



REPUBLIC OF KENYA

**TWELFTH PARLIAMENT- (THIRD SESSION)
THE NATIONAL ASSEMBLY**

COMMUNICATION FROM THE CHAIR

(No. 9 of 2019)

**GUIDANCE ON THE CONSIDERATION OF THE REPORT ON ALLEGED
IRREGULAR SPECIALIST RECOGNITION OF DR. SAMIRA SONI BY
THE KENYA MEDICAL PRACTITIONERS AND DENTISTS BOARD**

Honourable Members, before we proceed to the business appearing as Order Number 10, allow me to issue the following communication in respect of that particular business.

Honourable Members, you will recall that yesterday, Tuesday, 12th March, 2019, during debate on the motion for adoption of the "*Report of the Departmental Committee on Health on Alleged Irregular Specialist Recognition of Dr. Samira Soni by the Kenya Medical Practitioners and Dentists Board*", the Member for Suba North (Hon. Millie Odhiambo-Mabona) rose on a Point of Order seeking clarification as to whether it was within the mandate of the House to discuss the subject-matter of the Report regarding recognition as a specialist by a professional body.

In her submission, the Hon. Odhiambo-Mabona stated that the statutory body that is mandated to determine whether a person is or is not qualified to be recognized as a medical specialist is the Kenya Medical Practitioners and Dentists Board (KMPDB) through its laid down procedures and regulations. She added that, where the Board makes the decision on a case, and either approves or rejects an application, there exist mechanisms in place for appeal in case of a rejection.

Honourable Members, you may further recall that several other Members made their contribution on the matter, including the Member for Kathiani(Hon. Robert Mbui), Member for Dadaab (Hon. Mohammed Duale), Nominated Member (Hon. David ole Sankok), the Member for Seme (Hon. Dr. James Nyikal), the Member for West Mugirango (Hon. Vincent Kemosi), and the mover of the Motion and Member for Murang'a County (Hon. Sabina Chege) who weighed in to give their input or to seek further clarification on the matter. Consequently, I did order adjournment of debate on the motion and undertook to guide the House today.

Honourable Members, from the issues raised by the Hon. Odhiambo-Mabona and the issues canvassed by other Members, the following are the issues for my consideration –

- (i) whether the House is within its mandate to discuss a Report of a Committee such as the one by the Departmental Committee on Health " *on Alleged Irregular Specialist Recognition of Dr. Samira Soni by the Kenya Medical Practitioners and Dentists Board*";;
- (ii) how the Committee got seized of the matter and what prompted the Committee to conduct the inquiry.

Honourable Members, First, I wish to remind you, that Standing Order 216(5) mandates Departmental Committees to among other functions, investigate, inquire into, and report on **all matters** relating to the mandate management, activities, administration, operations and estimates of the assigned Ministries and departments. Once a Committee has inquired into a matter and reported to the House, the House considers the report, and makes a decision on it, guided by the Standing Orders. The decision to inquire into any particular matter is therefore entirely that of a Committee so long as the subject is within its mandate. In this particular case, the Committee on Health did clearly indicate that the matter was first brought to its attention by the Member for Kisumu Town East (Hon. Shakeel Shabbir) in the Eleventh Parliament through letters dated 19th November, 2014 and 17th February, 2016, respectively. The report also indicates that the Hon. Shakeel asked the Committee to look into the matter again through a letter dated 14th March, 2018.

Honourable Members, it is my considered finding that the House is therefore within its mandate to discuss the *Report of the Departmental Committee on Health on Alleged Irregular Specialist Recognition of Dr. Samira Soni by the Kenya Medical Practitioners and Dentists Board*. Indeed, at the end of the debate, the House will be expected to make a decision in one way or the other.

Further, Hon. Members, yesterday, there were concerns regarding the nature of the Report in question, with some Members intimating that it was a report on a Petition and therefore did not merit debate as per our Standing Order 227. In this regard, may I set the record straight, that, from my finding, the Report before the House is a Report on an **inquiry** within the confines of Standing Order 216 (5) on *functions of Departmental Committees* and **not** a Report on a Petition.

Hon. Members, before I conclude may I report that, it has come to my attention that, there were two versions of the Report. One being the Report tabled on October 17th, 2018 and another one being a report allegedly tabled on February 19th, 2019. It has since been clarified to me that, at the time of renewing the Notice of Motion by the Committee on February 19th, 2019 following commencement of the Third Session, the second version, which was a working draft, was erroneously circulated. It important to note that this working draft does not meet the minimum requirements for a Report to be tabled as among other things, it was not signed by the Chairperson and did not contain minutes of the Committee as is required by the Standing Orders. Therefore, the authentic Report is the one tabled on October 17th, 2018 and which is referred to in the Motion.

Honourable Members, I therefore wish to guide the House as follows–

- (i) **THAT,** the House does not impose upon Committees on matters they should inquire into and therefore the decision to inquire into any particular matter is entirely that of a Committee, so along it falls within the particular Committee's mandate; and,

(ii) THAT, the Report by the Departmental Committee on Health on *Alleged Irregular Specialist Recognition of Dr. Samira Soni by the Kenya Medical Practitioners and Dentists Board, laid on the Table of the House on Wednesday, October 17, 2018,* is properly before the House and the motion for adoption is in order and debate on the same may now resume.

The House is guided accordingly.

I Thank you!



THE HON. JUSTIN B. N. MUTURI, E.G.H., M.P.
SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, 13th March 2019