



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – FIFTH SESSION

THE NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, AUGUST 18, 2021 (MORNING SITTING)

1. The House assembled at Thirty Minutes past Nine O'clock in the morning
2. The Proceedings were opened with Prayer
3. **Presiding** – The Deputy Speaker

4. **PETITIONS**

The following Petitions were reported-

- a) Pursuant to Standing Order 225(2)(b), the Deputy Speaker reported to the House the following Petition –

Abolition of Police Clearance Certificates for citizens seeking jobs

“Honourable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any petition other than those presented by a Member. Further, Article 119 of the Constitution provides for the right of any person to petition Parliament to consider any matter within its authority, including petitioning the House to enact, amend or repeal any legislation.

In this regard, Honourable Members, I wish to report to the House that my office has received a petition from several citizens led by one Ms. Susan Wangui Gachango of P.O. Box 156 Murang'a calling for *“the abolishment of the requirement for Police Clearance Certificates as well as sealing of criminal records after the fifth year of offence.”*

The petitioners, Honourable Members, aver that the requirement by employers for job seekers to produce Police Clearance Certificates is not a statutory requirement, but is one which infringes on their constitutional rights to privacy since it exposes the job seeker's past criminal records. They argue that such exposure is unfair since the job seeker might have committed the offense as an ignorant minor or may have been wrongly convicted and jailed for offences that he or she never committed, particularly in the absence of a good lawyer to defend him or her in court. Further, the petitioners view this requirement as discriminatory since most employers may use the Police Clearance Certificate as a basis for disqualifying job seekers having criminal records irrespective of their academic and other qualifications.

Honourable Members, the petitioners are convinced that employing persons with criminal records can demonstrate diversity, inclusion and social responsibility, and act as an avenue for their rehabilitation, thereby reducing the likelihood of repetition of offences. In addition, they assert that the portrayal of court case details on Police Clearance Certificates amounts to discrimination on the ground of conscience since it reminds job seekers of their remorseful past. In this regard, they provide reference to the US State of Indiana as well as the United Kingdom as examples of jurisdictions where certain misdemeanors and non-violent felonies are expunged from offenders' records after several years.

Consequently, Honourable Members, the petitioners seek the intervention of this House in facilitating the abolishment of the requirement for Police Clearance Certificates by employers, as well as the sealing and permanent obliteration of criminal records after the fifth year of offence.

Honourable Members, pursuant to the provisions of Standing Order 227(1), this Petition stands committed to the Departmental Committee on Justice and Legal Affairs. The Committee is requested to consider the petition and report its findings to the House and to the petitioners in accordance with Standing Order 227(2).

I thank you!"

(The Petition referred to the Departmental Committee on Justice and Legal Affairs)

- b) Pursuant to Standing Order 225(2)(a), the Member for Galole Constituency (Hon. Said Hiribae, M.P.) presented a Petition)) on behalf of residents of Galole Constituency regarding the Degazettement of 2,000 acres of Hola irrigation scheme land for expansion of Hola Town/

(The Petition was referred to the Departmental Committee on Lands)

5. QUESTIONS

(a) The following Questions were asked –

- (i) Question No. 300/2021 by the Member for Kuria East (Hon. Marwa Maisori, MP) regarding the protection from extinction of all indigenous languages spoken by the over 79 minority indigenous communities spread over the 47 counties in Kenya.

(To be replied to by the Cabinet Secretary for Sports, Culture and Heritage before the Departmental Committee on Sports, Culture and Tourism)

- (ii) Question No. 312/2021 by the Member for Awendo (Hon. Walter Owino, MP) regarding measures the Government has put in place to assist more than 1.5 million drought stricken persons who are on the verge of facing starvation in the Country.

(To be replied to by the Cabinet Secretary for Agriculture, Livestock and Fisheries before the Departmental Committee on Agriculture and Livestock)

- (iii) Question No. 318/2021 by the Member for Emuhaya (Hon. Omboko Milemba, MP), regarding the status of investigations into the recent shooting of the following three students by police officers - *Alfred Odaba Kutwa* of *Esalwa Primary School*, *Eric Munala Julius*, a form four student at *St. Peters Itumbu Secondary School*; and *Goffrey Obwanga*, a class seven student at *Itumbu Primary School*, all in Emuhaya Constituency.

(To be replied to by the Cabinet Secretary for Interior and Coordination of National Government before the Departmental Committee on Administration and National Security)

- (iv) Question No. 320/2021 by the Member for Changanwe (Hon. Omar Mwinyi, MP) regarding the implementation status of the partnership agreement signed between *M/s. Lafarge-Bamburi Cement Company* and the Kenya Tourist Development Corporation.

(To be replied to by the Cabinet Secretary for Tourism and Wildlife before the Departmental Committee on Environment and Natural Resources)

- (v) Question No. 321/2021 by the Member for Laikipia North (Hon. Sarah Korere, MP) regarding the status of teachers' recruitment in marginalized areas across the Country.

(Question for Written Reply by the Teachers Service Commission)

- (vi) Question No. 323/2021 by the Member for Kathiani (Hon. Robert Mbui, MP) regarding the reasons why *Nduva Muthengi Nzyoka* of ID No. 1695524, *Munyiva Wambua Ndunda* of ID No. 1605314, *Muthue Mumo* of ID No. 32522845 and over 200 other beneficiaries of the *Elderly Cash Transfer Programme* in Kathiani Constituency no longer receive their monthly stipends.

(To be replied to by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare)

- (vii) Question No. 328/2021 by the Member for Teso South (Hon. Geoffrey Omuse, MP) regarding the suspension in the registration of new schools.

(To be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

- (viii) Question No. 330/2021 by the Member for Mogotio (Hon. (Dr.) Daniel Tuitoek, MP) regarding the policy on the use of School buses by communities around educational institutions particularly those acquired by with assistance from the National Government Constituency Development Funds (NG-CDF).

(To be replied to by the Cabinet Secretary for Education before the Departmental Committee on Education and Research)

- (ix) Question No. 331/2021 by the Member for Sigowet/Soin (Hon. Kipsengeret Koros, MP.) Regarding the status of the recent Bilateral Agreement regarding Health Workforce Collaboration signed between the Republic of Kenya and the United Kingdom and Northern Ireland which was signed during the latest official visit by H. E. the President to the United Kingdom.

(To be replied to by the Cabinet Secretary for Labour and Social Protection before the Departmental Committee on Labour and Social Welfare)

- (x) Question No. 337/2021 by the Member for Sigor (Hon. Peter Lochakapong, MP) regarding the implementation status of *Sigor Weiwei Integrated Development Water Project Phase III*.

(To be replied to by the Cabinet Secretary for East African Community and Regional Development before the Departmental Committee on Environment and Natural Resources)

- (xi) Question No.348/2021 by the Member for Saboti (Hon. Caleb Amisi, MP) regarding the Youth Empowerment Centres that have been constructed across the country in the past four (4) years.

(To be replied to by the Cabinet Secretary for ICT, Innovation and Youth Affairs before the Departmental Committee on Communication, Information and Innovation)

(b) The following Question was deferred –

- Question No. 316/2021 by the Member for Ainabkoi (Hon. Chepkut Kamuren, MP) regarding implementation status of the Tot-Kalowa Irrigation.

(To be replied to by the Cabinet Secretary for ICT, Innovation and Youth Affairs before the Departmental Committee on Communication, Information and Innovation)

6. THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 70 OF 2019)

Motion made and Question proposed-

THAT, The Alcoholic Drinks Control (Amendment) Bill (National Assembly Bill No. 70 of 2019) be read a Second Time.

(Hon. Silvanus Osoro, M.P)

Debate on the Motion having been concluded;

Question put and agreed to;

Bill read a Second Time and committed to the Committee of the Whole House.

7. COMMITTEE OF THE WHOLE HOUSE

Order for Committee of the Whole House read;

Rising on a point of Order pursuant to Standing Order 131, the Chairperson, Departmental Committee on Agriculture and Livestock (*The Hon. Silas Tiren*) sought indulgence of the Speaker to stand down consideration of the Bill in the Committee of the Whole House so as to allow the Committee to engage with Members who had proposed amendments on the Bill for purposes of *winnowing* and harmonize the amendments and table an addendum to the Report indicating the decision taken on each specific proposed amendments before the Bill is taken at the Committee of the Whole House.

And the Speaker having acceded to the request and ordered that the Order be stood down from the Order Paper.

8. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 19 OF 2019)

Motion having been made and Question proposed-

THAT, The Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 19 of 2019) be read a second time.

(The Hon. Florence Mutua, MP)

Debate interrupted on 11.08.2021 resumed;

Debate concluded;

Mover replied;

Putting of the Question deferred.

9. THE LABOUR RELATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 18 OF 2019)

Order Deferred

10. THE KENYA INFORMATION AND COMMUNICATIONS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 20 OF 2019)

Motion having been made and Question proposed-

THAT, The Kenya Information And Communications (Amendment) Bill (National Assembly Bill No. 20 Of 2019)

(The Hon. Elisha Odhiambo, M.P.)

Debate interrupted on July August 11, 2021 resumed;

There being no other Member desiring to contribute, debate ended;

Mover to reply.

11. THE KENYA FOOD AND DRUGS AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 31 OF 2019)

Order Deferred

12. THE EMPLOYMENT (AMENDMENT)(No.2) BILL (NATIONAL ASSEMBLY BILL NO. 79 OF 2019)

Order Deferred

13. THE KENYA DEPOSIT INSURANCE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 43 OF 2020)

Order for Second Reading read;

Motion made and Question proposed-

THAT, The Kenya Deposit Insurance (Amendment) Bill (National Assembly Bill No. 43 of 2020) be now read a Second Time;

(The Hon. Abdul Rahim Dawood, MP)

Debate Arising

*[Change of Chair from the Deputy Speaker to the Second Chairperson]
[Change of Chair from the Second Chairperson to the Fourth Chairperson]*

Rising on a Point of Order pursuant to Standing Order 95, the Member for Seme Constituency (Hon. (Dr.) James Nyikal, MP) claimed to move that the mover be now called upon to reply;

Thereupon, Question put and negatived;

Debate resumed;

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

14. HOUSE ROSE - at One O'clock

M E M O R A N D U M

The Speaker will take the Chair on
Wednesday, August 18, 2021 at 2.30pm

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