Government Bills take precedence over any other business. So, the Minister must have a very good reason for not insisting on the Bill coming to the Floor of the House to undergo the Committee Stage. Minister, have you given an undertaking for Tuesday next week?

The Minister for Nairobi Metropolitan Development (Mr. Githae): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough. It is so directed.

Next Order

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. You have just called the next order; I believe that should be Order No.8, but today is a Thursday when we expect the Leader of Government Business to give us the programme for the next week.

Mr. Deputy Speaker: Mr. Mbadi, you are right. Hon. Deputy Leader of Government Business, you must be on your toes. Before we proceed onto the Motions, you should give next week's programme.

MINISTERIAL STATEMENT

BUSINESS FOR THE WEEK COMMENCING
6TH MARCH, 2012

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I was waiting for the opportune moment before you called for the next order.

Mr. Deputy Speaker, Sir, I wish to issue the following statement with regard to business for next week pursuant to provisions of Stand Order No. 36(4). Next week the House will consider debate on the Public Financial Management Bill, Bill No.7 of 2012 that is currently at the First Reading Stage. We shall also schedule for debate the following Bills currently at the Second Reading Stage: The Land Registration Bill, Bill No.4 of 2012; The National Land Commission Bill, Bill No.5 of 2012 and the Land Bill, Bill No.6 of 2012.

The House will also debate the Second Reading of the National Drug Control Authority Bill, Bill No.16 of 2011, the Second Reading of the Consumer Protection Bill, Bill No.50 of 2011 and the Second Reading of the Books and Newspapers (Amendment) Bill, Bill No.48 of 2011. We will also resume debate on the report of the Parliamentary Committee on the decline of the Kenya Shilling against foreign currencies laid on the Table of the House on Tuesday, 14th February, 2012, depending on the progress that will be made today. Finally, the House Business committee will be meeting on Tuesday, 6th March, to consider business for the rest of the week.

Mr. Mbadi: Mr. Deputy Speaker, Sir, while I appreciate the kind of work that we have for next week, I am sure the Government will bring the Supplementary Budget, but it should be noted by the Government that the method of approving the Budget has changed in this country and there is no exception for Supplementary Budgets. So, I hope that the Government is alert to the fact that the Budget Committee will need time to scrutinize the supplementary Budget, otherwise, we should not expect the Government to ambush us with the Supplementary Budget when we have a few days to review it.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I wish to thank hon. Mbadi for his concerns which I can assure him that the Government is very much alive to.

MOTION

ADOPTION OF REPORT ON DECLINE OF KENYA SHILLING

Mr. Keynan: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the Parliamentary Select Committee on decline of the Kenya Shilling against Foreign Currencies laid on the Table of the House on Tuesday 14th February 2012.

From the outset, I would like to take this opportunity to thank my colleagues for having allowed this House to pass the Motion that established the Select Committee that was required to look into the drastic decline of the Kenya Shilling against foreign currencies. Secondly, I would also like to thank the Speaker and his office for all the support they have given to the Committee and the staff to enable them to come up with this comprehensive report. I would also like to thank the Clerk and his team for all the support that was extended to the Committee.

Having said that, our mandate was to look into the causes or the issues that triggered the drastic decline of the Kenya Shilling from Kshs83 to Kshs107 to the Dollar. The Committee held

a number of meetings with more than 30 stakeholders including the Ministry of Finance, the officials of the Central Bank, the membership and the officials of the Kenya Bankers Association, a number of economic and financial experts, law experts and representatives of a number of commercial banks. In these meetings, our desire was to find out what really triggered the drastic decline of the Kenya Shilling from Kshs83, in particular from the months of September, October, November and December, 2011.

In all the meetings that we have had, there are issues that came up, in particular from the officials of the Central Bank of Kenya and other Government officials. They stated the things that, indeed, triggered the drastic decline of the Kenya Shilling against foreign currencies. These are the theories that we were told. One of the theories that we were given - and I call them “theories” because I will qualify why they are theories – was the Euro Zone crisis. All of us are Kenyans. All of us live in the IT world which is a global village. As we are aware, the Euro Zone crisis is at its worst as I speak today. Some of the economic giants in Europe have recently had their credit rating downgraded, for example, France, Germany and even others like Greece and Spain or the countries that are called BRICS and Portugal. They have very serious economic problems.

If indeed, this was one of the causes, it should not have been one of the triggers for those three months. It was there for three years and it continues to be there. As I speak, the crisis is worse and therefore, we ruled out that that was not one of the triggers. The second theory that we were told was the United States debt crisis. Again, we live on Planet Earth. The US debt crisis has been there for the last two to three years and it continues to be there. Therefore, when we looked at the impact of the US debt crisis, from every aspect, again, we ruled out that that was not the cause. The third cause that we considered, that we were told, was the Arab Spring. We all know the origin of the Arab Spring. It was Tunisia and it is still there. That again, as far as the international oil prices are concerned, that again, did not have any serious effect on the drastic decline of the Kenya shilling. Again we ruled out that.

The fourth theory that we were given was the escalating food prices. By the time the shilling drastically declined from Kshs83 to Kshs107 in the months of September, October, November and December, this country again did not benefit from the long rains. That is the time when the long rains were going on. Therefore, if the issue of prices of food was anything that would have contributed to this, in particular, on the balance of payments, that again, we ruled out was not the cause. Having ruled out those four theories that we were given, we went ahead and considered all the other possible causes. We looked at the information that we were given, in particular, by the financial experts, representatives of the banks, the representatives of the Government and by the officials of the Central Bank, both directly and indirectly.

[Mr. Deputy Speaker Left the Chair]

*[The Temporary Deputy Speaker
(Ms. A. Abdalla) took the Chair]*

I want to define a number of issues before I go to the contents of this. In today’s world, there is something called economic crime. Economic crime, by the UN definition says that “economic crime refers broadly to any non-violent crime resulting in financial loss”. Therefore, the second thing that we considered as a theory is indeed, whether what happened in Kenya during this period constitutes an economic crime against the people of Kenya, against the people

of East Africa, against the people of Africa and against the people of the world. I say this because again we considered the eminence; the premierness of the nation of Kenya. About 67 per cent of the GDP of East Africa is that of Kenya. Kenya contributes 67 per cent of the GDP of the entire economies of the East African countries. To that extent, Kenya is an economic hub, a diplomatic hub, a premier nation.

Therefore, having taken that into account and the important economic role Kenya plays within IGAD, the East African economic block, COMESA, the AU and within the UN as far as economic development is concerned, again, we realized that what happened; the issues that triggered, the issues that made Kenyans paupers and squatters in their own country and the issues that made many Kenyans leave, the simple reason is just because of the drastic decline of the Kenya Shilling from Kshs83 to Kshs107. The interest rates changed from less than one digit of 8 to 10 per cent to 30 per cent.

In the process, the entire savings of the middle class were wiped out. Many home owners were rendered homeless. One of the benchmarks of economic development as outlined in the Vision 2030 - and the Vision 2030 has three pillars, namely, economic development, political development and social development.

On economic development, the fundamental issue is macro-economic development. For macro-economic development to be realised, there has to be low interest rates. It is because of this that you consider again the economic policies of the Republic of Kenya *vis-a-vis* what happened during this particular period.

I want to refer hon. Members to the contributions of His Excellency the President to the Donde Bill in 1999. At that time, Kenyans were struggling with high interest rates, which were as a result of the Goldenberg Scandal and economic mismanagement in the early 1990s. Therefore, what happened in 2011 was reminiscent of what happened in the early 1990s.

Madam Temporary Deputy Speaker, it is because of this that today many home owners are on the brink of losing their mortgages. Many farmers, in particular of tea and coffee, who are the backbone of the economy of this nation, and who have borrowed loans through their co-operative societies at the rate of 8 per cent are today expected to service the same loans at an interest rate of 30 per cent. Their earnings have not changed. Their income has not changed but the interest rates of the loans have changed from 8 per cent to 32 per cent. That is four times. If somebody was paying Kshs60,000 then now he has to pay Kshs240,000.

The average bank interest rate today is about 28 per cent. Some banks charge 30 per cent while others charge even 31 per cent. This means the many Kenyans who attempted to borrow money to finance weddings or buy furniture to furnish their houses just because the interest rates were affordable today are on the brink of losing everything that they have invested in. I am told that it is because of the high bank interest---

Madam Temporary Deputy Speaker, Kenya is basically an agricultural country. This means that many people rely on loans in order to develop their businesses. What business today can give you profit of 32 per cent in this country? We have looked around and we have concluded that there is no legitimate business in this country that can today give you a profit of 32 per cent. It does not exist. Therefore, because of the inaction, or failure of the institutions that are charged with the responsibility of controlling interest rates, Kenyans have been reduced to paupers.

*[The Temporary Deputy Speaker
(Ms. A. Abdalla) left the Chair]*

[The Temporary Deputy Speaker
(Prof. Kaloki) took the Chair]

Madam Temporary Deputy Speaker, I know that the Members of this House are privileged members of the Kenyan society simply because we are paid highly. We enjoy a number of duty exemptions but the people who elected us out there in the villages are victims of these high interest rates. This is an election year. If the entire earnings of the middle class, the farmers and business people have been wiped out, we are talking of 38 million Kenyans who are paupers, or who have gone about three stages below the poverty line.

It is because of this that this House has the onus or responsibility of correcting the situation. I want to quote what His Excellency the President said in 1999 when he contributed to the Donde Bill. A number of senior Government officials were then in the Opposition. They include the current President, Hon. Mwai Kibaki, hon. Ngilu, the current Minister for Water and Irrigation, and hon. Anyang'-Nyong'o. I want to quote His Excellency the President, whose statement attracted strong applause. His Excellency the President, who was then the Leader of the Official Opposition, said:-

“This country has become a country of commercial interest; in particular tea officials are profit driven, and do not care about the welfare of Kenyans.”

Mr. Temporary Deputy Speaker, Sir, that is why His Excellency the President, who was then the Leader of the Official Opposition, in his own wisdom, routed for the *in duplum* rule just to control the interest rates. Members of this House then decided to pass the Bill. Later on, that Bill went through so many controversial stages. Eventually, it did not see the light of day. However, that sent a very strong message to the banking sector, that, indeed, the elected representatives of this House were aware of what was happening.

We should look at the role that the Central Bank of Kenya (CBK), as the regulator, ought to have played. One of the things that you realise is that there was a policy of inaction by the CBK. This contributed to the creation of opportunities for arbitrary malpractice by banks. This also contributed to failure to detect and arrest the speculative activities of some of the key financial institutions.

Mr. Temporary Deputy Speaker, Sir, this also brought about some sort of communication breakdown between the key financial institutions and the regulator. There was also ineffectiveness of the Monetary Policy Committee, which I will discuss later. Again, there was inadequate policy response. The CBK just decided to sit and watch. In the process, the CBK issued over 20 circulars within a span of two months, but this did not in any way contribute to the stabilisation of the shilling.

Again, the CBK did not react in good time by putting measures in place in order to stabilize the shilling. The CBK kept the discount window rate below the inter-bank exchange rate and Treasury Bills. This encouraged commercial banks to bypass inter-bank transactions and enjoy the lower discount window rate. During this period, a number of banks engaged in arbitrary malpractice. In the year 2010, all the banks, cumulatively, borrowed from the discount window about Kshs11 billion.

Mr. Baiya: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Report in respect of which this Motion is being moved, particularly on page 18 and especially in the recommendations, purports to issue directives---

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Baiya! Hon. Keynan is moving a Motion.

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, I am laying a basis for my point of order.

The Temporary Deputy Speaker (Prof. Kaloki): What is not in order?

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Baiya! Could you resume your seat?

Hon. Keynan, proceed.

Mr. Baiya: Mr. Temporary Deputy Speaker, Sir, I am responding to the question that you asked me.

The Temporary Deputy Speaker (Prof. Kaloki): Order! Order!

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I want to urge my friend to wait for what we are going to say.

I was saying that a number of banks enjoyed visiting the discount window. The discount window offered an interest rate below the inter-bank rate and Treasury Bills rate. I want to demonstrate to hon. Members that this was what happened. I want to ask---

The Assistant Minister for Industrialization (Mr. Muriithi): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Constitution of this great Republic, at Article 231, establishes the Central Bank of Kenya and proceeds to say that the Central Bank of Kenya shall not be under the direction of any person or any entity. So, I am seeking your guidance. As we proceed, we are now allowing the Mover to move the Motion and table the Report; will we not be violating the Constitution that we have sworn to protect?

I rise to seek your guidance, first, on the admissibility of the whole exercise and to provide the House with guidance so that we do not contravene the same Constitution we swore to defend.

I seek your guidance.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, the Motion before us has been approved by this House. A Select Committee was constituted here and passed by the same Parliament. It has gone through all the stages; it was approved by the Chair or the Speaker himself. So, let us wait for the Chair of that particular Select Committee to move the Motion. The Motion will be seconded, the Question proposed and then we will debate it.

Proceed, hon. Keynan.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I need your protection because I think there is an attempt to make sure that my time is eaten up so that I say very few things. I want to ask my respected friend, hon. Nderitu Muriithi, to hold his horses and I am sure that he will get a chance to contribute.

I was saying that a number of banks, because of the inaction of the leadership of the Central Bank of Kenya (CBK) got free money and engaged in arbitrage, speculative activities and hoarding and I will demonstrate this. The interbank exchange rate was far much below the discount window. During this period, banks would go and visit the CBK discount window facility, borrow at 8 per cent or below, go to the Treasury Bills and Treasury Bonds, buy and go back to the same Government. They would borrow at 8 per cent and go back to the same Government and offer the same facility at 26 per cent. In the process, during this period, commercial banks borrowed Kshs600 billion taxpayers' money for a period of 90 days. They got

free money and the person who has the key to the CBK was part of the connivances and the illegal activities. I will tell you how they borrow.

In 2010, the entire banks combined borrowed from the CBK Kshs11 billion. In 2011, they borrowed Kshs600 billion and this is the list.

(Mr. Keynan displayed a document)

This is official, it is from the CBK. The Governor may not know but we got it officially from the CBK. I will read it. This indicates two things; either the financial market was very much insolvent or fluid to the extent that some of these big banks were going through financial strains, duress or somebody had allowed them or handed them over the key to our savings.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, the hon. Chair of the *ad hoc* Committee has made a very serious allegation on a matter that he says that he has the report that he is quoting which is not included in the Report that has been tabled before this House. Therefore, he is debating a matter that we do not have the details. He should refer to us where it is that he is quoting so that the report can be authenticated by the Chair. This is because of the magnitude of the figures he is talking about and because of the impact it could have on this economy if we are careless with our remarks on the Floor of this House without properly determining the authenticity of the information being tabled here. If he could establish that authenticity--- I do not want to disrupt him but because of the seriousness of the allegation, then we can, at least allow him to continue making the very grievous allegation he is making.

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I beg your indulgence just to caution us to be patient. Even before my Chair in that Committee responds to that, which is not even worth responding to because all that is in the Report, just because he has not read it and they have made up their minds that they have to protect certain things or certain individuals, there is need for any Member who has an interest in this issue to declare his interest, the reason being there are other reports implicating some of the Members talking about the issue.

The Temporary Deputy Speaker (Prof. Kaloki): I think you are debating now.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I have been challenged to provide the—

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Keynan, just stick to the Report. Do not introduce other information outside the Report. Be straight. That way, you will be seconded.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I was asked a straightforward question. That is why the Members had over two weeks to go through the Report and I want to refer hon. Kimunya to---

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, let us allow the Chairman to complete moving the Motion. Your time is coming.

Mr. James Maina Kamau: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): Order, you are out of order!

Hon. Keynan, move the Motion and stick to it.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I would like to urge my colleagues to allow that we proceed and listen to the facts and those who have not had an opportunity to go through the Report. I would like to refer hon. Kimunya to page 79.

The Assistant Minister for Roads (Dr. Machage): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Midiwo made very serious allegations. Could he be ordered to

substantiate who is being protected and who is protecting the person being protected on these issues?

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Midiwo! You do not have the Floor. That is now a debate and it will be coming up.

Hon. Keynan, move your Motion.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, for those who have not read it, I will table the whole report from the CBK. I do not have any other copy but only this. If hon. Kimunya has not had an opportunity to go through this, it is in the Report and it is annexed under figure 2, under "CBK Discount Window".

Hon. Members: Take us through.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I do not know whether it is my business to take you through. The report is here. Someone can make a copy. A summary of the whole thing signed by the CBK is here and I will not ask somebody to make a copy. I will proceed. I have added it up and this is what it reads. I want to demonstrate that there was free money, arbitrage and the person who was in charge of our national coffers, indeed, was part of the group that handed over our entire savings and taxpayers' money to a group of international financial speculators and this is what he did.

Mr. James Maina Kamau: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is as if hon. Keynan is hiding something from this House. Why can he not table everything that he has so that we have a chance of looking at it?

Mr. Jamleck Irungu Kamau: On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect to hon. Keynan, this is a Report that he has tabled before this House. The other document he has over there, he has not tabled it yet. Let him refer us to the documents he has in this Report.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Keynan, are you seeking the submission of that Report or you are introducing new information?

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, everything that I am saying – and I really need your protection - is within this Report. I have not tilted anything. The annex that I have given out is within this Report. It is a summary---

The Temporary Deputy Speaker (Prof. Kaloki): Could you then refer to that particular annex?

Mr. Keynan: Yes, Mr. Temporary Deputy Speaker, Sir. It requires a lot of reading, but one of the figures---

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Keynan, you can appreciate the sensitivity of this matter. Just make sure that when you talk about a document, you indicate the page of that particular document.

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I have said: "Look at page 79, figure number two." The Central Bank of Kenya (CBK) discount rate is there. I want the hon. Members also to go through the annexes from page---

Mr. Duale: On a point of order, Mr. Temporary Deputy Speaker, Sir. I said it yesterday and want to repeat it here today. As Members of Parliament, we have three roles; representation, legislation and oversight. It is this House that appointed this Select Committee. It is this Select

Committee that tabled a Report. If we hold our horses and allow the Chair to move this Motion, we will have a chance to amend, reject or approve the Report. Can we be given that time?

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to plead with the Chair that this is a very important matter that we are dealing with. This country suffered when the Shilling just depreciated all of a sudden from Kshs80 to Kshs107 to the dollar. Please, protect us so that we can listen to the Chairman and make informed decisions and debate this matter conclusively. Please, do not allow frivolous points of order.

The Temporary Deputy Speaker (Prof. Kaloki): Proceed, hon. Keynan!

Mr. Keynan: Mr. Temporary Deputy Speaker, Sir, I have given a copy so that somebody can photocopy it.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Prof. Kaloki): Order, hon. Muthama! Order, hon. Baiya! Let us hear the Chairman now. We have heard your points of orders, information and procedures and so, let us now allow the Chairman to complete his submission.

Proceed, hon. Keynan!

*[The Temporary Deputy Speaker
(Prof. Kaloki left the Chair)]*

[Mr. Deputy Speaker resumed the Chair]

Mr. Keynan: Mr. Deputy Speaker, Sir, I was saying that during that period, there was arbitrage to allow the banks to freely borrow from Central Bank of Kenya (CBK).

(Several hon. Members stood up in their places)

Can I continue, Mr. Deputy Speaker, Sir?

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. I rose on a point of order because I believe that we set up this Committee because we had a special interest to know what was happening to the Shilling. The Committee has presented us with a Report. We have assembled here today to receive this Report and discuss it. The Chairman said, and it is on the HANSARD that he had received that extra document informally from the CBK. He started quoting it and it is not in the Report. We do not have it and so, what I was asking is: Can we authenticate that document that he said he had received informally from somewhere? He is now quoting it on the Floor of this House and referring to huge figures that have the capacity to cripple this economy. If we are not careful with the information that we are circulating within this House--- If it is not authentic, let us not debate it. Those are the rules of the House. If it is authentic, it is the Chair to guide us and say: "This information is authentic and so we have access to it." We can then debate it in the House. That is all I raised in the point of order. I would like to ask that we authenticate that information and then the Chairman can go ahead and take us through that new information, which is not in this Report. He found it – and he said it himself – informally from the CBK, and he is quoting it here.

Mr. Keynan: Mr. Deputy Speaker, Sir, can I clarify this?

(Several hon. Members stood up in their places)

(Mr. Gabbow stood up in his place)

Mr. Deputy Speaker: Order, hon. Gabbow! Order hon. Khalwale!

Mr. Keynan: Mr. Deputy Speaker, Sir, indeed, the Clerks have photocopied this document. This document was sent to the Kenya National Assembly on 10th February, 2012, signed by one Harun Sirma, OGW, on behalf of the Governor of Central Bank of Kenya. The Clerk received it on 14th February, 2012. This is also in the Report. It is not a fake document.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, hon. Members!

Mr. Keynan: Mr. Deputy Speaker, Sir, let hon. Members read it. This is an authentic document and I have already tabled it. It has been photocopied. I am only making reference to an official document.

Mr. Deputy Speaker, Sir, what I said – and I want hon. Kimunya to get this – is that we got a lot of information not directly from the Governor himself, but from the institution. The institution is not the Governor. So, the document is there and it is not my creation. I have made copies of it.

Mr. Deputy Speaker, Sir, I was only referring to the document. I said that using that document, clearly there was arbitrage. Clearly, banks got a free opportunity to make money out of Kenyans. This is the way they did it during that period. During the said months of 2011, this is the amount that different banks borrowed from the discount window. I want to read because this is public information. If you add all this, it totals to Kshs600 billion in 2011 against Kshs11 billion in 2010. This was free money and this is how they did it:

Kenya Commercial Bank borrowed Kshs148 billion from the discount window in 2011. In 2010, they borrowed Kshs960 million. You can compare Kshs148 billion against Kshs960 million. In 2011, they borrowed Kshs148 billion and above.

Mr. Deputy Speaker, Sir, the Standard Chartered borrowed Kshs1,170,000.000 in 2010 and Kshs7,555,000,000 in 2011. Barclays Bank borrowed Kshs2.3 billion in 2010 and Kshs146 billion from the CBK in 2011. Citi Bank in 2010 borrowed Kshs700 million and zero in 2011. Bank of Africa borrowed Kshs1.2 billion in 2010 and Kshs23 billion in 2011. Commercial Bank of Africa borrowed zero in 2010 and Kshs3.315 billion. The Co-operative Bank of Kenya borrowed Kshs2.3 billion in 2010 and Kshs186 billion in 2011. CFC Stanbic in 2010 borrowed Kshs700 million and Kshs1.29 billion in 2011. NIC Bank borrowed zero in 2010 and Kshs3.9 billion in 2011. I & M Bank in 2010 borrowed zero and Kshs3.9 billion in 2011.

Mr. Deputy Speaker, Sir, Equity Bank in 2010 borrowed Kshs1.6 billion and in 2011 they borrowed Kshs23 billion. The Diamond Trust Bank in 2010 borrowed zero and in 2011 they borrowed Kshs2.2 billion. The I&M Bank in 2010 borrowed Kshs12 billion and in 2011 borrowed Kshs22.7 billion. If you add this; the borrowings of 2010 against 2011, in 2010, they are Kshs11 billion but in 2011, the borrowings from the Central Bank of Kenya, at concessionary interest rates are Kshs600 billion and this is what I was saying it belongs to the Kenyan taxpayer. Out of this, we have also done a cumulative analysis and these banks borrowed from the CBK at less than 10 per cent. Using the same money for Treasury Bills and Bonds, they offered the same back to the Government at an interest rate of 24 per cent and in the process within those three

months, one made close to Kshs29 billion. If this is not crime; if this is not economic crime, I do not know what other things constitute economic crimes.

Secondly, I was just clarifying on the issue of arbitrage and how banks are misusing it. This county has become a cartel centered economy. We have the maize cartels, the sugar cartels, the oil cartels and now we have the bank cartels in the name of forex cartels. For how long shall we allow our middle class; the Kenyan taxpayer to pay an interest rate of 30 per cent? Which business today can give even the privileged Kenyans who are Members of this House an income or profit from an investment or whatever source a profit of 30 per cent? That does not exist!

To continue, we looked at a number of all other issues and one of the things, as a Committee, we realized was that this problem was “manufactured”. This problem was designed and executed within the offices of the regulator and this is why we are here today. Before this report, there was a performance rating carried out by the peers of the Governor from different countries and our own Governor was voted as the worst performing governor and I table the report. I would like to urge Mr. Kimunya that, that was not done by Parliament. It was done by other entities, international entities and, indeed, our Governor got less than 3.1 out of an index of 10 and was rated as the worst performing governor. This was not the Kenyan Members of Parliament. This was done by the peers.

Mr. Deputy Speaker, Sir, it is because of this institutional lap; it is because of the failure by the CBK that all of us are victims including myself, Mr. Deputy Speaker and Mr. Kimunya. The breadbasket of the Republic of Kenya is central Kenya, Rift Valley, western Kenya and eastern Kenya where we have commercial activities. Our farmers, the maize, sugar cane, coffee and tea farmers have borrowed through co-operative societies from different banks at concessionary rates of less than 10 per cent. Today, all of them are paying interest of between 25 to 31 per cent. How many of them can afford to continue servicing these high interest rates? This is the answer!

(Applause)

As much as we want to protect and as much as we want to talk about this and I started with a prelude that, if this does not constitute economic crime as defined by the UN and our own Economic Crimes Act, Section 45, what else constitutes crimes against the people of Kenya and against the people of the world? These are the very issues that the Donde Bill attempted to address. These are the very issues! One of the pillars of Vision 2030 - and I want to refer this to hon. members and this is not something that Mr. Kimunya can dispute - is low interest rates. One of the pillars of Vision 2030 is low rates. The others are social development, economic development and political development. Under economic development, there are macro-economic policies and under it is no interest regime. By any definition and this is one thing that my colleagues have to get; interest regime is a tool used by any regime to spar development, control inflation and make sure that interest rates go beyond manageable levels. With an interest rate of 32 per cent, this country is ripe for regime change. All of us have failed! We have made Kenyans paupers. We have reduced Kenyans to squatters and to a floating nation. Many Kenyans and I think quite a number of you have heard this, particularly in the middle class, that people have committed suicide because they are not in a position to service their loans.

(Applause)

Who else will help them, if they cannot get protection from their elected representatives to force these commercial entities to reduce interest rates without the connivance of the very individuals we have entrusted? If only somebody, anybody in whatever name, can justify how Kshs600 billion belonging to the taxpayers was given to commercial entities--- There are only three reasons that will have justified this and I want my colleagues to get it. It is only under three circumstances that, that is possible: All these institutions are under financial strain or duress and if that is the case, then they are insolvent and, therefore, they needed to be put under receivership. That has not been the issue. We have not heard any financial institution that has been put under receivership simply because they have a problem. The other reason is arbitrage; free money for circulation and this country has become an epic centre of international local speculators and this is why today all of us are suffering. This is why today it is a privilege, where I come from, to have a cup of tea with sugar because it is not affordable. A kilogramme of sugar is going for Kshs300. What has caused this? It is because of high inflation. It is because of high interest rates. It is because of mismanagement of our economy. If we cannot put our foot down, it is because of regionalism, tribalism and personality cult. I want all of us – colleagues look at me, watch the four corners, the shape of this building – to know that Kenyans are watching us. Kenyans are suffering. Kenyans have been reduced to destitute. Kenyans have been made a profit nation simply because of the activities of a few. I want to see those who will say that an interest rate of 32 per cent is justifiable under the UN Convention, our statutes and under the current Constitution and this is why all of us took the Koran, the Bible or whichever means to swear that we are going to defend the rights of Kenyans. If this is not so, I want to be protected and be informed if there is such a thing!

Mr. Deputy Speaker, Sir, I want to also go to the other issues that might have contributed to this. It is clear that as a result of inaction by the very institution that is tasked with this, one of the banks that greatly plotted the exchange---

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, like I have said and I want to reiterate, we are here to get the truth and nothing but the truth. Looking through the document that has been tabled by the Chairman of the Committee and which is the basis for his argument that the banks committed an economic crime for taking money from the public and lending it back to the same public, when I look at this document, there is a schedule here that shows the lending through the CBK window. But his argument that all these money was borrowed and lent in three months and then banks made so many millions because they borrowed cheap and lent to the Government at 26 per cent, I do not see the substantiation. I do not see the substantiation to the effect that the Kshs600 billion was lent to the Government in three months at 26 per cent. This is because when you add up the figures within the last three months, it is just about Ksh120 billion. I think it is important that we do not confuse this House with numbers – mind boggling figures – to make sentimental issues and for purposes--- So I would like us to get the hon. Member to substantiate his claims which is very fundamental that the banking sector in Kenya committed an economic crime by taking Kshs600 billion of the public and lending it to the same public within the three months and made a profit of Kshs29 billion because these papers do not substantiate what the hon. Member is talking about.

Mr. Mbadi: Mr. Deputy Speaker, Sir, even though I listened and heard the Chair say very well that this Kshs600 billion was for the year – a whole financial year; 12 months not three – could Mr. Kimunya declare his interest in this matter because we are aware that he was named together with Prof. Ndungu in the Cockar Report? Could this be the reason why he is trying to stop us from debating this important Motion just because he wants to protect his friend?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I wish to declare my interest in this matter both as Deputy Leader of Government Business and as Member of Parliament for Kipipiri. My interest is to seek the truth and nothing but the truth and to avoid introduction of gossip and extortionist issues being brought to the Floor of this House.

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

Mr. Deputy Speaker: Order! The Chair will not allow any unparliamentary language to be used here. Mr. Kimunya, the word “extortionist” is not parliamentary unless you are prepared to substantiate that, indeed, there is a Member of this House who is extorting somebody else. In the absence of that, you must withdraw that term.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I wish to withdraw the term “extortionist.”

Mr. Keynan: Mr. Deputy Speaker, Sir, again, I want to urge Mr. Kimunya to take time and read the report. As I said, he is distorting facts and the whole country is watching. I said I was comparing 2010/2011. Let him not change the facts because Kenyans are watching. I know and as somebody said there are interests, but allow me to complete.

As we did this, we realized that there are quite a number of banks who flouted the CBK guidelines. The Governor, in his own wisdom of the financial institution, did not take any action. We realized that during this period there was an increase of foreign exchange trading by different banks. Those who are familiar with financial issues can clearly get what that meant. Because of this, commercial banks decided to hold the whole nation at ransom.

For comparison purposes, I want to read something. I want to read the profit margins that the banks made during the later period of 2011 as compared to what they borrowed. Kenya Commercial Bank (KCB) in 2010, their profit margin was Kshs6.5 billion. In 2011, their profit was over Kshs10 billion. That is an indication of how they benefited from this trading. Standard Chartered Bank in 2010, their profit was Kshs6 billion. In 2011, their profit was Kshs7.6 billion. Barclays Bank in 2010, their profit was Kshs8.7 billion. In 2011, their profit was over Kshs10 billion. The same applies to Stanbic Bank and all other commercial banks.

The reasoning is that the more they borrowed from the discount window, the more they manipulated foreign exchange with the connivance of the very regulators who were supposed to protect the Kenyan taxpayers; the more profit they made. If this does not constitute economic crimes against the people of Kenya, I do not understand it.

Again, if you look at what happened, there is an institution called the Baren Bank in Ireland. That particular bank was allowed in the mid 1990s to arbitrarily engage in similar activities like these. That calls for regime changes. The entire leadership of South East Asia was wiped out because of high interest rates. We are lucky because whenever such issues arise, we go back to our tribal cocoons and our regions in the name of protecting our own. That has cost an interest rate of 30 per cent today. Even Greece which of late has had very serious economic crisis, the interest rate remains at 6.5 per cent. Could we compare the same to 30 per cent? It is because of this trading. If the Governor would have acted prudently, this issue would not have arisen. As a result of this, there is a crisis in the mortgage industry.

The salaries of the entire middle class have remained the same. Interest rate has skyrocketed almost by four times. Who will assist these Kenyans?

There is a particular Kenyan I want to mention who works for one of the parastatals whose salary is Kshs170,000. This particular Kenyan had a mortgage of Kshs72,000 while the interest rate was 9 per cent. The interest rate changed from 9 per cent to 29 per cent in that particular bank where he has a mortgage. Out of the blues, that person was asked to service a

mortgage of Kshs188,000 against a salary of Kshs170,000. Is that person not a candidate for suicide? Is that Kenyan not in serious financial trouble? These are the issues that we must raise. I do not see any other group with legitimacy other than the elected representatives to put this thing to order so that the Government of the day can protect the savings, properties and everything owned by Kenyans.

Mr. Deputy Speaker, Sir, there are a number of issues on this particular phenomenon which have come to our attention as a Committee. We interacted with the Kenya Bankers Association. One of the things that they said is that they have a problem with the way the bank is managed. We also interacted with the Ministry of Finance. We realized that there was total communication breakdown between the CBK and the Ministry of Finance. There was a lot of capital flight because it was free for all. Anybody could do anything in the name of a liberalized economy. It is because of this that many international criminals in the name of financial speculators and international hoarders come to the Kenyan market.

The day this House appointed a Select Committee to investigate the decline of the Kenya Shilling, it stabilized. In fact, for those of you who are keen, the day we tabled this report, the shilling appreciated. That itself is a clear indication that Kenyans out there and in particular the financial market are watching what we are doing. They appreciate, understand and are looking forward to this Parliament solving some of the problems.

Going to the recommendations, we realized that the man who is the head of that key institution slept on the job, just like other international institutions that did performance rating and this is what they had to say. This was not Parliament. I want Mr. Kimunya to listen to this: International Performance Rating. There was a performance rating on the Governor in the website by Reuters and international financial agency based in South Africa. This is what they said: "This man was asleep---"

The Minister for Transport (Mr. Kimunya): On a point of order!

Mr. Deputy Speaker: Order, Mr. Kimunya.

Mr. Keynan: Mr. Deputy Speaker, Sir, I want you to protect me from Mr. Kimunya.

Mr. Deputy Speaker: Order, Deputy Leader of Government Business! You must be actually the example of dignity in the House.

Proceed, Mr. Keynan!

Mr. Keynan: Mr. Deputy Speaker, Sir, if Mr. Kimunya insists on the same we will be forced also to protect ourselves and we will say a lot of things that we know. So, please, respect us and we will respect you.

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. You have heard Mr. Keynan threatening me on the Floor of this House that he has a lot of information against me that he will reveal. Is he not imputing improper motives on an hon. Member of this House?

Mr. Deputy Speaker: Mr. Keynan, you cannot impute improper motives on a fellow hon. Member without a substantive Motion.

Proceed.

Mr. Keynan: Mr. Deputy Speaker, Sir, I was saying that there a lot of things that we know and I did not specifically refer to Mr. Kimunya. I said this was one of the ratings given by the---

Mr. James Maina Kamau: On a point of order, Mr. Deputy Speaker, Sir. Mr. Keynan is not referring to the Chair. He is referring to Mr. Kimunya. Why can he not address the Chair?

Mr. Deputy Speaker: Mr. Keynan, refer to the Chair.

Mr. Keynan: Thank you, Mr. Kamau for that correction. I do accept.

One of the analysts who was part of those who were doing the performance ratings said that the Governor of the CBK was asleep at the wheel and, therefore---

Mr. Jamleck Irungu Kamau: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: What is your point of order, Mr. Jamleck Kamau?

Mr. Jamleck Irungu Kamau: On a point of order, Mr. Deputy Speaker, Sir. You ruled very clearly that Mr. Keynan is imputing improper motives on the Minister, could he first of all before proceeding, apologize for that?

Mr. Deputy Speaker: Order, Mr. Jamleck! You are not the Chair.

Proceed, Mr. Keynan!

Mr. Keynan: Mr. Deputy Speaker, Sir, these were the comments of one of the analysts. He said, "The Governor of the Republic of Kenya was asleep at the wheel" and another one said, "He missed the plot entirely" which means he did not understand what was going on. This is not me.

Mr. Deputy Speaker, Sir, the person and institution tasked with this job have slept on the job; nobody is saying the Governor is culpable at this stage. We are saying that because there are unique issues that happened during this period of time in line with the provisions of the Banking Act and Central Bank of Kenya Act, the Governor should step aside so that due process can take place. If indeed, investigations find that the man was not culpable, he will come back. At this stage nobody should have the slightest idea or feeling that we are saying the Governor is culpable, no. We are saying that something happened.

We realized there was communication breakdown between him and the key institutions. Again, the issue of the monetary policy was turned into a club. This is a committee that would have handled professionally the issue of interest rates and other policy issues on the CBK and the financial sector. This, again, is a club of a professor and his student. It is known and not something that I am going to speculate. We have suggested a number of legal amendments for the position of the Governor and the Deputy of the CBK to be advertised in a transparent and professional manner so that he does not become an appointee at the whims of any individual.

Mr. Deputy Speaker, Sir, we have also said that in the CBK the Governor is both the chairman of Board of Governors and the Governor. We said we should suggest institutional separation so that the Governor remains the Governor and there is a board. This is an amendment we are suggesting to the CBK Act.

We are also saying at least the department that is in charge of bank supervision must be strengthened so that they can at least detect some of these shortcomings. Again, we are also saying the sanctions against some of the banks or financial institutions that are engaged in arbitrage and other criminal activities are minimal. We are suggesting an amendment.

We are also suggesting the monetary policy committee to be enlarged.

Mr. Deputy Speaker, Sir, we are also saying the issue of supervisory, oversight and institutional role of CBK should develop tools efficiently to monitor financial markets.

On the independence we are also suggesting that---

The Assistant Minister for Industrialization (Mr. Muriithi): On a point of order, Mr. Deputy Speaker, Sir. I have read this Report and the Committee says clearly that arbitrage is not an illegal activity. However, the Chairman has repeatedly said in his remarks that the banks engaged in arbitrage and, therefore, engaged in economic crimes and criminality. Is it in order?

Mr. Deputy Speaker: Wait for your moment. That is a point of debate. You will have your moment to say that this does not constitute what Mr. Keynan says.

Proceed!

Mr. Keynan: Mr. Deputy Speaker, Sir, I was saying there is also need to put a mechanism of an internal review within the banks so that these issues can be detected.

On the fiscal policy, we are saying there is need to place in tariffs and non-tariff barriers on non-commercial import services. This is given as one of the reasons but again we realized that this is a problem that has been going on.

Finally, there is the issue of the *in duplum* rule which is in the law. This was a product of the Donde Bill which again was not legislated during that time but later on it was put into law. This is not yet in operation. This would have protected many Kenyans who are not in a position to service their loans.

In concluding, there are critical issues as a nation we need to address. There is need to prove a level playing field for all Kenyans regardless of their tribe, their region, their social or political affiliation to engage in productive economic activity. This is one thing that is lacking in the current financial market. It is so skewed that Kenyans do not have the same opportunity to do business as required by the Constitution. The same equality under the law must be reflected in practice and in action. This is one thing that we need to see.

The issue of current account deficit is one of the issues that were said. Again, to the best of our recollection, to the best of what we have seen---

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order as a Member of this Select Committee. I am privy to the documents that we received and compiled as part of this Report. Most of these reports were annexed and numbered. Looking at what is now circulating here, a number of annexes are missing from the Report.

Mr. Mbadi: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Do you wish to be informed by Mr. Mbadi?

Mr. Ogindo: Mr. Deputy Speaker, Sir, critical among the missing reports was a report we received from the CBK. When you look at this Report now it has annexes (iv) to (ix). Annexes (i) to (iii)---

Mr. Mbadi: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Have you accepted information from Mr. Mbadi?

Mr. Ogindo: Mr. Deputy Speaker, Sir, I hope to benefit.

Mr. Deputy Speaker: Mr. Mbadi, proceed!

Mr. Mbadi: Mr. Deputy Speaker, Sir, indeed, what Mr. Ogindo is raising is true. I have just gone to Room 8 and checked. There are a number of annexes that have been omitted from this Report. That has been done probably from the Clerk's office. Therefore, we need to be helped on how to proceed and know who did this.

Mr. Deputy Speaker: Can the chairman conclude? Indeed, that falls within the Clerk's Department and the Speaker's office.

Mr. Ogindo: Mr. Deputy Speaker, Sir, the second thing is that most of the reports that are circulating here are not signed. Therefore, on account of those two issues, I want to invite your ruling so that you determine how we proceed because the Report we are debating now is incomplete to the extent that we completed our Report.

Mr. Deputy Speaker: Order! Let us hear from the Committee Chairman.

Mr. Keynan: Mr. Deputy Speaker, Sir, I want to read. There is figure 1, figure 2 and figure 3. Figure 2 was supposed to give the CBK a discount window and inter-bank rate. It is only the graph that is there. That official document that came to the Clerk's office is missing from this and this is not signed. I think that is a very serious omission. All the annexes from (i) to

this which were part and parcel of the original Report that I signed need to be part of this. Those were the annexes with incriminating information.

Before you make a decision on the same, this is a very serious omission because the one you have is from institution to institution; it is from the CBK to the National Assembly, not me. It is the National Assembly that forwarded this.

Mr. Ogindo: On a point of information, Mr. Deputy Speaker, Sir.

Mr. Keynan: Yes.

Mr. Ogindo: Mr. Deputy Speaker, Sir, I wish to inform the chairman that to the extent that those annexes are missing from this Report, this Report loses its merit and it cannot be moved.

The Assistant Minister for Roads (Dr. Machage): On a point of order, Mr. Deputy Speaker, Sir. Now that the beans have been spilled a serious accusation is now being directed to the Chair, indeed, your office. The accusation is that certain pages have been removed by your office. That is a very serious allegation. Would I be in order to ask for adjournment for the same to be addressed?

Mr. Midiwo: Mr. Deputy Speaker, Sir, I want to seek your indulgence. Some of the issues which have been raised about the details in this Report were surely in this Report when we finished it.

Mr. Deputy Speaker, Sir, we knew that what you are seeing happening was a possibility because of what we are dealing with. As you know, I am involved in the investigations of this depreciation of the shilling and the issue of interest rates.

So, we knew even as we went to Mombasa to complete this Report that if we did not protect it, the crooks would get hold of it.

Mr. Deputy Speaker, Sir, I want to plead with the Chair because the information which is missing is so fundamental that---

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Deputy Speaker, Sir. I believe we all have responsibility to protect the institution of this House. An accusation has been made that the Office of the Speaker is responsible for the missing information from this report through the Clerk. Hon. Midiwo has gone further to purport that, that office is full of crooks. I am not even sure whether the word "crooks" is Parliamentary or not. It is my responsibility to protect the institution of Parliament and its offices.

Mr. Midiwo: Mr. Deputy Speaker, Sir, may I complete---

The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow): On a point of order, Mr. Deputy Speaker, Sir. When this Report was being moved today, we brought to the attention of the Chair that we did not have the full report with us here. However, we agreed to continue with it the way it is. Now, tactics are being applied to stop us from debating it. Why is it coming at a later stage? They continue to talk about the report that was there. So, we need your ruling because you allowed this Report to continue and the debate to continue.

Mr. Deputy Speaker: Order! Mr. Midiwo, conclude your point of order!

Mr. Midiwo: Mr. Deputy Speaker, Sir, I want to plead with my colleagues that we be sober. At the end of the day, this debate is about the halves who believe they must have and the rest of us who do not have opportunities to steal.

Mr. Deputy Speaker, Sir, I, therefore, want to plead with you to give us, as the Committee Members, a chance to investigate and find out who may have taken the Report and what their intentions were before we continue this debate.

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order under Standing Order No.25, which could as well have been initiated by hon. Machage. It says:-

“A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move “That, the debate be now adjourned”, or, in Committee of the Whole House “That, the Chairperson do report progress.”

Mr. Deputy Speaker, Sir, given the arising matters, I would request that this debate be adjourned to a future time. As you make that decision, how the country wishes that the same vigour, excitement and energy from some of us is shown consistently, particularly even when we are talking about the stolen funds from the *Kazi Kwa Vijana* (KKV) kitty.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order, hon. Members! Order!

Hon. Members, indeed, the accusations or rather the claims that were made from the Floor are very serious and weighty. Ordinarily, a report which is laid on the Table of the House should be circulated in its original form. I am made to understand through the Clerk’s Office that there were certain lapses. Indeed, this Report is not complete. Clearly that responsibility would be borne by an office in this Parliament. The Chair now directs that any further debate on this Motion be adjourned. The same Motion be listed on the Order Paper at the earliest opportunity after proper circulation of the document or rather the Report in its original form.

(Several hon. Members stood up in their places)

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

Mr. Deputy Speaker: What is your point of order? I will only entertain one point of order from hon. George Nyamweya!

Mr. G. Nyamweya: Mr. Deputy Speaker, Sir, by the admission of the Chairman and the Committee itself, and by your own acknowledgement that the document which has been tabled is not complete, therefore, surely, we cannot adjourn to debate an incomplete document. It should be withdrawn and then they table a proper document.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! The fact that the document is not complete is not a mistake of either the Committee or the plenary of this House. It is a mistake that will be borne by the Clerk’s Office. Under the circumstances, the Chair directs that this document will be fully bound and will be circulated in its original form. The matter be listed on the Order Paper at the earliest opportunity.

For the time being----

(Several hon. Members stood up in their places)

Order! Order! Hon. Members, I can see the anxiety and passion with which you all want to prosecute this matter. Ordinarily, as patriotic Kenyans who want to get to the bottom of a matter that is before the House, you should hold your horses and say your piece at the appropriate moment. You should stop, indeed, occupying the House in a lot of dilatory matters. This Report will be circulated in its original form, and the matter will come before this House at the earliest opportunity.

(Several hon. Members stood up in their places)

Order! Order! For moment, the matter rests at that.

Next Order!

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

Mr. Deputy Speaker: What procedure hon. Dr. Nuh!

Dr. Nuh: When the Hon. Assistant Minister for Youth Affairs and Sports moved the dilatory Motion, the procedure in the Standing Order No.25----

Mr. Deputy Speaker: Order! That procedure and Standing Order is on matters---

(Dr. Nuh stood up in his place)

Order! Order! You need to acquaint yourself with the practices much more than you have done so far. That Motion is when Members themselves want to adjourn a Motion. It is supposed to be put without any debate. For the moment, on this matter, the Chair is exercising its own authority and discretion because there was a lapse in the report. This is a matter that is internal to the Clerk's Office and the Chair is giving a direction on the same. I have already put that matter to rest.

Next Order!

BILLS

Second Readings

THE NATIONAL DRUG CONTROL AUTHORITY BILL

(Several hon. Members started withdrawing from the Chamber)

Mr. Deputy Speaker: Order! Hon. Members, the Chair directs that, for reasons that have already been explained Order No.9, which is by the hon. Amina Abdalla, will be listed on the Order Paper on another day.

(Bill deferred)

THE BOOKS AND NEWSPAPERS (AMENDMENT) BILL

The same thing also happens to Order No.10 because it is supposed to be moved by none other than the presiding Chair. The Deputy Speaker who is the Chair of the Library Committee can only move a matter when the Speaker is in the Chair. Since that cannot be moved now, we will have to go to the last one, Order No.11 by hon. Midiwo.

(Bill deferred)

THE CONSUMER PROTECTION BILL

In the absence of hon. Midiwo, the House will have no choice, but to adjourn.

(Bill deferred)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, there being no other business to transact this afternoon, the House stands adjourned until, Tuesday, 6th March, 2012, at 2.30 p.m.

The House rose at 5.45 p.m.