

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 3rd October, 2012

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

DELAYED COMPENSATION TO MAJ-GEN RONALD Y. CHELAGAT

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

(a) Is the Attorney General aware that Maj. Gen. (Rtd) Ronald Yatich Chelagat was hit and seriously injured by vehicle Reg. No. GK A 268D on or about 16th December, 2004?

(b) Is he also aware that the victim is in urgent need of medical care which he cannot afford due to the failure by the Government to pay him damages as awarded by the court on 11th May, 2009?

(c) When will he be paid his dues?

Mr. Deputy Speaker: Is the Attorney-General not here? Hon. Namwamba, where is the Attorney-General?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, I am not armed with my electronic device but I notice that the hon. Attorney-General is not in the Chamber. May I undertake to pass on that communication to him as soon as possible and, perhaps, if you could indulge a moment later in the morning for him to respond?

Mr. Deputy Speaker: Hon. Kigen, will you be comfortable with me deferring this Question to Tuesday next week?

Mr. Kigen: Mr. Deputy Speaker, Sir, this Question was deferred last week and it concerns an ailing old man who cannot get medication because of lack of funds. Deferring it further, really, amounts to having that old man suffering all through. I request you to, at least, suspend it for the time being in case the Attorney-General appears. We had agreed with him that this Question will be answered today.

Mr. Deputy Speaker: We have a lot of business. I could not agree more with you because it is a matter that demands very urgent response. It concerns the plight of somebody who has served this country in the capacity he did. It is a situation that needs to be dealt with, with the urgency and compassion it deserves. I will make an exception. Ordinarily, the fact now is that we do not have a second round for Questions. I will treat this one differently. In the meantime, can I ask the hon. Minister, Mr. Namwamba, to

make an effort to reach his colleague, the Attorney-General, so that he presents himself here as soon as he can so that we can dispose of this issue?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, I make an undertaking that as soon as I conclude the business that I am assigned to do this morning, I will communicate this to the hon. Attorney-General as soon as possible.

Mr. Deputy Speaker: Indeed, I am informed that it could be the mistake is not entirely the Attorney-General's. The Order Paper that was posted to the Ministers and ministries before did not have Questions. But, as much as that is not a sufficient excuse for one to fail to present oneself here to answer Questions--- That is because they appear on the weekly roster. There is a list of all the Questions that are there. The list is circulated quite in advance. However, in any case, I will wait for him to come and answer this Question.

Next Question by Private Notice, hon. MP for Juja.

REPATRIATION OF MS. ROSEMARY
W. NDUATI FROM SAUDI ARABIA

Mr. Kabogo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Is the Minister aware that Ms Rosemary Wariera Nduati is missing and had earlier complained of detention and mistreatment by her employer of phone number +966551782526 in Jeddah, Saudi Arabia?

(b) What urgent measures is the Minister taking to ensure that she is traced, released from her exploitative employer's custody and repatriated?

(c) What is the Government doing to ensure that Kenyans living and working in the Middle East are safe from such dehumanizing occurrences?

Mr. Deputy Speaker, Sir, this Question has come many times and you have personally dealt with it. I do not see the Minister but let us see.

Mr. Deputy Speaker: Fair enough, we will also give this Question another Time, give it a second round.

Hon. Namwamba, could you also----

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, indeed, I have just had a word with this Minister on the phone and he indicated that there is some critical information to this particular Question that is not yet in his possession and he was seeking the indulgence of the Chair to attempt to get that information this morning and be able to provide a substantive response in the afternoon, if the Chair will indulge---

Mr. Deputy Speaker: He has been in Parliament long enough to know that the Order Paper for the afternoon is already out. The earliest he can have an opportunity to answer this Question---- and this time must be definitive. This probably the fifth or sixth time---, I do now know many times. I personally dealt with this Question, at least, three times. It must be the third or fourth time, I do not know.

Could I have that undertaking that this answer must be available in the House tomorrow afternoon?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, the Minister did just indicate to me that he will be available in the afternoon, then perhaps, tomorrow should be sufficient time.

Mr. Deputy Speaker: Hon. Kabogo, I would have loved to have this earlier but you understand our practice here. The Order Paper for the afternoon is already out and the earliest I can produce is tomorrow afternoon. Could we do that?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I share the same frustrations. But you realize that this Ministry is never serious.

Mr. Deputy Speaker, Sir, because of the live coverage here in Parliament, yesterday someone came to Parliament and dropped a document giving details of visa acceptance to this lady to Saudi Arabia, even giving details of the agent in Saudi Arabia--

Mr. Deputy Speaker: Order, Order! I agree with you entirely. We are not prosecuting the Question. The Minister is not here now with us. So, the issue is; could we defer it to tomorrow in the afternoon?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I was just trying to help the House to see whether we can help the Minister to do his work because he does not seem to understand his work.

If you allow me, I want to table so that Mheshimiwa Namwamba----

Mr. Deputy Speaker: You cannot. The Question can only be validly before us---

Mr. Kabogo: Mr. Deputy Speaker, Sir, I am guided.

Mr. Deputy Speaker: Hon. Namwamba, the Minister will better be around tomorrow because the Chair will not hesitate to pass punishments.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, he will certainly do that. He will have been ready for this afternoon, so I am fairly contented that tomorrow should be sufficient.

I will communicate that to him.

Mr. Deputy Speaker: I direct that this Question be listed on the Order Paper tomorrow afternoon.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Mr. Deputy Speaker: Ordinary Question No.1788, hon. Dr. Nuh.

Question No. 1788

NON-UTILIZATION OF GOVERNMENT LAND IN BURA

Dr. Nuh asked the Minister for Water and Irrigation:-

(a) whether she is aware that 3000 acres of land in Bura prepared under the Economic Stimulus Programme have degenerated and also wasting away even after the Government spent enormous resources,

(b) whether she is further aware that the residents are in the process of acquiring the land unprocedurally in a bid to save the Government from losing money, and;

(c) why the Ministry has not facilitated the hand-over of the land to the public for optimal utilization even after repeated requests through letters and what does the Ministry intend to do to avert the crisis and to save any further loss of taxpayers' money.

Mr. Deputy Speaker: Minister for Water and Irrigation!

Hon. Namwamba, you have a tall order today.

The Minister for Youth Affairs and Sports (Mr. Namwamba): It seems to be a rather slow morning. Let me undertake to communicate this to the Minister for Water and Irrigation.

Mr. Deputy Speaker: I direct that this Question be listed on the Order Paper tomorrow afternoon. That is the earliest I can do it, hon. Dr. Nuh, because the Minister is not there. I cannot understand to some extent why most of the Ministers are not here this morning to answer these Questions. Due to a technical hitch within the Parliamentary IT system or something like that, I do not know what the problem was, the Questions only went to the Ministers this morning. The Order Paper that was sent in the afternoon yesterday did not have Questions. That is not to say that they are entirely not at a fault. They have these Questions, well in advance, on a weekly basis. So, that is not a reason for them not to be here today. But be that as it may, I think the earliest I can schedule this Question is tomorrow afternoon. Are you comfortable with that or do you have a trip? Do you wish to go to Bura?

Dr. Nuh: Mr. Deputy Speaker, Sir, at least, you can confirm that the weekly roaster for ordinary Questions was circulated well in advance and the Ministers have no excuse. But I want to say that I have a Question on Thursday afternoon. So, it can only be deferred to next week Tuesday. But I want to bring to your attention that this Question was deferred again from last week. This is the second time it is appearing on the Order Paper.

Mr. Deputy Speaker: Hon. Minister, please, take note of that. I direct that this Question be listed on the Order Paper on Tuesday next week. The Minister will better be available on that day to answer this Question.

(Question deferred)

Question No.1745, hon. Peter Kiilu!

Question No. 1745

EQUIPPING OF KILALA BOREHOLE

Mr. Kiilu asked the Minister for Water and Irrigation:-

(a) whether she is aware that Kilala borehole which was sunk in 2012 has not been equipped to date, and;

(b) what measures she is taking to equip the borehole to alleviate the acute water shortage in Kilala Market and its environs.

Mr. Deputy Speaker: Minister for Water and Irrigation! I think this Question also suffers the same fate as the previous one.

Mr. Kigen: On a point of order, Mr. Deputy Speaker, Sir. From the time we started the business of this House, there has not been any Question answered. The Front Bench is conspicuously absent. When we have Questions raised by the Backbench we suffer a lot of reprisal from the House. We lose our Questions. They are dropped and we are left punished but when it comes to the side of the Front Bench, they are given a free hand to get away with the business of this House. Why should we come to the House and no business is transacted and no action taken against the Front Bench? I would like to ask the Chair to take firm action on the Front Bench. This not acceptable at all!

Mr. C. Kilonzo: On a point of information Mr. Deputy Speaker, Sir. The hon. Member should accept that indeed, we are dealing with a very lazy Government. This matter has been discussed so many times. So, the Government is still asleep. These Ministers will start showing up an hour later. So, as the Member says, we are in a crisis because we are dealing with a very lazy Government.

Mr. Deputy Speaker: Clearly, the manner in which this Government has taken the business of the House for all these many years leaves a lot to be desired. However, having said that, the Chair's hands are tied. I cannot dissolve the Government. Ordinarily, when a Government does not function in the House, it is dissolved. But those are not powers that are within the Chair or any other institution other than the Executive itself. So, I can only say that, yes, I share the same frustrations with you.

Mr. Pesa: Mr. Deputy Speaker, Sir, as hon. Kigen has rightly said, we leave our places of residence very early and come here to transact business. Maybe, what you have been giving as punishment to the Government side has been very soft. Could you please give us one hour's rest so that the Minister who is here can look for these people to come back so that we resume after one hour, because they are wasting our time? All the Backbenchers have asked Questions and no response has been given.

Mr. Deputy Speaker: Unfortunately, if we do that we will then be holding back other substantive business that we have. We have Bills on the Order Paper which we have to dispose of. I direct that this Question be listed on the Order Paper tomorrow in the afternoon. Is that okay, Mr. Kiilu.

Mr. Kiilu: Mr. Deputy Speaker, Sir, this Question was listed last week and it was deferred until this morning because the Minister was away. Could we give the Minister a few minutes, and if he comes he answers it? In the alternative, I will be comfortable to have it answered in the afternoon tomorrow.

Mr. Deputy Speaker: We cannot. I have to direct that this Question be listed on the Order Paper tomorrow in the afternoon. It is an Ordinary Question and we have other business to transact. The Chair shares in all the frustrations of the Back Benchers.

(Question deferred)

Question No.1784

PAYMENT OF FEES TO PRIVATE LAWYERS BY CBK

Mr. Mwau asked the Minister for Finance:-

(a) if he is aware that the Central Bank of Kenya (CBK) has been losing colossal sums of public funds for an inordinate long time as fees paid to lawyers to defend court cases that arise from acute negligence at the bank;

(b) if he could provide a full list of all cases where the Central Bank has used public funds to pay lawyers in respect of such cases covering the period 1990 to date and indicate the case numbers, parties involved, the names of the lawyers and the fees paid to each; and

(c) if he could clarify whether there is a legal department at the Central Bank and, if so, state the staff complement and their duties and functions.

The Minister for Finance (Mr. Githae): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the CBK has been losing colossal sums of public funds as fees paid to lawyers on account of any case of negligence on the part of the bank.

(b) In view of the answer in (a), therefore, parts (b) and (c) of the Question do not arise.

(c) I confirm that there is a legal department at the CBK currently consisting of 11 members of staff. The function of the department is to handle internal legal work and analysis as well as to liaise with external lawyers of the bank on litigation and any matters requiring external legal support.

Mr. Mwau: Mr. Deputy Speaker, Sir, I thank the Minister for attempting to answer the Question, but it is very important to first of all establish whether the Minister is the one who actually responded to this Question. This is because there seems to be a big deficiency between the Treasury and the CBK. It is as if there are people who cannot read and understand English. My question is very simple:

(a) Is the Minister aware that the Central Bank of Kenya has been losing colossal sums of public funds for an inordinate long time as fees paid to lawyers to defend court cases that arise from acute negligence at the bank?

(b) Could the Minister provide a full list of all cases where the Central Bank has used public funds to pay lawyers in respect of such cases covering the period 1990 to date and indicate the case numbers, parties involved, the names of the lawyers and the fees paid to each?

Mr. Deputy Speaker, Sir, the Minister is only supposed to give me a list of cases from 1990 where the CBK has spend public money. The Minister is behaving as if he does not know that there are cases like Goldenberg on which the CBK spent money to defend theft that was orchestrated by individuals in the CBK.

It is, therefore, wrong for the Minister to stand before the House and give information that looks like it is not truthful. Could the Chair order him to go and bring that information if he is not in collusion with CBK officers? Maybe, there is no corruption in the Government, but we have very inefficient people in the Treasury.

Mr. Deputy Speaker: You have made your point.

Mr. Githae: Mr. Deputy Speaker, Sir, if you look at the Question that has been asked, it is actually four questions in one. For example, it asks: Is the Minister aware that the Central Bank of Kenya has been losing colossal sums of public funds? You could have cases where the CBK is losing money. Again, the Question talks about “inordinate”.

So, when you combine “colossal sums of public funds and inordinate---” So, you could have a case where the CBK has lost money, but the time has not been inordinate. Again, you could have a case where the CBK has paid fees to lawyers to defend cases that arise from “acute negligence”. I mean, they could have lawyers in cases where the negligence is not acute. So, really it is a Question that is not clear.

Part (b) of the Question asks: “Could the Minister provide a full list of all cases where the Central Bank has used public funds to pay lawyers in respect of such cases covering the period 1990 to date and indicate the case numbers, parties involved, the names of the lawyers and the fees paid to each?”

This follows from part (a) of the Question. If he had asked: Could the Minister provide a list of all cases where the CBK has paid lawyers; we could provide that list. However, when he says that he wants only a list where the CBK has been losing colossal sums of money and then he says for an inordinate period, this really restricts the Question to almost nothing.

So, Mr. Deputy Speaker, Sir, the Questioner needs to rephrase his Question. If he wants a list of all the lawyers that the CBK has paid, he needs to be specific, and say, for example, from 1990 to date, and we can provide that. But when he ties it to negligence, inordinate delay, acute negligence--- Maybe, they are paid where there is only some small negligence, but he talks of acute negligence. I am lost.

(Laughter)

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. You realize the murmuring of hon. Members in the House. The Minister is attempting to use tricks and the English language to run away from responsibility. The House cannot allow the Minister to get away with this.

Normally, Ministers come with supplementary information as they do understand the Question the same way this Minister does not understand this particular Question. I urge you to find the Minister out of order and ask him to go and bring an answer. We are all aware of cases where the CBK has been paying money to lawyers. So, really, it is not good to allow the Minister to get away with this thing simply by citing use of the words “inordinate” and “colossal”. Who allows the Government to lose any amount of money even if it is Kshs10? Really, I urge you to find the Minister out of order and ask him to go and get prepared.

Mr. Outa: On a point of order, Mr. Deputy Speaker, Sir. You have seen the Minister for Finance in a theatrical mood, thinking that he is in a court of law trying to defend something. Is he in order to run away from the Question? We do not need the theatrics or use of some language. If the Government is, indeed, losing money, could he provide the information that was requested by the hon. Member instead of standing here thinking that he is in a court? Is he in order to show that we can entertain in this hon. Chamber those kinds of theatrics as the Government keeps losing money?

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Minister in order to come and start telling us how to ask Questions while it is the responsibility of Parliament to ask and of the Government to respond to whatever we ask in our Questions? For the Minister to refuse to answer part (b) of the Question is nothing else but a cover up. We all know that whenever there is a mega scam, the Ministry of

Finance, Treasury and the Governor of CBK are always in cahoots to loot. Has the Minister been recruited by the current Government into a conspiracy to loot?

Mr. Deputy Speaker: Minister, you probably need to give your definition of what is “acute” , “inordinate” and what, in your opinion is the right wording for this question.

Mr. Githae: Mr. Deputy Speaker, Sir, first of all, let me address the question by Mr. Kabogo. Let me point out to him that Members of Parliament do not murmur in the House. They consult.

Secondly, Mr. C. Kilonzo has said that whenever there is a scandal, Treasury and Central Bank of Kenya (CBK) are always in cahoots. I have never been in cahoots with anybody. I have never looted anybody’s funds. He is casting a very bad aspersion on my integrity. I request him to withdraw and apologize for that. I would like to come to the Question. If you look at the Question, I really struggled with it. It says:-

“Is the Minister aware that the Central Bank of Kenya has been losing colossal sums---“

Mr. Deputy Speaker, Sir, first of all, when you pay out legal fees to lawyers, are you losing money? You are not. You are simply paying. You would only lose money if the bill was not payable.

Then he says that it is losing public funds. All funds from CBK are public funds. They are not private funds. Then you come to “inordinate”. Now, what is “inordinate”? Is it one month, one year or two years? What is it? Again, it is not clear.

Again, you say: “To defend cases that arise from acute negligence.” Now, where is the meter for acuteness?

A hon. Member: “Acutometer”!

Mr. Githae: “Acutometer”. You know it could be negligence, but it is not acute. What I am saying is this: If Mr. Mwau wanted to know, he should have asked me to give him a list of all the payments---

Mr. Midiwo: On a point of order, Mr. Deputy Speaker, Sir. Is my friend “the rat eater” in order to be so arrogant and so deceptive to the extent that he is refusing to wake up to the fact that CBK has a legal department but keeps hiring external lawyers at the expense of innocent Kenyans?

Mr. Deputy Speaker, Sir, if he cannot answer the Question, can you make him go back and prepare so that he can come back with an answer instead of wasting our time? We have important business before us this morning to take care of. Order him to go and come back when he is ready.

Prof. Kaloki: Mr. Deputy Speaker, Sir, I would like to follow up on that. I would like to bring out a matter that is not acute. That is because he keeps on going round on the word “acute”.

The Minister was in this House--- I am going to be specific on the issue of Charter House Bank. He confirmed to this House that he wanted to open that bank but he was frustrated. He said that there are lawyers out there still defending the position. In this particular case, could the Minister confirm whether CBK is losing money while paying lawyers legal fees?

Mr. Deputy Speaker: Mr. Minister, the simple understanding of the word inordinate is excessive. Basically, what he meant is that it is unusually or excessively long time. “Acute” is like an acute sickness or an acute condition. It is something that is

serious or severe. Any loss of money, whatever the magnitude, even if it is only Kshs100,000, is colossal when it comes to the Kenyan taxpayers here. It is assumed and presumed to be colossal unless you are telling us that the money involved here is Kshs10,000, Kshs5,000 or Kshs200 . In the opinion of the Chair, anything else is colossal. There is absolutely no justification for any loss of taxpayers' money.

Let us now forget about the semantics of the language itself and finesse of the ability to give multiple definitions. Can we have an answer which is essentially understood by a layman? Although this is a law-making body. it is not a congregation of lawyers. The Chair would want you to answer those questions as well as you could, taking into consideration the intent and the purpose, object and the spirit of the Question itself.

Mr. Githae: Mr. Deputy Speaker, Sir, I stand guided. If you look at the Question, it raises judgment. In my view, the way to sort out this would have been for Mr. Mwau to ask the Minister to provide a list of all payments that have been made to the lawyers from 1990 to date. From there, we would then be able to pick those that are acute. "Acute" as you have rightly said is a judgment. "Inordinate" is also a judgment. When you say losing--- I have asked the question: When you pay a lawyer a fee note that he or she is entitled to and you had given instructions, are you really losing?

Mr. Deputy Speaker: What do you call the difference between spending taxpayers' money in an area that essentially can be done otherwise? You can pay a lawyer a couple of millions. You can avoid paying a lawyer a couple of million shillings if you do not have that litigation. In your opinion, how do you classify that difference?

Mr. Githae: Mr. Deputy Speaker, Sir, a loss would be where you pay money which was not rightfully due to be paid. However, where there is a fee note, you gave instructions; the lawyers instructed have performed their duty; that is not a loss. That is a payment.

Mr. Deputy Speaker, Sir, I am really trying to assist the hon. Member who has asked this Question. If he had asked me to give him a list of all payments made to lawyers by CBK from 1990 to date, we would be able to extract which are loses, which are payments, which are acute negligence and where there is less negligence or colossal loss. As of now, it really requires personal judgment. My judgment will be different from his.

Mr. Mwau: Mr. Deputy Speaker, Sir, I really fail to understand the problem the Minister is having in understanding this simple Question but, maybe, to simply the English for him, I would want to then ask him to do the following:-

(i) To go and bring all the cases that CBK has been defended or has paid out from 1990 to date, which lawyers were hired, for what purpose, the course of action, how much was paid and how long did the case take?

(ii) Just to follow up on what Prof. Kaloki has asked, especially on the Charter House Bank, from the time this saga was manufactured; can you say how much money has been paid to lawyers in terms of consultation, what type of consultation, legal fee, for what particular case, how much and which lawyer?

Mr. Githae: Mr. Speaker, Deputy Sir, I wish to sincerely thank the Member for simplifying the English. It is now very clear the information that he wants and I will be very glad to provide it. The Question is now very clear and specific.

Mr. Deputy Speaker: How soon can we have that answer?

Mr. Githae: Mr. Deputy Speaker, Sir, Tuesday, next week.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Question be listed on the Order Paper on Tuesday, next week.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. At the end of the request by hon. Mwau, he mentioned about Charter House Bank. I wish to request the Chair's indulgence to request the Minister to tell the House the source of the money paid to lawyers on the Charter House case in addition.

Mr. Deputy Speaker: This Question was express. It might have had variances on definitions between the Minister and the Questioner. However, that matter has already been clarified. The issue of the Charter House Bank does not form any part of the body other than the information that will be given and all the other bits that have been asked by the Member. The Chair is very clear on that.

(Question deferred)

Question No.1728

UPSURGE OF SUICIDE CASES AMONG THE YOUTH

Mrs. Odhiambo-Mabona asked the Minister for Youth Affairs and Sports:-

- (a) whether the Government is aware of the rising cases of suicide by young people in the country;
- (b) what the root causes of such incidents are; and,
- (c) what measures the Government has taken to contain the rising cases of suicide among the youths and what psycho-social support mechanisms are availed to the families affected.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, this Question was filed under the Ministry of Gender, Children and Social Development, which referred it to my Ministry, which, in turn, forwarded it to the Ministry responsible for the Kenya Police Service. This was in the belief that they possess the statistical data on reported suicide cases in the country and will be, therefore, best placed to respond. My Ministry holds the opinion that the Question is on a subject that does not exactly fall within the mandate assigned to it by the Government, strictly speaking. Nonetheless, in the absence of a response from elsewhere, with the exercise of my Ministry's general responsibility for youth affairs and in the spirit of collective responsibility in the Government, we offer this response.

I beg to reply.

(a) Yes, the Government is aware of rising cases of suicide among young people in the country. But while we, as a Ministry, are generally aware and conversant with all trends and development of youth issues in the country, regarding this subject on suicide among young people, the Ministry only gets to know of the cases as and when they are reported by the media. Indeed, my Ministry does not maintain data on these cases since this mandate does not exactly fall under it. Members will agree with me that a suicide case is more likely to be reported to the police than to our Ministry.

(b) The Ministry has not researched to determine the root causes of rising cases of suicide among the young people in the country, but from experience and interaction with the youth, the following possible causes of suicidal tendencies have been observed and recorded by the Ministry.

(i) increased responsibilities placed upon the shoulders of the young people arising from myriad psycho-social and economic factors confront young people with monstrous life challenges.

(ii) Limited financial resources negatively impacts on the youth, especially in cases where incomes do not match financial responsibilities in relationships.

(iii) It has also been observed that young people lack mentorship on many issues, especially in cases involving relationships. When relationships go awry, these result in depressions and sometimes violence.

(iv) The society has also not been particularly successful to teach the youth on how to balance fame, money and responsibility and relationships. With increased opportunities for celebrity status, especially in sports and performing arts like music, many young people who accumulate wealth rapidly soon fall into all sorts of follies in the absence of matching guidance.

(v) Over-indulgence in alcohol and drugs and general substances abuse have also been found to be a key factor. This is made complex by peer influence and bad company among the youth.

(vi) There is also increasing concern that with increased pressures on parents to eke a living, parental guidance through quality time, especially with teen offspring has considerably diminished.

(vii) High levels of poverty due to prevalent unemployment among the youth causes a lot of despair and disillusionment among this segment of the population.

(c) As already indicated, the Ministry has not had a specific programme to address this challenge of suicide among the youth. I am pleased to state here that I have initiated internal discussions within the Ministry with a view of establishing a specific targeted way to address this obvious and critical matter. In the meantime, it should be noted that the Ministry already has and is implementing youth empowerment programmes to actively engage the young people during their pastime and diminish the impact of any negative influences. These practical measures include life skills training, formation of youth groups to enable young people to interact and socialize, establishment of Youth Enterprise Development Fund (YEDF) to enable the youth access funding to start small business and promote self reliance, guidance and counseling, increased partnerships with spiritual leaders to promote youth oriented programmes that are holistic in approach, youth exchange programmes to enable them interact and share experiences, implementation of youth focused work programmes which are designed to provide short-term employment opportunities for the youth, establishment of a national talent academy to nurture and tap talents in sports, music and other performing arts from the grassroots to the national level countrywide. We also offer some guidance to young persons who hit celebrity status. Finally, we need to sensitize the youth on the dangers of drugs and general substances abuse.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, I wish to thank the Minister for acknowledging the myriad problems that our youth are facing, including the issues of drug abuse and cases of unemployment. He forgot to also mention the impact of

HIV/AIDS on the youth and many other problems that our youth are facing that are causing them to commit suicide. However, I do not agree with him when he says that this is not an issue for his Ministry. The Ministry of Youth Affairs and Sports is the home to the youth. He has acknowledged that he does not have information. So, basically, he is giving us general information that we may all assume from our general knowledge.

What is the Ministry, therefore, doing to create a department for psycho-social support of the youth that would then address proactively the challenges that the youths are dealing with? This is an issue for this Ministry and not any other Ministry.

Mr. Namwamba: Mr. Deputy Speaker, Sir, yes, I certainly agree with hon. Odhiambo-Mabona, my very good friend and sister, that all youth issues squarely fall within this Ministry, as, indeed, I have acknowledged this in my answer.

I have also acknowledged that the Ministry has not had a specific programme on these suicidal tendencies. Therefore, it has not been able to prepare appropriate responses, including psycho-social support to the young people. That is why I also indicated very specifically that I have just initiated discussions within the Ministry. My dear sister, hon. Odhiambo-Mabona, of course knows that I am hardly a couple of weeks old in this Ministry.

I am still finding my handle. One of the first things I have done especially in view of this particular Question has been to initiate discussions with the Department of Youth Development, one of the departments in the Ministry. I believe that through the discussions that we have started, we should be able to develop a very comprehensive programme to substantively respond to these kinds of issues including establishing the psycho-socio responses in this regard.

Mr. I. Muoki: Mr. Deputy Speaker, Sir, listening to the Minister, although I agree with him and he is new - we need to congratulate him for the appointment - it is very disappointing that the Government has not addressed this issue. Children as young as five years are committing suicide. We have suicide cases ranging all the way to the university level. Can the Minister commit himself to urgently research on the issues affecting the youth so that they do not commit suicide and develop mechanisms to curb this problem?

Mr. Namwamba: Mr. Deputy Speaker, Sir, I certainly do make an equivocal commitment that, at a very personal level, I acknowledge that this is a very critical matter. When you watch a young person commit suicide because an English Premier League Club has lost a game, you certainly sit up and note that there must be something bigger than that. Certainly, cases of suicide are on the increase at a rate which is unacceptable which bespeaks of latent challenges that must be addressed substantively. Therefore, certainly and on record, I do make a commitment that we will explore all possible avenues within the Ministry to provide a more comprehensive arrangement that can effectively address this major challenge which is a national challenge that cannot be ignored.

Mr. Mureithi: Thank you, Mr. Deputy Speaker, Sir. I also want to join the other hon. Members in congratulating Mr. Ababu Namwamba in his appointment as a Minister. This issue is very critical because it is happening practically, in all the areas. Since the Minister has officers on the ground, I would like him to address the short-term issues because the youth have done a lot of research on what is happening. What the Minister has given us is the long-term solution to what he intends to do. Could he commit himself

to get his officers on the ground to move with speed and give him enough data so that he can undertake short-term solutions to avert the current suicide rate that is occurring within the rural areas?

Mr. Namwamba: Mr. Deputy Speaker, Sir, I certainly agree with the hon. Member for Ol Kalou that we should move with haste, initiate and basically exploit the infrastructure in terms of personnel and the centres that we have across the country to start addressing this issue. Certainly, this is something I will explore with the Ministry and determine how we could quickly make use of the resources available to the Ministry to start a rapid response to this matter.

Mr. Ruto: On a point of order, Mr. Deputy Speaker, Sir. The Minister has just stated that they are aware of the problems but he has not told us about a possible solution like what he has put in place to deal with the problem. He has not told us that he will now engage sociologists in the rural areas. Is there guidance and counseling? Is there an officer the youth can run to? He is just giving us a blank answer. I do not know whether he is in order to do that.

Mr. Deputy Speaker: That is what the policy is about. The implementation of a policy is a technical matter and is done by technical people.

Mr. Ruto: Yes, Mr. Deputy Speaker, Sir, but the Minister has not given us any indication that he intends to engage somebody whom the youth can approach because all his officers are young people, including the Minister himself. He cannot counsel anybody even at the lower levels. I do not know what he is supposed to do.

(Laughter)

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. This House gives privilege to novice Members when they are first elected so that their maiden speech is not interrupted. Probably you could give such guidance so that Ministers who are giving maiden answers should not be interrogated and that you protect hon. Ababu from further interrogation.

(Laughter)

Mr. Deputy Speaker: There is a difference between a maiden speech and a maiden answer. So, that provision does not apply when it comes to maiden answers!

Mr. Namwamba: Mr. Deputy Speaker, Sir, before hon. Millie asks her final question, this, indeed, is not my maiden statement *per se*. For the hon. Member for Chepalungu, for whom I have acted as counsel since 2001 to purport that I cannot counsel anybody and yet he has been taking legal counsel including *pro bono* legal counsel for the last 11 years, he might be suffering from short memory forgetting that I serve as his counsel up to-date.

Mr. Ruto: Mr. Deputy Speaker, Sir, I confirm that.

(Laughter)

Mr. Speaker: Not only do you confirm that but you also confirm that the services are actually *pro bono*?

Proceed Hon. Millie Odhiambo.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, I also want to confirm that where hon. Ababu has been giving Mr. Ruto legal counsel, I have also been giving him psycho-socio counsel. Indeed, the hon. Member has asked a very pertinent question that when a young person commits suicide, you cannot reverse this. This is a life lost. So, it would be important for the Minister to put stop-gap measures in dealing with that. However, what can the Minister state in terms of development of a policy that will be mainstreamed in every Government Ministry and department to deal with cases of psycho-socio support to youth given the challenges that the youth face? This is because many Ministries do not know how to deal with young people who face challenges.

Mr. Namwamba: Mr. Deputy Speaker, Sir, I acknowledge that as the situation stands today and as those exemplified by the ping-pong that informed the answering of this Question because the Question was kicked from the Ministry of Gender, Children and Social Development to the Ministry of Youth Affairs and Sports to the Ministry of State for Provincial Administration and Internal Security, it actually bespeaks lack of coherent position within the Government on how to handle this matter. That is why I have indicated that the Ministry will now take the initiative to provide leadership in this regard. The Ministry has a number of programmes that could be tapped and directed in this respect. We will be doing that, certainly, in collaboration with other relevant Ministries so that this can be something that can cascade and burn out across the length and breadth of Government. So, the Ministry will take the initiative and work with all relevant Ministries to ensure that it deals with this problem.

Mr. Deputy Speaker: Next Question, hon. Yusuf Chanzu.

Question No.1753

STALLING OF WORKS ON FRESH
PRODUCE MARKET AT MAJENGO

Mr. Deputy Speaker: Is hon. Yusuf Chanzu out of the House on any parliamentary Business? The Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Next Question, hon. Mbai Itiku.

Question No.1757

NON-RESETTLEMENT OF SQUATTERS
IN KWA DREK/KASEKU

Mr. Mbai asked the Minister for Lands what measures he is taking to ensure that all squatters in Masinga Constituency, particularly in Kwa Drek and Kaseku areas, are re-settled.

The Assistant Minister for Lands (Mr. Rai): Mr. Deputy Speaker, Sir, I beg to reply.

The Ministry is committed to the re-settlement of squatters in Masinga Constituency, particularly in Kwa Drek and Kaseku areas. However, the re-settlement exercise has been suspended until the court cases restraining it are determined.

Mr. Mbai: Mr. Deputy Speaker, Sir, this Question came to this House three weeks ago, and the Assistant Minister gave the same answer. These are two settlement areas. I request him to go and separate them so that we can know when he is going to settle the people who are in Kaseku settlement area.

Mr. Rai: Mr. Deputy Speaker, Sir, in view of the cases that are in court, whose proceedings I wish to table, I am not in a position to proceed with the matter. A court order has been issued restraining me from proceeding with the exercise. What should I do?

Mr. Deputy Speaker: Can you table that court order?

(Mr. Rai laid the document on the Table)

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, when it comes to issues of land, this Government is known as “government of the rich by the rich for the rich”. There is a case in my own constituency which the Assistant Minister is aware of. The rich are using the court process to evict people who have been in occupation of land for more than 40 years. The same Government is now hiding behind court orders. So, could he come out very clearly? Is the Government able to deal with the issue of squatters in Masinga or is it not?

Mr. Deputy Speaker: Order! Order, hon. Charles Kilonzo! Are you trying to tell the Government to disobey the court order?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I said that the Government can come up with a policy on re-settlement of squatters. What justification is there in evicting people from land they have been occupying for more than 40 years, which is the case in Yatta and Masinga constituencies? If you are genuine, get land elsewhere and settle these people.

Mr. Rai: Mr. Deputy Speaker, Sir, the eviction exercise is normally not carried out by my Ministry. My Ministry is engaged in settlement of squatters or giving land to landless people. The issue of eviction is always directed to another Government Department, and not my Ministry. So, my Ministry has no powers to stop the execution of eviction orders.

Mr. Deputy Speaker: Hon. Members, it is not possible for us to proceed any further with this Question because of the nature of the court order.

Yes, hon. Mbai.

Mr. Mbai: Mr. Deputy Speaker, Sir, as I said, these are two different settlement areas. I understand the problem in Kwa Drek but what of Kaseku settlement area? Why can you not direct him to come up with an answer on Kaseku settlement area? Can he re-settle the squatters in that area?

Mr. Deputy Speaker: Assistant Minister, do you have a similar court order for Kaseku area or is the court order only for Kwa Drek settlement area?

Mr. Rai: Mr. Deputy Speaker, Sir, those two places were declared adjudication areas, under one programme. So, since adjudication in one area was stopped, the process in the other area also came to a standstill. We were actually supposed to get consent for those particular areas, so that we could secure money to proceed with the exercise.

Mr. Deputy Speaker: Assistant Minister, these are two different areas. One is called “Kwa Drek” and the other one “Kaseku”. You have a court order on Kwa Drek. You do not have a court order on Kaseku. So, you should be in a position to give an undertaking that you are going to do something about Kaseku.

Mr. Rai: Mr. Deputy Speaker, Sir, I agree with you but when you are carrying out an adjudication exercise in an area, and there is only one district, it sometimes causes the whole exercise to come to a standstill. We had actually requested for funds for these two particular areas.

So, when the exercise was stopped in one area, we were supposed to go back to the drawing board, so that we could request for money for Kaseku settlement area. His Question was about Kwa Drek and Kaseku settlement areas. That is why I am saying that, because of the court order, we had to stop the exercise. However, we can still pursue the matter in respect of the area he is talking about. I even mentioned this to the Questioner last time we were out there, that we were trying to separate the area in respect of which there is a court injunction, so that the other area can be pursued.

Mr. Deputy Speaker: So, what undertaking are you giving to the House?

Mr. Rai: Mr. Deputy Speaker, Sir, we have requested our officers to proceed with the exercise, so that they can at least tell us how much money is required for the portion that is not covered by the court injunction.

Mr. Deputy Speaker: Assistant Minister, you already had money for both portions?

Mr. Rai: Mr. Deputy Speaker, Sir, we had not received money. The process was ongoing. We had not reached the stage where we were supposed to seek for funds. The exercise starts with getting clearance from the Commissioner of Lands by the Director of Lands Adjudication. As we were doing that, we were told that the land we were talking about actually belonged to somebody else.

Mr. Deputy Speaker: Yes, hon. Mbai.

Mr. Mbai: Mr. Deputy Speaker, Sir, the Assistant Minister is contradicting himself. He said that he was given money, and that he had directed his officers on the ground to go and demarcate the two areas. He is now saying that he does not have money. How come he does not have money now yet he had money at that time?

Mr. Rai: Mr. Deputy Speaker, Sir, I am being misquoted because we have not talked about the question of money. I said that we had been given clearance for the process to start. The area chief had called the people and informed them that, that area was going to be an adjudication area for us to settle squatters. Once clearance is obtained, we engage our officers to establish how much money is required, so that we can request for the same from the Ministry of Finance. We had not reached the stage of getting money. We got a court injunction.

Mr. Deputy Speaker: Hon. Mbai, are you satisfied?

Mr. Mbai: Mr. Deputy Speaker, Sir, I am not satisfied. The Assistant Minister should give us a timeframe within which he will send his officers to the ground.

Mr. Deputy Speaker: Assistant Minister, can you not give even a provisional indicator? You know how long these processes take. You have already done a substantial part of the job itself. You had already applied for funds for both settlement areas. All you need to do is use the portion that you need for the area that has not been affected by the

court injunction and leave the other portion for the future, after you sort out the court matter on Kwa Drek settlement area.

Mr. Rai: Mr. Deputy Speaker, Sir, in order for the matter to be re-activated, the District Development Committee (DDC) of that particular area must be involved. When talking of adjudication, there must be recommendation from the DDC. The DDC knows that they have been restrained. The suit also involves the Commissioner of Lands. It is for them to write to us and say: “Now that there is a court order on this particular piece of land, can we proceed with the other area that is not affected by the court order?” That way, we can advise our officers to proceed with the exercise as it is on the ground.

Mr. Deputy Speaker: Fair enough. Hon. Mbai, you already have an indication as to how you should proceed, so that the matter can be re-visited as soon as possible. We do not have to defer the Question. The Chair will be in a position to give an exception to the rule. You can raise the same matter again at some future date not so much in the distant.

Mr. Rai: Mr. Deputy Speaker, Sir, for me to assist my colleague and friend I request him to come to my office, so that I can call the Director of Land Adjudication to inform him what he is supposed to do, so that the matter can proceed. I also feel bad that this process stalled when we can still activate it and proceed with the matter.

Mr. Deputy Speaker: It is so directed. Mr. Mbai, please take advantage of that opportunity and see the Assistant Minister.

Hon. Members, I have a communication from the Attorney-General. He is out of the country attending a very important function in Germany, and will not be in a position to answer Question No. 1783 by Mr. Kabogo. So, the Question is deferred to next week, Wednesday morning. Hopefully, we will be in a position to dispose of it.

Question No. 1783

EXTRADITION OF KENYANS ARRESTED IN MOZAMBIQUE TO TANZANIA BY KENYAN POLICE

(Question deferred)

That also goes for Mr. Kigen’s Question that is Question No.1 by Private Notice; it is deferred to next week on Tuesday when the Attorney-General will be in a position to respond to it.

On the Question by Mr. Kabogo, we still do not have any communication from the Ministry of Foreign Affairs, but I have already given direction on it. Question No.1292 by Mr. Sirat, Question No.1679 by Mr. C. Kilonzo and Question No.1752 by Mr. Kiuna are deferred to Tuesday next week and will take priority over other Questions. That is the end of Question Time.

Next Order!

QUESTION BY PRIVATE NOTICE

DELAYED COMPENSATION TO MAJ-GEN RONALD Y. CHELAGAT

(Mr. Kigen) to ask the Attorney-General:-

(a) Is the Attorney General aware that Maj. Gen. (Rtd) Ronald Yatich Chelagat was hit and seriously injured by vehicle Reg. No. GK A268D on or about 16th December, 2004?

(b) Is he also aware that the victim is in urgent need of medical care which he cannot afford due to failure by the Government to pay him damages as awarded by the court on 11th May, 2009?

(c) When will he be paid his dues?

(Question deferred)

REPATRIATION OF MS. ROSEMARY W. NDUATI FROM SAUDI ARABIA

(Mr. Kabogo) to ask the Minister for Foreign Affairs:-

(a) Is the Minister aware that Ms Rosemary Wariera Nduati is missing and had earlier complained of detention and mistreatment by her employer of phone number +966551782526 in Jeddah, Saudi Arabia?

(b) What urgent measures is the Minister taking to ensure that she is traced, released from her exploitative employer's custody and repatriated?

(c) What is the Government doing to ensure that Kenyans living and working in the Middle East are safe from such dehumanizing occurrences?

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.1292

EMPOWERING OF YOUTH THROUGH APPOINTMENT TO COMMISSIONS/TASK FORCES

(Question deferred)

Question No.1679

NON-DISBURSEMENT OF LOANS TO STUDENTS BY HELB

(Question deferred)

Question No.1752

REHABILITATION OF LARE-NAISHI CEREALS BOARD DEPOT

(Question deferred)

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF THE ELECTIONS (AMENDMENT) BILL

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, pursuant to the provisions of Standing Order 107, this House orders that the Publication Period of the Elections (Amendment) Bill (Bill No. 58 of 2012) be reduced from 14 to 5 days.

This is due to the urgency of this Bill. We wish that it be brought to the Floor of the House as early as possible. I kindly wish to ask Mr. Namwamba to second.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, the significance and critical nature of this Bill cannot be over-emphasized. Certainly, it gives me great pleasure to second this Bill.

I beg to second.

(Question proposed)

(Question put and agreed to)

BILLS

First Readings

THE ELECTIONS (AMENDMENT) BILL

THE MENTAL HEALTH CARE BILL

THE INDUSTRIAL TRAINING (AMENDMENT) BILL

THE NATIONAL HONOURS BILL

THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL

(Orders for the First Readings read – Read the First Time and ordered to be referred to the relevant Departmental Committees)

PROCEDURAL MOTION

WAVING OF REFERRAL PERIOD OF THE ELECTIONS (AMENDMENT) BILL

The Minister of State for Provincial Administration and Internal Security (Mr. ole Metito): Mr. Deputy Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order No. 111(2) this House resolves to waive the referral period of the Elections (Amendment) Bill (Bill No. 58 of 2012) to the relevant Departmental Committee.

This is for the same reasons as we have given for Order No.8. I kindly ask Mr. Nanok to second.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok) seconded.

(Question proposed)

(Question put and agreed to)

BILL

Second Reading

THE ELECTIONS (AMENDMENT) BILL

Mr. Ruto: Mr. Deputy Speaker, Sir, I beg to move that the Elections (Amendment) Bill No.2 of 2012 be read a Second Time.

The object and reasons as stated in the Bill have already been read by the hon. Members and I am sure they understand them. I do not intend to bore the hon. Members with what is so elaborately indicated.

This Bill is meant to streamline the rules towards elections that have to be held early next year. There are a few contradictions between this Bill and an earlier amendment. It also tends to be discriminatory between those who are to be elected and those who are to be nominated. This Bill is basically meant to ensure that there is order.

Mr. Deputy Speaker, Sir, I beg to move and I request Dr. Khalwale to second.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I want to congratulate Mr. Isaac Ruto for having found time to dissect this issue---

Mr. Ogindo: On a point of order, Mr. Deputy Speaker, Sir. On a matter of procedure, I heard Mr. Ruto move the Elections (Amendment) Bill No.2. Looking at the Order Paper, I see the Bill is No.58. Is he moving the same Bill or a different one?

Mr. Deputy Speaker: Mr. Ruto, are you sure you have moved the right Bill or you are just so excited? Could you read it as it is indicated on the Order Paper?

Mr. Ruto: Alright, Mr. Deputy Speaker, Sir. I read it as it is indicated on the Order Paper.

Hon. Members: No!

Mr. Ruto: Mr. Deputy Speaker, Sir, I can see some contradictions between the Bill and the Order Paper. I believe this is just a typographical error.

Mr. Deputy Speaker: Read the one on the Order Paper.

Mr. Ruto: What is on the Order Paper is the Elections---

Mr. Deputy Speaker: We cannot have Bill No.2 of 2012 now in October. Proceed. It is a mistake.

Mr. Ruto: So, which one is correct?

Mr. Deputy Speaker: The one on the Order Paper.

Mr. Ruto: Mr. Deputy Speaker, Sir, I beg to move that the Elections (Amendment) Bill, Bill No.58 of 2012 be read a Second Time by leave of the House.

I ask Dr. Khalwale to second.

Dr. Khalwale: I want to congratulate Mr. Isaac Ruto for having found time and combed through this law to---

Mr. Deputy Speaker: I will have to ask you to read it again because this will go down in the HANSARD and it has to be captured right. I think there is a mistake in both cases. It should read: "The Elections (Amendment No.2 Bill) (Bill No.58 of 2012)". Can you listen to me, get a piece of paper and a pen and just put it down.

Mr. Ruto: Mr. Deputy Speaker, I beg to move that the Elections (Amendment No.2 Bill) (Bill. No.58 of 2012) be read a Second Time.

Mr. Deputy Speaker: It has to read "Elections (Amendment No.2 Bill) (Bill No.58 of 2012)".

Can you get Mrs. Odhiambo-Mabona to help you?

Mr. Ruto: I read it out precisely like that, "The Elections ((Amendment No. 2 Bill) (Bill No.58 of 2012). This is the third time I am making it clear.

Mr. Deputy Speaker: There are two times you read a Bill. Anyway proceed. Can you get somebody to second?

Mr. Ruto: I have asked Dr. Khalwale to second.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I rise to second Mr. Ruto on The Elections (Amendment No.2 Bill) (Bill No.58 of 2012).

I want to congratulate the hon. Member for the good work he has done. This is something all of us had either taken for granted or had not taken sufficient time to read, digest and conceptualize the consequences. I want to request hon. Members that we must support this Bill because it is not just any other Bill; it is a Bill about elections. As we all know elections can be very chaotic. In fact, many a times, elections can result in violence.

Mr. Deputy Speaker, Sir, for this reason, I look at this amendment Bill as being an opportunity for us to mitigate against any possibility of either chaos or violence being invited by any shred of doubt in the statute. To remove this doubt is therefore to assure the country that the emotions that accompany elections and electioneering will not visit upon this country.

Something which is very important is that if we do not make this clear, at the end of the elections you will see a myriad of petitions in terms of county assembly elections, National Assembly elections and Senate elections. Because we are dealing with so many elective positions, if we leave a doubt that can cause lawyers to approach courts for petitions, it will occasion a lot of loss to public funds.

I, therefore, second and urge that hon. Members do the same.

Thank you.

(Question proposed)

(Question was put)

Mr. Deputy Speaker: Hon. Washington Jakoyo Midiwo, are you contributing?

Mr. Midiwo: Mr. Deputy Speaker, Sir, I rise to support the Bill.

(Applause)

Hon. Members: But you have already put the Question!

Mr. Deputy Speaker: Have I put the Question?

Hon. Members: Yes.

Mr. Midiwo: Mr. Deputy Speaker, Sir, you did give me a chance. I rise to support---

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Hon. Members, yes, I did propose the Question.

Hon. Members: Yes.

Mr. Deputy Speaker: I will not put the Question; this must have been an oversight on the part of the Chair.

So, is there any hon. Member willing to contribute?

Mr. Midiwo: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, hon. Midiwo.

Mr. Midiwo: Thank you, Mr. Deputy Speaker, Sir. It looked almost unusual when I rose to support the Motion because there has been a lot of anxiety in this country. In the absence of this Bill, it means over 150 hon. Members of this House will be affected by these deadlines. In my view, we made a bad law and this House has responsibility to rectify it.

(Applause)

I know there are some of my colleagues here who would not want party hopping. We passed this Constitution to take effect after the first election. We did not pass it to disorganize the already existing structures of Government. So, it would be wrong and irregular for us to sit back and watch as it disorganizes the structures of this Government. Therefore, I want to thank hon. Isaac Ruto for thinking and trying to put things right.

Mr. Deputy Speaker, Sir, even though we want to pass this Bill which I know many people will say is selfish on our side, let it be selfish. There are some anomalies in the Elections Act which we must correct in the Third Reading. I want to plead that the Third Reading of this Bill comes in the afternoon and not this morning, so that we have ample time to correct these anomalies in this Act. There is a section that says that it is illegal to distribute campaign materials before the election date is declared. We are already seeing political parties distributing *kofias* and posters. Kenyans do not know about this law. The Independent Electoral and Boundaries Commission (IEBC) has not educated anybody on the provisions of the Elections Act. So, everybody is committing a crime.

Mr. Deputy Speaker, Sir, it is undemocratic to tell Kenyans that only registered party members shall do nominations while most of these political parties are briefcase parties. Nobody knows where the political party cards are. Furthermore, there is an hon. Member of the party where I am the Chief Whip, when you go to the records of the Registrar of Political Parties, he is a member of a different political party. He never applied to be a member of that political party. About 60 of my party officials belong to

different political parties, according to the records of the Registrar of Political Parties. This House has not appointed a new and independent Registrar of Political Parties. We will not have credible nominations in political parties if we do not appoint independent Registrar of Political Parties. Therefore, we must say that nominations shall be done by party supporters. Let Kenyans choose their leaders. Do not ask me to look for some party cards in the Registrar of Political Parties office because I will be charged and I am not ready to spend money on that exercise.

Mr. Deputy Speaker, Sir, with those very many remarks, I beg to support and urge that we bring the Third Reading of this Bill this afternoon, so that we look at the Elections Act and correct all the anomalies.

Mr. Shakeel: Mr. Deputy Speaker, Sir, as unpopular as I may be, I wish to oppose this Bill because it is a selfish Bill. It does make sensible suggestions that a number of 150 hon. Members or so, may lose their seats. But is that not the very purpose of the Political Parties Act? We should be loyal to our parties. This Parliament has been a seat of defections and counter defections. I do not even think the people on the ground or citizens of Kenya know which party many of us belong to. This Bill will allow party hopping. So, if that is the case, perhaps, another amendment should be brought so that we allow party hopping up to the day of the election. What is the problem with that? Let us be clear on that issue. Let us not say “one month before;” for what reason? So, if you are saying “three months before” and you are not comfortable with it, then let us reduce it to two weeks. We can party-hop up to the last minute. We can even do it on the bonnet of our vehicles. If you fail to get nomination of your party, you can hop to another one immediately. That is what we should do without restrictions. Let us be clear in our mind. Let us also be clear to our electorate that is the way we want to proceed.

Mr. Deputy Speaker, Sir, the other issue is with regard to the identification cards. Many people in northern part of the country, especially Turkana and other arid and semi-arid areas are denied these very important documents. People in central Kenya and other places are issued with these documents in large numbers. In central Kenya, for example, there are cases where even underage youth are registered. They are issued with identity cards within a week or two weeks. In Kisumu, our people have been waiting for identity cards for nearly three months and they cannot get them. There seems to be uneven playing ground here. So, why do we not just have election on the 4th of January, 2013? We do not need election in March 2013. So, why do we not just bring the election forward to the 4th of January, 2013? Why should we wait until 4th March, 2013?

Furthermore, Mr. Deputy Speaker, Sir, the Registrar of Political Parties or the Government has been playing games on this issue. Why can they not appoint an independent and impartial Registrar of Political Parties, according to the law? There seems to be the law of the jungle in respect to Political Parties Act.

Finally, Mr. Deputy Speaker, Sir, it is my personal opinion that we are not ready for these elections. As you can see already, there are all these problems of party hopping. My humble suggestion is that we have parliamentary and presidential elections on 3rd of March, 2013 and we leave elections of governors and senators for a year or two or until we have a system on the ground to deal with them.

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

Mr. Twaha: Mr. Deputy Speaker, Sir, I want to contribute but, first, I would like to raise a point of order. Is it in order for hon. Shakeel to mislead the House that people in

Central Province are being issued with identity cards while those in Kisumu are not being issued with these documents and yet the Minister for State for Immigration and Registration of Persons is from Nyanza? The problem of identity cards is all over the country. Could he substantiate that?

Mr. Deputy Speaker, Sir, since it appears that he will not respond to the point of order, can I contribute please?

Mr. Deputy Speaker: Go ahead!

Mr. Twaha: Mr. Deputy Speaker, Sir, I support the Bill because I am a firm believer in Constitutionality. The Constitution of Kenya guarantees freedom of association. I do not believe that subsidiary legislation should be put in place to limit Kenyans' ability to interact and associate with one another.

The nature of politics and statehood is fluid and Kenyans and their leaders should be free to associate with any party they wish. Parties are not religions or whatever, especially in Kenya where the identity of a party is the party leader. There is no ideology or difference in the manifestoes. For people who come from marginalized areas, the freedom of association is very important, otherwise, they will be at the mercy of a few individuals who command fanatical followings from their ethnic groups or backyards. These individuals hold other politicians to ransom. We want to have freedom of association. The shorter the period, the better.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Oyugi: Mr. Deputy Speaker, Sir, I am happy that I am in this august House at this particular moment. I rise to oppose this particular amendment with several reasons.

Mr. Deputy Speaker, Sir, Article 91 of this Constitution isolates and highlights what political parties are supposed to be about. This amendment was anticipated by the drafters of Article 38 of the Elections Act that is supposed to fill a certain spirit. That spirit is supposed to be one that stops the issue of party hopping and making sure that political parties are engrained in certain ideologies. If you look at Articles 91 and 92 of the Constitution, you will find that they try to address Article 34 of the Elections Act, which state that political parties need to be engrained on ideologies, principles and issues. To allow an amendment in the manner that is proposed, I think is to run away from the very fabric of Articles 91 and 92 of the Constitution.

The other reason I oppose this amendment is the reason given for the amendment. The Mover wants the amendment made because of the high number of people who will be affected by the law. That is why I oppose this amendment.

Mr. Deputy Speaker, Sir, democracy is not cheap. We must either agree that we are moving forward to being a democracy or we are not. If we want to be a democracy, then we must be able to pay the price. If it is the Tenth Parliament that will pay that price, let it be. We must proceed and make sure that this amendment does not pass in this House.

We are moving towards the general elections and several things are happening. We are seeing a lot of party hopping or whatever it is supposed to be, but should we allow that, then it will beat the very purposes for which the Elections Act was meant to and hopes to achieve.

Mr. Deputy Speaker, Sir, the Mover raises several things. He wants to harmonize Section 34(8) and Section 28 of the Constitution which hopes to, for example, say that two things are happening two months to an election. If you look at Article 102 of the

Constitution, you will realise that it states that the term of this House will end on the date of the next election. If you read the two, you will find that there is no single moment, even if you choose to amend the Constitution to have people defect or choose other parties two months to an election and the House is still in motion, we will achieve much.

Mr. Deputy Speaker, Sir, having highlighted those various issues, I beg to oppose this amendment.

Prof. Sambili: Mr. Deputy Speaker, Sir, I rise to support this amendment.

Mr. Deputy Speaker, Sir, it is important to allow people to have freedom of association. I want to use myself as an example. If the elections law was not good during the 2007 General Elections, I would not be here. It is important to allow people to associate freely.

Mr. Deputy Speaker, Sir, I support this amendment.

Mrs. Noor: Mr. Deputy Speaker, Sir, I wish to support the Bill. In supporting the Bill, I want to bring on board the issue of registration of identity cards which is very important. It is important for us to urge Ministry that is concerned that there are many Kenyans who have not registered and, therefore, cannot vote. These people are denied their right. Every Kenyan has a right to vote and choose their leaders. So, it is important for the Ministry of State for Immigration and Registration of Persons to put its house in order and start registering every Kenyan who is above 18 years old. This is particularly from the pastoralist community. The pastoralist community all over the country has not been registered. We are getting petitions from all over of people saying that they have not been registered. It will be very important for all people in this country to be registered. The Independent Electoral and Boundaries Commission (IEBC) must make an effort to reach out to the pastoralist community. If you go to northern Kenyan now, you will find that it is dry and people have moved from their places. The IEBC has a responsibility to reach out to every Kenyan and register them as voters.

Mr. Deputy Speaker, Sir, the other reason I support this Bill is that if you look at the people who have registered with the Registrar of Political Parties, you will see that there are three parties which are leading. There is ODM which has about 100,000 people, TNA with 110,000 and URP which has 100,000. Where are all the other political parties? Where are the millions of Kenyans who have not registered with the political parties? Where do they fall? This is a question that we need to ask ourselves. We know that political parties have owners. Where we come from, we do not have any political party and our people are scattered all over. Where do they register and whom do they register to? We want to give freedom to every Kenyan to choose whichever leader they want without tying their hands. There are about 400,000 Kenyans who have registered with the Registrar of Political Parties as belonging to political parties but millions of Kenyans have not registered to date, because the IEBC and the Ministry of Justice, National Cohesion and Constitutional Affairs have not done any civic education. Nobody has done any civic education on any of our laws, and more so our Constitution. If you go round and ask people what the Constitution says, you will find that many Kenyans, particularly those in the rural areas do not understand it.

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

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Deputy Speaker, Sir, I rise to oppose the amendment.

Mr. Deputy Speaker, Sir, I have been in politics for almost 20 years and we have struggled very much to ensure that we have multipartism in this country. However, when multipartism came in, people started behaving very carelessly and recklessly; that is jumping from one party to the next. Hon. Bonny Khalwale, whom I believed was a very disciplined guy has been jumping from one party to another. He is looking at me----

People should stick to the parties they want, at least, six months to the election date. I see no reason why people should be panicking now. Even if we pass this Bill today, my appeal to the President is to reject it. Let the so many councillors or Members of Parliament, who are now running from one party to the other, lose these seats so that it serves as an example to the rest of the Kenyans who want to party hop. There is nothing special about 100 people going home. We shall still have quorum here because a quorum is just made of 30 Members of Parliament and business continues.

Mr. Deputy Speaker, Sir, I appeal to President Kibaki to reject this Bill. I also urge the civil society to move to court and reject this Bill.

(Loud consultations)

Mr. Deputy Speaker, Sir, I assure my friends that even if this Bill passes today, be prepared to lose your seat tomorrow if you have not made up your mind.

Thank you, Mr. Deputy Speaker, Sir.

Mrs. Odhiambo-Mabona: Thank you, Mr. Deputy Speaker, Sir. I wish to indicate that this is one of those rules that I find myself between a rock and a hard place. The reason is because as a person who aspires towards enhancing democracy in parties, I would not wish to see a situation where we party-hop and where we do not promote positive ideology in parties. I am really hoping that we have a situation where, as a country, people do not subscribe to parties because of ethnicity, but because of ideologies that those parties espouse. Indeed, if we reach that situation, then we would actually see a situation where violence would end in this country during election time.

Mr. Deputy Speaker, Sir, however, I have a challenge because we already even have laws that preclude some hon. Members from sitting in the House today because they have been deemed to have moved and yet, they are sitting in this House. So, for me really, what we are doing here is cosmetic. We will pass laws and they will not be followed. I really do not know why we are passing this. That is because even if we pass it or not, nobody will obey it so long as it has to do with us. So, I would want to say that, again, our parties have not learnt to be democratic. That is why you find a situation where hon. Members are not very keen on following the law because of lack of democracy within parties. I would want, therefore, to encourage parties that as we aspire towards the greater good for parties, parties must learn to be democratic. They must learn to respect minorities and women who find difficulties in nomination processes. Otherwise, as a person from human rights background, I beg to abstain.

Mr. Deputy Speaker: I hope you, hon. Members, know the rules of this Bill. The rules are very clear. This is by leave of the House. A presumption of the leave of the House by our Standing Orders is that there is unanimity. In the event that there are three hon. Members who oppose that, then the matter dies.

Hon. Members: No! They were not there at the beginning. On a point of order

Mr. Deputy Speaker: Proceed, hon. Dr. Nuh.

Dr. Nuh: Thank you, Mr. Deputy Speaker, Sir. First and foremost, I want to thank hon. Isaac Ruto - as other hon. Members have done - for having sieved through the Elections Act which seems to have many flaws, apart from the one we are intending to amend today - for his tireless effort to ensure that laws are in tandem and are a little bit comprehensive in terms of being understood.

Mr. Deputy Speaker, Sir, first, I want to clarify - without any prejudice to your ruling - that hon. Members who would have been denied to seek leave of the House at the Second Reading were not here and any hon. Member who stands to oppose the Bill is opposing it in its body but to it being read a second time. That is the subject to the vote of the House. However, I want to say that very many people are terming what we are trying to enshrine in this Act as party-hopping. This is freedom of association. I think what has been created out there by the Press that hon. Members of Parliament want to legislate and legalise party hopping should be admonished. What we should tell Kenyans and what they should know for a fact is that what the Constitution of Kenya has given, no any other party can take away.

Mr. Deputy Speaker, Sir, Article 36(1) of the Constitution says that: "Every person has the right to freedom of association, which includes the right to form, join or participates in the activities of an association of any kind." This is association in terms of religion which you want to join; association in terms of political parties that you want to join. At any given time, 24 hours in a day, if one was to wake up in the middle of the night at 1.00 a.m. or 2.00 a.m. and you wanted to join a party, then there should be no law that should subject such a person not to exercise the freedom of conscience that, that person wants to exercise, which has been given by the Constitution.

Mr. Deputy Speaker, Sir, the second thing that I want to point out is that the Act as it is curtails not only the freedom of hon. Members of this House to join any other political party, but the freedom of many young Kenyans who by 4th of this month have not attained their documents we refer to as identity cards so that they can be able to contest for elections. If they do not have an identity card by 4th of this month, which is October, they cannot register as members of a political party. That, in turn, will curtail them from exercising their powers which have again been given by the Constitution that the qualifications of a Member of Parliament shall be, unless disqualified under Clause 2-- A person shall be eligible for elections as a Member of Parliament if the person is a registered voter. If you are a registered voter by 4th of March or even by 4th of January, but you only got your identity card by 1st of January but you could not have been a member of a political party by 4th of October, then your rights have been curtailed. Is that what we want in this nation; to vote out brilliant Kenyan youth who can make very good leaders but, just because they were not given their identity cards by the Kenyan Government because of some technicalities, not to participate in the elections and not to vie for positions?

Mr. Deputy Speaker, Sir, I want to urge the Attorney-General and the Minister for Justice, National Cohesion and Constitutional Affairs because this is not the end of road. If you look at the Elections Act, hon. Isaac Ruto is amending subsection 8 of Section 34. Look at subsection 3 of Section 34 of the Elections Act. It says that: "A political party which nominates a candidate for election under Article 98(1)(a) shall submit to the Commission a party list in accordance with Article 98(1)(b) and (c)."

Mr. Deputy Speaker, Sir, go to the Constitution, Article 98(1)(b) and (c). The party list nomination that political parties have to submit shall include 16 women members who shall be nominated by political parties according to their proportion of Members of the Senate. Article 98(c) says: "Two members, being one man and one woman, representing the youth." But the Elections Act leaves out Article 98(d) which is nomination for two members, being one man and one woman, representing persons with disabilities. If the Attorney-General does not bring an amendment to include Part "d" in subsection 3 of Section 34 of the Elections Act, then there is no way the disabled members will be nominated into the party list by political parties. Their rights which have been given by the Constitution again shall have been taken away.

Mr. Deputy Speaker, Sir, I urge hon. Members not to look--- That is because today, you are a favourite leader of a political party. Hon. Millie Odhiambo has stated that our political parties have not reached a stage of maturity in terms of democracy. Many of us in this House have been victims of being locked out of political parties because of our body size. Some of us were locked out of political parties because we did not have money to bribe leaders of political party leaders. If that is to be cured, then Kenyans have to be given the free conscience to elect leaders who will not have been selected by political parties and political party leaders, but who would have come to the elections from the list of Independent Electoral and Boundaries Commission (IEBC) to be elected by Kenyans on merit.

I support.

Mr. Kapondi: Mr. Deputy Speaker, Sir, given the mood of the House would it be in order for you to call the Mover to reply?

Mr. Deputy Speaker: You are out of order, hon. Ogindo.

Mr. Ogindo: Mr. Deputy Speaker, Sir, I rise to oppose. I have been a victim of lack of party democracy. But allow me to say that the struggle for multiparty in this country was a bigger struggle than the struggle for internal democracy within the parties.

Mr. Deputy Speaker, Sir, this country must make a decision, whether we want to embrace multipartism or we do not want. The difference in parties should be in their policies and manifestoes. That decision needs to be made once because these policies and manifestoes do not change on a daily basis. This Motion seeks to ensure that people hop from their parties.

Mr. Deputy Speaker, Sir, we all have a choice here to remain in our parties until the expiry of the term of this Parliament. That is a very viable option. It is incumbent on members of political parties to enforce internal party democracies within their parties. If we keep on running away from this problem, then it will never be cured. For us to have functional political parties, this problem needs to be addressed.

Mr. Deputy Speaker, Sir, it is on this account that I oppose this Motion. I want to go on record that I believe in ODM and I stay in ODM because I believe the policies of the party.

I oppose.

Mr. Nyammo: Mr. Deputy Speaker, Sir, I rise to support this amendment. First and foremost, I congratulate my friend, Isaac Ruto, for this great work he has done and having seen that we are going to be denied the freedom we have fought for by political parties for many years.

I am afraid we talk about party democracies which I think they are non-existent. It is like we have no laws and if we pass them, we do not enforce them. Parties, up to now, are seen as private property by some of the leaders of those parties. That is why we must be allowed and we allow Kenyans to have that freedom of movement. Let us not be locked in one place where we are not valued. Let us be free to go where we are valued as Kenyans and where we think we will contribute to the ideologies or programmes of a given party.

There is no point having lawmakers and then they become law breakers. Let us respect our laws. Let us agree that this amendment gives Kenyans the freedom they deserve. They deserve to move from one party to the other instead of being locked in a place where the thinking that they are personal property.

I beg to support.

Mr. Pesa: Mr. Deputy Speaker, Sir, indeed, this is a very interesting Bill which has come at a time when so many things have taken place.

Mr. Deputy Speaker, Sir, we hear Members talk about Kenyans not being able to get their identity cards. Can Members issue them to themselves? Who is responsible for the issuance of ID cards in this country?

Hon. Members: ODM!

Mr. Pesa: Mr. Deputy Speaker, Sir, it is the Government. Whether it is ODM, it is the Government. I want to plead with Members here not to play into the hands of the Government. All these time, there have been complaints that there were no funds to give Kenyans ID cards. If you are going to rescind now and accept that we let this Bill go through, it will mean that the Government is going to succeed in the game they have been playing all along. In that respect, I want hon. Members to really be sober when they are discussing this issue.

Of course, we know that we have problems down there. Many people have not got ID cards at the moment. They cannot be party members. That is a fact. But we need to send a signal to the Government that we are not ready to play their own game.

Therefore, I oppose.

Mr. Ruteere: Mr. Deputy Speaker, Sir, I stand to support. Party democracy is of essence if it will develop this country. Personally, I will have been locked out if there was no party hoping because I joined a party that rigged me out of elections during the nominations and when I hoped to another party, I managed to come to Parliament. So, I do not see the reason why we should go to party dictatorship by leaders of parties where you cannot express your opinion, where you cannot vote freely and where you have to vote according to the ways of the party leader.

Mr. Deputy Speaker, Sir, this amendment only allows us to be in the party for the 45 days just after nominations. There will be no party hoping after you are nominated. So, let us not think that we shall be hoping every time. Forty five days to the elections, people will have to stick to their parties. They will have to make up their minds as to which parties are democratic enough.

So, I support.

The Assistant Minister for East African Community (Mr. Munya): Mr. Deputy Speaker, Sir, thank you for giving me this opportunity to contribute to this very critical amendment.

Mr. Deputy Speaker, Sir, we need to keep reminding Kenyans that we are in a transition. In a transition period, we need to have laws that have flexibility so that we can be able to shepherd the transition properly. In our Constitution, there are freedoms that we hold very fundamental and usually when we look at the hierarchy of norms in our Constitution, most times, we do not look at what is most critical like the freedom of association. The Constitution puts freedom of association at the centre of our democracy. So, when you water it down by locking out people in a party where they do not even share ideologies, merely because you want them to stick to them, you are actually breaching that fundamental principle in the Constitution for people to be allowed to associate freely.

Political parties are associations. They are groupings. If you differ in a group and if you feel that you no longer believe in whatever that group believes in, the right thing to do is to be allowed to move to another group where you feel comfortable. That is what we call freedom of association. Any other rule that you put higher than the right to freely associate goes against the grain of our Constitution which we passed. That is why we are saying let people choose their parties freely. They should be able to move to a party where they share the same ideologies with members in those parties. Let us not bind them or force them to stay in a place where they do not feel comfortable.

I support.

Mr. Chachu: Mr. Deputy Speaker, Sir, I support this amendment. Freedom of association is a fundamental right in the Constitution. Political parties are only different by names; there are no ideologies that set them apart. That is a fact!

The problem that this particular amendment is trying to heal is to ensure that Members of Parliament and other civic leaders will have the right to associate with any party of their choice. With time, of course, we will have that maturity and democracy in our political parties to ensure that there is party discipline. I think that our Constitution and the Political Parties Act will go a long way in ensuring that in the long run.

Mr. Deputy Speaker, Sir, with the kind of parties that we have which, in effect, are hardly democratic, there is no reason to tie the hands of Members of Parliament which they are not willing to contest for a seat on come next election. There are no ideologies---

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

Mr. Chachu: Mr. Deputy Speaker, Sir, with those few remarks, I support the amendment.

Mr. Abdikadir: Mr. Deputy Speaker, Sir, would I be in order, judging from the mood of the House, to move that the Mover be called upon to respond?

(Applause)

Mr. Deputy Speaker: Hon. Members, just by your clapping and your choruses, I get the feeling that you want the Mover to be called upon to reply. Where is the Mover? I will now put the Question.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

Mr. Ruto: Mr. Deputy Speaker, Sir, I have listened very keenly to the contributions by hon. Members. Indeed, it is clear from their contribution that there was a definite oversight on our part when we were passing this particular Act earlier. This particular amendment is quite timely.

Mr. Deputy Speaker, Sir, I do not think any legislation should intend to limit the enjoyment of political rights. It has to be understood further that Members of Parliament are also citizens, who are entitled to enjoy rights. Most time, we tend to get demonized for reasons we do not understand, yet we are as much Kenyans as others are.

This particular law, left in its current form, will discriminate against even Members who will wish to be nominated to Parliament. There are still other inconsistencies that the Attorney-General should be called upon to look at. For example, the Act has no procedure for bringing in the disabled.

Mr. Deputy Speaker, Sir, I know Members have read this particular Bill well. Let me donate one minute, or half of it, to hon. C. Kilonzo. I beg Members to support this Bill.

Mr. Deputy Speaker: Order, hon. Members! I have since acquainted myself with what we mean by “leave of the House”. Essentially, “leave of the House” means that after an Order is called, then Members have to stand up immediately and oppose it. The wisdom of that is that something is being rushed through the House. When it is rushed through the House, there is presumption of unanimity. So, if anybody wants to oppose this thing, there is still the Committee Stage. What you need to do is to stand up and oppose it at that stage. The rule is that if only one Member and the Speaker is sympathetic, then the matter is put off. If you get three, it does not matter whether the Speaker is sympathetic or not. That is the rule.

You remember that the Constitution amendment law that made this country a *de jure* single party State was passed in a matter of less than an hour, yet it went through all the stages. It is important that we are also seen to be reformists and to be living by the rules of our own making.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House today by leave of the House)

COMMUNICATION FROM THE CHAIR

DEFERMENT OF COMMITTEE STAGE: THE INTERNALLY DISPLACED PERSONS BILL

Mr. Deputy Speaker: Hon. Members, I also wish to direct that we are deferring--
- There are two Bills at the Committee Stage, as indicated in the next Order, that is, Order No.16. One is for the same Bill whose Second Reading we have just disposed of . The second one is the Internally Displaced Persons Bill (Bill No.21 of 2012). This particular one is deferred until tomorrow. The Chair directs that it be listed on the Order Paper tomorrow. We are going to deal with only with Order No. 16(i)

(Committee Stage of the Internally Displaced Persons Bill deferred)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

THE ELECTIONS (AMENDMENT) BILL

Eng. Gumbo: Mr. Deputy Speaker, Sir, I rise to oppose the Committee Stage of this Bill. The reason is because as things are now the Bill is really being rushed through the House. Some of us would want to propose amendments, but we do not have the time to do those amendments. I want to urge all my colleagues that as we go into this stage of the Bill, please, let us look at this matter soberly. The Elections Act is fundamental, and affects almost everybody in this House. In fact, as I speak, there are provisions in the Elections Act, for example on premature campaigns which make all of us in this House culprits. I urge hon. Members that this is something that is so important. It would be wrong and undesirable for us to rush it through the Committee Stage without giving some of us adequate time to look at amendments and propose them.

Mr. Deputy Speaker, Sir, with those remarks, I oppose.

Mr. Pesa: Mr. Deputy Speaker, Sir, I think this is a very important Bill for this House and we must be thinking about it very soberly. Many of us need more time to actually look at the Bill and, maybe, propose some further amendments. Therefore, I would like to plead with the Chair that this Bill be delayed to tomorrow afternoon.

Ms. Amina Abdalla: Mr. Deputy Speaker, Sir, I would like to support the going into the Committee Stage, and urge my colleagues who are raising concern that, yes, we hear you that there are issues in the Elections Act in addition to what is being amended today, and that need to be included. However, those issues can only be brought by the Minister for Justice, National Cohesion and Constitutional Affairs or the Attorney-General. I urge you to let us go into the Committee Stage and the concerns that you have-- I do have similar concerns that are not linked to the matter on the Order Paper. Yes, your issues are valid, but let us move to the Committee Stage, and we will get another opportunity to come up with amendments to the aspects that you are concerned about.

Mr. Bahari: Mr. Deputy Speaker, Sir, already, this country has gone through turbulent times. We are already having difficulties on matter of gender. We want to minimize the turbulence. I want to plead with hon. Members. They know very well that at the time we enacted the new Constitution, we had to come here and be quickly sworn in. I want them, in the same spirit, to allow this House to go the Third Reading so that we can finalize this matter. The rest can also be brought. If they want to bring further amendments, they can re-look at it. That way, we will finalise everything.

Mr. Deputy Speaker: I will take two more and then give a direction on this.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I would really like to urge the House that we look at what we are trying to do; which is to correct something which we should have corrected when we did the correction earlier during the Statutory Miscellaneous (Amendment) Act. The point here is that this is a one-line Bill; nobody can bring amendments except to this one line. Whatever we are trying to say that we postpone so that we can bring amendments, you can only bring it within the

framework of this amendment. There cannot be any additional amendment or any other except what is here. I did clear that with the Speaker last night after the House Business Committee (HBC). We deliberated on this matter and said it is of great national importance and we need to give it time this morning so that we can clear with it and remove the uncertainty within the country in terms of how the elections will be held.

Mr. Deputy Speaker, Sir, I want to tell this House that the whole country is looking upon us for guidance. The country is looking upon you to save this country from a potential catastrophe that could befall this country. If come tomorrow, we are forced by certain situations to declare that half of this House should go home; half of the Government should go home and the Coalition Government should collapse and we do not have registered members, we do not have voters who are registered, you have not even passed the election rules and you are still going for an election. We are creating a catastrophe.

Let us remember where we came from in 2008. Let us bend over backwards for purposes of solving some of those crises. By the time we do - and this House is not being adjourned *sine die*---We are still here and we will still be here until the 15th of January. If Members feel that we still need further amendments---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Deputy Speaker, Sir. Whereas I did not have to talk, I do not think the Minister is in order to mislead the House that if Members of Parliament leave the House, then the Coalition will be dissolved. Please, let those of us who are quiet stay quiet.

Mr. Deputy Speaker: This is not a moment for debate. It is just to determine whether we proceed on with the Committee Stage or not. We are just following the rules of the House.

Mr. Ogindo: Mr. Deputy Speaker, Sir, I want to oppose.

Mr. Deputy Speaker: Fair enough. You do not have to say even more than that. The rules are very clear. If it is opposed by more than three Members, then the Chair cannot give that leave. However, that does not mean that the Committee Stage is lost in any way. This matter can come tomorrow as part of the business of the House.

Hon. Members: This afternoon! This afternoon!

Mr. Deputy Speaker: Order, hon. Members! If you have your own *ad hoc* HBC that can sit down and determine, you can always have a Supplementary Order Paper on the same too. All that the Chair is doing is to make sure that even those who are a minority and are within the rules of the House; the Chair is seen to be fair and just also.

Next order! This matter is lost for now.

BILLS

Second Reading

THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL

(Mr. Kapondi on 26.9.2012)

*(Resumption of Debate interrupted
on 26.9.2012)*

Mr. Kapondi: Mr. Deputy Speaker, Sir, I was in the process of moving this amendment Bill when we ran short of time. I was on Clause 2. I said that Clause 2 seeks to amend Section II of the Act so as to provide with certainty the meaning of “district” for the purpose of establishing the District Alcoholic Drinks Control Licensing Committees.

These amendments to the famously called “Mututho Law” are, indeed, very crucial in the sense that what the “Mututho Law” initially set to achieve has fallen squarely on its back.

Mr. Deputy Speaker, Sir, just a few days ago in Western Kenya, there was a workshop organized by NACADA. The workshop was attended by politicians and administrators----

QUORUM

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir, I think we do not have a quorum. This is a very important Bill to be discussed without a quorum. The issue of alcoholic drinks in this country is a major issue especially in Central Province. It would be unfair for us to continue debating this Bill without a quorum.

Mr. Deputy Speaker: Indeed, yes, the Chair is cognizant of the fact and sees that there is no quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order Members! We have been unable to raise quorum. The House is, therefore, adjourned to today, Wednesday, 3rd October, 2012, at 2.30 p.m.

The House rose at 11.35 a.m.