

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 31st October, 1996

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and accounts of National Social Security Fund for the year ended 30th June, 1993 and the certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Labour and Manpower Development (Mr. Komen) on behalf of the Minister for Labour and Manpower Development)

Annual Report and accounts of Kenatco Taxis Limited for the year ended 30th June, 1994 and the certificate thereon by the Auditor-General (Corporations)

Annual Report and accounts of Rift Valley Textiles Limited for the year ended 31st, December, 1994 and the certificate thereon by the Auditor-General (Corporations)

Annual Report and accounts of Kenya National Trading Corporation for the year ended 30th June, 1994 and the certificate thereon by the Auditor-General (Corporations)

Annual Report and accounts of Exports Processing Zones Authority for the year ended 30th June, 1995 and the certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Labour and Manpower Development (Mr. Komen) on behalf of the Minister for Commerce and Industry)

Annual Report and accounts of the National Council of Science and Technology for the year ended 30th June, 1993 and the certificate thereon by the Auditor-General (Corporations)

Annual Report and accounts of the Kenya Agricultural Research Institute for the year ended 30th June 1994 and the certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Labour and Manpower Development (Mr. Komen) on behalf of the Minister for Research, Technical Training and Technology)

ORAL ANSWERS TO QUESTIONS

Question No.619

REVIEW OF RURAL DEVELOPMENT PROGRAMME

Mr. Mumba, on behalf of **Mr. Ndzai**, asked the Minister of State, Office of the President whether he could, as a matter of urgency, review the District Focus for Rural Development

Programme so that Chairmen of District Development Committees are elected leaders instead of administration officials.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I beg to reply. No.

Mr. Mumba: Mr. Speaker, Sir, in view of the fact that the purpose of the Focus for Rural Development Programme was to decentralise the decision-making process to the local communities and institutions, could the Assistant Minister clarify to the House the reasons why we cannot have chairmen elected by the local people to chair these District Development Committees?

Mr. Sunkuli: Mr. Speaker, Sir, the purpose for the DDCs is to make sure that development programmes are debated at the local level and prioritised there and implemented at the local level. In our present circumstances it is important that the chairman of the DDC becomes a non-partisan person; a person who himself does not have a vested interest in the priorities that are going to be made by the DDC. It is very crucial because in a case where there are different politicians, and the one who is elected and has a vested interest, then the priorities might also read the same as the interests.

Mr. Nthenge: Mr. Speaker, Sir, do you not think then that under the circumstances it means that if it is economic development, the correct person to chair that meeting, if he is not an elected member, should be a person who is qualified in that field of economics? In other words, he should come from the economic department.

Mr. Sunkuli: Thank you Mr. Speaker, Sir. It is a person who is capable of moderating because it is not an academic exercise. It is an exercise in development and the best man to do it is a man who himself is not a player in the different prioritisation processes.

Mr. Magwaga: Mr. Speaker, Sir, is the Assistant Minister aware that the chairman of the DDC if elected either from among the members will reduce the corruption that is being practised by the DCs?

Mr. Sunkuli: Mr. Speaker, Sir, I am not aware of the corrupt practices the hon. Member is referring to. But, I am aware of what I have stated, that it is important that the chairman becomes a fair chairman.

Mr. Farah: Mr. Speaker, Sir, the Assistant Minister says that the purpose of the DDC is to decentralise the decision making process to the local communities. In our case you have the chairman of the county council and the chairman of the municipal council as locals and two or three MPs and then you have got about 30 civil servants who come from the rest of the country who are not locals at all. Is it not a contradiction in itself to say that you are decentralising the decision-making process to the locals? How are the locals being involved in this debate? How "local" are they?

Mr. Sunkuli: Mr. Speaker, Sir, that is a genuine concern and the Government is currently addressing that particular point to ensure that the DDC is more representative of the local people than just collecting all the civil servants and grouping them together. Very soon we shall issue new instructions in that regard.

Question No. 975.

NUMBER OF CHIEFS IN TRANS NZOIA

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

- (a) how many chiefs and assistant chiefs are there in Trans Nzoia District and when each of them was appointed.
- (b) what criteria was used for such appointments; and,
- (c) whether he could lay on the table the list of names of all the chiefs and assistant chiefs in the District showing the areas they administer.

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

- (a) There are 25 chiefs and 46 assistant chiefs in Trans Nzoia District and their dates of appointment are here on the list that I will table.
- (b) The appointees must be between the ages of 30 and 45, must be residents of the area they administer and must possess high qualities of leadership.
- (c) Yes.

(Mr. Sunkuli laid the documents on the Table)

Mr. Kapten: Mr. Speaker, Sir, the population of Trans-Nzoia District is 62 per cent Luyia and when

you look at the chiefs appointed, only two of them are Luyias out of the 25.

Mr. Speaker, Sir, the criteria that the Assistant Minister has talked about is indeed a good one, but, is the Government following this criteria in appointing chiefs in Trans-Nzoia District? I say so because most of the chiefs who were appointed in Trans-Nzoia District are not residents, but they are from outside the District.

Mr. Sunkuli: Mr. Speaker, Sir, that is not the correct position. The correct position is that every chief is appointed in the area of his residence and the figures the hon. Member is giving, are definitely tainted with a little favour on his tribe. Persons are not selected because of their tribal leanings, whoever is resident in Trans-Nzoia whether he is a Luyia or a Kisii - and there are many Kisii and Luyias in Trans-Nzoia - they are all given positions of chiefs and assistant chiefs.

Mr. Mcharo: Mr. Speaker, Sir, since the Assistant Minister insists that chiefs must be residents of that particular location, to make sure that they are actually residents, could the Assistant Minister or the Government not involve local dignitaries of those locations in the appointment of these chiefs, to make sure that they are actually residents of those areas and that they are people with good reputation?

Mr. Sunkuli: Mr. Speaker, Sir, those are the standing instructions given to the District Commissioners who interview people who want to become chiefs or assistant chiefs. They are not allowed to appoint a person from outside the sub-location or the location in question.

Mr. Speaker, Sir, in the interview panel, there are prominent citizens from that district, who are able to identify who does not belong to a particular location and who belongs to that location.

Mr. Kapten: Mr. Speaker, Sir, I will give the Assistant Minister one incident. The Chief of Namanjalala Location appointed on 26th June, 1996 does not come from Namanjalala Location, his home is in Kobos Location. In fact, from the time he was appointed, we have had a lot of thuggery in Namanjalala Location because he does not know the residents or the geography of Namanjalala Location. Can the Assistant Minister go and investigate about this particular appointment, because people are losing their property because of unqualified appointed chiefs. This was a KANU youth winger and that was the only qualification for his appointment.

Mr. Sunkuli: Mr. Speaker, Sir, I will investigate.

Question No.1084

ASSAULT ON ASSISTANT CHIEF

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

(a) if he is aware that the District Officer, Mutuati and the Chief of Kabachi Location raided the home of the Assistant Chief of Amwathi I at night, assaulted him, took away his gun and the matter was reported at the Mutuati Police Station on 6th June, 1996, but no arrests have been made; and,

(b) what disciplinary measures have been instituted against the two officers.

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

(a) I am aware that the District Officer, Mutuati, accompanied by two Administration Police Officers went to the Assistant Chief's house to collect a firearm earlier issued to him following reports that he was misusing the firearm.

(b) An inquiry file, Mutuati No.1/96 has been opened to investigate the matter and my Office will act after the outcome to the Police investigation is known.

Mr. Maore: Mr. Speaker, Sir, I really plead with the Assistant Minister to enlighten the House on the question or the answer further. Can you clarify first of all, the nature of abuse that was there, if not over a dispute of about Kshs80,000 bribe by a Boran cattle rustler that the Chief and the DO wanted to get and the Assistant Chief and the local Police boss were not interested in the money, and that is why they went and engaged him in physical assault.

Then, can you also clarify what you are investigating when the same DO has refused to record a statement and the DC is helping him in the cover-up?

Mr. Sunkuli: Mr. Speaker, Sir, the alleged misuse of the gun was that the Chief was in possession of the gun while he was drunk. What I am investigating is the circumstances under which the District Officer went to collect the gun from the Chief.

Mr. Nthenge: Mr. Speaker, Sir, can the Assistant Minister tell us how long this Assistant Chief has been having the gun and why they felt that now he does not deserve to have it?

Mr. Sunkuli: Mr. Speaker, Sir, the DO was made to believe that the Chief had the gun while he was

drunk and, therefore, he went for it.

Mr. Maore: Mr. Speaker, Sir, I think we need some clarification here; the DO leaves about eight kilometres away from where this man comes from. How would the DO be there to know that the man was drunk at 2.00 a.m in the morning? Now, if that is the situation, why has the DC not allowed proper investigations by the police? And do not forget that this is the same person who was the DC in Wajir during the Wagalla massacre. We do not know what he is doing in Nyambene.

Mr. Sunkuli: Mr. Speaker, Sir, as I said, we are still investigating this matter. Both of these officers, the Chief and the DO are Government officers and we are going to investigate deeper into this matter. A file has been opened and we are going to take action on the officer whom we think is wrong.

Mr. Farah: On a point of order, Mr. Speaker, Sir. If I understood well, the hon. Questioner said, the DC now in Nyambene is the same one who was in Wajir at the time of the infamous massacre of about 2,000 people. Can the Assistant Minister confirm to us whether the same DC who was there at the massacre of over 2,000 people is still serving the system and why he is being retained in Tharaka and Igembe?

Mr. Sunkuli: Mr. Speaker, Sir, that is a different question.

Mr. Speaker: I suppose so! Next Question!

Question No.1056

PRIORITIES IN TRAINING OF TEACHERS

Mr. Mak'Onyango asked the Minister for Education:-

- (a) what the Government's priorities are in the training of teachers; and,
- (b) what the rationale in the proposed establishment of four

primary schools teacher training colleges is.

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

(a) The Government's priorities in the training of teachers at the level of primary teacher colleges are to distribute teachers equitably throughout the Republic, according to zonal teacher needs and to provide quality teacher education to trainees.

At diploma level, priority is given to subjects in which there is a shortage of teachers in the country, and selection is based on district teacher needs.

At university level teacher education caters for skills and is not pegged on available vacancies in public institutions.

(b) The rationale in the establishment of four primary teacher training colleges is to decongest the existing 20, and thus improve the learning environment of teacher trainees. It is not intended to increase the annual out-put of primary school teachers.

Mr. Mak'Onyango: Mr. Speaker, Sir, arising from that unsatisfactory reply, could the Assistant Minister tell this House which option among the following is better?

To first of all make the country self sufficient in terms of trained teachers before talking of distributing them or to just distribute what is not there?

Mr. Komora: Mr. Speaker, Sir, we only distribute what is there.

Mr. Mak' Onyango: Mr. Speaker, Sir, could the Assistant Minister tell this House what the Government has done to ensure that Kenya is self sufficient in terms of trained teachers?

Mr. Komora: Mr. Speaker, Sir, we have 21 Primary Teachers Training Colleges and constructed three more making the total number to be 24.

P.N. Ndwiga: Could the Assistant Minister tell this House why they are increasing new Teachers Training Colleges? What have they done about the teachers who have trained in Private Teachers Training Colleges? For example, in Ishiara in Mbeere District, we have more than 1,500 qualified teachers who are to date unemployed and yet, we have scarcity of teachers in this country. What is the Ministry doing?

Mr. Komora: The Ministry strives to ensure that there are qualified teachers in all educational institutions.

Mr. Kiliku: Mr. Speaker, Sir, the promise to establish four more Primary School Teachers Training Colleges was revealed to this House in 1985. It is now 11 years ago. Could the Assistant Minister tell this House whether or not, this Government has not been able to construct four colleges for 11 years?

Mr. Komora: This Government is providing teacher education to meet the needs of this nation and we are constructing colleges and institutions, in accordance with the needs of the nation and availability of funds.

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir. Can the Assistant Minister tell this House, what is the rationale behind building four more primary Teachers Training Colleges when there are several Private Teachers Training Colleges, already producing highly trained teachers who cannot be employed?

Mr. Komora: Mr. Speaker, Sir, I have already replied about the rationale behind the building of the four Teachers Training Colleges. As for the Private Teachers Training Colleges, that is a private business of private people who have established their institutions outside Government planning.

Question No.919

DISTRIBUTION OF HARAMBEE FUNDS

Mr. Nyanja asked the Minister for Education:-

(a) how much money was realised during a harambee funds drive held on 5th May, 1996 at Ngenia High School for all schools in Limuru Division, and how many primary and secondary schools benefited; and,

(b) how was the distribution done and how much did each school get.

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

The Harambee funds drive held at Ngenia High School on 5th May, 1996 for all schools in Limuru Division raised a total of Kshs3,323,177. This information is known to hon. Nyanja, the Questioner because he was the guest of honour.

(b) The distribution which was done by the steering Committee also known to the hon. Member of Parliament, was chaired by the District Education Officer in Limuru. I have got the list here which I am going to table.

(Mr. Komora laid the list on the Table)

Mr. Nyanja: Mr. Speaker, Sir, I would like to thank the Assistant Minister for that untruthful reply. First, the figure was not known to me. The results of the harambee funds drive was not reported by any media and I was not a member of the steering Committee. So, I do not know the figure and I am seeing this for the first time. Nonetheless, the then, DO, Mr. Gachagua was fired because he allowed me, a Member from the Opposition to conduct such a successful harambee. This was not covered because the Opposition should not be seen to be development conscious. So, the DO was transferred for no other reason---

Mr. Speaker: Order! Order, Mr. Nyanja! This is not a debate. It is a question. If you put questions to the Assistant Minister, he will answer. If you know all the answers, we will go to the next Question.

Mr. Nyanja: Is the Assistant Minister aware that the DO who enabled hon. Nyanja to conduct this Harambee was sacked as a result of this very successful Harambee?

Mr. Komora: No, Mr. Speaker, Sir.

Mr. Sifuna: Could the Assistant Minister tell this House why that particular DO was sacked?

Mr. Komora: I have already said that I am not aware that, that particular DO was sacked.

Mr. Nyanja: Mr. Speaker, Sir, the people of Limuru had wanted His Excellency the President to preside over this Harambee because whenever he is travelling to Nakuru, he passes there. But, the Kiambu Branch KANU Chairman made sure that the President did not come. Can the Assistant Minister tell us when the President will come and conduct his Harambee?

Mr. Komora: Mr. Speaker, Sir, I am sure, the hon. Member knows that the reply will come from His Excellency the President.

Mr. Speaker: Bishop Joseph Kimani's Question! I am sorry, Bishop Kimani. Mr. Ojode! I beg your pardon!

Question No.1060

PROMOTION OF TEACHERS

Mr. Ojode asked the Minister for Education:-

(a) how many teachers in primary schools from Ndhiwa Constituency have been promoted to

Approved Teacher One and S1 grade since 1992; and,
 (b) if he could table the names of the said teachers and their respective schools?

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

(a) The number of teachers in primary schools from Ndhiwa Constituency who have been promoted to S1 grade since 1992 are 42. As of now, there are no established posts for Approved Teachers status for primary school teachers. However, a total of 13 teachers who were in secondary schools have been promoted to ATSI grade in Ndhiwa Constituency since 1992.

(b) I now table the names as requested by the hon. Member.

*(Mr. Komora laid the list of
the names on the Table)*

Mr. Ojode: Mr. Speaker, Sir, this is a very misleading answer. Every year, we have over 200 applicants from my constituency, and if you can see from the document which he has just tabled, we only have nine who were promoted each year. All of them are not from Ndhiwa Constituency. Some---

Mr. Speaker: Order! Order, Mr. Ojode! Hon. Members must acquaint themselves thoroughly with the provisions of Standing Order No.35, relating to Questions. You must ask questions and you must not make them a pretext for other debates. Please, ask questions.

Mr. Ojode: Mr. Speaker, Sir, the reason why I am saying this is a misleading list is because there are some teachers who come from the neighbouring Rongo Constituency and some of them are from Kisii. One name which I can give as an example, is Mr. George Ogango. This is a very popular name from Rongo, and the Member for Parliament for Rongo, Mr. Dalmas Otieno is here and can prove that. The other one---

Mr. Aluoch: On a point of order, Mr. Speaker, Sir. The MP for Rongo Constituency is Mr. John Linus Aluoch Polo and not Mr. Dalmas Otieno. Is he in order to mislead this House and the nation? Why is he imputing improper motives on my ability to represent the people of Rongo by saying that Mr. Dalmas Otieno is the MP for Rongo. He is just a nominated MP! He is not the Member of Parliament for Rongo!

Mr. Speaker: Order! I suppose that hon. Ojode and hon. Aluoch come from the same political party, and I expect hon. Ojode to know the members of his own party and which areas they represent. Nevertheless, Mr. Aluoch, if he does not recognise you, the Chair does.

Mr. Ojode: Mr. Speaker, Sir, I think the hon. Member did not hear me clearly: I said "the hon. Member for Rongo" and he is the one. Nevertheless---

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. Is hon. Ojode in order to impute improper motive on the Nominated Member of Parliament, hon. Otieno, to the effect that he is the hon. Member for "Uwongo", or lies?

Mr. Speaker: Order! Mr. Ojode, the only thing the Chair can tell you is that there are times, no doubt, for light moments. But you should not take too much time of the House on a ride. You are not serious and I will go to the next Question, if you do not become serious.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. The record must be put right. In his first statement the hon. Member referred to "the Member for Rongo, hon. Dalmas Otieno." I heard him loud and clear. Is it in order for him to now say that he referred to the hon. Member for Rongo, when he mentioned the name "Dalmas Otieno?" He must withdraw that and apologise to hon. Aluoch.

Mr. Speaker: Order! As far as the Chair is concerned there is only one constituency in this country called Rongo. That constituency is ably represented by hon. Aluoch. If you, Mr. Ojode, have taken it away from him, will you now apologise to him?

Mr. Ojode: Mr. Speaker, Sir, I said that hon. Dalmas Otieno comes from Rongo.

Mr. Speaker: Order! Will you apologise?

Mr. Ojode: Mr. Speaker, Sir, should I apologise to you or to him? Who should I apologise to?

Mr. Speaker: Order, Mr. Ojode! I think it is about time you got serious with this House. Now you know to whom all addresses are made. Thou shall proceed to withdraw and apologise to the House through the Chair.

Mr. Ojode: Mr. Speaker, Sir, I wish to withdraw and apologise. However---

Mr. Speaker: Order, Mr. Ojode! You can now sit down.

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

Mr. Speaker: Order! You have taken all your time in jest, and we will proceed to serious hon. Members.

(Mr. Ojode stood up in his place)

Order, Mr. Ojode! You are now misbehaving. If you rise up further, that will amount to disorderly conduct, for which the Chair will deal with you accordingly.

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

Mr. Speaker: Order, Mr. Ojode! I now warn you for the last time.

Question No.971

PAYMENT OF TAX BY NDEFFO

Bishop Kimani asked the Minister for Finance:-

(a) whether he is aware that the Ndeffo Farmers Society is being taxed, while their farm was sub-divided into 1.6 acre plots almost 25 years ago;

(b) whether he is further aware that the Income Tax Department is demanding from the Society Kshs 287,221 and have already taken from the Society's account Kshs204,252 which was being raised for the Society's water and rural electrification project; and,

(c) whether he could stop charging these peasant farmers income tax and order the Income Tax Department to refund to Ndeffo Farmers Society Kshs204,252 which they have already taken.

Mr. Speaker: Is there anybody here from the Ministry of Finance? We will come back to this Question later. Mr. Sifuna's Question.

Question No.383

CONSTRUCTION OF SEWERAGE SYSTEM

Mr. Sifuna asked the Minister for Local Government whether he is aware that construction work on Bungoma Municipal Council Sewerage system was abandoned three years ago by the contractors; and,

(b) why the construction was abandoned, and when the sewerage system will be completed.

The Assistant Minister for Local Government (Mr. Kamuren): Mr. Speaker, Sir, I beg to reply.

(a) The Bungoma Sewerage Project works commenced on 6.3.92, and progressed well in the course of that year. However, in 1993 there was a reduced rate of progress of works by the contractor, M/s Karuri Engineering Limited, due to non-payment of certified certificates one and two. This non-payment was attributed to the then prevailing in the Government due to the financial embargo imposed on it by donors. The two certificates were finally paid and work progressed well in 1994. In mid-1995 the contractor reduced the rate of work and the it virtually came to a halt in April, 1996 and not three years ago as the hon. Member has indicated.

(b) Due to the reduced rate of work by the contractor, my Ministry served several warnings and notices to the company for default in contract. Since there was no response from the company a notice to terminate the contractor was issued on 25.7.96. By the time the notice expired, on 11.8.96, the contractor had not taken any positive action to rectify the situation. Consequently, the contractor was legally terminated for non-performance. Following the termination of the contract with Karuri Engineering Limited the Government of Kenya has been holding consultations with the African Development Bank with a view--

Mr. Michuki: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to say that the "contractor was terminated" instead of saying that "the contract was terminated? Did they kill the contractor?

The Assistant Minister for Local Government (Mr. Kamuren): Mr. Speaker, Sir, the hon. Member should have waited for me to complete my reply to this Question.

Following the termination of the contract with Karuri Engineering Limited the Government of Kenya has been holding consultations with the African Development Bank with a view to having another contractor appointed to complete the works.

Mr. Sifuna: Mr. Speaker, Sir, arising from that reply by the Assistant could he tell this House how much money was first allocated to this project, how much was paid to Karuri Engineering Ltd and the balance of the money?

Mr. Kamuren: Mr. Speaker, Sir, it has not been indicated how much money was paid to Karuri Engineers, but if the hon. Member comes to my office I will show him the exact figure.

Mr. Nthenge: On a point order, Mr. Speaker, Sir. Is it in order for an issue of the whole House to be taken to the office of the Assistant Minister?

Mr. Speaker: That is totally out of order! It must be answered here.

Mr. Wetangula: Mr. Speaker, Sir, three months ago this same Assistant Minister told this House that Karuri Engineering Ltd was paid Kshs39 million on this project, but now he is saying that he does not know the amount paid. Be that as it may, there is an obvious fraud involved in this project. Could the Assistant Minister investigate and find out if any money has been stolen, so that he can take action and prosecute those involved, namely Karuri Engineering Ltd and the former Bungoma Town Clerk?

Mr. Kamuren: Mr. Speaker, Sir, since I do not have information as to hon. Wetangula's particular question I would like to further investigate this issue to the satisfaction of the hon. Questioner.

Mr. Sifuna: Mr. Speaker, Sir, arising from the answer by the Assistant Minister could he tell this House exactly when he is prepared to bring that additional information to this House? On what date will he do that?

Mr. Kamuren: Mr. Speaker, Sir, I can bring the information next Thursday.

Question No. 1064

TELEVISION TRANSMISSION IN TURKANA

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

Question No. 262

EFFLUENT TREATMENT WORKS IN RUIRU

Mr. Speaker: Mr. Ndicho is also not here? Very well, we will go to the second round. For the second time Bishop Kimani's Question.

Question No. 971

PAYMENT OF TAX BY NDEFFO

Bishop Kimani asked the Minister for Finance:-

(a) whether he is aware that the Ndeffo Farmers Society is being taxed, while their farm was sub-divided into 1.6 acre plots almost 25 years ago;

(b) if he is further aware that the Income Tax Department is demanding from the Society a total of Kshs287,221 and have already taken from the Society's account Kshs204,252 which was being raised for the Society's Water and Rural Electrification Project; and,

(c) if he could stop charging these peasant farmers income tax and order the Income Tax Department to refund to Ndeffo Farmers Society Kshs205,252 which they have already taken.

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I apologise for not being here to answer the Question when it was asked for the first time. But I beg to reply.

(a) Yes, I am aware that Ndeffo Farmers Society is being taxed.

(b) Yes, I am aware that the Income Tax Department is demanding Kshs287,221 and that the Department has already taken Kshs204,252 from the Society's account.

(c) I am unable and I cannot stop charging the Society as the tax being demanded is based on the Society's own tax returns which reflects that there is a taxable income in the way of property rental and, therefore, there is nothing I can do by way of refunding as requested by the hon. Member.

Bishop Kimani: Mr. Speaker, Sir, the answer given by the Assistant Minister is very sad indeed. These Ndeffo farmers are former *Mau Mau* fighters and they happened to buy this land and were able to sub-divide it into 1.6 acre plots. Why has the Government decided to tax these people instead of helping them? These people are very poor and I do not see which income they are earning that deserves to be taxed. Can he consider refunding the money that his Department has taken from these people? Can he also cancel this letter---

Mr. Speaker: Now Bishop Kimani, those are too many questions now.

Mr. Keah: Mr. Speaker, Sir, I have just stated that the tax charged is on rental income of property. Property income, that is building rental income is taxable whether one is rich or poor because that is the income tax law. Under the circumstances, the tax charged here, being tax on building rental income, is correctly chargeable to income tax. It was correctly charged and we cannot make any refund.

Bishop Kimani: On a point of order, Mr. Speaker, Sir. Can the Assistant Minister table the list of the properties?

Mr. Speaker: That is not a point of order. That is a supplementary question.

Mr. Michuki: Mr. Speaker, Sir, could the Assistant Minister tell this House whether the tax already collected from this Society is based on audited accounts of the Society, or was it just an arbitrary assessment by the Income Tax Department?

Mr. Keah: Mr. Speaker, Sir, based on the information availed to me by the Commissioner of Income Tax, Ndeffo Society made an income tax return in the normal way and based on their income tax return, an assessment was duly made. I even asked for copies of the income tax returns and those were faxed to me in preparation for the answer of this Question.

Mr. Muite: Mr. Speaker, Sir, could the Assistant Minister tell this House why the Income Tax Department shows such efficiency in collecting tax from poor people, and yet it does not visit the same efficiency in collecting tax from the billionaires and millionaires in this country? Why is it that is only the poor people who are targeted when it comes to collecting tax?

Mr. Keah: Mr. Speaker, Sir, I am not prepared to answer such allegations and insinuations by hon. Muite. I am afraid what he has just said are his own opinions and that is not the truth from the Income Tax Department.

Mr. Speaker: Final Question, Dr. Lwali-Oyondi.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, the hon. Assistant Minister who is speaking is an accountant by profession. Therefore, he should be in a position to help these poor men. It is not possible that these people could have collected rents, given themselves dividends and have a balance for taxation of Kshs287,221.

Mr. Speaker: Order, Dr. Lwali-Oyondi! By the way, the farmers who are being taxed are referred to as Ndeffo Farmers Society. Who told you that they are men?

Hon. Members: They are men and women. **Mr. Achola:** But women were created from men.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, when I used the term "men", I meant everybody. Therefore, could the Assistant Minister go and look at these accounts which he understands very well and help these people so that this money is refunded? It is only because of ignorance. Could he help them professionally?

Mr. Keah: Mr. Speaker, Sir, I can throw a little more light. On their farming activities they made a taxation loss of K£67,580. On their rental income, there was an excess of income of expenses of K£3,937, which was subject to tax, and that is the portion that was taxed under the Income Tax rules. You are quite right, I am an accountant, and I am well versed on these matters.

Mr. Speaker: Mr. Imana's Question for the second time!

Question No. 1964

TELEVISION TRANSMISSION IN TURKANA

Mr. Speaker: Mr. Imana not yet in? Mr. Ndicho's Question for the second time.

(Question dropped)

Question No. 262

EFFLUENT TREATMENT WORKS IN RUIRU

Mr. Speaker: Mr. Ndicho not in too?

(Question dropped)

Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

IRREGULAR AUCTION OF ESTATES

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

(a) Is the Minister aware that the Kisumu County Council is about to lose two of its estates, namely: Joel Omino and Opiyo Okuma estates, to unscrupulous businessman through irregular auction?

(b) If the answer to "a" above is in the affirmative, could the Minister take immediate action to stop the sale and arrange for rescheduling of the loan to the council?

The Assistant Minister for Local Government (Mr. Kamuren): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Joel Omino and Opiyo Okuma estates were auctioned on 8th July, 1996 to a businessman, Sadrudin Gilani. The Ministry cannot possibly take any action since the houses have already been sold.

Mr. Raila: Mr. Speaker, Sir, arising from the Assistant Minister's reply, could he please give this House detailed information about this auction? How many individuals or how many companies participated in the auction? Who was the highest bidder and who was the lowest? How was it awarded?

Mr. Kamuren: Mr. Speaker, Sir, right now, the answer I have given is exactly the way it is because, the names of the highest second, third and fourth bidders are not in this list.

(Mr. Karan stood in his place)

Mr. Speaker: What is it, Mr. Sumbeiywo?

Mr. Sumbeiywo: On a point of order, Mr. Speaker, Sir. I rise on a point of order to seek clearance from the Chair. I do not know whether what hon. Raila is wearing is acceptable here. He is wearing something which looks like a Bishop's dress and something like the late Chou en Lai's dress. I seek guidance from the Chair as to whether he is properly dressed or not.

Mr. Speaker: Mr. Raila, have you since been consecrated into a Bishop?

(Laughter)

Mr. Raila: Mr. Speaker, Sir, according to the Standing Orders, national dresses are perfectly acceptable in this House.

Mr. Speaker: To the best of the Chair's knowledge, there does not exist any national dress for men, or for women, for that matter. I may not be very sure about the women, but for men, for sure, I know of no such national dress. I will allow you to participate in your Question. When you finish, go and dress as stipulated under the Standing Orders.

(Applause)

Mr. Kamuren, will you answer his Question?

(Kamuren stood on his feet)

Sorry, I had given the Floor to Mr. Karan. Will you please sit down?

Mr. Karan: Mr. Speaker, Sir, it is very sad that public property which had been built by the tax payer's money, valuing over Kshs150 million, could be sold to an Asian for only Ksh24 million. On the fateful day, I personally went to the site of the auction, and no public auction took place. If there was any sale, it was by private treaty. Can the Assistant Minister tell this House why they are not protecting the properties of Kisumu District? At the moment, Kisumu County Council had offered to pay Kshs7 million on the spot, pay another Kshs3 million after three months and pay about Kshs500,000 on monthly basis. Why could the Ministry not protect this private property?

Mr. Kamuren: Mr. Speaker, Sir, for the benefit of the hon. Member, I can give further information.

In 1988, Savings and Loans Kenya Limited advanced a loan of Kshs8.1 million to Kisumu County Council to enable it develop the two mentioned estates. They were to repay this money at the rate of 16 per cent interest per annum. That was the agreed rate of interest. There were delays in completion of the estate and a lot of interest charges were incurred. Interest increased from 16 per cent to 32 per cent ending up with a payment of over Kshs500,000 per month. The council could not manage with the increased interest rate on the loan and had only managed to pay Kshs3,764,078. The council could not, therefore, service the loan and at the time of auction, the loan amount was standing at Kshs32 million. The council is a legal entity and is liable to payment of its own debts.

Mr. Magwaga: On a point of order, Mr. Speaker, Sir. Did you hear what hon. Karan said? He said that no auction took place, but the Assistant Minister insists that auction took place. Can we be told whether any auction took place or not?

Mr. Kamuren: Mr. Speaker, Sir, according to what I have given in my reply, the auction took place.

Mr. Raila: Mr. Speaker, Sir, I am asking the Assistant Minister to tell us who was the highest bidder and the lowest bidder and how many people participated in this auction because it was irregular? This answer is not sufficient. This property was valued at Kshs130 million. The loan outstanding was Kshs32 million. The property was sold at Kshs24 million mainly because the Provincial Commissioner had colluded with this Indian and he had been allocated one of the blocks which is supposedly sold. Can the Assistant Minister give us proper information on this matter?

Mr. Kamuren: Mr. Speaker, Sir, I do not have the information that the Provincial Commissioner colluded with the Indian to have this property auctioned. What I know is that the auction took place.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to refuse to answer very pertinent questions? What were the highest and lowest bids and how many people participated in this bid if the auction took place?

Mr. Kamuren: Mr. Speaker, Sir, I do not have that information in my reply, but I can get it.

Mr. Speaker: Order! In all fairness to the Questioner and to the Assistant Minister, I will give the Assistant Minister the opportunity to come with those details and the Question shall be listed again next Thursday.

Mr. Owino: On a point of order, Mr. Speaker, Sir. I would like to refer you back to the ruling you made just now with regard to hon. Raila's dress. What is wrong with hon. Raila's dress when hon. Anyona's is more or less similar? Could both of them be asked to go and dress properly?

Mr. Speaker: Order! I have in the past told the hon. Members or read to them what are the requirements for a proper dress in this House. For men, it shall be a pair of trousers, a pair of shoes, a shirt, a tie and a jacket. For ladies, decent dresses. Now, any Member, therefore, who is not so dressed, shall now proceed out of this Chambers and go and dress in accordance with the Standing Orders and then come back. Shall we now have any hon. Member who is not dressed in accordance with the Standing Orders of this House proceed to go and dress accordingly and return, if he so wishes? Hon. Anyona, proceed or do you have a tie and a shirt?

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I have just come in. So, I do not know what is going on, but if it is a question of dress, you will remember that at the very beginning of this Parliament, that issue arose and it was settled in accordance with the rules of the House.

Mr. Speaker: Order! I thought the ruling I made, as far as it concerned hon. Anyona at that moment, was that he was sitting at that very corner and at that distance I was unable to see exactly how he was dressed. In fact, right now, I do not know whether he has a tie or not, but he could come close to me. It is my duty to enforce the rules of this House as they are until they are otherwise amended. So, hon. Raila and hon. Anyona, can you go and dress in accordance with the rules of this House?

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

Mr. Speaker: Order! I will not entertain further points of order. The only justification any one of them will have is that they do have what I have stated. As I can see, all of them have pairs of trousers. They have to show me that they have a shirt, a jacket and a tie. That is what the rule is. If you do not have a shirt and a tie, then you must now leave. I will take them individually. Hon. Anyona, do you or do you not have a tie? Answer the question.

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

Mr. Speaker: Order! Order, any Member who now stands up on a further point of order before we have completed with the two hon. Members, will himself become disorderly. Mr. Ojode, you have developed a terrible habit of slighting the Chair at the earliest opportunity. You are now warned that the Chair will not take kindly your slights. Now, Mr. Raila, could you proceed first then I will deal with the others.

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

Mr. Speaker: Order! Hon. Mbeo, for being disorderly, you are now suspended from this House for the balance of the day, in accordance with Standing Order No. 88. First of all, you must move out.

(Mr. Mbeo withdrew from the Chamber)

Mr. Ojode: But even hon. Salat---

Mr. Speaker: Order, hon. Ojode! Order! I will deal with those, once I finish with him. You are at liberty to let me know of any other hon. Member who is not properly dressed. Hon. Raila, could you please leave? You are not expelled. You will go, dress and come back.

Mr. Raila: Mr. Speaker, Sir, I would like the Chair---

Mr. Speaker: The Chair will not "hear or see" you until you are properly dressed. You can come back after you are properly dressed.

(Mr. Raila withdrew from the Chamber)

Where is hon. Anyona? I am afraid, hon. Anyona, but you must now go and change.

Mr. Anyona: Mr. Speaker, Sir, I wish you to give me an opportunity on a point of order, so that I can be able to express myself. This is because, this is a matter that was resolved when it first came up. The Standing Orders do provide for more than what you have just said.

Mr. Speaker: Order, hon. Anyona! I remember very well the way I resolved your issue. It does not mean that when an hon. Member is dressed in one way, on day one of this Parliament, that he should continue to be so dressed throughout, without any change. What I said last time is that you were seated so far away from me, that I was not able to see whether you were dressed in accordance with the requirements of this House. I think I can now see that, at least, you do not have a jacket and a tie. Can you go and dress properly?

By the way, you are not being expelled. You are just being asked to go and dress properly. Can you comply with that, hon. Anyona?

Mr. Anyona: Mr. Speaker, Sir, that ruling is in contradiction with what has happened before. I have been here for almost five years now, dressed like this. It is very strange that after those many years, it should be deemed now that I am not properly dressed, and I did argue myself---

Mr. Speaker: Order, hon. Anyona! The Chair has been "invited" to look at you afresh. After that invitation, the Chair has no choice but to look at you afresh and compare your mode of dress with what the Standing Orders require. Having made that comparison, I cannot, with a straight face, say that hon. Raila is improperly dressed and hon. Anyona is properly dressed. It cannot be! So, you must now go and dress properly. I am afraid it has to be.

Mr. Nyanja: Mr. Speaker, Sir, may I invite the Chair that there is somebody else---

Mr. Speaker: Can we, first of all, have hon. Anyona leave, and then you can make your invitation?

An hon. Member: Why is it that it is only the Opposition!

Mr. Anyona: Mr. Speaker, Sir, with all due respect to the Chair, I am not conceding that I am not properly dressed. I will go out, so that I can allow you time, to look at the Standing Orders again, and please come back and make a considered ruling in view of the other provisions in the Standing Orders. Thank you, Sir.

Mr. Speaker: Very well! That is very kind of you! Thank you, hon. Anyona. What was your problem hon. Nyanja?

(Mr. Anyona withdrew from the Chamber)

Mr. Nyanja: Mr. Speaker, Sir, the Opposition also feels that there is another hon. Member there, hon. Salat, who is not dressed according to the Standing Order that you have just stated in this House.

Mr. Speaker: Order! Religious dress is acceptable. Now, can we finish that issue now? We still have one more Question by Private Notice.

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! It would be odd if we spend the whole of this afternoon just talking about our various dresses. Meanwhile, all hon. Members shall come properly dressed from next week onwards. We must now make progress. I think that is sufficient for today. So, we will defer that Question by Private Notice.

(Question deferred)

Next Question!

PROSECUTION OF MR. MWAURA

Mr. Githiomi: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice:-

(a) Is the Attorney-General aware that L.R. No. Nya/Kirima/548 belongs to a Mr. Mwaura, as evidenced by High Court ruling on 17th January, 1990, on Civil Suit No. 3380 of 1985, Nairobi?

(b) If the answer to "a" above is in the affirmative, why was Mr. Mwaura later arrested, arraigned in court and convicted by a subordinate court (Principal Magistrate's Court, Nyahururu) for interfering with boundary features by uprooting a boundary fence partitioning Plot No. 1307 (same as L.R. No. Nya/Kirima/548) and trespassing upon private land?

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

(a) Yes, I am aware.

(b) I am aware that Mr. Mwaura was arrested, charged in court, convicted and sentenced to two years probation for the offenses of malicious damage to property, interfering with boundary features and trespassing on private land, namely; a neighbouring Plot No. 1307. That plot is not the same as Plot 548.

Mr. Githiomi: Mr. Speaker, Sir, I will have to table some document, probably for the Attorney-General to be able to

understand this case. This is because Plot No. 1307 and Plot No. 403 emanated from a sub-division of Plot No. 548. I have some documents to table here for the Attorney-General to probably reconsider this case.

Mr. Mwaura is still out of his land. He has been forced out of his land by the Provincial Administration. The whole plot was originally 548. It was later sub-divided. I would like the Attorney-General to tell this House when he is going to re-settle Mr. Mwaura in his plot. He should also tell this House why Plot No. 548 was sub-divided after the decree from the High Court? I would like to table the following documents. First of all, I would like to table a document that proves that the land was allocated to Mr. Mwaura---

Mr. Speaker: Can you do that?

Mr. Githiomi: I have several documents to table.

Mr. Speaker: Can you table all of them?

Mr. Githiomi: Thank you, Mr. Speaker, Sir.

(Mr. Githiomi laid the documents on the Table)

Mr. Wako: Mr. Speaker, Sir, on the points that the hon. Member is raising, all the arguments were canvassed in this criminal case, which found that Plot No. 548 belonged to the Plaintiff, Mr. Mwaura, and Plot No. 1307 is a different plot belonging to Mr. Mwangi Njoroge.

Mr. Speaker, Sir, as to whether I should look into it, I plead the rule of *sub judice* because Mr. Mwaura has since appealed against the decision of the Magistrate's court in Nakuru High Court, Criminal Appeal No. 127 of 1996, which was admitted on 5th July, 1996 and he is awaiting the fixing of a hearing date.

Mr. Speaker: Very well. We will leave that there.

POINT OF ORDER

MINISTERIAL STATEMENT:
PREDICAMENT OF THE EMPLOYEES OF KNAC

Mr. P.N. Ndwiiga: Mr. Speaker, Sir, I stand on a point of order, to ask for a Ministerial Statement from the Ministry of Finance.

This is on the predicament of the employees of Kenya National Assurance Company (KNAC). It is well known that this company is under liquidation, and these employees have now been given 90 days to repay their mortgage loans with the company.

Mr. Speaker, Sir, at the same time the pension which is due to them is not being paid to them. We would like to get clarification from the Minister because children are dropping out of school and these employees,

apart from losing their jobs, they are now about to lose their property. I have got the letters here which have been written to the employees and all the correspondence that has been going on between the employees and the Registrar-General. Therefore, the nation will appreciate a Ministerial Statement from the Ministry of Finance very urgently.

MINISTERIAL STATEMENTS

DISRUPTION OF POLITICAL RALLY AT GACHOKA MARKET

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, I rise to make a Ministerial Statement as a result of the request by the Member of Parliament for Gachoka, hon. Norman Nyagah.

Mr. Speaker, Sir, hon. Members will recall that I undertook to issue a Ministerial Statement following a request by hon. Wamalwa Kijana regarding allegations of harassment of FORD(K) officials and supporters at Gachoka Market by the security personnel and Provincial Administration on 19th October, 1996. The alleged harassment is said to have taken place during a function organised to officially open a FORD(K) office at Gachoka Centre. Let me state from the outset that it is not in the interest of the Government to harass anybody regardless of whether they are in the Opposition, or not. The truth of what transpired in Mbeere on that day is as follows:-

On 30th September, 1996, one, Ms Beatrice Kanini Nyagah, a FORD(K) official in Mbeere District applied for a permit to hold a public rally at Gachoka Centre on 19th October, 1996. The gathering was to be addressed by the FORD(K) national officials, who would thereafter officially open the Gachoka FORD(K) Office. The application was rejected by the District Security Committee on security grounds.

Mr. Speaker, Sir, on 4th October, 1996, the decision of the District Security Committee was communicated to the applicant. Unfortunately, Ms Beatrice Kanini Nyagah defiantly asserted that she would go on with the planned rally and open FORD(K) Office whether she had a permit or not.

On 19th October, 1996, at about 4 p.m. a crowd gathered at Gachoka Market in readiness for the unlicensed meeting. A contingent of anti-riot police was dispersed to the scene, and the crowd dispersed peacefully on seeing the police. At about 4.30 p.m. a group of FORD(K) officials led by hon. Ferdinand Obure and hon. Sheikh Namoya arrived at Gachoka Market and curious wananchi started regrouping. The area District Officer advised the group not to contravene the law by holding unlicensed meeting. The group obliged, but requested to be allowed to proceed to Ms Kanini's residence where refreshments had been prepared for them. Their request was accepted.

Mr. Speaker, Sir, at about 5.45 p.m. the group returned to the FORD(K) Office with a view to conducting the opening ceremony. It was considered inappropriate for this function to be held at such a late hour and, therefore, the group was prevailed upon to abandon the idea. The FORD(K) officials left and the crowd dispersed peacefully.

Allegations that the FORD(K) officials and their supporters were harassed, are certainly not true. The Government officers at Gachoka Market acted with a lot of patience and restraint in a potentially explosive situation. It is also not true that the area District Officer confiscated the FORD(K) flag.

Mr. Speaker, Sir, having stated the truth on this matter, may I call upon all Members of Parliament and other party activists countrywide to refrain from creating unnecessary tension by following unlawful methods to achieve their goal. The rule of law must be upheld by all people at all times.

Thank you, Mr. Speaker, Sir.

Mr. Kapten: On a point of order, Mr. Speaker, Sir. According to what hon. Wamalwa alleged was the prevention by the Provincial Administration of the FORD(K) officials from opening their office. The Assistant Minister has just confirmed that. Is it necessary for the Opposition to obtain licences for the purposes of opening their offices when we are a registered party?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, in the first instant, the Opposition themselves had applied for a licence for a political rally. The opening of the office was an appendix to the rally.

Dr. Otieno-Kopiyo: On a point of order, Mr. Speaker, Sir. Let me just clarify that as a registered legitimate political party in Kenya, we do not need a permit from anyone to open our offices. If that could be confirmed that that is the case, we would be much happier?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, perhaps, the hon. Dr. Otieno-Kopiyo did not hear what I said. The FORD (K) official had applied for a permit to hold a political rally.

Mr. Muite: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to avoid giving an answer to a very specific question? The question is this: Is it necessary for a registered political party, and what we are talking about is registered where the Registrar has legally refused to register it, is it necessary in law in Kenya for a registered political party to obtain a licence for the purposes of opening its own offices? Can we have a specific answer and if the Assistant Minister is not in a position to do so, can he seek instructions from the Attorney-General?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, we cannot use the excuse of officially opening a political office for holding a political rally.

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

Mr. Speaker: Order! Order, hon. Members! It does look to me as if we are going to take a long time in this matter which is a Ministerial Statement. If Hon. Members are not satisfied, there are no doubts other ways in which you can have it properly ventilated. So, follow those avenues, because we are already out of time. Mr. Ngala, proceed.

POWER RATIONING IN KENYA

The Minister for Energy (Mr. Ngala): Mr. Speaker, Sir, I would like to make a Ministerial Statement on power rationing in the country. The Statement is rather long, but I would try to shorten it, hoping that it will make the necessary message clear to the House.

The country is currently facing a power supply deficit due to a narrowing of the gap between supply and demand over the last five years. During this period, the growth in power demand was 32 per cent against a zero growth in the generating capacity. The power industry is highly capital-intensive and the funds required cannot all be mobilised locally. About 80 per cent of cost power projects is taken up by imported equipment and services. It is, therefore, necessary to seek for offshore loans for the implementation of new power projects.

From 1990, the donor community imposed an aid embargo on the country which affected the implementation of all projects in the national power plan---

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! He is on a point of order!

Mr. Mak'Onyango: Mr. Speaker, Sir, I think the statement he is reading is talking of narrowing the gap between the demand and supply. It should be the widening of the gap.

Mr. Speaker: Order, hon. Mak'Onyango! This is a Ministerial Statement. He is the Minister for Energy and not you!

The Minister for Energy (Mr. Ngala): Thank you, Mr. Speaker, Sir.

From 1990, the donor community imposed an aid embargo on the country which affected the implementation of all projects in the national power plan due to non-availability of foreign funds.

The implementation of the planned project would have ensured that the rising demand was matched to available generating capacity with adequate surplus margin to cater for plants maintenance and normal breakdowns.

The recorded maximum demanded in 1995/96 was 648 megawatts. It is expected to rise to about 700 megawatts by the end of the year. The national installed capacity is 764 megawatts made of 81 per cent hydro-electricity, including 4 per cent from Uganda, 9 per cent geothermal, 6 per cent thermal, but the effective capacity after considering derating of some of the units is 670 megawatts.

There is, therefore, a capacity deficit which deteriorates during outages for plant maintenance of major generating plants when the supply falls below the demand necessitating power rationing.

The Least Cost Development Plan (LCDP) prepared in 1986, identified projects which required to be commissioned during the next ten years in order to ensure the country's self-sufficiency in power generation and supply. But as a result of the embargo, none of the first five projects namely; Kipevu I and II diesel power, Olkaria II and III geothermal power, and Sondu Miriu Hydro-power plants with a projected capacity of 329 megawatts has been commissioned to date.

Due to the changing donor politics, the 1986 LCPD, was up-dated in 1992 and identified the following plants to be in place in the next six years to arrest a situation demand outstripping supply.

PlantcapacityDate Commissioned

Kipevu I 75 megawatts 1993/94

Kipevu II 75 megawatts 1995/96

Olkaria II 74 megawatts 1994/95

Olkaria III 64 megawatts 1996/97

Sondu Miriu 60 megawatts 1997/98

The plants would have boosted the capacity with 338 megawatts by the next financial year.

The delay in implementing the projects has significantly narrowed the gap between the demand and supply. This has constrained the flexibility in the power system operation which is now experiencing a deficit during peak hours of about 50 megawatts. The situation deteriorates when other generating plants operated by KPLC, some of which is "passed the age of retirement" is out of commission for either repair or maintenance.

The current situation, in order to distribute the available power equitably, KPLC effected programme of power interruptions from 24th September, 1996 to facilitate major overhaul and maintenance of the two generating machines at Kiambere Power Station. The interruption programme catered for a deficit of 105 megawatts, 50 megawatts of which was occasioned by the outage of each unit at a time. However, soon after the programme was effected, one unit at Kamburu and two units at Kipevu with a total effective capacity of 76 megawatts, broke down increasing the supply deficit from 105 megawatts to 181 megawatts.

These unforeseen circumstances has adversely affected supply to all parts of the country and, in particular, the Coast region which relies more on generation from Kipevu Power Station. This necessitated a revision of the interruption schedules and a new programme was published through the daily Press on Wednesday, 30th October, 1996.

Taking in mind the effect of the power supply deficit to electricity customer and the economy at large, the Government and KPLC continue to spare no effort in ensuring a fair distribution of the available power until the capacity situation improves. The Company has requested large power customers to reduce their load while other categories of customers have been advised on a rational schedule. At the time, it has appealed to all electricity users to conserve electricity by limiting their consumption as much as possible. Supplies to critical situations such as hospitals will not be interrupted.

To conclude, Mr. Speaker, Sir, the Government would like to assure the power users, the investors and the general public that, with the above measures, the future outlook of electricity power sub-sector is encouraging and appeals to the patience and understanding from all the interested parties. Thank you.

FAMINE RELIEF TO NORTH EASTERN RESIDENTS

Dr. Otieno-Kopiyo: On point of order, Mr. Speaker, Sir. My point of order is that last week, I requested the Minister responsible for food security to issue a Ministerial Statement in respect of the looming crisis facing the residents of Kenya in the north who are facing a catastrophe. Up to now, we have not heard from the Government on this issue. I would seek your indulgence to ensure that they answer to us.

Mr. Speaker: Is there anybody from the Office of the President who would like to respond or the Minister in charge of food security?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, I am afraid, I did not understand him.

Mr. Speaker: What he is saying is that last week, he rose on a point of order, seeking a Ministerial Statement from the Ministry in charge of relief services; seeking what steps they are taking to alleviate the suffering of people afflicted by drought in northern Kenya? So, he said there has not been any response.

The Assistant Minister, office of the President (Mr. Awori): Mr. Speaker, Sir, I can respond straightaway. It is possible that the hon. Member is not aware that our Ministry is helping many people, not only in the North-Eastern Province, but Eastern Province, where there has been drought and where it is known that there is famine.

We have a special office which dispatches food to various places. If I recollect, only yesterday, my colleague was answering a question and stated that it might be useful to hon. Members to attend committees allocating famine relief, so that they are aware how much food is being allocated and where.

Mr. Farah: Mr. Speaker, Sir, while appreciating what the Government has been doing in the last few days only, can the Minister consider, in addition to the efforts which are under way now, taking to the people such things like oil, skimmed milk for the children and for other supplementaries instead of only taking maize?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, I can reply that very positively, that the dietary habits of the people in the areas will be taken into consideration. For instance, we know that our colleagues the Somalis have to use rice. We will ensure that in addition to maize, rice is provided; if they use oil in addition, it will be provided.

CLOSURE OF EIGHT SCHOOLS IN THARAKA

Mr. Murungi: On a point of order, Mr. Speaker, Sir. I rise to request the Minister of State, Office of the President, in charge of internal security, to make a Ministerial Statement on the violence that has caused 8 schools to be closed on the Tharaka-Igembe border. He promised last week that, that statement would be made in the House today.

Mr. Speaker: Which Minister?

Mr. Murungi: The Minister of State, Office of the President, in charge of internal security. Do they have information to give?

The Assistant Minister, Office of the President (Mr. Awori): Mr. Speaker, Sir, I regret, my colleague has not given me that information, but now that I have heard the information, I can undertake to give a Ministerial Statement during the next sitting, on Tuesday next week.

Mr. Speaker: Next Order.

MOTION

ADOPTION OF PIC REPORT

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

(Prof. Anyang'-Nyong'o on 03.10.96)

(Resumption of debate interrupted on 24.10.96)

Mr. Speaker: Mr. Shikuku, you were on the Floor last time. Did you finish or you want to continue?

Mr. Shikuku: I will continue, Mr. Speaker, Sir.

Kabla Bunge lilipoahilishwa, nilikuwa nikitoa hotuba yangu kulingana na hii Report ya Public Investment Committee ambayo nilisema awali kuwa: "Ukiweza kuchukua pesa ambazo hazikutumika vizuri na uziweke zote pamoja, zitakuwa bilioni nyingi ambazo kama tungetumia pesa zetu vizuri, tungefanya maendeleo makubwa sana na pengine *Harambee* haingekuwa inahitajika. Lakini hizi pesa zimeingia katika mifuko ya watu binafsi na wananyonya zote na kutupatia kidogo na wanauliza wananchi wawapigie makofi ya kilo baada ya kunyakua fedha. Wananchi hawana habari kuwa pesa zao ndizo wanapigia makofi.

Bw. Spika, ningependa kuzungumzia katika ukurasa wa 73, katika ukurasa huo, utapata katika anwani au kichwa: "Policy Issues". Wanasema hivi:-

"In accordance with the mandate of the Committee derived from Standing Order No.148, (2) (C), the Committee examined the investment portfolio of the National Social Security Fund. In the Committee's examination of the Fund's investment portfolio, especially in respect of land and buildings, the Committee was dismayed by the fact that the Fund invested a colossal sum of Kshs17,956,608,930 had 48 land/building purchases. This amount represents 60 per cent of the Fund's total investments. The Committee was further concerned that the Fund did not have plans for the development of the various pieces of land so purchased."

Bw. Spika, kuna wizi kubwa kushinda huu? Na pesa hizi za NSSF zinatokana na zile fedha ambazo zinakatwa kila mwezi kwa wafanyikazi wa nchi hii ambao mshahara wao ni wa chini sana na ambao hawana pahali pazuri pa kulala na hawawezi kupewa mikopo ya kujenga nyumba; hawawezi kupewa marupurupu mazuri lakini pesa zao zinachukuliwa na wakubwa, kwa kununua maploti ambayo hayana mipango na tena kwa bei ya juu, na hali wale wafanyikazi ni maskini.

Nina faili moja hapa ambayo nimepata nikiingia hapa Bunge. Wengi wamekatika mikono wakiwa kazini na wengine wamekufa wakiwa kazini. Watoto wao hawawezi kusoma, bibi zao hawawezi kujisaidia wenyewe na pia kupata hizo pesa za malipo ya kuumia ni vigumu kupata kwa sababu wao ni wadogo na ni maskini. Hawana lao. Ikiwezekana, kuna mawakili, with all due respect, ambao wanasema wenyewe ni "ambulance lawyers". Ajali ikipatikana, wako tayari na hizo pesa zikilipwa na shirika la bima, zinalipwa kupitia wakili. Huyu wakili anaweka hizo pesa katika deposit account yake. Huyu mtu atazunguka na huyu wakili anashangilia faida ya hizo pesa.

Bw. Spika, tulipokuwa tunang'ang'ana na Mzungu aondoke ili tujitawale, tulikuwa tunafikiria kuwa

Mwafrika atakuwa na huruma na imani kwa Wafrika wenzake. Lakini ajabu ni kwamba nikilinganisha Mzungu na mtu mweusi, naona mtu mweusi kuwa mbaya sana. Anamfinya yule aliye mdogo na kufinya hata akilia, bado anamfinya tu.

Bw. Spika, pesa zinalipwa na shirika la bima, wakili anaziweka kwa account yake. Miaka nenda miaka rudi, huyu maskini mtoto wake hasomi, bibi yake anapata taabu hadi kufa. There is a lot of money, lakini pesa ambazo mtu anakatwa kwa jasho lake zinatumiwa na wakubwa kununua ardhi kwa bei ya juu na wenyewe wanakula hizi pesa.

Bw. Spika, Serikali yetu sijui inataka tuzungumze kama tumepinduka miguu na kichini ndio wasikie. Haiwezi kusikia na hainia imani na taabu za wananchi wale ambao wanawapigia kura na wanakuja kukaa hapa. Ninawaambia hapa kwa sababu mdogo hawezi kusema lakini mimi naweza sema kwa sababu mimi ni Mbunge na hawa Mawaziri ni Wabunge. Tunaweza kuambiana yale tunataka na hawezi kunifanyia lolote, lakini mtu mdogo hawezi kumfikia hata kusalamia Mhe. Mbunge ni vigumu sana, hata kuenda ofisi yao ni shida. Siku hizi ukiambia mtu kuwa aenda akamwone Waziri, anasema kuwa; "Mhesimiwa siwezi." Kwanza yule tarishi anataka kitu kidogo. Akipita kwa katibu wa Waziri kuna kitabu cha *Harambee*, kufika kwa Waziri mwenyewe itakuwa kama kumwona Yesu ama Mohammed Salaalaa ale wa Salam.

Bw. Spika, tunasema maneno katika Bunge hili sio kwa sababu tunapenda kusema. Ni shida ambazo tunaona sisi wenyewe, hata wengine tunaotembea kwa mgiuu; wengine wetu ukiwaambia watoke Bunge hili kwenda pale City Hall kwa mguu, hawezi kuenda.

Hii ni kwa sababu anahitaji mlinzi. Hawezi kutembea yeye mwenyewe mpaka hapa City Hall. Mwambie aondoke na aende kwa mguu. Hawezi! Kwa nini? Ni kwa sababu ya zile dhambi ambazo anawatendea wananchi. Kama wewe unapendwa, mbona hutembe? Kama hujaibia wnananchi, mbona hutembe bila mlinzi? Ni zile dhambi unazowafanyia wananchi ndizo zinakufanya uogope. Unataka mlinzi saa zote. They are not prepared to meet the people they claim to be their representatives. Tuongee juu ya pesa za umma; fedha ambazo zingesainia mfanyakazi wa Serikali. Sijui vyama vya wafanyakazi vilienda wapi katika Kenya hii? Wananchi wananyanyaswa. Nimesikia kuna mwakilishi wao katika hii NSSF.

(Mr. Speaker left the Chair)

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

Kwa nini wawakilishi wa wafanyakazi hawawezi kupiga kelele na sisi hapa Bungeni tupige kelele pia na ikiwezekana ikiwa hata ni kugoma basi tugome ili mwananchi mfanyakazi wa chini aweze kusaidiwa? Siku hizi mtu akikachishwa kazi hata trade union haiwezi kusaidia. Sisi Wabungee sasa tumekuwa viongozi wa wafanyakazi. Ukimuuliza yule aliyefutwa kazi bila sababu "Wewe ni mwanachama wa chama cha trade union?" Atakujibu "Ndio, na hata nakatwa pesa kila mwezi". Na ukimuuliza "Trade union imefika wapi?". Atakwambia "Trade union imeandika barua hii na sasa siku hizi nikienda wananiambia kuja kesho, kuja kesho kutwa, kuja siku fulani na mambo hayasongi". Na wengine wananiambia "Huyu ameshaonana na tajiri na mambo yamekwisha na ni kwa sababu nimekuja hapa". Asubuhi hii nilisaidia mmoja Kshs9,000 kutoka kwa mkubwa wake. Nilitumia uwezo wangu na akapewa Kshs9,000 baada ya miaka mitatu ya kutembea. Ukimtazama utapata shati lake limekuwa jeusi; hana sabuni ya kuogea. Huku kuna chawa ambazo zatembea. Nikamuuliza "Wewe unalala wapi?" Akanijibu "Nalala stesheni". These are facts and yet these billions just disappear in the thin air!

Bw. Naibu Spika wa Muda, utaona wanasema:-

"Further, the Committee discovered that the prices paid for the land buildings were far beyond the market price. In many cases, the Fund paid upto four or five times above the value of the properties".

Haya ni maneno ambayo ni ya ukweli. Na unaweza kuona hizi pesa zote zilikwenda wapi. Hizi ndizo wanazipata na wanaenda kuweka katika accounts zao na mwananchi anakaa maskini. Umaskini umeongezeka katika Kenya hii kwa sababu ya watu wakubwa walio katika serikali ambao wengi wao sasa--- Hata niliona mtu mmoja akisema eti anataka kuanzisha chama cha kusaidia *chokoro*. Na ukiangalia katika ripoti za kamati za uchunguzi wa fedha za raia utaona mambo aliyofanya katika Kenya hii. Na watu wako tayari kuwapigia makofi tena watu kama hawa!

Bw. Naibu Spika wa Muda, nataka kuendelea na nikueleze kidogo. Ukiangalia ukurasa wa 73, utapata kuna NSSF Land Building No. 1 Plot No. 209/10662.

The Temporary Deputy Speaker (Mr. Wetangula): Which page, Mr. Shikuku?

Mr. Shikuku: Page 73. Unajua sisi hatulali kwa sababu tunasoma sana haya maneno.

The Temporary Deputy Speaker (Mr. Wetangula): Ninakushukuru.

Mr. Shikuku: Asante. Hii ni kwa sababu nimeletwa Bunge kuzungumza. Sio kutupa ngumi hapa au kuua mtu. Yangu ni kusema maneno ya watu. Sikuchaguliwa kwenda kufanya harambee. Hata kupata Uhuru hatukupeleka harambee. The cost price is Kshs35,267,978.90. Market price at the time of sale is---

The Assistant Minister for Labour and Manpower Development (Mr. Ali): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Shikuku: Mhe. Ali anataka kunifanya nisahau kumwambia yale---Na akinichokorachokora atasikia mambo maovu na huenda akasikitika sana mwishowe. The market price at the time of sale is Kshs17,500,000. Unaona wameongeza mara mbili. Badala ya kulipa Kshs17 milioni. This is over valuation. Huu ni uwizi. This is downright theft. Lakini Mungu si Abdallah. Uzuri ni kwamba haya maneno yameandikwa na yamewekwa na siku na kuna copy ya hii kule New York na nyingine iko London. Watachoma zile zilizoko hapa Kenya lakini hii rekodi iko na tunaweka nyingine katika nchi nyingine. Some people will be followed. Watu watafuatwa. Na wasije wakasema eti hii ni fitina. Hizi ni dhambi na nasema na kurudia kwamba imeandikwa kwamba mshahara wa dhambi sio maisha marefu bali ni mauti. So, let then not cry. Ukiangalia plot No. 209/10666 cost price ni Kshs30 milioni. Na ukiangalia market price at that time it is Kshs7 milioni. Wamepiga hapa Kshs23 milioni zaidi na bado mtu hajafanyiwa kitu. Waliotenda maovu haya wamenyamaza na hawajali kwa sababu wana pesa. Mzungu alikuwa na pesa katika nchi hii. Wakati huo kulikuwa na kichwa cha malkia kwa pesa hiyo lakini---

The Assistant Minister for Labour and Manpower Development (Mr. Ali): On a point of order, Mr. Temporary Deputy Speaker, Sir. Ingefaa Mhe. Shikuku atueleze aliipata wapi.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Bw. Ali! It is obvious that you have not read the report. Have you?

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Hatuelezi kama kuna valuation.

The Temporary Deputy Speaker (Mr. Wetangula): This report has been circulated to everybody and you ought to have read it.

Mr. Shikuku: Unaona hii ndiyo taabu tulionayo katika Bunge hili. Hawa huja kupiga kura tu na kusema "Ayes". Hawasomi. These are voting machines!

The Temporary Deputy Speaker (Mr. Wetangula): For Mr. Ali and those who have not read the report, the market value that Mr. Shikuku is talking about was provided for by the Permanent Secretary of the Ministry of Lands and Settlement. It is in the report.

Mr. Shikuku: Bw. Naibu Spika wa Muda, tena nilikwambia iko katika ukurasa wa 73 na hata nikisema ukurasa wa 73 na hana hiki kitabu ni kama kumwashia kipofu taa na ni kuharibu mafuta!

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Bw. Naibu Spika wa Muda, tunaalewa hayo. Lakini hata kama mhe. Shikuku anaelewa commercial value sio sawa na hiyo ya Ministry of Lands and Settlement.

The Temporary Deputy Speaker (Mr. Wetangula): Mhe. Ali, Shikuku is not saying anything new. He is simply reading extracts from the report. So, if you want to dispute the details, stand up after him and then tell us.

Mr. Shikuku: Bw. Naibu Spika wa Muda, hatakuambia chochote kwa sababu hana kitabu. Hapa wameandika kwamba, cost price ni Kshs30 million ilhali ingechukua Kshs7 milioni. Yaani wamechukua zaidi ya Kshs23 milioni juu ya bei yenyewe. Huu ni wizi na sisi Wabunge wa Upinzani tunaambiwa kwamba, we are not development conscious, kwa sababu, hatufanyi harambee. Lakini inafaa tujue kwamba, harambee inatoka katika wizi kama huu. Wengine tumekataa kuiba. I would rather go out of Parliament than go and steal to please Butere people. But, Butere people are very clever, they know. Wengine wanaotafuta kura wakija na pesa zao kule, wao hula na wanawanyima kura.

Bw. Naibu Spika wa Muda, katika part three, wanasema kwamba, bei ya ploti No.209/324/2, ni Kshs13 milioni. Lakini bei inayofaa ni Kshs7.5 milioni. Bei yao ni karibu mara mbili ya bei maalum. Na hapa tunaendelea kuomba msaada kutoka ng'ambo, huku tunaiba pesa zetu wenyewe. Hata nyinyi mkifikiria, kwa nini wale watu wawe wanatuletea pesa kila mara na wala siyo ndugu zetu wala hatuna ukoo wowote na wao? Hata mimi nikiwa na ndugu yangu na kila mara nikimpa pesa anakunywa nazo pombe na kuharibu, je, nitampa pesa zingine? Sasa donors wanasema kwamba, watapeana msaada kwa serikali ambayo haina ufisadi, ilhali hii Serikali yetu inaweza kujinyakulia medali ya dhahabu kwa ufisadi. Hata mtu aseme nini, wao hawajali, maanake wana pesa ambazo watatoa kwa harambee. Wao hutoa karibu Kshs100,000 kila wiki, huku wakisema kwamba, nyingine zimetoka kwa Mtukufu Rais, mhe. Musalia, mhe. Kones na kadhalika; ilhali mshahara wao tunaujua kabisa. Je, itawezekana mtu mmoja kutoa pesa hizi zote kila wiki? Wanapata wapi hizi pesa? Wanapata kwa NSSF. Na ninawaambia wananchi walioko ili nao wawatangazie wenzao kwamba, hizo taabu walizo nazo, kwa

mfano, umaskini, kukosa chakula na karo ya shule, wajue, maadui wao ni hawa "wakubwa" ambao wanawaibia, wala siyo sisi tunaowatetea. Mimi nimewatetea "watu wadogo" kwa miaka mingi. Kazi yangu ni kutwanga hawa "wakubwa" kwa niaba ya "wadogo", kwa sababu wadogo hawawezi. Mimi ninawaweza hapa Bungeni.

Bw. Naibu Spika wa Muda, umaskini umekuwa mwingi sana, ilhali pesa "zinakulwa" hapa. Hata juzi nilikutana na mtu mmoja na akaniambia kwamba, nikija hapa Bungeni, niwaelezee kwamba harambee imewaua watu "wadogo". Kwamba, mbona Serikali isikubali tutoe Kshs20 kila mtu na ziwe ni za kujenga shule na kulipia watoto maskini ambao ni werevu, karo ya shule ili waendeleo kusoma? Nikamwambia hilo ni jambo zuri sana, lakini hatupati faida yoyote kutoka kwa NSSF, tutafanya hivyo, lakini wakubwa watakuwa tayari kunyakua. Leo hii, hata mtoto wa maskini hawezi kupewa bursary. Yule wa tajiri ndiye atakayefanyiwa harambee na tena apewe bursary. It is a question of: The richer you are, the better it is for you. Na ukiweza kuiba zaidi, unapewa heshima zaidi.

Ninapozungumza juu ya ufasidi, ningependa kueleza pande zote mbili za Bunge, Upinzani na KANU kwamba, kweli tunataka ufasidi uishe, lakini pia sisi tulioko Upinzani tusiwe wafisadi. Ikiwa mtu anatoa hongo kwa watu wengine ili wamfanyie kazi fulani na aseme hivyo wazi wazi, sasa kuna maana gani kupambana na hawa wanaopenda hongo ili tuwang'oe katika Serikali na sisi pia tunaopenda hongo turudi pale? Mwananchi ataenda wapi? Huo ni mfano tu ambao nimetoa.

Bw. Naibu Spika wa Muda, sasa nitazungumza juu ya ukurasa No.74, ambako kuna uhondo wa maneno. Wanasema:-

"It was absolutely clear, when the Permanent Secretary, Ministry of Lands and Settlement and the Commissioner of Lands appeared before the Committee, that they were engaged in a conspiracy of silence and deliberate evasion of the questions put to them."

Kwamba, hawa wawili walipoitwa hivyo ndivyo wale waliochaguliwa na Bunge hili kukaa kwa Kamati hii walivyoona.

Hapo mbele wanaendelea kuelezea kwamba:-

"The Committee, therefore, directed the Permanent Secretary, Ministry of Lands and Settlement, to provide the valuation of the remaining piece of land to the Auditor-General (Corporations) for verification by 29th May, 1996. The Permanent Secretary, Ministry of Lands and Settlement and the Commissioner of Lands should be prosecuted for blocking evidence to the Committee."

Wanasema kwamba, kufuatana na ushahidi waliotoa, inafaa huyo Katibu Mkuu na Commissioner of Lands wapelekwe kortini kwa mashtaka ya kuzuia ukweli. Hadi leo, je, Permanent Secretary of Lands and Settlement ameshtakiwa?

Mr. Mulusya: On point of information, Mr. Temporary Deputy Speaker, Sir. To-date, the valuation for the rest of the property has never been provided to the Auditor-General (Corporations), despite the date given.

Mr. Shikuku: Sasa, Bw. Naibu Spika wa Muda, tutafanya nini ikiwa mtu amefanya dhambi na Kamati ikampa muda wa kuleta ripoti kamili, na huyu mhe. Mulusya ni mmoja wa wale Committee Members wa PIC na anasema kwamba, mpaka sasa hawajazingatia hayo maagizo? Ukiangalia ukurasa No.74, ploti ambazo zimefanyiwa over-valuation ni nane na zilikuwa 48; kwa hivyo, ploti 40 hazijatolewa na Katibu Mkuu huyo yungali pale pale. Hata suspension hajapata, wala hana habari, hiyo inaonyesha kwamba: "It is the whole system, from top to bottom, which is corrupt, including the Attorney-General".

The Temporary Deputy Speaker (Mr. Wetangula): Bw. Shikuku, unataka kutumia Kingereza ama Kiswahili?

Mr. Shikuku: Bw. Naibu Spika wa Muda, ningependa kutumia Kiswahili lakini wakati mwingine, kuna maneno mengine ambayo ukiyasema katika Kingereza yanaleta maana sana. Lakini wakati mwingine Kiswahili kinafaa sana kwa kutoa maana fulani kuliko Kingereza.

Kwa hivyo, ikiwa huyu Katibu Mkuu na Bw. Gachanja wangali pale pale, hawajapewa barua kutoka kwa mkubwa wao yule anayelitwa--- Anaitwa nani?

Hon. Members: Kuindwa!

Mr. Shikuku: Ndio, Kuindwa. Huyu Kuindwa ndiye "atawindwa" siku yake ikifika! Hawajapata barua kutoka kwa Bw. Kuindwa kwamba ni lazima wasimamishwe kazi ili wafanyiwe uchunguzi. Hawakupewa ripoti ya valuation ya ploti 40 na zimeuzwa na hakuna linalofanyika, kwa sababu wale walio katika Serikali hii ni wafisadi kutoka juu mpaka chini. Kama sio hivyo, wangukuwa wameshafutwa kazini. The whole system is corrupt from top to bottom. Ufasidi umekwenda juu, juu zaidi. Watu wengine wanatuuliza kwamba policy yetu katika Upinzani ni nini na Manifesto yenu ni nini? Tumeona hakuna haja ya kusema habari ya policy na manifesto ikiwa ufasidi umeongezeka sana katika Serikali, kutoka juu mpaka chini. Hata ukileta manifesto ya aina gani, haina maana mpaka tuunde sheria katika Bunge hili, ambazo mtu akipatikana kuwa mfasidi na

ushahidi wa kutosha unatolewa, huyo mtu ni lazima anyongwe. Tukisha nyonga watatu au wanne hivi, mali inarudishwa kwa umma. Hiyo ndiyo positive step. Lakini saa hii, hata wale---

The Temporary Deputy Speaker (Mr. Wetangula): Were you not, the other day, supporting a Motion seeking to abolish the death penalty?

Mr. Shikuku: Bw. Naibu Spika wa Muda, sikumbuki kama niliunga mkono hoja hiyo, na sitaiunga mkono. Hata mimi nikipatikana na hatia ya ufisadi na wizi kama huu, nipelekwe kortini na korti ikinipata na hatia, ninyongwe. Ni lazima tuunde sheria hapa ya kuweza kunyonga mtu kama huyo kwa sababu yeye ananyonga wengi. Wengi wanakufa kwa njaa na wengi wanakufa huko nyumbani kwa sababu hawawezi kupata dawa. Mtu akipewa maagizo, inagarimu maelfu na hawezi kununua. Na kwa vile hawezi kununua dawa, anakufa kwa shauri ya ufisadi. Kwa nini tusinyonge huyu mfisadi ambaye ananyonga wengine? Ripoti inaendelea kusema:

"The Committee recommends that having displayed profound lack of integrity, the Permanent Secretary, Ministry of Lands and Settlement, Mr. J. Sang and the Commissioner of Lands, Mr. W. Gachanja should be banned from holding public offices."

Bw. Naibu Spika wa Muda, Kamati iliyochaguliwa na Bunge hili, iliangalia maneno haya na kutoa mapendekezo kwamba hawa watu wawili, Mr. J. Sang na W. Gachanja wasihusike na afisi yeyote ya kutumikia umma. Lakini mpaka leo, wangali ofisini.

Mr. Achieng'-Onoko: On a point of information, Mr. Temporary Deputy Speaker, Sir. In fact the Commissioner of Lands, Mr. Gachanja, is still there in the office. The other day, I went to see him for an extension of a title deed. He refused to see me because he had a long queue of people who were supposed to see him for corrupt deals. When I complained, a Member of this House told me: "Mr. Onoko, forget about it. That man shuts his office, and even if he is called by his Minister, he will not come out at all." So, he is just carrying out corrupt deals in that office".

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. It appears to me that at this stage, we need your guidance. There is a recommendation here, which has just been read out by hon. Shikuku, regarding two officials who are holding public positions. I believe that the issue of public positions is a broad area and it includes even being a Member of Parliament. The Constitution is clear on the criteria which applies to who can hold a public position and who cannot. I think we will need some guidance on this matter, lest we could be dealing with a recommendation that perhaps, may contravene certain legislation.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi ni Mbunge wa Bunge hili. Ninapozungumza, ninazungumza kufuatana na Ripoti ya Kamati ambayo ilichaguliwa na Bunge hili, na hii si mara ya kwanza. Kutoka 1963, tukitoa wakati wa detention na ule wa rigging, nimekuwa katika Bunge hili. Nilikuja mbele yake na hakuna siku moja ambaye atanishinda.

Mr. Mulusya: On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to pass over a very important point and the Vice-President and Minister for Planning and National Development had better listen to it. The information which I am giving to hon. Shikuku is that this country should come up with a law to bar anybody who has been found guilty of misappropriating public funds or involved in corruption from contesting a public office like being a councillor, Member of Parliament, Vice-President or even being a President. The Attorney-General should come up with an appropriate Bill to make sure that there is no further contradiction and that is the intention of that recommendation. If somebody is corrupt, he should not be a Vice-President.

Mr. Shikuku: Bw. Naibu wa Spika wa Muda, mimi natoa maoni kufuatana na Ripoti hii. Mhe. Makamu wa Rais akiona ni vizuri kwa watu kuendelea kuibia Serikali ya nchi hii--- Nafurahi maneno aliyoyasema yameandikwa. Wajukuu wetu watakuja kusoma kwamba kulikuwako na Makamu wa Rais ambaye aliona vibaya sana, kwa sababu wafisadi walitajwa. Ripoti inaendelea kusema:

"The Committee further recommends that the National Social Security Fund Act should be amended so that the Board of Trustees membership reflects equitable representation of workers, employers, professional Bodies like banks and insurance companies to avoid the current over-representation of the Government in the Board of Trustees."

Bw. Naibu Spika wa Muda, jambo ambalo linakubidi uliandike katika memory yako ni kwamba, waliowengi katika Board of Trustees ni wale walioteuliwa na Serikali. Serikali inateua watu wengi katika Board of Trustees na Serikali hiyo ndiyo inayowaibia wananchi. Nawaomba wananchi wazichukue pesa watakazopewa wakati wa uchaguzi ujao na kuwanyima kura watu hao. Hii ni kwa sababu adui namba moja ya wananchi wa Kenya ni Serikali. Enemy number one of the people of the Republic of Kenya is the Government. Pesa hizi zote zimekwenda na hali wengi wa wanachama wa bodi ya wadhamini wanatoka upande wa Serikali.

The Assistant Minister for Finance (Mr. Keah): Jambo la Nidhamu, Bw. Naibu Spika wa Muda. Ni haki kwa mhe Shikuku kusema kwamba adui namba moja wa wananchi ni Serikali? Huu ni uchochezi! Ni haki kwake kuwachochea wananchi akiwa katika Bunge hili? Nakuomba utuambie kama ni haki kwake kuwachochea wananchi kwa kuwaambia kwamba adui yao namba moja ni Serikali. Najua hayo ni maoni yake, lakini ni sawa kwake kuyasema hayo katika Bunge hili?

Bw. Shikuku: Bw. Naibu Spika wa Muda, kabla ya kuyasema hayo nilisoma maneno yafuatayo kutoka kwa ripoti hii:-

"The National Social Security Fund Act should be amended so that the Board of Trustees' membership reflects equitable representation of workers, employers, professional bodies, e.g. banks, insurance and Government, in order to avoid the current over-representation of the Government in the Board of Trustees".

Wakati mamilioni haya ya pesa yalipotumiwa wengi wa wadhamani walitoka upande wa Serikali. Hata kitu kikipitisha na wengi wa Wabunge katika Bunge hili tunasema kimepitishwa na Serikali. Serikali ndiyo iliyowaibia wananchi. Je, mtu anayekuibia ni rafiki yako? Yeye ni adui yako namba moja! Nafikiri sasa Waziri Msaidizi ametosheka. Kwa sababu Wabunge wengine wanataka kuongea nataka kuharakisha hotuba yangu, ingawa naweza kuzungumza kwa siku tatu bila ya kurudia chochote. Kitu kingine ambacho kinatumia kuwafilisisha wananchi ni imprest. Unaweza kuangalia ukurasa wa 96 wa ripoti hii, ambapo kumeandikwa:-

"The Committee heard the evidence given by the chief executive and expressed concern that the amount of Kshs4,445,000 was included twice in the balance sheet debtors' figure. The Committee was further concerned that the amount of Kshs3,046,000 was outstanding as imprest taken by some members of staff during the year under review. The Committee deplores the fact that the project co-ordination did not confirm that they were holding imprests of Kshs5,193,000.

Wengine wetu tuliwahi kuwa katika Serikali hii na tunajua kwamba imprest ni pesa ambazo ofisa anapewa anapokwenda safari ya kikazi. Kufuatana na financial regulations unaporudi kutoka safarini inakubidi kutoa risiti za kuonyesha pesa ulizotumia na kuiruidishia Serikali kilichobaki. Hivyo, ndivyo financial regulations zinavyosema. Imekuwaje kwamba maofisa hawarudishi imprest? Mbona wanatumia imprest kama mkopo usio na riba? Pesa hizi Kshs5 milioni zingewasaidia mtoto maskini kusoma. Kule Butere nina watoto wengi hodari, lakini familia zao ni maskini sana. Nimejaribu kutumia sehemu ya mshahara wangu ili kuwasaidia watoto kama hawa, lakini sasa wameongozeka sana na siwawezi. Kama pesa hizi zingepolekwa shule hawa watoto wa maskini wangeweza kusoma. Lakini baba zao hawawezi kuwalipia karo. Hii ndiyo sababu baba na mama wanawatuma watoto hapa jijini ili kuja kuomba. Utaona mtoto mdogo akiwa amembeba mwingine mdogo sana wakiomba. Hii inafanyika kwa sababu umaskini umezidi. Ajabu ni kwamba tunaambiwa tuendelee hivyo hivyo, na Mungu atubariki. Mungu atawabariki watu wanaokufa na njaa?

Bw. Naibu Spika wa Muda, kama pesa hizi zingetumiwa vizuri tungeyapata maendeleo mengi. Unapouliza swali hapa kuhusu mradi fulani Waziri husimama na kusema: "We are looking for a suitable donor because funds are not available". Hayo ndiyo majibu Wabunge wanayopewa. Inafaa Wabunge wajue kwamba hivi karibuni watapelekwa "machinjoni", lakini maofisa wa Serikali hawatuja kuwasaidia. Wananchi watamuuliza kila Mbunge: "Kwa nini ulikuwa husemi katika Bunge? Tunajua mmenyimwa leseni za kuwa na mikutano ya hadhara, lakini kwa nini hukusema Bungeni kuhusu barabara hii yetu? Ulipokuwa ukiomba kura ulisema kwamba ungeishughulikia zahati yetu, lakini hatujasikia ukiuliza swali juu yake".

Wewe Mbunge utafikishwa katika mahakama ya wananchi wakati wafanyakazi wa Serikali watakapokuwa wakinywa kahawa na kungojea kusikia katika redio ikiwa mhe Ligale ameshinda au ameanguka uchaguzi. Pengine matokea ya mawakilisho ya Vihiga yatapotangazwa Bw. Ligale atashindwa na mtu mwingine.

Hii haitafanyika kwa sababu mhe Ligale amefanya kosa lolote. Hii itafanyika kwa sababu pesa tunazoidhinisha katika Bunge hili zikawasaidie wananchi zinaingia katika mifuko ya watu fulani. Lakini wananchi wanamlaumu Bunge, awe katika Upinzani au katika Serikali.

Nakumbuka wakati mmoja nilipokuwa Waziri Msaidizi katika Ofisi ya Rais Mbunge mmoja kutoka Pwani aliniambia: "Wewe Shikuku unazungumza kama backbencher na hali uko katika Serikali". Mimi nilimwambia: "Wewe endelea kuzungumza kwa niaba ya Serikali lakini uchaguzi utakapofika hutaziona kuta nne za Bunge hili". Ajabu ni kwamba matokeo ya uchaguzi uliofuata yalipotangazwa mhe. Nassir alikuwa amemshinda Mbunge huyo. Hadi leo, huyo rafiki yangu hajalionga Bunge hili tena, na pengine hata kesho hataliona. Mbunge huyo hakujua kwamba wananchi walikuwa wamemleta hapa ili kuwatetea, na si kunyamaza na kuunga mkono tu na kisha kutoka na kwenda zako.

The Temporary Deputy Speaker (Mr. Wetangula): Bw. Mulusya pia amecheka kweli, kweli.

Mr. Shikuku: Bw. Naibu Spika wa Muda, labda Kiswahili changu si kizuri. Ukweli ni kwamba, nyinyi ni Wabunge wenzangu na sina ubaya na nyinyi. Tumekutana hapa Bungeni, lakini tuungane, tuangalie

maovu haya, sio kupiga kura tu. Hoja ikiletwa hapa tuiunge mkono bila kuangalia imetoka upande gani kwa sababu, kama inahusu watu wa Turkana, mimi kama Shikuku nitaiunga mkono. Ikiwa inahusu watu wa Ukambani ambao hawana maji, mimi nitaiunga mkono. Hata siku moja, nilileta Hoja hapa kuhusu unyunyiziaji wa maji Ukambani ingawa mimi si Mkamba. Wakati ule walikuwa wanajenga huu mfereji wa mafuta, nilisema kwamba hakuna haja ya kuleta mafuta. Badala yake, huo mrefeji ulete maji yanyunyiziwe huko Ukambani. Wakamba ni watu wa bidii ya kufanya kazi lakini kitu wanachokosa ni maji. Wakaniamba, "Wewe wacha hiyo habari yako, tunataka petroli." Wakati huo kulikuwa na Waziri moja kutoka huko Ukambani, tulipopiga kura, ninakumbuka Mhe. Nyiva aliunga mkono na huyo Waziri alipinga. Pia Mbunge mmoja kutoka Kisumu alisema: "Tunataka mafuta yafike mpaka Kisumu kwa mfereji badala ya maji." Niliwambia kwamba wao wanapinga matakwa ya wananchi. "Nyinyi hamtaki kusaidia watu wa Ukambani wapate maji ili walime, waweze kulisha nchi hii?" Mafuta yanapita huko ili wao wawe wakigonjea kila siku kupewa msaada na kura inapigwa. Mimi sioni vibaya kwa vile wanapiga kura kufuatana na tumbo, kwa sababu aliyekupa unachokula, basi utafanya vile anavyokwambia. Lakini hakuna haja ya kuwafanya Wakamba kuwa watumwa wa Serikali hii. Kitu Wakamba wanahitaji ni maji na wanaweza kujilisha wenyewe. Upande wa North Eastern pia wanahitaji maji na watajilisha wenyewe. Wale watu ambao wanaishi katika eneo la nchi kavu, wanaweza kujilisha wenyewe wakipewa maji. Pesa za kufanya hiyo kazi ndizo hizi zinaliwa hapa. Zinaishia katika mifuko tofauti ya watu binafsi. Mimi sitachoka, nitaendelea kuiambia Serikali hii kwamba huu mwongozo wa kuwafanya wananchi wawe maskini ndio wasiweze kufanya lolote, ili wasikie amri ya Serikali hii, na wawe wafisadi zaidi--- "Toa kitu kidogo", toa kitu kidogo. Ningependa kuwaambia wananchi kwamba inafaa waulize kupewa kitu kikubwa kwa sababu kitu kidogo kinakwisha upesi. Waulize kitu kikubwa kwa sababu hawa wakubwa wamechukua kitu kikubwa, lakini wajue kwamba pia kitakwisha. Na laana itaingia katika nyumba zao.

Bw. Naibu Spika wa Muda, mimi ninayezungumza hapa, sikutoka kwa familia tajiri. La, Mzee Oyondi hakuwa mtu tajiri. Lakini kwa vile nimeweza kufika kwa Bunge hili, ninataka kila mwananchi ajue kwamba mtoto wake pia ana haki ya kuweza kuingia Bunge hili. Ana haki pia ya kuweza kuwa Rais. Kila mwananchi ajue hiyo. Lakini ikiwa baba yake na mama yake wanataka kitu kidogo, basi watoto wao hawatawahi kuwa Wabunge au kuwa Rais wa nchi hii. Hii ni kwa sababu hawatakuwa na kitu kidogo cha kutoa. Kama baba hana kidogo, na mtoto wake atatoa wapi kidogo cha kutoa? Wanauwa ukoo wao wanapochukua hizi fedha na wakiisha kula, wanapigia kura hiyo Serikali ambayo ni ya ufisadi. Wanaua ukoo wao, mtoto wao hatakuwa Mbunge wala Rais wa nchi hii. Ni lazima waelewe jambo hilo. Mimi Shikuku ninataka kila mtoto wa mtu mdogo pia aweze kufika katika Bunge hili na aseme kama Shikuku na atetee wale wengine. Kwa hivyo, maskini kazi yenu ni kuchukua pesa, aliyekupa pesa hata ikiwa ni Shikuku usimpatie kura ili mtengeneze barabara ili watoto wenu ambao hawatakuwa na kitu kidogo cha kutoa pia wawe Wabunge au President. Mimi nimefika mahali nimefika na ninataka waliotoka katika familia kama ya Shikuku waende juu. Wengine wanasema, fulani juu na mnaposema fulani juu mnajiumiza. Ukisema "Kirima juu", mtoto wako atapitia wapi na Bw. Kirima amekaa juu?

Bw. Naibu Spika wa Muda, siasa za Kenya zafaa ziwe siasa za kumfunza mtu kuweza kuvua samaki mwenyewe, sio kumpatia samaki. That should be the new policy. The policy should be: "Teach somebody how to fish, but do not give him fish." Akijua kuvua mwenyewe, atakuwa akitoa tu na kwenda nyumbani. Lakini akingojea kupewa, anakula, anakwenda choo na kesho anatafuta Mhe. Keah yuko wapi ili atoe samaki mwingine. Mpaka lini? Hata Yesu Kristo hapendi hizi siasa ambazo zinafanya tusitumie pesa zetu vizuri, na kuwafanya watu kuwa waombaji. Siku moja Mtatatu Peter alikuwa anakwenda kanisani, akapata mwombaji moja, barabarani. Alipwona Peter, akamwambia: "Nisaidie na kitu kidogo". Peter hakumpatia, lakini alimwambia, "Sina fedha wala dhahabu, lakini kwa jina la Yesu Kristo, simama na utembe" Akasema: "miguu yangu imeharibika". Peter akamshika mkono na kumvuruta, alipofika mbali kidogo, akaanza kutembea na akanyooka. Akaenda na hakurudi tena. That is the best medicine. Mpatie nguvu ajitafutie chakula yeye mwenyewe, siyo kungonjea kupewa. That is the policy of this corrupt Government: To make people poor, corrupt them and then buy them. Lakini kila kitu kilochoko chini ya jua, kina mwisho. Mhe. Keah amezaliwa na kuna siku moja hatakuwa Keah tena, na Shikuku hivyo, hivyo.

The Assistant Minister for Finance (Mr. Keah): Kwa jambo la nidhamu, Bw. Naibu Spika wa Muda. Mimi ninashangazwa na huyu msheshimiwa. Katika mjadala wake, yeye ananiota mimi, tena anitaja sana. Na kila wakati ananiota mimi. Sijui nimemfanyaje huyu msheshimiwa. Hebu mwambie aelekeze matamshi yake kwa Bw. Spika badala ya mhe. Keah. Ni sawa Bw. Shikuku kuelekeza matamshi yake kwa mhe. Keah badala ya Bw. Spika?

The Temporary Deputy Speaker (Mr. Wetangula): Si sawa hata kidogo.

Mr. Shikuku: Bw. Naibu Spika wa Muda, si sawa, lakini ninasema; " kwa mfano Bw. Keah, kwa mfano Bw. Shikuku". Sasa hapo kuna ubaya gani? Mimi sina ungomvi na huyu msheshimiwa wala na mtu

yeyote. Tena hawa Wabunge ninawapenda sana. Lakini ninawaonea huruma, hawajui wanakwenda wapi. Wanaenda kuchinjwa na hawana habari.

(Laughter)

The Assistant Minister for Finance (Mr. Keah): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Shikuku in order to infer improper motive on hon. Members? Anasema ya kwamba hawajui waendako wala watokako. That is really improper motive on the part of the hon. Members. Is he in order?

Mr. Shikuku: Bw. Naibu Spika wa Muda, hayo ni maoni yangu, kwa sababu ninapozungumza hapa, sioni wakifuata yale ninayosema. Na mimi ninasema hivi: Sote tumechaguliwa katika Bunge hili, hasa wale waliochaguliwa wajue mazuri na mabaya. Na mimi ninawapa wasia huu bila malipo yoyote, kufuatana na zile siku nyingi ambazo nimekaa hapa. Nimeona Wabunge wengi wakitoka Bunge hili na kutorudi. Hakuna kitu kibaya kama, baada ya Uchaguzi Mkuu, Mbunge kukutana na mtu ambaye anamwambia kwamba yeye ndiye aliyemwangusha mhe. Keah. Hata hana habari kwamba mhe. Keah ni rafiki yake. Nitasikia vibaya sana kusikia jambo kama hili kwa sababu nimemzoea mhe. Keah. Ninasema maneno haya ili mhe. Keah arudi katika Bunge hili ili tuzidie kuonana. Nitakasirika sana nikikutana na mtu mwingine aniambie, "I am hon. so and so and I am the one who succeeded hon. Keah".

The Temporary Deputy Speaker (Mr. Wetangula): Na wewe ukiangushwa?

Mr. Shikuku: Siwezi kuangushwa. Ukitaka kuniangusha lazima uibe kura zangu au unizuilie gerezeni!

Kabla sijamaliza kuongea, ili nipatie Wabunge nafasi ya kuongea, nitaongea juu ya Shirika la Utangazaji la Kenya.

(Hon. Muite interjected)

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Muite. That is out of order. **Mr. Shikuku:** Bw. Naibu Spika wa Muda, mhe. Muite haji katika Bunge hili. Yeye anafanya technical appearances. Kuna Wabunge wengine ambao wana kazi nyingi kule nje. Mimi kazi yangu ni kuhudhuria Bunge. Sina biashara za kufanya na ndio sababu unaniona ninasoma kama mwanafunzi. Ukiangalia ukurasa wa 131 katika ripoti ya Public Investments Committee unasema:-

"The Committee, while noting the poor financial position of the Corporation coupled with huge outstanding debts which could have greatly boosted the Corporation's financial position, recommends that, the Chief Executive should take necessary action with the view to recovering a full outstanding amount of Kshs55,897,127 by 30th June 1996".

Kwa nini deni hili lipo? Hili shirika liko tayari kuenza habari kuhusu kitu chochote na hivi karibuni huenda wakuvumisha habari za mama akiwa uchi. Katika redio utasikia wakisema kwamba ukinywa Tusker utakuwa na nguvu sana. Unafahamu vyema kwamba mlevi hana nguvu. Wanaeneza uongo na kuwafanya watoto wetu wanywe pompe. Tena siku hizi wanatafuta vijana wa kuenza habari kama hii. Utawaona hawa vijana wakiimba, "Hulala hulala hulala", na huku wameshika glasi ya pombe. Hizo pesa wanazopata kwa kufanya kazi kama hiyo, wanapeleka wapi kwa sababu bado wana madeni kiasi hiki? Hata wanatuambia kwamba ukitaka kukimbia lazima kwanza uvute sigara ya Sportsman. Tunaelewa kwamba Kipchoke Keino havuti sigara wala kunywa pombe. This is misleading information.

Mhe. Mudavadi yuko hapa na mara nyingi yeye huruka kwa ndege kwenda nchi za ulaya. Nina hakika kwamba haoni upuzi kama huo huko. Hizi fedha zote wanazopata kutokana na uenezaji wa habari kama hii, wanapeleka wapi? Hili deni Kshs.55 milioni lilitokea namna gani?

Mr. Mulusya: On a point of information, Mr. Temporary Deputy Speaker, Sir. I would like to inform hon. Shikuku that much of this debt comes from Government Ministries which have deliberately refused to pay off their debts to Kenya Broadcasting Corporation. Also among the parties that owe Kenya Broadcasting Corporation money, is the Kenya National African Union (KANU) which owes it Kshs6,714,908,000.

Mr. Shikuku: Unaona vile nilikwambia. Taabu iko kwa Serikali hii. Ninaposema kwamba wananchi wafahamu adui wao ni nani, sisemi uongo. Kila Wizara hapa ina Voti yake na KANU inakataa kulipa madeni yake lakini siasa yote ya KANU inaonyeshwa katika televisheni. Mhe. wa upande wa Upinzani akikosana na mwenzake, sasa hiyo itakuwa habari muhimu sana kwa shirika hili. Hiyo habari itarudiwa karibu mara nne kwa siku lakini maneno muhimu kama ninayoyasema sasa, hatutayasikia.

Wakati tupokuwa tunapambana na Mbeberu, alifanya hivyo hivyo. Hata kupata nafasi ya kusema jambo

katika ile iliyojulikana kama *East African Standard* ilikuwa ni bahati kubwa. Redio haingesema maneno yetu. Siku hiyo ilijulikana kama KBS lakini licha ya hayo yote, tulipata Uhuru. Siku hizi wananchi wanafahamu kwamba shirika hili ni la KANU na KANU ina deni la Serikali. Kazi yao ni kujaribu kuchafua Upinzani lakini wafahamu kwamba kama Mzungu alienda, hata hii Serikali itaenda. Walahi Rabim, watakwenda! Tulinyimwa nafasi katika Shirika la Utangazaji lakini tulishinda.

Wananchi wamejua kwamba tumenyimwa leseni za kufanya mikutano na tukipata leseni moja inakuwa kama deni. Maneno yale tunawapa watayapelekea wengine na mambo haya yatafika mwisho. Hiyo ni kazi ya raia kufanya. Sijui siku gani Bw. Yesu alikuja Kenya, lakini hakuna mtu hata mmoja katika Kenya ambaye hajui kwamba Yesu yuko. Mtume Mohammed S.A.W. hajafika Kenya, lakini kila mtu anafahamu kwamba Mohammed S.A.W. yuko. Ni ukweli na Serikali hii inapingana na ukweli. Wafahamu kwamba ukweli ni Mungu na Mungu ni ukweli. Lazima hawa wataangamia.

Kwa hayo machache, ninaunga mkono.

Mr. Muite: I thank you, Mr. Temporary Deputy Speaker, Sir. It is true I have been out of the country as my friend, hon. Shikuku said.

The Temporary Deputy Speaker (Mr. Wetangula): Maybe you make technical appearances.

Mr. Muite: It is the chairman of his party who does that. When I am in the country, I am here all the time. I think he was confusing me with the chairman of his party, which I am not. On arrival at Jomo Kenyatta International Airport yesterday, I was rudely reminded that I am now back to Kenya. As soon as I arrived power went off. One small generator that cannot even operate the conveyor belts; where people take their luggage, was the one that was being used.

The energy sector in this country is something that we must seriously address if the economy of this country is not going to collapse. I listened to the Ministerial Statement. Unless we are able to quickly resolve the issue of energy, we are going to have problems because energy is the critical thing in the whole economical set up.

There is nothing that affects the economy more than energy. It is not just the cost of the energy we are talking about here, but it is the availability of energy which is not there. I doubt if we shall be able to do anything about energy in this country, as long as the energy sector continues to be dominated by the former Minister for Energy, who continues to control the energy sector by "remote control", the Permanent Secretary and the man who is running the Kenya Power and Lighting Company (KPLC). The starting point would be to, somehow, resolve the issue of those three people as far as the energy sector is concerned.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it not in order for hon. Muite to mention who the former Minister for Energy, the PS and the man running KPLC are? Are they people without names?

The Temporary Deputy Speaker (Mr. Wetangula): Order! That is not a point of order. Carry on, hon. Muite.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I am saying that we cannot resolve the issue today, without looking at the history. We need to look at the history of the energy sector in this country. Who are the individuals who are responsible for the destruction of the energy sector in this country?

I do not need to name them. The former Minister for Energy, the Managing Director of KPLC and the PS in the Ministry are the three people.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Muite should---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Mulusya! Who has given you the Floor?

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. There are too many former Permanent Secretaries and Ministers who have been changed everyday and all we hear are news over Kenya Broadcasting Corporation (KBC). Can hon. Muite be specific? This is because we are confused.

Mr. Mulusya: Is it the tall one or the short one? Is it hon. Mbela, hon. Kyalo or who is it?

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Mulusya. I will not have any of that. That is not a point of order. Carry on, hon. Muite.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I am talking about hon. Biwott, Mr. Crispus Mutitu and Mr. Samuel Gichuru. Those are the people that I am talking about.

Mr. Temporary Deputy Speaker, Sir, I would like to pay tribute to Prof. Anyang'-Nyong'o, for a job well done in the compilation of this Report, together with his entire Committee, including hon. Members of this Committee from the other side of this House. I think this is the first time when a sterling job has been done in compiling the Report of the PIC. It is a pity that occasionally, some of us on this side of the House also suffer from the same diseases that afflict the other side of the House. That is the disease of allocating responsibilities on

the basis of patronage and loyalties to party chairmen. This is a Chairman who deserves, purely on merit, to have continued chairing the PIC.

But I would like to say that this Government has become immune to exposures and disclosures. It does not matter what we say any longer. The Report of the PIC, the Controller and Auditor-General, the Questions asked and the documents laid on the Table by this side of the House and all the disclosures have now become common things. This Government has become completely immune. The aptitude is: "Wacha waseme!" What are they going to do? They no longer take any action. They no longer feel embarrassed. It is business as usual.

They just carry on and come up with fresh schemes of stealing money from the public. For example, right now, they are very busy scheming on the road carnage, pretending that these new provisions that have been put in place to alter the Traffic Act are for the good of Kenyans. This refers to the new driving and road licenses. But they continue to deny that this is not a scheme to steal money. This is a deliberate scheme. This is the plotting stage on how many billions of taxpayers money is going to end up in the pockets of a few individuals. This is a scheme pursuant to which this Government now thinks it will get the money to run the next elections with. So, they have become immune.

This is why we have been calling for constitutional, political and legal reforms. For example, specific recommendations have been made by the PIC here. Some of the reforms that we would like to see are not there because the Attorney-General has proved beyond any doubt that he is part and parcel of this bureaucracy. He is part and parcel of this Government and he is not, in the discharge of the functions of his office, acting in the best interest of the Kenyan people. We would like to see reforms, pursuant to which, important Committees of this House like the PIC will be given the legal power to prosecute the culprits. The PIC, the PAC and other important Committees of this House must now be enabled, through reform, to have some peace. We would like to see a situation where, instead of pleading with this Government for certain actions to be taken, the PIC has the legal power to appoint and pay its own lawyers from a budget of this House, who will undertake prosecutions of the individuals who are mentioned in this Report. This country no longer needs words but action. We want reforms that will enable the necessary action to be taken. When reports like this one are made, the Government does not blush or take any action. Instead, it just allows the reports to gather dust. This is what demoralises the Kenyan people. There is a lot of corruption and glaring irregularities. How can we countenance a situation where even when the PIC requests valuation reports, those reports are not delivered? Who is this person who directed the PS, after he gave valuation for only eight reports, not to carry on valuing the remainder of the other 40 plots? Who is that person? Should he not be prosecuted together with all the other people who were involved? It must be that the billions which are being disclosed in respect of these eight plots is just peanuts or a drop in the ocean. The other 40 plots would have disclosed billions and billions of shillings.

Mr. Temporary Deputy Speaker, Sir, the pain with the National Social Security Fund, and the pain of this money being stolen is that, this is the money that comes from the weakest members of this society. These are the watchmen who, at the end of every month, have deductions made from their meagre salaries. Drivers and messengers have deductions made from their meagre salaries. All these deductions are remitted to the NSSF. So, they are the most disadvantaged members of our society, who are contributing money to the NSSF. Therefore, when we allow a few billionaires and millionaires to enrich themselves further from NSSF, we are enabling them to steal money from the messengers, drivers and the very humble people.

We have destroyed our environment because the parastatals are not as many as they used to be. What is now fashionable is this craze of giving out every available piece of land. All the forests, houses and lands in urban centres and everywhere in the country are being given out.

Mr. Temporary Deputy Speaker, Sir, as I speak now, a very important research station just outside my Kikuyu Constituency in Kabete, and this is the only centre in the whole country where artificial insemination, semen research into cattle production for milk was going on. That piece of land has now been dished out and is already demarcated, and the beacons are in place. That centre is not going to be able to carry out any research in future. If one visited the place just behind the Kabete Campus, they had very good bulls and they used to import bulls from New Zealand and from everywhere in the country to carry out research in order to improve the quality of the milk herd in this country. That is the last piece of land that should be dished out, and yet that land has been sub-divided, and given to people to sell. This is why we keep saying that some of the things this Government does, it behaves like an occupation force. If we were to overrun another country, the way we would destroy that country is what this Government is doing. You cannot take the research station and give it away just like they have done with the Potato Research Station at Tigonini in Limuru.

Again, Mr. Temporary Deputy Speaker, Sir, when you give out this land in order to carry out potato research, I have been to Tigonini, you need a lot of land because where you plant the potato seed, once you plant for one year, you need to allow that particular area to remain fallow for a number of years. So, we do need a lot of

land. The consequences of dishing out this piece of land is that the Potato Research Station at Tigoni is not going to be able to carry out research. So, within no time, farmers will find that the potatoes they are planting have got worms and are not productive because they would not be quality seeds. Are these the actions of a Government that has got the interests of the people at heart? Many of us in the Opposition side keep on saying, all this land is being dished out to the politically-correct individuals, a few of them. One of the individuals who has got a chunk of land in Tigoni is Kuria Kanyingi who is jumping up and down in the whole of Kiambu District; but as far as we are concerned in the Opposition, certainly in Kiambu District, we thank the KANU Government, because we like them having characters like those ones doing their job for them in Kiambu. Because as long as you have got Kuria Kanyingi doing your job for you in Kiambu District, you will never make any inroads. So, let him remain and continue doing your work. But for heaven's sake, do not give him a chunk of land in Tigoni and then give him another 50 acres in Karura Forest.

He is also the same individual who has been given 50 acres in Karura Forest. So, this is the money that is dished around all the time in Harambees and this is what is destroying this country. We are not against Harambee, but the Harambee spirit was instituted in this country by the late President Kenyatta. Kenyatta never gave more than Kshs3,000 in any Harambee, usually he used to give Kshs1,000 and the highest amount he gave was Kshs3,000. There is no way in which Harambee can replace a funding policy, or organised proper economic management of the country. Harambee is for us to contribute the little that we have. But we cannot expect the educational system in the whole country to be run on a Harambee basis. We ought to have a policy on how the educational system is going to be conducted. How much money do we have and how can we raise more? But we cannot expect the entire educational system from primary schools to the universities to be conducted on Harambee basis.

Even where Harambee is conducted for a particular school, I have got more than 20 high schools in Kikuyu Constituency, and I understand the President wants to come and conduct Harambee for Kirangari Secondary School, and he is welcome. I would like him to come! But what about the other 19 secondary schools that we have in Kikuyu Constituency? Even where a Harambee is conducted for this particular high school, what about the numerous other high schools across the ridge? That money that is contributed through Harambee is not going to last for ever. What about the following year? What about the recurrent expenditure? I am trying to demonstrate that there is no way in which a Harambee can replace a funding policy for education.

Now, we are grateful that the President also conducted Harambee for a health centre in Kiambaa. What about Kiambu District Hospital and the other hospitals that we have in the country? In other words, let us get back to what role the Harambee should play. Harambee cannot replace the health system in this country, we need to have a policy. We need to create enough money in order to fund our hospitals. Today, every village in each Constituency conducts Harambee because somebody is in hospital and cannot pay the bills for that hospital. It is very ironical that even the Government hospital staff also go to the private hospitals for treatment, not to the Government hospitals at all. We had a case where the other day, not too long ago, some students from Njiris High School had an accident, but they did not go to Murang'a District Hospital, and this accident was within 300 yards from Murang'a District Hospital. But those students were transferred to Nairobi Hospital. A Harambee had to be conducted by the Nominated Member of Parliament, hon. Kamotho to pay the bill at Nairobi Hospital. They could not be taken to Murang'a District Hospital because there are no facilities and drugs there. They were not taken to Kenyatta Hospital because that is the same story. We cannot be able to look after the health of a majority of our people through Harambee. What is the Government doing to adequately fund the health system in this country? The hon. Minister for Finance knows the amount of money that he is collecting every day from VAT and other forms of taxation. Today, out of every Kshs1,000 worth of petrol purchase, over Kshs600 goes to this Government by way of tax. If there was no tax on petrol, the petrol costing Kshs1,000 today, would be costing less than Kshs400. What is the Government doing with all this money?

The Sales Tax, VAT, the billions of money that they are collecting, if we were to close the loopholes relating to corruption whereby a lot of this money ends up in the pockets of a few individuals, so that they can go and give it around in Harambee, because what we want is not who is the President or which party is in power. This is not what we want. This is not what we are interested in. A majority of the Kenyans today want to see a better situation, and a better standard of living. They want to be able to go to hospitals where there are drugs, or if it is not Government Hospitals, they want to have sufficient income where they can be able to pay for their costs in private hospitals. Today a majority of them cannot do that. We want a country where there are jobs. We want a country where the roads are passable. We want a country where our children when they finish their university education, are able to get jobs. We want people to have enough income to be able to live in dignity and where everybody has a right to live in decent housing in a house with running water and light. This is the dream that a majority of us have for this country.

So, it is not a question of who is in power, or which party is in power, but it is a question of how we can manage the economy of this country in a manner in which the economic social situation of our people can be improved.

Mr. Temporary Deputy Speaker, these are the issues that we should be addressing ourselves to instead of politicking from Monday to Sunday and instead of finding ways and means of permanently remaining in power. These are the reforms that we are saying have to come. When we talk about privatisation of the parastatals today, instead of looking for ways and means of truly privatising these parastatals, the priority is who is going to buy what, and how can we get a deal that will ensure that a particular parastatal is sold at an under value.

We are being crippled by debts. The Minister for Finance, the other day talked on his return from Europe about "debt relief." Today, if we were told to repay each and every shilling that this country owes or the money we have borrowed outside, then the 25 million Kenyans; every man, every woman and every child, would have to pay over Kshs1,000 in order to pay off that debt. We are being crippled by the debts which we owe. These debts have come about because of corruption and incompetence in the management of the economy in our public affairs. For example, we passed onto the public the other day when we were privatising Kenya Airways over, Kshs4 billion.

For every debit there has to be a credit. So, this amount of Kshs4 billion was passed onto the taxpayer and when we are talking about the taxpayer we include even unemployed people because they have to go to the shop to buy soap or paraffin. That paraffin or soap has got an element of tax and even the items without sales tax are distributed by vehicles using petrol. As I said earlier, the tax on petrol is over 50 per cent. So, even that paraffin has been taken to the remotest corner of village where that unemployed woman is going to buy paraffin or salt brought by a vehicle. So, by buying that paraffin or soap that unemployed woman in the remotest part of the country is paying this taxation on petroleum. So, we are heavily taxed. This Kshs4 billion that public has been asked to pay in order for us to privatise Kenya Airways is going to be paid not just by the people who are employed, but by even those who are unemployed because they pay indirect tax in terms of Sales Tax, VAT and taxation on petroleum. They are being asked to pay Kshs4 billion that was taken from Kenya Airways and debited to the Government. The Government has got no money of its own, it does not have even a cent. The money that the Government has comes from us, Kenyans. So, we are the ones, as Kenyans, who are going to pay that Kshs4 billion. So, it is necessary to find out how Kenya Airways incurred this debt of Kshs4 billion that we took over.

It is a fact that when Kenya Airways was buying Airbuses, to begin with all the technical reports were against these Airbuses. We should have bought a different type of aeroplane not Airbuses. All the technicians or the people with the technical knowledge recommended against the airbus. And to begin with, those Airbuses as new they were had to be altered, modified to new aeroplanes because it was not the type that would be able to fly non-stop from Nairobi to London without refuelling with a full load of passengers capacity. If it carried a full load of passengers, then it needed to stop in Rome for refuelling. If it was to go non-stop, it needed to carry less passengers, less than the full capacity. So, those modifications had to be done.

The format of a contract for the purchase of aeroplane, is that besides the aeroplane that is being bought as part of delivery, it comes with a whole set of spare parts, including spare engines, that is costing a lot of money. When these Airbuses were delivered, the schedule of spare parts which was in the contract including this spare engine were not delivered. I know this because I was playing squash in those days with then Managing Director who was there when the delivery was being made. He was not the Managing Director when the contract was being signed, but he was the MD when the delivery was being made, and he refused to sign the delivery or acceptance because when he went through the schedule and the contract, he could not find the spare engine. He said, "I can see the plane, but where is the list of these spare parts including this engine?" That MD was eventually made to sign acceptance of the delivery because somebody somewhere had given instructions that spare parts costing millions of dollars, including the engine, should be monetarised and the value thereof should be credited in some accounts in Switzerland.

This is how Kenya Airways incurred this debt of Kshs4 billion. So, that credit is in somebody's account in Switzerland, the debit is to be found in the pockets of ordinary Kenyans including the unemployed Kenyans.

As long as we do not seriously address and eradicate the issue of corruption in the country, the economy will never recover. It does not matter what efforts, the hon. Mudavadi does and to some extent in the initial stages he tried very hard, it is not going to recover without addressing and eradicating corruption. That is only one example.

I see that we are talking about Fluorspar Company Limited. Fluorspar Company, the initial management contract was given to a South African lawyer called John Lang who was in this country. The commission for management was being paid on gross sales. Surely, if you are going to be paid your commission

on gross sales, you have no interest in making profits.

In fact, that company entered into contract for the sale of fluorspar at a cost which was less than the cost of production because the more they sold the more they got. So, there was an accumulated loss back in 1976 of millions and millions of Kenya shillings. And what did we do? This Government, in order to start a new chapter and carry on, they formed, I know this because I talked to the receiver who was appointed by the bank to wind up Fluorspar Company--- It is the receiver who did his investigation and found out that this manager, pursuant to this management contract was interested only in the money they were making because their commission was being calculated on the gross sales. So, they were never interested in negotiating for good prices. They were undercutting everybody else in the country and selling this fluorspar at less than the cost of production.

The funny thing is when the receiver recommended the winding up of this company altogether, the Treasury came in and said, "No! It is not going to be wound up." They formed a new company, Fluorspar 1977 Company Limited, and wrote a cheque from the Treasury, and I want the Minister for Finance to go and check in his records and he will see a cheque written from Treasury to go and pay the bank the money or the overdraft that had been used to pay this management contract.

Mr. Temporary Deputy Speaker, Sir, the tragedy is that, while the new company was formed, it was given the same identical contract to continue managing Fluorspar Company and commissions being paid again on gross sales. These are the instances that demonstrate that there is no way whatsoever, in which we can ever expect this country to benefit from economic reforms as long as corruption is the way it is. And, there is no sign whatsoever, that corruption in this country is in any way being reduced. If anything it is just increasing.

Mr. Temporary Deputy Speaker, Sir, for instance we have KBC, which is run by taxpayer's money and which is supposed to be a public corporation because it is funded by taxpayer's money. But, for all practical purposes, it is a propaganda mouthpiece for the ruling party KANU and, this is why we are saying that we must have reforms in this country. We are here as the elected Members of the Opposition by our constituents and we are demanding that KBC must open up and do an objective and impartial job.

The widest circulating newspaper, *The Daily Nation* is read by about two million people out of the 25 million people in this country. So, one cannot reach the countryside unless one uses the radio. So, unless the radio is opened up, first and foremost, a fair opening up and making KBC accessible to Opposition and in addition to privatising radio stations in this country, you can forget about any issue of free and fair elections.

Mr. Temporary Deputy Speaker, Sir, since I want to give time to my colleagues to contribute, I beg to support.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, thank very for giving this opportunity to make my contribution to the debate on the Public Investments Committee. I want to say that, I will spend a few days on this subject for the simple reason that I want to provide the Attorney-General with necessary evidence that he requested from us, a month or so ago in order to enable him to undertake criminal prosecution against certain individuals that we the Public Investment Committee have found to be guilty of looting or colluding to loot public corporations. In so saying, I want to state from the outset that I personally have no vendetta, nor agenda that is personal or otherwise, to pursue other than the interest of the people who brought me to Parliament and gave me a chance which is denied many a people, among our 28 million citizens. In that respect, I will discharge my duties irrespective of the personal threats or any other considerations whatsoever except with the issue in mind that I will serve my constituents.

Without wasting time, I will go straightaway to the methods of looting that are constantly utilised by those who perpetrate these crimes within the public corporations. In my own evaluation, and through the Committee's evidence that we heard, we came across seven methods of looting. The first and the most popular one has to do with procuring and tendering procedures. When we went through our old cases that we would enumerate in the course of this examination, the Committee observed with concern and deplored the manner in which certain state corporations awarded tenders for goods and services to dubious companies whose business profiles were unknown and without inviting open tenders in total disregard of the laid down tendering and procurement procedures.

Mr. Temporary Deputy Speaker, Sir, in due course we will go through numerous cases where the closed-tender method was used by powerful individuals outside those companies and powerful individuals well connected within those companies and then using the influence of the State. We have a situation where powerful men within the State collude with those political appointees of theirs to use public corporations as a mechanism for financing their political operations. So it is a reward system. The people who are put in charge are given specific briefs to loot and reward people who appointed them. We have got many names from the Government itself all the way down to State House operatives, the Minister for Finance, permanent secretaries and all the lot.

The Government of today and the Government of yesterday, operate together with these people as a well organised cartel whose main brief is to loot the public coffers. I appreciate that we are in a country with no gold and no diamond and, therefore, the man in charge of the Government must find the mechanism for financing his friends.

The second method, was direct misappropriation and mismanagement of the funds put in the hands of those in charge of these corporations. We went through the accounts of Jomo Kenyatta Foundation, Kenya Sugar Authority, Kenya Industrial Estates, National Cereals and Produce Board, Kenya National Trading Corporation, the Lake Basin Development Authority, Milling Corporation of Kenya and the two most notorious ones were; Nzoia Sugar Company and the National Social Security Fund. Of the later, the process is continuing. As for Nzoia, they have a method of changing management every six months so that the next manager does not to know what took place just a few months ago.

The third method, which proved very effective for looting, was the question of using what is called variation orders. In the case of the National Housing Corporation and the National Social Security Fund, this moved from a few hundred million to several billion shillings within a period of one year for various reasons. The most infamous case, the extension of National Social Security building moved from Kshs467 million, 1988, to Kshs4.5 billion, 1996. Then, the National Council for Science and Technology rented a building at the General Post Office along Kenyatta Avenue. After they rented it, they figured out that they needed to partition it, and the partition alone cost the taxpayer Kshs36 million. National Council for Science and Technology had its own land and if it did not have, it could have been allocated one by the Government and then build their own offices no matter how modern for the cost of Kshs36 million, but they chose to renovate and partition offices which did not belong to them.

Mr. Temporary Deputy Speaker, Sir, the fourth item through which public coffers are being depleted, was the question of non-compliance with an accounting requirement where companies will keep a fixed assets register.

So long as they did not have a register of what they own, they did not have to tell anybody of what they own. And we went through the case of the Kenya Railways Corporation, Kenya Bureau of Standards, National Cereals and Produce Board and the Kenya Forestry Research Institute. That was the fourth method.

Mr. Temporary Deputy Speaker, Sir, the fifth method was the utilisation of the surplus investment funds which were then placed in private financial institutions and numerous financial institutions came up in the 80's and they were financed mainly by the public. All these banks that you see in town are financed by the taxpayer. They took money from Kenya Ports Authority, National Social Security Fund, Catering Levy Trustees, Kenya Industrial Estates, Tana and Athi Rivers Development Authority, Mwea Rice Mills and Kenya Trypanosomiasis Research Institute.

Mr. Temporary Deputy Speaker, Sir, the sixth one was uncompleted projects where a chief officer undertakes a project for which he does not have sufficient money or budget to complete and then a few storeys later, a few months later or a year or so later, the whole project is abandoned having spent Kshs50 million to Kshs100 million. The most infamous case in our minds is the case of the Nyayo Bus Service Corporation and they had buildings annexed to them which were owned by the National Youth Service on Thika Road. That project has been that way for nearly eight years; it is incomplete. And you can go again to Kenya Ports Authority and the Lake Basin Development Authority and find such cases.

Mr. Temporary Deputy Speaker, Sir, the other one was misuse or mis-allocation of public land. We went to Kitale where we found one of the largest research stations in Kenya. The cattle were dying because the land on which they used to graze had been taken over and allocated to some senior Government officers including the Officer Commanding Police Division (OCPD) who then decided, because we were investigating this question, to send some police officer to come and arrest a KARI (Kenya Agricultural Research Institute) official for giving evidence before Parliament. And when we challenged him, his officers withdrew. We came and, I think, the chairman of the Public Investments Committee (PIC) wrote a letter to the Speaker on this matter. We never heard anything of it. I, personally, am very concerned that Parliament should be intimidated by a mere police officer when Parliament is on duty in Kitale because we were investigating the mis-allocation of public land.

Mr. Temporary Deputy Speaker, Sir, the question of misallocation of public land or misappropriation of public land has assumed such gigantic proportions that if nothing is done about this, then in a few years time there will be no public land to talk of in this country. There were buildings on this land, there were officers of the Institute living there and one morning, somebody went to evict them because, now the land belonged to them. And, that officer is still an employee of the Institute. We found that the dairy farm where they have the dip and other facilities were also on a piece of land which had just recently been allocated to someone. The dairy farm of the Kenya Agricultural Research Institute had been allocated and the Government keeps saying: Kenya is an Agricultural country, agriculture is the backbone of our economy and yet, the premier Research Institute is being treated like that.

Mr. Temporary Deputy Speaker, Sir, the last one was the privatisation of public corporations. When this is completed, it will turn out to be the biggest scandal this century. This is with regard to the process upon which Kenyans transferred the assets they had acquired within a period of over 30 years, to either individuals within this country or foreigners like we did in the case of Kenya Airways.

Mr. Temporary Deputy Speaker, Sir, it is on that core that I will start my proper examination of what we went through. Before I get to that, the Attorney-General should tell Kenyans what the legal status of a body called the Executive Secretariat Technical Unit (ESTU) of the PRPC was. It had no legal basis and it had not been founded on any law at all. It was done by directives. Up to now, it has entered numerous contracts which have cost the taxpayer a lot of money. In that respect, I will start with the Milling Corporation of Kenya, sold in Nakuru sometime ago. Among the people who bid to buy the Milling Corporation of Kenya were eight companies. The first one on the list is Premier Flour Mills, which we understand is connected with the East African Bag and Cordage Company and also connected with the hon. Nicholas Biwott. They bid for Kshs150 million and the other condition for the offer was that they would purchase outright, the Milling Corporation of Kenya, subject to execution of the final contract. The next bidder was Kitale Industries with a bid of over Kshs195 million, which was higher than Premier Flour Mills by Kshs45 million. Then, there was Nafaka Mills with a bid of Kshs60 million, Sans Nombre Kshs83 million, Kenya Grain Growers Co-operative Union with no figure, but the offer was pegged at the reserve price, Spondulink Kshs100 million, Mombasa Maize Millers Kshs132,500 and Songoiwo Holdings Kshs36 million. Before the bids were invited, the Company had commissioned Githongo and Company to do the feasibility study and an economic valuation of the project of the entire Company. Githongo and Company gave a figure of Kshs500 million. In their opinion, Githongo and Company valued the Milling Corporation of Kenya at Kshs500 million. The Auditor-General (Corporations) carried out a special audit on this, and these were his findings:-

"When auditing documents and records were made available by the Executive Secretariat and Technical Unit of the Parastatal Reform Programme Committee, I observed a number of serious issues on the sale of the Milling Corporation of Kenya, a Government enterprise owned by the National Cereals and Produce Board and the Industrial and Commercial Development Corporation on a fifty-fifty-basis. The observations, made and notified to the Permanent Secretary, Secretary to the Cabinet and Head of the Public Service and the Permanent Secretary, Ministry of Finance as well as all the concerned parties, needed urgent corrective action. However, on receipt of a copy of his letter on the matter, the Executive Director of the Executive Secretariat of Technical Unit of the Parastatal Reform Programme Committee, responded by accusing my Office of conducting a witch-hunt audit and further, that, audit findings were an exercise intended to finish him."

That was Mr. Lawi Kiplagat, reacting to the findings of the Auditor-General(Corporations). He says the audit findings are false and are meant to malign him and to get rid of him. The Report continues to say:

"The Executive Director did not comment or provide explanation on any of the observations made in my letter with regard to the sale of the Milling Corporation of Kenya. In view of the unsatisfactory manner in which the sale of this public enterprise has been conducted, and the attitude of the Executive Secretariat and Technical Unit of the PRPC towards the original observations made, it has become necessary to issue this Report. Detailed observations were made as follows: According to the guidelines on the privatisation of public enterprises, the PRPC appointed a Tender Evaluation Committee composed of representatives of the following institutions: ESTU to chair, Treasury to have a representative, the parent Ministry of the enterprise should have someone, the holding company of the enterprise will have a member in the Committee and other professionals, the ESTU may deem necessary to co-opt. However, written requests made to ESTU to avail the Tender Evaluation's Committee Report for audit verification have not been fulfilled and as a result, I have not been able to determine how and on what basis the offer of Kshs150 million from M/s Premier Floor Mills was accepted by ESTU against the highest tenderer of Kshs195 million from M/S Kitale Industries. The loss to the shareholders could be colossal considering that the conservative business valuation was put at Kshs550 million."

So, the taxpayer has lost the difference between Kshs550 million and Kshs150 million. Even that Kshs150 million was not forthcoming when the contract was finally accepted. They did not meet that very minimum condition of paying this low valuation for a major company that was operational and profitable.

There was the question of reserve price and he said:

"In the absence of the Tender Evaluation Committee Report, it was not possible to confirm

whether or not, there was a reserve price on the sale. The Executive Director has also declined to respond to my query on the matter."

That was Mr. Lawi Kiplagat operating as a law in himself. Now he has been moved to another Corporation, which we will also come to. He has also done wonders there. The Attorney-General wanted evidence and I am giving him facts. I want to give him the facts and figures from the Floor of the House, because he will feel duty-bound to do something. He will not say I went to Kasipul/Kabondo to go and campaign on this thing. I would want Mr. Kiplagat, on this basis alone, to be interviewed by the police.

The Report continues to say:

"We have established that the valuation of motor vehicles by M/S Lyold Masika, 28 motor vehicles ranging from saloons, pick-ups, lorries and tractors which cost the Corporation Kshs25, were in April, 1992 valued for Kshs11 million. While the basis of the valuation has not been explained, observations made clearly show that several vehicles would appear to have been under-valued in that, the acceptable approach should have been the determination of the current market value of each vehicle from dealers of such vehicles and depreciate it, as appropriate.

Mr. Magwaga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Kopyio is actually reading from a document instead of speaking!

Dr. Otieno-Kopyio: Mr. Temporary Deputy Speaker, Sir, it is a pity that even after a stint in two different parties in Parliament, the hon. Member does not know what the Standing Orders provide for. I am referring to documents to support the case that I am making. These documents were presented before the Public Investment Committee of Parliament, which was under the chairmanship of one Prof. Anyang'-Nyong'o, the current leader of Social Democratic Party (SDP). Upon these documents we have produced this thick Report. But I do not want to pursue my friend, Prof. Anyang'-Nyong'o. He did a good job.

I was at the point where I was reading the following paragraph:-

"In the absence of this approach it is considered that all the corporation's vehicles were totally undervalued, some of the examples being as follows: a vehicle worth Kshs2 million was sold for Kshs130,000."

I am reading the special report by the Auditor-General (Corporations) (AGC) on the sale of the Milling Corporation of Kenya, and I am on page 3. I can tell you that that vehicle was a Mitsubishi Fuso bus with a carrying capacity of 56 passengers. Its registration number was KAA 640A. That is just an example.

That was not enough. Once the valuation was done, and the AGC thought that the corporation had undervalued the vehicle, they actually went ahead and sold it way below even the value the AGC was quarrelling with. The vehicles did not fetch the value given to them by M/s Llyod Masika. That was the fourth point the AGC had a quarrel with. Of course I told you about the valuation of Kshs550 million by M/s Githongo & Co, who valued the corporation as a going concern. So, his estimate was fairly conservative.

The other issue that he had a quarrel with was with regard to the down payment. According to the letter of offer dated 25.11.93 M/s Premier Flour Mills Ltd. were required, in acceptance of the offer, to make a down payment of 10 per cent on the offer price of Kshs150 million within seven days from 22.11.93 to the National Cereals and Produce Board. The down payment of Kshs15 million should, therefore, have been made on 28.11.93. However, records and documents examined revealed that the down payment was made on 27.1.94 in favour of the Parastatal Reform Programme Committee (PRPC) vide purchasers's cheque No. B593019, over 60 days from the date of offer. That was the first breach of the contract we were talking about. The purchasers breached the contract. The AGC said so in these terms:-

"However, as at the date of this report the balance of Kshs135 million has yet to be paid. It is my considered opinion that the breach of the terms of sale has rendered the sale agreement invalid".

This report is dated 19.5.94. I could go further on this alone, but I do believe that today I will sleep well because I have provided the Attorney-General of the Republic of Kenya with what I would mark as exhibit No. 1. The Minister for Finance knows better. The other issue that concerned the Committee very much and caused us a lot of pain was the infamous question of the National Social Security Fund (NSSF). That Fund that was created many years ago by our fore-fathers and founders of this nation, who deemed it fit that a man or a woman who worked hard for 55 years should be served something to retire upon. The Chairman of the Public Investments Committee (PIC) directed, after deliberations, that, one Commissioner of Lands, who was appointed in accordance with the Lands Act, provide the Committee with valuations of pieces of land, 48 of them in total, which had been bought by the NSSF. The request was conveyed to them in writing from the Office of the Clerk of the National Assembly. The letter went to them in November, 1995. Up to the time that we invited this gentleman to appear before the Committee, we were unable to get the Commissioner of Lands to give us the information we required in

order to reach a conclusion as to whether the pieces of land in question had been paid for regularly; whether the price paid for them was competitive and would return value to the contributors, who are the owners of the Fund.

Mr. Josiah Sang, who is one Permanent Secretary that this Committee recommended should be sacked and banned from holding public office, appeared before the Committee and exhibited the greatest amount of arrogance Hon. Members of the Committee ever came across. Among the demands that he made of us was that if we wanted to have these valuations done, the Committee itself should organise a harambee and raise funds in order to provide him with money to do the valuations. As far as he was concerned, the request by the Committee could not be financed because he had not budgeted for that purpose. Mr. Sang told us:

"Mr. Chairman, there is a catch, because if I send the officers to the field, the officers who will give you the information will also require my money to move to the site."

"Mr. Chairman: Mr. Sang, please let us go systematically. On the 21st of November, 1995, we wrote a letter to the Commissioner of Lands, which stated very clearly and I read: "The Managing Trustee of the NSSF appeared before the PIC on Wednesday, the 13th of September, 1995 and gave evidence on the accounts of NSSF. Arising from the evidence, the Committee required additional information from you and your officers on matters relating to queries raised by the Auditor-General(Corporations). In the table provided, please insert the market price of every piece of land or building at the time it was sold, then submit the document to the Auditor-General(corporations) urgently. This will assist the Committee to form a fair judgement and conclusion on queries contained therein".

Mr. Sang then said: "Mr. Chairman, in all fairness, even the letter was not copied to me." We requested the Permanent Secretary in the Ministry of Lands and Settlement to ensure that the Commissioner of Lands gave Parliament the market price of properties bought with the contributors' money. The Permanent Secretary said: "If you want me to do that even though you are Parliament, I would want you to give me money to do it". In fact, he said that if we did not do that, we were not going to get them. True to his word, up to now, the Public Investments Committee of Parliament has not received a valuation report from the Commissioner of Lands on the 48 pieces of Land bought by NSSF over the last few years.

Mr. Temporary Deputy Speaker, Sir, why were we concerned about this? Why were we interested in getting the Commissioner of Lands to give us a valuation report? We requested the NSSF management to give us an investment portfolio detailing out all the pieces of land or investments they engaged our money in and they came up with a list of 48 pieces. Then we asked the cost of each land. They gave us the prices and we requested them to tell us at what price they would sell them today. They gave us their own opinion. We smelt a rat. We decided to seek an expert opinion as provided under our Standing Orders, and what did we get? We got that most of the cost prices were overrated sometimes by twofold, three times and up to ten times. We have a situation where, for example, plot No. LR No.209/10/666 at Hospital Hill in Nairobi was bought for Kshs30 million. When it was valued at the market value by the Chief Valuer of the Government, he gave the price at Kshs7 million. So that was an overpayment of Kshs21 million in that one transaction alone. This is the smaller one of the examples we have. Plot No.209/324/3 on Lenana Road in Nairobi was bought at a price of Kshs183,940,955-05 and the market price by the Chief Valuer, Mr. Mwaniki, gave us Kshs21 million. We are talking about Kshs162,940,000 in overpayment, and we can go on. There are 48 pieces of land.

I will omit Item 5 because they have argued that this is the cost of development.

The whole exercise was just astounding as it was flabbergasting. We were given a rude shock when we went through these records. Our main concern was not so much that corruption had occurred, but that those who were actually definitely involved in this corruption could afford to defy Parliament. That affected us, and we made so many recommendations, but we found that it works as a cartel.

There is one Milligan and Company, a registered valuer, who was involved in some of these transactions whose men characterized a man known as Kassim Owang'o, the Chairman of the National Chamber of Commerce and Industry. His main business was actually to overvalue land that was destined to be sold the following day to NSSF. I understand he is also a KANU activist. I pity him.

An hon. Member: He also wants to take your seat!

Dr. Otieno-Kopiyo: He is welcome. Is he interested in my seat? I did not know that. I am not saying this because he is after my seat or not. He is welcome. I am sure that I can hold on my own, and I have done that before.

Mr. Temporary Deputy Speaker, Sir, the Committee was concerned that this was the situation and among the recommendations that we made was that:

"The valuers who gave inflated valuation for these pieces of land be disciplined in accordance with the Valuers Act.

The price paid over and above the actual market value prevailing at the time be recovered in full from the valuers who carried out fraudulent valuation on behalf of the Fund".

We want them to pay back the money that the taxpayers paid for land, which they over-valued.

We also recommended that all the excess money paid by the Fund to the vendors above the market price for these pieces of land be recovered in full from the vendors. This is the taxpayers' money. If we have paid such colossal sums, this money should be recovered.

I am not talking about speculation. We have facts and figures, L.R. numbers, the money paid, the actual value, plot area and locations and all the other things. We also have the names of the vendors. The Attorney-General should take action. He cannot come here and tell us that he has no evidence, when this PIC Report is so detailed, unless he has not read it.

By the way, I notice that there is something in this Report. There are pages peeling off when you pull it.

I do not know whether this is a strategy or an accident. But I have gone through sufficient copies and you can check yours. They pull off.

The Temporary Deputy Speaker (Mr. Wetangula): I accept that, but I have not read anything into it.

Dr. Otieno-Kopiyo: I have read something into it. If you want to show somebody else that all what Dr. Otieno-Kopiyo is talking about is bull-shit, you pull out the relevant pages.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): On a point of information, Mr. Temporary Deputy Speaker, Sir. If the pages are pulling off, it is because of the weakness of the adhesive that was used during binding. It is not criminal but just a technical fault.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, I appreciate the former Chief Executive of the Government Printer giving me such ill-informed advice. This is because when we are producing the Report of Parliament, especially the Report of PIC, this Government has spent millions of money on us hon. Members and the Report. How can somebody talk about weak adhesive usage?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Dr. Otieno-Kopiyo in order to say that my advice is ill-advised when I am talking professionally, as a person who is fully qualified in that field?

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Muchilwa, we all know that you have enormous knowledge in printing and binding, and nobody shall impute any improper motives on you.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, I want to say that hon. Muchilwa is a friend of mine. I have a lot of respect for him as a printer. The only quarrel I have is: Why was the adhesive weak? We should not go into his debate because you cannot win. Why did they use--

The Temporary Deputy Speaker (Mr. Wetangula): How does the adhesive affect the value of the Report, Dr. Otieno-Kopiyo?

Dr. Otieno-Kopiyo: It does because pages are disappearing.

The Temporary Deputy Speaker (Mr. Wetangula): Just tell us what you want to tell us about public investments.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, what I meant is that, maybe, the Attorney-General has seen a Report with some pages missing and, therefore, he would be right to say that he has no evidence. That is what I am saying. I can see these things in black and white, but maybe, the Attorney-General cannot see them because they are missing.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Dr. Kopiyo to mislead this House that pages are missing in that document. Which pages are missing. Is that document not complete?

Dr. Otieno-Kopiyo: Here they are. Again, Dr. Misoi is a friend of mine, and as is my tradition, I do not pick up quarrels---

Mr. Nyagah: On a point of information, Mr. Temporary Deputy Speaker, Sir. The reason why you see those hon. Members sitting on the Government side asking questions that are not relevant to this Report and which are not important is because they do not care to read the Reports of the PIC. If you go to offices number 7 or 8, they are stuck up to the roof because KANU Members of Parliament do not read anything.

(Applause)

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Nyagah to mislead this House that KANU Members of Parliament do not read these Reports of the PIC and PAC? Can he substantiate that?

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, I would not let the hon. Dr. Misoi divert my very important contribution. As I said earlier on, I am going to endeavour within the course of the next few days to provide the Attorney-General of the Republic of Kenya, with sufficient evidence to undertake criminal prosecution against people who have embezzled public funds, because we want these people to go to jail, and we have named them. We have also named areas in which they stole. On the first section of our recommendation on (xxviii), we have named among other people, Mr. D.K. Tirop, a former Managing Director of the Kenya National Trading Corporation (KNTC) and other officers who were involved in the irregular procurement of bicycles and fertilizers in 1992/93 financial year.

Mr. Temporary Deputy Speaker, Sir, secondly, the Committee has also made a very terse recommendation in respect of:- One, Eric Andwati, a former Managing Director of the National Housing Corporation (NHC), together with Mr. J.N. Gachagwa, a former employee of the Corporation, who designed the project, left it on the table, then resigned his job and went out there. The following day, he was awarded the contract to undertake the project he had designed. That is Kibera Highrise Phase I and II. I, as Dr. Otieno-Kopiyo, I do not want to accuse anyone for any wrong doing, if I do not have any evidence. It is not in my practice and I would not undertake it. But when we say we have evidence, we do have evidence. The documents were presented to us and they are available in this Parliament. We would like the Attorney-General to take action.

Mr. Temporary Deputy Speaker, Sir, we then found the situation at Nzoia Sugar Company. The first step we undertook was that we recommended the establishment of an Inter-Ministerial Committee to go over to Nzoia Sugar Company and look at what was happening over there. The Committee made recommendations based, partly on the findings of that Inter-Ministerial Committee, which was chaired by an officer, a Deputy Secretary in the Ministry of Agriculture, Livestock Development and Marketing. When we say that we have evidence against these people, we are talking about what even the Government was involved in finding out. We are not talking about what we want, and the PIC is different from the PAC, in one respect, we are not political. We do not want to

know which shirt you are wearing, whether it is red or green, whether you are FORD(K), DP, or KANU. We work as a team and our approach is thoroughly professional. When we say these things to people, we do not want to be accused of politicking, or anything like that. We want to say, "Look, we have the evidence, please, act upon these findings", so that when the day comes that these people should go to court, the Attorney-General should not find any difficulties in taking Mr. Charles Mbindyo to court, who signed the contract for the expansion of Nzoia Sugar Company---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Order! It is now time for the interruption of business. Hon. Members, the House is, therefore, adjourned until Tuesday, 5th November, 1996, at 2.30 p.m.

The House rose at 6.30 p.m.