

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD**

Tuesday, 16<sup>th</sup> June 2020

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]*

**PRAYERS**

**Hon. Speaker:** Hon. Members, I have two Communications, which I will unleash to you a little later.

**PAPER LAID**

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House.

Report of the Parliamentary Service Commission on recruitment of the Parliamentary Service Commissioner, who is not a Member of Parliament.

**Hon. Speaker:** Very well. We can go to the next Order.

**NOTICE OF MOTION****ADOPTION OF REPORT ON APPOINTMENT OF MEMBER OF PSC**

**Hon. (Dr.) Naomi Shaban** (Taveta, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the recommendation of the Parliamentary Service Commission, in its Report on the recruitment of the Parliamentary Service Commissioner who is not a Member of Parliament, laid of the Table of the House, on Tuesday 16<sup>th</sup> June 2020, and pursuant to the provisions of Article 127 (2) (d) of the Constitution, this House appoints Rachael Ameso Amollo as a member of the Parliamentary Service Commission.

**Hon. Speaker:** Next Order!

**ORDINARY QUESTIONS**

*Question No.060/2020*

**STATUS OF CONSTRUCTION OF BARAGONI DAM**

**Hon. (Ms.) Ruweida Obo** (Lamu CWR, JP): Thank you Hon. Speaker for giving me this opportunity to ask Question No. 060/2020 to the Cabinet for Water, Sanitation and Irrigation:

(i) Could the Cabinet Secretary provide the status of the construction of Baragoni Dam in Hindi Ward, Lamu County?

(ii) How much money has been utilised in the construction of the dam?

(iii) When will the construction of the project be completed?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Environment and Natural Resources. The next Question is by the nominated Member, Gideon Keter. He is not here.

We will move to the next, Question by the Member for Kaiti, Hon. Joshua Kimilu. Is it that you Members do not have cards or what? Put your card and make your request.

*Question No. 065/2020*

**LACK OF ELECTRICITY CONNECTION IN KAITI CONSTITUENCY**

**Hon. Joshua Kimilu** (Kaiti, WDM-K): Thank you, Hon. Speaker for giving me the opportunity to ask this question to the Cabinet Secretary for Energy:

(i) Could the Cabinet Secretary provide the number of public schools in Kaiti Constituency that are yet to be connected with electricity?

(ii) When will the said schools be connected?

(iii) Could the Cabinet Secretary confirm the number of customers within a radius of 600 metres from the nearest power transformer that are yet to be connected under the Last-Mile Connectivity Programme in Kaiti Constituency?

Thank you.

**Hon. Speaker:** The Question is referred to the Committee on Energy. The next Question is by the Member for Yatta, Hon. Charles Kilonzo.

*(Question No.068/2020)*

**STATUS OF REHABILITATION OF DAMS IN YATTA CONSTITUENCY**

**Hon. Charles Kilonzo** (Yatta, Independent): Thank you, Hon. Speaker. My Question is to the CS for Water, Sanitation and Irrigation.

1. Could the CS give the status of the proposed Yatta Dam in Yatta Constituency?

2. What measures is the Ministry taking or putting in place to ensure Yatta Canal is urgently rehabilitated to provide water to the residents of Yatta Constituency and what steps are being taken to ensure routine maintenance works are being carried out year after year?

**Hon. Speaker:** Very well. This is referred to the Departmental Committee on Environment and Natural Resources. For the second time, Question by nominated Member, Hon. Gideon Keter. Is Hon. Keter in? This is the second time the Member is not present. Question is dropped.

*(Question No.061/2020)*

MEASURES TO COMPLEMENT MHM

*(Question dropped)*

## REQUESTS FOR STATEMENTS

### NUMBER OF COVID-19 CASES IN EMBAKASI CENTRAL CONSTITUENCY

**Hon. Benjamin Mwangi** (Embakasi Central, JP): Thank you, Hon. Speaker. I wish to request for a Statement from the chairperson of the Departmental Committee on Health in regard to COVID-19 cases in Embakasi Central.

From the daily briefings issued by the CS for Health, the number of people who have tested positive for COVID-19 in the country is on the rise. Hon. Speaker, it is on this account that I seek a statement from the Chairperson, Departmental Committee on Health. In the statement, the Chairperson should:

- (i) Tabulate the COVID-19 positive patients who are hospitalised and those not in hospitals as at 11<sup>th</sup> June 2020.
- (ii) Could the Chairperson provide details of confirmed cases of COVID-19 patients in Embakasi Central Constituency, that is, the total number, points where they were tested, hospitals where they are hospitalised and specific areas of residence within the constituency?

Thank you, Hon. Speaker.

**Hon. Speaker:** I can see the Chair of the Departmental Committee on Health is not present and, therefore, the request will be channeled through the Office of the Leader of Majority Party. Next is the Member for Kamukunji, Hon. Yusuf Hassan.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you so much Hon. Speaker. Pursuant to Standing Order No.44(2)(c), I seek a statement from the Chairperson of the Committee on Implementation regarding the order to ban importation of second hand clothes popularly known as *Mitumba* in Kenya.

Hon. Speaker, on 24<sup>th</sup> March, 2020, the Cabinet Secretary (CS) for industrialization Trade and Enterprise Development issued a Statement on the ban of the importation of second-hand clothes due to the outbreak of COVID-19 pandemic. However, the CS did not offer any medical evidence to support that argument. The CS issued the Statement immediately after appointment to that position and a proposal by the private sector to come up with modalities to sustain and transform the apparels and the textile industries and activate the cotton value chain. The CS alleged that the directive would boost the local textile industry which she claimed was facing competition from cheap second-hand clothes from overseas. This action appears to be in contravention of the assurances given by the CS to the Committee on Appointments during her vetting process in February when she assured the Committee of her commitment to fully support small and medium-sized enterprises, including the *Mitumba* sector.

Hon. Speaker, the ban on the importation of *Mitumba* clothes will have a great impact on our economy as this sector is the backbone of many livelihoods in our country, especially the youth in the informal sector. For instance, in 2019, Kenya imported 200 tons of *Mitumba* worth Kshs20 billion out of which Kshs7.5 billion was in form of taxes to the Government.

Additionally, the CS has not made any meaningful effort to engage and dialogue with the relevant stakeholders on the way forward. Up to 10 million Kenyans are involved in this trade in some way or another.

It is against this background that I seek a statement from the Chairperson of the Committee on Implementation on the way forward with regard to the undertakings made by the CS during her vetting process and her subsequent actions so as to find a way forward in revamping this business in the informal sector.

Thank you, Hon. Speaker.

**Hon. Speaker:** That request should be directed to Hon. ole Kenta. Is he the one there or is that the representative in title?

*(Hon. Osotsi stood up in his place)*

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Speaker, I am Hon. Osotsi, the Vice-Chairperson of that Committee and I promise that with regard to this very serious matter, the Committee is going to take it up. Maybe, within two weeks, we will provide an answer to this House.

**Hon. Speaker:** And, perhaps, other than getting a written answer, it may be desirable to invite the CS to appear before your Committee and at that meeting, you invite Hon. Yusuf Hassan so that he can engage her. It is because Hon. Yusuf Hassan is a member of the Committee on Appointments and, indeed, the issues he has raised were captured in the HANSARD when the CS was making the pledge that she would support the *Mitumba* business people. Therefore, maybe, it is important that you have a sitting with the CS other than just getting a written statement to come and read here and then Hon. Hassan will tell you to look at the HANSARD. It is good that you invite the CS, but also invite Hon. Yusuf Hassan and any other Member who may have any interest to come and engage with the CS and the Committee.

**Hon. Godfrey Osotsi** (Nominated, ANC): Very well, Hon. Speaker.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you very much, Hon. Speaker.

**Hon. Speaker:** Very well. The next request is by the Member for Isiolo County, Hon. Rehema Jaldesa.

#### PLACEMENT OF ISIOLO COUNTY STUDENTS IN INSTITUTIONS OF HIGHER LEARNING

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Speaker. Pursuant to Standing Order No. 44(2) (C) I wish to request for a statement from the Chairperson of the Departmental Committee on Education and Research regarding the placement of students from Isiolo County into institutions of higher learning in the country.

During the recently concluded exercise of placement of 2019 Kenya Certificate of Secondary Education (KCSE) candidates to universities and colleges and release of the Report of the 2020/2021 placement circular by the Cabinet Secretary (CS) for the Ministry of Education on 2<sup>nd</sup> June 2020, students from schools in Isiolo County were not considered for selection to pursue

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certain courses, particularly those that are traditionally perceived to be lucrative, among them Medicine, Pharmacy, Law, Commerce and Engineering, among others. It is on this account that I seek a statement from the Chairperson of the Departmental Committee on Education and Research. In the statement, the Chairperson should inform the House on the following:

- (i) Why is it that over the past few years, no student in Isiolo County has been admitted to pursue the traditionally perceived lucrative courses such as Medicine, Pharmacy, Law and Engineering, among others?
- (ii) What measures has the Ministry put in place to ensure that application and selection of students from marginalised regions and, in particular, Isiolo County is done fairly - including affirmative action - with a view of promoting equality and balance for all applicants.
- (iii) What measure is the Ministry undertaking to ensure distribution of such courses is done equitably to students from all areas of the country?

**Hon. Speaker:** You said there are some courses which are lucrative? Are they lucrative or prestigious?

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): They are perceived thus.

**Hon. Speaker:** They are perceived to be lucrative? Very well, the request is to the Chairperson, Departmental Committee on Education and Research, Hon. Melly. Is he in the Chamber? If he is not, it will be channeled through the Office of the Leader of the Majority Party.

Hon. Gideon Keter, the House starts at 2.30 p.m. I called your Question twice and you were not in the House. You cannot point at some place which I do not understand. Are you saying you were in the air? Well, because you represent the youth, I will rescind my earlier decision but, in future, the youth should be the first ones to be in the Chamber when they are supposed to be there, as a good example. Proceed

## ORDINARY QUESTION

*Question 061/2020*

### MEASURES TO COMPLEMENT MHM

**Hon. Gideon Keter** (Nominated, JP): Hon. Speaker, I wish to ask the following Question to the Cabinet Secretary for Education:

- (i) What measures has the Ministry put in place for minimum standard requirements for constructions in schools that ensures teenage girls have pads, changing rooms and adequate washing facilities to complement appropriate Menstruation Hygiene Management (MHM)?
- (ii) What steps has the Ministry put in place to reduce the stigma faced by girls in schools by sensitising teachers and other male and female students?

Thank you, Hon. Speaker

**Hon. Speaker:** Very well. The Question is referred to the Departmental Committee on Education and Research. Since I do not see Hon. Melly in the Chamber, let a Member of the Committee take the Question up. I do not know how long you want to take to bring the Statement.

**Hon. (Prof.) Zadoc Ogutu** (Bomachage Borabu, Independent): Hon. Speaker, as you advise, I think the two questions that have been raised by Hon. Rehema and Keter are critical. We will address them as you guide us. I thank you Hon. Speaker.

**Hon. Speaker:** No, I do not want to guide.

**Hon. Zadoc Ogutu** (Bomachage Borabu, Independent): Hon. Speaker, we shall respond in two weeks' time.

**Hon. Speaker:** Within two weeks' time. Very well. That concludes Order No. 7. Has anybody seen the Member for Rarieda? Hon. John Mbadia.

**Hon. John Mbadia** (Suba South, ODM): Thank you, Hon. Speaker. The MP for Rarieda, Hon. Otiende Amollo is away He had some issues to sort out in the constituency and so, I am fully briefed. I do not know if he wrote to your Office. Maybe, he did not. I will counsel him next time that he should be informing you of his absence. But if there is anything that is meant to be directed to him, I am here and will stand in for him. I thank you.

**Hon. Speaker:** Very well. Hon. Members, I hope even as you do your constituency work, when you desire to be out of the House, you have to study carefully Article 103 of the Constitution because it talks of you being absent for eight sittings in a Session. A Session is 12 months. So, if you desire that you just sneak into the constituency, some people who could be hawk-eyed may be counting. You need a written permission of the Hon. Speaker and failing to offer a satisfactory permission to the relevant Committee again as chaired by the Speaker, the Powers and Privileges Committee could have some far-reaching consequences.

I do not like a situation whereby a Member's term is cut short midstream. Remember in the 11<sup>th</sup> Parliament, we had some constituents from two constituencies who were hawk-eyed. It is only that the Members had offered a reasonable explanation. Otherwise, they would have vacated their seats in the House. However, with regard to the Hon. Otiende Amollo, Hon John Mbadia is available.

Hon. Members, I have one short Communication to make.

## COMMUNICATIONS FROM THE CHAIR

### CONSIDERATION OF SPECIAL MOTION ON APPOINTMENT OF NON-MP TO PSC

Hon. Members, this guide relates to the Paper that has just been laid by the Vice-Chairperson of the Parliamentary Service Commission, Hon. (Dr.) Naomi Shaban, and the subsequent Notice of Motion she has given. The Paper and the Notice of Motion relate to the proposed appointment of Hon. Rachael Ameso Amollo as a Member of the PSC.

Article 127 (2) (d) of the Constitution provides for the appointment of two persons being one man and one woman from among persons who have experience in public affairs - but are not Members of Parliament - to the Parliamentary Service Commission. The position of a female Member of the Parliamentary Service Commission fell vacant on 18<sup>th</sup> March 2020 upon the expiry of the six-year term of the immediate former office holder, Dr. Lorna Mumelo. Consequently, and in accordance to the provisions of Article 127 of the Constitution and Section 10 of the Parliamentary Service Act, 2019, Parliament is required to appoint a person - in this case a female - to fill the now vacant position.

Hon. Members, you will notice that unlike in other statutory and constitutional bodies in which Parliament participates in the appointment process by way of approval of appointment, in the case of the Parliamentary Service Commission (PSC), the appointment is by Parliament itself.

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Moreover, the Houses of Parliament have construed and settled on the interpretation of all Members of the Commission that, all Members of the Commission, save for the Chairperson, are appointed by the Houses of Parliament and that has been the precedence.

This implies that the recruitment process undertaken by the Commission serves that purpose. The House will, therefore, consider the Special Motion on the basis of the Report that has just been laid on the Table of the House by the Vice-Chairperson of the Commission. I am certain that the House Business Committee (HBC) will schedule the Motion at the earliest possible opportunity for consideration by the House.

The House is, therefore, accordingly guided.

Thank you, Hon. Members.

*(Several Members walked into the Chamber)*

Those Members making their way in, please, do so quickly because you may stand out there much longer.

PROCEDURE FOR THE REVOCATION OF THE APPOINTMENT OF A  
MEMBER OF THE PARLIAMENTARY SERVICE COMMISSION

Hon. Members, this second Communication relates to the procedure for revocation of the appointment of a Member of the Parliamentary Service Commission (PSC).

Hon. Members, you will recall that during the afternoon Sitting of the House on Tuesday, 2<sup>nd</sup> June 2020, the Member for Rarieda, the Hon. (Dr.) Otiende Amollo, rose on a Point of Order seeking guidance of the Speaker on, among other things, the applicable constitutional provisions with regard to a Member of the PSC.

The Hon. (Dr.) Amollo averred that the question of the procedure for removal from office of a Member of the PSC is one that touches on the Constitution, the Parliamentary Service Act, 2019 and the Standing Orders of this House and, therefore, requires clear demarcation.

Specifically, the Member sought the guidance of the Speaker on whether the removal of a Member of Parliament, or the non-Member of Parliament from the Office of a Member of the PSC ought to be proceeded with in accordance with the provisions of Article 251 of the Constitution as read together with Standing Order 230 or, otherwise, as provided for in Section 10 of the Parliamentary Service Act, 2019.

Several other Members spoke on the matter, including the Leader of the Minority Party, the Hon. John Mbadi, EGH, MP; the Member for Ugenya, the Hon. David Ochieng, MP; nominated Members, the Hon. David Sankok, MP and the Hon. Dennitah Ghata; the Member for Mathare, the Hon. Tom Oluoch, MP and the Member for Saku, the Hon. Ali Rasso, MP.

Hon. Members, while seeking direction on the matters at hand, Hon. Dr. Otiende Amollo also alluded to an intention by his party to institute “changes in the composition of the Parliamentary Service Commission”. Out of abundance of caution, he sought the Speaker’s direction on the proper procedural management of the process. He stated, and I quote—

“Hon. Speaker, I seek your guidance on the matter proactively to avoid contention and acrimony. I invite your guidance accordingly...”

Hon. Members, having listened to the deliberations on the matter, I have deduced the following two issues as requiring my guidance-

- (1) Whether the procedure employed in the appointment of a Member of Parliament to the Office of a Member of the Parliamentary Service Commission should mirror the procedure that would be applied in removing the person from office; and,
- (2) Whether the removal of a Member of Parliament or non-Member of Parliament from the Office of a Member of the Parliamentary Service Commission ought to be proceeded with in accordance with the provisions of Article 251 of the Constitution as read with Standing Order 230 or otherwise as provided for in Section 10 of the Parliamentary Service Act, 2019.

Hon. Members, before I embark on the issue of removal of a Member of the PSC, allow me to revisit the purpose the Commission serves and pose some questions which are fundamental to this considered guidance.

For what reason was the Commission established and who does it serve? Does it exist to take care of the interests of parties, or Members, staff and the public at large? I find that a clear background on this will help us all in discerning the Parliamentary Service Commission and its performance against the role that it is supposed to play.

Hon. Members, allow me to take the House down the memory lane. The journey for the autonomy of the administration of the Legislature in Kenya begun during the 2<sup>nd</sup> Parliament when, on 20<sup>th</sup> March 1970, a Motion for a Resolution to give Parliament autonomy was introduced in the House by the late Hon. Jean Marie Seroney, then a Member of Parliament for Tinderet. However, the autonomy that Hon. Seroney sought was never realised and was not to be realised until the Eighth Parliament.

Some of you may recall that before 1999, the National Assembly was a Department under the Office of the President. At that time, the Office of the President determined Parliament's budget, staffing, remuneration, calendar as well as other parliamentary affairs. Members of staff were pooled from the mainstream Civil Service with all human resource matters being administered from the then Directorate of Personnel Management, or the "DPM" as it was then popularly known. The Eighth Parliament took a definite step aimed at attaining an autonomous and independent status for the National Assembly then.

Indeed, the Deputy Leader of the Majority Party, the Hon. Jimmy Angwenyi, MP, and the Member for Igembe North, the Hon. Maoka Maore, MP, will remember that it took the passage of the Constitution of Kenya (Amendment)(No.3) Bill of 1999 to establish the Parliamentary Service Commission through the introduction of Sections 45A & 45B of the then Constitution. This was a great stride towards entrenching the independence of Parliament, which was followed by the introduction and enactment of the Parliamentary Service Act a year later on 28<sup>th</sup> November 2000.

From the onset, the inaugural Commission was established, among other things, to-

- (i) provide such services and facilities as are necessary to ensure efficient and effective functioning of the Assembly;
- (ii) direct and supervise the administration of the services and facilities provided by, and exercise budgetary control over, the Service;
- (iii) determine the terms and conditions of service of persons holding or acting in the offices of the Service;
- (iv) from time to time as necessity arises, appoint an independent body to review and make recommendations on the salaries and allowances of the members of the Assembly;
- (v) initiate, co-ordinate and harmonize policies and strategies relating to the development of the Service;

- (vi) undertake, singly or jointly with other relevant authorities and organisations, such programmes as would promote the ideals of parliamentary democracy in Kenya; and,
- (vii) to do such other things, including review of parliamentary powers and privileges, as may be necessary for the well-being of the Members and staff of the National Assembly and to exercise such other functions as may be prescribed by or under an Act of Parliament.

Hon. Members, it is worth noting that most of these roles were carried over in the current Constitution and mainly seek to cement the independence of the institution of Parliament from external control. In the present day, Article 127(6) of the Constitution provides for the responsibility of the Parliamentary Service Commission as being—

- (a) providing services and facilities to ensure the efficient and effective functioning of Parliament;
- (b) constituting offices in the parliamentary service, and appointing and supervising office holders;
- (c) preparing annual estimates of expenditure of the parliamentary service and submitting them to the National Assembly for approval, and exercising budgetary control over the service;
- (d) undertaking, singly or jointly with other relevant organizations, programmes to promote the ideals of parliamentary democracy; and,
- (e) performing other functions necessary for the well-being of the Members and staff of Parliament; or prescribed by national legislation.

Hon. Members, comparatively, in the United Kingdom, the House of Commons Commission is responsible for the administration and services of the House of Commons, including the maintenance of the Palace of Westminster and the rest of the Parliamentary Estate. Annually, the Commission presents to the House for its approval the Budget Estimates for the House of Commons' Administration, covering spending on the administration and services of the House for the financial year. The Commission is responsible for –

- (i) “Providing the non-executive governance of the House by Members, but it does not manage day to day operations;
- (ii) Setting the number and pay of House staff in line with the civil service;
- (iii) Appointing staff of the House (excluding the Clerk of the House of Commons, Serjeant-at-Arms and Speaker's personal staff;
- (iv) Preparing and laying before the House the Estimates for the House of Commons Service;
- (v) Allocating functions to House departments; and,
- (vi) Reporting annually to the House on its actions and on financial estimates for the financial year.”

Hon. Members, it is, therefore, evident that the main purpose of a Parliamentary Service Commission is to ensure provision of services and facilities for Members of Parliament to enable them perform their duties. Put differently, a parliamentary service commission is designed as an independent parliamentary corporate body to oversee administration and management of the institution of Parliament. This independence is closely linked to the doctrine of separation of power among the arms of government as a hallmark of democratic governance. Members of Parliament ought to be accorded all the necessary facilitation, free from control by external forces, in the performance of their constitutional responsibilities. In support of these principles, Section III of

the Commonwealth (Latimer House) Principles on the Three Branches of Government state in part—

“Independence of Parliamentarians-

(a) Parliamentarians must be able to carry out their legislative and constitutional functions in accordance with the Constitution, free from unlawful interference.”

Hon. Members, with this background, allow me now to address the first issue of whether the procedure employed in the appointment of a Member of Parliament to the Office of a Member of the Parliamentary Service Commission should mirror the procedure that would be applied in removing the person from office.

To respond to this question, let us ask ourselves: How do Members of Parliament and the other two non-MPs get appointed to the Office of a Member of the Parliamentary Service Commission? You may recall that the Special Motion for the appointment of the current Members of the Parliamentary Service Commission who are Members of Parliament was considered and passed by the National Assembly on 2<sup>nd</sup> February 2018. During that afternoon Sitting, the Member for Rarieda rose on a point of order seeking clarification on the term of office of the members of the Commission in view of the provisions of Article 250(6)(a) of the Constitution. For clarity, the provision states –

“(6) A member of a commission, or the holder of an independent office—

(a) unless ex officio, shall be appointed for a single term of six years and is not eligible for re-appointment;”

In the ensuing deliberations, it was noted that the Parliamentary Service Commission, by design, is different from other Commissions. With regard to the term of office, it was noted that whereas Commissioners of other Commissions serve for a single term of six years, the members of the Parliamentary Service Commission serve for the term of Parliament, which is five years. Similarly, whereas Article 250(1) of the Constitution provides that each commission shall consist of at least three and not more than nine members, the Parliamentary Service Commission consists of 10 Members. Indeed, the Judicial Service Commission, which is also listed there, consists of 11 members and so, are the Commission for Revenue Allocation (CRA) and the Salaries and Remuneration Commission (SRC). They have more members than the nine. It was also observed that the appointment procedure for the Parliamentary Service Commission is primarily different from that of other constitutional Commissions listed in Chapter 15 of the Constitution. Notably, whereas the appointing authority in the case of the Parliamentary Service Commission is Parliament itself, commissioners of the other commissions are appointed by the President with the approval of the National Assembly.

Hon. Members, Chapter 15 of the Constitution establishes 10 Commissions and the two independent offices of the Auditor-General and the Controller of Budget. Article 248(1) of the Constitution outlines the manner in which Chapter 15 is to apply. It provides, and I quote—

248. (1) This Chapter applies to the commissions specified in clause (2) and the independent offices specified in clause (3), except to the extent that this Constitution provides otherwise.

I lay emphasis to the phrase “except to the extent that this Constitution provides otherwise” as it is central to the questions at hand. The subsequent provisions in Chapter 15 outline general provisions that are to apply to Commissions and independent offices with regard to objects, authority and funding; composition, appointment and terms of office; removal from office; general functions and powers; incorporation; and reporting to the President and Parliament. These general provisions are to apply unless another specific provision of the Constitution provides otherwise

with regard to a matter that they affect. The appointment and the removal from office of a Member of the Parliamentary Service Commission are matters that are, to a certain extent, removed from the general application of Chapter 15 of the Constitution. As the House will note, Article 127 of the Constitution is the substantive provision of the Constitution which governs the affairs of the Parliamentary Service Commission. The Article provides in part, and I quote—

- “(1) There is established the Parliamentary Service Commission.
- (2) The Commission consists of—
- (a) the Speaker of the National Assembly, as chairperson;
  - (b) a vice-chairperson elected by the Commission from the members appointed under paragraph (c);
  - (c) seven members appointed by Parliament from among its members of whom—
    - (i) four shall be nominated equally from both Houses by the party or coalition of parties forming the national government, of whom, at least, two shall be women; and,
    - (ii) three shall be nominated by the parties not forming the national government, at least, one of whom shall be nominated from each House and, at least, one of whom shall be a woman; and,
    - (iii) one man and one woman appointed by Parliament from among persons who are experienced in public affairs, but are not Members of Parliament.
- (3) The Clerk of the Senate shall be the Secretary to the Commission.
- (4) A member of the Commission shall vacate office—
- (a) if the person is a member of Parliament—
    - (i) at the end of the term of the House of which the person is a member; or,
    - (ii) if the person ceases to be a member of Parliament; or,
  - (b) if the person is an appointed member, on revocation of the person’s appointment by Parliament.
- (5) Despite clause (4), when the term of a House of Parliament ends, a member of the Commission appointed under clause (2)(c) shall continue in office until a new member has been appointed in the member’s place by the next House.”

Hon. Members, from a close reading of this Article, you will observe that, indeed, the Parliamentary Service Commission (PSC) is *sui generis* — which is Latin for “of its own kind” — in a number of ways and departs from the general provisions of Chapter 15 of the Constitution in various specific aspects, including the following:

- (i) With regard to the membership of the Commission, PSC comprises of 10 members whereas the general composition of other constitutional commissions — except the ones I have named — is a minimum of three and a maximum of nine.
- (ii) While there is general rule on the process of appointment of all members of commissions and holders of independent offices is by advertisement, conduct of interviews, forwarding of recommendations for nomination and eventually, appointment by the President with the approval of the National Assembly alone, the appointment of members of the PSC starts and ends in Parliament with the appointment being made by the two Houses.

- (iii) Whereas Article 251 of the Constitution prescribes a standard single year term for members of other constitutional commissions and holders of independent offices under general procedure for removal from office that may be initiated by any person, Article 127 of the Constitution ties the term of the office of a member of PSC to the term of Parliament unless either a person ceases to be a MP or upon the revocation of their appointment by Parliament for both the member and the non-members of Parliament.
- (iv) Unlike other constitutional commissions, the membership of the PSC is largely drawn from MPs and, indeed, out of the ten members of the Commission, eight are MPs.
- (v) The PSC and the Commission on Revenue Allocation (CRA) are the only constitutional commissions in which political parties largely nominate the membership.
- (vi) Whereas in the case of all other commissions, members are not eligible for re-appointment upon serving for a term of six years, in the case of PSC, once a term of an MP ends, if the Member is re-elected, such a Member is still eligible for re-appointment to the Commission subject to a fresh process of re-appointment being undertaken by the Houses. This was the case in respect of the Member for Eldas Constituency, Hon. Aden Keynan, who is now serving his third consecutive term in the Commission.
- (vii) Unlike other commissions where the Secretary is also the Chief Executive Officer (CEO) under Article 250 (12) of the Constitution, in the case of the PSC under Article 127 (3), the authority of the Clerk of the Senate is limited to being the Secretary to the Commission.
- (viii) Whereas all other constitutional commissions under Article 251 on the removal process applies to all members of a commission and does not distinguish between a member or a chairperson, the Constitution provides specific procedures for the removal of the Speaker of the National Assembly, who serves as the Chairperson of the PSC and the Chief Justice, who is the Chairperson of the Judicial Service Commission (JSC), at Articles 106 (2c) and 168, respectively.

Hon. Members, this analysis of the differences I have just outlined, leads to two inescapable conclusions. The first conclusion is that Article 127 of the Constitution governs the appointment of a person as a member of the PSC. The second conclusion is that the same Article of the Constitution also governs the vacation from office of a person appointed to the PSC by Parliament. Save for the specific question that I have alluded to — which was asked by the Member for Rarieda on 22<sup>nd</sup> February 2018 regarding re-appointment of a member to the PSC in a new House — and which I comprehensively addressed at that time, we have not had any other queries on the process of appointment of persons to the PSC. The Houses have construed and settled on the interpretation that all members of the Commission, save for the Chairperson, are appointed by the Houses of Parliament and that has been the precedence even after the enactment of the 2010 Constitution. The process of how one gets into the Commission is, therefore, straightforward.

Hon. Members, the next step now is to draw a nexus between the appointment and the process of removal. That is, how a member of the PSC comes into office and how he or she may be removed. A reading of the provisions of Article 127 (4) (b) of the Constitution reveals that, if

the member came to office by way of appointment, then his or her removal is arrived at by way of revocation of the appointment.

What follows then is for me to answer to the question: What is revocation? According to the Black's Law Dictionary edited by Bryan A. Garner, the term "revoke" is defined as the act of rescinding a decision. Further, according to Section 482 of the *Mason's Manual on Legislative Procedure* at page 319, and I quote: "A legislative body can rescind an action previously taken, so long as no vested rights have arisen from the original action. The motion to rescind may be made at any subsequent meeting, as long as no rights have intervened and is not limited to any specific or particular time during which the motion can be made."

Hon. Members, as mentioned earlier, political parties nominate members for appointment to the Commission by the House. It is left to the House to either accept to appoint the nominees or reject a person proposed for appointment. The word "nominate" as used in the various provisions of the Constitution relating to constitutional commissions and independent offices is not among the terms defined under Article 260 of the Constitution. But the Black's Law Dictionary defines the term "nominate" as the act of proposing a person for election or appointment. Thus, I am inclined to agree with the Members who are of the opinion that the approach employed to appoint a person into a constitutional office ought to be mirrored as closely as possible, in the method employed to remove the person from the office, thus implying revocation of appointment.

Hon. Members, now this brings me to the second question, which is between the provisions of Article 251 of the Constitution, as read together with Standing Order 230 and Section 10 of the Parliamentary Service Act 2019, which are the applicable provisions to be applied in the removal of a Member of Parliament or a non-member of Parliament from the office of member of the PSC. This is not the first time the Speaker has been confronted with this question. Indeed, by way of a letter dated 20<sup>th</sup> June 2018, the Minority Whip, Hon. Junet Nuh, sought my guidance on the process of the removal of a Member of Parliament appointed as a Commissioner to the PSC. For the benefit of the House, the substantive part of my brief response to Hon. Junet Nuh is as follows:

"Pursuant to the provisions of Article 127 (2) of the Constitution as read together with Section 51 of the Interpretation and General Provisions Act Cap 2, the procedure for the removal of a commissioner under Article 127 (2) paragraph C (i) of the Constitution is through a Motion for removal of the commissioner to the House, for its consideration and passage in terms of Article 122 of the Constitution regarding voting."

Hon. Members, there are two things to note with regards to the guidance I gave to Hon. Junet at the time. The first one is that in referring to Section 51 of the Interpretation and General Provisions Cap.2, I took cognisance of the inherent power of the House to revoke the appointment of a member of the Parliamentary Service Commission (PSC) as it is the only body mandated to appoint such a commissioner in the first place. Secondly, as Members are aware, no other specific provision outlining the procedure for the removal of a commissioner of the PSC was in place at the time. Consequent to that guidance, this House passed the PSC Act, 2019 outlining specific provisions on the procedure to be followed by the House to revoke the appointment of a commissioner to the PSC.

Before I examine the procedure for the removal of a commissioner of the PSC as provided for in the PSC Act, 2019, allow me to examine the provisions of Article 251 of the Constitution which provides for the procedure of the removal of a member of a constitutional commission. Article 251 of the Constitution provides that the member of a commission (other than an *ex-officio*

member) or the holder of an independent office may be removed from office only on grounds specified, which include serious violation of the Constitution and gross misconduct.

A person desiring the removal of a member of a commission or a holder of an independent office on any grounds specified may present a petition to the National Assembly setting out the alleged facts constituting that ground. The National Assembly is then required to consider the petition and, if it is satisfied that it discloses the ground of a violation, sends the petition to the President. Subsequently, the President is mandated to constitute and establish a tribunal to investigate the matter expeditiously, report on the facts and make a binding recommendation to the President. From the foregoing, it is clear that an interpretation that Article 251 of the Constitution applies to the removal of Member of the PSC will not just be a departure of already established procedures and practices by the two Houses, but it would be an affront to the provisions of Article 127 of the Constitution for the following reasons:

- (i) The appointment of the members of the PSC is by Parliament and not by the President as is the case for all other constitutional commissions. To involve the President in the removal process would ignore this distinctive feature and would be tantamount to conferring upon an office which was not part of the appointment process with the power to get involved in the revocation;
- (ii) This argument would fall flat against Section 51 of the Interpretation and General Provisions Act which is an established rule of interpretation that a person having the power to make an appointment also has the power to remove from office;
- (iii) It is also worth noting that Article 251 of the Constitution only provides for removal of members of constitutional commissions by the National Assembly to the exclusion of the Senate. The appointment of members of the PSC as provided for in Article 127 of the Constitution is, however, by both Houses of Parliament. Consequently, to interpret that Article 251 of the Constitution applies in the removal process of members of the PSC would ignore two facts. First, the seven Members of Parliament to the Commission are nominated by political parties from both Houses of Parliament. Secondly, the appointment of the members of the Commission is done by both Houses of Parliament;
- (iv) It is also worth noting that the PSC, unlike other commissions, was established for the sole purpose of serving both Houses of Parliament through provision of services and facilities to the MPs and staff. Article 251 of the Constitution, if applied, would also ignore the constitutional architecture of the PSC as envisaged in Article 127 of the Constitution by excluding one House in the removal process of commissioners; and,
- (v) The establishment of a tribunal by the President consisting of, among other persons, a person who holds or has held office as a judge of a superior court who shall be the chairperson and, at least, two persons who are qualified to be appointed as high court judges to investigate matters raised in a petition for removal also departs from Article 127 (4) of the Constitution on the revocation of appointment of a member of the PSC by Parliament. It, therefore, follows that if revocation of appointment of a Member of the Commission is by Parliament, then the body responsible for investigating, if any grounds levelled against a Member have been disclosed, can only be a body in Parliament and, in this case, being a select committee established for that purpose.

In view of the foregoing, Article 251 of the Constitution does not apply in the removal of a member of the PSC. It is, therefore, my view that the right procedure is one that contemplates revocation of appointment by Parliament, but at the same time, taking into account the need for clearly defined grounds for removal from office and the requirements of fair administrative action. This is the essence behind Section 10 of the PSC Act 2019. Looking at the Report of the Departmental Committee on Justice and Legal Affairs on the Parliamentary Service Bill, 2018, now an Act of Parliament, the Committee observed as follows on the procedure of removal from office of a member of the PSC on pages 35 to 39:

“It is notable that the Commission is one of the constitutional commissions listed in Article 248 of the Constitution and it would appear from the face of it as if the provisions of Article 251 of the Constitution on the procedure of removal of a member of a constitutional commission would apply. However, it is notable that Article 248 (1) of the Constitution provides that the provisions of Chapter 15, including Article 251 of the Constitution, apply except to the extent the Constitution provides otherwise. Article 127 of the Constitution is one exception of the application of the provisions of Chapter 15 and, in particular, on the composition, mode of appointment and the removal process of the commissioners of the PSC, among others.

In this regard, the procedure for removal of a commissioner as espoused in Article 251 of the Constitution does not apply to commissioners of the PSC. A close reading of Article 127 of the Constitution reveals that Article 127 does not provide for the procedure of the removal of a commissioner from the PSC, save for it providence for the manner in which an office of a member of the Commission might become vacant. Therefore, there is need to anchor in law a procedure for the removal of commissioners. As drafted, the Clause suggests that the procedure under Article 251 should apply to the commissioners of the PSC contrary to the aforementioned advice by the Speaker and the provisions of Article 248 (1) of the Constitution.”

Based on the observations, the Committee proceeded to propose an amendment which is currently Section 10 of the PSC Act, 2019. Section 10 of the Act provides as follows with regard to the procedure for removal of a member of the PSC.

10 (1) A Member of Parliament supported by, at least, one quarter of the Members of the respective House may propose a Motion for the removal of a member of the Commission only for:

- (a) Serious violation of the Constitution or any other law, including a contravention of Chapter 6;
- (b) Gross misconduct whether in the performance of the member’s functions or otherwise;
- (c) Physical or mental incapacity to perform the functions of the office;
- (d) Incompetence; and,
- (e) Bankruptcy.

(2) If a Motion presented under (1) is supported by, at least, one-third of the Members of the respective House:

- (a) The respective House shall appoint a Select Committee comprising of 11 of its Members to investigate the matter.
- (b) The Select Committee shall within 10 days, report to the respective House whether it finds the allegations against the Member of the Commission to be substantiated.

(3) Where the Select Committee finds that:

- (a) The allegations against the member of the Commission have not been substantiated, there shall be no further proceedings on the matter.
- (b) The allegations against the member of the Commission, having been substantiated and the Motion is supported by a majority of all the Members of the respective Houses:
  - (i) The Speaker of that House shall inform the Speaker of the other House of the resolution within seven days.
  - (ii) The member of the Commission shall continue to perform the functions of the office pending the outcome of the proceedings under this Section.
  - (iii) The procedure prescribed in sub-sections (i), (ii) and (iii) shall apply with the necessary modifications to the consolidation of the Motion for removal of a member of the Commission by the other House.
  - (iv) If both Houses pass the Motion in the same form, the Member of the Commission shall stand removed.”

Hon. Members, the Section outlines the steps that a Member of this House and the Senate may take to initiate and consider the removal of a member of the Parliamentary Service Commission (PSC) for specifically stated reasons. You will note that Section 10 of the Act reasonably satisfies the requirements of Article 47 of our Constitution regarding fair administrative action, as it replicates the character of Article 251 of the Constitution in terms of reasonableness, expeditiousness, due process and providing for a forum for fair hearing.

Hon. Members, however, I claim that Section 10 of the PSC Act, 2019 does not seem to prescribe any process which a member of the public may take to initiate removal of a member of the Commission for any of the stated reasons. Indeed, this procedure is similar to the one for the removal of a Cabinet Secretary (CS). Article 152(6) of the Constitution provides that a Member of the National Assembly may propose a Motion for removal of a CS. However, Article 152 of the Constitution, just like Section 10 of the PSC Act, 2019, does not provide for the procedure for removal of a CS by instigation of any other person other than a Member of the National Assembly. This, therefore, implies that in the case of the PSC, just like in the case of a CS, no other person can initiate the process for removal of a commissioner other than a Member of Parliament.

Does Section 10 of the PSC Act, 2019 lock out or bar any other person other than a Member of Parliament from initiating the removal process of a member of the PSC? It is my considered opinion that this is not the case. Certainly, any person may request or petition a Member of Parliament to propose a Motion under Section 10 of the PSC Act. Hence, the Section does not lock out other persons other than Members of Parliament from initiating the removal process. Therefore, as it stands, a Member of Parliament may initiate the removal from office of a member of the PSC through a Motion in line with the provisions of Section 10 of the Act. Any person may also request or petition a Member of Parliament to propose the Motion under Section 10 of the PSC Act. This, therefore, settles the question of which of the two provisions applies to the removal of a member of the PSC.

Hon. Members, let me now turn to a secondary issue that was tendered by the Member for Rarieda who, in my view, while referring to abundance of caution, invited me to make my considered guidance as comprehensive as possible so as to avoid contention and acrimony. In doing so, I will remind the House what parameters ought to be taken into consideration in the employment of the process under Section 10 of the PSC Act, 2019. In giving this guidance, I must

note that it is not the sole prerogative of a parliamentary party or coalition of parties which nominated a person for appointment to the Commission to initiate the revocation of the person's appointment. It is any Member of Parliament.

Upon appointment by Parliament as a member of the PSC, a Member of Parliament ascribes to a constitutional office on which the Constitution places strict and weighty obligations. Apart from discharging his mandate under Article 127 of the Constitution, Article 249 of the Constitution requires the Commission and each Member of the Commission by extension to:

- (a) Protect the sovereignty of the people;
- (b) Secure the observance by all State organs of democratic values and principles;
- (c) Promote constitutionalism;
- (d) Be subject only to this Constitution and the law; and,
- (e) Be independent and not subject to direction or control by any person or authority.

Indeed, the courts have also ruled in a number of cases on the independence of constitutional commissions. In particular, inferring on the High Court Case Miscellaneous Application No. 18 of 2017 involving Mr. Edward Ouko Versus the National Assembly which I make reference to paragraphs No. 138, 140, 141, 150 and 151 of its determination, the court observed as follows:

(i) The independent offices and constitutional commissions are peoples' watchdogs and to perform their roles effectively, they must operate without improper influences, fear or favour;

(ii) Proceedings seeking the removal of a member of a constitutional office ought not to be taken lightly and, unless such proceedings strictly adhere to the law, the independence of the holders of such offices would be compromised;

(iii) Constitutional institutions ought to be accorded their due respect and deference and to unjustifiably malign the institutions and the holders of the institutions can be explained on the basis of impunity;

(iv) Constitutional commissions and independent offices must operate in an environment devoid of subjection to direction or control by any person or authority;

(v) Article 249(2) of the Constitution expressly provides that the commissions and independent offices are subject only to the Constitution and the law; and finally,

(vi) The courts are constitutionally bound to protect the same constitutional commissioners and holders of independent offices from unlawful intimidation and harassment by any person or authority.

It appears, therefore, that the reading of the obligations of a commissioner of the PSC is incompatible with any assertion that a commissioner should behold partisan interests in the execution of his or her duties. This view is also supported by the Constitution in the manner it provides for the appointment and removal from office of members of two other commissions, Commission on Revenue Allocation (CRA) and Salaries and Remuneration Commission (SRC), as I will explain shortly. Article 215 (1) of the Constitution establishes the CRA and contains provisions on the nomination of certain persons for appointment as members of the Commission by parliamentary parties in the National Assembly and the Senate.

Article 215(2) of the Constitution reads:

"The Commission shall consist of the following persons appointed by the President-

(a) A Chairperson who shall be nominated by the President and approved by the National Assembly;

(b) Two persons nominated by the political parties represented in the National Assembly according to their proportion of Members in the Assembly;

(c) five persons nominated by the political parties represented in the Senate according to the proportion of Members in the Senate; and,

(d) The Principal Secretary in the Ministry responsible for finance.”

Similarly, Article 230 of the Constitution establishes the SRC and provides for the nomination of certain persons for appointment as members of the Commission by the PSC and the Senate. Clause 2 of the said Article of the Constitution reads:

“The SRC consists of the following persons appointed by the President-

- (a) A Chairperson;
- (b) One person each nominated by the following bodies from among persons who are not members or employees of those bodies-
  - (i) The Parliamentary Service Commission;
  - (ii) The Public Service Commission;
  - (iii) The Judicial Service Commission;
  - (iv) The Teachers Service Commission;
  - (v) The National Police Service Commission;
  - (vi) The Defence Council; and,
  - (vii) The Senate on behalf of the county governments;
- (c) One person each nominated by-
  - (i) An umbrella body representing trade unions;
  - (ii) An umbrella body representing employers; and,
  - (iii) A joint forum of professional bodies as provided by legislation;
- (d) One person each nominated by-
  - (i) The CS responsible for finance;
  - (ii) The Attorney-General; and,
- (e) One person who has experience in the management of human resources in the public service, nominated by the CS responsible for Public Service.

Hon. Members, though the Constitution reserves special rights to certain entities in the nomination of persons for appointment to the CRA and SRC, it does not reserve equivalent rights to those entities with regard to the vacation from office of the nominees upon their appointment. Presently, any person may petition this House for the removal of any member of the two commissions under Article 251 of the Constitution, which may lead to the formation of a tribunal by the President. As such, it cannot be said that the vacation from office of a person nominated for appointment by a parliamentary party or a House of Parliament to the Commission on Revenue Allocation (CRA) or the Salaries and Remuneration Commission (SRC) is either predicated on a whim or is the sole prerogative of the parliamentary party or the House of Parliament.

Hon. Members, noting the participation of parliamentary parties’ mode of appointment of Members of Parliament to the Parliamentary Service Commission (PSC) is not unique. Are the Members appointed to the PSC after being nominated by parliamentary parties beholden to the interests of the parties? In accordance with the provisions of Article 259 of the Constitution, I now have the unenviable task of applying specific provisions of the Constitution whilst construing the Constitution as a whole. In this regard, it appears that, upon appointment by Parliament as a member of the PSC, there exists no real or imagined hold on the Member by the parliamentary party which nominated him or her for the appointment.

The membership of the Commission cannot be equated to membership to a committee of Parliament from which a Member may be de-whipped under Standing Order 176. With these

references, the House will agree that a Commissioner of PSC ought not be beholden to any partisan interests in the execution of his or her duties, as doing so, would be an affront to the Constitution.

Hon. Members, moving on, the question of the manner in which the process of removal may be initiated is inextricably linked to the form in which either the Motion by a Member in the case of the PSC or the petition by a member of the public in the case of constitutional commissions and independent offices under Article 248 of the Constitution is proposed or submitted respectively. The inclusion of independent offices and commissions in our Constitution is linked to the desire for decentralization by the people of Kenya.

They are vital to ensuring limited government interference and to play an important role in the pursuit of good governance and democracy in the country. It is for this reason that the constitution set high qualifications for appointment and specific grounds and thresholds for removal from such offices.

Those of you who were in the House during the Eleventh Parliament may recall that on Thursday, 22<sup>nd</sup> October 2015, I issued a Communication regarding the “Processing of Special Motions on Removal of State Officers”. In the Communication, I reiterated the high threshold set by the Constitution on the removal of State officers. The Communication observed that Articles 145, 150(2), 152(6) and 251(2)(a) & (b) of the Constitution require, as a ground for removal from the Office of the President, the Deputy President, Cabinet Secretary or member of a constitutional commission or independent office, a threshold of either gross violation of the Constitution or other laws or gross misconduct. Drawing from the decision of the High Court in the case of *Martin Nyaga Wambora & 30 Others vs the County Assembly of Embu & four Others (Embu Constitutional Petition Nos. 7 & 8 of 2014*<sup>1</sup> for a matter to amount to gross violation as a ground for removal from office, the following parameters ought to be satisfied-

- (iii) the allegation must be serious, substantial and weighty;
- (iv) there must be a nexus between the office holder and the alleged gross violations of the Constitution or any other written law;
- (v) the charges framed against and their particulars must disclose a gross violation of the Constitution or any other written law; and,
- (vi) the charges as framed must state with degree of precision the provisions of the Constitution or the provisions of any other written law that have been alleged to be grossly violated.

Hon. Members, as I did guide the House at the time, the question of determining what constitutes gross violation of the Constitution or gross misconduct is one that clings and hangs on the impeachable authority of the House and is exercisable in two instances under the Standing Orders: Firstly, at the point of the approval of the Motion for impeachment or dismissal and secondly, at the point of investigations conducted by the relevant select committee.

Therefore, as an initial guidance on the matter, it should be noted that the Constitution has placed certain thresholds for the removal of State Officers from office. In practicing those provisions, Standing Order No.47 (3)(b) and (e) requires the Speaker to take into account constitutional and evidential requirements while determining the admissibility or otherwise of a Motion, including all Special Motions brought under Part XIII of the Standing Orders, which relates to Special Motions. For that reason, and in the first instance, the Speaker is obliged to

exercise his or her responsibilities under Standing Order No.47 (3) whenever such a motion is submitted for approval.

Indeed, at the close of the 11<sup>th</sup> Parliament, the House amended the Standing Orders to entrench the thresholds established by the court in Standing Order 230 on the procedure for the removal from office of a member of a commission or the holder of an independent office. This high threshold should not be viewed as a barrier to removal from office, but rather, as a safeguard from any unjustified witch-hunt on members of independent offices and constitutional commissions. As Members are aware, under the provisions of Article 75(3) of the Constitution, a person who has been dismissed or otherwise removed from office for misconduct in a State office is disqualified from holding any other State office.

Indeed, Members must also be cautious to note that removal processes are aimed at checking on the conduct and capacity of members of the constitutional commissions and, hence, should not be instigated where there are no defined grounds touching on the competence, capacity and integrity of a commissioner.

Further, allow me to refer to the *High Court Petition No. 518 of 2013* in the matter of the Independence of Constitutional Commissions and Independent Offices between the *Judicial Service Commission versus the Speaker of the National Assembly* where the court observed as follows in paragraph 204-

204. “In that light, removal can be said to be the ultimate sanction in the oversight process which is otherwise routine. The ultimate threat of the sanction of removal is in and of itself, a tool for regulating the conduct of commissioners and independent office holders while in office. It is intended as the ultimate check on the competence, capacity and integrity of such commissioners and office holders. It is the oversight tool of last resort. The process of removal touches personally upon, and is concerned with, the conduct or capacity of individual members of a commission”

Hon. Members, may I also remind this House that based on the precedents set in this House and our courts, any removal proceedings are bound to and must adhere to the provisions of the Constitution as entrenched in Article 47 and further extrapolated in the Fair Administrative Action Act No. 4 of 2015. As Members may be aware, removal proceedings of members of constitutional commissions are *quasi-judicial* in nature. The Black’s Law Dictionary defines the terms “*quasi-judicial process*” as “a term applied to the action of bodies which are required to investigate or ascertain the existence of facts, hold hearings, weigh evidence and draw conclusions from them as a basis for their official action and to exercise discretion of judicial nature”.

Hon. Members, the question that therefore arises is this: What does the law require of any person exercising a *quasi-judicial* function? Such a person must adhere to the requirements of fair administrative action. Article 47 of the Constitution which entrenches the right to fair administrative action provides that every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

It is also a fundamental right that any person that has been or is likely to be adversely affected by administrative action; the person has the right to be given written reasons for the action. The courts have also been very specific and emphatic on the need for Parliament to adhere to the requirements of the Fair Administrative Action in conducting removal processes of members of constitutional commissions and independent offices. For instance, in the High Court Case, Miscellaneous Application No. 18 of 2017, the one of *Mr. Edward Ouko versus the National Assembly and others*, a suit which the Member for Rarieda, Hon. Otiende Amollo, is certainly

familiar with having been the advocate on record for the applicant, the then Auditor-General, Mr. Edward Ouko, the Court held, amongst others, and I quote paragraph 164:

"In the premises, whereas I do not have any quarrel with the Respondents (National Assembly) powers to conduct the subject proceedings, such proceedings must comply with Article 47 of the Constitution and Section 4 of the Fair Administrative Action Act. In other words, the due process must be adhered to in the conduct of the said proceedings."

Hon. Members, it is noteworthy that the proceedings of one of the committees of this House to remove the then Auditor-General were subsequently set aside for failure to adhere to the requirements of the Fair Administrative Action. Additionally, you may also recall the High Court Petition No.518 of 2013 in the matter of the independence of constitutional commissions and independent offices between the *Judicial Service Commission (JSC) versus the Speaker of the National Assembly*. The subject matter of the particular case was a Petition that had been filed in this House seeking the removal of six JSC Commissioners. In the Petition, the Court also held as follows, in paragraphs 140 and 143, in a decision of a five-judge bench:

Paragraph 140: "In addition to the requirement to act judiciously, a body exercising a quasi-judicial function must accord the parties a fair hearing."

Paragraph 143: "The right to a hearing and fair administrative action is no longer just a rule of natural justice, but is now a constitutional principle which applies in equal measure to all proceedings, investigations and hearings, whether judicial, quasi-judicial or administrative. Article 47 guarantees to everyone administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair. The right to fair hearing is guaranteed under Article 50."

Hon. Members, to this end, I am in effect expected to examine whether a Special Motion as presented contains and meets the threshold of the grounds envisaged under the relevant articles of the Constitution and specifically, whether the facts as stated in the Motion amount to alleged gross violation of the Constitution or gross misconduct. In doing so, I must, as a matter of jurisprudence, be guided by the interpretation precedent set by the courts of law. I am bound to admit any Motion which meets the minimum requirements set by the Constitution, written law, our Standing Orders and the precedents of this House. I shall, however, not admit any whimsical attempt that does not meet the constitutional thresholds as stated.

Hon. Members, finally, as I conclude, I hasten to remind the House that I have consistently evaluated previous Motions for the removal of Cabinet Secretaries (CSs) and petitions for the removal of members of commissions and holders of independent offices without fear or favour. As Members will recall, during the 11<sup>th</sup> Parliament, I admitted the first Petition for the removal of the Members of the JSC in 2015 to be presented to the House. The House subsequently recommended that the President form a tribunal in the matter.

In the same vein, I admitted a Motion for the dismissal of the then CS for Education, the Hon. (Prof.) Jacob Kaimenyi; the Petition for the removal of the Commissioners of the Ethics and Anti-Corruption Commission (EACC) in 2011; and the Petition for the removal of the Chairperson of the EACC in 2016, among others. During the said 11<sup>th</sup> Parliament, I also declined to admit the second Petition for the removal of the Commissioners of the JSC and a Motion for the dismissal of the then CS for Planning and Devolution, Ms. Anne Waiguru, to name a few.

Hon. Members, in summary, therefore, I guide as follows:

THAT, the procedure for the removal of a member of the Parliamentary Service Commission is as provided for in Section 10 of the Parliamentary Service Act, 2019, which is by a Motion proposed by a Member of Parliament on any of the grounds specified;

THAT, the Motion for removal of a member of the Parliamentary Service Commission can be filed in either Houses of Parliament. However, for good order, a Motion for removal of a Commissioner ought to start from the House that the Commissioner serves in as a Member. Such sequence, would neatly sit with the provisions of Standing Order No.257 regarding the process of acquiescence to a request for appearance of a Member of one House before the other House or before a committee of the other House;

THAT, in addition to the process being initiated by a Member of Parliament, any other person may petition a Member of Parliament to initiate the process of removal of a member of the Parliamentary Service Commission as envisaged under Section 10 of the Parliamentary Service Act, 2019;

THAT, initiating the revocation of the appointment of a Member of the Parliamentary Commission is not the sole prerogative of a parliamentary party or coalition of parties which nominated the member for appointment. Any Member of Parliament can initiate the Motion;

THAT, for purposes of admissibility, a Notice of Motion for the revocation of the appointment of a member of the Parliamentary Service Commission must meet the thresholds set by the Courts, the Standing Orders and precedents of this House as to what constitutes gross violation of the Constitution or gross misconduct under the Constitution. This includes the requirement for the Notice of Motion to:

- (a) indicate the grounds which the member of the Commission is in breach of;
- (b) state with a degree of precision the provisions of the Constitution or any other written law that have been alleged to be violated, where the specified grounds relate to violation of the Constitution or any other written law; and,
- (c) indicate the nexus between the Member and the alleged grounds on which revocation or removal is sought.

THAT, the removal process under Section 10 of the Parliamentary Service Act must also be guided by the provisions of Article 47 of the Constitution and the Fair Administrative Action Act No. 4 of 2015.

The House is accordingly guided. I thank you, Hon. Members.

*(Applause)*

Yes, Hon. Mbadi.

**Hon. John Mbadi** (Suba South, ODM): Thank you, Hon. Speaker, for that long, detailed and, I must say, professional ruling on this matter. This is a matter that has disturbed me for a while because I could not envisage a situation where an appointing authority has no capacity, at all, or recourse to revoke the appointment of the very officer that it has appointed. So, when I was thinking of Article 251 of the Constitution, I was wondering how then this House would appoint the Parliamentary Service Commissioners and then surrender their removal to another authority that would compromise even the independence of Parliament.

So, Hon. Speaker, I am happy that today you have made it very clear and clarified that the appointment of members of the Parliamentary Service Commission can be revoked by this very House. The only thing that is disturbing me a bit is the ruling, but I will live with it, is that, whereas your deputy, who holds a very senior constitutional office of the Republic, and that of the Deputy Speaker of the Senate, can easily be removed from office merely by the fact that they are not loyal

to their sponsoring party, but the commissioners, immediately we appoint them, the same party that proposes their appointment loses control of the same Members.

In that case, I think it is a matter that needs to be looked into going forward. If it is the parties which determine and decide the persons they have confidence in to represent their interests or political persuasion in the Commission, it will have to be considered. The Constitution did not make a mistake. There is a reason Article 127 of the Constitution talks about parties forming a majority and parties forming a minority proposing names. I thought the same parties can propose revocation. However, your ruling, which I do not want to challenge, has delved into this matter very extensively. The only thing I want to say is that the process will begin. I must confirm that my party is so determined to do it through our membership in this House. In fact, the decision to remove this Member was not made by the general membership of our party. It was made by the Parliamentary Group (PG) of the party. Therefore, the lawyers in my party, led by Otiende Amollo, are going to generate immediately. They should take this as an order from the Leader of the Minority Party.

*(Laughter)*

Hon. Otiende Amollo and Hon. Antony Oluoch, who are here, must put together a Motion to remove this Member. There are so many grounds for that. I am happy that it is gross misconduct. In fact, the word which has made me very happy is “misconduct”. You know misconduct is misconduct. It is decided. It can be decided that your behaviour is misconduct and it will be treated as such.

*(Loud consultations)*

I hear people talk of “anticipating debate”. Which debate? There is no debate. Before you understand certain things, do not just quote. There is no debate. So, you cannot anticipate what is not there.

Let me just say the last word. My only concern is with the current arrangement. You have talked about “a third of the Members” approving so that a Select Committee can be formed and, then finally, 50 per cent of the Members would remove the Member. With Covid-19 and the way we sit here, about 60 of us, I do not know how we will be able to get a third of the Members to approve. My suggestion is that if we can provide signatures of the Members supporting and they cannot deny that they have signed, if they do not deny that they have signed, you allow that to suffice as those Members having approved the removal of that Member. That is where I have issues because a quarter of the Members are about 88. A third of the Members are 117 and then there is the half. If you could allow Members to sign and then those signatures are allowed as having supported the Motion, we will constitute an 11 Member team to look into that. On this, because the Member I am proposing to be removed will be from ODM, you will allow the Minority to have six and the Majority to have five. If a Member is from the Jubilee side, we would have six Members from Jubilee and five from the NASA coalition.

Thank you, Hon. Speaker. I submit.

**Hon. Speaker:** Well. I think it was important to be clear on this matter. It is because earlier on in 2018, when Hon. Junet wrote to the House, it had not, in its wisdom, enacted the Parliamentary Service Act which brought Section 10 into being. So, it is the House that saw that was a good provision in law. Previously, when I responded to the letter written to me by Hon.

Junet, I was referring him to both Article 127 and Section 51 of the interpretation or the Interpretation of General Provisions Act. It is because there was no other law at that time. However, the power existed. Those who appoint also reserve the right to disappoint. Maybe, in furtherance of democracy and good governance, you felt that it was good to put in place Section 10 when you were passing the Parliamentary Service Act.

Hon. Wandayi, do you want to weigh in on this?

**Hon. Opiyo Wandayi** (Ugunja, ODM): Hon. Speaker, actually, the Leader of the Minority Party, who is my boss, has spoken on my behalf. Just to make one comment, your ruling has been well reasoned. With the benefit of hindsight, I can say that the passage of the Parliamentary Service Act came at the right time. It has addressed most of the issues that were unaddressed hitherto, both by Article 127 and Article 251.

Just to pick up from where Hon. Mbadi has left, it is clear from your ruling that when it comes to members of the Parliamentary Service Commission, once a political party or a coalition of political parties nominates a Member, it does not enjoy exclusive powers of recall of that Member. That is very clear from your ruling, which deviates from the position when it comes to matters of Committee assignments. It will be important that you help us understand if the proposal made by Hon. Mbadi is agreeable in the sense that the Select Committee, the 10 or 11 Members of the Select Committee, is going to play a very critical role in this process. It can actually be either to pedal the process or facilitate it to move forward. Therefore, its composition is extremely important. It cannot be left to the whims of the leadership of both sides of the House. It must be clearly set out, how the membership of that Select Committee is going to be constituted.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** I hope we needed to move to business. Let us have Hon. Junet, as the person who started this whole saga.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, I first want to take this opportunity to thank you for the ruling that you have made today. As you have said, I had written to you before the Parliamentary Service Act came into place. It was to seek your guidance on how this matter can be handled. Your reply was good.

*(Loud consultations)*

I am very far from people. Your reply was timely even at that time. I was contented with your letter and the reply you gave me. Having said that, this matter of the Parliamentary Service Commission has been with us for some time. It is since I have been in this Parliament. First, we have to understand that this is a very important organ in the running of Parliament. We must also know that we do not have a union, as Members of Parliament. We do not have the Kenya National Union of Teachers (KNUT); we do not have the Kenya Union of Post-Primary Education Teachers (KUPPET); we do not have *sisi kwa sisi* or the Central Organization of Trade Union. We are on our own with our Parliamentary Service Commission. When these Members go there, they think they have gone there to do their things. They do not know that they are responsible and answerable to us who have appointed them.

*(Applause)*

If we had a union today, it would be fighting for us. However, we are sometimes let down by the Commissioners that we put in place in that Commission. When the facilities deteriorate and

the working environment is not good, it is the business of the Parliamentary Service Commission to make sure that we are remunerated very well. Having said that, there must be recourse if one is not performing his or her duties very well. One cannot go and sit there for eternity. As you said, some of them are serving three terms now. So, I totally agree with you that this is a constitutional Commission. We cannot just remove them whimsically. That is what you said. However, gross misconduct is a very serious offence. You said it is *quasi-judicial* and I want to issue a judicial notice to Hon. (Ms.) Aisha Jumwa that her goose is cooked. This is because, as a party, we feel aggrieved. We are aggrieved as individuals because gross misconduct is a serious offence. You remember that when I was de-whipping some Members, in a letter copied to you, I talked about violation of the Constitution or gross misconduct.

**An Hon. Member:** Which Constitution?

*(Laughter)*

**Hon. Junet Nuh** (Suna East, ODM): The conduct I am talking about...

**Hon. Speaker:** Do not prosecute the matter. Do not disclose the facts.

*(Laughter)*

**Hon. Junet Nuh** (Suna East, ODM): There will be a time when I will be given an opportunity to prosecute what gross misconduct is.

As you alluded to, the Judicial Service Commission has a different constitution from the other commissions. It is just like the Parliamentary Service Commission. They have 11 members while others have between 3 to 9 members. The JSC needs a ruling of this nature to govern it. When they are appointed to that Commission, some overstay because there is no action that can be taken against them. Those commissions are now the fourth arm of the Government. We have the Legislature, Judiciary and the Executive. In Kenya, the fourth arm of Government is those commissions. Some of them are not even executing their mandates. I am issuing a judicial notice that very soon we shall meet on this Floor.

**Hon. Speaker:** Is that Hon. Ichung'wah? Please take a minute.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Yes, Hon. Speaker. I want to join my colleagues to thank you for a very well-reasoned Communication. I take two things from it as Hon. Junet has said. He said he wanted to de-whip Members whimsically. First, we appreciate that our Commissioners are nominated to serve in the Commission by political parties. Second, they are serving in a constitutional Commission that is not less of any constitutional commission like the JSC. I want to thank you because, as the Speaker of the National Assembly, you have shown the country that we can be governed by the rule of law.

*(Applause)*

That, as a House, we adhere to our rules, the Constitution and procedures; unlike some other Houses that I do not wish to talk about at this time.

However, a question that begs in my mind is the role of our political parties in our democracy. We are in a democratic country where we are nominated to run on political seats through political parties. We are not nominees of political parties *per se* in terms of a party like in jurisdictions like Rwanda, where people go to the ballot to vote for a party that then appoints

Members to represent people in Parliament. We are here as the representatives of the people. Our first bosses are the people of Kenya. Political parties are important in our democracy, but in this day and age, we must guard against the tyranny of dictatorship by political parties.

**Hon. Junet Nuh** (Suna East, ODM): Tyranny of numbers!

**Kimani Ichung'wah** (Kikuyu, JP): Not tyranny of numbers but tyranny of dictatorship by political parties.

We must always appreciate that we are here as peoples' representatives. As much as we came into this House through political parties, we must appreciate that people went to the ballot to vote for individuals who were sponsored by political parties. In your ruling, I am glad that you appreciate that, as much as a political party has nominated an appointee to serve in a Commission, that Commissioner then comes to serve the House. The commissioner was not appointed in a Parliamentary Group meeting of that party, but the names were brought to the House and we made a decision. If a political party wants to remove a Member, we must follow the procedures, Constitution and our own statutes. If you want to whimsically remove a commissioner, give him/her an opportunity to be named in a substantive Motion. I hear Hon. Junet is serving a judicial notice, but it must be on substantive grounds and not definitions of misconduct. Looking at Junet, he might be misconstrued to be misconduct. I want to re-emphasize that we, including commissioners, are a constitutional democracy where we represent people.

The Vice-Chairperson of the PSC, who is seated here, was nominated by our Jubilee Party. But she represents me as a constituent who voted for her. The Jubilee Party cannot whimsically remove her on flimsy grounds of misconduct without giving me an opportunity to have my say.

Since the Minority Whip is agitated by his whimsical insinuations of misconduct, let me leave it at that.

**Hon. Speaker:** Serjeant-At-Arms, if there are any Members who want to come in, please, allow them in because we have empty seats. Do not ask them the numbers they have been allocated. Those who were allocated numbers got tired and left. Hon. Pukose, do not hide! Please come in because there are many seats. Do not go to the Lobby.

The Member for Igembe Central, you have the Floor.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Speaker, for giving me an opportunity to comment on your Communication. I want to thank you for the few rulings you have made in this august House in the last two weeks. You have made a milestone and put a mark that Parliament is independent to make rulings that can make precedence and be referred to in future. Last week, you made an important ruling that was appreciated by Members. The leadership of the political parties had an idea of de-whipping Members from committees for gross misconduct. I do not know how big or small misconduct is. You made a serious ruling that Members have rights to be members of committees because they were elected by their people to legislate, oversee and legislate. Denying Members an opportunity to serve in committees would be unfair to the electorate and I thank you for that ruling.

Today, you have made a ruling that the rule of law has to be followed. You have emphasized the need to follow the Constitution, Standing Orders, precedent rulings and court rulings. The leadership of the political parties should not just, out of arrogance, de-whip Members for flimsy reasons. The Members end up suffering while they swim in the glory of de-whipping them. These parties do not get numbers in Parliament through their names, but we are the ones who sell these parties in our constituencies. The parties' names are engraved in the constituencies through us.

So, we should be respected as party members. As my colleague has said, we are not appointed by the parties. We are the ones who make the parties be in the majority or minority side. So, we should be respected and our views also respected.

Let me conclude by saying that, in the 11<sup>th</sup> Parliament, I suffered a similar fate in the hands of my former party. It de-whipped me unconditionally. I was not given time to even ask why, whereas the name of that party was never known in Igembe Central Constituency. It was I who had sold the party there. The little votes the party got there were through me. But the party went ahead and de-whipped me because I did not toe the line on what it wanted. It is unfortunate. Let us not have party leaders who are busy bodies and who try to push members as if they are non-entities in this august House.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Member for Ugenya, you have the Floor.

**Hon. David Ochieng'** (Ugenya, MDG): Thank you so much. Hon. Speaker, I listened to your ruling and this is something you have given serious thought. Your ruling talks about two things which are very important to me. One, is the role of political parties in our democracy. Two, is the place of the Constitution in the governance of the country, so that fidelity is always to the Constitution and not anything else. I am also very happy that you have indicated that when you are the Speaker, you will never allow anybody, whoever it is, to breach the law for whimsical reasons.

It is important that when political parties are asked to nominate, they must be careful how they do it. They must know that, as soon as they nominate, the power to remove does not come easily. It should be so. Even in this House, as Members of Parliament, we are elected by the people. But for them to recall us, there is a procedure. They cannot wake up and say: "Ochieng', you are no longer our Member of Parliament." That is why you have indicated clearly that you nominate and you will have power to remove. But for you to do so some procedure, clear parameters will be followed. This is very important. It is not just in the PSC where political parties play a role - they play a role in so many other things. That is why they need to understand that this role given to them is not a role that would make the persons they nominate to those positions answerable to them. No! They are answerable to the public.

I disagree with those who think that your ruling is against political parties. It actually favours political parties' hands in the sense that they nominate, but there will be parameters that will be followed. I thank you so much for the ruling and I hope that those concerned will follow the law. I hear people ringing the bell, saying they are giving notices. You must follow the law.

Thank you.

*(Applause)*

**Hon. Speaker:** I thought we should finish this. Hon. Baya, take one minute.

**Hon. Owen Baya** (Kilifi North, ODM): Thank you, Hon. Speaker. I would like to congratulate you for that very well-reasoned ruling. Secondly, probably you are the last person standing in defence of democracy and constitutionalism in this country.

*(Applause)*

Having said that, I take two things from your ruling. One, you talked about the threshold and quoted Article 47 of the Constitution that strengthens democracy in this country. Not anyone else can just wake up one day and say: “Because you said this in this marketplace or funeral, we will get you out of a party or out of PSC or anything else.” The threshold is what will save this country. You can see what is happening in this country, where everybody wants to impeach a governor. This House should stand by the principle of constitutionalism that ensures fair administrative action and that meets a threshold that surpasses the normal talk on the streets.

Hon. Speaker, I also want to congratulate you for another thing: raising the bar very high in terms of the ruling. I think you have gone even beyond what a high court judge would pronounce. You have gone beyond that.

*(Applause)*

Having pronounced that, we also hope the action that will be taken when Hon. Junet brings whatever he wants to bring to this House will be put under that same measure. It should go beyond the threshold.

Thank you very much, Hon. Speaker.

**Hon. Speaker:** Had I seen Hon. Pukose desirous of speaking? Hon. Abdisalan, you want to say something?

**Hon. Ibrahim Ahmed** (Wajir North, ODM): Yes, Hon. Speaker. I just want to say that delegation is by trust. When a party delegates a certain position to you, then the expectation is that you deliver to the expectation of the party. The fact that you betray trust, then the party must be in a position to act.

Secondly, political parties are expected to... For example, if the Government of the day fails, the minority political party is expected to fit in the shoes of the Government. So, the political party must show a good example to the country. It must show a good example to the people. You must show a good example to whoever you lead, even at the household level. The fact that trust is betrayed is an indication that the appointing authority, which in this case is the political party, has all the rights to replace you. Discipline starts with oneself and should be observed across the board. I support your ruling. I was out there watching. I think it is a landmark ruling. Those other Jubilee commissioners, some of whom I cannot see here and who probably may not be singing to the tune of the party, will follow suit. For Hon. Aisha, we say goodbye.

**Hon. Speaker:** Honestly, Hon. Members, all that I am saying is this: Even the Constitution, which we endorsed in 2010, provides for something called recall of a Member of Parliament. Article 104 provides for recall of the Members elected under Articles 97 and 98. But it is also provided that Parliament shall enact legislation to provide for the process of that recall. I am sure Hon. John Mbadi and Hon. Aden Duale, who were in the 10<sup>th</sup> Parliament, can give you a story about how the process of that recall was provided for in the Elections Act. You have seen many write-ups all over the place saying Parliament misread the intention, because according to them, Parliament made the process of recall so complicated. Those who had desire to have you recalled within the first year have given up.

Hon. Duale, you want to say something?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I am going to read that ruling. It is a very serious ruling. So, I will not say much about it. I am going to read it. Because there will be no Sitting tomorrow because of Covid-19, I will have time to sit at home and read it.

But Members must be aware that the laws we make here cut both sides. When we were passing the Parliamentary Service Act, a majority of Members were not present. That was the day we missed it as political parties. It is we who passed that Section 10 of the Act, not the Speaker. We are the same ones who passed Fair Administrative Action Act. The irony, and I agree with Hon. Junet, is how political parties nominate and, just by a mere Motion we adopt in this House, we give you a job as one of our trade unionists. But to remove you, we have to climb Mount Kenya.

For sure, I can say that Hon. Junet, whether you issue judicial orders or not, you have work cut for you. To be very frank, it is not a birthday cake that you can just get easily. However, as political parties, we will go back to the drawing board. Hon. Junet, you know we are legislators. We shall go back to the drawing board. We can even bring an amendment to the PSC Act. We can bring an amendment to it tomorrow. Since the President signed it into law, it is past six months. We can amend Section 10 of the PSC Act. We can also bring the threshold for approval. However, there are other things which I also picked. It is good that all that we do, we do it within the confines of the Constitution. Unlike Hon. Junet when he was de-whipping people, he used very heavy language which is a violation of the Constitution and gross misconduct. I advise our new Whip not to go that route. This is because to prove violation of the Constitution or gross misconduct, we will have to take a whole week. So, let us use light words like that the party which gave you a job has decided on this and that or that you have served us well, and now we want to give a chance to another Member. However, I think Hon. Junet, Hon. Mbadia and all those who are in the leadership need to go back to the drawing board.

The Speaker has given a very good Communication. We need to read it word for word. We also need to read the one for last week. I tell Members, that it is not only the ruling of Hon. Speaker Muturi, but also look for the rulings of Speaker Marende, Kaparo and the other Speakers because they become part of our Standing Orders – precedence in terms of ruling of the Speakers. I think we are really happy today that ... I think the one for last week was around 18 pages. Today's Ruling was about 20 pages. Tomorrow, those of us who are interested should just pick a copy from Table Office. I will also ask the Clerk to send the Ruling, together with the other documents that you usually send us on Fridays, so that Members would not need to carry papers. If you do that, they can then read them online.

I support.

**Hon. Speaker:** Who is that Member that... Is that Hon. Janet Ong'era?

**Hon. Janet Ong'era** (Kisii CWR, ODM): Yes, Hon. Speaker.

**Hon. Speaker:** You look like Hon. Janet but with the mask, I am not sure.

*(Hon. Janet removed her mask)*

Now, you are the one.

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, ODM): I do not have a card.

**Hon. Speaker:** Every Member has a card. Hon. Janet, how comes you do not have one?

**Hon. (Ms.) Janet Ong'era** (Kisii CWR, ODM): Thank you, Hon. Speaker for allowing me to speak before you. I was outside and I did not know I will enter the House. However, by God's grace, I have. Thank you for allowing me to speak even though I did not come with my card. I want to thank you for your sagacious ruling. It, indeed, has set a path for all of us.

As you know, we are all creatures of political parties, including you, Hon. Speaker. There are very few Members of Parliament who are not creatures of political parties. I am a child of those political parties. If you see me very smart today as you can see – and I am always very smart - it

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is because of my political party ODM and my party leader Hon. Raila Amolo Odinga. My party has made me to be heard in this Republic as Hon. Janet Ong'era.

A political party is a tool that brings us to Parliament. When that party nominates you to serve in the respective positions which you come there by virtue of being a Member of that political party, it is expected that you also carry the wishes and aspirations of that political party. Therefore, when you find that there are many who do not carry those aspirations, the best thing is to deal with them. That is why I support whatever Hon. Junet will be bringing before this House. If there are Members to be de-whipped, whether they are of a Constitution in nature, if you no longer serve the aspirations of your political party now, you have divorced it. Why do you want to be in that House? If you have divorced that house, you leave it. That is an honorable thing to do. For example, I am elected by this House as the Member of Pan African Parliament (PAP). I did not just get elected by chance! I was nominated by my party. The day that my party withdraws my nomination, even though I was elected by this House, I will bow out graciously. When you no longer have the aspirations of that political party, the best honorable thing to do is to withdraw your membership or even leave. With that, then you become an Hon. Member of Parliament.

Lastly, I am a creature of political parties. I have run political parties for over ten years before I became a Member of Parliament. I was actually nominated on the basis of the work that I had done in a political party. There is much more that goes into a political party than just becoming a Member of Parliament. Out there, there are more people who are more loyal to a political party than a Member of Parliament. It is a privilege. When your party nominates you and gives you a ticket to run on its party ticket and you win; maybe, because of the euphoria or the brand name of that political party, then you come back and say I am elected. Therefore, because I am elected, I represent the wishes and aspirations of my people. You forget that you won that seat because of euphoria and brand of that political party.

I thank you for your ruling. Indeed, it is really sagacious.

**Hon. Speaker:** Hon. Members, let us just get to... You know this period of the year. You can say a few of these things when we get to the next business. Before I call for the next business, let us have the Leader of the Majority Party have the Floor.

## PROCEDURAL MOTION

### EXTENSION OF SITTING TIME

**Hon. A.B. Duale** (Garissa Township, JP): Hon. Speaker, I beg to move:

THAT, pursuant to the provisions of Standing Order No.30(3A), this House orders that should the time appointed for adjournment of the House be reached before conclusion of business appearing as Order No.8 on today's Order Paper, the Sitting of the House shall stand extended until the conclusion of the said business.

That business is the one on Committee of Supply. This morning we did very well. This matter is usually allotted six sitting days in an ordinary parliamentary sitting outside the Covid-19 pandemic. We are only sitting twice. After we have completed this Committee of Supply, we need to deal with the Appropriations Bill and the Finance Bill. We felt that, just like last week, if we go very fast, we might not even reach 7.00 p.m. However, in case we do, before concluding the last Vote, which is Parliament Vote 2043, I will ask colleagues that we finish Order No. 8 and the rest of the business we can do on Thursday, beginning with the Finance Bill (Second Reading) and the Appropriations Bill. This is so that by the timeline given in the PFM Act and Constitution, the

President will be ready to sign the Appropriations Bill and the Finance Bill by 30<sup>th</sup> June this year. So, this was a decision we reached at the House Business Committee (HBC).

I will ask Hon. Junet, who is the Member of the HBC, to second.

**Hon. Speaker:** Hon. Junet, have the Floor.

**Hon. Junet Nuh** (Suna East, ODM): Hon. Speaker, I second.

*(Question proposed)*

*(Question put and agreed to)*

### COMMITTEE OF SUPPLY

*(Order for Committee read being the Second Allotted Day)*

*[The Speaker (Hon. Justin Muturi) left the Chair]*

#### IN THE COMMITTEE

*[The Temporary Deputy Chairman*

*(Hon. Patrick Mariru) took the Chair]*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order Members! We now get to the Committee on Supply. I am sure we now understand the procedure and the process. We did this in the morning so Members we will try to move a bit fast particularly now that Members got the opportunity to speak to the Budget. You remember in Committee on the Budget and Appropriations Members had an opportunity to speak. There will also be an opportunity to speak to the Budget when we are dealing with the Appropriations Act. There will even be a further opportunity to speak to this Budget when we are dealing with the Finance Bill. Therefore, we will try to move fairly fast. In the morning we did up to Vote 1166. So, we will get to 1169.

#### VOTE 1169- STATE DEPARTMENT FOR CROP DEVELOPMENT AND AGRICULTURAL RESEARCH

THAT, a sum not exceeding Kshs41,808,447,807 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1169 (State Department for Crop Development & Agricultural Research).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): We will get just a few members to speak to this, at most two on each of them. Let us start with Hon. Wangwe, what would be your seat number there?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Chairman. I am just happy as a member of the Departmental Committee on Agriculture and

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Livestock that this year we have managed to allocate money for registration of farmers. This has been a nightmare for very many years. Once this money has been allocated, issues of corruption where there has been brokerage will now end given the fact that we will have farmers who are registered and known and it will now be easier for the Ministry to administer.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, let me get the seat. You may speak.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you Hon. Temporary Deputy Chairman. My concern is knowing that agriculture is a devolved function. I would like to ask this department to work closely with the county governments to ensure that we return agriculture to where it was where we had field officers that would advise our farmers. That is one of the reasons that we constantly have crop failure almost every year. In addition, I have heard the sum that you have read and it seems to differ from what I have in my Order Paper that is in the...

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): There is a Supplementary Order Paper. You may need to check that.

**Hon. Robert Mbui** (Kathiani, WDM-K): For the afternoon? I stand guided.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, let Members agree from the very outset that we have a maximum of two members then we make progress on this.

*(Programmes 0107000, 0108000, 0109000, and 0120000 agreed to)*

*(Vote 1169 agreed to)*

#### VOTE 1173- STATE DEPARTMENT FOR COOPERATIVES

THAT, a sum not exceeding Kshs1,626,549,701 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1173 (State Department for Cooperatives).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us have just the Chair, Hon. Kanini Kega.

**Hon. Kanini Kega** (Kieni, JP): Thank you so much, Hon. Chairman. I also want to take this opportunity to thank the Committee on Budget and Appropriations for work well done amid very tough times. I totally agree with this but I also want to bring to the attention of this House that in this financial year, we appropriated Kshs3 billion to the coffee cherry advance revolving fund but not a cent has been spent and now we are heading to the end of the financial year. Therefore, this is a question that we are also throwing to the Ministry, we already have the regulations. So, we want that money to be utilized in the local areas. We want coffee farmers to benefit from the Kshs3 billion. Otherwise, I support.

*(Programme 0304000 agreed to)*

*(Vote 1173 agreed to)*

VOTE 1174 – STATE DEPARTMENT FOR TRADE

THAT, a sum not exceeding Kshs3,017,357,624 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1174 (State Department for Trade).

*(Programme 0307000 agreed to)*

*(Vote 1174 agreed to)*

VOTE 1175 – STATE DEPARTMENT FOR INDUSTRIALISATION

THAT, a sum not exceeding Kshs8,120,013,891 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1175 (State Department for Industrialization).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us hear Hon. Iringo.

**Hon. Kubai Iringo** (Igembe Central, JP): Thank you, Hon. Temporary Deputy Chairman. I support the Vote, but I want to emphasise that this money be used to ensure that we have power supply in most parts of our rural areas. At the end of the day, we cannot industrialise without power. As we speak, most of rural areas that do not have power have many youths who are starting small businesses, but in the absence of power, it becomes impossible for them to progress.

I thank you.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Kwenya.

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Temporary Deputy Chairman. I support this Vote because it will support one of the Big Four Agenda of the President. Indeed, from the foregoing of COVID-19, it is clear that we need to support our local industries. I hope all this money is not going to Recurrent Expenditure. We need to see the same going to addressing manufacturing concerns in our constituencies.

I thank you.

*(Programmes 030100, 0302000 and 0303000 agreed to)*

*(Vote 1175 agreed to)*

VOTE 1184 - STATE DEPARTMENT FOR LABOUR

THAT, a sum not exceeding Kshs5,208,727,034 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1184 (State Department for Labour).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us hear Hon. Gikaria.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Temporary Deputy Chairman. It is sad that this is the Ministry that should be safeguarding the wellbeing of this country's work force. We have so many complaints from our constituents in terms of union issues. The only thing that comes out clearly is that we do not have enough personnel at the regional level to address some of the complaints raised by workers. It is high time the Ministry looked at its workforce and tried to improve their numbers at their regional offices, so that they can work well. I think they are overwhelmed by the number of complaints and cases arising. The situation has reached a point where workers are suffering. It is important for this department to increase the number of its employees, so that they can effectively handle the many cases that arise. Just the other day, five supermarkets in Nakuru refused to have their employees register with a trade union. We need to handle this matter in a very critical manner.

I thank you.

*(Programmes 0910000, 0906000 and 0907000 agreed to)*

*(Vote 1184 agreed to)*

VOTE 1185 – STATE DEPARTMENT FOR SOCIAL PROTECTION,  
PENSIONS AND SENIOR CITIZEN AFFAIRS

THAT, a sum not exceeding Kshs33,604,479,554 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1185 (State Department for Social Protection, Pensions & Senior Citizen Affairs).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order, Hon. Gikaria. Let us have a Member who has not spoken. Let us have the Member from Seat No.247.

**Hon. Alois Lentoimaga** (Samburu North, JP): Thank you, Hon. Temporary Deputy Chairman, for this opportunity. I thank the Government for allocating Kshs10 billion for senior citizens affairs in the last financial year. However, even though that money was released, many of our senior citizens are not getting it because of logistical problems. So, I urge the Ministry to put much effort and ensure that all senior citizens get this money. Secondly, I request that once the Bill is passed and the President assents to it, the money be released as soon as possible so that by the end of July, the senior citizens can get it. These citizens are facing many problems because of COVID-19.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well. Let us hear Hon. Nyenze.

**Hon (Ms.) Edith Nyenze** (Kitui West, WDM-K): Thank you, Hon. Temporary Deputy Chairman. I thank the Government for allocating this amount of money. I also thank the Departmental Committee of Finance and National Planning. My problem is on the management of this Vote. It is wanting because of the challenging times of COVID-19. Some senior citizens registered a long time ago, but they have not yet been considered. They have been waiting for a very long time. They also take too long to adjust their registers. I do not know why it is taking years to register new members. I think this is something that should be looked into.

Thank you.

*(Programmes 0908000, 0909000 and 0914000 agreed to)*

*(Vote 1185 agreed to)*

VOTE 1192 - STATE DEPARTMENT FOR MINING

THAT, a sum not exceeding Kshs949,139,810 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1192 (State Department for Mining).

*(Programmes 1007000, 1009000 and 1021000 agreed to)*

*(Vote 1192 agreed to)*

VOTE 1193 – STATE DEPARTMENT FOR PETROLEUM

THAT, a sum not exceeding Kshs3,887,510,778 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1193 (State Department for Petroleum).

*(Programme 0215000 agreed to)*

*(Vote 1193 agreed to)*

VOTE 1202 – STATE DEPARTMENT FOR TOURISM

THAT, a sum not exceeding Kshs12,806,595,182 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1202 (State Department for Tourism).

*(Programme 0306000 agreed to)*

*(Vote 1202 agreed to)*

VOTE 1203- STATE DEPARTMENT FOR WILDLIFE

THAT, a sum not exceeding Kshs10,801,887,510 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1203 (State Department for Wildlife).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, there is need for balance and remember this is not an opportunity for extrapolated debate because we already had it. But let us hear from the Hon. Member.

**Hon. Daniel Tuitoek** (Mogotio, JP): Thank you, Hon. Temporary Deputy Chairman. As we welcome this allocation for the State Department of Wildlife, most of us are suffering from

invasion by elephants in Laikipia and Mogotio regions. We also have the issue of snakes which are biting people. So, this department should consider compensating people who have lost their crops and those who have been bitten by snakes.

Thank you.

*(Programme 1019000 agreed to)*

*(Vote 1203 agreed to)*

#### VOTE 1212 – STATE DEPARTMENT FOR GENDER

THAT, a sum not exceeding Kshs3,351,986,478 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June, 2021 in respect of Vote 1212 (State Department for Gender).

*(Programmes 0911000, 0912000 and 0913000 agreed to)*

*(Vote 1212 agreed to)*

#### VOTE 1213 - STATE DEPARTMENT FOR PUBLIC SERVICE

THAT, a sum not exceeding Kshs18,469,510,643 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1213 (State Department for Public Service).

*(Programmes 0710000 and 0709000 agreed to)*

*(Vote 1213 agreed to)*

#### VOTE 1214 - STATE DEPARTMENT FOR YOUTH

THAT, a sum not exceeding Kshs3,661,851,869 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1214 (State Department for Youth).

*(Programme 0711000 agreed to)*

*(Vote 1214 agreed to)*

#### VOTE 1221 - STATE DEPARTMENT FOR EAST AFRICAN COMMUNITY

THAT, a sum not exceeding Kshs608,015,519 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent

& Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1221 (State Department for East African Community).

*(Programme 0305000 agreed to)*

*(Vote 1221 agreed to)*

#### VOTE 1222 - STATE DEPARTMENT FOR REGIONAL AND NORTHERN CORRIDOR DEVELOPMENT

THAT, a sum not exceeding Kshs3,884,194,036 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1222 (State Department for Regional and Northern Corridor Development).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Chairman, I was trying to figure out whether the Member seated there is Hon. Mbui.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, it is Hon. Mbui who is patient and diligent.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): I was taking keen interest because there is something he raised in the morning in relation to money being allocated in this Budget relating to water, especially for drilling of wells, water pans and underground tanks. If you read the Report that was adopted by this House in our policy recommendations, Hon. Mbui will note that on Page 20, there was, indeed, a recommendation that the project on rehabilitation of wells, water pans and underground tanks in Arid and Semi-Arid Lands using locally available labour under the Kenya Post COVID-19 Stimulus Programme be taken to the agency that has the technical expertise, that is, the project be moved from the State Department for Regional and Northern Corridor Development to the Ministry of Water and Sanitation and Irrigation. This will also enhance efficiency in resource utilisation and remove duplication of projects by many agencies.

Hon. Temporary Deputy Chairman, that is the issue Hon. Mbui raised in the morning that there seems to be a lot of duplication of projects in one State department versus the other and it was something that the Budget and Appropriations Committee captured in our Report and put it as a policy recommendation. I hope as we move to the Appropriations Bill, the National Treasury will put into effect this policy proposal to move the Kshs800 million that is under this State Department to the State Department for Irrigation under the Ministry of Water and Sanitation because they are the ones who have the expertise, as Hon. Mbui was saying in the morning, to undertake some of these projects. Therefore, just in replying to what had been raised in the morning by Hon. Mbui, I hope as we move to the Appropriations Bill, the National Treasury will take note of the policy recommendation which is the House resolution as adopted by the House from our Report. Thank you, Hon. Temporary Deputy Chairman.

*(Programme 1013000 agreed to)*

*(Vote 1222 agreed to)*

#### VOTE 1252 - STATE LAW OFFICE AND DEPARTMENT OF JUSTICE

THAT, a sum not exceeding Kshs4,788,906,847 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1252 (State Law Office and Department of Justice).

*(Programmes 0606000, 0607000,  
0609000 and 0221000 agreed to)*

*(Vote 1252 agreed to)*

#### VOTE 1271 - ETHICS AND ANTI-CORRUPTION COMMISSION

THAT, a sum not exceeding Kshs3,113,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1271 (Ethics and Anti-Corruption Commission).

*(Programme 0611000 agreed to)*

*(Vote 1271 agreed to)*

#### VOTE 1281 – NATIONAL INTELLIGENCE SERVICE

THAT, a sum not exceeding Ksh39,051,000,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1281 (National Intelligence Service).

*(Programme 0804000 agreed to)*

*(Vote 1281 agreed to)*

#### VOTE 1291 – OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

THAT, a sum not exceeding Ksh3,086,003,322 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1291 (Office of the Director of Public Prosecutions).

*(Programme 0612000 agreed to)*

*(Vote 1291 agreed to)*

#### VOTE 1311 – OFFICE OF THE REGISTRAR OF POLITICAL PARTIES

THAT, a sum not exceeding Ksh1,345,791,991 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1311 (Office of the Registrar of Political Parties).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Kimani Ichung'wah.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Temporary Deputy Chairman. As has been read out by the Clerk-at-the-Table, you will realise that part of the money being allocated under this Vote is going towards political parties. Indeed, all our parliamentary political parties are public entities that are funded by the taxpayers. I was hoping the Chair of the Special Funds Accounts Committee or the Chair of the Public Accounts Committee (PAC) would be in this House because I have checked, and many of our political parties, as much as we are appropriating resources and giving them taxpayers' money, are not being accountable in the manner in which they are utilising the taxpayers' money. It is only the Orange Democratic Movement (ODM) that has been filing their returns and accounting for how they spend taxpayers' money. My own political party, Jubilee, for the last three years, has never filed any returns. We must be a House that appropriates resources and does the work that has been mandated under the Constitution to oversee Government and even those resources that we allocate to political parties where we are beneficiaries as Members or Parliament.

I, therefore, want to challenge the Chair of PAC, the Special Funds Accounts Committee and the Select Committee on Implementation, to ensure that the Registrar of Political Parties does her work to ensure that all political parties in this country, irrespective of whether a party is in power or not, are accountable to the Kenyan taxpayers. Long gone are the days when political parties were funded solely by contributions from members. They are now public entities and the reason why our 2010 Constitution allowed political parties to be funded by taxpayers was to enable our democracy to grow. Therefore, we can only be abdicating our responsibilities, as leaders in this House, to appropriate resources to political parties then allow people, as the Minority Whip was saying, to run political parties whimsically, the new vocabulary of using whims.

I, therefore, want to insist that the Chairs of the respective committees that oversee the Registrar of Political Parties must ensure that she gives this House reasons as to why some of these parliamentary political parties are not complying with the law.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well. Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Chairman. On this Vote, we have heard that part of this money will go into funding political parties. But you notice that during election time, political parties come into coalition arrangements so that they can win political power. In the last election, the National Super Alliance (NASA) was a coalition of five political parties and out of that, ODM won because they had the majority and ended up qualifying for these funds. I think it is important for the Registrar of Political Parties to look at the coalition arrangements and see whether other parties contributed to the win of one party, so that when the money is released, they can all share fairly.

Thank you, Hon. Temporary Deputy Chair, for the opportunity.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well. We were to have only two Members but Hon. William Chepkut, if you could have a minute.

**Hon. William Chepkut** (Ainabkoi, JP): Hon. Temporary Deputy Chairman, it is true that I am the Vice Chair of the Special Funds Accounts Committee and our core mandate is to oversee political parties. I want to report to you that it is only ODM which has been filing returns. I also want to tell the Members that accountability is the basis for any meaningful achievement. We want

value for our money. It is taxpayers' money. Therefore, being the Vice-Chair, I want Jubilee and all other parties to file returns.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chair** (Hon. Patrick Mariru): Very well.

*(Programme 0614000 agreed to)*

*(Vote 1311 agreed to)*

#### VOTE 1321 – WITNESS PROTECTION AGENCY

THAT, a sum not exceeding Ksh472,787,500 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1321 (Witness Protection Agency).

*(Programme 0615000 agreed to)*

*(Vote 1321 agreed to)*

#### VOTE 2011 - KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

THAT, a sum not exceeding Kshs400,704,556 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2011 (Kenya National Commission on Human Rights).

*(Programme 0616000 agreed to)*

*(Vote 2011 agreed to)*

#### VOTE 2021 – NATIONAL LAND COMMISSION

THAT, a sum not exceeding Kshs1,233,325,815 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2021 (National Land Commission).

*(Programme 0116000 agreed to)*

*(Vote 2021 agreed to)*

#### VOTE 2031 - INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION

THAT, a sum not exceeding Kshs4,472,884,842 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development)

during the year ending 30<sup>th</sup> June 2021, in respect of Vote 2031 (Independent Electoral and Boundaries Commission).

*(Programmes 0617000 and 0618000 agreed to)*

*(Vote 2031 agreed to)*

#### VOTE 2061 - THE COMMISSION ON REVENUE ALLOCATION

THAT, a sum not exceeding Kshs371,975,630 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2061 (The Commission on Revenue Allocation).

*(Programme 0737000 agreed to)*

*(Vote 2061 agreed to)*

#### VOTE 2071 – PUBLIC SERVICE COMMISSION

THAT, a sum not exceeding Kshs2,125,040,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2071 (Public Service Commission).

*(Programmes 0725000, 0726000, 0727000 and 0744000 agreed to)*

*(Vote 2071 agreed to)*

#### VOTE 2081 – SALARIES AND REMUNERATION COMMISSION

THAT, a sum not exceeding Kshs459,730,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2081 (Salaries and Remuneration Commission).

*(Programme 0728000 agreed to)*

*(Vote 2081 agreed to)*

## VOTE 2091 - TEACHERS SERVICE COMMISSION

THAT, a sum not exceeding Kshs266,092,584,137 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2091 (Teachers Service Commission).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Nduati.

**Hon. Joseph Nduati** (Gatanga, JP): Thank you very much, Hon. Temporary Deputy Chairman. We have given the Teachers Service Commission (TSC) a lot of money to employ additional teachers. I want to request them to ensure that they employ headteachers and deputies. There is no need of employing more teachers who cannot be managed. It has been a challenge since last year. This is something that we have been following up with the TSC, but it has not been implemented. It is just a simple request.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Wangwe.

**Hon. Emmanuel Wangwe** (Navakholo, JP): Thank you, Hon. Temporary Deputy Chairman. We have given TSC money today. We ask them to make sure that they enforce the quality standards programme in teachers' management. Let them not employ teachers, but fail to make follow-ups to know how they are behaving and performing all over the country.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well. We had a rule of giving an opportunity to two Members to contribute. However, Hon. Kwenya, do you want to say something for a minute?

**Hon. Zachary Thuku** (Kinangop, JP): Thank you, Hon. Temporary Deputy Chairman. More than 10 per cent of our Budget will pay teachers. Indeed, we want to see value for money. I urge the Government to increase the number of teachers in our schools because the ratio of pupils to teachers or students to teachers is really wanting. This is something that needs to be addressed urgently.

*(Programmes 0509000, 0510000 and 0511000 agreed to)*

*(Vote 2091 agreed to)*

**Hon. Emmanuel Wangwe** (Navakholo, JP): On a point of order, Hon. Temporary Deputy Chairman. We are considering Vote 2101.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Which one did I read?

**Hon. Emmanuel Wangwe** (Navakholo, JP): Vote 2001.

*(Laughter)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Let us keep going on. Let me repeat.

## VOTE 2101 - NATIONAL POLICE SERVICE COMMISSION

THAT, a sum not exceeding Kshs606,327,710 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2101 (National Police Service Commission).

*(Programme 0620000 agreed to)*

*(Vote 2101 agreed to)*

#### VOTE 2111 – AUDITOR-GENERAL

THAT, a sum not exceeding Kshs5,224,635,380 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2111 (Auditor General).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairman, as we approve the Vote that will go to the Office of the Auditor-General, we must go on record that it is very sad and unconstitutional for the country to stay without an Auditor-General. Apart from the oversight of the Legislature, the Office of the Auditor-General is a constitutional office. The Public Service Commission (PSC) panel must fast-track the recruitment and send the three names to the President. Before we go on recess, we hope that a name will be sent to this House for vetting and approval. The Auditor-General is in charge of this office. The rest of the staff who work there cannot sign anything. The Public Accounts Committee will be redundant very soon. They will have nothing to interrogate. So, I really want the men and women who are in charge of that selection panel to fast-track the recruitment of the Auditor-General.

I support Vote 2111.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Oundo. What is your seat number?

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): No.204. Thank you, Hon. Temporary Deputy Chairman. I also echo the sentiments of my colleague that having no substantive office holders under the Constitution is truly unconstitutional. As we commit these funds, we hope that they will be utilised for the purpose that they are intended because papers or reports which are prepared without being signed and taking effect are useless.

I support Vote 2111.

*(Programme 0729000 agreed to)*

*(Vote 2111 agreed to)*

#### VOTE 2121 - OFFICE OF THE CONTROLLER OF BUDGET

THAT, a sum not exceeding Kshs622,982,206 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2121 (Office of the Controller of Budget).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairman, I have a lot of interest in this office. I am a very sad man because the Controller of Budget is a constitutional office holder who is appointed under Article 228 of the Constitution.

Article 228(5) of the Constitution says that the Controller of Budget shall not approve any withdrawal from the public funds, unless he is satisfied that the withdrawal is authorised by law. This House must send a very strong signal to the Controller of Budget because of the kind of corruption that is going on in county governments. People are not being paid their pending bills. Those who are paid are told to pay 40 per cent of the money. If you owe the county government Kshs10 million, you are told to give them Kshs4 million and then they give you Kshs6 million. That is the kind of stage corruption has reached in our country. Devolution was supposed to develop our people and give them healthcare, water and roads.

So, the Office of the Controller of Budget was created to make sure that withdrawals from both the national and county governments are scrutinised. We are telling the new Controller of Budget that we cannot watch as this goes on. If a county government is not paying money, then do not give them money. Do not give them development funds. You can liaise with the National Treasury.

We are also telling the Ethics and Anti-Corruption Commission (EACC) and the Directorate of Criminal Investigations (DCI) that you know where money is being stolen. You can look at the lifestyle audit of governors who five years ago, some of us were raising money for them. They did not have money for campaigns, but today they are multi-billionaires. This House has an oversight role and the Controller of Budget reports to this House through a quarterly report to the House.

So, we asking the Controller of Budget, the substantive Auditor-General when appointed and all the independent officers to be at the forefront to protect the citizens of this country from rogue county governments, who do not want to pay their pending bills.

I support.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well.

What is your seat number?

**Hon. Daniel Tuitoek** (Mogotio, JP): Hon. Temporary Deputy Chairman, as I share the comments of the Majority Leader, I also like to say that the Controller of Budget is making the work of the counties very difficult. We have to work out a way in which they can access funds on a regular basis. Most of the times, they get most of their allocations towards the end of the financial year. This is an area that we need to address, so that counties can function properly. They have not been able to pay salaries for a long time.

*(Programme 0730000 agreed to)*

*(Vote 2121 agreed to)*

VOTE 2131 - COMMISSION ON ADMINISTRATIVE JUSTICE

THAT, a sum not exceeding Kshs494,680,726 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2131 (Commission on Administrative Justice)

*(Programme 0731000 agreed to)*

*(Vote 2131 agreed to)*

#### VOTE 2141 - NATIONAL GENDER AND EQUALITY COMMISSION

THAT, a sum not exceeding Kshs429,656,952 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2141 (National Gender and Equality Commission)

*(Programme 0621000 agreed to)*

*(Vote 2141 agreed to)*

#### VOTE 2151 - INDEPENDENT POLICING OVERSIGHT AUTHORITY

THAT, a sum not exceeding Kshs862,628,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2151 (Independent Policing Oversight Authority).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Can we start with Hon. Kimunya?

**Hon. Amos Kimunya** (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairman. I want to make this comment, basically covering all independent commissions, this being the last. There was a reason why Kenyans, in their wisdom, set up these independent commissions. But eight years down the line, I am not sure most of these commissions have lived to the expectations that Kenyans had for them.

I would like to ask that, perhaps, the disappointment of this House be recorded in terms of the progress or lack of progress by most of these independent commissions in terms of human rights, police oversight and administrative justice. It is time we undertook an audit. Eight years down the line, it is time we had an overarching audit on all these commissions to see whether they were necessary such that even at the next opportunity where we will have a Constitution overhaul, we can decide.

*(Applause)*

One of the things to be looked into seriously is whether these bodies deserve the money we appropriate to them. Are they serving the Kenyan people? Have they made the lives for Kenyans

better or are they just there as retirement placements where people get appointed as commissioners, but we do not see what they actually do? I believe I speak for the rest of the House that we need to see value for money through the operations of all these independent commissions.

For now, I support.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Before I give a chance to the Leader of Majority Party, let us hear from Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Chairman. I just wanted to comment on the Independent Policing Oversight Authority (IPOA). In my understanding, the formation of this Commission was to place checks and balances on police operations. In the recent past, all of us have seen the excesses of police brutality in this country. During the first instance of the curfew, the police literally brutalised people all over the country. We hope the funds we have allocated to this Commission will be enough to allow them to record and document cases of police brutality so that they are acted upon. If we leave our police force unchecked, they are going to cause untold damage and all the amendments and changes we made through the new constitutional dispensation will be lost. Police are supposed to protect lives and not to brutalise and take lives away.

Thank you, Hon. Temporary Deputy Chairperson.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well. Let us hear from the Majority Leader.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairperson, I am one person, I think with Hon. Amos Kimunya, who participated in the creation of these commissions in the 10<sup>th</sup> Parliament. There was a specific reason and I am sure the framers of the Constitution felt that these are independent commissions and they had specific functions. But let me come to the IPOA. The first Chair was Mr. Njeru, who is now a member of the Judicial Service Commission (JSC). I was in the 11<sup>th</sup> Parliament with many of the Members here where he profiled that Commission. He profiled it yet it used to protect the citizens against selective abuses of the police. Not all members of the National Police Service are bad, but there a few who abuse their *Utumishi Kwa Wote* Motto. The IPOA was created to deal with such rogue officers. Since the beginning of the 12<sup>th</sup> Parliament, IPOA has been moribund. In fact, the committee that oversees this Authority must ask why we should give them money. They are supposed to be independent. They are only answerable through their annual or quarterly reports to this House.

I really agree with Hon. Amos Kimunya that going forward, this House has an obligation to ensure that we oversee every penny that we appropriate for commissions, just the way we oversee ministries and other Government agencies. The IPOA, the Commission on Administrative Justice, the Ombudsman, the National Gender and Equality Commission and the Teachers Service Commission (TSC), among other public independent institutions, must be subjected to oversight. What Hon. Ouda said is true. We want to see IPOA officials in every village and wherever there are police excesses.

I am sure that the Chair of IPOA, Madam Makori, is listening to me. It will not be business as usual. You and your commissioners must live up to the tenets of IPOA.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, the rule is that we must have two Members speaking to such matters, but allow me to open this one to a few more Members. Let me just have Hon. Ichung'wah and Hon. Alice. If you could take one minute each then we make progress.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Chairman, I also want to echo Hon. Kimunya's sentiments. We have, indeed, seen commissioners of some independent

commissions not only dancing to the tune of the Executive, but also dancing at political rallies. During the last Parliament when IPOA was under Commissioner Njeru, I had an occasion to interact with them when lawyer Willy Kimani was murdered by policemen. Were it not for the help that we got from the Law Society of Kenya (LSK) and IPOA, we would never have got to the root cause of lawyer Willy Kimani's death. In this year, many more people have died out of police brutality than from COVID-19. The police are competing with COVID-19 and floods in terms of causing harm to Kenyans. How many officers have been brought to book? It is not enough for IPOA to just document cases of police brutality. You should document and ensure that decisive action is taken against police officers who abuse the rights of Kenyans and injure them.

Therefore, I echo Hon. Kimunya's sentiments that we must, indeed, as a House, hold these independent commissions to account for the money we appropriate to them. But even as we do so, as an oversight House, we must also question ourselves on the role that we play in overseeing the Government.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well. Hon. Alice, if you could have a minute, so that we can make progress.

**Hon. (Ms.) Alice Wahome** (Kandara, JP): (*Off-record*)

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): What is your seat number?

**Hon. (Ms.) Alice Wahome** (Kandara, JP): It is No.137.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, there you go.

**Hon. (Ms.) Alice Wahome** (Kandara, JP): Thank you, Hon. Temporary Deputy Chairman. I want to take a slight diversion from the sentiments expressed by Hon. Kimunya and ask whether this particular House has the capacity or is capable of protecting independent commissions. Specifically, how much money have we allocated to these commissions? They have appeared before the Budget and Appropriations Committee, and their respective departmental committees. I know, for example, that the Kenya National Human Rights Commission is overseen by the Judicial Leaders Advisory Council (JLAC) and many times, they have only been funded for Recurrent Expenditure. Money for other programmes has been systematically taken away. That is why we are also failing, as a House. I agree with Hon. Oundo that IPOA has done an excellent job so far. The problem is that every time they ask for funding, they get very little money.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): What is your point of order, Leader of Majority Party?

**Hon. (Ms.) Alice Wahome** (Kandara, JP): IPOA has done very well!

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order, Hon. Alice!

**Hon. (Ms.) Alice Wahome** (Kandara, JP): You know the Leader of the Majority Party has the habit of interrupting me, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order, Hon. Alice! The Leader of the Majority Party is on a point of order.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Alice is a good friend of mine. I have nothing against her. I am only saying that I heard Hon. Oundo make negative remarks, that IPOA is not doing its work. However, Hon. Alice is saying that Prof. Oundo said that IPOA have done a good job. So, we need to put the record straight. Hon. Alice, I have nothing against you.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Alice heard...

**Hon. (Ms.) Alice Wahome** (Kandara, JP): My position is that IPOA had previously done a very good work.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Underline the word “previously.”

**Hon. (Ms.) Alice Wahome** (Kandara, JP): Yes, I have added the word “previously.” There is an issue. Maybe intolerance within the Executive is the reason some of these commissions are not doing their work.

I rest my case.

*(Programme 0622000 agreed to)*

*(Vote 2151 agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, as you would note, we are now done with the Executive arm of Government. We shall now go to the second arm of Government - the Judiciary.

VOTE 1261 – THE JUDICIARY

THAT, a sum not exceeding Kshs17,423,436,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 1261 (The Judiciary).

*(Programme 0610000 agreed to)*

*(Vote 1261 agreed to)*

VOTE 2051 – JUDICIAL SERVICE COMMISSION

THAT, a sum not exceeding Kshs576,400,000 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2051 (Judicial Service Commission).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, Hon. Hon. Ichung’wah.

**Hon. Kimani Ichung’wah** (Kikuyu, JP): Hon. Temporary Deputy Chairman, again, we are appropriating money to another constitutional commission. As Hon. Kimunya said, we must begin questioning the role of some of these commissions. I say this with a lot of respect to the Judicial Service Commission, particularly the Attorney-General of the Republic of Kenya who is the Government’s legal advisor. We know the small tiff that is there between the Executive and the Judiciary over the appointment of the 41 judges. You must ask yourself some questions. An Attorney-General who sits in the JSC interviews, recommends and even hires 41 judges, then turns around and advises the President not to appoint the same judges against the Constitution. We must be a House that upholds the Constitution and the rule of law in this country. I want to be categorical. What we are doing as a country by tolerating some of these things is courting anarchy.

We must be emphatic. We must be clear and tell the Attorney-General that he is misadvising His Excellency the President. Let us allow the President to conform with the rule of law and the Constitution. If the Attorney-General had reasons why any judge should not have been appointed or interviewed, and if he had any adverse information against any judge at the time he

sat in the panel interviewing the judges, he had all the liberty to avail that information. When this House is vetting officers, we advertise and ask people to submit memoranda. If memoranda is submitted, we consider them during the Committee on Appointments when we are vetting. Why was the same not done in the Judiciary? The Attorney-General should have advised the JSC then. I just want to say that I want to be on record that I stand with the CJ Maraga to the core on this one.

Thank you, Hon. Temporary Deputy Chairman.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Very well. The Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Chairman, the former Chair, not yet the former, but on the way...

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Order. He is the current Chair. I am not aware he is the former.

**Hon. Aden Duale** (Garissa Township, JP): He is the current Chair. I said 'in the process' but he is still the Chair of the Budget and Appropriations Committee.

I really want to support the JSC for the amount allocated to it. I will not speak the way the Hon. Member for Kikuyu has spoken. The Attorney-General sits in the JSC as one of the 11 commissioners. So, you cannot isolate him outside the decision of the JSC. I am sure, just like the Legislature, we ask all the players in the three arms of Government to always work harmoniously, to work together and work for the people of Kenya. I am sure we are not privy to anything against that unless the Member for Kikuyu is privy to some information we are not privy to because we are not members of the JSC neither are we serving the Judiciary. So, I want to tell him that in future, he is an expert on budget. He is an expert on parliamentary matters. He cannot be a squatter in the Judiciary and the Executive. So, let the Executive and the Judiciary resolve their issues. If the matter comes to the Legislature in which Hon. Alice Wahome and a number of us are Members of the Departmental Committee on Justice and Legal Affairs, we will deal with it. Let us not get involved in a matter that is outside the jurisdiction of the Legislature. Our business here is to give them money. There is no Motion that discusses the Attorney-General.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Oundo, if you could take a minute. You know I am breaching the earlier rules of just two Members just because I realise there is a bit of interest.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you Hon. Temporary Deputy Chairman for this opportunity. As well, I do not want to go into the issues surrounding that, but only to mention that the JSC is an important commission. It regulates the operations of the Judiciary. Our concern like other concerns is the growing numbers of case backlogs that are affecting business and operations of many livelihoods. I request the JSC to seriously review the operations of the courts and the Judiciary to ensure that they expeditiously conclude cases so that people can live their lives. Five to six years down the line does not bond well for the administration of justice in this country.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Kamuren, one minute.

**Hon. Charles Kamuren** (Baringo South, JP): Thank you, Hon. Temporary Deputy Chairman. Mine is just to say that as we see the standoff between the JSC and the President, it means we need to amend the law so that we can give the President a fixed time in which to respond. The way the law goes through this Parliament, Bills become law if the President does not write memoranda after 14 days. For the case of the judges, we also need to look at it because it is becoming a standoff which is not very healthy for this nation.

*(Programme 0610000 agreed to)*

*(Vote 2051 agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Members, we are done with the second arm of Government. We will go to the third and final arm of Government which is Parliament.

VOTE 2041 - PARLIAMENTARY SERVICE COMMISSION

THAT, a sum not exceeding Kshs6,436,543,470 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2041 (Parliamentary Service Commission).

*(Programmes 0722000 and 0723000 agreed to)*

*(Vote 2041 agreed to)*

VOTE 2042 - NATIONAL ASSEMBLY

THAT, a sum not exceeding Kshs23,205,499,775 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2042 (National Assembly).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Yes, Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): As I support this Vote, I read somewhere, and I think it was my very good friend and lawyer who represented me very well in my petition, the famous Ahmednasir Abdullahi, who tweeted last week and said that the Judiciary has a certain number of staff and Parliament has 1,000 members of staff. He asked why Parliament is getting a certain amount of money. I really want to set the record straight. The staff of Parliament, including those who are working in our constituencies, are many. About 2,000 are working within the precincts of Parliament in Nairobi. Outside, in our constituencies, there are about 9,000. When you talk about Parliament staff working either for the Parliamentary Service Commission (PSC) and Members, they are close to 11,000. I want to make that correction that compared to the Judiciary, Parliament has 10 times its number of staff. That explains the bigger budget for Parliament.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Alice, you have the Floor.

**Hon. (Ms.) Alice Wahome** (Kandara, JP): Thank you, Hon. Temporary Deputy Chairman. As we call upon the other arms of Government and independent commissions to do their work, oversight and programme, this House must rise to its duty of oversight. As an arm of Government, the House must be allowed to function. Members of Parliament must take their independence seriously. It is a very difficult time for Parliament and Kenyans have been treated to a lot of activities around removal and clearance, like the old days. If the House is allowed to operate as a rubber stamp to the Executive, matters of public interest will be compromised. We are funded by

the Exchequer and we must allow Kenyans to hold us accountable. We point fingers at the other arms, but we have failed Kenyans in our oversight role.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Mbui.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Chairman. I will not digress like some of my colleagues because in the Committee of Supply, we are dealing with issuing money to arms of Government. We are now dealing with Parliament and my comment will be specific. The PSC allows Members of Parliament to have staff in their constituencies. They are allocated money through the Exchequer. After every three months, there is delay in releasing the money. Every constituency is affected because of penalties from the Kenya Revenue Authority (KRA), the National Hospital Insurance Fund (NHIF) and the National Social Security Fund (NSSF). A lot of this money goes into paying penalties. When salaries delay, these staff go to the Members of Parliament to feed their families. As we pass this, the National Treasury should ensure that there is timely release in those three months.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Who is this Member with a mask?

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Hon. Eve Obara.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): You have been very patient the entire afternoon.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you, Hon. Temporary Deputy Chairman. I want to support the allocated budget to Parliament. I want to be on record that there are certain proclamations made here that we have failed. I have not failed. We must be careful on certain statements that we make here. I speak on my behalf. It is not correct to say that we have failed in our oversight role. Maybe Hon. Alice has failed. I have not failed.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): We must make progress on this.

*(Laughter)*

*(Programme 0721000 agreed to)*

*(Vote 2042 agreed to)*

#### VOTE 2043 - PARLIAMENTARY JOINT SERVICES

THAT, a sum not exceeding Kshs7,663,909,101 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure (Recurrent & Development) during the year ending 30<sup>th</sup> June 2021 in respect of Vote 2043 (Parliamentary Joint Services).

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Chair, Budget and Appropriations Committee.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Chairman. It is not on that Vote, but under the Programmes, there is General Administration, Planning and Support Services and since this is a House of records, it is only fair that I make a correction on an inadvertent typographical error on the Schedule attached to the Order Paper today. Under Vote 2041, PSC, there was a figure broken down into Senate Affairs and General Administration, Planning and Support Services. The latter should be under Vote 2043. Under Vote 2041, PSC, there is only one

Programme - Senate Affairs, that should reflect a figure of Kshs6,436,543,470. That is just for clean-up. Since we are a House of records, it is good to notify the House and the public of that typographical error. General Administration, Planning and Support Services is under Vote 2043. Looking at the Order Paper, the figures broken down were not to be that way.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Does it change what goes to that Vote?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): It does not change what goes to that Vote.

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Hon. Oundo.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Chair, I support the allocation. I want to ask the PSC to move with speed to complete the new building because some of us are eyeing to have offices there before we go home or hopefully when we come back. Our offices at Continental House are stuffy and it becomes difficult to work. I just want to appeal to the PSC to ensure that the building is completed in time.

*(Programme 0723000 agreed to)*

*(Vote 2043 agreed to)*

**The Temporary Deputy Chairman** (Hon. Patrick Mariru): Congratulations, Hon. Members. We are done with the final Vote for the three arms of Government on the Committee of Supply.

Mover, you have the Floor.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Chairman, I beg to move that the Committee doth report to the House its consideration of the Budget Estimates for the Financial Year 2020/2021, and its approval thereof without amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Hon. (Ms.) Jessica Mbalu) in the Chair]*

## REPORT

### BUDGET ESTIMATES FOR FINANCIAL YEAR 2020/2021

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have the Chair to report.

**Hon. Patrick Mariru** (Laikipia West, JP): Hon. Temporary Deputy Speaker, I beg to report that the Committee of the whole House has considered the Budget Estimates for the Financial Year 2020/2021, approved the same without amendments, and pursuant to the provisions of Article 221 of the Constitution of Kenya, Section 39 of the Public Finance Management Act,

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2012 and Standing Order 240, approved the issuance of Kshs1,887,661,995,757 from the Consolidated Fund to meet the expenditure for the National Government, Parliament and the Judiciary during the year ending 30<sup>th</sup> June 2021 in respect of the Votes as approved in the Schedule.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let us have the Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Temporary Deputy Speaker, I beg to move that the House do agree with the Committee of the whole House in its consideration of the Budget Estimates for the Financial Year 2020/2021.

I request the Leader of the Majority Party, Hon. Aden Duale, to second the Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, as I second, I want to confirm to all and sundry that this is the budget-making House. If you want money and you are in the Judiciary, you have no choice, but to speak to the National Assembly. If you are in Parliament, your money is in this Assembly. I saw some leaders telling the Chief Justice that they would help him with the budget. Which budget?

I want to thank the Budget and Appropriations Committee of this House and the departmental committees. From the day the CS tabled the Budget Policy Statement (BPS), to when report on the BPS was adopted, to when the CS tabled the Estimates two months to the end of the financial year, which were subjected to scrutiny by the departmental committees and the Report of the BAC adopted, and now, we have just concluded the Committee of Supply. The final phase is the publication of the Appropriations Bill. That sets the stage for this House to adopt that and for His Excellency the President to sign that Bill into law plus the warrants.

The only role of the Senate is that after this House gives them the amount going to the counties, which is Kshs316 billion, their business is to allocate how much Governor Sonko will get and the much Anyang' Nyong'o will get. If you are masquerading out there that you can give people money, then you are wrong. One of the key functions of the National Assembly is budget-making in addition to legislation, oversight and representation. That is why we are sitting here. You know there are people who do not know what the Committee of Supply is. Hon. Kimunya will explain to them. So, please, do not assume powers which are not yours. Your work is different. You can impeach a governor, we cannot impeach a governor. You must respect the demarcation of roles created by the framers of the Constitution, and we will not pretend. That is why I never commented about Anne Waiguru and her impeachment. I have no vote. I have no role. I have no business. So, please, stick to your lane.

We are waiting for the County Allocation of Revenue Bill, which is very important, now that we have finished with the Estimates. The Senate is struggling with the formula. The formula has to come here. We are asking our colleagues in the Senate that once you finish with what you are doing now, please, finish with the County Allocation of Revenue Bill. We have no powers to amend it. For us to amend it, we need a two-thirds majority. We will just pass what you will have passed. Please, bring it.

I beg to second and thank the House for sitting very late. This process takes six sitting days, but because of COVID-19, I want to thank the Speaker's Panel, the Speaker himself and all of us for making sure that we have finished the Committee of Supply within two days. I thank everybody. I am sure next week we will go back to deal with the Finance Bill and the Appropriations Bill.

I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Let me give an opportunity to the Member for Kipipiri, Hon. Kimunya Muhinga.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Temporary Deputy Speaker, I want to record my appreciation, first to the Members who have sat through this session this afternoon. The main responsibility of this House is to appropriate money and to demand accountability. I would have expected the Chamber to be full as we allocate money. Congratulations to the Members who actually sat through this afternoon and, indeed, this morning. On behalf of the other Members who are not members of the Budget and Appropriations Committee, I wish to record our appreciation of the work that is being done by the Budget and Appropriations Committee, through these very difficult times, in taking the budget process to where it is today. I just wanted to ensure that, as I support the adoption of the Report by the House, the thanks of the House to the Committee and to the Members are also recorded. Members who have sat through this whole process are in acknowledgment of the fact that this is the biggest responsibility we have as a House. We also appreciate the staff at the National Treasury for the hours they put into this process. I wish everyone good luck as we go through the remaining phases of this process.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Your appreciation is well received. Let us hear the lady Member who is standing, before I put the Question.

**Hon. (Ms.) Alice Wahome** (Kandara, JP): Hon. Temporary Deputy Speaker, thank you for the opportunity to speak. I want to correct Hon. Ichung'wah. I am not speaking because of gender balance. He is my friend, and I know he is quite gender responsive. I am speaking for the record and to contribute to the issue before us.

Hon. Temporary Deputy Speaker, I would also like to join my colleagues to thank the Member for Kikuyu, Hon. Kimani Ichung'wah, who is the Chair of the Budget and Appropriations Committee. I heard Hon. Duale digressing on a particular issue, but I would like to thank him and his Committee for doing a very good job. It is quite a lot of work. We must appreciate Members who work hard. Hon. Duale should also be let to do his work. He is excellent in his job. His execution is perfect. When I said oversight is necessary and Parliament must be given time, space and independence, my sister, Hon. Obara, took issue. It is true that sometimes we have done very well but it is also true and we must agree to be held accountable like we also hold others. Let us avoid pretense. When we have done well like we have done in this particular exercise, we want to commend but, when we have lost it and many times we have done that, let us agree that it can happen. Therefore, a call to good work, consistency, working under and within the law is really positive criticism. I am an ardent supporter of the independence of the Legislature; I an ardent supporter of the independence of our institutions and of course empowerment of women is key in development.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): The Member for Funyula, just make a comment. We are trying to confirm a few issues. Have the Floor please.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Thank you, Hon. Temporary Deputy Speaker. I will keep my comments very short.

First of all, I would like to thank the Budget and Appropriations Committee and all Members of Parliament for the wonderful job we have done. The ball now lies with us, the Executive and all *ad hoc* commissions that we have given money to exercise prudent use of the funds, allow Parliament to offer oversight and give Parliament all the latitude it has to oversee. However, we must remember that many a times we have let Parliament down. Probably, we remember the often-stated cliché “the tyranny of numbers”. It is what has killed the independence of Parliament. Unless we go back and soul search ourselves, “the tyranny of numbers” will keep on escalating from one side to another and will abuse our parliamentary powers and privileges. I urge my colleagues as Hon. Alice Wahome has put it, let us soul search and find out our position in this political dispensation. As we protect our Constitution, we must always remember that we owe this country the first duty and probably, any other bodies or powers secondary duties. We must take care. When we gloat about tyranny of numbers, at one time the scale will tip to the other side.

I wish everybody the best of luck. Thank you.

**The Temporary Deputy Chairlady** (Hon. (Ms.) Jessica Mbalu): Thank you, Hon. Member. I know all Members would want to say something. On behalf of the Speaker’s Chair and the Panel Members, we thank you for the cooperation that you have given us since morning. There are many faces from the Leader of the Majority Party, Hon. Mbui among others and many of you whom we have been together since morning doing the Committee of the Supply. Guided by the House and our own Standing Orders, I am not in a position to put the Question. It will be put during the next Sitting as per the Order Paper.

Next Order.

## MOTION

### APPROVAL OF CONSTITUENCY NOMINEES FOR APPOINTMENT TO NG-CDF

**Hon. A.B. Duale** (Garissa Township, JP): Hon. Temporary Deputy Speaker, on behalf of the Chair, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 43(4) and Regulation 5(10) of the National Government Constituency Development Fund, 2015, this House approves the list of nominees for appointment to the following 38 Constituency Committees of the National Government Constituency Development Fund, laid on the Table of the House on Thursday, 11<sup>th</sup> June 2020:

1. CHUKA –IGAMBANG’OMBE CONSTITUENCY					
NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION		
1.	Silas Ikunga Kajita	Male Youth Representative	Re-appointment, Sec.43(8)	pursuant to	
2.	Protasio Mutema Njeru	Male Adult Representative	Re-appointment, Sec.43(8)	pursuant to	
3.	Doreen Mwendu Naivasha	Female Youth Representative	Re-appointment, Sec.43(8)	pursuant to	
4.	Secondina Ciangai Rugendo	Female Adult Representative	Re-appointment, Sec.43(8)	pursuant to	
5.	Humphrey Gitonga Ntwiga	Representative of Persons Living with Disability	Re-appointment, Sec.43(8)	pursuant to	
6.	Jackson Murithi Mwira	Nominee of the Constituency Office (Male)	Re-appointment, Sec.43(8)	pursuant to	
7.	Mary Wangari Njiru	Nominee of the Constituency Office (Female)	Re-appointment, Sec.43(8)	pursuant to	

## 2. EMBAKASI CENTRAL CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION		
1.	Stephen Macharia Mwangi	Male Youth Representative	Re-appointment, Sec.43(8)	pursuant to	
2.	Bernard Mwaura Kariuki	Male Adult Representative	Re-appointment, Sec.43(8)	pursuant to	
3.	Eunice Wanjira Kiretai	Female Youth Representative	Re-appointment, Sec.43(8)	pursuant to	
4.	Alice Nyambura Kamau	Female Adult Representative	Re-appointment, Sec.43(8)	pursuant to	

- |    |                         |  |                                       |
|----|-------------------------|--|---------------------------------------|
| 5. | Francis Maina Mwangi    | Representative of Persons Living with Disability | Re-appointment, pursuant to Sec.43(8) |
| 6. | Peter Mwangi Njoroge    | Nominee of the Constituency Office (Male)        | Re-appointment, pursuant to Sec.43(8) |
| 7. | Christine Minae Muhando | Nominee of the Constituency Office (Female)      | Re-appointment, pursuant to Sec.43(8) |

### 3. EMBAKASI NORTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Josiah Njeru Muchiri	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	John Mwarari Wanjeru	Male Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
3.	Emma Njeri Kimani	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Purity Wanjiku Ndirangu	Female Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
5.	Eros Kamau Mukami	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Agrippar Oduor Odipo	Nominee of the Constituency Office (Male)	Fresh-appointment, pursuant to Sec.43(3)
7.	Margaret Ayuma Warunga	Nominee of the Constituency Office (Female)	Fresh-appointment, pursuant to Sec.43(3)

### 4. EMGWEN CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Shadrack Kiplimo Rotich	Male Youth Representative	Re-Appointment, pursuant to Sec.43(8)

2.	Julius Kibungei Maiyo	Male Adult Representative	Re-Appointment, pursuant to Sec.43(8)
3.	Rael Jeptum	Female Adult Representative	Re-Appointment, pursuant to Sec.43(8)
4.	Barnabas Kipsaat Kemboi	Representative of Persons Living with Disability	Re-Appointment, pursuant to Sec.43(8)
5.	Benson Kiprop Keter	Nominee of the Constituency Office (Male)	Re-Appointment, pursuant to Sec.43(8)
6.	Millicent Jemutai	Nominee of the Constituency Office (Female)	Re-Appointment, pursuant to Sec.43(8)

### 5. EMURUA DIKIRR CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Wesley Kiplangat Bii	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Daniel Langat	Male Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
3.	CarenChebii	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Joan Chelangat Cheruiyot	Female Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
5.	Linner ChemutaiRutoh	Representative of Persons Living with Disability	Fresh-appointment, pursuant to Sec.43(3)
6.	Samwel Kipsiele Towett	Nominee of the Constituency Office (Male)	Fresh-appointment, pursuant to Sec.43(3)

## 6. GARISSA TOWNSHIP CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Farah Yussuf Olow	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	Hassan Osman Shurie	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Maryan Somo Hussein	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Fatuma Ahmed Koros	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Siyad Hared Muhumed	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Mahamud Ahmed Dayib	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Haretha Kahiya Saman	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

## 7. KABUCHAI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Douglas Mukhongo Munyasia	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Charles Sirengo Wenganga	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Phoebe Nekesa Wafula	Female Youth Representative	Fresh appointment, pursuant to Sec. 43(3)
4.	Maximillah Wambani Wanyonyi	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)

5.	Wilfred Kisuya	Wabwoba	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Fredrick Mutieme	Barasa	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Judith Murumba	Nasambu	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

#### 8. KAJIADO EAST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Geofrey Ntapayia Lemako	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Noah Hudson Letelah	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Agatha Nashipae Kipain	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Reginah Nduku Peter	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Peter Kashira Sirere	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Peter KimaniKaranja	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Ann Catherine Ndungu	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)q

#### 9. KAPENGURIA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Andrew Powen Kodokwang	Male Youth Representative	Fresh-Appointment pursuant to Sec.43(3)

2.	Joseph Pkukat Lopetangole	Male Adult Representative	Re-Appointment pursuant to Sec.43(8)
3.	Jackline Chepkemoi Kaporo	Female Youth Representative	Re-Appointment pursuant to Sec.43(8)
4.	Asha Naitangole Natikoyan	Female Adult Representative	Re-Appointment pursuant to Sec.43(8)
5.	John KmoiLosia	Representative of Persons Living with Disability	Re-Appointment pursuant to Sec.43(8)
6.	Jackson Lokuron Chepelion	Nominee of the Constituency Office (Male)	Re-Appointment pursuant to Sec.43(8)
7.	Everlyne Cheruto Kapur	Nominee of the Constituency Office (Female)	Re-Appointment pursuant to Sec.43(8)

#### 10. KASARANI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Habwe Musotsi Mishael	Male Youth Representative	Appointment, pursuant to Sec.43(3)
2.	Samuel Nyoike Nyakio	Male Adult Representative	Appointment, pursuant to Sec.43(3)
3.	Zahiya Jacob Haji	Female Youth Representative	Re-Appointment, pursuant to Sec.43(8)
4.	Mariam Wangari Gatuma	Female Adult Representative	Appointment, pursuant to Sec.43(3)
5.	Shem Maina Mwangi	Representative of Persons Living with Disability	Re-Appointment, pursuant to Sec.43(8)
6.	Joseph Machang'a Kamau	Nominee of the Constituency Office (Male)	Re-Appointment, pursuant to Sec.43(8)
7.	VirginiahWairimuIrung u	Nominee of the Constituency Office (Female)	Re-Appointment, pursuant to Sec.43(8)

**11. KEIYO SOUTH CONSTITUENCY**

<b>NO.</b>	<b>NAME</b>	<b>CATEGORY</b>	<b>STATUTORY PROVISION FOR ASSUMPTION OF POSITION</b>
1.	Wilson KintaiKosgei	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Victor MilcahKimaiyo	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Purity Jepkurui Koima	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Solome Jemeli Kiptum	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Johnstone Kiprop Chemweno	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Michael Kipchumba Maiyo	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Sarah Jepkoech Kibinge	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

**12. KIMILILI CONSTITUENCY**

<b>NO.</b>	<b>NAME</b>	<b>CATEGORY</b>	<b>STATUTORY PROVISION FOR ASSUMPTION OF POSITION</b>
1.	Daniel Musamali Mulongo	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	Wafula Wabomba Bryaen Hillary	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Celestine Dyelyne Waliaula	Female Youth Representative	Fresh-appointment, pursuant to Sec. 43(3)
4.	Mary Naswa Munanda	Female Adult Representative	Fresh-appointment, pursuant to Sec.43(3)

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| 5. | Wycliffe<br>wepukhulu  | Simiyu | Representative of Persons Living<br>with Disability | Fresh-appointment, pursuant to<br>Sec.43(3) |
| 6. | Enock<br>Mukanda       | Obwaka | Nominee of the Constituency<br>Office (Male)        | Fresh-appointment, pursuant to<br>Sec.43(3) |
| 7. | Jacklyne Naliaka Kitui |        | Nominee of the Constituency<br>Office (Female)      | Fresh-appointment, pursuant to<br>Sec.43(3) |

### 13. KINANGO CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Abdallah Mwauchi Chiwaya	Male Youth Representative	Fresh appointment, pursuant to Sec. 43(3)
2.	Augustine Ndegwa Fredrick	Male Adult Representative	Fresh appointment, pursuant to Sec. 43(3)
3.	Rukia Mshenga	Female Youth Representative	Fresh appointment, pursuant to Sec. 43(3)
4.	Lilian Nyanje	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Rebecca Dunyo	Mwaka Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Kimani LemnaNguso	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Amina Hussein Bulle	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

### 14. KISUMU CENTRAL CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Calvins OmondiOkumu	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)

2.	Samson Awanda	Nyawanda	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Silvia Atieno Odalo		Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Anita Nyagaya Ogutu		Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Mary Gitonga	Jafri Njambi	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Maxwell Owuor Mito		Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Rosemary Otieno	Mbeka	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

#### 15. KITUTU CHACHE NORTH CONSTITUENCY

NO.	NAME		CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Evans Nyameino Riechi		Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Samwel Onyiego Ondieki		Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Mary Onkoba	Kwamboka	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Jane Gesembe	Nyamoita	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Julius Osoro Atandi		Representative of Persons Living with Disability	Fresh-appointment, pursuant to Sec.43(3)
6.	Charles Nyangari		Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Zainabu Manono	Mokeira	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

## 16. LAMU EAST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Mohamed Hassan Swaleh	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Ali Kassim Msalam	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Khadija Swabir Mohamed	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Yumbe Hassan Athman	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Khadija Mohamed Aboud	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Mohamed Farouq Kame	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Tima Abuu Bamkuu	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

## 17. LAMU WEST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Ezekiel Ade Gerald	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Geofrey Kupata Charo	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Mary Mwachiki Kamangara	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Christina Ngina Muli	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Mary Nyaguthii Mburu	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)

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| 6. | Twalib Hussein<br>Shakuwe | Nominee of the Constituency<br>Office (Male)   | Re-appointment, pursuant to<br>Sec.43(8) |
| 7. | Juliana<br>WambuiNjuguna  | Nominee of the Constituency<br>Office (Female) | Re-appointment, pursuant to<br>Sec.43(8) |

#### 18. LOIMA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Lopayo      Lomuria Lawrence	Male Adult Representative	Fresh appointment, pursuant to Sec. 43(3)
2.	Elim EmillyAriong	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
3.	Teresa Itadung Iwoton	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
4.	Jonathan KalibaLokirika	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
5.	Francis Louyongorot	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
6.	Ekupurat Selina Adung	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

#### 19. MAKADARA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Eric            Magembe Manduku	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Martin Ogore Kavaya	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Catherine NzilaniMaingi	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)

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| 4. | Rahma Abdi Haji          | Female Adult Representative                      | Re-appointment, pursuant to Sec.43(8) |
| 5. | Ronald Melkizedek Milare | Representative of Persons Living with Disability | Re-appointment, pursuant to Sec.43(8) |
| 6. | Joseph Irungu Kibutu     | Nominee of the Constituency Office (Male)        | Re-appointment, pursuant to Sec.43(8) |
| 7. | Florence Atieno Ogutu    | Nominee of the Constituency Office (Female)      | Re-appointment, pursuant to Sec.43(8) |

## 20. MANDERA SOUTH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Ibrahim Mohamud Mohamed	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Issa Haji Abdi	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Lul Abdullahi Ali	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Hawa Adan Issak	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Adan Abukar Mohamed	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Mohamed Ahmed Maalim	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Sadia Ali Sheikh	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

## 21. MOGOTIO CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
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1.	Mutai Kipkoech	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Samuel Kiptoo Kiprof	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Carolyne Jepkurui Kangogo	Female Youth Representative	Re-appointment, pursuant to Sec. 43(8)
4.	Paulina Jeptoo Kipkoech	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Carolyne Jepchumba Kibwalei	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	John Ludi Khoima	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Norah Jepkemoi	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

## 22. MUHORONI CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Nelson Mandela Opole	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Benard Austine Ogutu Del	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Emily Akinyi Ochuka	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Nancy Iminza Kayere	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Hamida Ismail Ahmed	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Paul OlooAluoch	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)

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| 7. | WilfridaAdhiambo | Nominee of the Constituency Office (Female) | Re-appointment, pursuant to Sec.43(8) |
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### 23. MWALA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Donimic MuyaMutiso	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Athanas Mbatha Muinde	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Marion Mumbua Mailu	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Catherine Ndunge Musau	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Danson Mutinda Muange	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Thomas MutisoKitonyi	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Mary SyombuaNzuki	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

### 24. MWATATE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Joseph Kirubai Mabishi	Male Youth Representative	Re-Appointment, pursuant to Sec.43(8)
2.	Yusuf Maghanga Salim	Male Adult Representative	Re-Appointment, pursuant to Sec.43(8)
3.	Phoebe Rongoma	Wakio Female Youth Representative	Re-Appointment, pursuant to Sec.43(8)

4.	Hannah SauMwakughu	Female Adult Representative	Re-Appointment, pursuant to Sec.43(8)
5.	Laurent Mwawana Maganga	Representative of Persons Living with Disability	Re-Appointment, pursuant to Sec.43(8)
6.	Pamela WakioMaza	Nominee of the Constituency Office (Female)	Re-Appointment, pursuant to Sec.43(3)

#### 25. NAKURU TOWN EAST CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Anthony MainaNgari	Male Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
2.	Nicodemus Onserio Akibah	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Peris Wambui	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Fatuma Alhajji Yusuf	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Margaret WanjiruGikaria	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Antony Otieno Oduor	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Susan Wagenci Macharia	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

#### 26. NORTH MUGIRANGO CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Eric Sagero Mwerese	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)

2.	Yuvinalis Terah Nyaanga	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Vanice Nyambane	Moraa Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Elizabeth Moraa Arika	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Joseph Ogeta Nyangoya	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Thomas Oyaro Kimungo	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Racheal Asumari	Nyakerario Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

#### 27. NYAKACH CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Justus Ochieng Odhoch	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Joel Onono Mckodongo	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Dorothy Atieno Oricho	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Leah Brigitte Akoth Aringo	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Nashon Ogada Osenya	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Henry Okoth Odingo	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Hellen E. Were	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

## 28. NYANDO CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Joseph Rocky Odada	Male Youth Representative	Re-Appointment pursuant to Sec.43(8)
2.	Mildred Adhiambo Osambo	Female Youth Representative	Fresh-Appointment pursuant to Sec.43(3)
3.	Lilian AdhiamboAloo	Female Adult Representative	Fresh -Appointment pursuant to Sec.43(3)
4.	Bernard Okelo Misara	Nominee of the Constituency Office (Male)	Fresh -Appointment pursuant to Sec.43(3)
5.	Eunice AwinoOchieng	Nominee of the Constituency Office (Female)	Re-Appointment pursuant to Sec.43(8)

## 29. NYATIKE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Wycliffe Nyambole Otieno	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Tobias Onyango Ocholla	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Judith AkinyiOgola	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Loice Adhiambo Ouma	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Jacob Otieno Oyomno	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Phelix OwinoOloo	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)

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| 7. | Judith AtienoOsiga | Nominee of the Constituency Office (Female) | Re-appointment, pursuant to Sec.43(8) |
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### 30. RUARAKA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	TotiOdeke Arthur	Male Youth Representative	Re-Appointment, pursuant to Sec.43(8)
2.	Peter Odhiambo Akuma	Male Adult Representative	Appointment, pursuant to Sec.43(3)
3.	Winnie Akinyi Migoya	Female Youth Representative	Re-Appointment, pursuant to Sec.43(8)
4.	Ann Ochieng Opondo	Female Adult Representative	Appointment, pursuant to Sec.43(3)
5.	Kennedy Odhiambo Ayuka	Representative of Persons Living with Disability	Re-Appointment, pursuant to Sec.43(8)
6.	Lucas Ochieng Were	Nominee of the Constituency Office (Male)	Appointment, pursuant to Sec.43(3)
7.	KerineBeryllAnyango	Nominee of the Constituency Office (Female)	Appointment, pursuant to Sec.43(3)

### 31. SABATIA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	John Sabwa Sagala	Male Youth Representative	Fresh appointment, pursuant to Sec. 43(3)
2.	Alfred Keverenge Mineso	Male Adult Representative	Fresh appointment, pursuant to Sec. 43(3)
3.	Nelly Imali	Female Youth Representative	Fresh appointment, pursuant to Sec. 43(3)
4.	Serah MuhaliaLitu	Female Adult Representative	Fresh appointment, pursuant to Sec. 43(3)

5.	Mary Gorretti Moji	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Ephraim Gallo	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Nancy InjairuKisala	Nominee of the Constituency Office (Female)	Fresh appointment, pursuant to Sec. 43(3)

### 32. SAKU CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Guyo Bonaya Dida	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Guyo Huka Roba	Male Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
3.	Rukia Guye Daudi	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Angellina Renteyon	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Babby Dominic Rosario	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Boru Adhi Jattani	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Christine GumatoMamo	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

### 33. STAREHE CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	David KihoriaKaranja	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)

2.	George MwendaKirera	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Hildah Wanjiru Wairimu	Female Youth Representative	Fresh-appointment, pursuant to Sec.43(3)
4.	Regina Nyagaceke Wanjau	Female Adult Representative	Fresh-appointment, pursuant to Sec.43(3)
5.	Nicodemus Malombe Makau	Representative of Persons Living with Disability	Fresh-appointment, pursuant to Sec.43(3)
6.	Gideon NjaguThairu	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Mary Wanjiku Kiarie	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

#### 34. SUBUKIA CONSTITUENCY

NO.	NAME	CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Justine Kipkorir Chebochok	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Shadrack Muiruri Kamau	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Carolyne Jeruto Kiplagat	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Anne Wachera Rugaita	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Josphine Wanjiku Kamau	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Erastus ChegeMwangi	Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Winnie Muthoni Njoroje	Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

35. SUNA EAST CONSTITUENCY				
NO.	NAME		CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Lenox Omondi	Wilfred	Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Alphonce Ombok	Ouma	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Mourine AtienoAchieng		Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Jane Ngoli Ndege		Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Tom Omondi Opiyo		Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)
6.	Kennedy Oluoch Tiengo		Nominee of the Constituency Office (Male)	Re-appointment, pursuant to Sec.43(8)
7.	Dorice Majuma Odira		Nominee of the Constituency Office (Female)	Re-appointment, pursuant to Sec.43(8)

### 36. WAJIR SOUTH CONSTITUENCY

NO.	NAME		CATEGORY	STATUTORY PROVISION FOR ASSUMPTION OF POSITION
1.	Adan Duale Kadid		Male Youth Representative	Re-appointment, pursuant to Sec.43(8)
2.	Abdiweli Barakatle	Mohamed	Male Adult Representative	Re-appointment, pursuant to Sec.43(8)
3.	Asha Abdi	Mohamed	Female Youth Representative	Re-appointment, pursuant to Sec.43(8)
4.	Salatha Abdi	Mohamed	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)
5.	Bishara Mohamed	Shukri	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)

- |    |                     |   |                                       |
|----|---------------------|---|---------------------------------------|
| 6. | Ali Dahir Abdullahi | Nominee of the Constituency Office (Male)   | Re-appointment, pursuant to Sec.43(8) |
| 7. | Nimaa Elmoge Afay   | Nominee of the Constituency Office (Female) | Re-appointment, pursuant to Sec.43(8) |

**37. BALAMBALA CONSTITUENCY** (*Re-Submitted to complete list of Nominees as earlier submission had only four nominees*)

- |    |                    |  |                                       |
|----|--------------------|--|---------------------------------------|
| 1. | Habiba Daud        | Mohamed Female Youth Representative              | Re-appointment, pursuant to Sec.43(8) |
| 2. | Ismail Said Maalim | Representative of Persons Living with Disability | Re-appointment, pursuant to Sec.43(8) |
| 3. | Katra Dagane Gedi  | Nominee of the Constituency Office (Female)      | Re-appointment, pursuant to Sec.43(8) |

**38. GARSEN CONSTITUENCY** (*Re-Submitted to complete list of Nominees as earlier submission had only four nominees*)

NO.	NAME	CATEGORY	STATUTORY PROVISION ASSUMPTION OF POSITION	FOR OF
1.	Rose Monje Kiti	Female Adult Representative	Re-appointment, pursuant to Sec.43(8)	
2.	Kolompo Jillo Chache	Representative of Persons Living with Disability	Re-appointment, pursuant to Sec.43(8)	
3.	Zubera Algi Hidi	Nominee of the Constituency Office (male)	Re-appointment, pursuant to Sec.43(8)	

This is just a very clear procedure. I do not have to say much. We have been doing it. This should be the last 38 constituencies remaining. These are as attached in the Order Paper. I am sure the *Hansard* will bear me out. It is Chuka Igambang'ombe, Embakasi Central...

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): The Leader of the Majority Party, maybe, if I can give an input, if you could read the Motion as you go to...

**Hon. A.B. Duale** (Garissa Township, JP): I have read as it is: Embakasi North, Emurua Dikirr, Garissa Township, Emgwen, Kabuchai, Kajiado East, Kasarani, Kapenguria, Kinango, Keiyo South, Kimilili, Kisumu Central, Lamu West, Kitutu Chache North, Lamu East, Loima, Mogotio, Muhoroni, Makadara, Mandera South, Mwala, Mwatate, Nakuru Town East, North

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Mugirango, Ruaraka, Sabatia, Nyakach, Nyando, Nyatike, Subukia, Suna East, Saku, Starehe, Wajir South, Mbala mbala and Garsen Constituencies.

I beg to move and ask Hon. Mbui, the Deputy Minority Leader to second.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Mbui, please second.

**Hon. Robert Mbui** (Kathiani, WDM-K): Thank you, Hon. Temporary Deputy Speaker, I rise to second. The Leader of the Majority Party has ably enumerated what needs to be done. We are allowing the committees to be put in place so that they can serve the public. Without them, they cannot implement the projects under National Government Constituencies Development Fund.

I second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, from where I sit, and for obvious reasons, I confirm that I am not in a position to put Question to Order No. 9 Motion. I order that it be put in the next Sitting as it would be in the Order Paper.

Members, it is not yet time. The Leader of the Majority Party, we still have some seconds. Mover, I wanted a comment from you. However, before then allow me also to thank...

**Hon. A.B. Duale** (Garissa Township, JP): I beg to move.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): You beg to reply.

**Hon. A.B. Duale** (Garissa Township, JP): I beg to reply, sorry. This "to be former" has confused me.

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): It has been replied and ordered that we put the Question in the next Sitting. Members, I also want to thank the Serjeant-At-Arms who are sanitising our seats and especially when Members leave. I have been watching and seen them sanitising the Speaker's and Clerk's seats. They have changed our masks as well. I can see the two of them in white coats ready to sanitise the seats. Thank you, for the good work.

**An hon. Member:** *(off-record)* and supplying masks!

## ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Jessica Mbalu): Hon. Members, the time being 7.00 p.m. this House stands adjourned until Thursday 18<sup>th</sup> June 2020 at 2.30 p.m.