QUESTIONS

Date: 12th October 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Owners, Directors of Zonal Holdings Investment Company.

She asked the Deputy Prime Minister and Minister for Finance:-

a) Whether he was aware that the Government froze the assets of Zonal Holdings and Credit Investment Company Limited in 2001 after complaints by members of the public through Parliament that the said company had collected varying sums of money from them but failed to keep its promise.

b) To state the owners/directors of the company and what the findings of the investigations of the case were.

c) To state the value of the frozen assets and when the depositors would be paid their money.

Date: 13th October 2011
Member of Parliament: Hon. Millie Odhiambo- Mabona
Contribution she made on: Enforcement of section 53 of Employment Act.

She asked the Minister for Labour:-

a) When he would make regulations under Section 53 of the Employment Act on the activities that are deemed harmful to the health, safety and morals of a child between 13-16 years of age.

b) What is considered “light work” that a child can undertake under the law.
Date: 13th October 2011  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Delayed payment of court award to Omar Salim Mohammed.

- She requested the Temporary Deputy Speaker to direct that the cheque be availed in Parliament within a month and noted that it was a case of impunity where a judgment is ignored by a Government agency.
- She added that if Parliament compelled payment of the cheque, only in one instance, all Ministries in the county would shape up and impunity would have been broken.

Date: 13th October 2011  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: Details of cases arbitrated by Sugar Arbitration Court.

- She requested the Assistant Minister for Agriculture to consider liaising with the Office of the Attorney-General to see whether, through subsidiary legislation, they could find a way of enforcing the Sugar Arbitration Tribunal judgments awaiting amendments as the matter was urgent and the number of cases pending enforcement were just too big.

Date: 25th October 2011  
Member of Parliament: Hon. Martha Karua  
Contribution she made on: High cost of tea production

- She noted that the high disparities are due to husbandry which goes to quality and governance. She added that poor governance leads to heavy recurrent expenditure and asked the Assistant Minister for Agriculture to inform the House what he was doing to ensure that governance is improved, not just at the
factories but also at the KTDA which is the agency that manages all the farms, and that they support services to the farmers to reduce the costs, the same way the Government does for maize and coffee.

- She noted that the Assistant Minister was not in order to discourage sub-division of land in tea growing areas while knowing very well that small-scale tea growing was a success story in the country beyond the large farms.

**Date: 26th October 2011**

**Member of Parliament: Hon. Dr. Naomi Shaban**

**Contribution she made on: Beneficiaries of Cash transfer to older persons’ programme.**

- She informed the members that the legibility criteria is used is on households with an older person of 65 years and above. This should be extremely poor households that are not enrolled in any other regular cash transfer programme and the identified older person must not be receiving any kind of pension.
- She added that there was a limitation of the funds that we were being allocated by the Treasury hence it was difficult for her Ministry to cover more than what they are currently covering.
- She noted that this year, the scaling up will be lessened by the fact that Parliament passed a decision that the cash transfer should go up from Kshs1, 500 to Kshs2, 000.
- She added that the Ministry was allocated Kshs1 billion and will bring down the amount of money that should have been scaled up but cannot guarantee to cover the whole country.
- She added that in the larger Thika District, 650 beneficiaries are from Juja while 100 are from Gatanga.
- She added that there are over 1.8 million persons in that age bracket hence if 1million people were to be covered then there should be an allocation of Kshs24 billion per year.
- She noted that it was a pilot project covering 44 districts and added that although she appreciates and empathize with the issue of the Mau Mau war
veterans, they are not the only ones who are 65 years and above and suffering because they are not accessing the money.

- She added that it is a very good programme and requested the Members to make sure that it is allocated more funds.

- She noted that the social development policy and the Bill had a problem because there are some stakeholders, for example the National Social Security Fund (NSSF) and the Ministry of Labour, who are not in agreement that the project should be completed. The Ministry was in the process of deciding on whether it should leave the NSSF and the Ministry of Labour out of it, so that that required Bill and policy can be taken to Parliament as soon as possible.

- She added that the policy and the Bill had already undergone the stage of meeting all the stakeholders, including the public but the problem is that stakeholders were arguing over certain things. There is already a committee which is working on whether they should move on, because project covers people who are not working while NSSF covers those people who are employed; hence there are plans to separate the two so that the Bill and policy can be tabled in parliament.

Date: 26th October 2011

Member of Parliament: Hon. Dr. Joyce Laboso

Contribution she made on: Suspension of chiefs.

She asked the Minister of State for Provincial Administration and Internal Security:-

a) Whether he was aware that Messrs John Ngeny and Joseph K. Milgo, former chiefs in Chepkegei and Kapekelei locations, respectively, were suspended without following due process on 29th June, 2010.

b) Whether he could consider reinstating the two officers immediately.

- She asked the Minister to explain why the suspension took place, if it was on mere suspicion or if there were some level of investigations carried out.
She requested the Assistant Minister to confirm whether there were any other damages on the character defamation and what they have suffered with their families as a result of that long investigation were paid.

She also requested the minister to confirm if the information that led to their suspension was not known to their immediate bosses like the District Officer (DO), the District Commissioner (DC) and even the Provincial Commissioner (PC).

**Date: 26th October 2011**

**Member of Parliament: Hon. Millie Odhiambo-Mabona**

**Contribution she made on: Suspension of chiefs.**

- She noted that the place is usually prone to inter-community conflict and sought to know what the Assistant Minister would do in future to avoid acting without proper investigations in order to prevent possible escalations of conflict.

**Date: 27th October 2011**

**Member of Parliament: Hon. Peris Chepchumba**

**Contribution she made on: Government divesture from publishing houses.**

She asked the Minister for Education:-

- a) When the Government plans to divest from Publishing Houses in order to open the market for indigenous private publishers and enhance the quality of education in the country.

- b) Whether he could confirm that Government divestiture from the Jomo Kenyatta Foundation and the Kenya Literature Bureau will help produce more learning materials at lower prices.

- She noted that the Kenya Shilling has deteriorated following the rise in value of the dollar hence the prices of books and learning materials have skyrocketed and sought to find out if the Government had plans to decentralize the activities of those two organizations at the grassroots in order to arrest the high cost of those materials.
Date: 27\textsuperscript{th} October 2011

Member of Parliament: Hon. Sophia Abdi Noor

Contribution she made on: Status of Health facilities in Ijara/Hulugho Districts.

She asked the Minister for Public Health and Sanitation:-

- a) Whether he could provide details of health facilities and the medical personnel in Ijara Constituency, indicating which ones are operational and which ones are closed down and the reasons for the closure.
- b) How many vehicles and ambulances were operational in Ijara and Hulugho districts.
- c) When he would provide ambulances to Ijara and Hulugho districts to deal with emergency cases.

- She asked the Assistant Minister to explain the number of staff in Ijara and Hulugho districts covering hospitals, health centres, and dispensaries.
- She noted that the Assistant Minister had indicated that Masalani District Hospital alone has 20 nurses, yet in the whole of Ijara and Masalani, there are only 14 nurses.
QUESTIONS BY PRIVATE NOTICE

Date: 12th October 2011

Member of Parliament: Hon. Peris Chepchumba

Contribution she made on: Civic education on effects of GMO food.

She asked the Minister for Higher Education, Science and Technology;

  a) If the Government had a plan to conduct civic education on the effects of consuming Genetically Modified Organism (GMO) food.
  b) If the Minister was aware that due to inadequate information on the importation, sale and consumption of GMOs, farmers in grain growing areas were suspicious of seeds being provided by Government agencies.
  c) The number of experts on GMOs the Government has in the country, particularly in Eldoret South and if he could also confirm to the House that no GMOs particularly seeds, had been imported into the country.

Date: 13th October 2011

Member of Parliament: Hon. Martha Karua

Contribution she made on: Shooting of Messrs. Fredrick Nyaga Ndubai/ Patrick Mwangi Waweru.

She asked the Minister of State for Provincial Administration and Internal Security;

  a) If he was aware that police officers shot and injured Messrs. Fredrick Nyaga Ndubai and Patrick Mwangi Waweru at Njathaini Kasarani on 3rd August, 2011.
  b) If he was also aware that Mr. Patrick Mwangi Waweru subsequently died of gunshot injuries.
  c) What action the Minister had taken against the police officer(s) involved and the plans he had to compensate Mr. Ndubai as well as the family of the late Patrick Mwangi Waweru.
She was concerned that the police were taking too long with investigations because the incident happened in early August.

She informed the House that Fredrick Nyaga had a bullet lodged in his lungs and he was not able to afford medical treatment and sought to know what the Minister and the Government were doing to ensure that he did not also lose his life and that the bullet lodged in his lungs is removed pending all those investigations.

Date: 25th October 2011
Member of Parliament: Hon. Martha Karua

Contribution she made on: Number of bags of maize harvested in 2011.

She noted that the Strategic Grain Reserves (SGR) were under the Ministry of State for Special Programmes and requested the speaker to consider having the question answered by the Prime Minister who is the coordinator of Government business, so that the answer to policy given by the Assistant Minister can be addressed sufficiently.

Date: 25th October 2011
Member of Parliament: Hon. Martha Karua

Contribution she made on: Creation of 80 new constituencies.

She noted that the Ekuru led team provided the names to the Prime Minister and the President for the setting up of IEBC yet Parliament had not received the names from the two principals and sought to know if the Minister for Justice, National Cohesion and Constitutional Affairs was aware of the reasons for the delay.
BILLS

Date: 26th October 2011
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: The Kenya School of Government Bill (second reading)

- She supported the bill and noted that it was not enough to bring a Bill, there must be real change.
- She suggested that the Kenya Institute of Administration (KIA) should not be repackaged because it had done a reasonably good job under the circumstances that it has operated but the country is competing world class hence must provide cutting edge education to the civil servants.
- She noted that they must find persons who combine both intellectual and practical skills, so that when they are training, they are training from experience.
- She noted that in as much as universities were expanding and giving opportunities to many young people, what some universities and some of the colleges are providing is not standardized
MOTIONS

Date: 12th October 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Establishment of National Space Agency.

- She supported the motion and noted that once it is passed, the Government would be compelled to formulate a policy on National Space Science and Technology, which will enable the country to take advantage of technology in various fields.
- She noted that the country has varying weather patterns hence monitoring of the weather will be possible through a well developed national space science agency.
- She added that with that type of technology, the security agencies would be been able to monitor the security along the borders.

Date: 26th October 2011
Member of Parliament: Hon. Sophia Abdi Noor
Contribution she made on: Adoption of report on dismissal of workers at Thika Municipal Council.

- She moved the Motion that the House adopts the Report of the Departmental Committee on Labour and Social Welfare on Ordinary Question No.626 on the dismissal of 250 workers of Thika Municipal Council laid on the Table of the House on Thursday 16th June, 2011.
- She added that the question on the unlawful dismissal of 250 employees was referred to the relevant departmental committee on Tuesday, 1st February 2011, after the Deputy Prime Minister and Minister for Local Government gave an unsatisfactory answer to the House when the question was deferred twice.
- She added that the Departmental Committee on Local Authorities after deliberations, resolved that the question was about a labour matter, and that the
Departmental Committee on Labour and Social Welfare was well placed to thoroughly look into the question.

- She reminded the Members that the question asked by the Member of Parliament for Juja was on whether the Deputy Prime Minister and Minister for Local Government was aware that Thika Municipal Council unlawfully terminated the services of 250 workers in November 2008, all of whom had worked over five years, why several orders from the Thika Labour Officer to reinstate the employees had been ignored and whether he could also explain why the council advertised the vacant positions on 11th November and immediately filled them with persons related to the council officials.”

- She added that the Committee held meetings in Parliament Buildings with representatives of the dismissed workers on 15th March, 2011; the Municipal Council of Thika on 16th and 29th March, 2011; the Minister for Labour on 16th and 29th March, 2011; the Permanent Secretary (PS), Ministry of Local Government on 4th April, 2011, and the Deputy Prime Minister and Minister for Local Government on 10th May, 2011.

- She added that the Minister for Labour and the Assistant Minister informed the Committee that it was true that 250 former employees of Thika Municipal Council reported to the District Labour Officer, Thika, that their services were terminated on 5th November, 2008, and that the officers received the workers and interviewed them on the reasons as to why their services were terminated.

- She added that the officers analyzed their verbal submissions and established that the employees were being paid at the end of each month, and not daily. It was, therefore, established that the contract was on a monthly basis, and not contract as alleged by the Council.

- She noted that the Employment Act, 2007 says that a person whose engagement provides for his payment at the end of each day and who is not engaged for a long period or a number of continuous working days, which amounts to an equivalent of not less than one month, or performs work which cannot be reasonably expected to be completed within a period or number of working days
amounting to the equivalent of three months or more, the contract process will be deemed to be one where the wages are paid on a monthly basis.

- She added that in accordance with the provisions of the Employment Act, 2007, the District Labour Officer formed the opinion that the 250 employees were actually monthly paid employees, and not casual workers as alleged by the Council. A demand notice was written by the District Labour Officer to Thika Municipal Council to pay, but the Council ignored the notice. A charge sheet was also prepared for the purpose of prosecuting the Council for the recovery of the terminal benefits on behalf of the affected employees.

- She added that however, the workers did not go back to the District Labour Officer, Thika, to pursue the same hence the labour officers could not refer the matter to court in the absence of the former workers who were the claimants.

- She added that the Permanent Secretary, Office of the Deputy Prime Minister and Ministry of Local Government appeared before the Committee on 12th April, 2011 and informed the Committee that 250 workers were clarified as casual workers throughout their employment despite some of them worked for as long as 14 years.

- She added that the Deputy Prime Minister and Minister for Local Government sent auditors to Thika Municipal Council to ascertain the issue of the 250 workers. The auditors found that the workers were employed on ward-basis. However, the audit could not get any record on dismissal of the employees.

- She added that the PS informed the committee that the same situation obtained across all councils, and that they were acting irregularly and contravening the labour laws. Therefore, the local authorities sector has very serious issues and hence the need to have a policy on the same.

- She noted that Local authority employees are not civil servants and, therefore, any financial obligation goes to the council. It cannot go to the Exchequer.

- She informed the House that Deputy Prime Minister and Minister for Local Government appeared before the Committee on 10th May, 2011 and informed the Committee that the Ministry had a major concern to resolve around issues of
casual employees in the local authorities. Many cases had been reported from across the country, and it emerged that councils were employing workers without adhering to the provisions of the Employment Act.

- She added that the Deputy Prime Minister and Minister for Local Government and Minister for Labour sent a circular letter to all councils requiring them to adhere to employment laws. Where staff were engaged for a long period, the councils were been asked to see how best to formalize their employment.

- She added that in the case of Thika Municipal Council, a decision was taken to have all those who were engaged for a long time to be paid their dues. The matter was discussed with the Town Council and it had already instructed its lawyers to apply for payment of the money.

- She added that the Thika Municipal Council ignored the summons to appear before the Ministry of Local Government to try and resolve the issue of the 250 workers. They refused to go to the Labour Offices. Further investigations needed to be carried out to establish the claim of nepotism across all the councils. In other councils, the employees were relatives, friends, and supporters of the councilors.

- She added that flouting of the employment law is also widespread not only in the councils, but also in the tea zones, export processing zones, hotel industry, sisal industry and salt mining industry.

- She added that the committee recommended that the former and the current Town Clerks of Thika Municipal Council be charged in the Industrial Court for contravening the Employment Act, 2007 Sections 36, 28(1)(a) and 35(5) and 88(1), the Thika Municipal Council should provide Kshs9,250,104.50 as terminal benefits of the 250 employees to the legal officers for onward transmission to the workers pending Industrial Court judgment, the Council should ensure that the Employment Act, 2007 is adhered to at all times and the Minister for Local Government should ensure that strict and tight measures are put in place to stop the flouting of the Employment Act, 2007, in all councils.
She added that the Minister for Labour should take immediate action on all complaints on flouting of the employment laws in places such as the tea zones, export processing zones, the hotel industry, the sisal industry and the salt mining industry.

She requested the House that should they adopt the Report, it should be implemented to the letter and the spirit. There are many reports that pass through the House and yet they are pending implementation.

Date: 26th October 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Adoption of report on dismissal of workers at Thika Municipal Council.

- She supported the Motion and noted that every local authority and by extension, the Government, are the main people who flout the labour laws. Many people are called casuals and work for local authorities for years on end. When they are classified as casuals, they go without a lot of amenities from medical, leave and all the others.

- She noted that the Committee on Labour and Social Welfare should get the Minister for Labour to commit himself. He should have an audit of all local authorities to ensure that the oppressed Kenyans who have been made to work as casuals for years on end are paid their dues.
POINTS OF ORDER

Date: 11th October 2011
Member of Parliament: Hon. Martha Karua

Contribution she made on: Errors in the published elections Act.

- She supported the point of order and stated that she went through the Election Act and noted that having been a Member of the Constitutional Implementation Oversight Committee (CIOC) and the subcommittee that prepared the amendments to the Act, the penalties for offences related to elections were not the same penalties they proposed.
- She noted that particularly missing was the additional penalty that after serving a three year jail term, a person would not be eligible to be employed in the Public Service for ten years.
- She urged that the Act be scrutinized thoroughly against the HANSARD so that it reveals many other errors which appeared to be a deliberate scheme to alter the contents of the Act.
- She urged that the House does scrutinize all the Bills passed during that season when they were doing things in a hurry, against the contents of the HANSARD otherwise the integrity of the legislative process of the House was greatly undermined. To restore that confidence, they must be sure that each of those Bills is the House passed and not somebody else’s’ imagination.
Date: 12th October 2011
Member of Parliament: Hon. Peris Chepchumba
Contribution she made on: Fatal shooting of Mr. Wilson Ruto

- She sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security regarding the fatal shooting of Mr. Wilson Kipkoech Ruto in Lessos Trading Centre in Tinderet Constituency, who was a resident of Eldoret South Constituency.
- She asked the Minister to explain the circumstances under which Mr. Kipkoech Ruto was brutally killed on September 15th, 2011, confirm that the deceased was shot dead by a police officer on the said date while aboard a boda boda motorcycle, what the police had done to arrest and charge in court the police officer who killed Mr. Ruto, explain what the Ministry was doing to compensate the family of the late Mr. Ruto and what the police was doing to contain the rampant cases of insecurity that had gripped Eldoret Town and its environs in the past few months.

Date: 13th October 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Eviction notice to General Service Unit Officers.

- She requested for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security and added that there were General Service Unit (GSU) officers who were given an eviction notice.
- She added that they were residing at Kabarnet Gardens in Nairobi and were still in service hence it was not clear why they were given an eviction notice from their quarters on Tuesday, 11th October, 2011, and asked to move within two days.
- She asked the Minister to explain other quarters these officers were going to move into and whether that notice had taken into account that they have families and some of their children are KCSE candidates.
Date: 18th October 2011

Member of Parliament: Hon. Martha Karua

Contribution she made on: Upsurge of insecurity in Isiolo

- She sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the security situation in Isiolo following many persistent raids which were not less than 12, starting from April, 2011 to as late as 14th October, 2011.

- She requested the Minister to clarify on the confusion surrounding where Ngarimara administratively falls, and why the Isiolo police had been disabled from covering the area in terms of security operations. The responsibility was been given to the police in Maua which is over 100 kilometres away.

- She sought to find out why the Government had not considered establishing a police station or post in Ngarimara area.

- She sought to know the number of lives lost during that period and the number of livestock stolen and measures put in place to protect all the citizens and communities involved.
COMMUNICATION FROM THE CHAIR

Date: 13th October 2011
Member of Parliament: Hon. Martha Karua

Contribution she made on: Errors in the published Elections Act, 2011.

- She noted that this is the era of openness to the extent that proceedings of Parliament are televised and wondered why matters of errors in the printing were raised quietly without the benefit of the debate leading to that deletion.
- She reminded the Members that she called for a scrutiny of all the Bills passed before the celebrations marking the Constitution’s first year of implementation period which was adopted by the Chair and made part of his ruling. Therefore it was confusing when the call is said to be misleading and yet, it was adopted by the House.
- She noted that the fact that it is only the word “not” which was found to have been inserted did not mean the insertion was innocent.
- She added that until there were investigations, it could not be proven that the insertion was innocent because it had happened repeatedly and sought directions on whether, henceforth, members should not voice their views on the Floor of the House, or whether voicing suspicion was going to be outlawed in the House.
MINISTERIAL STATEMENTS

Date: 18\textsuperscript{th} October 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Continued depreciation of the Kenya shilling.
➢ She asked the Deputy Prime Minister and Minister for Finance to clarify to the House the role of the Central Bank as a regulator and his role as a Minister because the interventions were late.

Date: 25\textsuperscript{th} October 2011
Member of Parliament: Hon. Martha Karua
Contribution she made on: Insecurity in Isiolo, Samburu and Marsabit triangle.
➢ She asked the Assistant Minister for Provincial Administration and Internal Security to confirm if Ngarimara still lies in Igembe since the Boundaries Review Commission had made reviews a year ago and if that councilors from Ngarimara are councilors of Isiolo Municipality and not of Igembe or Maua.
➢ She asked the Assistant Minister to state whether the Government was unable to keep security in Isiolo noting that as of the time she asked for the Ministerial Statement, 39 people had died and close to 30 people had died in a spate of just one week.
➢ She asked the Assistant Minister what he was doing to ensure that these people are assisted to live in peace and the bandits among them are brought to book.
➢ She noted that it is also the Government’s responsibility to ensure that communities live in peace fighting adding that a total of over 20,000 animals were stolen and not recovered.
STATEMENTS

Date: 26th October 2011
Member of Parliament: Hon. Millie Odhiambo-Mabona
Contribution she made on: Status of the Kenya Youth Empowerment Project (Kazi Kwa Vijana).

- She noted that the Chairman of the Public Accounts Committee (PAC) said that they were not going to politicize the issue of KKV because it concerns the youth.
- She added that she had seen the issues raised by the World Bank which were merely administrative issues.
- She requested the Deputy Prime Minister and Minister for Local Government to clarify the issue of eligibility as opposed to embezzlement and whether in an interim report, final report or any report of any nature that was presented or will be presented, whether the issue of embezzlement has come up or it is the issue of eligibility, which is very different.
- She added that in donor terminology, “eligibility” merely means that a different budget may have been used but that is not embezzlement.