



REPUBLIC OF KENYA
TWELFTH PARLIAMENT - SECOND SESSION
THE NATIONAL ASSEMBLY
VOTES AND PROCEEDINGS
THURSDAY, NOVEMBER 22, 2018

1. The House assembled at thirty minutes past Nine O'clock
2. The Proceedings were opened with Prayer
3. **Presiding** – the Deputy Speaker
4. **QUESTIONS**

The following Questions were asked –

- (i) Question No.043/2018 by the Member for Gem (The Hon. Elisha Odhiambo) regarding beneficiaries of the Older Persons Cash Transfer programme in Gem constituency to the Cabinet Secretary for Labour and Social Protection was asked by the Member and referred for reply before the Departmental Committee on Labour and Social Welfare;
- (ii) Question No.099/2018 by the Member for Isiolo County (The Hon. Rehema Jaldesa) regarding implementation status of High Court ruling of 6th June, 2017 on Constitutional Petition No.511 of 2015 to the National Land Commission was asked by the Member and referred for reply before the Departmental Committee on Lands;
- (iii) Question No.141/2018 by the Member for Dagoretti North (The Hon. Simba Arati) regarding admission and subsequent death of the late Loice Wanja Ng'ang'a to the Cabinet Secretary for Health was asked by the Member and referred for reply before the Departmental Committee on Health;
- (iv) Question No.171/2018 by the Member for Lamu County (The Hon. Ruweida Mohamed) regarding the whereabouts of one Ahmed Mohamed Athman to the Cabinet Secretary for Interior and Coordination of National Government was asked by the Member and referred for reply before the Departmental Committee on Administration and National Security; and,
- (v) Question No.194/2018 by the Member for Kuresoi North (The Hon. Joseph Tonui) regarding uneven distribution and shortage of teachers in the country to the Cabinet Secretary for Education was asked by the Member and referred for reply before the Departmental Committee on Education and Research; and,

- (vi) Question No.202/2018 by the Member for Borabu (The Hon. Ben Momanyi) regarding requirements for admission to teachers' training colleges to the Cabinet Secretary for Education was asked by the Member and referred for reply before the Departmental Committee on Education and Research; and
- (vii) Question No. 206/2018 by the Member for North Imenti Constituency (The Hon. Abdul Rahim Dawood, MP) regarding Older Persons Cash Transfer Programme to the Cabinet Secretary for Labour and Social Protection was asked by the Member and referred for reply before the Departmental Committee on Labour and Social Welfare.

5. **MOTION – REPORT ON THE INQUIRY INTO THE ALLEGED UNETHICAL CONDUCT OF TWO MEMBERS**

Motion made and Question proposed –

THAT, this House adopts the Report of the Committee of Powers and Privileges on the Inquiry into Alleged Unethical Conduct of the Hon. Paul Ongili, MP (Member for Embakasi East Constituency) and the Hon. Charles Njagua Kanyi, MP (Member for Starehe Constituency), laid on the Table of the House on Tuesday, November 20, 2018.

(Member, Committee of Powers and Privileges)

Debate arising;

Question put and agreed to.

6. **DISCIPLINARY PROCEEDINGS AGAINST TWO MEMBERS**

Pursuant to the provisions of the Third Schedule to the Parliamentary Powers and Privileges Act, 2017, and resolution of the House on its adoption of the Report of the Committee of Powers and Privileges on the Inquiry into Alleged Unethical Conduct of the Hon. Paul Ongili, MP (Member for Embakasi East Constituency) and the Hon. Charles Njagua Kanyi, MP (Member for Starehe Constituency), the House proceeded as follows -

(a) The Communication from the Chair:

“Honourable Members, this communication relates to the decision that the House has just taken on the business appearing under Order Number 8. Consequent to that decision, the Honourable Charles Kanyi Njagua, MP and Hon. Paul Owino Ongili, MP are now considered strangers until they have been reprimanded and tendered a suitable apology to the House and Members in accordance with section 17(3)(b) and (c) of the Parliamentary Powers and Privileges Act, 2017.

Honourable Members, section 4 of the Third Schedule to the Parliamentary Powers and Privileges Act, 2017, vests in the Speaker the authority to administer disciplinary action recommended by the Committee of Powers and Privileges and adopted by the House. For avoidance of doubt, section 4 provides that –

“4. Where the House adopts any recommendation of the Report for disciplinary action, with or without amendment, the Speaker shall forthwith take action accordingly.”

Honourable Members, I therefore order, the Chief Serjeant-at-Arms to escort the two strangers, Mr. Paul Owino Ongili and Mr. Charles Kanyi Njagua, (if they are in the Chamber) and ensure that they withdraw from the Chamber and take seats at a suitable a place designated for strangers at the Bar of the House. Thereafter, I will call each one of them to the Bar for disciplinary action to be duly meted. I thank you!”

And the Chief Serjeant-at-Arms escorted the two strangers, Mr. Paul Owino Ongili and Mr. Charles Kanyi Njagua from the chamber;

The strangers took seats on opposite sides the place designated for strangers at the Bar of the House;

The Bar of the House being drawn;

(b) The Deputy Speaker summoned Mr. Charles Njagua Kanyi to the Bar of the House and reprimanded in the following manner:

“By the authority of the House and the powers conferred on the Speaker, and following the adoption of the Report of the Committee of Powers and Privileges, and pursuant to the rules pertaining to the consideration of the report thereof, I wish to state as follows -

THAT on Tuesday, 10th October 2017 at the Parliament’s Media Centre, and in full view of the public and glare of cameras, you, Mr. Charles Njagua Kanyi, engaged in an extended and vicious scuffle and altercation with a fellow Member of Parliament;

THAT while aware of the responsibilities of leadership as provided for in Articles 73 and 75 of the Constitution which provide that a Member of Parliament shall bring honour to the Nation and dignity to the office he or she holds and that a State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids demeaning the office the officer holds, you proceeded to portray unethical conduct;

THAT you took oath of office upon being elected to this House in accordance with Article 74 of the Constitution and further swore to abide by the Code of Conduct of Members of Parliament which in rule 7 provides that a member of the House shall uphold the dignity and integrity of the House by promoting respect for the House and its institutions at all times and ensure that the member’s non-parliamentary activities do not interfere with or compromise the member’s official duties or bring the House into disrepute;

THAT despite your expression of remorse and unreserved apology tendered to the Member and to the Committee of Powers and Privileges for engaging in conduct that reflected adversely on the dignity of this House and its Members, you should have been aware of the consequences of engaging in such conduct, the prevailing circumstances at the time notwithstanding;

This House expresses its displeasure on your conduct which brought ridicule and disrepute to the House and its Membership. You are hereby severely reprimanded and warned to refrain from engaging in such behavior whether in public or private life. I therefore reprimand you and require you to tender an apology to the House forthwith.”

(c) Mr. Charles Njagua Kanyi tendered apology in the following manner:

“THAT, I Mr. Charles Njagua Kanyi, by engaging in a public scuffle with Mr. Babu Owino Paul Ongili, on Tuesday, 10th October 2017 within the precincts of the National Assembly I acted in breach of section 16(e) of the Parliamentary Powers and Privileges Act, 2017 as the conduct reflected adversely on the dignity of Members of Parliament and this House.

THAT in view of this, I Mr. Charles Njagua Kanyi tender my unreserved apology to the Members, and to this House, for acting in a manner that did not bring honour, respect and dignity to this House and undertake that I shall always abide by the responsibilities of leadership set out in the Constitution, the Leadership and Integrity Act, 2012, Public Officer Ethics Act, 2003 and the Parliamentary Powers and Privileges Act, 2017. I therefore beseech to be admitted to the Chamber.”

And the assembled House having pardoned the Member;

Thereupon, the Deputy Speaker, ordered that the Member be admitted into the Chamber;

(d) The Deputy Speaker summoned Mr. Babu Owino Paul Ongili to the Bar of the House and reprimanded him as follows:

“By the authority of the House and the powers conferred on the Speaker, and following the adoption of the Report of the Committee of Powers and Privileges, and pursuant to the rules pertaining to the consideration of the report thereof, I wish to state as follows -

THAT on Tuesday, 10th October 2017 at the Parliament’s Media Centre, and in full view of the public and glare of cameras, you, Mr. Babu Owino Paul Ongili, engaged in an extended and vicious scuffle and altercation with a fellow Member of Parliament;

THAT while aware of the responsibilities of leadership as provided for in Articles 73 and 75 of the Constitution which provide that a Member of Parliament shall bring honour to the Nation and dignity to the office he or she holds and that a State officer shall behave, whether in public and official life, in private life, or in association with other persons, in a manner that avoids demeaning the office the officer holds, you proceeded to portray unethical conduct;

THAT you took oath of office upon being elected to this House in accordance with Article 74 of the Constitution and further swore to abide by the Code of Conduct of Members of Parliament which in rule 7 provides that a member of the House shall uphold the dignity and integrity of the House by promoting respect for the House and its institutions at all times and ensure that the member’s non-parliamentary activities do not interfere with or compromise the member’s official duties or bring the House into disrepute;

THAT despite your expression of remorse and unreserved apology tendered to the Member and to the Committee of Powers and Privileges for engaging in conduct that reflected adversely on the dignity of this House and its Members, you should have been aware of the consequences of engaging in such conduct, the prevailing circumstances at the time notwithstanding;

This House expresses its displeasure on your conduct which brought ridicule and disrepute to the House and its Membership. You are hereby severely reprimanded and warned to refrain from engaging in such behavior whether in public or private life. I therefore reprimand you and require you to tender an apology to the House forthwith.”

(e) Mr. Babu Owino Paul Ongili tendered apology:

The Member preceded his apology with a brief explanation of the circumstances;

The Deputy Speaker ordering the stranger to tender the apology once more, in a manner consistent with the dignity of the House;

The Member tendered the apology as so ordered in the following manner

THAT, I Mr. Babu Owino Paul Ongili by engaging in a public scuffle with Mr. Charles Njagua Kanyi, on Tuesday, 10th October 2017 within the precincts of the National Assembly I acted in breach of section 16(e) of the Parliamentary Powers and Privileges Act, 2017 as the conduct reflected adversely on the dignity of Members of Parliament and this House.

THAT in view of this, I Mr. Babu Owino Paul Ongili, tender my unreserved apology to the Members, and to this House, for having acted in a manner that did not bring honour, respect and dignity to this House and undertake that I shall always abide by the responsibilities of leadership set out in the Constitution, the Leadership and Integrity Act, 2012, Public Officer Ethics Act, 2003 and the Parliamentary Powers and Privileges Act, 2017.

I therefore beseech to be admitted to the Chamber.

And the assembled House having pardoned the Member;

Thereupon, the Deputy Speake ordered that the Member be admitted into the Chamber;

6. **THE PARLIAMENTARY SERVICE BILL (NATIONAL ASSEMBLY BILL NO.6 OF 2018)**

Order for Second Reading read;

Motion made and Question proposed –

THAT, the Parliamentary Service Bill (National Assembly Bill No.6 of 2018) be now read a Second Time

(Chairperson, Departmental Committee on Justice and Legal Affairs)

(Change of Chair from the Deputy Speaker to the Third Chairperson)

Debate arising;

And the being One O'clock, the Third Chairperson interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

7. HOUSE ROSE - at One O'clock

MEMORANDUM

The Speaker will take the Chair today,
Thursday, November 22, 2018 at 2.30 p.m.

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