

PARLIAMENT OF KENYA
THE NATIONAL ASSEMBLY

THE HANSARD

Tuesday, 24th May 2022

The House met at 2:30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: Sergeant-At-Arms, ring the Quorum Bell.

(The Quorum Bell was rung)

Hon. Speaker: Very well, Hon Members. We now quorate, and I request that we commence Business.

COMMUNICATION FROM THE CHAIR

THE ANNUAL NATIONAL PRAYER BREAKFAST, 2022

Hon. Speaker: Hon. Members, the Kenya National Assembly Prayer Fellowship Group shall host the 19th Annual National Prayer Breakfast this week, on Thursday, 26th May 2022 at the Safari Park Hotel, Nairobi. It is expected that over 2,000 guests, who comprise of political, business and religious leaders, shall be in attendance. The theme for this year's prayer breakfast is "*Transition*" as anchored in the Bible; *2nd Timothy Verses 1 to 7.*"

The Prayer Breakfast shall be an inter-denominational prayer meeting organised by Members of Parliament, from both Houses. Further, His Excellency the President of the Republic of Kenya has accepted our invite to attend the said Annual National Prayer Breakfast. All Members of Parliament are requested to pick their invitation cards to this event at the Main Reception and confirm attendance by Wednesday, 25th May 2022 in order to facilitate seating arrangements.

Hon. Members, you may contact the Chairpersons of the Prayer Breakfast Group, Hon. Daniel Maanzo, M.P. or Hon. Sen. Samuel Poghisi, M.P. who are also Members of Parliament for Makueni Constituency and West Pokot County respectively, for any further clarification they may be able to offer.

I thank you, Hon. Members.

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 today, Tuesday, 24th May 2022:

The 2021/2022 Supplementary Estimates II program-based budget of the National Government of Kenya for the Year ending 30th June 2022;

The 2021/2022 Supplementary Estimates II Development Expenditure Estimates of further sums required to be voted for the service of the Year ending 30th June 2022;

The 2021/2022 Supplementary Estimates II, Recurrent Expenditure, estimates of further sums required to be voted for the service to the Year ending 30th June 2022;

The Annual Reports and Financial Statements in respect of the Parliamentary Service Commission for the Financial Years 2017/2018, 2018/2019 and 2019/2020;

Legal Notice No.78/2022 relating to the National Gender Equality Commission (NGEC) complaints handling procedure regulations of 2022;

The Public Service Commission County Appeals Procedure regulations of 2022 and the explanatory memorandum from the Public Service Commission; and

Report of the Auditor General and Financial Statement in respect to the Civil Servants Housing Scheme Fund for Year ended 30th June 2021 and the Certificate, therein.

I, thank you, Hon. Speaker.

Hon. Speaker: Chairman, Departmental Committee on Transport, Public Works and Housing, Hon. Pkosing.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker.

I beg to lay the following Paper on the Table of House:

Report of the Departmental Committee on Transport, Public Works and Housing on its consideration of the Traffic Amendment Bill (National Assembly Bill No. 60/2021).

I thank you, Hon. Speaker.

Hon. Speaker: Very well. The Chairperson, Departmental Committee on Finance and National Planning, Hon. Wanga.

Hon. (Ms.) Gladys Wanga (Homa Bay CWR, ODM): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Finance and National Planning on its consideration of the Finance Bill (National Assembly No. 22/2022).

I thank you, Hon. Speaker.

(Loud consultations)

Hon. Speaker: Hon. Members, I have been requested and acceded to the request that the Chairman of the Committee on Delegated Legislation tables a Report later in the day, during this Sitting on some various regulations that they are considering. The Chairman of the Budget and Appropriations Committee will also be tabling a Report from the said Committee, later in the day, in this Sitting.

Next Order.

(Loud consultations)

QUESTIONS AND STATEMENTS

Hon. Speaker: Hon. Members, we will skip the second part on the response to request for Statements so as to dispose of the Business appearing as Orders No. 8 and 9 on the Supplementary Order Paper.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

Hon. Speaker: The Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. I beg to move the following Procedural Motion:

THAT, in view of the short period remaining before the commencement of *Sine Die* Recess, this House orders that, notwithstanding the provisions of Standing Order 40 (3), Business sponsored by the Majority or Minority Party or a Committee shall be accorded priority during morning sittings of Wednesday 25th May and 8th June 2022.

Hon. Speaker, as Members would be aware, the House Business Committee had provided reservation of Wednesday morning sittings for Private Members' Business. I believe that has been the practice. All the other Business by parties and Committees have been reserved for Tuesday, Wednesday and Thursday afternoon sittings. However, what we have experienced in the last two weeks or so, has seen a loss on Wednesday mornings, because of either the Members not appearing or not having enough supporters to come and support them in the Business. So, we have actually been losing out on that.

When we now look at the Business that we have to cope with, we thought it would be good for us to utilise those two Wednesday mornings basically being tomorrow and the last Wednesday before recess, as per the current calendar, to transact some of the very urgent Business that we need; such as the Budget Estimates, the Finance Bill, the County Allocation of Revenue Act (CARA) and the Regulations. I just tabled Supplementary Budget Estimates that we may need to look at. We only have about two weeks. One day, that is two sittings, of those two weeks is taken by Madaraka Day next week.

Hon. Members, I would like to plead that we pass this Motion. If there is any urgent Private Members' Bill or Business that requires a few minutes, we could still slot it within the time allocated to the Committee in the afternoon sittings. We have done that on questions put, to save some of these Bills. That is basically a plea to Members who have pending Business, that within the time remaining, we give priority to urgent Business of the day that this House needs to dispense with before we break, so that we can do justice to the Republic.

Hon. Speaker, it is a decision that we discussed at length in the House Business Committee. We arrived at that as being the optimal solution for purposes of moving forward.

Hon. Speaker, I beg to move and request the Hon. Deputy Speaker to second.

Hon. Moses Cheboi (Kuresoi North, JP): I second.

(Question proposed)

Hon. Members: Put the Question!

(Question put and agreed to)

MOTION

CONSIDERATION OF REPORT AND THIRD READING OF THE CHILDREN BILL

Hon. Speaker: Well, Hon. Members, consideration of this Business was concluded last week. What remained is for the Question to be put, which I hereby do.

(Question put and agreed to)

Hon. Speaker: Mover?

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move that the Children Bill (National Assembly Bill No. 38 of 2021) be now read a Third Time.

Hon. Speaker, as I move this Third Reading, I want to recognise the efforts the Members have put in this Bill. This is perhaps the longest Bill that this House has had to consider. It has taken a lot of time and effort. I believe we have had close to five Sessions at the Committee of the whole House uninterrupted. At last, we now have a Bill for the Children of Kenya.

So, I want to congratulate Members here. We have done our best and I hope that the Senate can now take the remaining time before they break to agree with us, so that the 12th Parliament would have given the children of Kenya a Bill to ensure that their rights as given in the Constitution of Kenya 2010, are now anchored in a law that is modern, that updates the Children Act of 2001, which is 21 years old.

Hon. Speaker, I beg to move and I request Hon. Wangwe to second.

Hon. Speaker: Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Speaker. I second.

(Question proposed)

Hon. Members: Put the Question.

Hon. Speaker: Is it the desire of the House that I put the Question?

Hon. Members: Yes.

(Question put and agreed to)

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

Hon. Speaker: Very well, we go back to Order No. 7, the second segment which is a response to a request for a Statement. There was a request for a Statement by the Hon. Kisang to be issued by the Chairperson of the Departmental Committee on Administration and National Security.

Proceed Hon. Mwathi.

STATEMENT

KILLINGS AND CATTLE RUSTLING IN MARAKWET WEST

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. This is a Statement regarding recent killings and cattle rustling in Marakwet West Constituency, Elgeyo Marakwet County.

On 29th March 2022, the Member of Parliament for Marakwet West Constituency Hon. William Kisang requested for a Statement in respect to the recent killings and cattle rustling activities in his constituency. The Hon. Member particularly sought for an explanation on: -

- (i) When the National Police Reservists (NPR) programme will be reinstated to ensure that security in Elgeyo Marakwet County is restored to avert further loss of lives and property.
- (ii) The interventions that the Government is making to enhance security in the region over and above the recruitment of NPR from the local residents who are familiar with the local languages and the terrain.
- (iii) The challenges that the security agencies are facing in gathering information to facilitate the identification and arrest of the culprits as well as addressing security problems in the area.
- (iv) The plans that the Ministry has in ensuring long-term and sustainable peace in the area, including disarmament operations and community engagements.
- (v) Measures that have been put in place by Government agencies to recover stolen livestock and compensate victims who have been rendered poor by the illegal activities.

Hon. Speaker, the response is as follows. The Government has commenced the vetting and recruitment process of local National Police Reservists (NPRs) to support the National Police Service. This is in recognition of the fact that local residents are more conversant with the terrain and, more importantly, they have a greater understanding of the local dialect.

The challenges faced by security agencies in the region include:

- (i) Collusion between cattle rustlers and communities living in Kerio Valley;
- (ii) The rough and unfriendly terrain in the area;
- (iii) Lack of access roads to enhance mobility and quick responses of police officers in the interior parts of Kerio Valley and along Kerio River;
- (iv) Proliferation of illegal firearms; and,
- (v) High illiteracy levels and unemployment among community members.

To restore peace in the region and beyond, the following measures have been put in place:

- (1) The Government is planning to carry out a forceful illegal firearms disarmament exercise.
- (2) Several meetings between various stakeholders, security agencies and communities living in Kerio Valley have been held.
- (3) The National Police Service has enhanced patrols and surveillance in the area.
- (4) Intelligence gathering has been intensified.
- (5) Efforts have been enhanced to identify cattle rustlers who are currently being pursued by security agencies.

Security officers and elders from both sides are holding negotiations to ensure that stolen animals are returned to their rightful owners. Unfortunately, the Ministry of Interior and Coordination of National Government has no vote to cater for compensation of affected families.

Thank you, Hon. Speaker.

Hon. Speaker: Let us have Hon. Kisang.

Hon. William Kisang (Marakwet West, JP): Thank you, Hon. Speaker. I thank the Chairman of the Departmental Committee on Administration and National Security for the response, but this is the usual way that the Ministry responds. They are telling us that vetting of the NPRs is going on, yet that is what we were told three months ago. I do not know how long it takes to review someone's conduct. It does not take three months for you to receive a Certificate of Good Conduct after you apply for it. It takes two to five days before you get it. I do not know why it has taken long for the Ministry to recruit and deploy the NPRs.

Yesterday, I was in Arror Ward in Marakwet West Constituency along Kerio Valley. While holding a peace meeting in the community, there was an attack where two youths were killed along the road - a *boda boda* rider and a young man who was taking care of animals.

I do not know why it has taken more than three months. We had a meeting four months ago in Nakuru and the Cabinet Secretary promised that they would conduct a forceful disarmament exercise, which this Response states that they are planning. So, if the Cabinet Secretary said that four months ago when we had that meeting in Nakuru, I do not know how long it takes to plan to ensure that they disarm the people.

Another response that I do not agree with is on the issue of access roads. Whose business is it to ensure that there are access roads? It is the Government's. If it is their business, they need to take some measures to ensure there is accessibility within the area. When they talk about terrain, that is why we have been saying that we need the NPRs because they understand the environment. It has taken so long yet, they have not given us reasons why they removed the NPRs in 2018 up to now, and people are being killed every week. This week alone, we have lost four lives. A week ago, we lost about six lives in Marakwet East. Our mortuaries are almost full because of cattle rustling.

The last response that the Chairman gave us, as was received from the Ministry, stated that there was no money for compensation. We have allocated a lot of resources to this particular Ministry, but we do not know what they do with them. If they cannot compensate the people, they need to take care of them. They need to protect our property, otherwise, it means that they are admitting that they have failed. This is basically what they are saying. It is only that it is too late in the term of this Government, otherwise, they should have resigned by now. You admit that you do not have resources and that there are no access roads. Do you expect the people to construct roads for themselves? It is pathetic. This is a public relations response and exercise.

Hon. Speaker: Is there somebody else who wants to weigh in on this? Hon. Mwathi, you can take note of these comments and respond to all of them. I can see Hon. Pukose was first.

Hon. (Dr.) Robert Pukose (Endebess, JP): Asante sana, Mheshimiwa Spika. Nimefanya kazi kwa *Ministry of Health* (MOH) kule Elgeyo Marakwet. Ofisi yangu ilikuwa katika sehemu inayoitwa Chebiemit. Sehemu hii ya Kerio Valley imekuwa na shida kwa muda kutokana na mambo ya wizi wa ng'ombe na wananchi kupoteza maisha yao. Nimesikia majibu ambayo Mheshimiwa Mwathi ameleta kutoka kwa Waziri. Aliongea kuhusu maafisa wa NPR na kusema kuwa kuna mpangilio wa kuwafanyia *vetting*.

Ikiwa watu wa Kerio Valley wanaumizwa na matukio yanayotendeka, kusema kuwa kuna mpangilio ya kufanya *vetting* ni kudhulumu wananchi hao na kuwaacha kama hawana Serikali. Kwa hivyo, namuomba Mheshimiwa Mwathi aangalie mambo ambayo Waziri amesema kwa sababu sio haki.

Maafisa wa NPR wamekuwa wakifanya kazi nzuri katika Jamhuri yetu ya Kenya. Walisimamishwa kazi kule Kerio Valley tangu mwaka wa 2018. Sehemu nyingine kama kwangu

Endebess, maafisa wa NPR wanafanya kazi lakini hawapokei yale marupurupu madogo waliokuwa wanapewa. Ni vizuri kuangalia maswala ya maafisa wa NPR katika sehemu ambazo wananchi wana hatari ya kushambuliwa na wezi wa ng'ombe. Ni muhimu pia maafisa wa NPR wapewe silaha na kulipwa marupurupu madogo ya kuwasaidia kufanya kazi nzuri.

Naomba Serikali yetu ichukulie kwa uzito mambo ya usalama katika sehemu ya Kerio Valley na sehemu nyingine kama vile Baringo na mipaka ya nchi yetu.

Tunapoelekea katika msimu wa uchaguzi, ni vyema kuhakikisha kwamba kila Mkenya anaishi salama salmini na mali yake. Si vizuri kuwacha hawa wezi wa ng'ombe washambulie wananchi. Kwa hivyo, namuomba Mwenyekiti wa Kamati ya Utawala na Usalama arudi kwa Waziri na kumwambia kuwa kama Wabunge, hatujaridhika na yale majibu ameleta na achukulie jambo hili kwa umuhimu lililo nalo kwa sababu ya usalama wa Wakenya.

Asante, Mheshimiwa Spika.

Hon. Speaker: What is the name of Hon. Kangogo? Do you not have a card?

Hon. Kangogo Bowen (Marakwet East, JP): Thank you, Hon. Speaker. I heard the response from the Chairman of the Departmental Committee on Administration and National Security and it is totally cosmetic. The people of Kerio Valley are living under the mercy of criminals and bandits.

At the beginning of this year, I rose to ask a similar Question to what Hon. Kisang has asked in this House and the Chairman gave the same response. The Committee on Implementation is failing this House. Normally, a CS tables a response in this House through a Chair as having done something, but on the ground, there is nothing. It is upon the Committee on Implementation, through the Chair, to follow-up on the response given by a CS so it is implemented on the ground.

Hon. Speaker, we make laws in this House and under the National Police Service Act, the National Police Reservists (NPRs) is provided for. Many areas in this country have NPRs including Laikipia. I heard Hon. Pukose saying they have NPRs in Endebess, yet there is no insecurity. We do not know why the people of Kerio Valley are not provided with NPRs.

In my constituency, I have two platoons of General Service Unit (GSU), Anti-Stock Theft Unit and around 17 to 20 police stations. These police officers are not helping us at all. When there is an attack, they run and hide in their camps. The NPRs are the only ones who can help the people of Kerio Valley because they know the entry and exit routes of these criminals.

Hon. Speaker, if possible, I am requesting you to compel the Chair to invite the CS for Interior and Coordination of National Government to appear before this House. So, we can cross check the response given in the past and what he has given now. Otherwise, this is very misleading information because people are dying every day in Kerio Valley. As we near the elections, the bandit attacks have increased and they are no longer after the animals. They are on the roads attacking and killing people. As I said, the people of Kerio Valley are tax payers like other Kenyans in this country and deserve to be protected. They have a right to life. The answers given by the Chair are just cosmetic because this is not the correct position on the ground.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini, FORD-K): Thank you, Hon. Speaker. The response to me was very reckless, sketchy and irresponsible. It is the obligation of the Government to provide security and protect the lives of Kenyans and their property. I am very disappointed and humbly request the Chair of the Committee to get back to the CS for a responsible answer. It is very ridiculous for him to say that the people who lost their lives cannot be compensated. Kenyans

pay taxes and the Ministry of Interior and Coordination of National Government is allocated a lot of money in the Budget.

You cannot come on the Floor of this House and say there is no money for compensation and yet, you are the one obligated to provide security and protect lives. In case of any recklessness, the Government is supposed to be held responsible.

On matters NPR, because of the terrain of the area, it is recommended that the locals must be involved in this. This will be one way of enhancing community policing. Why has it taken so long in terms of vetting or whatever the case? That should not be the excuse. We call upon the Committee to summon the CS to give answers and show responsibility. Where they are supposed to compensate, they should not have an excuse of lack of money because these are Kenyans who are taxpayers.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Speaker. I heard what the Chair of the Departmental Committee on Administration and National Security read. I think sometimes we are just shooting the messenger because he is just conveying what was written. As far I am concerned, the security of every Kenyan is enshrined in the Constitution. When the Government of the day provides security to Kenyans, it is not a favour but a constitutional right. The issues of insecurity in North Rift, Kerio Valley, Marakwet, Marsabit and Isiolo come about because of negligence by the Government of the day.

Today, I want to thank the Government because they have deployed security in Marsabit, after a very long time of sitting on their hands. People can now move around peacefully doing their work and schools are getting back to normal. The Government must deploy enough security. I think the idea of NPR is just a stop gap. It is the Government that must deploy enough security in all parts of the country facing insecurity.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Kabuchai.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you, Hon. Speaker. Having heard the answer, the responsibility of security in this country lies with the Ministry of Interior and Coordination of National Government. Kenyans demand to be safe wherever they stay. The Ministry brings its budget to this House which we pass without question and they lack nothing. In their Statement to this House, they should have indicated what they lack and the causes of rampant insecurity in some areas.

With that, I have heard this House requires serious answers. They cannot give an answer which is not water-tight and vague to this House. The CS must be serious. The Member has said that yesterday four lives were lost. The life of a person cannot be equated to anything. The CS should substantiate and be competent enough to tell us what they are doing for this country to be safe. We do not agree with this and call upon him to give a substantive answer so that this country can be run professionally.

Thank you, Hon. Speaker.

Hon Speaker: Member for Pokot South.

Hon. David Pkosing (Pokot South, JP): Thank you, Hon. Speaker for giving me this opportunity to weigh in on the Statement from my colleague Hon. Mwathi.

I just want to caution him as he addresses this issue in that area. This is because when it comes to security, he needs to look at the balance to see whether it is a balance of power or peace. He should look at this area very carefully because on the other side there is another community. If

you are seeking to arm one side of the community, then you are arming it against other people who are Kenyans. When people talk about the NPR, they are arming one community against another. The other community living on the other side is the Pokot people. You cannot arm one community to fight another. We cannot allow this to be passed through this House. Hon. Mwathi should be very careful.

People are using emotions so that on 9th August, they can be seen by their own people as having defended them. Hon. Mwathi should play a very careful balance in this case. For example, along the border and at Chesegon Division, in the West Pokot side. I ask that he goes on the ground and ensures that the Government balances power. I am not talking about community balance, but Government power balance. He will see more police and GSU, but on the other side along the border in Chesegon Division where I come from, there is nothing not even the NPR.

The Kenya Police Reservists (KPRs) are not even there. This matter therefore, Hon. Speaker is very volatile and particularly, around this time. I urge Hon. Mwathi – I know him – he is a peaceful person. He comes from Nairobi and does not know what is going on in terms of insecurity. He might be a Pastor and while going to do these things, he should look at the balance of power between communities, and should not favour one community only. Hon. Mwathi, you have to look at the power balance.

Otherwise, I thank you, Hon. Speaker for the opportunity.

Hon. Speaker: Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Asante Mhe. Spika.

Nilipokua ninachangia huu Mjadala, Daktari mmoja aitwaye Benjamin Kibor alinitumia ujumbe kwamba tunapoongea sasa hivi, kuna mashambulizi yanayofanyika katika Eneo Bunge la Mhe. Bowen, mahali panaitwa Kabetwa. Tayari, mtu mmoja ashauawa. Mashambulizi yanaendelea hata sasa hivi, tunapoongea.

Kuna kituo cha Polisi kinachoitwa Mogil, pale Kabetwa. Pia, tuko na kituo cha GSU kule Tot. Mhe. Pkosing anavyongelea, ni mbali na mpaka. Iko katikati ya Marakwet Magharibi kuelekea upande wa Baringo.

Kwa hivyo, tunapoongelelea mambo ya usalama; kuna wezi upande wa Pokot na Marakwet. Tusiangalie tu maisha ya binadamu vile Mhe. Pkosing anavyosema mambo ya usawa. Mambo ya usawa haihusikani na mambo ya usalama. Kila mmoja anahitaji kulindwa; maisha ya kila Mkenya ni ya muhimu sana. Kwa hivyo, tusifikirie kuongelelea mambo ya usawa wa usalama ila, tuangalie kila Mkenya, awe upande wa Pokot ama Marakwet, wajue wanalindwa vilivyo.

Hon. Speaker: Member for Kiharu.

Hon. Ndindi Nyoro (Kiharu, JP): Thank you, Hon. Speaker.

The response from the Chairman was very careless and underwhelming. It is the responsibility of the Government to guarantee security for all Kenyans. Kerio Valley is part of Kenya, and the residents there should be guaranteed their security to carry on with their businesses like any other Kenyans.

Hon. Speaker, it is not a favour for the Government to provide security to all the citizens of Kenya; it is a responsibility anchored in our Constitution, and it is one of the basic responsibilities of the Government. As for the Chairman to come and proclaim that the Government does not have enough resources to provide the NPR, it is reckless and impetuous.

We have been seeing the same department that we allocate a lot of resources here, using the same to sell...

Hon. Peter Mwathi (Limuru, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Mwathi?

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I was going to take all the supplementary questions and respond. I, however, think it is unfair for Hon. Ndindi Nyoro to say that I have brought a careless answer, and was careless on my part as you sit there, Hon. Speaker.

As you have said time and again, these responses come from the Executive. My work is only to read. Unless, he is saying that I read it carelessly, which I do not think I did because I read each sentence properly. He needs to withdraw his statement that said I am careless in reading because I was not. If the carelessness is done by the Executive, he needs to say so. What he is saying in camera when the entire country is listening, is that I am careless in bringing this answer. That is a political statement, and I wish that you ask him to withdraw.

Hon. Speaker: Hon. Mwathi, you are certainly not careless. Hon. Ndindi Nyoro did you say that the Hon. Mwathi was careless to bring the answer?

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, I wish the Hon. Chairman was listening because the carelessness is not in the messenger, it is in the message and the content of the answer. The answer given is careless. I never mentioned anything around the Hon. Chairman.

(Hon. Jimmy Angwenyi spoke off-record)

I also think that, the Chairman must have had some afterthought that even the answer that he brought forth on the Floor is careless in its context.

Hon. Speaker, we have been allocating a lot of money to the Ministry of Interior and Coordination of National Government to guarantee all Kenyans security but instead of...

Hon. Speaker: Hon. Otiende Amollo?

Hon. (Dr.) Otiende Amollo (Rarieda, ODM): Hon. Speaker, Hon. Ndindi Nyoro, and the *Hansard* will bear this out, accused the Hon. Chairman of being careless. He did not say he read it carelessly, not the person who responded, but the Hon. Chairman. What is worse is that he is repeating it. He is still saying that the Hon. Chairman is careless. It is important to educate Hon. Ndindi Nyoro, who aspires for other offices which are yet to be disclosed that when a Parliamentary Question is brought, it is then transmitted to the relevant department through the Committee. The Chairman of the Committee merely reads the answer as given. Any Member who wants further interaction should either attend the Committee, or after it is brought here, should raise appropriate matters, but not to cast aspersions on the person of the Chairman, who is a colleague. Hon. Ndindi Nyoro must be clear on this. I know he has been a bit busy, he may have forgotten the Standing Orders.

Thank you very much, Hon. Speaker.

(Hon. Peter Mwathi spoke off-record)

Hon. Speaker: Hon. Ndindi Nyoro has said that he did not refer to Hon. Mwathi as careless. Hon. Mwathi is insisting that he referred to him as so. Is that so Hon. Mwathi?

Hon. Peter Mwathi (Limuru, JP): Hon. Speaker, I think we are going round in circles yet we have the *Hansard*. I was listening and he said as much. Again, he is further renegeing on what he said claiming that he did not. If we get the *Hansard* and it will prove that he cast aspersions on my person, then we should punish him according to the Standing Orders.

Hon. Speaker: Hon. Ndindi Nyoro, can you confirm for the second time?

Hon. Ndindi Nyoro (Kiharu, JP): Hon. Speaker, you can consider checking the *Hansard*. My reference was on a reckless content of the answer, and not the recklessness of the messenger.

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As I finish, it is equally reckless for the Ministry of Interior and Coordination of National Government to be expending public resources on issues around politics instead of guaranteeing Kenyans, including the citizens of Kerio Valley, the security that they deserve.

Hon. Speaker, we must take this matter seriously because I do not think the Ministry took the Question with the importance it deserves. I never referenced anywhere around the Hon. Chairman; the recklessness is around the content of the answer he brought forth.

Hon. Speaker: Very well, Hon. Members. Hon. Rasso said before, and Hon. Mwathi has repeatedly said that he is merely, a messenger.

When you seek a Statement, the reply will come from the relevant department of Government, or State agency. If you however, want to interrogate further, for instance some of the things you are saying, you can only do so if you have asked a Question and the Cabinet Secretary is responding under the Chairmanship of Hon. Mwathi. He really, has no answer to some issues you are raising. He is nothing. He has faithfully, brought to the House the response given to him. It is true that many of you feel that it is inadequate, and all those other adjectives that you have used regarding the content, but Hon. Mwathi has done what he is expected to do under our Standing Orders.

Hon. Speaker: Hon. Charles Kilonzo, do you want to weigh in on this matter?

Hon. Charles Kilonzo (Yatta, Independent): Thank you, Hon. Speaker. To avoid this business of chairmen of committees being referred to as messengers, this House needs to look at its Standing Orders and see how Cabinet Secretaries (CSs) can come to the House and respond to Questions and Statements. You have been in this House for many years. Before, when answers were not sufficient, the Speaker could sanction the Ministry and say that there will be no business that will be transacted until a satisfactory answer is given. So, as the House comes to its tail-end, those who are responsible for looking at the Standing Orders for the next Parliament need to consider this business. Alternatively, in the next Parliament, we can amend the Constitution. Let cabinet secretaries come to the House and carry their own cross as opposed to chairs of committees carrying it for them. They have nothing to do with what transpires in the ministries.

Hon. Speaker: Hon. Members, we still have a provision in our Standing Orders on the Committee on General Oversight. The intention of making that suggestion was to have, at least, three or four CSs coming to this Chamber every Tuesday; we lower the Mace and sit as a Committee as we normally do in the Committee of the Whole House. The CSs would then respond to Questions and issues that Members have. However, in your own wisdom, you chose that we go that other route. So, you get as good as you bargain for. Is that not it?

Hon. Charles Kilonzo, you are right. It is just to insist on the enforcement for implementation of that Standing Order, at least, until such time as you will have amended the Constitution. As it is, it still remains that the President will appoint, with the approval of the National Assembly, CSs who shall not be Members of Parliament. So, those two words “shall not” is what prevents them from coming here. We should think innovatively. What we had proposed was a middle ground that, every Tuesday, you will have, at least, three or four CSs appearing here. I am sure very many Members will be present to ask Questions. If it were the CS responding to these supplementary questions that you are raising now, I am sure he would have received a lot more coming from many other Members. Nevertheless, this is the best we have.

Hon. Mwathi was taking notes. I can give him a chance. Hon. Mwathi, you can respond to the supplementary questions.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I got the supplementary clarifications and questions from Hon. Kisang regarding the length of time spent on vetting of the

National Police Reservists (NPRs) who are supposed to be engaged. I will bring it to the attention of the CS. The process has taken long. The CS said that it started three months ago. I am not aware. From that point of information, I will take that forth to the CS together with the issue of lack of access roads, which is supposed to be done by the Government. He should liaise with his counterpart CS in charge of roads to have the area made accessible.

On the issue regarding compensation, I oversight that sector. We appropriate money here in Parliament, and I have never seen appropriation for compensation for such occurrences. So, we need to bite the bullet. If we know that there are issues that arise in Ministries that require compensation, we should provide for such kind of money as a budget-making House, so that we do not get these kinds of answers.

On the issue raised by Hon. Pukose, *alisema kuna mtu aliyeuawa leo. Ni kweli alivyoniambia. Pia, NPRs walioko hawapati silaha na marupurupu ya kuwawezesha kufanya kazi wanayotakiwa kufanya. Hilo nitamwambia Waziri ili aharakishe. Nitashikanisha swali hilo pamoja na suala la ukosefu wa usalama. NPRs wanahitajika kusaidia wanainchi ili wawache kupata shida wanazozipata.*

Hon. Kangogo referred to the answer as ‘cosmetic.’ I do not know what part of it was cosmetic. I read it as it were. Hon Kalasinga said the answer is not water tight.

(Laughter)

When you say that the answer is not water tight, it will also be good to say what the answer should include to make it water tight.

Be it as it may, the crux of the matter is what was raised by Hon. Kilonzo. In such matters, we need to engage the CS. The only thing I can do in this House is to deliver what the CS has written without removing any of the comas or full stops. I cannot come here and feign to have knowledge of what else needs to be done by that CS and take responsibility, including answering supplementary questions which the CS is supposed to answer. If it gets to that level and a matter is weighty, with your indulgence, it will be better to allow the relevant Committee to interrogate the matter further so that the concerned Members can come when the CS appears before the Committee. The CS will answer and take responsibility of every statement, coma and full stop he utters. Otherwise, mine is to say that I will convey to the CS the sentiments and supplementary questions that have been raised by Members, and hope that he will respond in a manner that will be acceptable and water tight. I will stand guided if you will require us to further pursue this matter with the CS, given the weight it has.

Thank you.

Hon. Speaker: Hon Kisang, I can see you have something.

Hon. William Kisang (Marakwet West, JP): Hon. Speaker, we have said that we cannot blame the messenger. I am requesting that you use your authority to compel the CS to appear before the Committee next week on Tuesday so that I can go and meet him. It has taken three months to do the vetting of NPRs, and people are dying every week. Yesterday, we lost two! Last week we lost more. Hon. Bowen’s constituency is under attack as we speak now! Empathise and sympathise with us, and compel the CS to appear before the Committee next week.

(Hon. Pkosing spoke off-record)

Hon. Speaker, Hon. Pkosing is being careless. We lost two people yesterday and he said that we want to arm one side of the community. Almost every homestead on the other side of the community has a gun. That is careless and irresponsible!

Hon. Speaker: Hon. Members, I can see you are going to inflame passions. Let us refrain from that. You can see the Member for Pokot South is already up in arms. Hon. Pkosing, do not use similar harsh words.

Hon. David Pkosing (Pokot South, JP): Hon. Speaker, I respect you and, to be very honest, I also respect Hon. Kisang. He has completely misunderstood me. I said: Let us check the balance of power so that one community is not advantaged against the other in terms of war. That is exactly what I am saying. I do not know where Hon. Kisang's mind was. He should withdraw his statement that I made a reckless statement. We do not want our Marakwet and Pokot communities at home to think that I am fighting Hon. Kisang. They will start fighting each other. Hon. Kisang is my great friend, and I am praying for him to come back. I also ask the great people of Marakwet West to bring back Hon. Kisang because I know what he has done here. He only misunderstood me. He is a good man. I am sure he is also praying for me. We are both constructing a tarmac road between Kapcherop and Kabibich. We are good friends.

He only misunderstood me. I do not know what he ate today or how he slept last night. I do not know. I do not know what he drank. You know I do not drink those other things. Maybe, he is doing it himself. I am just a good man, and so is he. The Marakwet and the Pokot should live in peace. They should not look at this contestation as if it is war. It is not. When you arm the Marakwet, you do so against the Pokot. When you arm the Pokot, you do so against the Marakwet. If you disarm the Pokot, you should also disarm the Marakwet. We should live in peace. That is what I mean by balance of power. He misunderstood me.

Hon. Speaker: Hon. Members, now that Hon. Pkosing has said that he is praying for Hon. Kisang, and he also believes that Hon. Kisang is also praying for him, let me just remind them that the National Prayer Breakfast is this Thursday. So, please, come and continue those prayers. It is good to reduce the tensions.

In the meantime, Hon. Mwathi has undertaken to convey this issue to the CS so that, if he is available on Tuesday, Hon. Mwathi can communicate to Hon. Kisang and any other Member who may be interested, to appear and raise their concerns. That is the best we can do in the meantime.

Yes, Hon. Mwathi?

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I will endeavour to make sure that the CS comes, and I will do that immediately after this Sitting.

Hon. Speaker, I persuade you to go through the *Hansard* tomorrow to especially check on what was alluded to by Hon. Ndindi Nyoro. I am usually a very serious, focused and responsible person. When he says that on national television during this campaign period, he is speaking to my constituents and telling them that I am irresponsible and careless. I can tell you that on the ground, there is nobody who is as careful, responsible, and serious and a focused human being like me in Limuru. Hon. Speaker, save me from that one.

I will also undertake to invite the CS to address the balance of the matter.

Hon. Speaker: Very well. We will check the *Hansard* and if, indeed, it shows that Hon. Ndindi Nyoro referred to you as careless, we will deal with the issue appropriately.

Hon. Kanini Kega, Chairman of the Budget and Appropriations Committee, it is going to 4.00 p.m., and the indication I got from you was that you will be ready to table the Report by now.

Hon. Kanini Kega (Kieni, JP): Thank you, Hon. Speaker. My eyes have been glued to that door, because I expect the documents will be coming in at any time.

Hon. Speaker, I seek your indulgence and guidance because the Supplementary Budget Estimates II has been tabled. Ordinarily, when the Supplementary Budget Estimates are tabled, they are referred to departmental committees, which will then invite State departments. The process is sometimes a bit long. I seek your guidance and intervention because going by the timelines we have, could the Report be directed to us this time round? We will liaise with the chairpersons if there are any amendments that they want to put forward in terms of interrogating the Report so that we can, at least, save on time. However, we will give committees, especially chairpersons, adequate time to look at the Report and we will also consider their proposals. That is my request, going by the timelines that we have.

Hon. Speaker: With regard to the committees, you will have to invite the chairpersons of the affected committees. Perhaps, the Supplementary Estimates do not affect all departments of Government. The request that Hon. Kanini Kega has made is reasonable, given the available timelines. I order that the Report that has been tabled be referred to the Budget and Appropriations Committee, which is now required to invite the respective chairpersons of the affected departments which they oversee so that you hasten the process of consideration of the Supplementary Estimates II.

The other observation is that, if you look at the business appearing on the Order Paper, we are going into Committees. Is that not so? What is Order No.10 in the Supplementary Order Paper? The House is going into the Committee of the whole House, and you cannot table your Report during the Committee of the whole House. Maybe, you could check. You will have to wait until we finish the consideration of the Committee of the whole House and resume as a House for you to table the Report.

(The Speaker consulted with the Clerks-at-the-Table)

PAPER LAID

Hon. Speaker: Yes, Hon Kanini, proceed.

Hon Kanini Kega (Kieni, JP): Thank you, so much, Hon. Speaker, for your indulgence. I beg to lay the following Paper on the Table of the House:

Report of the Budget and Appropriations Committee on the Estimates of the Revenue and Expenditure for the National Executive, Parliament and the Judiciary for the Financial Year 2022/2023, and the Medium Term.

I thank you, Hon Speaker.

Hon. Speaker: Very well.

NOTICE OF MOTION

CONSIDERATION OF THE BUDGET ESTIMATES
FOR THE FINANCIAL YEAR 2022/2023

Hon Kanini Kega (Kieni, JP): Thank you, Hon. Speaker. I beg to give notice of the following Motion on the consideration of the Budget Estimates for the Financial Year 2022/2023:

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

THAT, this House adopts the Report of the Budget and Appropriations Committee on the Budget Estimates for the National Government, Judiciary and Parliament for the Financial Year 2022/2023, laid on the Table of the House on Tuesday, 24th May, 2022 and, pursuant to the provisions of Article 221 of the Constitution, Section 39 of the Public Finance Management Act, 2012 and Standing Order 239-

- (a) approves the issuance of a sum of Kshs2,103,838,811,446 from the Consolidated Fund to meet the expenditure during the year ending 30th June 2023 in respect of the Votes contained in the First Schedule to the Order Paper, subject to paragraph (c) (Committee of Supply);
- (b) makes the Policy and Financial Resolutions contained in the Second Schedule to the Order Paper; and,
- (c) Orders that “The Speaker do now leave the Chair” to facilitate the consideration of the said Budget Estimates with respect to each Vote and Programme in the Committee of Supply, as contemplated under Standing Order 240 (Consideration of Estimates in the Committee of Supply).

Thank you, Hon. Speaker.

COMMUNICATION FROM THE CHAIR

PROPOSED NEW CLAUSE 1C OF THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL

Hon. Speaker: Very well. Hon. Members, before we go to the business appearing as Order No.10, which is Committee of the whole House, I wish to give direction with regard to the business written Order No.10(iii), which is the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No. 4 of 2021).

Hon. Members, among the proposals for amendments, is a proposal by the Chair of the Committee indicated as 1C, which suggests that:

Section 4 of the Principal Act be amended in subsection (1) by deleting the expression “2.5% (two and half per centum)” appearing in the paragraph (a) and substituting therefor with the expression “5% (five per centum)”.

I approved this proposed amendment but subject to compliance with Article 114 of the Constitution.

Hon. Members, for avoidance of doubt, up to now, I have not received any communication which addresses the issues in Article 114 of the Constitution, which reads as follows:

“(1) A money Bill may not deal with any matter other than those listed in the definition of “a money Bill” in clause (3).

(2) If, in the opinion of the Speaker of the National Assembly, a motion makes provision for a matter listed in the definition of “a money Bill”, the Assembly may proceed only in accordance with the recommendation of the relevant Committee of the Assembly after taking into account the views of the Cabinet Secretary responsible for finance.

(3) In this Constitution, “a money Bill” means a Bill, other than a Bill specified in Article 218, that contains provisions dealing with—

- (a) taxes;
- (b) the imposition of charges on a public fund or the variation or repeal of any of those charges;
- (c) the appropriation, receipt, custody, investment or issue of public money;
- (d) the raising or guaranteeing of any loan or its repayment; or,
- (e) matters incidental to any of those matters”.

Hon. Members, I have looked at the proposal clearly. It seeks to raise the percentage of what goes to the National Government Constituencies Fund (NG-CDF) from 2.5 per cent to 5 per cent. In itself, I am sure it is a very popular proposal. Unfortunately, as a House that is guided by the rules and the Constitution, I must order that this particular clause shall not be considered. This is because there is no report from the Budget and Appropriations Committee which is the responsible committee. Also, we have not received any views from the CS responsible for finance, as required in Article 114(2) of the Constitution. Therefore, Hon. Members, it will be unfair for us to consider it because, even if you pass it alongside several other very good proposals, this may be the reason why it may end up being rejected, and you would have acted in futility. But, more importantly, it will be against Article 114 of the Constitution. So, the House will deal with the Bill, but will not consider this proposed amendment.

However, I am aware that this proposal was borrowed from a similar one in the Bill by Hon. Tindi Mwale, which sought to raise the percentage from 2.5 per cent to 5 per cent. This being National Assembly Bill No.34 of 2021, and this one by the Committee is National Assembly Bill No. 4 of 2021, I believe the idea here was to borrow what was proposed by Hon. Tindi Mwale, and bring it into this one by the Committee.

Unfortunately, the Committee was obligated to also seek the views of the Budget and Appropriations Committee, which we normally refer such matters to and, in return, they also consult with the CS responsible for Finance. Therefore, this having not happened, the proposal will not be considered. So, we will move as if it was never there.

Hon. Millie Odhiambo, you should have been here earlier when we passed the Children Bill. You ought to have earned the congratulations passed onto you by everybody in the House for the very incisive contributions you made to that Bill. On this one, unfortunately, Hon. Kanini Kega is just the Chairman and not the Committee. Even if he stood in his place now, he would be speaking as Hon. Kanini Kega, the Member for Kieni, and not as the Committee because he would have to bring a Report. Unfortunately, as popular as it is, we cannot allow it. Thank you, Hon. Members.

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

The Speaker (Hon. Muturi) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairman (Hon. Christopher Omulele) took the Chair]

THE MILITARY VETERANS BILL

(Several Hon. Members left the Chamber)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Order, Hon. Members. We are now in Committee of the whole House to consider the Military Veterans Bill, (National Assembly Bill No.4 of 2022).

Clause 3

The Temporary Deputy Chairman (Hon. Christopher Omulele): Chairman of the Departmental Committee on Defence and Foreign Relations, you have a proposal to amend this clause?

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy Chairman, we support that, and the justification is that the proposed provision establishes the Defence Forces Retirement Home in counter---

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Tong'i, just read the amendment first.

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 3 of the Bill be amended by deleting paragraph (d).

Hon. Temporary Deputy Chairman, we support the amendment. The justification is that the proposed provision establishing the Defence Forces Retirement Home is counter-intuitive. Military veterans ought to be integrated in their families, and not isolated. It will not be pragmatic to keep military veterans in retirement homes. The amendment, therefore, seeks to delete it.

(Question of the amendment proposed)

*(Question, that the word to be left out be left out,
put and agreed to)*

(Clause 3 as amended agreed to)

(Clause 4 agreed to)

Clause 5

The Temporary Deputy Chairman (Hon. Christopher Omulele): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move: THAT, Clause 5 of the Bill be deleted.

The issue here is that the proposed provision to clause 5 is arbitrary as it is. We want it to be deleted in total because it is arbitrary, and it seeks to create some unlimited window of opportunity to deny benefits for persons qualified as military veterans under the Act. The Clause seeks to defeat the intent and purposes of this Act without adequate justification. It is one of those things that do not quite fit in because it takes away what has been given in the previous clause and; hence, we should just delete it.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Ali Rasso, Member for Sakwa.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. I support the amendment suggested by the Leader of Majority Party. This particular clause is arbitrary, and is subject to abuse and interpretation by different commanders or individuals. Removing this, in my opinion, will allow the Act to operate; and the Council or the Committee of Management to be able to look at the canvas with a clear mind.

Thank you, Hon. Temporary Deputy Chairman.

*(Question, that the word to be left out be left out,
put and agreed to)*

(Clause 5 deleted)

Clause 6

The Temporary Deputy Chairman (Hon. Christopher Omulele): There are two proposals to this. One is by the Chair, and the other is by the Leader of Majority Party. We start with the Chair's.

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended by—

- (a) deleting paragraph (a);
- (b) deleting paragraph (b); and,
- (c) deleting paragraph (c).

The reason is that we find the words used are discriminatory. It criminalises the Army, the Veteran, and we think the change will help.

In sub-clause 2, we are deleting the word “proviso”. The justification is that the provision violates Article 27(4) of the Constitution, which prohibits the State from discriminating directly or indirectly on grounds of health status. The provision criminalises and punishes military veterans who have suffered mental illness as a result of their service.

Hon. Temporary Deputy Chairman, it is important for Kenyans and all Members to appreciate that those are the only officers who put on uniform and risk dying while serving Kenyans. We need to appreciate that over time, this has a mental impact. It affects them and their families. Waking up every morning to risk dying for the sake of Kenyans is not a mean achievement.

Earlier on, we had a response to a Statement from the Chairman of the Departmental Committee on Administration and National Security. Members were in unison that the only group of people that could manage the menace in the Rift Valley is the army. Considering what they have done before, given a chance, they would do it a lot better.

That kind of assignment takes a toll on one's mental health and, therefore, this provision should not be used because it discriminates the same officers who are putting their lives on the line

for the sake of Kenyans. They ensure that all of us are safe in our homes and we are able to function properly as they do their operations.

I beg to move, Hon. Temporary Deputy Chairman.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): I see interest from Hon Rasso Ali

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. I support this amendment by my Chairman.

First of all, every individual must be given a benefit of doubt so that the law cannot prejudice them. Secondly, all cases must be considered on merit. That is why this particular amendment is really important.

Thank you, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Leader of Majority Party, you have something to say?

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I was following the amendment proposed by the Chair of the Departmental Committee on Defence and Foreign Relations from the Order Paper. The amendment he is proposing is actually to delete sub-clauses 6(a), (b) and (c) which is part of the definition of who becomes a military veteran.

The explanation given is totally different. For the record, we just want to make sure that what the Chair is deleting is also consistent with the explanation because what he is explaining is what I am deleting and not what the Committee is deleting.

I do not know whether the Chair of the Committee is following. The amendment that I have, and which is on the Order Paper, is that clause 6b be amended by deleting paragraph a, b and c, which is a part of who qualifies to be a veteran!

The Temporary Deputy Chairman (Hon. Christopher Omulele): So, in essence, he has moved your proposals rather than his own?

Hon. Amos Kimunya (Kipipiri, JP): Yes. That is right.

The Temporary Deputy Chairman (Hon. Christopher Omulele): I think that is what he has done.

Hon. Amos Kimunya (Kipipiri, JP): So, he can move his amendment for the record.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Yes, correct. Chair, Hon. Tong'i.

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy Chairman, we are all in agreement because we also do not want to cause confusion. The definition is key in what we are doing. The provision in paragraph 6 basically deals with the definition of who a soldier is and who a veteran is.

(a) it states that, for one to qualify to be a veteran, he must have served in the Kenya Defence Forces.

(b) or Kenya Armed Forces after 1963 because we appreciate there are people who have served in the KDF in a different name before 1963. This one seeks to address the issues, challenges and welfare of those members who have served after 1963.

(c) those who served in the African Rifle before 1963 will be managed in a way.

So, this is basically the gist of it and we are comfortable deleting.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. I think without really raising any confusion in this particular Bill in the supplementary Order Paper, it says, Clause 6 of the Bill be amended;

- (a) in sub-clause (ii) by deleting the proviso;
- (b) by deleting sub-clause 3.

(Loud Consultations)

We are not there yet? Anyway, I want to request the Chair and Leader of the Majority Party that, actually, in Clause 6 (i) a, b, c, there are those persons who served the Kenya Defence Forces as Kenya Armed Forces or Kenya African Rifles at different times in the history of this country. I want you to really look at it before we go ahead and delete it. Actually, those are the people who should be considered as veterans.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Rasso, you are absolutely right because what the Chair seems to be doing is to remove some of those veterans, the Kenya Defence Forces, Kenya Armed Forces and Kenya African Rifles 1963 and this, to me, seems to be the very essence of veterans.

Yes, Hon. Chair.

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy Chairman, after consulting the Leader of the Majority Party, we agreed that it should stay because that is the body of what we are dealing with.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Then the proper thing to do is to withdraw it. Withdraw your proposal to amend it.

Hon. Richard Tong'i (Nyaribari Chache, JP): Yes, we have.

(Proposed amendment by Hon. Richard Tong'i to clause 6 withdrawn)

The Temporary Deputy Chairman (Hon. Christopher Omulele): The direction is that the proposal by the Chair is dropped. There is a proposal by the Leader of the Majority Party.

Leader of the Majority Party, proceed.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairman. I want to thank Hon. Chair for that. I also want to thank Hon. Rasso for alerting us.

Hon. Temporary Deputy Chairman, I beg to move;-

THAT, Clause 6 of the Bill be amended—

- (a) in sub-clause (2), by deleting the proviso;
 - (b) by deleting sub-clause (3).
- The Clause is amended with two proposals;
- (a) by deleting the proviso in sub-clause (2), which basically is saying the objective of this clause is addressed under 6(i)d which presupposes that denial of a veteran to any benefit should only result from being dishonorably discharged. Sub-clause (2) then creates room for some unnecessary discretion which would present some potential for abuse.
 - (b) I am also proposing to delete sub-clause (3) within the same clause. This is as a subsequence of deleting the above in sub-clause (2). So, once we delete that proviso that seems to say that one can be discharged because of self-inflicted things such as alcohol and all that, who would determine that? So, let us just leave

the matter. If someone is not dishonorably discharged, they qualify to be veterans without putting other provisos that you abused alcohol or you abused drugs. It is subject to a lot of abuse.

I beg to move.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. I support this particular amendment by the Leader of the Majority Party. I think what we must remove from making laws in this House, is the leeway of interpretation and unqualified justification to make certain rules.

So, for that reason, although sub-clause (3) is generally an interpretation of what narcotics are, sub-clause (2) would give some individuals powers that they do not deserve under this Bill.

For that reason, I support the amendment.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 6 as amended agreed to)

(Clauses 7, 8, 9 and 10 agreed to)

Clause 11

The Temporary Deputy Chairman (Hon. Christopher Omulele): Leader of the Majority Party, you have something on this. Proceed.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 11 of the Bill be amended in sub-clause (4) b inserting the following new paragraph immediately after paragraph (a)—

“(aa) three nominees are appointed, each being a military veteran from Kenya Army, Kenya Air Force and the Kenya Navy;”

This is to expand the Committee to include three nominees, each being a military veteran from each of the three formations – one from the Kenya Army, another from the Kenya Air force, and another from the Kenya Navy – so that we have proper representation of all veterans from each of the three defence formations. This will ensure that the decisions made are representative and have full participation of people from the three backgrounds. It will not necessarily add any more to this Committee, but veterans will feel that their issues are being taken care of from a broad base.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Chairman. I support this amendment. The Kenya Defence Forces (KDF) consists of the Kenya Navy, the Kenya Army and the Kenya Airforce. Once we constitute this particular organisation to look after veterans, it sits

well for representation across the services so that they all feel that they are part of this. For that reason, this particular amendment is significant and I support it.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 11 as amended agreed to)

Clause 12

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move:
THAT, Clause 12 of the Bill be amended by deleting paragraph (d).

There is a very dangerous provision that was put there, that a person shall be qualified to be appointed if that person has not acted in a manner that is prejudicial to national security since the end of his or her military service. How do you determine a person has not acted in a prejudicial manner? It is subject to a lot of abuse and misinterpretation. We do not want to have veterans being denied their rights on account of misinterpretation by a person without defining what acting in a prejudicial manner is. It is for purposes of clarity to remove the ambiguity and also to avoid the potential for abuse in the interpretation of that clause. That is why we propose to delete it.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have Hon. Rasso, Member for Saku.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. I support this amendment. This particular clause was arbitrary and also very subjective. I agree with the Leader of the Majority Party that if we give individuals a lot of leeway and room, laws can easily be abused. For that reason, the amendment is good and it sits well because paragraphs (a), (b) and (c) fulfill the intention of the Bill.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 12 as amended agreed to)

(Clauses 13,14,15,16,17,18,19 and 20 agreed to)

Clause 21

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have the Chairman of the Departmental Committee on Defence and Foreign Relations.

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 21 of the Bill be amended in sub-clause (1) —

- (a) by deleting paragraph (a);
- (b) in paragraph (b), by deleting the words “deceased members of the Kenya Defence Forces or”.

The justification is that the proposed Dependant’s Education Fund should be for provision of scholarships for the education of dependants who are children of deceased military veterans. Since the Bill is meant for military veterans, the fund will go a long way in paying for the education of children of deceased veterans. This should be the priority. We had a long discussion about this and we all agreed that the essence of a veteran is to ensure that his or her family lives in reasonable comfort and we are able to provide for them.

To cushion the Government from spending more money on this, we proposed to get a way of internally raising the money, both from serving officers during their tenure of service and also getting well-wishers to support this. It is the practice all over the world that veterans are supported, not just from the budget alone, but from supporters in the donor community.

We believe that if we ensure that children who are left behind are supported through their education, they stand a good chance of supporting their families in subsequent years. This is because of the capacity and resources that they will obtain by virtue of opportunities that knowledge brings them. They will be able to get gainful employment and help their families in the process. That will make the veteran prouder of his or her family.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Let us have Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you, Hon. Temporary Deputy Chairman. I support this amendment. The strength of the KDF, now and in the future, will very much be dictated by how we look after veterans and their families. Any attempts within this Bill or the future Act to discriminate against a particular group will not sit well with young serving members aged 19 or 20 years old. They are young men and women.

For that reason, the amendment that the Chairman of the Departmental Committee on Defence and Foreign Relations has proposed is good, and I support it.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 21 as amended agreed to)

Clause 22

The Temporary Deputy Chairman (Hon. Christopher Omulele): Chairman.

Hon. Richard Tong’i (Nyaribari Chache, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting clause 22.

The proposed provision establishing the Defence Forces Retirement Home is counterintuitive. Military veterans ought to be integrated into their families and not to be isolated. It will not look good if we separate them and put them in old age homes. Considering the way we are brought up and how we socialise as a community, a retirement home is not considered a

conducive place. Therefore, we propose that we find a way of integrating military veterans into the society. Whatever they would get from the retirement home should be provided to them in the society.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. I beg to support this amendment. Any law that we make in this august House is a living thing that will have a life of its own. In the fullness of time, I believe that once the Bill becomes the law of the land, those implementing it will be able to see where there are gaps. Among the gaps will be how to look after veterans with special needs. Maybe they will need a home or a sanctuary but putting up a Defence Forces Retirement Home is like putting the cart before the horse. That might not sit well at this point. We do not want to be subjective; we want to be objective. Let us give them the law and in the fullness of time they will propose amendments.

I thank you, Hon. Temporary Deputy Chairman.

(Question, that the words to be left out be left out, put and agreed to)

(Clause 22 deleted)

(Clause 23 agreed to)

Clause 2

The Temporary Deputy Chairman (Hon. Christopher Omulele): Chairman, you have a proposed amendment to this clause.

Hon. Richard Tong’i (Nyaribari Chache, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended by deleting the definition of “child” and substituting therefor the following new definition—

“child” means a child of a Kenya military veteran under the age of eighteen years.

The proposed amendment seeks to enable children of military veterans to access benefits proposed in the Bill in a clear manner. Now that we just concluded consideration of the Children Bill, this amendment is timely. Childhood ends at 18 years. So, we want to limit ourselves to that age to ensure that we do not open the process to abuse.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Rasso.

Hon. Ali Rasso (Saku, JP): Thank you very much, Hon. Temporary Deputy Chairman. The original definition in the Bill is generic. In the amendment, we are relating the child to the beneficiaries in the Bill; that is, military veterans.

Thank you, Hon. Temporary Deputy Chairman.

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(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 2 as amended agreed to)

Long Title

The Temporary Deputy Chairman (Hon. Christopher Omulele): There is a proposal by the Chairman to amend the long title.

Hon. Richard Tong’i (Nyaribari Chache, JP): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the long title to the Bill be amended by deleting the words “to establish the Defence Forces Retirement Home”.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(The Long Title as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we have concluded consideration of the Bill. I call upon the mover to move reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairman, I beg to move that the Committee do report to the House its consideration of the Military Veterans Bill (National Assembly Bill No.4 of 2022) and its approval thereof with amendments.

(Question put and agreed to)

THE PERSONS WITH DISABILITIES BILL

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we will now consider the Persons with Disabilities Bill (National Assembly Bill No.61 of 2021).

Clause 3

The Temporary Deputy Chairman (Hon. Christopher Omulele): Chairman, you have a proposed amendment to the clause. You may move it, Hon. Koske.

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Hon. Gideon Koske (Chepalungu, CCM): Hon. Temporary Deputy Chairman, I beg to move:

THAT, clause 3 of the Bill be amended—

(a) in paragraph (d) by deleting the word “differences” and substituting therefor the word “difference”;

(b) by inserting the following new paragraph immediately after paragraph (f) —

(fa) access to information.

[The Temporary Deputy Chairman (Hon. Christopher Omulele) left the Chair]

[The Hon. Chairman (Hon. Moses Cheboi) took the Chair]

The first amendment seeks to correct a grammatical error. The correct reference should be the principle of respect for difference pursuant to Article 3 (d) of the Convention on the Rights of Persons with Disabilities. The proposed new paragraph (f) introduces the principle of access to information by PWDs.

Thank you, Hon. Chairman.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 3 as amended agreed to)

(Clause 4 agreed to)

Clause 5

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 5 of the Bill be amended by deleting sub-clause (3) and substituting therefor the following new sub clause —

(3) Every person with disability has a right to own and inherit property, to control their own financial affairs and to have access to savings and loan facilities, mortgages and other forms of financial credit on an equal basis with others.

Hon. Chairman, the reason is that this amendment is a redraft of sub-clause (3) aimed at clarifying the language, text and also including the rights of persons with disabilities to access

savings facilities in financial institutions. Further, it enhances access to savings and credit facilities in all financial institutions and not just banks.

Thank you.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 5 as amended agreed to)

(Clauses 6, 7 and 8 agreed to)

Clause 9

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 9 of the Bill be amended—

(a) by renumbering the provision as sub-clause (1)

(b) in paragraph (d) of the renumbered sub-clause (1) by deleting the word “age-appropriate” and substituting therefor the words “age and gender appropriate”

(c) by inserting the following new paragraphs immediately after paragraph

(d) —

(e) living with his or her family for as long as is necessary;

(f) accessing quality education;

(g) accessing appropriate health care services;

(h) protection from abuse, exploitation and harmful practices.

(d) by inserting the following new sub-clause immediately after the renumbered sub clause (1)—

(2) In all actions concerning children with disabilities, the best interest of the child shall be the primary consideration and shall be of paramount importance.

Hon. Chairman, the first amendment is renumbering of the clause so as to accommodate a new sub-clause. The amendment to paragraph (d) seeks to include and promote gender-appropriate assistance to children with disabilities, particularly noting that these children require special attention to their specific gender needs. The new paragraph expands the rights of children with disabilities to address societal concerns, for example, accessing quality education, living with their families to ensure they are not rejected or abandoned to live in children homes and protection from abuse, exploitation and harmful practises. The new sub-clause (2) aims to require that the best interest of the child with disability be the primary and paramount consideration in all actions and decisions concerning a child with disability in accordance with Article 53 of the Constitution.

(Question of the amendment proposed)

(Question, that the words to be left out

be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 9 as amended agreed to)

Clause 10

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 10 of the Bill be amended in sub clause (1) by deleting the word “young person with disability” and substituting therefor the words “person with disability who is a youth”;

Hon. Chairman, the amendment aims to remove ambiguity by replacing the words “young person” with the word “youth” since the Constitution defines youth and not young person. This is the category of persons contemplated in the clause.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 10 as amended agreed to)

(Clause 11 agreed to)

Clause 12

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 12 of the Bill be amended in sub clause (1) by inserting the words “disability identification card” immediately after the word “passport”

Hon. Chairman, this amendment guarantees the right of a person with disability to be issued with a disability identification card which will facilitate assets, benefits and privileges as a PWD.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 12 as amended agreed to)

(Clauses 13, 14, 15, 16 and 17 agreed to)

Clause 18

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 18 of the Bill be amended—

(a) in sub clause (1) by deleting the words “and free primary and secondary”;

(b) in sub clause (5) by inserting the “basic” immediately after the word “compulsory”;

(c) in sub clause (8) (c) (ii) by deleting the word “development of a least restrictive environment by”

(d) in sub clause (8) (c) (v) by deleting the word “adoptive” and substituting therefor the word “adaptive”

(e) by inserting the following new sub-clause immediately after sub-clause (9)—

(9A) "Each learner with disability including an intellectual disability has a right to be assessed and be placed in an appropriate learning institution in accordance with the outcome of the assessment".

Hon. Chairman, the amendment to sub-clause (1) and sub-clause (5) tends to remove the ambiguity and brings clarity to the right to education now that every person with disability has the right to access quality education at all levels of education; that is basic, secondary and tertiary. Secondly, that every child with disability has the right to free and compulsory basic education.

The amendment in Clause 8(c) (2) deletes the superfluous phrase as the clause can stand alone without this phrase. The amendment in Clause 8(c) (5) corrects the term used, that is, by replacing the word “adoptive” with “adaptive”. The reason is that adaptive means adjusting to given circumstances and in the context of this clause, it is the intended word.

The new sub-clause 9A seeks to require an assessment to be carried out in order to place children with mental/intellectual disabilities in appropriate learning institutions. Many learners with disabilities have delayed milestones and need appropriate placements so that they can benefit from education offered from formative stages and advance themselves.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 18 as amended agreed to)

Clause 19

Hon. Chairman: Chair, it would be helpful if you would be brief because I see Members have these proposed amendments with them. We can easily move very fast because they will probably have seen it.

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 19 of the Bill be amended—

(a) in sub clause (1) by deleting the word “qualified”;

(b) in sub clause (2) (c) by deleting the word “solely”;

(c) in sub clause (5) by—

(i) deleting the words “a qualified” in paragraph (d) and substituting therefor the word “an”;

(ii) deleting the words “a qualified” in paragraph (e) and substituting therefor the word “an”;

(iii) deleting the words “a qualified” in paragraph (f) and substituting therefor the word “an”;

(d) in sub clause (7) by —

(i) inserting the following new subparagraph immediately after paragraph (a) (ii)—

“(iii) payment of assistive allowances to employees with disabilities”

(ii) deleting the words “for the known physical or mental or mental limitations of an employee with disabilities” appearing in paragraph (c) (iii)

Hon. Chairman, this removes the redundant word “qualified” as it is expected that employers hire qualified persons irrespective of disability. Further, the amendment removes the superfluous words. The use of the word “solely” may imply that employers may discriminate employees on grounds other than disability. The law recognises that discrimination happens on multiple and interesting grounds. Persons with disabilities should be protected from discrimination on all these bases, Hon. Chairman.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 19 as amended agreed to)

Clause 20

Hon. Chairman: Hon. Chair.

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 20 of the Bill be amended by deleting the word “solely”.
The word “solely” is superfluous.
Thank you.

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

(Clause 20 as amended agreed to)

Clause 21

Hon. Chairman: Hon. Chair.

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 21 of the Bill be amended in sub-clause (1) by deleting the words “with the required skills or qualifications either”.

This Clause has the same issue with Clause 20. We are removing the superfluous phrase, as it is anticipated that employers hire qualified persons, irrespective of disability.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 21 as amended agreed to)

(Clause 22 agreed to)

Clause 23

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 23 of the Bill be amended in sub-clause (1) by deleting the words “and privately owned” appearing in paragraph (c).

The amendment clarifies that free medical services will be offered by public health facilities given that they receive Government funding, unlike private health facilities.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 23 as amended agreed to)

Clause 24

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 24 of the Bill be amended—

(a) in sub clause (1) by deleting the words “right to”;

(b) in sub clause (2) by deleting the words “It shall be the obligation of public institutions to” and substituting therefor the words “Public institutions shall”

(c) in sub clause (4) by deleting the words “television and radio stations” and substituting therefor the words “media enterprises”.

The first amendment corrects a grammatical error. The other one deletes the words “television and radio stations” and they are replaced with the words “media enterprises”.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 24 as amended agreed to)

(Clause 25 agreed to)

Clause 26

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 26 of the Bill be amended in sub clause (4) by inserting the words “accessible and” immediately after the words “cultural activities are”;

The amendment ensures that the persons with disabilities have access to sports, recreation, leisure and cultural activities.

Thank you.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 26 as amended agreed to)

Clause 27

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 27 of the Bill be amended—

(a) by deleting sub-clause (4) and substituting therefor the following new sub-clause –

“(4) Every person with disability has a right to personal mobility and the use of assistive devices of his or her choice, including assistance by guide animals, and no person with disability shall be denied access to any public place because of the nature of his or her assistive devices.”

(b) in sub-clause (7) (f) by inserting the word “walkways” immediately after the word “crossings”.

The amendment in sub-clause 4 provides that every person with disability has a right to personal mobility and use of assistive devices. In sub-clause 7, we want to ensure that walkways which are designed properly are constructed to guarantee movement of persons with disabilities.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the word to be inserted be inserted, put and agreed to)

(Clause 27 as amended agreed to)

Clause 28

Hon. Chairman: Hon. Chair.

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 28 be amended in sub-clause (5) by deleting the words “the person concerned” and substituting therefor the words “a person aggrieved”.

The amendment clarifies that the persons who are aggrieved by the decision of the Council may appeal it.

Thank you.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 28 as amended agreed to)

(Clause 29 agreed to)

Clause 30

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 30 of the Bill be amended in sub clause (2) by deleting the words “hardship allowance to or for a family of” and substituting therefor the words “special allowance to”.

The amendment proposes that people living with disabilities may be paid special allowances to assist them to live independently.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 30 as amended agreed to)

(Clause 31 agreed to)

Clause 32

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 32 be amended—

(a) in sub-clause (1) by—

(i) renumbering paragraph (c) as sub-clause (2);

(ii) renumbering paragraph (d) as sub-clause (3);

(iii) renumbering paragraph (e) as sub-clause (4); and,

(b) renumbering sub-clause (2) as sub-clause (5).

The amendment corrects the erroneous numbering in the entire Clause to ensure logical flow of ideas in the legislation.

Hon. Chairman: Very well.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 32 as amended agreed to)

(Clauses 33 and 34 agreed to)

Clause 35

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 35 of the Bill be amended—

(a) in paragraph (b) by inserting the following new subparagraph immediately after subparagraph (xv) —

(xvi) advise bodies that manage disaster and humanitarian crisis on disability issues to enable them put in place modalities for accessible disaster and humanitarian crisis management.

(b) in paragraph (c) by deleting the word “facilitate” and substituting therefor the words “advise on”.

Subparagraph xvi gives the Council responsibilities to advise on disaster preparedness with respect to persons with disabilities. Paragraph (c) clarifies the role of the Council which is advisory but not administrative.

(Question of the amendment proposed)

*(Question, that the words to be inserted
be inserted, put and agreed to)*

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 35 as amended agreed to)

(Clauses 36 and 37 agreed to)

Clause 38

Hon Chairman: Hon. Chair.

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 38 of the Bill be amended in sub-clause (1) (d) (ii) by deleting the words “parents of persons with mental disabilities” and substituting therefor the words “parents and guardians of persons with mental disabilities who cannot represent themselves”

The amendment provides that two of the members of the Council are proposed to its membership in order to represent persons with severe disability, including mental disability and will accordingly be represented by a parent or guardian.

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and agree to)*

*(Question, that the words to be inserted in
place thereof be inserted, put and agreed to)*

(Clause 38 as amended agreed to)

Clause 39

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 39 of the Bill be amended in sub-clause (2) (c) by inserting the following proviso—

“Provided that this requirement shall not apply to a member of the Council appointed under section 38 (d) (ii).

On Clause 39, Hon. Chairman, the amendment ensures that appointment of members to represent persons with severe disability is not hampered by the work experience requirement. Parents or guardians of persons with severe disabilities in 38 (d) (ii) may not have the prescribed five years’ work experience in disability matters but require to be part of the Council to advocate for issues concerning their children.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agree to)

(Clause 39 as amended agreed to)

(Clauses 40, 41, 42, 43, 44, 45, 46, 47 and 48 agreed to)

Clause 49

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 49 of the Bill be amended in sub clause (1) (a) by deleting the word “voted” and substituting therefor the word “appropriated”

Clause 49 includes an appropriate phrase; that is, money appropriated by the National Assembly and not money voted by the National Assembly.

Thank you, Hon. Chairman.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agree to)

(Question, that the word to be inserted in place thereof be inserted, put and agreed to)

(Clause 49 as amended agreed to)

(Clauses 50, 51 and 52 agreed to)

Clause 53

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 53 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause (1)—

(1) All persons with disabilities who are in receipt of an income may apply to the Cabinet Secretary responsible for finance for exemption from income tax and any other levies on such income.

(b) in sub clause (2) by inserting the words “in accordance with the Income Tax Act, Cap 470” immediately after the word “partially”;

(c) in sub clause (3) by deleting the words “specially designed”

It ensures that the current benefits in law continue to be enjoyed by all persons with disabilities who have income and not just those in employment. It also offers clarity that the approval of income tax exemptions shall be in accordance with the Income Tax Act.

The amendment also ensures that all persons with disabilities enjoy the exemption from Import Duty and VAT with respect to material, articles and equipment they import and not only those specially designed for their use, including motor vehicles.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agree to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agree to)

(Clause 53 as amended agreed to)

(Clause 54 agreed to)

Clause 55

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 55 of the Bill be amended by deleting the words “ensure access to credit by persons with disabilities” and substituting therefor the words “develop guidelines to ensure the equal right of persons with disabilities to have equal access to bank loans, mortgages and other forms of financial credit”

Clause 55 introduces a specific action by the Cabinet Secretary to ensure equal rights of persons with disabilities to have equal access to credit.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agree to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 55 as amended agreed to)

Clause 56

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 56 of the Bill be amended in sub-clause 1 (b) by deleting the word “special”

(Hon. Caleb Kositany consulted loudly)

Hon. Chairman: Order, Hon. Kositany!

Hon. Gideon Koske (Chepalungu, CCM): The amendment deletes the word “special” which is superfluous. The aim of the Clause is to ensure barrier-free assets by persons with disabilities.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agree to)

(Clause 56 as amended agreed to)

Clause 57

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 57 of the Bill be amended—

(a) in sub-clause (1) by inserting the words “chargeable by a public postal licensee” immediately after the word “charges” appearing in the opening statement;

(b) by inserting the following new sub-clause immediately after sub-clause (3)—

“(4) In this section, the term “public postal licensee” has the meaning assigned to it under the Kenya Information and Communications Act, No. 2 of 1998”

The justification is that the amendment seeks to clarify that the provision of free postal services to persons with disabilities in respect of postal services be provided by the public postal service provider and not private entities.

(Question of the amended proposed)

(Question, that the words to be inserted)

be inserted, put and agreed to)

(Clause 57 as amended agreed to)

(Clause 58 agreed to)

Clause 59

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 59 of the Bill be amended in sub clause (2) by deleting the word “only” in the opening statement.

It is to remove the word “only” because it is superfluous.

(Question of the amendment proposed)

(Question, that the word to be left out be left out, put and agree to)

(Clause 59 as amended agreed to)

Clause 60

Hon. Chairman: You have an amendment.

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 60 of the Bill be amended—

(a) in sub clause (1) by deleting the word “only” in the opening statement; and,

(b) in sub clause (2) by deleting the word “concealment” in paragraph (b).

It is the same issue of removing the word “only” because it is superfluous and the offence of concealment and penalties is also deleted from the Clause because it is already accommodated comprehensively in Clause 61.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 60 as amended agreed to)

(Clauses 61, 62 and 63 agreed to)

Clause 64

Hon. Chairman: Hon. Gideon Koske.

Hon. Gideon Koske (Chepalungu, CCM): It is the deletion of sub clause (4).

Hon. Chairman: You will be wondering why I have decided to make a choice. As much as you are chairing that Committee, it is good I also mention your name because you are representing a constituency, which is Chepalungu Constituency. By the way, you are doing very well in moving this. Looking at how we have gone, you are doing extremely well.

Proceed, Hon. Koske.

Hon. Gideon Koske (Chepalungu, CCM): Thank you, Hon. Chairman. I beg to move:

THAT, Clause 64 of the Bill be amended—

(a) by deleting sub clause (4);

(b) by deleting sub clause (8) and substituting therefor the following new sub clause—

(8) The Cabinet Secretary responsible for matters relating to health shall, within three months of the date of commencement of this Act, develop or review guidelines on medical practice so as to bring them into conformity with the provisions of this Act.

The deletion of sub clause (4) is necessary as the clause concerns medical negligence by medical practitioners. The amendment to sub clause (8) is a redraft to clarify the text.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 64 as amended agreed to)

(Clauses 65, 66, 67, 68, 69, 70, 71 and 72 agreed to)

Clause 73

Hon. Gideon Koske (Chepalungu, CCM): I beg to move:

That, Clause 73 of the Bill be amended by deleting the words “and Agencies” and substituting therefor the words “Agencies and county public offices”.

The amendment seeks to ensure public offices at the county level of government also establish disability mainstreaming units. It is observed that assessment of PWDs is a major function of the counties.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 73 as amended agreed to)

Clause 74

Hon. Gideon Koske (Chepalungu, CCM): I beg to move:

That, Clause 74 of the Bill be deleted.

The proposed clause on reservation of housing units for purchase by PWDs may create serious implementation challenges that could hamper Government projects where there are not enough PWDs to purchase five per cent of all houses constructed by Government.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 74 deleted)

(Clauses 75, 76, 77, 78, 79 and 80 agreed to)

Clause 81

Hon. Gideon Koske (Chepalungu, CCM): I beg to move:

THAT, Clause 81 of the Bill be amended—

(a) in sub clause (1) by inserting the following new sub-paragraph immediately after sub-paragraph (e)—

(f) A direction, notice, order, permit or any other document that was granted, issued or made under the repealed Act, and that was valid immediately before the coming into force of this Act, shall be given effect as if granted, issued or made under this Act.

(b) by deleting sub clause (2) and substituting therefor the following new sub clause (2)—

(2) (a) Notwithstanding section 80, the National Development Fund for Persons with Disabilities established in section 32 of the Persons with Disabilities Act, No. 14 of 2003 shall continue to be administered by the Board of Trustees which was administering the Fund immediately before the commencement of this Act until the Fund is re-established by the Cabinet Secretary responsible for matters relating to finance through regulations made under the Public Finance Management Act, No. 18 of 2012.

(b) Without limiting the generality of sub-paragraph (a), the regulations shall provide, among other things, that—

(i) the re-established National Development Fund for Persons with Disabilities shall be used for the benefit of persons with disabilities in Kenya; and

(ii) the administration of the re-established National Development Fund for Persons with Disabilities shall be vested in the Council.

(c) In this paragraph, “Board of Trustees” means the Board of Trustees appointed under section 34 of the of the Persons with Disabilities Act, No 14 of 2003.

The amendment to paragraph (1) is a saving clause that recognises the validity of any documents, orders, certificates, permits, *et cetera*, granted under the current Act. Examples are disability certificates or cards issued by the National Council for Persons with Disabilities.

The amendment to paragraph (2) ensures that there is no uncertainty or lacuna in the transition of the National Development Fund for Persons with Disabilities from the parent Act to the Regulations. The proposed provisions also aim to safeguard the sanctity of the Fund and ensure that the purpose for which it was established is inviolable. In this regard, the proposal guides that the administration of the Fund, once re-established, shall face the same council as the watchdog of the rights of PWDs.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 81 as amended agreed to)

New Clause 24A

Hon. Gideon Koske (Chepalungu, CCM): I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after clause 24—

Access to financial and banking services.

24A. Institutions that provide financial services, including online services and mobile money, shall ensure that their services, equipment and platforms are available to persons with disabilities in accessible formats and technologies.

This new clause is proposed to ensure financial institutions use universal designs in service provision for all. This is to guarantee access of such services by PWDs.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

*(Question, that the new clause be read
a Second Time, put and agreed to)*

(The new clause was read a Second Time)

*(Question, that the new clause be added to
the Bill, put and agreed to)*

(First and Second Schedules agreed to)

Clause 2

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) by deleting the definition of the term “disability” and substituting therefor the following new definition—

“disability” includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long-term effect on an individual's ability to carry out ordinary day to day activities;

(b) by deleting the definition of the term “disability mainstreaming” and substituting therefor the following new definition—

“disability mainstreaming” means a strategy through which concerns, needs and experiences of persons with disabilities are made an integral part or dimension of the design, budgetary allocation, implementation, monitoring and evaluation, and reporting of policies and programmes in all political, economic and societal spheres so that persons with disabilities benefit equally and inequality is not perpetuated;

(c) in the definition of the term “persons with disabilities” by deleting the word “permanent” appearing immediately after the words “persons with” and substituting therefor the word “long-term”;

(d) by inserting the following new definitions in proper alphabetical sequence—

“exploitation” includes any act which has the purpose and effect of taking unfair advantage of any limitation of persons with disability;
“harmful practices” include behaviour, attitudes and practices based on tradition, culture, religion, superstition or other reasons, which negatively affect the human rights and fundamental freedoms of persons with disability or perpetuate discrimination against such persons;

“media enterprise” means an organization whose business involves the collection, processing and dissemination of news or news articles, or in entertainment and education through the media;

“older member of society” means a person who has attained the age of sixty years;

The amendments seek to align the definition of ‘disability’ with the definition in the Constitution and national instruments concerning the rights of PWDs.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question that the words to be inserted be inserted, put and agreed to)

(Clause 2 as amended agreed to)

Long Title

Hon. Gideon Koske (Chepalungu, CCM): Hon. Chairman, I beg to move:

THAT, the Bill be amended in the long title by inserting the words “to provide for incentives and reliefs” after the words “rights of persons with disabilities”.

The proposed amendment seeks to highlight one of the major gains in the Bill, that is, the provision of incentives and reliefs for PWDs.

Hon. Chairman, thank you.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Long Title as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

Hon. Chairman: We have come to the end of considering the Bill. I call upon the Mover of the Bill to move reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Chairman, I beg to move that the Committee does report to the House its consideration of the Persons with Disabilities Bill (National Assembly Bill No.61 of 2021) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE NG-CDF (AMENDMENT) BILL

Hon. Chairman: We will now consider the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.4 of 2021). I want to confirm if the Mover is here. Who is moving the Bill? Given that the Mover is not present, we will step down the Bill to the next available opportunity. It is a fairly short Bill. I wish the Chairman of the Committee was here.

(Consideration of the Bill deferred)

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. Christopher Omulele) in the Chair]*

REPORTS

THE MILITARY VETERANS BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, we shall have the Chairman to report.

Hon. Moses Cheboi (Kuresoi North, JP): I thank you, Hon. Temporary Deputy Speaker. I beg to report that the Committee of the whole House has considered the Military Veterans Bill (National Assembly Bill No.4 of 2022) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Mover.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said report. I request Hon. Tong'i, the Chairman of the Departmental Committee on Defence and Foreign Relations, to second the Motion.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Tong'i.

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy Speaker, I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I direct that the next necessary steps in regard to the Bill be undertaken when the matter will next be set down on the Order Paper.

(Putting of the Question deferred)

THE PERSONS WITH DISABILITIES BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): The next Bill to be reported on is the Persons with Disabilities Bill (National Assembly Bill No.61 of 2021).

Hon. Moses Cheboi (Kuresoi North, JP): I thank you once more, Hon. Temporary Deputy Speaker. I beg to report that the Committee of the whole House has considered the Persons with Disabilities Bill (National Assembly Bill No.61 of 2021) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Mover.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to move that the House does agree with the Committee in the said report. I request Hon. Koske to second.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Koske.

Hon. Gideon Koske (Chepalungu, CCM): Hon. Temporary Deputy Speaker, I second.

(Question proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, I direct that the next necessary steps in this regard be undertaken when the matter will be set down on the Order Paper next time.

(Putting of the Question deferred)

Let us have the Chair of the Departmental Committee on Defence and Foreign Relations.

PAPER LAID

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy 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 on the vetting of nominees for appointment to the position of ambassadors, high commissioners and permanent representatives.

The Temporary Deputy Speaker (Hon. Christopher Omulele): You may give the notice of the Motion.

NOTICE OF MOTION

VETTING OF NOMINEES FOR APPOINTMENT AS AMBASSADORS, HIGH COMMISSIONERS AND PERMANENT REPRESENTATIVES

Hon. Richard Tong'i (Nyaribari Chache, JP): Hon. Temporary Deputy Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Defence and Foreign Relations in its Report on the vetting of the nominees for approval as ambassadors, high commissioners and permanent representatives, laid on the Table of the House on Tuesday, 24th May 2022 and pursuant to the provisions of Article 132(2)(e) of the Constitution, Section 20(2) of the Foreign Service Act, No.12 of 2021 and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011, this House approves the appointment of the following persons as ambassadors, high commissioners and permanent representatives:

Ambassadors

- | | | |
|-----------------------------|---|------------|
| 1. Mr. Clement Nzomo Kiteme | - | Angola |
| 2. Ms. Mary Mugwanja | - | Austria |
| 3. Prof. Bitange Ndemo | - | Belgium |
| 4. Ms. Muthoni Gichohi | - | China |
| 5. Amb. Gathoga Chege | - | Cuba |
| 6. Amb. Salim Salim | - | Djibouti |
| 7. Maj. Gen. A. G. Matiri | - | Egypt |
| 8. Amb. Galma Boru | - | Indonesia |
| 9. Mr. Paul Ndung'u | - | Mozambique |

High Commissioners

- | | | |
|-------------------------------------|---|-------------------|
| 10. Mr. Michael Sialai | - | Namibia |
| 11. Maj. Gen. Andrew Ikenye | - | Nigeria |
| 12. Ms. Margaret Shava | - | Netherlands |
| 13. Ms. Amina Abdalla | - | Sultanate of Oman |
| 14. Amb. Nyambura Kamau | - | Pakistan |
| 15. Mr. Boniface N. Mwilu | - | Qatar |
| 16. Amb. Michael Oyugi | - | Spain |
| 17. Maj. Gen. (Rtd) Thomas Chepkuto | - | Somalia |
| 18. Mr. Leonard Boiyo | - | Turkey |
| 19. Maj. Gen. (Rtd) George Owinow | - | Uganda |

Permanent Representatives

- | | | |
|---|---|--|
| 20. Prof. Richard Bosire
Representative to the
Scientific and | - | Ambassador/Permanent
United Nations Educational,
Cultural Organization (UNESCO). |
| 21. Maj. Gen. (Rtd) Charles Gituai | - | Ambassador/Permanent
Representative to the
Inter-Government Authority for
Development (IGAD). |

The Temporary Deputy Speaker (Hon. Christopher Omulele): Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Deputy Speaker (Hon. Christopher Omulele) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairman (Hon. Christopher Omulele) took the Chair]

THE NATIONAL GOVERNMENT CONSTITUENCIES
DEVELOPMENT FUND (AMENDMENT) BILL

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Members, we are now in the Committee of the whole House to consider the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.4 of 2021)

(Clause 2 agreed to)

Clause 3

The Temporary Deputy Chairman (Hon. Christopher Omulele): Chair, you have something on this.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 3 and inserting the following new clause—

Amendment
of section 6
of No. 30 of
2015.

3. Section 6 of the principal Act is amended—

(a) by deleting subsection (3) and inserting the following new subsection—

“(3) If for any reason a particular project is cancelled or discontinued during the financial year, the funds allocated for such a project shall be returned to the constituency operations account of the constituency from which the funds were withdrawn.”

(b) by inserting the following new subsection immediately after subsection (3)—

“(3A) The funds in respect of a particular cancelled or discontinued project referred to in subsection (3) that were yet to be disbursed for implementation, shall be retained in the constituency operations account.”

Hon. Temporary Deputy Chairman, the justification there is that this amendment seeks to provide further clarity in regards to accounts into which unused funds should be returned. The amendment further seeks to ensure that any funds relating to a cancelled or discontinued project shall be retained in the constituency operations account in accordance with this section. I thank you, Hon. Temporary Deputy Chairman.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 3 as amended agreed to)

(Clause 4 agreed to)

Clause 5

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 5 of the Bill be amended by deleting paragraph (a) and inserting the following new paragraph—

“(a) deleting subsection (1) and inserting the following new subsections—

“(1) For the purpose of disbursement of funds under this Act there shall be opened and maintained a constituency operations account for every constituency at any commercial bank, which account shall be approved by the National Treasury and into which all funds shall be kept and such an account shall be known by the name of the constituency for which it is opened.

(1A) Each constituency shall open one deposit bank account for holding third party monies which shall so be designated and such an account shall be known by the name of the constituency for which it is opened.

(1C) For the purposes of this Act, each constituency shall maintain one deposit account and one constituency operations account.”

Hon. Temporary Deputy Chairman, the amendment seeks to ensure that each constituency shall only open and operate one deposit bank account and one operations account for purposes of this Act.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 5 as amended agreed to)

Clause 6

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 6 of the Bill be amended by deleting the word “any” appearing immediately after the words “money from the fund, plus” and substituting therefor the word “and”.

Hon. Temporary Deputy Chairman, the amendment seeks to make correct reference to the actual words to be deleted from the Act. This is just grammatical.

(Question of the amendment proposed)

*(Question, that the word to be left out
be left out, put and agreed to)*

*(Question, that the word to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 6 as amended agreed to)

Clause 7

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chairman.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 7 of the Bill be amended by deleting the proposed new Section 16 and inserting the following new section—

Functions
of the
Board.

16. The functions of the Board shall be to—

(a) consider project proposals submitted from various constituencies in accordance with the Act, approve for funding those projects proposals that are consistent with this Act and send funds to the respective constituency operations account of the approved projects;

(b) ensure timely and efficient disbursement of funds to every constituency;

(c) ensure efficient management of the Fund;

(d) co-ordinate the implementation of projects at the inter-constituency level;

(e) receive and address complaints that may arise from the implementation of the Act;

(f) encourage best practices in the implementation of projects;

(g) administer the funds and assets of the Board in such manner and for such purpose as shall promote the best interest of the Board in accordance with the Act to ensure efficient management of the Fund; and

(h) perform such other duties as the Board may deem necessary from time to time for the proper management of the Fund.

This amendment clearly spells out the functions of the board which is necessary for the enhancement of the timely and efficient disbursement of funds, as well as the efficient management of the Fund.

I thank you, Hon. Temporary Deputy Chairman.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 7 as amended agreed to)

Clause 8

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chairman.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 8 and inserting the following new clause—

Amendment
of Section
19 of No. 30
of 2015.

8. Section 19 of the principal Act is amended by deleting subsection (1) and inserting the following new subsection—

“(1) The office of a member of the Board for a member appointed under paragraphs (e) and (f) of section 15(1) shall become vacant if the member—

(a) resigns by giving written notice to the Cabinet Secretary; or

(b) is removed from office on any one or more of the following grounds—

(i) serious violation of the Constitution or any other law;

(ii) gross misconduct, whether in performance of the member’s or office holder’s functions or otherwise;

(iii) physical or mental incapacity to perform the functions of office;

(iv) incompetence;

(v) bankruptcy;

(vi) engaging in active politics; or,

(vii) absence from three consecutive meetings of the Board without the permission of the Chairperson.”

This amendment ensures that all substantial provisions relating to grounds for removal of a member of the board are contained in the same section and not in the Schedule of the Act as it was previously. It further seeks to introduce the option of resignation of a member as one of the ways in which the office of a member of the board may become vacant. This was not in the other Act.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 8 as amended agreed to)

Clause 9

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chairman.

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Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 9 of the Bill be amended in the proposed new subsection (1) by inserting the words “ongoing and” immediately after the words “submit a list of the”.

The amendment seeks to ensure adherence to Section 46(2) of the Act which provides that ongoing projects shall take precedence over all other projects in any subsequent year. This is clearly understood. The projects which are not completed in a particular financial year must be given priority when you move to the next financial year.

(Question of the amendment proposed)

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 9 as amended agreed to)

(Clauses 10, 11 and 12 agreed to)

Clause 13

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chairman.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 13 of the Bill be amended by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) deleting subsection (6) and inserting the following new subsection—

“(6) The first meeting of the Constituency Committee shall be convened within one hundred and twenty days of the commencement of a new term of Parliament or the date of the holding of a by-election, by the national Government official at the constituency or in his or her absence, by an officer of the Board seconded to the constituency.”

This amendment will harmonise the period within which a committee can convene to allow more time. There are issues that normally arise after elections like petitions. Some Members may not set up their committees on time. We want to allow more time to move from 60 to 120 days within which the committee can convene the first meeting.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 13 as amended agreed to)

Clause 14

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chairman.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 14 of the Bill be amended by deleting the word “practioners” and substituting therefor the word “practitioners”.

This is merely a grammatical error.

(Question of the amendment proposed)

*(Question, that the word to be left out be left out,
put and agreed to)*

*(Question, that the word to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 14 as amended agreed to)

Clause 15

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chairman.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, Clause 15 of the Bill be amended in the proposed new Section 48A by inserting the words “and other teaching and learning related activities” immediately after the words “and education days”.

This amendment seeks to ease operations at the constituency and allow for funding of other activities related to teaching and learning in schools which benefit from the bursary schemes. It widens the scope within which the funding can take place. So long as the activity is educational, it can also be funded by the National Government Constituencies Development Fund (NG-CDF).

(Question of the amendment proposed)

*(Question, that the words to be inserted be inserted,
put and agreed to)*

(Clause 15 as amended agreed to)

(Clauses 16 agreed to)

Clause 17

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Chairman, you propose to delete this Clause. Proceed.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by deleting Clause 17.

The amendment will ensure that the provisions relating to the removal of a member of the board are retained in Section 19 of the Act, since they are substantial. The deletion further seeks to cure the conflict that can result in regards to the procedure for removal of a member of the board, if it is done by both the National Assembly and the cabinet secretary.

Thank you.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Clause 17 deleted)

New Clause 1A

The Temporary Deputy Chairman (Hon. Christopher Omulele): The Mover will now move the Second Reading of New Clause 1A.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 1—

Amendment of
section 2 of

No. 30 of 2015. 1A. The National Government Constituencies Development fund Act, (hereinafter referred to as the “principal Act”) is amended in section 2—

- (a) by deleting the definition of “constituency account”; and,
- (b) by inserting the following new definitions in their proper alphabetic sequence—

“constituency operations account” means the accounts maintained for every constituency in accordance with Section 12;

“third party monies” means any monies withheld by the constituency in respect of retention monies for construction projects, accumulated gratuity or service pay and any other monies withheld by the constituency in relation to implementation of projects under this Act;”

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Wamunyinyi, move that the New Clause 1A be now read a Second Time before you give your reasons for it.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you, Hon. Temporary Deputy Chairman. I stand guided. I beg to move that New Clause 1A be read a Second Time. The proposed amendment introduces the definition of the terms “constituency operations account” which you recall that we had introduced in earlier clauses, and “third party money” which are used in the Bill.

The amendment in the proposed New Clause 1B provides clarity...

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The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Wamunyinyi, deal with New Clause 1A first.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): That is what I said.

The Temporary Deputy Chairman (Hon. Christopher Omulele): You are okay.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 1B

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Wamunyinyi, move the Clause for Second Reading.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after New Clause 1A—

Amendment of
section 3 of
No. 30 of 2015.

1B. Section 3 of the principal Act is amended—

(a) in paragraph (e) by inserting the word “equity” immediately after the words “human dignity”;

(b) by inserting the following new paragraph immediately after paragraph (o)—
“(p) provide for a public finance system that promotes an equitable society and in particular expenditure that promotes equitable development of the country by making special provisions for marginalised groups and areas pursuant to Article 201(b)(iii) of the Constitution”.

This amendment seeks to conform to Article 10(2)(b) of the Constitution by including equity as one of the national values and principles of governance. It also seeks to introduce the equitable sharing of funds of the National Government Constituencies Development Fund as one of the objects of the Act.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 11A

The Temporary Deputy Chairman (Hon. Christopher Omulele): Mover.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I hesitated because I thought we were moving to New Clause 1C.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Sorry, Hon. Wamunyinyi. The Speaker had given directions earlier that we shall not consider 1C. The reason he gave is that we have not received the agreement to it from the National Treasury.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, since the Speaker had made a ruling on this, I cannot touch it, but just for clarity, I wish to state that the Budget and Appropriations Committee had considered this proposed amendment. It had been brought as a separate Bill by Hon. Tindi Mwale. They did a report, which I have. There are letters from the National Treasury, the Ministry of Interior and Coordination of National Government, and the Ministry of Education. Regarding the National Treasury, the letter came from the State Department of Planning, which supported this amendment. We have a Committee Report. It could have been our mistake that we did not pass this information before.

I also want to make it clear that the Committee also visited 32 counties for public participation in respect to this particular proposed legislation. We got presentations from all parts of the country and from all stakeholders that would have been interested in this matter. But since the Speaker ruled on it, I abide, as a senior Member of this House.

(The Temporary Deputy Chairman consulted with the Clerk-at-the-Table)

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Wamunyinyi, I need to hear you.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, let me rewind.

This was a proposed legislation initially by Hon. Tindi Mwale. It was considered by the Budget and Appropriations Committee. Initially, he had proposed an increase of 10 per cent, which the National Treasury rejected. However, the Committee, working with the National Treasury, reduced that amount from 10 per cent to 5 per cent.

An Hon. Member: That one, we must support.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): It was then forwarded to my Committee by the Chair after they had looked at it taking into account Article 14 of the Constitution. We did

what was required by visiting 32 counties and received public presentations. There was full public participation. We also received presentations from the National Treasury through the State Department of Planning which supported this amendment. Both the Ministry of Interior and Coordination of National Government and the Ministry of Education supported this amendment. We have a report to that effect.

I do not want to belabour much on this matter. I request that the Temporary Deputy Chairman re-looks at it. It could have been our fault that we did not pass this information. Maybe our secretariat did not pass this information.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Wamunyinyi, it is clear. This is one proposal that finds a lot of favour from the House and even from the Speaker. But considering that Hon. Speaker had delivered himself on the issue, for purposes of helping you, the House and the Members, I direct that tomorrow, when this comes up for agreement, you must be ready to move re-comittal. I am sure, by then, you would have furnished the Speaker with the documents you have alluded to, so that he can reverse his decision.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): On a point of order, Hon. Temporary Deputy Chairman.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Angwenyi, what is out of order?

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Hon. Temporary Deputy Chairman, I want to know which law forbids us from overriding the Speaker. The Speaker overrides the President of the Republic of Kenya.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Angwenyi, that one, I am sure you know it very well.

Hon. Serem, you have the microphone. You are not answerable to anybody. When you have the microphone, you speak.

Hon. Amos Kimunya (Kipipiri, JP): Let us make progress.

Hon. Cornelny Serem (Aldai, JP): It is progress, Leader of the Majority Party.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Serem, you have the microphone. You are not answerable to anybody else. If you have the microphone, you speak.

Hon. Cornelny Serem (Aldai, JP): Hon. Temporary Deputy Chairman, the Leader of the Majority Party needs to know that I also have a say in this House as a senior Member. During public participation, he participated on the same in his constituency. He was present.

Which document do we expect from the National Treasury yet it appeared from this Committee and concurred with the Committee? There is no legal document that the National Treasury is supposed to furnish the Committee for us to consider legislation in this House. If we go in that direction, we are going to mess up. Tomorrow morning, anybody can say he has an agreement or document that he has to submit before the House even if it is not necessary. Our responsibility, as Members of Parliament, is to legislate, discuss it, whichever way, whether yes or no.

In my opinion, this legislation must go through. We require this money like yesterday. We actually spent Government money to travel to 32 counties to allow Kenyans to express themselves on whether we increase the National Government Constituencies Development Fund from the 2.5 per cent to 5 per cent. We should be told if somebody has a different view because this document was approved.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Serem, let me help you. Your Chair has explained himself very well. He has satisfied this Chair that he has the documents that are required, which the Speaker alluded to. He is going to furnish them. If those documents are there, that decision will be reversed and we will do exactly what you want us to.

Hon. Cornelly Serem (Aldai, JP): My concern is that we require this time to campaign in our constituencies, not to be used by the Speaker to postpone matters and waste our time here.

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Serem, we cannot waste time by speaking here. We will do it procedurally. I am sure it will be well. Do not worry. Hon. Wamunyinyi, we will proceed. You can take it up tomorrow, so that we can cool down Hon. Serem. So, you will move to New Clause 11A.

New Clause 11A

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Hon. Temporary Deputy Chairman, I beg to move:

THAT, the Bill be amended by inserting the following new clause immediately after clause 11—

11A. The principal Act is amended by deleting section 34 and inserting the following new section—

Amendment of Section
34 of No. 30 of 2015.

Basis for budget ceiling.

34. (1) The budget ceiling for each constituency shall be—

(a) three quarters of the amount specified in section 4(1) divided equally among all constituencies;

(b) an amount equal to a quarter of the amount specified in section 4(1) divided among all constituencies taking into account the number of wards in each constituency; and,

(c) subject to the provisions of section 8(1) and 23(1).

(2) The Chairperson of the National Assembly Committee shall table in the National Assembly a schedule showing the ceiling for each constituency, which shall be determined in accordance with subsection (1).

(3) Despite subsection (1), the National Government may, through the National Government Constituency Development Fund Committees established under Section 43, where necessary, facilitate other projects or programmes falling within the purview of the National Government with funds other than the funds specified in Section 4(1).

The proposed new clause seeks to amend Section 34 to provide for clear criteria to be used in the division of funds to constituencies. I explained earlier. It is for purposes of equity and fair distribution.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read

a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 15A

The Temporary Deputy Chairman (Hon. Christopher Omulele): Hon. Wamunyinyi, you may now move the Second Reading of New Clause 15A.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): Thank you, Hon. Temporary Deputy Chairman. I beg to move:

That, the Bill be amended by inserting the following new clause immediately after Clause 15—

Insertion of new section
in No. 30 of 2015.

15A. The principal Act is amended by inserting the following new section immediately after section 53—

Insertion of new section
in No. 30 of 2015.

53A. In discharging its obligations, the Constituency Oversight Committee shall be facilitated by funds set aside by the constituency, provided that such allocation does not exceed one per centum of the total allocation of the constituency in that financial year.

This is another clause which has to do with Members' interest. This amendment seeks to provide for the manner in which the funding of constituency oversight committees shall be done. This term that is ending had oversight committees in all constituencies, but there was no criterion or allocation. Nothing was clear about the remuneration of the oversight committees. Now, this amendment seeks to provide for it. The oversight committees, which are chaired by a Member of Parliament and constituted by four other members, will have some facilitation for operations in oversight.

(Question of the new clause proposed)

(New clause read the First Time)

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Hon. Christopher Omulele): We have completed that task. I will now invite the Mover to move reporting.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): I beg to move that the Committee doth report to the House its consideration of the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.4 of 2021) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker (Hon. Christopher Omulele) in the Chair]

REPORT

THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Chairperson.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the National Government Constituencies Development Fund (Amendment) Bill (National Assembly Bill No.4 of 2021) and approved the same with amendments.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Mover.

Hon. Wafula Wamunyinyi (Kanduyi, FORD-K): I beg to move that the House does agree with the Committee in the said report. I also request Hon. Jimmy Angwenyi to second the Motion for agreement with the report of the Committee of the whole House.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): I beg to second.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Speaker (Hon. Christopher Omulele): I direct that the next steps for agreement be undertaken when this matter is set down on the Order Paper to be dealt with, probably, tomorrow or any other time. I direct that we move on to the next business on the Order Paper.

MOTION**ADOPTION OF REPORT ON IRREGULAR RENEWAL
OF LAND LEASES BY DEL MONTE KENYA**

THAT, this House adopts the Report of the Committee on Implementation on its consideration of the implementation status of the reports of the Departmental Committee on Lands, laid on the Table of the House on Wednesday 22nd December 2021, on the following subjects—

- (i) Petition on Irregular Renewal of Leases of Land by Del Monte Kenya Limited; and,
- (ii) Petition by Former Workers of the late Mayer Jacob Samuels regarding the Invasion and Eviction of the Workers from their Land in Roysambu Constituency by the Kenya Defence Forces.

(Hon. Richard ole Kenta on 19.5.2022)

(Resumption of Debate interrupted on 19.5.2022)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, this is resumption of debate. This Report had been moved by Hon. Kenta Moitalel. Hon. Kihara Kimani had spoken. Hon. Rachael Nyamai had spoken. There is a balance of two hours on this. I am informed that there is a proposal to amend. Is it by the Leader of the Majority Party?

Hon. Amos Kimunya (Kipipiri, JP): I support the Report of the Committee subject to the following amendment, which I beg to move:

THAT, the Motion be amended by inserting the following words after the words “Kenya Defence Forces” at the end of paragraph two: “subject to deletion of Paragraph 71 appearing on Page 26 of the Report”, and that consequential amendments be effected in the Report thereof.

I just want to go straight to the issue in Paragraph 71 of the Report. While I appreciate the efforts of the Committee and what they have done, they have recommended that the House should approve that the Committee on Appointments initiates the process of removal of the Cabinet Secretary for Lands and Physical Planning from office for failure to implement House resolutions on completion of the titling process in respect of LR.8752 within 180 days of tabling the Report. They say this initiation is in accordance with Article 152(6) of the Constitution of Kenya and Standing Order 66 of the National Assembly Standing Orders. The information I have—and that information is in the public domain and was eloquently canvassed by the Chairlady of the Departmental Committee on Lands—is that the Cabinet Secretary for Lands and Physical Planning made consultations within the Government and received legal advice from the Attorney-General, who is the Government legal adviser. The Attorney-General advised that the Cabinet Secretary could not move in the direction that was approved by the House.

Initiation of the process of removal of a Cabinet Secretary from office cannot be done for carrying out collective responsibilities. It is anticipated that you will be removed from office if you personally act in a manner that is not consistent with your office. But you cannot punish a Cabinet Secretary because she has done what the Cabinet agreed. It would be so unfortunate and discriminatory to isolate one Cabinet Secretary for a decision of the entire Cabinet. First of all, let

us look for any other solution to force the Government, and not a Cabinet Secretary, to implement the Report. When we punish one Cabinet Secretary, in essence we will be punishing the entire Government. I wish that is how it was put in the Report. I feel very uncomfortable that we are doing this to one Cabinet Secretary.

I have been a victim of this kind of situation where decisions are made collectively by the Government and then one Cabinet Secretary is isolated for punishment or for removal from office. If you go back to the history of this House, the most celebrated Speaker of this House, the late Humphrey Slade, gave an advisory—and I think it is available in the records of this House—in trying to work out the grounds on which you can take action against a Cabinet Secretary. That document gives examples of Motions that were brought in this House against Tom Mboya and the founding President trying to impeach them. The issue was: Did their actions constitute personal conduct? If it was collective conduct, then you cannot bring that kind of Motion. The Motion needs to be in the framework of a vote of no-confidence in the entire Government. That is because you are challenging a decision that every Cabinet Secretary is accountable for. If a Cabinet Secretary has been noted to be taking things under the table, which is personal conduct that is not conducive in that office, then an impeachment Motion can be brought.

I would want to persuade the House to look for other ways of getting remedies for the people who have suffered. It is a very murky transaction that has taken place on this land. There are people who have suffered. There are people living on the land and they paid for it. They need to either get their titles or get compensated whatever amount of money they paid. At one point, we are told the land was owned by the Kenya Defence Forces (KDF); at another point, we are told it was owned by Uchumi and then there are people living there. Unravelling the issue is very murky. The bottom line is that nobody should be made to suffer. Protection of property rights is also guaranteed in the Constitution. That objective will not be achieved by doing what may be seen as personal victimisation of one Cabinet Secretary who has acted based on the best advice by the person authorised by this House to give that advice to the entire Government. It is on that basis that I persuade the House to support the amendment. I wish the Chairlady of the Committee or the Member for the affected area could formulate what we need to do to force action on the part of those responsible. Let us not do it by victimising a Cabinet Secretary who has acted in good faith based on the advice given by the legal adviser to the Government.

Hon. Temporary Deputy Speaker, I beg to move the amendment and ask Hon. Angwenyi to second.

Hon. Jimmy Angwenyi (Kitutu Chache North, JP): Hon. Temporary Deputy Speaker, I beg to second.

(Question of the amendment proposed)

The Temporary Deputy Speaker (Hon. Christopher Omulele): The first person will be the Chairman of the Committee on Implementation, Hon. Ole Kenta, and Member for Narok North.

Hon. Richard ole Kenta (Narok North, ODM): Thank you, Hon. Temporary Deputy Speaker. We have consulted with the Leader of the Majority Party. This is a very important matter. We are acting through the powers conferred on the Committee by Standing Order 209(3), which says that:

“The Committee may propose to the House sanctions against any Cabinet Secretary who fails to report to the relevant Committee implementation status without justifiable reasons.”

It should be on record that this land has had controversy. The issue is contained in the Report of the Departmental Committee on Lands. It is an issue that has been debated in this House. The beneficiaries of this land are poor people who were left this land by somebody known as Samuel, who is since deceased. Somebody attempted to take this land through unorthodox and unlawful means. The land was surrendered back to the Government. It was given to the City County of Nairobi and allocated to the beneficiaries. The process reached the point of titling for the benefit of these people. They actually paid the registration and titling fees. Uchumi Limited got a fake title, which the Chief Registrar of Lands confirmed to be fake because the appended signature was not hers. This House already made a finding that these people should benefit from this land. A Cabinet Secretary (CS) can also act as an individual and as the supervisor of that ministry. You cannot come and say that the CS is not responsible. I do not think and I have not seen any decision of the Cabinet actually saying that this land should not be given to these people. In any case, the same Government took these peoples' money and they were actually waiting for titling. The worst part of it is that the National Land Commission (NLC) had actually approved everything. They were even wondering.

The Chairman appeared before us and he wondered why the CS was reluctant to actually finish the whole process. The titles were undersigned on the table of the Principal Secretary but somehow somebody wanted Uchumi to take the land and not even the military. This is because there was no consideration for the KDF. That passed from the KDF to the original owner. It was never transferred to the military. While that argument was still subsisting, somebody went and got their titles. Uchumi got their title and the title is not genuine. We are not sanctioning them now but we are asking Parliament to approve that sanction. I think the Leader of the Majority Party is jumping the gun because we have not reached that level of arguing whether the minister should be surcharged or anything like that. I think that should wait until we get the authority of the House.

My simple argument is that this particular CS has been problematic as far as land issues are concerned even in Narok and elsewhere. She just does things against the law and if we allow this behaviour by this CS, this Parliament will be doing nothing. Parliament is taken for granted. Nobody takes it seriously. I think my colleague, as a Member of Parliament of a particular constituency, should also think about the plight of these poor people. My take is that the Report should be taken as it is. If the House approves, there will be steps to be taken as per Article 152 of the Constitution. There is also Standing Order No. 66. You cannot say that it is final. I think it is important that at least this House for once supports this Committee because then we will be doing nothing. We cannot pass resolutions day in day out and then people just think they are more important than this House. I object to that amendment.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): I will give the next opportunity to the Member for Roysambu.

Hon. Isaac Ndirangu (Roysambu, JP): Thank you, Hon. Temporary Deputy Speaker. Allow me to vehemently oppose the proposed amendment by the Leader of the Majority Party and to beg him to stop gatekeeping for the Executive in this House. This matter is as old as three years and it has passed through two departmental committees of this House which have resolved and adopted a resolution to the effect that the squatters of Roysambu who had occupied this parcel of

land should be settled and they have already been issued with letters of allotment by the respective Government departments and they have also paid for the same.

Most importantly about this parcel of land are the public utilities that are there. This parcel of land has been identified for the construction of a market, a bus park and the Roysambu TIVET. So, when we talk about this land, we are not talking about individuals. We are discussing about public utilities. This House resolved that because allotment letters have been issued, what should follow is that those peasants should be issued with title deeds. That process was almost being concluded until some grabbers of land descended on the parcel and evicted the occupants, poor peasants who had been left there squatting by their former employer, the late Jacob Samuels.

The Report of this Committee on Implementation has found fault in the way the CS has handled these issues. She has disobeyed the instructions and recommendations of this House. She has refused, declined or has been unable to perform her official tasks. That is why the House and the Committee wants to sanction her and the sanctions she is supposed to face are provided by law. It is pursuant to Article 152(6) of the Constitution of Kenya and Standing Order No. 66 of the National Assembly that this House seeks to approve the Report of the Committee on Implementation to initiate the process for removal of the CS for refusing to heed the instructions of the National Assembly of the Republic of Kenya. If the Executive cannot listen to us... We cannot forget that all CSs are approved by this House. How can they then turn around and reject and fail to implement the decisions and recommendations of this House? It is in that spirit that we plead with this House to decline and disapprove the amendments by the Leader of the Majority Party because they are going to negate the essence of this Report. Thank you, Hon. Temporary Deputy Speaker. I oppose.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Kevin Wanyonyi, Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Deputy Speaker, I am just weighing in. I have not had time to look at the document but it is coming out very clearly that the protection of the Executive by this House should stop. We actually are in charge. We oversee the Executive. The moment you give and take and just play around, then they will not take us seriously. I am surprised because I am told by the Mover that even somebody from the Ministry of Lands, apart from the CS herself, appeared before the Committee. I was not there. I am in the Departmental Committee on Agriculture and Livestock. Looking at this, we have to be very careful. We must have a precedent that is clear and this House must be seen to be actually in charge. Otherwise, people are not taking us seriously. The CS understands this. She has been there for quite some time. I have nothing personal. I only read about her. This is the time when we actually have to stand up and be counted.

With due respect to the Leader of the Majority Party in this House, please we cannot protect anybody here. I respect him and respect that position. I think it will go to the extent of even having to sanction her or even have her moved to another ministry. I do not mind. However, once the Committee has sat and actually called whoever in the Executive and they discuss and come with that conclusion, we just have to carry out whatever this House has said.

If there is any correction or amendment, then do it here. The Cabinet Secretary (CS) must adhere to what we say. The moment you give the benefit of doubt, the Executive will not take us seriously. That is what we hear out here. The Leader of the Majority Party is on the side of the Government. So, we must listen to them. This should not happen. From what I have heard from the two speakers, we have to sanction this particular CS. Let us be seen. It is not for nothing. I have been told that the title deeds were issued. So, what next? I do not know. The CS should not

talk about collective responsibility. We take an individual Cabinet Secretary as a person. She must protect the interest of the Kenyans. If the title deeds were issued, there is nothing else. Therefore, I agree with the Mover that the proposed sanction must be effected, so that it can be seen to be effective. We are not toothless.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waweru Kiarie, Member for Dagoretti South.

Hon. John Kiarie (Dagoretti South, JP): Hon. Temporary Deputy Speaker, I appreciate the opportunity to contribute. I came prepared this afternoon to continue with the debate. This is a matter that had already been tabled. I was sure that I was coming to debate and continue from where the House left. That is why I am not too keen to delve into the issue of the amendment. The issue of land has been brought to us now. I have to state yet again that it is an extremely emotive issue in this country. When it comes to this House, at times, it is normally the last line of defence for the people who present these matters. We have two issues before us. There is the issue of this land that Del Monte Kenya Limited sits on that has a very serious historical injustice. There is also this other land issue in Roysambu. If I say that justice delayed is justice denied, it will not be a cliché.

I was seated here on that very fateful day when Hon. Waihenya Ndirangu presented this matter to the House. It was an extensive and emotive debate. He succeeded in presenting this matter to the Committee which processed it. Two committees considered it. When I say that the people of Roysambu Constituency are being denied justice by the delay that accrues from the games that we are playing here, I will not be using a cliché. I do not want us to mix issues. There is an issue of restitution on the matter of these two pieces of land. This is a matter of doing well for Kenyans who have been waiting for this justice for many years. This other issue about a CS carrying her responsibility should not be an issue or matter of discussion. We keep on saying that this House cannot legislate in vain. It made recommendations. It was in the place of the Ministry to go through with the recommendations that were made. Progress was made to the extent that even allotment letters were given out. Any amendment at this point is trying to play catch up on something that is already in process and will happen after the fact.

An issue has been raised here about collective responsibility. However, we have to remember that there is only one CS for each Ministry that we have. It is expected that each CS carries his cross on the decisions that he makes. This House vets these Cabinet Secretaries. It oversees them. So, this House cannot be faulted for doing the work that it was constituted to do constitutionally. What is being recommended in this Report is the work of Parliament. I do not know why we find it strange when Parliament does the job that it has been given constitutionally. It will be in order for this House to protect the people who are seeking restitution. These are the ones who claim justice on Del Monte Kenya Limited land and Roysambu land. We should also protect the image of this House because it does not legislate in vain. When we do that, we shall also protect the Leader of the Majority Party. I know that—in his own person—he would stand with us on this issue. Had it not been for his official role that he plays as the Leader of the Majority Party in this House, this is not something that he would side with because he is a gentleman whom I know. If he does not sit in that seat, he would not side with such an issue. If we do the right thing in this House, we shall not only protect our people, Members of Parliament who protect them, this House and its dignity but also the Leader of the Majority Party. I am sure that in his heart of hearts, he is not keen to make such an amendment that paints this House in bad light.

The long and short of it is that I oppose the amendment that is being proposed. This House should be concerned with the main Report as it was presented, so that we can pass it and stop delaying justice for our people and do what is right. We are not baying for blood. We are not asking for heads to roll. We are just saying that there are duties that need to be conducted by this House and the Executive. If this House, in its right mind and wisdom has sanctioned a CS, then it is conducting its business as it is required in the Constitution.

Hon. Temporary Deputy Speaker, I oppose that amendment vehemently. I support that this Report should be passed in the original format that it was presented by the Committee. Thank you very much.

(Applause)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well. Hon. Ng'eno, do you wish to contribute to this Motion?

Hon. Kipyegon Ng'eno (Emurua Dikirr, KANU): Yes.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Proceed.

Hon. Kipyegon Ng'eno (Emurua Dikirr, KANU): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to weigh in on the same matter. I wish to join my colleagues in resisting the impending amendment by the Leader of the Majority Party on the question of whether the members of the Cabinet should be impeached, cautioned on how they work or given what these Members recommend.

It is imperative for any Member in this House to understand that we were sent to this House specifically to do three fundamental things: representation. It must be noted very clearly that we do not represent the Government. They did not send us here to represent them. The Cabinet Secretaries and President did not send us here to represent them. We are here to represent the people of the Republic of Kenya who elected us. Therefore, anything that touches on the *raia* is what we need to represent here. We were also sent here to perform the oversight role. We need to oversee the Government operations. We need to check how they use the money that we budget in this House. We need to see whether they use or spend it diligently and correctly to the last coin. That is our work. We are here to do exactly that. On the oversight duty, when we find out that members of the Cabinet or the Chief Executive Officers (CEOs) who run parastatals are not committed to their work or are not working as per the law, we have every opportunity to ensure that we either impeach them or recommend any other action through the courts. We have every other opportunity to ensure that we either impeach them or we recommend for any other action through courts. I remember when I sat in Public Investments Committee, we recommended for the inclusion or exclusion of some companies by even a Member of Parliament of this House and we even recommended for stringent measures which the court took leading to the arrest and sentencing of a Member of this House for over 70 years. That was a recommendation made by this House. I sat in that Committee. So, I am shocked when a Member of Parliament, who is sent to this House to oversee, represent and legislate, recommends for a member of the Cabinet who we are sent to impeach or oversee, should not be touched. Whichever reason, I do not want to believe that it is a Member of this House who has made that recommendation.

Just like what fellow Members have said, we have to protect the image of this House: we have to protect the roles as stipulated by the Constitution of Members who come to this House. The best way to do that is to ensure that all Government machinery, operatives and agents are working according to the law. It is only this House that can do that; it is only this House that can

even impeach the President. If the law allows us to impeach the President, who is a Cabinet Secretary? We have to sound a warning to our fellow Members that when they are made chairs of committee or when made a Leader of the Majority Party, they are not a Leader of the Majority Party representing the Government, but represent Members of this House against the Government. Every Member should know that so that if such recommendations are brought here again, we might even stop impeaching the Cabinet Secretary and start dealing with the rogue Chairs, who do not want to follow the law as recommended by the Standing Orders of this House.

On the question of land leases, it must be understood, and I wish the Chair of the Committee on Implementation, who is my good friend, to look into the recommendations made by several Committees of this House. There are very many cases which have been recommended by Members of this House and Committees which have never been implemented. This is just one of them amongst the many gathering dust on shelves of the Cabinet Secretaries' offices. If we are not going to shout; if we are not going to stamp our feet as Members of this House, no Cabinet Secretary will implement anything because in most of the cases or three quarters of these Cabinet Secretaries are very corrupt people, extremely corrupt. Remember, when most of them are appointed to those positions, some of them ride small saloon cars but by the time the three or five year ends, they are the richest people on earth! You wonder where they get this money. It is through this House that we can make stringent regulations so that people appointed to these offices do not carry the burden of stealing from the ministries.

Land leases are very emotive issues especially because they touch on land. Many of us live on land that is on lease; many of us work on land that is on lease. I know because I come from a county where there are many leases which are renewed sometime back, sometimes now and sometimes in the future. As we speak, there is an ongoing Motion in our county assembly touching on land leases and management of the Mara. Some people are pushing it down the throats of the county assembly Members to force them or buying them so that they can allow or sign a new lease of around 30 years. That is almost a lifetime lease. I remember in areas like Kericho where there is tea which was planted over 100 years ago by multinationals, the land is under lease for 99 years. When you look at the lease, the county governments of those areas such Kericho, Bomet or Nandi, you cannot believe. The lease goes for something like one shilling per acre per year. Even ourselves when we want to farm, we lease one acre at around Ksh10,000. How is it possible that somebody leased land for 99 years by only one shilling or Ksh10 per acre? These are useless leases which need to be removed. We are shocked that when the new Constitution was introduced in this country, the county governments were not allowed to cancel all the leases so that they can be renewed, where the tea estates or land that was leased by the colonial Government, under their own terms. The Constitution reduced the period of leasing from 999 years to 99 years and gave modes of renewing the leases which does not allow county governments to deal with it comprehensively as per the law. We need to look at the leases in this country. There are people occupying land while there are many landless Kenyans. Even in those counties, there are landless people yet somebody in Europe is sitting on over 10,000 hectares of land reaping billions of shillings which county governments do not earn anything from. Let us look at the land lease issue. I urge Members, especially the Departmental Committee on Lands, to relook at the land leases. Land is a very emotive issue. So many of us are landless; so many of us live on leased land yet there are thousands of acres which are rotting for nothing.

I urge the Chair of the Committee on Implementation to relook at the very many laws which have been passed in this House and look at the Committee recommendations which have not been implemented by various ministries. When he does that, let him look at the Narok issues and look

at the Kericho land which was taken away by the colonial Government from the people who are supposed to be occupying that land. Look at the other cases which have not been implemented, although this House is almost coming to an end, before it comes to an end, make a recommendation. If it is a question of impeaching a Cabinet Secretary who does not heed the call of this House, we will do that although we have around three to four weeks we can do that. Just give us the list. The Leader of the Majority Party, please, *tafadhali* run away from the proposal of amendment.

I oppose.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Koyi Waluke, Member for Sirisia.

Hon. John Waluke (Sirisia, JP): Thank you very much Hon. Temporary Deputy Speaker for giving me a chance to contribute to this.

I just want to comment on what the Member for Emurua Dikirr Constituency has just contributed. He is my friend. It is me who was jailed for 74 years and it is something that cannot be rejoiced in this House because the Public Investments Committee is a very corrupt Committee. I was jailed because of corruption of the Members of the Committee. I did not steal.

The Temporary Deputy Speaker (Hon. Christopher Omulele): The Hon. Waluke.

Hon. John Waluke (Sirisia, JP): Hon. Temporary Deputy Speaker, give me time because he rejoiced when he said that I was convicted for 70 years because of their stupid recommendation. I am not happy.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waluke, let me just help you.

The first part of where you have said that they is rejoicing about your being incarcerated, you are perfectly within your rights to mention that, but the second part where you have said that a Committee of the House is corrupt cannot be allowed to stand on the record. But you can take exception to a Member saying you were jailed and you can have an opinion on that. But to say that a Committee is corrupt without evidence, that a Committee is corrupt...

(Hon. Kipyegon Ng'eno spoke off record)

The Temporary Deputy Speaker (Hon. Christopher Omulele): Just hold on, Hon. Member for Emurua Dikirr. Hon. Waluke is within his right to say what he is saying and to speak in this House. Member for Emurua Dikirr, let me help him to navigate the part where you are saying a Member was jailed. Hon. Waluke, you can make a comment on that but not a statement that a Committee is corrupt. You can proceed from that.

Hon. John Waluke (Sirisia, JP): Hon. Temporary Deputy Speaker, I am not ashamed to say and repeat it again and again. I happened to be in that Committee during that time. I was with him. I do not even have the money they demanded at that time. That is why I was jailed. Hon. Keynan was leading that Committee as the Chair. I did not give them the money they requested - Kshs56 million. I did not have the money. I am not ashamed to say that the Public Investments Committee (PIC) is corrupt. I can repeat that even a hundred times.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Very well, Hon. Waluke. You are within your right but the Rules require me to require you to substantiate that the Committee is corrupt. I do not know whether you want to do it right now or whether you have any evidence?

Hon. John Waluke (Sirisia, JP): I can. I am not ashamed. The case is in court. I am not happy when those people, my colleagues, are enjoying. I am visiting the courts every day, now and then, while those who wanted me to pay them are enjoying. There are so many cases they have corruptly executed in this House.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waluke, just hold on. You have my sympathies but we must also observe the Rules. Just hold on as Hon. Ng'eno seems to have a point of order.

Hon. Kipyegon Ng'eno (Emurua Dikirr, KANU): I think it is unfortunate that, maybe, the Member misquoted me. I wish he visits *The Hansard*. I said: "If a Committee of this House made recommendations that led to the arrest of a Member who was jailed for 70 years and above, who is a member of a Cabinet to dodge around when a Member of this House has been arrested because of recommendations of this House?" I did not rejoice. I said if a Member has been arrested because of recommendations of this House, how about a Cabinet Secretary? Please, Hon. Temporary Deputy Speaker, I do not want to be misquoted. I do not want anybody to put my name on that part.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Ng'eno, just resume your seat. Hon. Waluke, this is the way to do it: substantiation in this House requires you to provide documents if you are able to do it immediately. It is okay if you need time to bring those documents to show that this Committee is corrupt, because the allegation is that the Committee is corrupt. That is a statement or a declaration you have made. It requires you to take responsibility and substantiate. You can do so within the next Sitting of the House, if you have documents to that effect. Hon. Waluke.

Hon. John Waluke (Sirisia, JP): Thank you, Hon. Temporary Deputy Speaker. This is something that pains me all the time. The case was a breach of contract and the payment was done by the Court of Appeal. Because of the differences we have in this House, it cost me to be jailed for all that long time. When I come to this House, I sometimes see Members who are corrupt. They have taken a lot of money from clients, from the people. I am not ashamed to say that.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waluke, I am having problems. I know and understand that being jailed is not one of the nicest things. You have stood here and said so but rules are rules. I require you to bring evidence about the Committee and whichever Member you have in mind.

Hon. John Waluke (Sirisia, JP): In this country you have never seen anybody jailed for all that time, even for 10 years. Why me, 74 years? Why? Did I steal? I did not steal anything. I am saying, and I repeat again, that Committee is corrupt. I repeat a hundred times.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waluke, I will have to take the microphone away from you and order that you substantiate with documents—that PIC is corrupt, and the membership of that Committee is corrupt, and that they demanded money or took money from you.

(Hon. John Waluke spoke off record)

Hon. ole Kenta, do you have a point of order?

Hon. Richard ole Kenta (Narok North, ODM): He is not referring to the Committee on Implementation. It is PIC. I do not want somebody to take it wrongly. He is not talking about us. I really sympathise with him. I agree with him fully because this was a court decision, that he be paid. Somebody went round again and made it look like he was the one who paid himself or who

forced the payment. I agree with him fully. He was a Member of my Committee. It should be on record that he is not referring to my Committee.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waluke, let me help you. I will direct because the Rules require me to do this. I sympathise with you but the Rules require you to substantiate if you make allegations, adverse statements or declarations with regard to a Committee, a person or a Member. It is a requirement that you substantiate. That is our Rule No. 91. I see that you do not seem to have any documents with you.

Hon. John Waluke (Sirisia, JP): It is not that I do not know the Rules of this House. I am doing my second term. I know all the Rules of this House. I just want to say that it is not the Committee on Implementation. I just want to be specific on the Committee, it is PIC. Look at COVID-19 money. It has been stolen and nothing is done. They are just going round and round up to today. Let us also not cover the truth with lies.

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Waluke, you seem to be referring to PIC.

Hon. John Waluke (Sirisia, JP): I am saying it is PIC. Yes, the PIC.

The Temporary Deputy Speaker (Hon. Christopher Omulele): That is the one you are referring to?

Hon. John Waluke (Sirisia, JP): Yes. It is not the Committee on Implementation

The Temporary Deputy Speaker (Hon. Christopher Omulele): So, I will require you to bring evidence by tomorrow's Afternoon Sitting, that the Committee is corrupt.

Hon. John Waluke (Sirisia, JP): It is corrupt.

The Temporary Deputy Speaker (Hon. Christopher Omulele): That is sufficient. By tomorrow's Afternoon Sitting, let us have evidence from Hon. Waluke to show that the Committee is corrupt—the PIC, specifically. Hon. Waluke, I am informed it is the previous PIC you refer to, not the present one.

Hon. John Waluke (Sirisia, JP): It is not the present but the previous one where I also was a Member.

The Temporary Deputy Speaker (Hon. Christopher Omulele): That is very well. It is well noted. Hon. Members, I think that was the last contribution on this. We do not seem to have the numbers to put the question on the proposal for amendment by the Leader of the Majority Party. I direct that be undertaken when this matter will be next set down in the Order Paper.

(Putting of the Question deferred)

Hon. Members, we also seem to have been caught up by time.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Christopher Omulele): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Wednesday, 25th May 2022, at 9.30 a.m.

The House rose at 7.00 p.m.