



REPUBLIC OF KENYA
ELEVENTH PARLIAMENT
(FIRST SESSION)
THE NATIONAL ASSEMBLY
MESSAGES
(Standing Order 42 (1))

MESSAGE FROM THE PRESIDENT

NOMINATION OF THE DEPUTY CHIEF JUSTICE

Hon. Members,

I wish to convey the following message from H. E. the President. In exercise of powers conferred upon him by Article 166 (1) (a) as read with Section 24 (2) of the Sixth Schedule of the Constitution, the President vide a letter dated February 28, 2013, nominated the Hon. Lady Justice Rawal Kalpana Hasmukhrai to be approved for the position of Deputy Chief Justice of the Republic of Kenya.

Hon. Members,

Article 166 (1) (a) of the Constitution provides that *“The President shall appoint the Chief Justice and the Deputy Chief Justice, in accordance with the recommendation of the Judicial Service Commission, and subject to the approval of the National Assembly”*. I also confirm that the provisions of Section 24 (2) of the Sixth Schedule of the Constitution were duly complied with. Section 3 of the Public Appointments (Parliamentary Approval) Act, (No. 33 of 2011) provides for the exercise of powers of appointment under the Constitution. Under the Public Appointments (Parliamentary Approval) Act and Part

XI of our Standing Orders, the National Assembly is required to conclude the process of approval or rejection of the nominee within fourteen days from the date of notification.

Members will however recall that this approval exercise has not been attended to due to delays in the formation of committees and, as indicated in a previous communication, was one of the businesses that had been pending for inordinately too long.

Given the constitutional importance of the office of Deputy Chief Justice, I now direct that the approval process be expedited.

Hon. Members,

In view of this, I now direct that the nominee's name and curriculum vitae be forwarded to the Departmental Committee on Justice and Legal Affairs for the necessary approval hearings to be conducted. As such I wish to guide the Committee and the House as follows -

- (i) The Departmental Committee on Justice and Legal Affairs should notify the nominee and the general public of the time and place for holding the approval hearings, at least seven days prior to the hearings. Owing to the strict statutory deadlines, I now order that the notification be made tomorrow May 16, 2013.
- (ii) The Committee may therefore commence the hearings on Wednesday May 22, 2013. The hearings shall be open to the public.
- (iii) Thereafter, the Committee is hereby directed to table its Report before this House on or before Tuesday May, 28, 2013 for consideration.

Hon. Members,

The matter of the nomination of Hon. Lady Justice Rawal Kalpana Hasmukhrai together with the Selection Report of the Judicial Service Commission stand referred to the Departmental Committee on Justice and Legal Affairs.

Thank you!

THE HON. JUSTIN B. N. MUTURI, MP
SPEAKER OF THE NATIONAL ASSEMBLY
May 15, 2013