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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY


TWELFTH PARLIAMENT – FIFTH SESSION

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON THE CONSIDERATION OF THE PUBLIC PARTICIPATION BILL (NO.

2) BILL (NATIONAL ASSEMBLY BILLS NO. 71 OF 2019) BY HON. CHRIS

WAMALWA, MP

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 18 AUG 2021	DAY: <input type="text"/>
TABLED BY:	HON. WAMBUGU MUNENE for CHAIR.
CLERK-AT THE-TABLE:	Amya Mwangi

DIRECTORATE OF DEPARTMENTAL COMMITTEES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

AUGUST, 2021

LIST OF ABBREVIATIONS AND ACRONYMS

EMCA	Environmental Management and Coordination Act
NGAAF	National Government Affirmative Action Fund
TISA	The Institute for Social Accountability

CHAIRPERSON'S FOREWORD

The Public Participation (No. 2) Bill, 2019 (*National Assembly Bills No. 71 of 2019*), sponsored by Hon. Chris Wamalwa, MP, Member for Kiminini Constituency, was published on 11th October 2019 and read a first time on 30th October 2019.

The Bill has the principal purpose of giving effect to Articles 10(2)(a), 69(1)(d), 118, 174(c), 184(1)(c), 196(1)(b), 201(a) and 232(1)(d) of the Constitution regarding public participation. The Bill further seeks to establish a legal framework, the parameters for public participation and defines the obligations of state organs and public offices in conducting public participation. The Bill also seeks to enhance public participation by creating a framework for informed, effective and efficient engagement of the public in decision making processes.

The Committee held several meetings to consider the Bill, analyse the submissions from stakeholders and finalize this report.

The Committee conducted public participation on the Bill pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3) and received responses from eight stakeholders. These were Commission on Administrative Justice; Council of County Governors; Institute of Social Accountability; Kenya Law Reform Commission; Natural Justice; National Gender and Equality Commission; Sauti ya Wanjiku Organisation; and Sauti ya Wakenya Tusaidiane Group.

I on behalf of the Committee wish to express gratitude to stakeholders for their input and valuable contributions during consideration of the Bill. I also take this opportunity to thank the Offices of Speaker and Clerk of the National Assembly for the technical support accorded to the Committee during the exercise. Finally I wish to express appreciation to Committee Members for their resilience and devotion to duty as well as the secretariat for exemplary performance in serving the Committee. Their incredible efforts made consideration of the Bill and production this report successful.

On behalf of the Departmental Committee on Justice and Legal Affairs and the provisions of Standing Order 199(6), it is now my pleasant duty to table the Report of the Committee on the consideration of Public Participation (No. 2) Bill, 2019 (*National Assembly Bills No. 71 of 2019*).

Hon. Clement Muturi Kigano, M.P

Chairperson, Departmental Committee on Justice and Legal Affairs

CHAPTER ONE

1.0 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Justice and Legal Affairs is established under Standing Order 216 whose mandate pursuant to the Standing Order 216 (5) is as follows;
 - a. *Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - b. *Study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - c. *Study and review all legislation referred to it;*
 - d. *Study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - e. *Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - f. *Vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - (fa) *examine treaties, agreements and conventions;*
 - g. *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - h. *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - i. *Examine any questions raised by Members on a matter within its mandate*

1.2 Committee Subjects

2. The Second Schedule of the Standing Orders on Departmental Committees further outlines the Subjects of the Committee, as follows-
 - (a) Constitutional affairs;
 - (b) The administration of law and Justice
 - (c) The Judiciary;
 - (d) Public prosecutions;
 - (e) Elections;
 - (f) Ethics, integrity and anti-corruption; and
 - (g) Human rights.
3. The Committee has overall mandate over all matters relating to Political Parties under the office of the Registrar of Political Parties.

Hon. Adan Haji Yussuf, M.P.
Mandera West Constituency
Economic Freedom Party

1.4 Committee Secretariat

5. The secretariat comprises –

Mr. Abenayo Wasike
Principal Clerk Assistant
Lead Clerk

Mr. Denis Abisai
Deputy Director

Ms. Halima Hussein
Clerk Assistant II

Dr. Donald Manyala
Research Officer II

Mr. Omar Abdirahim
Fiscal Analyst III

Ms. Roselyne Ndegi
Serjeant-at-Arms I

Ms. Noelle Chelagat
Media Relations Officer III

CHAPTER THREE

3.1 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION

13. Pursuant to Standing Order 127(3) of the National Assembly Standing Orders, Committees of the House are obligated to facilitate public participation on Bills through appropriate mechanisms including-

- (a) Inviting submission of memoranda;
- (b) Holding public hearings;
- (c) Consulting relevant stakeholders in the sector; or
- (d) Consulting experts on technical subjects.

14. Public participation is a constitutional imperative flowing from Article 118 of the Constitution which provides that Parliament shall-

- (a) conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and*
- (b) facilitate public participation and involvement in the legislative and other business of Parliament and its committees.*

15. Pursuant to the provisions of Article 118(1) (b) of the Constitution and Standing Order 127(3), which provide that the Parliament shall facilitate public participation, the Committee placed an advert in the local dailies on 11th November, 2019 inviting the public to submit their views to through the Office of Clerk of the National Assembly.

16. The following stakeholders submitted their comments on the Bill:

- (a) Commission on Administrative Justice;
- (b) Council of Governors
- (c) Institute of Social Accountability;
- (d) Kenya Law Reform Commission;
- (e) Natural Justice;
- (f) National Gender and Equality Commission;
- (g) Sauti ya Wanjiku Organisation;
- (h) Sauti ya Wakenya Tusaidiane Group.

17. In processing the Bill, the Committee took into account all the memoranda received from the public and its deliberations.

3.1.1 SPECIFIC COMMENTS

Long title

18. **The Council of County Governors** recommended that the long title be amended by deleting Article 69(1) (d) and Article 184(1) (c). In their justification, they stated that Article 69(1) should be deleted since it provides about “encourage public participation in the management, protection and conservation of the environment”. Further, Article 184(1) (c)

- (c) The commitment to process whether the responsible authorities are willing to obtain and consider public inputs;
- (d) Transparency that the information is shared widely and is provided for in a timely manner.

24. In their justification, they stated that the provision does not encompass the sovereign power of the people of Kenya and ignores the powers of self-governance bestowed onto the citizens. Further, they stated that the Constitution of Kenya under the objects and principles of devolved government under Article 174 give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State in making decisions that affect them while recognizing the powers of the communities to manage their own affairs and to further their own development. They indicated that Article 1 of the Constitution states all sovereign power belongs to the people of Kenya.

Committee observations and recommendations

- 25. The Committee observed that clause 4 of the Bill provides that the object and purpose of the Act is to provide a framework for the involvement of the public in the process of decision making by state organs and public office; and informed, effective and efficient engagement of the public in decision making.
- 26. The Committee was of a different view that the proposed additional object by Natural Justice was catered for broadly in clause 4 as provided for in the Bill.
- 27. The Committee further observed that Article 1 of the Constitution provides for the sovereignty of the people whereas Article 174 provides for the objects of devolution.
- 28. Clause 4 of the Bill does not need to specifically mention Article 1 and 174 of the Constitution. In fact, the objects and purposes of the Bill address the concerns raised by the Institute for Social Accountability. In any case, the proposed amendment should be to other provisions other than the applications clause.

Clause 5

- 29. **Natural Justice** proposed that **clause 5(a)** should be amended to include the words "*accurate, complete*" access to information relating to the public offices and state organs policy formulation and implementation. They proposed that the clause should therefore read as follows: "*(a) The need to provide accurate, complete and timely access to relevant information relating to the public offices and state organs policy formulation and implementation.*"
- 30. In their justification, they stated that in order to facilitate effective public participation, timely access to information may not be adequate in itself. They suggested that it was important and necessary that in addition to being timely, the information disseminated should be accurate, complete, relevant and in formats and mechanisms that are easy for all to access, understand and to use or re-use.

Committee observations and recommendations

Clause 6

39. **The National Gender and Equality Commission** proposed that clause 6 be amended by inserting the following phrase immediately after the word “processes”: *“And that public participation forums comply with the two-thirds gender principle”*.
40. In its justification, the Commission stated that the proposed insertion will ensure balanced public participation and collection of views based on gender perspectives and contribute towards recognising the role of women in contributing to governance and decision making.
41. The Commission further proposed that the clause should be amended to include all the special interest groups in the list. They also proposed that information on public participation is tailored to meet the needs of persons with disabilities, older members of the society, and other groups with special needs in regards to the principle of participation.
42. In their justification, the Commission stated that the proposed amendment will promote the rights of special interest groups.
43. **The Institute for Social Accountability (TISA)** proposed that **clause 6(e)** be amended to include that the consultation document will be availed to the public fourteen days prior to the public participation forum and submissions of written memoranda.
44. In their justification, TISA stated that there should be a requirement on what exactly the clear and reasonable timeline is. Leaving it to the discretion of State organs and public offices will not allow for effective participation.
45. TISA also proposed that **clause 6(g)** be amended to include that the funding for civic education will be no less than 2 per centum.
46. TISA’s justification was that civic education is important and as such there should be a minimum requirement on how much should be allocated to conduct it.
47. TISA further proposed that **clause 6(j)** be amended to provide that where the published notices will be published, then this should be done through State organs and public offices website, newspapers, online and traditional media and radio. Further, they proposed that the notices should be availed to the public twenty one days prior to the conduct of forum.
48. TISA’s justification was that there should be a requirement on where the notices will be published. It should be made available on the State organs and public offices website, newspapers, online and traditional media and radio. The provision should also include a requirement on timelines for the published notices.
49. TISA proposed that **clause 6(k)** be amended by deleting the word “reasonable” and instead provide a specified timeline of twenty one days.
50. TISA’s justification for the proposed amendment was that there is lack of clarity around what is considered reasonable. There is need for clarification on what it means exactly. There is also need for specified timelines beyond ‘reasonable’.

noted that the requirement will not be tenable since it will not be within the control of a state organ or public office.

60. The Committee observed that clause 6 provides for the obligations of a state organ or public office in conducting public participation. Specifically, clause 6(e) provides for the obligation to ensure that clear and reasonable timelines are established for public involvement at every stage of decision making and inform the public on the timelines.
61. The Committee rejected the proposed amendment to clause 6(e) by TISA for the following reasons:
 - (a) Providing for timelines might be counter-productive since circumstances vary;
 - (b) The proposed requirement that the consultation document be availed to the public fourteen days prior to the public participation forum and submission of written memoranda might not be feasible.
62. The Committee rejected the proposed amendment by TISA to amend clause 6(g) for the following reasons:
 - (a) The proposed amendment to indicate the percentage of funds to be used in public participation is not tenable and is too prescriptive. It might not be feasible;
 - (b) The proposal does not specify what "not less than 2%" is in relation to.
63. In regard to the proposed amendment to clause 6(j) by TISA, the Committee observed that the provision makes a cross-reference to clause 10 of the Bill which provides for the details of conducting public participation forum. The Committee further observed that clause 11 provides for the various mechanisms of publishing notices. Therefore, the proposed amendment should have been to clause 11. Also, the Committee observed that the timeline of twenty one days has also been provided for in clause 11, although the Committee recommends that the timeline be removed altogether.
64. In regard to the proposed amendment to clause 6(k) by TISA, the Committee observed that the proposed amendment seeks to provide for a timeline of twenty one days to communicate decisions arising from public participation conducted. The challenge of prescribing specific timelines is that it might not be feasible in certain circumstances. Thus, the Committee rejected the proposed amendment.
65. In regard to the proposed amendment to clause 6(k) by Natural Justice, the Committee was of the view that the challenge with prescriptive timeline is that it might not be feasible in certain circumstances. The Committee rejected the proposed amendment. The Committee recommended that the word "analyzed" be deleted and substituted with the word "considered".
66. In regard to proposed amendment to clause clause 6(e) by Natural Justice, the Committee was of the view that providing for timelines might be counter-productive since circumstances vary. The Committee recommended that the paragraph as provided in the Bill be retained.

75. The Commission's justification was that this will ensure participation from all the categories of special interest groups. It will also ensure the progressive participation of women in governance and decision making particularly so in patriarchal societies thereby progressively eliminating the exclusion of women in governance and decision making.
76. **The National Gender and Equality Commission** proposed that clause 10 (2) be amended by inserting the following paragraphs—
- (e) convene the public participation meetings in an accessible venue;
 - (f) ensure the presence of Sign Language Interpreters in all public participation meetings;
77. The Commission's justification was that the proposed amendment will promote accessibility and inclusivity for all special interest groups and will ensure that public participation forums are compliant with the requirement of two-thirds gender principle.
78. **The Institute for Social Accountability** proposed that clause 10(2) (b) be amended to include that the notice will be posted on websites, online communication platforms, traditional media, public announcements (church, chief, barazas) radio and other forms of relevant communication.
79. **Natural Justice** proposed that clause 10(2) be amended by inserting paragraph (e) to require the secretary to collate written submissions for onward transmission to the relevant state organ or public office.
80. Their justification was that clause 8 of the Bill provides that a member of the public has a right to attend public participation and make presentations either orally or by way of written submission. In order to maintain this consistency, the role of the secretary for the forum should include collating written submissions for onward transmission to the relevant state organ or public office.
81. **Natural Justice** proposed that clause 10(4) (c) be amended by inserting paragraph (v) providing for marginalised groups and minorities.
82. Their justification was that to comply with the constitutional provisions of Article 56, the Bill should also include the minorities and marginalised groups so as to guarantee the protection of their interests. Further, this is to ensure that there is consistency across the Bill.
83. **The National Gender and Equality Commission** proposed that clause 10(4) be amended since the list of special interest groups missing are: Minorities and marginalised groups, older members of society and children. The Commission further proposed that clause 10 (4) (c) be amended to include Disability-based organisations.
84. The Commission's justification was that this will ensure inclusivity for all groups.

Committee observations and recommendations

85. The Committee recommended that clause 10(2), (3) and (4) be deleted.
86. The Committee's justifications were that—

among others); Community radio stations; public meetings; traditional media; and notices in offices, places of worships, markets, schools, libraries, social clubs, medical facilities and county government offices.

Committee observations and recommendations

94. The Committee noted that contrary to the claim by the Council of County Governors that the Bill did not have clause 12, there was indeed one. Further, the Committee had recommended that clause 11 be amended to delete the various mechanisms of notices of public participation.
95. The Committee was of the view that the mechanisms of placing public participation notice should not be spelt out in the Bill but be left to the discretion of a state organ or public office.
96. The Committee further recommended that clause 12 be amended by replacing “marginalised groups” with “special interest groups” and to delete the words “relating to public offices and state organs”.

3.1.2 GENERAL COMMENTS

97. The Committee also received general comments from stakeholders. These comments did not propose specific amendments to various clauses of the Bill.

I. KENYA LAW REFORM COMMISSION

98. The Kenya Law Reform Commission supported the Bill indicating that it was tenable. The Commission stated that public participation is a key component in achieving and actualizing democracy and devolution in Kenya. The Bill has clearly set out the principles governing public participation, obligations of state organs and public offices in conducting public participation, the rights of a member of public in public participation. The Bill has further provided for public participation forums and various communication mechanisms to disseminate information. The Commission comprehensively set out the legal framework for public participation in Kenya.

II. NATIONAL COUNCIL FOR ADMINISTRATION OF JUSTICE

99. The National Council for Administration of Justice submitted as follows:

Specificity of processes and mode of public participation

100. The Constitution of Kenya provides for public participation as a national value and principle of governance. Public participation as a principle binds all state organs, state officers, public officers and all persons whenever they are applying or interpreting the Constitution, the law or making public policy decisions. Whereas the Bill should provide for general principles applicable to public participation, it should also make provision for the procedures and modes to be followed when conducting public participation for specific areas mentioned in the Constitution which requires public participation. These are:

(a) Obligations in respect of the environment (*Article 69(1) (d)*)

Petition for review of decisions

105. Provision should be made for a specific State organ being made responsible for receiving the petitions for review from persons aggrieved by a decision of a State organ which has conducted a public participation exercise. It should be clear to citizens where they can go for redress and it should not be left open for a member of the public to wonder where they should complain. This will also obviate disagreements on which institution has jurisdiction to hear the petitions. Provision should also be made defining the specific action that the said public entity may take, including ordering the concerned institution to conduct a fresh public participation exercise.

Validity of Decisions

106. The Bill should provide that a decision made by a State organ without public participation be void ab initio (not invalid). Further, the Bill should in its definition of terms define the word "Decision" since not all decisions of State organs should be subjected to public participation. It should be clear the decisions that should be subjected to public participation.

Applicable sanctions

107. Provisions should be made for administrative action being taken against public officers who fail to adhere to the public participation law requirements. Reliance should be placed on administrative sanctions since they are more effective than the penal sanctions which are rarely imposed due to their severity.

III. THE INSTITUTE FOR SOCIAL ACCOUNTABILITY

The Institute for Social Accountability (TISA) submitted as follows:

108. The publication and publicization of the two bills originating from the same House caused mass confusion to the public. This confusion undermines effective public participation to occur. National Assembly should have explained why they have called for memoranda for two separate bills and why they are proposing two separate Bills that are speaking to the same issue. There is also lack of clarity on what happened to the Public Participation Bill that originated from the Senate.
109. The call for memoranda was done within a short timeline that does not allow for effective public participation to occur. The call for memoranda only allowed for submissions to be made within a week. It is unfair and unreasonable to expect citizens to understand and internalise the proposed Bills well enough to give an informed input.
110. They recommend that the need for one concurrent Bill that speaks to effective and transparent public participation. There also needs to be specific timelines given for when calls for memoranda need to be done. They recommended 21 days; this will allow citizens to internalise and understand the Bills well enough to respond. There should also be a

118. They further submitted that public participation is a core element of democratic governance devolved system. It is further embedded in the Constitution with the sole responsibility of its operation upon two levels of the governance i.e., national and county. Public participation is crucial in ensuring the protection of rights, transparency, accountability, equity, self-determination influencing decision making, effective democratic citizenship and a meaningful dialogue.

119. They recommended the following:

- (a) The concept of Public Participation Bill should be rolled out down to the 47 County Assemblies for its appropriate implementation.
- (b) Quoting Article 10(2) (a), (b) and (c), the national values and principles of governance includes democracy and participation and accountability and more so a respect to the freedom of expression of all participants.
- (c) The need to the timely access to information and reasonable access to planning and policy making process.
- (d) The need for a humble time for advertisement say at least fourteen days in the popular media house and a most conducive venue for the meeting.
- (e) Public participation should be mandatory for effective engagement by both parties.
- (f) It is noted worldwide that public participation is generally a costly affair both financially and morally in terms of time covered by the attendants. They recommend an appropriate budget for each meeting with an estimated attendance of at least one hundred people as a quorum.
- (g) There is always a budget for all key meetings at both the national and county levels of governance. They recommend a full-fledged budget for every important meeting involving the public (Wanjiku). The budget should mandatorily cover Wanjiku's logistics norms i.e. a cup of tea/soda, lunch and at least some transport to and from the venue of the meetings by all available means.
- (h) Therefore, there is need for a serious budgetary allocation in every financial year to cater for Wanjiku's logistics during public participation scaling down to some reasonable allowance to every registered participant.
- (i) As a clear reminder, Article 118 demands that Parliament facilitates public participation and involvement in its legislative work and any other business. It must be praised for enabling the public to make known their thoughts on critical matters of legislation before they are passed. But the questions go that (a) Have these forums created any significant impact? (b) Is the exercise done the right way? (c) do they have the goodwill of the lawmakers or only done to satisfy the supreme law? (d) When contributions are successfully done and captured in a given forum, who follows up to check if their views inputs have an informed decisions to the relevant Bill? (e) Who is charged with the appropriate feedback and how?

VII. SAUTI YA WAKENYA TUSAIDIANE GROUP

120. The Group recommended the following:

- (a) The concept of Public Participation Bill should be rolled out down to the 47 County Assemblies for its appropriate implementation.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

121. The Committee, having considered the Public Participation (No. 2) Bill, 2019 (National Assembly Bills No. 71 of 2019), recommends that the House **approves the Bill with amendments** as proposed in the schedule.

6.0 SCHEDULE OF PROPOSED AMENDMENTS

122. The Committee proposes the following amendments to be considered by the House in the Committee stage:

LONG TITLE

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

AN ACT of Parliament to give effect to the provisions of the Constitution regarding public participation; to provide for the parameters for public participation and define the obligations of state organs and public offices in conducting public participation and for connected purposes

Justification:

The proposed amendment seeks to delete all references to the provisions of the Constitution because there is no specific provision that obligates Parliament to enact a law on public participation. Further, listing the provisions of the Constitution providing for public participation is unnecessary and that there is a risk of omission of relevant articles of the Constitution.

CLAUSE 2

THAT, clause 2 of the Bill be amended by inserting the following new definitions in their proper alphabetic sequence—

“special interest group” means women, persons with disabilities, youth, ethnic and other minorities, marginalised communities and children to the extent that a matter affects children;

Justification:

The Bill had made reference to women, youth and persons with disabilities. However, this list was not exhaustive of special interest group which the amendment seeks to cure.

CLAUSE 3

- (d) in paragraph (k) by deleting the word “analyzed” and substituting therefor the word “considered”;
- (e) in paragraph (m) by inserting the word “accurate and” immediately after the word “ensure”;

Justification:

The amendment seeks to amend paragraph (i) to delete the cross-reference to section 5 which is unnecessary and inadvisable due to the challenges it poses if the legislation is to be amended in future. The amendment also seeks to amend paragraph (j) to correct a typographical error of the word “on” appearing immediately after the word “input” by replacing it with the word “or” and to delete the reference to section 10 which is unnecessary and inadvisable due to the challenges it poses if the legislation is to be amended in future. Further, the amendment also seeks to amend paragraphs (g) and (k) to bring clarity to the provisions.

CLAUSE 7

THAT, the Bill be amended by deleting clause 7 and substituting therefor the following new clause—

Public participation by Parliament.	7. Parliament shall facilitate public participation and involvement on matters under deliberation before either House as prescribed in the Standing Orders.
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Justification:

- (a) The clause is problematic because the provision could be construed to mean that public participation in Parliament could only be done through constituencies and county assemblies.
- (b) Parliamentary committees conduct public participation. It would appear that their activities would be forestalled if the provision is retained as it is.
- (c) The Standing Orders provide for public participation by Parliament and can be easily amended unlike a statute.

CLAUSE 10

THAT, the Bill be amended by deleting clause 10 and substituting therefor the following new clause—

Public participation forum.	<p>10. (1) A state organ or public office shall convene a public participation forum and ensure that the forum is fully publicized to enable the attendance and participation of a wide section of the public, including special interest groups.</p> <p>(2) A public participation forum shall be open to all members of the public who desire to attend and participants shall</p>
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CLAUSE 13

THAT, clause 13 be deleted.

Justification:

A person who is aggrieved by a decision of a state organ or public office on any matter relating to public participation has recourse in court to challenge a decision made. Further, as drafted, clause 13 will curtail state organs or public offices in the conduct of their operations.

CLAUSE 14

THAT, clause 14 be deleted.

Justifications:

The clause usurps the jurisdiction of the courts. It is upon the courts to make a determination on whether a decision is invalid or not if it has not been subjected to public participation.

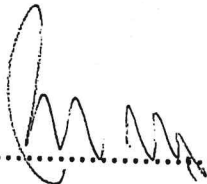
CLAUSE 15

THAT, clause 15 be deleted.

Justifications:

Providing for an offence in relation to public participation should be reconsidered and left to be an administrative matter. Further, the courts have jurisdiction to review decisions made. Further, the clause deviates from the tenets of criminal law in regard to offences for lack of specificity.

SIGNED



DATE

18/8/2021

HON. CLEMENT MUTURI KIGANO, M.P
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS