

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

**THE HANSARD**

**Thursday, 14<sup>th</sup> April 2022**

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Please, ring the Quorum Bell.

*(The Quorum Bell was rung)*

**Hon. Speaker:** Hon. Members, we may now commence business. We have quorum. Just take your seats so that we clear this preliminary business.

**COMMUNICATION FROM THE CHAIR**

BILLS ASSENTED TO BY THE PRESIDENT

Hon. Members, as you are aware, the House is scheduled to proceed on a long recess from tomorrow, 15<sup>th</sup> April 2022 to 9<sup>th</sup> May 2022. We shall resume on 10<sup>th</sup> May 2022. This implies that the House has less than two months left before the end of the Sixth Session, given that the *sine die* recess will commence on 6<sup>th</sup> June 2022.

You will agree with me that this part of the Session is always a busy one with budget-related business and other crucial business being transacted amidst the heightened activities that characterise an election year as all Members prepare for the General Elections.

I take this opportunity to inform the House that from October 2021, up to and including this week, the House has passed over 40 Bills, some of which are now pending in the Senate while others have been signed into law. Indeed, since the last Session, His Excellency the President has assented to a total of 32 Bills, 30 of which originated in the National Assembly while the other two originated from the other House. Several of these pieces of legislation were sponsored by the Leader of the Majority Party, 14 were sponsored by Committees and five arose from individual Members.

The list of pieces of legislation assented to is as follows:

A. Those sponsored by the Leader of the Majority Party, which are 11:

1. The Business Laws (Amendment) (No.2) Act, 2021;
2. The Refugees Act, 2021;

3. The Public Private Partnerships Act, 2021;
  4. The Proceeds of Crime and Anti-Money Laundering (Amendment) Act, 2021;
  5. The National Hospital Insurance Fund (Amendment) Act, 2021;
  6. The Political Parties (Amendment) Act, 2022;
  7. The Tax Appeals Tribunal (Amendment) Act, 2022;
  8. The Kenya Industrial Research and Development Institute Act, 2022;
  9. The Waqf Act, 2022;
  10. The Provident Fund (Repeal) Act, 2022; and,
  11. The Asian Widows' and Orphans' Pensions (Repeal) Act, 2022.
- B. Those sponsored by Committees are as follows:
1. The Supplementary Appropriation Act, 2021, which was sponsored by the Budget and Appropriations Committee;
  2. The Supplementary Appropriation (No.2) Act, 2021, which was also sponsored by the Budget and Appropriations Committee;
  3. The Division of Revenue Act, 2021, which was sponsored by the Budget and Appropriations Committee;
  4. The Appropriation Act, 2021;
  5. The Supplementary Appropriation Act, 2022, both sponsored by the Budget and Appropriations Committee;
  6. The Division of Revenue Bill, 2022, which was sponsored by the Budget and Appropriations Committee;
  7. The Kenya Roads (Amendment) Act, 2022, which was sponsored by the Departmental Committee on Transport, Public Works and Housing;
  8. The Narcotics, Drugs and Psychotropic Substances (Control) (Amendment) Act, 2022, which was sponsored by the Departmental Committee on Administration and National Security;
  9. The Finance Act, 2021, which was sponsored by the Departmental Committee on Finance and National Planning;
  10. The Central Bank of Kenya (Amendment) Act, 2021, which was sponsored by the Departmental Committee on Finance and National Planning;
  11. The Perpetuities and Accumulations (Amendment) Act, 2022, which was sponsored by the Departmental Committee on Finance and National Planning;
  12. The Trustee (Perpetual Succession) (Amendment) Act, 2021, which was sponsored by the Departmental Committee on Finance and National Planning;
  13. The Copyright (Amendment) Act, 2022, which was also sponsored by the Departmental Committee on Finance and National Planning; and,
  14. The Foreign Service Act, 2021, which was sponsored by the Departmental Committee on Defence and Foreign Relations.
- C. The five new pieces of legislation arising from Bills sponsored by individual Members are as follows:
1. The Law of Succession (Amendment) Act, 2021, which was sponsored by the Member for Homa Bay Town, Hon. Peter Kaluma;
  2. The Employment (Amendment) Act, 2021, which was sponsored by the Member for Gilgil, Hon. Martha Wangari;
  3. The Kenya Deposit Insurance (Amendment) Act, 2022, which was sponsored by the Member for Imenti North, Hon. Abdul Rahim Dawood;

4. The Industrial Training (Amendment) Act, 2022, which was sponsored by the Member for Kiambu Constituency, Hon. Jude Njomo; and,
  5. The Employment (Amendment) Act 2022, which was sponsored by the Nominated Member, Hon. Gideon Keter.
- D. The two Bills originating from the Senate are:
1. The Early Childhood Education Act, 2021; and
  2. The County Allocation of Revenue Act, 2021.

This is a confirmation of our motto that the National Assembly works for Kenyans and our results speak for themselves. I, therefore, take this opportunity to commend all of you for contributing immensely to the development of law in our country besides deliberating on and resolving issues affecting the people, the economy, the region; and for putting our beloved nation in a better place within the community of nations.

Is there a point of order? Yes, let us hear the point of order.

**Hon. Aden Duale** (Garissa Township, JP): Thank you, Hon. Speaker. I thank you for that Communication. I would also like to thank individual Members such as Hon. Jude Njomo, Hon. Gideon Keter and many others, whose Private Members' pieces of legislation have been assented to by the President.

One of the laws you have cited as having been assented to by the President is the Tax Appeals Tribunal (Amendment) Act. Last week, I sought a Statement from the Cabinet Secretary for the National Treasury and Planning, who purportedly appointed members to the Tax Appeals Tribunal, contrary to the law that this House amended, and as you have freely confirmed in your Communication.

Up to now, I have no idea. This is a gross violation of the law by an individual and institution in the Executive in usurping the powers conferred upon another institution and arm of Government. I seek your direction on what the Committee on Delegated Legislation has so far done on that matter.

**Hon. Speaker:** The Chairman, Vice-Chairman and the *de facto* leader of the Committee are all absent from the Chamber. The Chairman, Hon Kamket, the Vice-Chairman, Hon. Njagagua and Hon. Gitonga Murugara, who seems to run the affairs of the Committee especially in the House are all absent. Maybe, that matter should be handled by the Leader of the Majority Party.

I indicated what is clearly provided for in law and the Committee was merely going to confirm that the appointment of Members to the tribunal is a function of the Judicial Service Commission (JSC). Indeed, there is a court decision to that effect. So, anything happening on the contrary is something for people to enjoy or make themselves happy in the evenings. Maybe, the Leader of the Majority Party will pursue with the Committee on Delegated Legislation to see whether they have acted on the Statement sought.

Next Order!

### PAPERS LAID

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Legal Notice No.46 relating to the Central Bank of Kenya Digital Credit Providers Regulations, 2022 and the Explanatory Memorandum from the National Treasury;

The Budget Policy Statement for the Financial Year 2022/2023 from the National Treasury;

Statistical Annex to the Budget Statement for the Fiscal Year 2022/2023 from the National Treasury;

The 2022 Medium Term Debt Management Strategy from the National Treasury;

The 2022 Budget Policy Statement from the National Treasury;

Various Draft Elections Regulations, 2022 and related amendments from the Independent Electoral and Boundaries Commission as follows:

(i) The Draft Elections (Voter Registration) (Amendment) Regulations, 2022;

(ii) The Draft Elections (General) (Amendment) Regulations, 2022;

(iii) The Draft Elections (Voter Education) Regulations, 2022;

(iv) The Draft Elections (Party Primaries and Party Lists) Regulations, 2022; and,

(v) The Draft Elections Technology (Amendment) Regulations, 2022.

The Annual Report for the year ending 31<sup>st</sup> December 2021 from the National Intelligence Service;

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ending 30<sup>th</sup> June 2021 and the certificates therein:

(i) The State Department for Vocational and Technical Training;

(ii) Kenya Law Reform Commission;

(iii) The National Council for Population and Development; and,

(iv) The State Department for Petroleum.

Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ending 30<sup>th</sup> June 2020 and the certificates therein:

(i) Geothermal Development Company Limited; and,

(ii) Pest Control Products Board.

Thank you, Hon. Speaker.

**Hon. Speaker:** Leader of the Majority Party, have you said that amongst the documents you have laid on the Table is the 2022 Budget Policy Statement from the National Treasury?

**Hon. Amos Kimunya** (Kipipiri, JP): Yes, Hon. Speaker.

**Hon. Speaker:** Is it the Budget Policy Statement for 2022? According to the Standing Orders, it is almost two months late. I think we have already dealt with the Budget Policy Statement (BPS).

**Hon. Amos Kimunya** (Kipipiri, JP): Yes, we have already dealt with it.

**Hon. Speaker:** I do not know why it is being tabled today.

**Hon. Amos Kimunya** (Kipipiri, JP): We already tabled it. It was committed to the Committee, discussed and they have brought it again. It is probably the same.

**Hon. Speaker:** Indeed, the rule is that the resolution of the House on the Budget Policy Statement forms the basis of the Estimates that are presented later. So, it cannot be tabled today, unless they do not know...

**Hon. Amos Kimunya** (Kipipiri, JP): Probably, it is a copy for us but we will ignore it for now since we have already dealt with it in the House.

**Hon. Speaker:** Under our Standing Orders, it must be tabled before 15<sup>th</sup> February.

**Hon. Amos Kimunya** (Kipipiri, JP): It was tabled.

**Hon. Speaker:** Indeed, the House has already gone through it and even made recommendations, some of which form the resolutions that informed the Budget Estimates for 2022/2023.

**Hon. Amos Kimunya** (Kipipiri, JP): That is right. So, we will consider it as not tabled.

**Hon. Speaker:** Yes, indeed. That particular aspect is expunged from the records.

**Hon. Members:** He has to go on record.

**Hon. Speaker:** I direct that it be expunged because it is unnecessary.

*(The Budget Policy Statement for 2022/2023  
to be expunged from the Hansard)*

Next is the Chairperson of the Departmental Committee on Lands, Hon. Rachael Nyamai.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Lands on its consideration of Public Petition No.55 of 2021 regarding Restoration of Land Belonging to Mrs Teresia Wambui Kesi.

**Hon. Speaker:** Very well. Let us have the Chairperson of the Departmental Committee on Defence and Foreign Relations, Hon. Richard Tong’i.

**Hon. Richard Tong’i** (Nyaribari Chache, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Defence and Foreign Relations on its consideration of the Military Veterans Bill (National Assembly Bill No.4 of 2022).

**Hon. Speaker:** Thank you. Next is the Chairperson of the Departmental Committee on Education and Research, Hon. Florence Mutua.

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Education and Research on its consideration of:

- (i) The Basic Education (Amendment) Bill (Senate Bill No.4 of 2021); and,
- (ii) The Higher Education Loans Board (Amendment) Bill (National Assembly Bill No.52 of 2021).

**Hon. Speaker:** Very well. Next is the Chairperson of the Departmental Committee on Environment and Natural Resources, Hon. Sophia Abdi.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Environment and Natural Resources on its consideration of:

- (i) A Petition regarding Negligence by the Kenya Wildlife Service in Mtito Andei Wildlife Circuit;
- (ii) A Petition regarding Activities of Nzoia Quarry Limited in Kakamega County; and,
- (iii) The Natural Resources (Benefit Sharing) Bill (Senate Bill No. 25 of 2020).

**Hon. Speaker:** Hon. Members, before we go to Order No.7, for the convenience of the House, I will rearrange our business so that we clear the businesses appearing as Order Nos.8 and 9.

*(The Speaker consulted with the Clerk-at-the-Table)*

**CONSIDERATION OF REPORT AND THIRD READING**

## THE NATIONAL ELECTRONIC SINGLE WINDOW SYSTEM BILL

**Hon. Speaker:** Order, Hon. Members. Debate on this Motion was concluded in the Committee of the whole House and what remained was for the Question to be put on agreement with the Committee.

*(Question put and agreed to)*

**Hon. Speaker:** Mover.

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, I beg to move that the National Electronic Single Window System Bill (National Assembly Bill No.15 of 2021) be now read a Third Time.

Also, let me take this opportunity to thank all the Members, and especially Members of the Departmental Committee on Trade, Industry and Cooperatives for the effort and time they put in this Bill because they started quite a while back. We all know about the frustration of clearing goods at the port and various border points because of the documentation required. So, with the National Electronic Single Window System coming into play, obviously, we will be better equipped to fast-track clearing of goods and this will increase business for ourselves and the region.

I beg to move and request Hon. Maoka Maore to second.

**Hon. Maoka Maore** (Igembe North, JP): I second.

**Hon. Speaker:** Hon. Members, I will now propose the Question. Hon. Tong'i let us be in the House.

*(Question proposed)*

**Hon. Members:** Put the Question!

**Hon. Speaker:** It is the desire of the House that I put the Question and I confirm that the House quorate. It is important that there is quorum.

*(Question put and agreed to)*

Member for Wajir North, just remain in the House. Is it because of the Electronic Single Window?

*(Laughter)*

*(The Bill was accordingly read the Third Time and passed)*

**BILL***Second Reading*

## THE NATIONAL DISASTER RISK MANAGEMENT BILL

*(Hon. Amos Kimunya on 13.4.2022)*

*(Debate concluded on 13.4.2022)*

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Member for Nyando please, just freeze. He is busy dealing with the director of elections. Let us just clear this business.

*(Question put and agreed to)*

*(The Bill was read a Second Time and committed to a Committee of the whole House tomorrow)*

Let us refer to the Order Paper. We have dealt with Order Nos. 8 and 9. So, we can go back to Order No.7.

Clerk-at-the-Table, read it out.

## QUESTIONS AND STATEMENTS

### ORDINARY QUESTIONS

**Hon. Speaker:** Hon. Members, the first Question is by the Member for Busia, Hon. Florence Mutua.

*Question 111/2022*

#### INTERDICTION OF MR. ERIC ISAIAH WEUNDA FROM MINISTRY OF FINANCE

**Hon. (Ms.) Florence Mutua** (Busia CWR, ODM): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary for the National Treasury and Planning the following Question:

- (i) Could the Cabinet Secretary explain the circumstances under which one Eric Isaiah Weunda of ID No.7529457 and Employment P/No.1984051635, an accountant in the then Ministry of Finance, was interdicted from service on 4<sup>th</sup> May 2015?
- (ii) Could the Cabinet Secretary also explain why the said officer is yet to be reinstated despite a recommendation made by the Public Service Commission on 19<sup>th</sup> March 2020?
- (iii) Could the Cabinet Secretary state the steps that the Ministry is taking to ensure his immediate reinstatement and payment of his accrued dues from the time of interdiction to date?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Labour and Social Welfare.

The next Question is by the Member for Mwingi Central, Hon. Gideon Mulyungi.

*Question 112/2022*

#### DESTRUCTION OF PROPERTY BY WILDLIFE IN MWINGI CENTRAL

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Speaker. I rise to ask the Cabinet Secretary for Tourism and Wildlife the following Question:

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- (i) What steps is the Ministry taking to resolve human-wildlife conflict cases in Mwingi Central Constituency, particularly those resulting from attacks by elephants that have continued to endanger the lives of the residents as well as cause destruction of crops and other properties especially in Ukasi, Musovo, Kiwanza, Miuni and Sosoma areas?
- (ii) Could the Cabinet Secretary carry out investigations to establish the magnitude of losses that have been incurred by the residents of the constituency as a result of the destruction caused by elephants in the area over the past three years?
- (iii) When will the Ministry compensate the victims of human-wildlife conflicts in Mwingi Central Constituency particularly in Ukasi, Musovo, Kiwanza, Miuni and Sosoma areas?

Hon. Speaker, I have an issue of Questions I have asked before.

**Hon. Speaker:** Have you finished with this one?

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Yes, I have.

**Hon. Speaker:** The Question will be replied to before the Departmental Committee on Environment and Natural Resources.

What is the issue that you want to raise?

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): I have asked several Questions before and some have not been answered. I raised the matter before the Deputy Speaker, Hon. Cheboi.

**Hon. Speaker:** When did you ask the Questions?

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): I asked some Questions in the last Session.

**Hon. Speaker:** Last Session!

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Yes, and they have not been answered.

**Hon. Speaker:** If it was in the last Session, those ones died.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): So, when they are not answered what am I supposed to do?

**Hon. Speaker:** They died, so you have to ask them afresh.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Like now I have asked this one.

**Hon. Speaker:** It is also likely to die if you do not follow-up.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): So, I am supposed to ask it again in the next Session?

**Hon. Speaker:** The next Session will be in the next Parliament - the 13<sup>th</sup> Parliament most likely. You said you asked the Questions in the last Session. A Session ends when the House proceeds for recess in December. If the Question was asked before 4<sup>th</sup> December, and if you followed the Communication that I made, it would just die. Those Questions die a natural death. Members who were in that situation revived their Questions immediately we resumed in January. Those are the rules, Hon. Mulyungi. If you asked the Questions in the last Session, I am sorry, they are dead.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM – K): I will revive them again, Hon. Speaker. Thank you for your advice.

**Hon. Speaker:** The next Question is by the Member for Emuhaya, Hon. Omboko Milemba.

*Question No.113/2022*RECRUITMENT OF ASSISTANT CHIEFS IN EBUSYUBI AND  
EBUKHAYA SUB-LOCATIONS

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. I was a little engaged with my brother, Hon. Omulele, discussing local matters.

I rise to ask Question No.113 of 2022 to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) When will the Ministry recruit assistant chiefs in Ebusyubi and Ebukhaya sub-locations in Emakunda Location, Emuhaya Sub-County, considering that the said sub-locations have not had substantive assistant chiefs for the last two years despite interviews having been done, thus hindering delivery of services to residents?

**Hon. Speaker:** That Question will be replied to before the Departmental Committee on Administration and National Security. The last Question is by the Member for Ugenya, Hon. David Ochieng.

*Question No.115/2022*

## INTERFERENCE AND DROPPING OF PHONE CALLS

**Hon. David Ochieng'** (Ugenya, MDG): Thank you, Hon. Speaker. My Question relates to what is going on in the country in terms of phone calls dropping. You could be on a phone call and you are told that the person you are calling is not available.

I direct this Question to the Cabinet Secretary for Information, Communication and Technology:

- (i) Could the Cabinet Secretary explain to Kenyans why there has been an occurrence of calls dropping midway or interference during phone calls, including unstable networks all over the country by mobile phone service providers for the last six months, leading to loss of business opportunities, among others?
- (ii) Could the Cabinet Secretary explain what measures the Ministry has put in place to end the said occurrence of calls dropping and interferences during calls, including unstable networks by mobile service providers, and how long will this last?

**Hon. Speaker:** Who is the current Chairperson of the Departmental Committee on Communication, Information and Innovation? Hon. Kisang is no longer the Chairperson.

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): *(Spoke off-record)* ...

**Hon. Speaker:** Do not refer to Members by their nicknames, Hon. Nyamai. Let us have Hon. Jane Njiru. I also did not know the current Chairperson. Who is the Vice-Chairperson? Does that Committee have a Vice-Chairperson? I am sure Hon. Osotsi is the *de facto* Chairperson of that Committee. Let us have Hon. Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Speaker, the Vice-Chairperson is Hon. Nyamita, who is not present. I will bring up the matter with the Committee. The issue raised by the Member for Ugenya is very important. Everyone is experiencing dropped calls and other related issues. I will pass the communication to the Committee.

**Hon. Speaker:** Very well. Maybe, you can also remind the Chairperson that we usually require Chairpersons to be in the House.

Let us move to the next segment. There is a Request for a Statement by the Member for Kikuyu.

*(Hon. Kimani Ichung'wah consulted loudly with  
Hon. Adan Keynan and Hon. Amos Kimunya)*

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Sorry, Hon. Speaker. Commissioner Keynan and the Leader of the Majority Party were keeping me pre-occupied.

**Hon. Speaker:** You know he looks like an elder from the way he is dressed, which he is.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): He is a good elder from Wajir. During this time of Ramadan, he is usually a very good man.

### REQUEST FOR A STATEMENT

#### STALLED CONSTRUCTION WORKS ON RIRONI SECTION OF THE NAIROBI-NAKURU HIGHWAY

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the suspension of works by the contractor on the ABC Place-Rironi Road part of the Nairobi-Nakuru Highway.

It is of great concern that the contractor constructing that section of the Nairobi-Nakuru Highway at ABC Place to Rironi area, and in particular, sections in Kikuyu Constituency, has suspended works since early March 2022. The contractor avers that they are owed billions of shillings by the Government of Kenya, which have remained unpaid for an inordinately long period of time thus forcing the contractor to suspend works on that very busy highway.

It is noted that the contract period at the time of award was for three years and the project was to take approximately the same amount of time. It is now the 5<sup>th</sup> year, even as it has stalled and the contractor has moved out of the site. The contractor's suspension of works has resulted in residents of Kangemi, Uthiru 87 and Kinoo and, particularly, those along the Kinoo Chiefs Collector Road and the Kariango-Kanyariri Collector Road No.6, being greatly inconvenienced considering that the contractor had actually dug up the collector roads and sections of the Highway, which are now left undone thus posing a great risk to road-users on the otherwise very busy highway.

It is against this background that I seek a statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing on the following:

- (i) Could the Chairperson explain when the Ministry is going to settle the pending bills owed to the contractor as per the contractual agreements on the construction of ABC Place-Rironi section of the road of Nairobi-Nakuru Highway, a project that is a major link road to the greater East African Region?
- (ii) Could the Chairperson further explain measures that have been put in place by the Ministry to ensure that the construction works are resumed on the said road; and when it is projected to be completed, including the collector roads in Kikuyu Constituency and, in particular, the Kinoo Chiefs Collector Road No.5 and Kariango-Kanyariri Collector Road No.6?

- (iii) Could the Chairperson explain what measures the Ministry has put in place to ensure that the section of the road between Kinoo Chiefs Collector Road No.5 to Muthiga and Kariango areas is made motorable and passable, considering that the earthworks had already begun and were left uncompleted and that, during the expected rainy season which is expected to begin shortly, this road will become completely impassable thereby inconveniencing many residents of Kinoo, Muthiga, Laichumbe and Kariango areas all the way to Kanyariri in Kabete Constituency, and also sections of Kangemi at the bypass, the inter-sections of Kangemi and the bridge which have been left incomplete.
- (iv) With regard to the existence of dug-up trenches and holes by the contractor which are bound to immensely affect road-users and residents during the rainy seasons of April to August 2022, could the Chairperson indicate what first-aid/remedial measures the Ministry or the contractor will take to ensure that they do not put road users along the busy Highway at risk?

Hon. Speaker, I would just like to add that last week, a resident who was an aspirant on a United Democratic Alliance (UDA) ticket in Nandi Hills Constituency lost his life in Kangemi following a road accident because of the stalled works and diversions on the road. I am reliably told that the contractor has stopped works along the former Northern Corridor apparently because he is owed over Kshs8.2 billion on that contract alone. Since the beginning of March, he completely stopped works along the Highway. If you go to Kangemi today, they had started working on the bridge that connects Kangemi to Loresho, but it has been left incomplete. I had also mentioned sections of collector roads in my constituency which were left unattended as the contractor pulled out and yet, we had been promised that this contract will be completed in three years.

With that, Hon. Speaker, I thank you.

**Hon. Speaker:** The Chairman of the Departmental Committee on Transport, Public Works and Housing, Hon. Pkosing, is not in the House. So, the Request will be channelled through the Office of the Leader of the Majority Party.

Leader of the Majority Party, please read your Statement.

## STATEMENT

BUSINESS FOR THE WEEK COMMENCING 10<sup>TH</sup> TO 12<sup>TH</sup> MAY, 2022

**Hon. Amos Kimunya** (Kipipiri, JP): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(a), I rise to give the following Statement on behalf of the House Business Committee which met on Tuesday, 12<sup>th</sup> April 2022, to prioritise business for consideration.

Last week as you are aware, the Cabinet Secretary for the National Treasury and Planning presented the Budget highlights and Revenue-Raising Measures for the Government for the 2022/2023 Financial Year, and also submitted the Annual Estimates for revenue and expenditure for 2022/2023 and the draft Finance Bill of 2022, which has since been published by the Departmental Committee on Finance and National Planning. Consideration of this business will require to be expedited upon our return from recess and processing during recess.

I wish to underscore that, as a House, we have very limited time to prosecute this and any other important business, as you explained in your Communication. As I wish Members a restful working recess and the very best in the various party nominations, I request that once this exercise

is over, Members actively participate in the Committees to enable them expedite these two key businesses on financial estimates and any other urgent business before them.

Upon resumption of the House on Tuesday, 10<sup>th</sup> May 2022, the following business has been scheduled for consideration, namely, the First Reading of the following Bills:

- (1) The County Allocation of Revenue Bill, 2022, which we hope to have received from the Senate;
- (2) The National Rating Bill (National Assembly Bill No. 10 of 2022);
- (3) The Public Finance Management (Amendment) Bill, (National Assembly Bill No.16 of 2022); and,
- (4) The Public Finance Management (Amendment) Bill, (National Assembly Bill No.21 of 2022).

We will also consider the Second Reading of the following Bills:

- (1) The Mung Beans Bill (Senate Bill No. 9 of 2020);
- (2) The Prompt Payment Bill (Senate Bill No.16 of 2021); and,
- (3) The Start-up Bill (Senate Bill No.1 of 2021), in addition to all the others we will not have completed by today.

I am reliably informed that there are no Questions scheduled for responses by Cabinet Secretaries. Therefore, the House Business Committee will reconvene on Tuesday, 10<sup>th</sup> May 2022 to schedule business for the rest of the week.

We will be going on a short recess. I take this opportunity to wish Members the very best during the recess. For those who profess the Christian faith, I wish them a happy Easter. For our Muslim brothers and sisters continuing with their fasting, I wish them a happy Eid when we get to it.

Thank you, Hon. Speaker.

*(Hon. Amos Kimunya laid the Statement on the Table)*

**Hon. Speaker:** Hon. Members, at this point, I will give an opportunity to the Member for Wajir, Hon. Fatuma Gedi. Do you have a point of order before Hon. Fatuma gives a response? Let us just see who comes before the other. Let us have Hon. David Ochieng’.

## POINT OF ORDER

### MEMBERS AND STAFF WELFARE

**Hon. David Ochieng’** (Ugenya, MDG): Hon. Speaker, I am happy that Hon. Duale knows who I am. It is only Hon. Junet who does not know who I am, but I am sure he will soon know that I am a party leader.

Hon. Speaker, I rise under Standing Order No. 83 to raise a point of order on fundamental matters relating to this House. Article 127 of the Constitution establishes the Parliamentary Service Commission (PSC). It is mandated to perform several functions, including the function necessary for the well-being of Members of this House. I have never been to my office in the Continental House because it does not have windows and ventilation.

The functions of the PSC also find their home in the Parliamentary Service Act that this House passed in 2019. However, I note that there is a very huge disconnect between the Members that we chose as Commissioners of the PSC and this House. This is now my eighth year in this

House. There is no single day where the Members of the PSC whom we elected have ever come to this House to report to us what they do for us and how they do it.

When I lost an election and then I came back, I hoped that I would have an office in this new building. There is no report to us about what happens there. We just see contractors coming and going. We hear of tender wars. We do not know when they will finish the construction.

Although the Commission is independent, it exists because of the two Houses. Hence, it should be guided by Article 127 of the Constitution in its operations. I say this because there are a number of matters which my colleagues in this House agree with me that they are not headed in the right direction.

On 1<sup>st</sup> March 2013, just two days to elections, the Salaries and Remuneration Commission (SRC) issued a circular about terms of Members of Parliament in the 11<sup>th</sup> Parliament. The election was on 4<sup>th</sup> March 2013. As we speak, we are aware that the Members of the PSC whom we elected are negotiating with SRC on terms of service that include raising the Commissioner's allowances, what they earn and how they will be in the next Parliament.

At the same time, they are negotiating how to reduce our allowances. I am confidently aware that they are negotiating to remove the sitting allowance of the Members of Parliament in the next Parliament and reduce the allowances that we earn when we travel abroad. Nobody knows about this in this House. There is no Commissioner who has taken his time to come and tell us what they have been doing for the last two terms. The law requires them to do that. Under the new law that we set up, we agreed that the Commission will be holding biannual sessions with us. To date, none has ever happened.

Some Members have been here for nine years. The Commissioners whom we elected have never given us a report. That is why I rise to ask when we shall hear from the Commissioners whom we elected to go to the Commission. When will they tell us what they are doing for us so that we know? No one knows about tomorrow. You can be the President because I know that you are running, Deputy President or Hon. Speaker again. Your legacy cannot be that when you come back, you will try to re-calibrate and say that we lost this in the last Parliament. Can we get it back?

Hon. Members and I are aware that we intend to get a new clerk. Part of why I rise today is because so many members of staff approached me and asked me what they would do. There is a person who applied for a job. He claims that he has bought all the Commissioners, including you, as the Chairman of the PSC. He said that he had compromised everybody. He will be the clerk by hook or by crook.

Hon. Speaker, we need a *Kamukunji* to discuss some of these issues that we know. Where is this Parliament going? We are its custodian for the Members who would come in the next Parliament. We cannot give them a hollow House. We must guard it.

I want to state clearly that you, as the Chairman of the PSC, must be in charge. When we come back after the party primaries, we request to have a *Kamukunji*. The Commissioners, including you, as the Chairman of the PSC, will brief us on what you have done for us for the last five years, as you ask for the next term. What will the Members who will come in get? What have you negotiated with SRC for the last three or four years? Which benefits do Commissioners get? Which benefits do the Members of Parliament get, so that we know? When we come back to Parliament, we will not have a case where we will be paid allowances and then along the way, the court will give an order that money has to be recovered from us because the Commission did not negotiate well.

Under this Standing Order, my request is that before we resume the next Sitting, you order to have a *Kamukunji*. Come with your Commissioners. Get a report that accounts for the last three

or four years, so that Members can go home knowing that they did a good job, but the Commissioners failed.

Hon. Speaker, I rest my case and request your guidance on the issue. Thank you.

*(Applause)*

**Hon. Speaker:** Hon. Ochieng' rose on a point of order. He has raised quite some weighty matters.

**An Hon. Member:** They are good points.

**Hon. Speaker:** Yes, they are. Do the Members want to address the same issues or different ones?

**Hon. Members:** The same issue.

**Hon. Speaker:** Please take a maximum of one or two minutes. We agreed yesterday that we would consider the voluminous Children Bill today.

**Hon. Kimani Ichung'wah** (Kikuyu, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Ichung'wah, what is your point of order?

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Thank you, Hon. Speaker. I rise to support what Hon. David Ochieng' has raised. It is indeed true that the Commissioners whom we elected, especially those who sit in the National Assembly, must act in the best interest of Members of the National Assembly. It is true that the office block that we have waited for two terms of Parliament is incomplete. Since I joined this House in 2013, that office block has been under construction. When I chaired the Budget and Appropriations Committee, the Commissioners appeared before us every year and promised that by August the following year, the building would be complete. Hon. Ochieng' purports that he has never used his office because it does not have windows and ventilation.

He has also touched on the issue of our staff. You have three very good ladies in front of you who work as the Clerks-at-the-Table. I see Madam Sarah Kioko on this desk. By the time I joined Parliament, I know that she had worked in this House for 15 years. In other jurisdictions like in the United States of America (USA) and United Kingdom (UK), the staff from a certain level—Directors or Deputy Directors—cannot move from one House to the other. For instance, in the USA Congress, if you are a Director in the House of Representatives, you cannot move to go and work in the Senate. There is a way each House operates.

*(Applause)*

Even in the UK, you cannot move from the House of Lords from a certain level to the House of Commons. The House of Lords has its way and mechanisms. This Parliament borrows heavily from those two jurisdictions. We have officers who have worked in the Senate and the National Assembly for the last 10 years.

You cannot tell an officer like Madam Sarah Kioko who has the experience of over 25 years in the National Assembly that she stands no opportunity to ever rise to become the Clerk of the National Assembly, because someone will move from the Senate and come to work here. A staffer in the Senate like Madam Sarah Kioko will go and displace someone who has worked there for so many years and he is accustomed to how they work.

We may as well tell our staff that they have no opportunity of growth within the institution they work in. We may as well open up positions that we advertise here at senior level like that of

the Clerk to even chiefs, District officers (Dos) and District Commissioners (DCs) out there. We can as well get an established administrator to come and become the Clerk of the National Assembly. Therefore, there are issues that we must address.

There is the issue of mileage which Hon. T.J. Kajwang' raised the day before. It is a matter that we, as Members of Parliament who come from Nairobi City County and the environs, have tried to address for two terms and even before that. Because some of the Commissioners who have become so dynastic in the Commission benefit personally from the terms that they get under the mileage, they do not consider the Members of Parliament who elect them to go and represent them.

What Hon. David Ochieng' has said is shocking. It is indeed true that those of us who will be lucky to come to the 13<sup>th</sup> Parliament after the elections will be shocked because of the kind of things we will find here. We should hold these Commissioners accountable for the work that we gave them.

I support the request by Hon. David Ochieng'. Before things get out of hand, let us have a *Kamukunji* immediately we resume business, so that we put these Commissioners under your Chairmanship. Then they will be accountable to the people who elected them. As Hon. David Ochieng' rightly said, it is a constitutional Commission like any other that should be reporting to this House what they are doing in terms of their mandate.

**Hon. Speaker:** Hon. Junet Mohamed.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Speaker. I would like to put my word on this debate.

I have listened carefully to what Hon. Ochieng' has raised. Some of the issues he has raised are valid and we need to address them as a House. That is because they affect the wellbeing of the Members of this House. But when I listened to Hon. Ichung'wah, I came to realise that the matter is bigger than – Somalis have a saying that says: The voice is bigger than what you think. I see that there are people who are trying to canvass for certain jobs that have been advertised. We cannot anticipate debate. We have to wait for the Commission to present their Report to the House and then give our views on it.

For example, if it is about the job of the Clerk of the National Assembly, there are procedures that are followed for people to apply for that job. It is advertised both internally and externally. So, I do not think it is good or proper for us to anticipate debate. Anybody has a right to apply. If the Commission has not yet decided on the issue, let us give it time to make their decision then we will have our say here as a House. But let us not jump the gun now and start debating an issue that has not been presented before us, as a House, which has to go to the Hon. Speaker for approval and brought here as a Motion. The Motion is not before us, as we speak now.

The other issue that has been raised by Hon. Ochieng', I totally agree with him. We need to have a *Kamukunji*. This case reminds me of something. These are issues that we raised a long time ago, but they were never looked into properly because, at that time, people looked at things in a partisan manner. It reminds me of a friend whom we go with to a restaurant and eat good food with him. But when the last leg of the chicken is remaining, he remembers his driver and says: "Ooh, I forgot my driver outside".

Parliament's time is almost coming to an end. Let us just put our House in order now for the future. We even raised a matter of a notorious Member of the Commission who is a Member of ODM whom we said has no competence to be in that Commission. When we wanted to remove her, we were told that we could not remove her because there is a procedure to follow to remove a commissioner. She ended up joining the United Democratic Alliance (UDA) party when she left us. Such people should have been dealt with a long time ago. The Commission would have done

a perfect job, if we had dealt with those issues at that time. A notorious commissioner and she is known. She left us and joined another party which was registered one month ago.

Hon. Speaker, in conclusion, I know you are just the Chair of the Commission. This is not a matter that we should take time to debate. It is a very straight forward case. The issues that have been raised by Hon. Ochieng' can be addressed administratively. Your Office can deal with them administratively as the Chair of the Commission.

But the issue of who is going to get a job, that should be left to the Commission. If people have interests in certain individuals, they cannot use the Floor of the House to canvass. Canvassing can lead to disqualification for the candidate who is being canvassed for. Madam Sarah Kioko knows that she is too senior and she is qualified for the job. If she was interested in the job, she should apply for it. You do not need to prompt her by telling her to apply for the job.

**Hon. Speaker:** Hon. Members, Hon. David Ochieng' has raised some serious matters; some of which are clearly provided for in both Articles 127 and 128 of the Constitution. The other is the procedure for removal of a commissioner provided for in Article 251 of the Constitution. Let us restrict ourselves to what Hon. David Ochieng' has raised.

Is it the desire of the Members that we have a *Kamukunji* before the 10<sup>th</sup> of May 2022?

**Several Hon. Members:** Yes.

**Hon. Speaker:** If we have to hold it, because the 10<sup>th</sup> of May is a Tuesday, we will have to do it on a Monday. Will you be available?

**Hon. Members:** Yes

**Hon. Speaker:** Monday, 9<sup>th</sup> May 2022?

**Hon. Members:** Yes.

**Hon. Speaker:** What is the best time for those who come from far away in the villages?

**An Hon. Member:** 10<sup>th</sup>.

**Hon. Speaker:** Tenth of May will be a Tuesday. Can we say Monday, 9<sup>th</sup> May 2022, at 2.00 p.m. in this Chamber?

**Hon. Members:** Yes.

**Hon. Speaker:** Hon. Members, please inform others who are not present. I know there is some page that you use. Where is Hon. Atandi? He is the administrator. I saw him somewhere celebrating. He should have come here we congratulate him in the House.

Hon. Members, there will be a *Kamukunji* on Monday, 9<sup>th</sup> May 2022 at 2.00 p.m. in this Chamber.

*(Applause)*

Please, let us all purpose to attend so that the issues Hon. David Ochieng' has raised can be canvassed and, also, for the Commission to brief us. But if it is not able to brief us, you take appropriate action.

*(An Hon. Member spoke off-record)*

Let us not debate that now. It will be better if we debated it then because this is a Sitting of the National Assembly. The *Kamukunji* will not be a Sitting of the National Assembly.

*(Hon. Jared Okelo spoke off-record)*

No, let us not go back on this, Hon. Okelo.

*(Loud consultations)*

Let us remove the names of our staff. It is not right.

*(An Hon. Member spoke off-record)*

He has not said anything that is untoward. Let us not go there.

*(An Hon. Member spoke off-record)*

If it is a point of order, I will not allow debate on that. Hon. Otiende Amollo had a point of order.

### POINT OF ORDER

#### ALLEGATIONS MADE BY HON. FATUMA GEDI AGAINST THE DEPUTY PRESIDENT

**Hon. (Dr.) Otiende Amollo** (Rarieda, ODM): Thank you, Hon. Speaker.

Hon. Speaker, a few day ago, Hon. Fatuma Gedi made statements that were deemed offensive to Standing Order No.91(1) and was asked to substantiate. This afternoon, I have seen her carrying a big bag that suggests that she is ready to substantiate. But before she does that, Hon. Speaker, there are some issues of principle you need to guide us on because we are on unchartered waters.

I rise under Standing Orders No.1, 90 and 91; as read together with Article 51 of the Constitution. The words that Hon. Fatuma Gedi is now required to substantiate - and I have no doubt she must rise to the occasion - are to the effect that His Excellency, the Deputy President, is a land grabber and that we are not safe in his hands. In that context, Hon. Speaker, the Standing Orders require you under Standing Order No.91(2) to listen keenly to what she has to say and to be convinced that she has substantiated, failure of which you must then take her to Standing Order No.107.

Hon. Speaker, what you are required to be persuaded on is a matter of fact on the allegations in respect to the Deputy President. Hon. Speaker, when you are required to make that decision, you sit in a *quasi-judicial* capacity. Indeed, in accordance with Article 51 of the Constitution, you are a tribunal and you must be impartial and you must be independent on those questions of fact. Is it true that the Deputy President is a land grabber? This is a fact which has to be demonstrated. Is it true that we are not safe in his hands? This is also a fact which has to be demonstrated.

Hon. Speaker, it then puts us in difficulty, because the Constitution describes the 349 Members of National Assembly, and then says; “and the Speaker who shall be *Ex-Officio*,” however, it does not help. When you go the definition, it says a Member of Parliament is a Member of Parliament. So, is the Hon. Speaker for this purposes a Member of Parliament who must disclose conflict of interest under Article 91 or not?

Hon. Speaker, that question of fact I think will put you in a difficult situation because we all take judicial notice that you have found it fit to take sides with the Deputy President; which means by definition, in terms of whether we are safe at his hands, your answer has been yes. It, therefore, makes it difficult for you to come to a conclusion of fact.

(Applause)

Hon. Speaker, I want to save you the difficulty of having to be a judge on your own course because that, then, will be a question of fact, and the Speaker then having decided that the matter must be substantiated, I would suggest that the person to make that decision should not be yourself. This is because that goes against the most basic tenets of fair trial, which is in our Constitution. You cannot be a judge in your own course. Those issues are so serious that if Hon. Fatuma Gedi is able to substantiate, they can even take us to the provisions of Article 94. In those provisions at Sub-Article 5, the question of removal of the Deputy President for breach of the Constitution is to be initiated in this House. If the substantiation was so clear that we say that we do not just want to stop there, and that we actually want to initiate the removal, then what will the Hon. Speaker do? It puts you in great difficulty; and there is one more.

Hon. Speaker, the provisions of Article 90 on conflict of interest requires us to disclose conflict of interest. Conflict of interest is described to include personal relationship. We now know that you have a personal relationship with the Deputy President. Is the Hon. Speaker required to disclose that? Well, I will use the words of the Standing Order; “personal” and it can extend to political. Hon. Speaker, it includes – for both now and the future – where a Speaker has chosen to take sides, because it is unprecedented. We know we all have political affiliations, but like a judge, it is assumed that once you occupy that office, then those affiliations do not come to the fore. However, when they come to the fore for futuristic purposes rather than historical, then it means there is an issue of conflict. How does the substantive Speaker handle this?

Hon. Speaker, I would like you to give guidance, because I know you can remove yourself from that situation of conflict temporarily and give clear guidance for present and for future on this very unprecedented situation.

I thank you Hon. Speaker.

**Hon Speaker:** Hon. Members, these are not very difficult issues. I do not need assistance on this. I will respond to all those ones.

Now, Hon. Members, this is the *Hansard*... It is good so that Hon. Fatuma knows that she said that she was going to substantiate. The reason why she was not challenged to withdraw on the spot is because the matter is grave. Otherwise, the Standing Order that you read would have demanded that she withdraws at that moment, because the substantiation should be instantaneous for those that have been here and have cared to follow the Standing Orders carefully.

However, this is the *Hansard* of two days ago. Hon Fatuma Gedi is recorded as having said:

“Hon. Speaker, give me two days and I will bring details on how William Ruto has grabbed land in this country.”

This is what the *Hansard* shows. Hon. Speaker said:

“Very well Hon. Fatuma; you are the one who has undertaken to provide evidence, do not listen to those giving you stories (because several Members were trying to interject and tell her some other things) but to what I am saying. Ordinarily, we do not allow people to say they will provide evidence after two days. When you say something here, you are expected to have materials, but given the gravity of what you have said, I will allow you, therefore Thursday 14<sup>th</sup> April 2022 at 2.30 p.m., we expect Hon. Fatuma Gedi to substantiate. It is only fair that we allow her time to provide the material she has alluded to.”

Some Hon. Members are shown to have said: “All parcels of land that she has mentioned,” and the Hon. Speaker said: “Hon. Fatuma, you said that you will provide evidence. You talked about Taita Taveta, Laikipia, and even Wajir, can you go on record? Hon. Fatuma said: “I told Members not to put words into my mouth.” Hon Fatuma Gedi is shown to have said: “Hon. Speaker, I will provide on the following: Langata Primary, Taita Taveta, Laikipia and Muteshi.”

The record shows that the Hon. Speaker said: “What is Muteshi?” Hon. Fatuma said: “Hon. Speaker, it is the 100-acre piece of land; that is what Muteshi is.”

*(Loud consultations)*

Hon. Speaker: “Where?” Hon. Fatuma Gedi says: “Muteshi.” Hon. Speaker goes on to say: “There is no place called Muteshi in Kenya. Hon members, Hon. Fatuma is serious about what she is saying, it is only that I do not know, I know the geography of this country, but I do not know any part called ‘Muteshi.’” Hon Fatuma said: “Let me clarify.” I told her: “Yes, please proceed. She said: “Hon. Speaker, you already ruled that on Thursday I should bring evidence. Muteshi is land which belongs to the late Muteshi, and is in Trans Nzoia.” I asked: “In Trans Nzoia?” Hon. Fatuma said: “Yes,” and I said: “Very well.” Hon Fatuma said: “Hon. Speaker, if you allow me, I will bring the details on Thursday at 2.30 p.m.; and I am on the record saying: “Thank you.” We agreed that Hon. Fatuma is doing that. She, indeed, approached me and said that she was going to do that. So, that is clear from that point.

Hon. Members, not in anticipation, but you know I always have to go back to records and see how we have treated situations of this nature. An incident happened on 27<sup>th</sup> April 1993. It followed something which has been there on 22<sup>nd</sup> April 1993, during the Second Reading of the Veterinary Surgeons (Amendment) Bill. The Member for Kisumu Rural, Hon. (Prof.) Anyang-Nyong’o rose on a point of order with the intention to adjourn the debate on the Bill for the House to discuss a matter of a claim that the Central Bank of Kenya (CBK) was being robbed about Ksh25 billion a week. He proceeded to table certain documents in support of the claim, albeit without the Hon. Speaker’s consent. Therefore, on 27<sup>th</sup> April 1993, Hon. Speaker Kaparo observed that the Member did not explain what the papers were about or the origin of the papers, and they had no signatures. Hon. Speaker then ruled that the papers purportedly laid on the Table of the House by Hon. Anyang-Nyong’o could not be admitted into the records of the House for the reason that the Member did not follow the procedure for laying Papers as explained.

He clarified that though restrictive, the guidance was meant to ensure that Papers laid on the Table are legitimate. On 10<sup>th</sup> September 2009, that is during the 10<sup>th</sup> Parliament, the then Minister for Justice, National Cohesion and Constitutional Affairs, Hon. Martha Karua tabled some documents relating to corruption allegations. After scrutinising the documents, Hon. Speaker Marende ascertained that the documents were not signed, and on 10<sup>th</sup> September, 2009, the Hon. Speaker ruled that the documents were inadmissible and would not be allowed to go on the record of the House.

On 18<sup>th</sup> January 2011, the then Member for Juja, Hon. William Kabogo, tabled three documents: a letter dated 20<sup>th</sup> December 2010, from the said Member addressed to the Minister of State for Provincial Administration and Internal Security and acting Minister for Foreign Affairs, the late Prof. George Saitoti. The document was titled “Classified Information in the United States;” and a document which the Hon. Member described as a “dossier” containing the names of Hon. Members said to be involved in drug trafficking.

The Speaker undertook to acquaint himself with the documents in order to establish their authenticity or otherwise, and determine their admissibility. Among the considerations that the Speaker relied on included the requirement for signatures on the documents and some form of certification where a document other than the original has been tabled. The Speaker Marende made the following directions on 18<sup>th</sup> January, 2010:

- (a) With respect to the letter from the Member for Juja, the Speaker observed that it had been done on the Members' letterhead, it bore the Member's signature and was stamped as having been received by the Minister of State for the Office of the President on 20<sup>th</sup> December, 2009. With that, the Speaker ruled that the letter was admissible.
- (b) With respect to the document titled "Classified Information in the United States", the Speaker observed that the document appeared to have been downloaded from the *Wikipedia* website, which is a free online encyclopaedia that contains articles not necessarily owned by anyone, and which allows any person to anonymously edit any posted articles. The Speaker then ruled that the document was inadmissible on account that it was sourced from an unknown publisher, as the source permits anonymous alteration of contents and the article was freely in the public domain.
- (c) On the so called "dossier," the Speaker ruled that the paper was inadmissible because he noted that the document was not dated; had no indication of the author or whom it was addressed to; bore a stamp appearing to be for the Kenya Anti-Corruption Commission (KACC) without indicating the date when the stamp was imprinted and by whom; and had no signature or any other form of identification of the source or ownership.

The Speaker further ordered that the two documents be expunged from the records of the House, and that all reference made thereto and the names of Hon. Members in the context of the document be expunged from the records of the House.

I will give the fourth example. I am doing this out of abundance of caution because I will deal with the smaller issue which was raised by the Hon. Otiende. It is fairly small. I will just demonstrate.

The fourth incident was titled "Kazi Kwa Vijana (KKV) Programme: 1<sup>st</sup> November 2011." On 26<sup>th</sup> October 2011, the then Deputy Prime Minister and Minister for Local Government, while issuing a Statement during the Prime Minister's Time on the implementation of the KKV Programme, tabled several documents which the Speaker undertook to examine before determining their admissibility or otherwise. On 1<sup>st</sup> November 2011, the Speaker admitted two of the documents, but ruled that the one on *the Kenya Portfolio Financial Management Supervision – June 2011 Interim and Unvalidated Report (FM) in-depth Review, 13<sup>th</sup> September 2011*, which was imprinted "strictly confidential" was inadmissible. He cited the following reasons for inadmissibility: it was not signed; it did not have a forwarding letter or detail of the author; and that efforts to access it on the World Bank's website for validation were futile.

After scrutinising the documents, Speaker Marende ascertained that the documents were not signed. On 10<sup>th</sup> September, 2009, the Speaker ruled that the documents were inadmissible and should not be allowed to go on the records of the House. There are several other examples that follow with regard to drug trafficking, and many which have come to form history.

The summary of all this is as follows by established practice and procedure of the House: In considering admissibility or authenticity or otherwise of a document tabled in the House, the Speaker examines if the document relates to the matter for which it has been tabled; is signed, and if it is a government document, by the authorised person or persons; and it bears the emblem or

logo of the institution. I hope the Hon. Member is listening because this is the test by established practice. The Speaker examines if the document relates to the matter for which it has been tabled; is signed, and if it's a government document, by the authorised person or persons it bears the emblem or logo of the institution/person from which it originated or coat of arms in the case of documents from Government agencies; clearly indicates the author and person to whom it is addressed; discloses the origin/source of the document; bears certification where a document other than the original is being tabled; if electronic, has been obtained from a source that does not permit alteration of contents (rule of admission of electronic evidence); if it relates to a claim made before the House or a Committee, its content has a nexus with the claim; and, is stamped and clearly indicates the person signing off the stamp. That is in so far as the technical part is concerned. That is the checklist.

Now, Hon. Otiende Amollo has raised an issue. It is good that I can see a few other Members present so that I can explain this point. I do not know of any Speaker, since independence, who was ever elected as an independent in this House. All Speakers, including myself, have been sponsored by political parties. They have gone on to preside over the proceedings and affairs of the House regardless of the sponsoring party.

*(Applause)*

I may give a comparison. I will start with our neighbours in Uganda. The Speaker of Uganda is an elected Member of Parliament (MP), and continues to serve as a Member of the constituency to which they were elected, even as they continue to serve as Speakers. Two, the Speaker of Tanzania is an elected MP representing a constituency, and continues to serve. In fact, it is an altruism that in Tanzania, they almost invariably come from the Chama Cha Mapinduzi (CCM). They continue to serve as Members of the constituencies in which they were elected, notwithstanding that those countries are multiparty democratic states. In the United Kingdom (UK), the Speakers are elected MPs representing constituencies. But they continue to serve those constituencies even as they continue to preside over the Houses of Parliament.

Now that we adopted the presidential system, in the United States of America, the Speaker is an MP of the House of Representatives.

If I may jog your memory, during the time of President Bill Clinton, the Speaker was none other than Newt Gingrich, and if you care to read, you know the relationship between President Bill Clinton and Speaker Newt Gingrich, who was a Republican while Bill Clinton was a Democrat.

During the time of President Obama, there was Speaker John Dennis Hastert, a Republican. There was also Speaker Paul Ryan, who was a Republican. Many of you will recall the issues that happened when President Obama brought the Affordable Health Care Bill before the Congress. Do I need to remind you? Just the other day, President Trump, a Republican, was serving when Speaker Nancy Pelosi, a Democrat, was the Speaker. I am sure you all know this. At least that does not happen in Kenya. The relationships that we have seen with all these figures have not happened here in Kenya. As a country, we should feel proud that we do not exhibit that level of partisanship that we have seen in developed democracies like the United States of America. On whether I have joined a political formation; on 31<sup>st</sup> August 2017, I offered myself to run for the Speaker of the National Assembly under the sponsorship of the Jubilee Party. You, Hon. Members, are the ones who gave me the mandate. I did not hear you say that I needed to disclose the relationship I had with the leadership of the Jubilee Party, whether personal, official or political.

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I appreciate that we are in exciting times, but at this late hour in the day, you cannot challenge my impartiality. This is not a difficult matter; it is not.

*(Applause)*

I want to guide that the issue that Hon. Fatuma Gedi raised is not even a matter that... What partiality? For what purpose? I mean, what partiality? All that we need to do... All the documents that Hon. Fatuma Gedi is going to table will be available for every Member to look at. Therefore, it will be a travesty of justice of such a monumental scales if, indeed, all of you will see that the documents are authentic and the Speaker rules that they are not. Speaker Muturi does not belong to that school. What is authentic will be authentic before your eyes as it will be before mine.

*(Applause)*

So, Hon. Members I want to tell you to just relax. For me, this is very simple indeed. Hon. Members always table documents here and we look at them and say, this is not admissible, if you got the evidence from *Wikipedia*, like the case we have heard of, and which was dealt with by the Hon. Speaker Marende. Therefore, Hon. Members, there is really nothing. Those who are saying do this or the other, relax!

Kenya is a multiparty democratic State. That is the most important thing for all of us to appreciate. Therefore, when we come to this Chamber, there is always the Majority and the Minority sides. In the previous dispensation, there was the Government side and the Opposition side. Fortunately, I have served on both sides of the divide. I do not think there is anything that can define this House that is before us this afternoon. Merely the mention of the Deputy President – even if it was the mention of whomever – all we need to do is to follow our own rules. There is no conflict of interest. I have no interest in what is being tabled by Hon. Fatuma. I do not know anything save for what I have read that she said she is going to table.

Hon. Members, there is nothing yet that you should be worried about. I will continue to serve you for as long as you desire. Remember, you are my constituents. So, any of you is at liberty... Just like what you are going to face on the 9<sup>th</sup> August, if any of you feels that this representative is not serving you to your satisfaction, you are again at liberty to express yourself in the manner provided for both in Article 106 and in our Standing Orders. Therefore, Hon. Members, let us relax.

Hon. Fatuma has actually approached me to allow her to bring some documents. I told her she could bring the documents, because all of you need to see them. Therefore, Hon. Members, relax. There is nothing to worry about. This is a simple matter that we do every day.

**Hon. Junet Nuh** (Suna East, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Junet.

**Hon. Junet Nuh** (Suna East, ODM): Thank you, Hon. Speaker for the guidance you have given us. We stand guided. Having said that, as the Minority Whip in this House, we have no one to address other than the Speaker in this House. That is the rule.

Hon. Speaker, the issue you have addressed is a very weighty one on the Minority side. You have put facts very clearly, and we agree with you. It is true that Speakers are sponsored by political parties. I can remember that in 2013, we sponsored Hon. Marende as the Minority coalition party, and we were defeated by the Jubilee Party coalition in this House. New developments have happened recently. We are in the season of politics and everyone has a

constitutional right to join any political formation he wants. In the last elections you were sponsored by the Jubilee Party. The records that are now available politically at the Registrar of Political Parties, show that you are the party leader of the Democratic Party. That is not the Jubilee Party that sponsored you. You have formed a coalition with Kenya Kwanza, which is another formation outside Jubilee Party.

Hon. Speaker, we have never doubted your impartiality. Let that be on record. We have never, so far. When we saw you in a ceremony in a hotel in Karen, signing as the leader of the Democratic Party to a coalition, we started feeling that we may not get a fair treatment in the House, and impartiality may not be there. You are a man with so much fidelity to the Constitution. I can say that without fear, because I have served with you and under you in this House for 10 years. Issues that are raised in this House are issues that cannot be raised anywhere else. We cannot speak about them in burials and rallies. The issues that have been raised by Hon. Otiende Amollo, which you have captured well, are issues that are going to affect us for the remaining period of this House.

Hon. Speaker, if you are the leader of the Democratic Party and a Member of the Kenya Kwanza Coalition, and you were sponsored by Jubilee Party as the Speaker, how are you going to balance those interests? This is because the people who are supporting and cheering you here are not even from the Jubilee Party; these are UDA and Kenya Kwanza Members.

*(Loud consultations)*

They are the ones chairing you on, and I do not know for what reason. Do they think that because you are now in Kenya Kwanza Coalition, you are their Speaker? I do not know why Hon. Duale is so happy when you are talking?

I am very happy that you have given us time to express and ventilate what we think. We want to have the House handled the way it has been done for the last nine years under your leadership. We are only worried that going forward, now that the political dynamics have changed, Hon. Fatuma Gedi has raised weighty issues that Hon. Otiende said can even lead to the impeachment of the Deputy President if the allegations are proved to be true. How do we feel? Are we safe in this House, that we can continue conducting our business?

Hon. Speaker, rumour has it that you are being proposed to be the running mate of the Deputy President.

*(Loud consultations)*

We support all that, and we have no problem with that. But honestly speaking, this House must be impartial, and should be conducted in a... You are the custodian of the Standing Orders, and you are the one applying them against us in this House. I do not know whether the rule of impartiality, natural justice and fairness will be accorded to us, as the Minority of this House; and whether Hon. Fatuma Gedi will get fair treatment and judgment on the issues that she has raised. Those are the issues that are worrying us.

Thank you.

*(Loud consultations)*

**Hon. Speaker:** Surely, Hon. Members, when you start yelling because somebody did so, how is it that you are going to... Impartiality is not determined by which party you belong to; it

must be in you. You must be able to demonstrate it, and I do not know what it is that shows that it has not been demonstrated.

*(Loud consultations)*

Hon. Members, I do not want us to...

*(Loud consultations)*

Hon. Fatuma Gedi was going to...

**Hon. Members:** No! No!

**Hon. Speaker:** Hon. Members, you will have two minutes each, but before I allow, those of you who feel that the Speaker is not sufficiently impartial, please...

**An Hon. Member:** Impeach him! Resign!

**Hon. Speaker:** The Speaker before you is unwilling to resign: you can take that to the bank.

Look at the provisions of Article 106 of the Constitution. I was sponsored in 2013 by a party and so, it is not the first time. We have worked with so many of you in very many endeavours. So, let us not get carried away by the things that are happening around the country.

Hon. Duale.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, let me add my voice to what is going on this afternoon. Within the reading of Article 106 of the Constitution on Speakers and Deputy Speakers of Parliament, you have not committed any crime by being a Member of the Kenya Kwanza Coalition; and the Leader of the Democratic Party of Kenya. Your removal is well stipulated in Article 106(2)(a)(b)(c) and (d), and all these allegations are not there.

The procedure for the removal of a Speaker is known to every Member. Let me be very clear that in other jurisdictions, like in the USA, the Speaker of the Senate – which is the important House – is always the Deputy President or the Vice-President.

**Hon. Members:** No! Sit down!

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, they do not want to listen to what I am saying.

And whenever he or she sits on the Speaker's seat – currently it is a woman – she does so to make neutral determination.

Secondly and more fundamentally, I want to confirm to you that there is no Minority in this House. The Minority has gone to bed...

**Hon. Members:** No! No!

**Hon. Aden Duale** (Garissa Township, JP): I have not finished. You do not need to... It is the Speaker.

Hon. Speaker, there is no Minority in this House since February, 2018, because they went to bed with some remnants of Jubilee – a small group of about 25 Members or so.

Hon. Speaker, Hon. Junet cannot speak from both sides. Hon. Junet cannot be in Government, and when it is convenient for him, he says he wants fairness...

*(Hon. Jimmy Angwenyi spoke off-record)*

I respect elders.

**Hon. Speaker:** Very well. Hon. Angwenyi, why are you getting agitated?

I will only give one chance to Hon. Charles Kilonzo. The rest of us will proceed with business.

*(Hon. (Ms.) Odhiambo-Mabona spoke off-record)*

Hon. Millie, before Hon. Charles Kilonzo speaks, Sergeant-At-Arms, can you open the suitcase to confirm that whatever is in there...

**Hon. Members:** No!

**Hon. Speaker:** No, no, no! What are you saying? You administer the Standing Orders as you have passed it. A briefcase cannot just be brought into the Chamber: it needs to be confirmed. What are you telling me? Please, let the Sergeant-At-Arms check it.

Hon. Charles Kilonzo, you have the Floor.

**Hon. Charles Kilonzo** (Yatta, Independent): Hon. Speaker, if I can have your ears, this is a House of rules, as we always say. I want to invite you...

**An Hon. Member:** Yes!

**Hon. Speaker:** You cannot shout: what are you saying “yes” for?

*(Loud consultations)*

What decorum did you display? What are you? You are a Member of Parliament!

*(Hon. Jimmy Angwenyi rose on his seat)*

Hon. Jimmy Angwenyi; Hon. Members, you are getting agitated for nothing. Only one Member can speak. Can we allow Hon. Charles Kilonzo to speak? Hon. Ken Chonga, do not get agitated. Let Hon. Kilonzo speak. Hon. Gogo, let the Member for Yatta make his point.

**Hon. Charles Kilonzo** (Yatta, Independent): Hon. Speaker, this is a House of rules, guided by the Standing Orders. I want to invite all of us to look at Standing Order No.7. What we want to do by tabling those documents is against our own rules. It is very important that whatever political side we are in, we stick to the rules. I am a staunch believer in *Azimio la Umoja*, but what we are doing is against our Standing Orders. Standing Order No.87 is very clear and it states that neither the personal conduct of the President nor of the Speaker or a State officer, whose removal from office depends on a decision of the House, can be mentioned adversely. That is very clear.

*(Applause)*

Tomorrow, the other side will come with their own documents and allege that the President has done something. By allowing the Member to table those documents, we are already flouting our Standing Orders. The move requires a Motion and three days’ notice. There is no Motion before the House to even table the documents. I invite you to look at Standing Order No.87.

**Hon. Speaker:** Hon. Members, what you are doing is dilatory. The Member made an allegation on the Floor of the House. When she was challenged, she said that she would substantiate. That is what she is doing. By introducing all these dilatory motions, you are preventing her from discharging the obligation that she undertook to discharge today.

Hon. Fatuma Gedi.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** No, Hon. Gedi is on a point of order. I will not allow other points of order, Hon. Wanga. Do you not want her to proceed? Everybody appears to be on their own.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you, Hon. Speaker. Preliminarily, I would like to request you that as Hon. Gedi tables these very important documents, because today is a historic day, we will see where somebody got a nickname from.

**Hon. Speaker:** Hon. Wanga, what is your point of order?

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Hon. Speaker, my point of order is that there is a habit that when this kind of important Motion is underway, a lot of interruptions come up from people who feel that rather than allowing Hon. Gedi to finish her Statement, they want to interrupt her as a strategy of not letting this matter go to the public. So, I want to request for your protection to Hon. Gedi so that she finishes what she is doing.

**Hon. Speaker:** Hon. Fatuma Gedi is protected.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Thank you, Hon. Speaker, for giving me this opportunity. I would like to make a Statement in response to my assertions during the Afternoon Sitting of Tuesday, 11<sup>th</sup> April 2022, in accordance with Standing Order No.91 and the Speaker's ruling. I thank you for giving me this opportunity to bring up a matter that needs special consideration as the wonderful Kenyan people exercise their mandate to elect their leaders.

**Hon. Speaker:** Hon. Fatuma Gedi, let me help you. There is really no speech to make. Just table the documents.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, I am laying the background.

**Hon. Speaker:** You are not going to guide me. I am the one in the Chair. Just lay the documents. Proceed.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, this matter is very critical. I will not share the documents unless I have to substantiate and provide evidence. Allow me to do that, Hon. Speaker.

**Hon. Speaker:** Hon. Fatuma, you know what the rules say. Everybody seems to have forgotten them. You bring a document and we look at it to confirm its authenticity. I have already read to you what the rules say.

*(Hon. Maoka Maore spoke off record)*

Hon. Maoka, you are not going to teach me what happens here. Hon. Fatuma Gedi, what you can say is this: Because I said this, I want to table documents to explain it. Proceed that way.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, if you allow me, that is what I am doing. I have to explain what I am tabling. Please give me time.

*(Loud consultations)*

**Hon. Speaker:** Member for Kisii, please, do not do that kind of jig in the House. That kind of jig is not good for the House.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, in accordance with Standing Order No.91 and your ruling of last Tuesday afternoon, I wish to tell this House that I have gathered enough material evidence to substantiate my allegation that we are not safe in the hands of *Kenya Kwanza's* presidential candidate. He has an impeccable record in land grabbing. He uses his position of influence to intimidate even children. I have pictures of Lang'ata Primary School

children being teargassed by police officers and the horror and nightmare of Adrian Muteshi in the hands of William Ruto.

Let me begin by substantiation.

*(Loud consultations)*

**Hon. Speaker:** Please, let her finish. She is looking for the documents. When you say one thing, you substantiate. That is the way to go about it. Hon. Fatuma, you are doing well. But after that, you need to table the documents.

*(Loud consultations)*

*(Several Hon. Members spoke off record)*

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, I mentioned photographs of children being teargassed. I am going to table them.

Let me begin by substantiating my assertion that Hon. William Ruto grabbed a parcel of land belonging to Mr. Adrian Muteshi. He was given vacant possession in 1968. Subsequently, the title deed was issued on 17<sup>th</sup> March 1989. Let me narrate the ordeal that the innocent Kenyan went through in the hands of Hon. William Ruto and his corporations. Like many of us, Mr. Adrian Muteshi was an ordinary Kenyan of modest means. He bought a farm at Turbo West in Uasin Gishu County in 1968. It is in Kaptabei Settlement Scheme. The land had a permanent self-contained six-bedroom house, staff quarters and a store, just like in any typical rural area. The late Adrian said in court that he purchased the farm, which is 100 acres. He produced an application which he wrote to the Ministry of Lands. The evidence is here. I will table it.

*(Loud consultations)*

*(Applause)*

**Hon. Speaker:** Hon. Members, what is this? Please, Hon. Fatuma... Hon. Members, we will not proceed this way. When Hon. Fatuma says that she has a document to prove something, please, allow her to bring it.

*(Hon. (Ms.) Odhiambo-Mabona and Hon. Junet Nuh assisted Hon. (Ms.) Fatuma Gedi)*

Hon. Millie Odhiambo and Hon. Junet, are you the ones who are tabling the documents? The Sergeant-at-Arms are here to help her, but not you. You do not know about the documents. Give out the documents. Hon. Members, it is not your business to rule on the authenticity of the documents. So, let her bring the documents. You talked about the Lang'ata land case. Bring the document. Is that the one on the Lang'ata land case? Which is the one?

*(Loud consultations)*

*(Several Hon. Members spoke off record)*

Hon. Fatuma Gedi, please, let us try, as much as possible, not bring emotions into this matter. Is this the one of the late Adrian Gilbert Muteshi? Hon. Members, you cannot sway me that way. I am not swayed easily. Is this the document of ownership? Do you want me to use the judgement?

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, no. I want to be on record.

**Hon. Aden Duale** (Garissa Township, JP): Is it admissible?

**Hon. Members:** Hon. Duale, you are not Hon. Speaker.

*(Several Hon. Members spoke off record)*

**Hon. Speaker:** Can you relax!

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, I have to finish my submission.

*(Loud consultations)*

*(Hon. (Ms.) Odhiambo-Mabona spoke off record)*

**Hon. Speaker:** Just relax! Can you relax? What is wrong with this one? Hon. Millie Odhiambo, I am trying to get what Hon. Fatuma is tabling. You are almost singing.

*(Hon. (Ms.) Odhiambo-Mabona spoke off record)*

No! Hon. Millie, I thought you should be the first one to really want us to conclude this matter because you have another business which you had approached me about. We should complete this matter. Hon. Fatuma Gedi.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, you have three documents.

**Hon. Speaker:** This is one of them.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, one is the Statement that I have. Two, you have the High Court judgement. Three, the report of the National Lands Commission. Allow me to finish one by one and then I table them. Take me slowly.

**Hon. Speaker:** Hon. Fatuma Gedi.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Yes, Hon. Speaker.

*(Several Hon. Members advised Hon. (Ms.) Fatuma Gedi)*

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): Give her a chance.

**Hon. Speaker:** Those ones cannot help you. They do not even understand the procedures of the House. Hon. Fatuma, you have given me three documents.

**Hon. Jimmy Angwenyi** (Kitutu Chache North, JP): One.

**Hon. Speaker:** The grandfather of the House is saying, "one". Hon. Fatuma Gedi has said that she has given me three documents. They are three. You are shouting, "one". You do not listen. I can see that you are in a different world.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Let her table all the documents and then you make a ruling.

**Hon. Speaker:** Do not guide me. I know what is supposed to be done. Hon. Fatuma, you have given me the three documents.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Sure.

**Hon. Speaker:** I want to confirm again what is on the *Hansard*. You said that you gave me a document on Lang'ata Primary School.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): No. I still have it here. You only have the High Court judgement on Mr. Muteshi's case. I want to make my submission and then I table the evidence one by one at the end. What you have is on Mr. Muteshi's case. You do not have the document on Lang'ata Primary School. I have it here. So, allow me to finish Mr. Muteshi's case and then I move to the one on the Lang'ata Primary School. Then, I will submit the evidence.

**Hon. Speaker:** Hon. Fatuma, you have told me that you want to finish with Mr. Muteshi's case. Is it on the High Court judgement?

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): I am giving my submission, Hon. Speaker.

**Hon. Speaker:** Are you suggesting that you want to summarise the judgement for me to understand?

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): It is for my submission, Hon. Speaker.

**Hon. Speaker:** Which submission?

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): My submission on that case. Allow me to finish. I have my points here. I have to substantiate, Hon. Speaker.

**Hon. Speaker:** Hon. Fatuma, you are not substantiating about the case. You talked about Mr. Muteshi and you said that you have the High Court judgement on the case.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, do you want me to table everything without talking? Should I just sit?

**Hon. Members:** No.

*(Loud consultations)*

**Hon. Speaker:** Hon. Fatuma Gedi, these Members who are telling you this or the other are not the ones who made the commitment. You are the one who made the commitment about the documents you would bring. You will table the documents on three cases. That is all we want. Do not give us other information. Proceed. Let her finish.

*(Loud consultations)*

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, the sale and loan agreements show the money which Mr. Muteshi borrowed to purchase the land. They were used as evidence of the purchase of the now grabbed land. The courts relied on them to rule in his favour. After the purchase, he was given vacant possession which means that he had the right to occupy and use the land as it was. He then developed the land by fencing it, cultivating it and planting crops. He lived the typical life of a real hustler, but not these fake ones who are in political rallies and in the streets of Nairobi City County. He lived with his family on the farm.

**Hon. Speaker:** Hon. Fatuma Gedi, I will do this now. If you will not table these documents, I will rule you incapable of doing so. I will proceed to make my decision. Please, table the documents.

*(Loud consultations)*

*(Several Hon. Members spoke off record)*

Are you able to do that? It does not matter.

*(Loud consultations)*

Hon. Fatuma Gedi.

*(Loud consultations)*

Hon. Fatuma Gedi, table the documents you promised to table. Table the documents you promised to table. Nobody required you to come and make a speech.

*(Loud consultations)*

Hon. Fatuma Gedi, table the documents. Table the documents. If you do not want to table them... You can follow whomever.

*(Loud consultations)*

Hon. Fatuma Gedi, table the documents.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, with due respect, do not gag me. Hon. Speaker, let me explain what I am tabling to Kenyans and to this House.

**Hon. Speaker:** Hon. Fatuma Gedi.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): If it is a matter of tabling, the documents are here, but let me explain.

**Hon. Speaker:** Have you tabled?

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): I have not tabled. I have them here.

**Hon. Speaker:** Table them.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): What am I tabling? I have to explain.

**Hon. Speaker:** No. Table them.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): I have to explain.

*(Loud consultations)*

**Hon. Speaker:** Table them.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): I must explain. Kenyans must know. I must explain what I am tabling.

**Hon. Speaker:** Hon. Fatuma Gedi.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, do not gag me.

**Hon. Speaker:** Hon. Fatuma Gedi.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Let me explain to Kenyans and this House.

*(Loud consultations)*

No, no, no. I cannot do that.

**Hon. Speaker:** Hon. Fatuma Gedi, table the documents and then explain.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): I must explain what I am tabling.

**Hon. Speaker:** No. Table and explain.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): No.

**Hon. Speaker:** Table and explain. Table and explain.

*(Loud consultations)*

Table, then explain. Table, then explain what it is.

*(Loud consultations)*

Table and explain what you are tabling.

*(Loud consultations)*

Hon. Fatuma Gedi.

*(Loud consultations)*

Hon. Fatuma Gedi, do I take it that you are unable to table the documents?

*(Loud consultations)*

Hon. Fatuma Gedi.

*(Loud consultations)*

I will throw you out.

*(Loud consultations)*

*(Hon. Ken Chonga consulted loudly)*

Who are you now? Hon. Chonga! Hon. Chonga! Hon. Chonga, you are not the one who is going to determine how she is going to table documents. Relax! Relax!

Proceed, Hon. Fatuma. Hon. Members, many of you are actually interrupting Hon. Fatuma. You are not allowing her to do what she undertook to do.

**An. Hon. Member:** On a point of order, Hon. Speaker.

**Hon. Speaker:** No, I am not entertaining any points of order until Hon. Fatuma is through. There is no point of order until she finishes. No, Hon. Members, I am not going to allow. Hon. Fatuma Gedi, proceed.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, may I table? May I read first, then table? Give me time, please. *Msiniharakishe. Mos mos.* The truth is bitter. The truth is bitter.

Hon. Speaker, may I take this opportunity to table Weston Hotel extended extension of its parking lot and Lang'ata Primary playing field and the teargassing of pupils by photos...

*(An. Hon. Member wailed)*

*(Loud consultations)*

The point of question is that Weston Hotel and the Kenya Civil Aviation Authority is still an active case in court. Hon. Speaker, we are dealing with a man who has no humanity on children.

**Hon. Speaker:** Hon. Fatuma.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): May I table?

*(Loud consultations and wailing)*

**An. Hon. Member:** *Saidia yeye.*

*(Loud consultations)*

*(Hon. (Ms.) Gladys Wanga approached  
Hon. Fatuma Gedi)*

**Hon. Speaker:** Hon Wanga, go back to your seat. Hon. Wanga, go back to your seat. Hon. Wanga! Hon. Gladys Wanga! Hon. Gladys Wanga! Sergeant-at-Arms! Hon. Wanga, get back to your seat. Go back to your seat. This is not... What are you doing here?

*(Loud consultations)*

Surely, Hon. Fatuma knows what she has brought. Unless you are saying she took them from your house. Please, let us get over this matter, Hon. Fatuma.

*(Loud consultations)*

**An. Hon. Member:** On a point of order, Hon. Speaker.

**Hon. Speaker:** No point of order. Hon. Fatuma, just go on.

*(Loud consultations)*

Allow her. No, I am not. Hon. Fatuma just proceed and table the documents.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, with me here, I have the documents from the National Lands Commission. The point that was observed by the NLC is that Weston Hotel, bona fide purchaser without a notice of any defect in the title, the land at the time of valuation was overvalued. The Kenya Civil Aviation Authority lost an important asset in this case. The then commissioner and the Minister for Lands are to be blamed for occurrences that failed to act on irregular allocation of the parcel. That William Ruto, in his own words, accepted - and I have the link that I have shared - that he has an interest and he owns Weston. I table this document of the NLC.

**Hon. Speaker:** Table. Table. Just table.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): And I table the pictures.

**Hon. Speaker:** Just table.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): I have tabled.

*(Hon. Junet Nuh spoke off record)*

**Hon. Speaker:** Proceed. Hon. Junet, I have said until she finishes. No, no, no. We never came for this. Let her table the documents.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, the third...

**Hon. Speaker:** This is on Lang'ata.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): We have Lang'ata and we have Muteshi. Yes.

**Hon. Speaker:** Proceed to Taita Taveta.

*(Loud consultations)*

Proceed, Hon. Fatuma.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Okay, Hon. Speaker.

The third...

*(Loud consultations)*

**Hon. Speaker:** Hon. Fatuma, please, you have two others.

*(Loud consultations)*

**An. Hon. Member:** Give her time.

*(Loud consultations)*

**Hon. Speaker:** Hon. Fatuma, please, you have two others. Hon. Fatuma.

*(Loud consultations)*

**An. Hon. Member:** Silence for Muteshi.

*(Loud consultations)*

**Hon. Speaker:** Hon. Fatuma. Order Members. Order Members.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): One minute, Hon. Speaker, in honour of Muteshi.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, why are you bringing all this drama?

*(Loud consultations)*

Why are you bringing all this drama?

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): One minute of silence. *Simameni, simama.*

*(Loud consultations)*

**Hon. Speaker:** Hon. Fatuma! Hon. Fatuma! Hon. Fatuma!

*(Loud consultations)*

Hon. Fatuma, please...

*(Loud consultations)*

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, the third... I wish to tell this House...

**Hon. Speaker:** Taita Taveta and then Laikipia.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): While I was gathering the material...

*(Loud consultations)*

*(Hon. (Ms.) Fatuma Gedi took her seat)*

**Hon. Speaker:** Why are you sitting down?

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Junet is my leader, I have to...

*(Loud consultations)*

**Hon. Speaker:** Hon. Fatuma! Hon. Fatuma Gedi!

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, Hon. Junet is my leader and I have to...

**Hon. Speaker:** No, Hon. Fatuma! Hon. Fatuma Gedi...

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, I am...

**Hon. Speaker:** I am not going to entertain those jokes.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, I am sorry, but you know he is my elder brother. So, I cannot stand when he is talking.

**Hon. Speaker:** It does not matter even if he is your father. You are in the National Assembly. Hon. Fatuma! I will rule that you are unable to table these others.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): I am tabling.

**Hon. Speaker:** Why are you engaging in theatrics?

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, I wish to table the third report. Hon. Speaker, I want you to pardon me. On Tuesday, I talked about Laikipia, but I meant Trans Mara. It is the late Vice-President Murumbi's land and I have it here and not Laikipia.

**Hon. Speaker:** Hon. Fatuma, I will go by what is here. Hon. Fatuma! Hon. Fatuma Gedi, I came with the *Hansard*. So, we are going by that. Proceed.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, the property known as Intona II is a youth...

*(Loud consultations)*

**Hon. Speaker:** No! No! Proceed.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): ...land measuring approximately 2,090 acres in the area has been hived off from the larger Ololua area. Hon. Joseph Murumbi, Kenya's second Vice-President, through his company, Intona Ranch, was then registered the proprietor of the subject property in 1977.

**Hon. Speaker:** Table it!

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, can I explain?

**Hon. Speaker:** No. Table it.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): When will I explain?

**Hon. Speaker:** Table the documents.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): When will I explain?

**Hon. Speaker:** We are literate. I am literate. I will read and interpret them to the House.

**Hon. (Ms.) Fatuma Gedi** (Wajir CWR, PDR): Hon. Speaker, in 1985, the Agricultural Finance Corporation (AFC) took charge of the subject property to secure a loan facility with Kshs8.6 million advance to Intona Ranch. The original proprietor was then registered the owner of the subject. When the original proprietor defaulted on the loan...

*(Loud consultations)*

Why would you switch off the mic? Are you the one to dictate to him? Hon. Speaker, in 2004, members of the Maasai Community filed a case in Nakuru against Intona Ranch. The AFC, on the principal ground, said that they were entitled to the subject land on account of advanced possession. The court, in 2011, ordered that the 99 claimants will each get 10 acres out of the subject property. Of the remainder about 1,000 acres that included 20 acres occupied by Hon. Murumbi will be retained by AFC.

Hon. Speaker, dissatisfied with Justice Ouko's judgement in 1998, the claimants filed an appeal in 2013. The AFC filed an appeal insisting the community was not... In 2016, there was an attempt by legal representation of Murumbi to challenge the...

**Hon. Speaker:** Hon. Fatuma Gedi, please, table the documents. You have no business telling me: "No". You, Hon. Babu Owino, we are in the National Assembly.

**Hon. Babu Owino** (Embakasi East, ODM): *(Inaudible)*

**Hon. Speaker:** Hon. Babu Owino, what did you just say? Hon. Babu Owino, I order you out of the chamber. I order you out of the chamber. Out of the chamber, Hon. Babu Owino! I order you out of the chamber. We need mature debate here. Hon. Babu Owino, out of the chamber. Sergeant-At-Arms, get him out of the chamber. Hon. Babu Owino, out of the chamber.

Hon. Abdulkarim, let him go out. Let him leave the chamber. Out of the chamber. Sergeant-At-Arms, take him out. Hon. Ken Chonga, it is also disorderly. Hon. Babu Owino, out!

*(Loud consultations)*

Hon. Members, it will not change! It will not change!

*(Loud consultations)*

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*(Several Hon. Members stood in their places)*

Okay, Hon. Members. Those who have seats or feel like they can take seats, take them. Those who feel like they can take seats, you can take your seats. These are matters that are not new. Fortunately, we have seen this before. It does not, in any way, cause any anxiety. We will deal with it in the appropriate manner. Sergeants-At-Arms, you can resume your places.

*(Applause)*

My order that Babu Owino leaves the House and the Chamber has not been vacated. It is the case that Hon. Babu Owino has, with the help of some Members, refused to leave the chamber.

*(Loud consultations)*

*(Several Hon. Members stood in their places)*

Hon. Members, I know the rules of the House. In a situation of this nature, for your information, let me read to you Standing Order No.112. Take your seats. Standing Order No. 112 provides as follows:

“(1) In the event of grave disorder arising in the House, the Speaker may adjourn the House forthwith or suspend any sitting for a period to be determined by him or her.

(2) In the event of grave disorder arising in the Committee of the whole House, the Speaker shall resume the Chair forthwith.”

In the present circumstances, Hon. Members, I deem that there is grave disorder. We are not able to continue.

*(Loud consultations)*

When the Speaker’s order is being disobeyed and the people assisting in that are other Members, that is grave disorder. We cannot continue with the Sitting. I have seen this before.

*(Hon. Ken Chonga stood in his place)*

Member for Kilifi South, Hon. Ken Chonga, I am on my feet. It is at the tail end of the 12<sup>th</sup> Parliament and I am surprised. Hon. Chonga, because you are among the people who are assisting in the creation of this disorder, surely, you are the least that should even be given a chance to say anything. You should not even be here.

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, applying the provisions of Standing Order No.112 and the time being 5.13 p.m., the proceedings of today are adjourned. The House will resume on Tuesday, 10<sup>th</sup> May 2022, at 2.30 p.m.

The House rose at 5.13 p.m.