

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 26th June, 2024

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings/Hybrid Sitting at 9.50 a.m*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM AT
COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have a quorum?

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

Serjeant-at-Arms, kindly, ring the quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Clerk, we have quorum now. You may proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

RESUMPTION OF REGULAR SITTINGS OF PART THREE OF
THE THIRD SESSION AND THE UNPRECEDENTED
ATTACK ON PARLIAMENT

The Speaker (Hon. Kingi): Sen. Chute, have your seat.

(Sen. Madzayo walked into the Chamber)

The Senate Minority Leader, kindly take your seat, I need to pass a communication.

Hon. Senators, I have a Communication to make relating on the resumption of regular sittings of the Senate for Part Three of the Third Session and the unprecedented attack on Parliament on Tuesday, 25th of June, 2024.

As you may recall, on Tuesday, 25th of June, 2024, the Parliament of Kenya faced an unprecedented attack by persons allegedly protesting against the passage of the Finance Bill, (National Assembly Bills No.30 of 2024).

In this unprecedented action, the alleged protesters breached the security within Parliament Buildings, vandalised and destroyed property. In addition, prior to and after infiltrating Parliament Buildings, the protesters also vandalised other critical Government installations within the Central Business District (CBD).

Hon. Senators, as you may also recall, the Senate was scheduled to resume regular sittings from the recess yesterday. Regular sittings under Part Three of the Senate calendar were scheduled to run from 25th June until the rise of the Senate on Thursday, 8th of August, 2024. However, in an equally unprecedented occurrence, the Senate was not able to hold its sitting on Tuesday, 25th of June, 2024, owing to the invasion and destruction by the protesters.

While the Senate acknowledges and upholds the right of every citizen to peacefully and unarmed to assemble, demonstrate, picket and present petitions to public authorities as enshrined in Article 37 of the Constitution, it is important to observe that this must be done within the confines of the Constitution and the law.

I take this opportunity to thank the security officers who, under very difficult circumstances, conducted themselves with professionalism to protect lives and property. However, and indeed regrettably, the skirmishes resulted in the loss of lives, injuries, destruction of property and destruction of the institution of governance. I equally take this opportunity to offer my condolences, and indeed that of the Senate, to the families and friends of all those who lost their lives and wish the injured a quick recovery.

Hon. Senators, as a consequence of this situation, the Senate Business Committee (SBC) held a special meeting today, Wednesday, 26th June, 2024, to deliberate on the implications on the business of the Senate. The SBC has ordered for the publication of a Supplementary Order Paper, which has been circulated. At an appropriate time, the Senate Majority Leader will be called upon to give Notice of a Motion and a Motion for the alteration of the Senate Calendar.

I thank you.

Next Order.

MESSAGES FROM THE NATIONAL ASSEMBLY

PASSAGE OF MEDIATED VERSION OF THE DIVISION OF REVENUE BILL (NATIONAL ASSEMBLY BILLS NO.14 OF 2024)

The Speaker (Hon. Kingi): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker

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of the National Assembly regarding the passage, by the National Assembly, of the Mediated Version of the Division of Revenue Bill, (National Assembly Bills No. 14 of 2024) -

The Message, dated 10th of June, 2024, was received in the office of the Clerk of the Senate on Wednesday, 19th June, 2024, while the Senate was on recess. Pursuant to Standing Order No. 46(5), I now report the message-

Pursuant to the provisions of Standing Order No.41(1) and 154 (b) of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly.

Whereas on Monday, 13th May, 2024, the National Assembly conceded and rejected the Senate amendments to the Division of Revenue Bill, (National Assembly Bills No.14 of 2024), thereby committing the Bill to a Mediation Committee in accordance with the provisions of Article 112(2)(b) of the Constitution;

Whereas on Monday, 13th May, 2024 and Thursday, 16th May, 2024, the National Assembly and the Senate respectively appointed Members to the Mediation Committee to develop a mediated version of the said Bill;

And whereas on Wednesday, 29th May, 2024, the Senate conceded and approved the mediated version of the Division of Revenue Bill, (National Assembly Bills No.14 of 2024) without amendments, and in the form developed by the Mediation Committee;

Further, whereas the National Assembly conceded the mediated version of the Division of Revenue Bill, (National Assembly Bills No.14 of 2024) on Wednesday, 5th June, 2024 and passed it without amendments, and in the form developed by the Mediation Committee;

Now, therefore, in accordance with the provisions of Article 113(3) of the Constitution and Standing Order No.154(b) of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

I further notify that pursuant to the provisions of Article 113(3) of the Constitution, I presented the Bill to His Excellency the President for assent on Monday, 10th, June, 2024. His Excellency the President assented to the Bill on the same day.

I thank you.

PASSAGE OF THE EQUALISATION FUND APPROPRIATION (NO. 2) BILL
(SENATE BILLS NO.30 OF 2023) (WITH AMENDMENTS)

Again, hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the Equalization Fund Appropriation Bill (No.2) (Senate Bills No. 30 of 2023)-

The Message dated 18th June, 2024 was received in the office of the Clerk of the Senate on Wednesday, 19th, June, 2024, while the Senate was on recess. Pursuant to the said Standing Order; Standing Order No.46(5), I now report the message.

Pursuant to the provisions of Standing Order No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

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Whereas the Equalization Fund Appropriation Bill (No.2) Senate Bills No.30 of 2023 was passed by the Senate on Wednesday, 21st February, 2024 with amendments and referred to the National Assembly for consideration;

And whereas the National Assembly considered and passed the said Bill on Thursday, 13th June, 2024 with further amendments in the form attached hereto;

Now therefore, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No.41(1) and 144 of the National Assembly Standing Orders, I hereby convey the decision of the National Assembly to the Senate.

Now, hon. Senators, as you may recall, the amendments by the National Assembly to the said Bill were circulated *vide* the letter Reference SM/COR/LNP/Message2024-002, dated the 20th of June, 2024, pursuant to Standing Order No.165(1).

At an appointed time, the Senate Business Committee (SBC) will schedule a Motion for the consideration of the amendments by the Senate. This House is guided accordingly.

PASSAGE OF THE NATIONAL DISASTER MANAGEMENT BILL
(NATIONAL ASSEMBLY BILLS NO.24 OF 2023)

Further, hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the National Disaster Management Bill (National Assembly Bills No. 24 of 2023).

The Message, dated 19th of June, 2024, was received in the office of the Clerk of the Senate on Thursday, 20th June, 2024, while the Senate was on recess. Pursuant to Standing Order No. 46(5), I now report the Message.

Pursuant to the provisions of Standing Order No. 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly.

Whereas the National Disaster Risk Management Bill (National Assembly Bills No.24 of 2023) was published by the *Kenya Gazette* Supplement No.80 of 31st May, 2023, as a Bill to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committee and provide a legal framework for the coordination of disaster risk management activities at all levels of Government;

Whereas the National Assembly considered and passed the said Bill on Tuesday, 4th June, 2024, with amendments and in the form attached here to;

Now therefore, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders Nos.41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

Hon. Senators, pursuant to Standing Order No.163 which provides that a Bill that originates in the National Assembly, be proceeded by the Senate in the same manner as the Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144, I direct that the National Disaster Management Bill (National Assembly

Bills No.24 of 2023) be listed for First Reading in the Order Paper, today, Wednesday, 26th June 2024.

Next Order.

(Sen. Madzayo spoke off record)

You certainly do not have a point of order.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Tunaelewa kwamba jana kulikuwa na maandamano ya amani. Vile vile, tunaelewa kwamba katika maandamano hayo, askari wetu walifyatua risasi na kuwaa wale waliokuwa wakifanya maandamano.

Waliokufa ni watoto wetu, Wakenya. Ni vyema ikiwa Bunge hili la Seneti litachukuwa dakika moja au mbili kuomboleza kwa ajili ya wale watoto waliouwawa.

Ningependa tuchukuwe nafasi hii kabla ya kuendelea na taratibu za Bunge ya vitu ambavyo tunatajikana kufanya, tuwakumbuke marehemu wakenya wenzetu ambao wamelala katika mortuary na familia zao zinahuzunika kwa kuwapoteza wapendwa wao.

Asante.

The Speaker (Hon. Kingi): Very well, Hon. Senators, we shall rise to observe a minute of silence before we proceed with business.

(Hon. Senators rose and observed a moment of silence)

You may take your seats.

Next Order.

PAPERS LAID

The Speaker (Hon. Kingi): Proceed, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to lay the following Papers on the Table of Senate, today, Wednesday, 26th June, 2024-

REPORT ON THE STATUS OF ADMINISTRATIVE JUSTICE AND ACCESS TO INFORMATION IN KENYA FROM 2012 TO 2023

Report of the Commission on Administrative Justice on the status of Administrative Justice and Access to Information in Kenya from the year 2012 to 2023.

ANNUAL STATUTORY REPORT OF THE COG FOR THE PERIOD 2022/2023

Annual Statutory Report of the Council of Governors for the period 2022/ 2023.

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REPORT OF CoB ON COUNTY AND NATIONAL GOVERNMENTS
BUDGET IMPLEMENTATION REVIEW FOR FY 2023/2024

Report of the Office of the Controller of Budget on County Governments Budget Implementation Review for the first nine months of Financial Year 2023/ 2024.

ANNUAL REPORT AND FINANCIAL STATEMENTS
OF THE CRA FOR FY 2022/2023

Annual Report of the Commission on Revenue Allocation and Financial Statements for the financial year 2022/2023.

REPORT OF CRA ON OWN SOURCE REVENUE POTENTIAL
AND TAX GAP STUDY OF COUNTY GOVERNMENTS

Report of the Commission on Revenue Allocation on Own Source Revenue Potential and Tax Gap Study of County Governments.

CRA RECOMMENDATION ON EQUITABLE SHARING OF
REVENUE BETWEEN NATIONAL/COUNTY
GOVERNMENTS FOR FY2024/2025

The Commission on Revenue Allocation Recommendation on the Basis for Equitable Sharing of Revenue between the national Government and county governments for the Financial Year 2024/ 2025.

REPORTS OF THE AUDITOR-GENERAL ON FINANCIAL
STATEMENTS OF VARIOUS ENTITIES

Report of the Auditor-General on the Financial Statements of the Kakamega County Rural Water and Sanitation Company Limited for the year ended 30th June, 2022.

Report of the Auditor-General on the Financial Statements of the Kakamega County Rural Water and Sanitation Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on the Financial Statements of the Cherang'any Marakwet Water and Sanitation Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on the Financial Statements of the Ruiru-Juja Water and Sewerage Company Limited for the year ended 30th June, 2023.

Report of the Auditor-General on the Financial Statements of Bungoma Municipality for the year ended 30th June, 2023.

(Sen. Cheruiyot laid the documents on the Table)

The Speaker (Hon. Kingi): Hon. Senators, before we proceed to the next Order, I have a further Message to pass.

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MESSAGE FROM THE NATIONAL ASSEMBLY**PASSAGE OF THE COUNTY ALLOCATION OF REVENUE
BILL (SENATE BILLS NO.25 OF 2024)**

I wish to report to the Senate that this morning, pursuant to Standing Order No.46(3) and (4), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of the County Allocation of Revenue Bill (Senate Bills No.25 of 2024). Pursuant to the said Standing Orders, I now report the Message.

Pursuant to the provisions of Standing Orders No.41(1) and No.144 of the National Assembly Standing Orders, I hereby convey the following message from the National Assembly.

Whereas the County Allocation of Revenue Bill, (Senate Bills No.25 of 2024) was passed by the Senate on Tuesday, 11th June 2024 and referred to the National Assembly for consideration, pursuant to the provisions of Article 110(4) of the Constitution;

Whereas the National Assembly considered the said Bill on Tuesday, 25th June, 2024, and passed it without amendment and in the form passed by the Senate;

Now, therefore, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No.41(1) and No.144 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, following the passage of this Bill by the National Assembly, I am now in the process of transmitting the same to His Excellency the President for assent.

I thank you.

Next Order.

NOTICES OF MOTIONS**ALTERATION OF THE SENATE CALENDAR
FOR THE THIRD SESSION**

The Speaker (Hon. Kingi): Proceed, Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give notice of the following Motion-

Notwithstanding the resolution of the Senate made on the 15th February, 2024, regarding the approval of the Calendar of the Senate for the Third Session and pursuant to Standing Order No.32(4); the Senate resolves to alter its calendar to proceed on recess at the rise of the Senate on Wednesday, 26th 2024, morning sitting and resume its sittings on Tuesday, 16th July, 2024.

The Speaker (Hon. Kingi): Senate Majority Leader, proceed to give Notice of the Motion.

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APPROVAL OF SITTINGS OF THE SENATE
TO BE HELD IN BUSIA COUNTY

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to give Notice of the following Motion, which is approval of the sittings of the Senate to be held in Busia County-

THAT, AWARE that the Senate of Kenya is established under Article 93 of the Constitution and its main role, as set out in Article 96 is to represent, serve and protect the interests of counties and their governments;

FURTHER AWARE of the critical role that the Senate plays in the interlinkage between national and county levels of Government, and the need to enhance interaction between the Senate and county governments, as a means of bringing the Senate closer to counties and the general public;

ACKNOWLEDGING the successes made during the sittings of the Senate outside Nairobi held in Uasin Gishu, Kitui and Turkana counties in 2018, 2019 and 2023 respectively;

FURTHER ACKNOWLEDGING the recommendation of the Senate Business Committee that a sitting of the Senate be held away from the traditional premises of Parliament Buildings, Nairobi, during the term of the 13th Parliament; and the subsequent resolution of the Senate made on 8th March, 2023, to hold plenary and committee sittings in the counties for one week period within the month of September in every session of the 4th Senate, except during an election year with the objective to-

(1) promote the role and work of the Senate and enhance public awareness regarding the business of the Senate and Parliament in general;

(2) highlight existing and new opportunities for engagement in the legislative process;

(3) develop and strengthen partnerships at the county level of government; and,

(4) provide an opportunity to Members and staff of county assemblies to learn and share best practices with Senators and parliamentary officers;

NOW THEREFORE, pursuant to Article 126(1) of the Constitution, the Senate resolves to hold its Plenary and Committee sittings in Busia County, from 23rd to 27th September, 2024.

The Speaker (Hon. Kingi): Let us go to the next Order, which is Order No.8.

(Sen. Olekina spoke off record)

We need to dispense of with this because the secretariat needs to start preparations. If we defer this until we resume, there will be no time to prepare to go to Busia. It is something that should take us under five minutes.

Sen. Olekina: On a point of order, Mr. Speaker, Sir. When we met as the Senate Business Committee (SBC), the main business of this session today was to adjourn the sitting because of what happened. I am a bit perplexed to see that other Motions are being introduced, yet we discussed the seriousness of matters that happened yesterday. The

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history of this country was changed forever. I beseech you, because these Members are sitting here waiting for the House to be adjourned once the Motion has been passed, let us not try to introduce other matters.

The issue of the sittings in Busia can be dealt with another time. We do not need to discuss it now. With all due respect to the secretariat, I request that we focus on what brought us here.

The Speaker (Hon. Kingi): Sen. Olekina, you are a Member of the SBC. If you look at the agenda that we prosecuted at the SBC, it included adoption of the Supplementary Order Paper. If you look at the Supplementary Order Paper that was adopted by the SBC, it is exactly what we are prosecuting in plenary here. It included this Motion.

Hon. Senators, if you look at the alteration of the calendar, if we resolve---

(Sen. Madzayo spoke off record)

The Speaker (Hon. Kingi): Senate Minority Leader, the Chair is speaking.

If you look at the proposed alteration of the Senate Calendar, we will resume in July, but we are supposed to go to Busia in September. The secretariat needs to prepare for the Senate to proceed for Senate *Mashinani* in Busia. The Motion needs not to take more than two minutes.

(Sen. Madzayo spoke off record)

The time we are wasting arguing, we could have dispensed with this Motion.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, tukiwa katika mkutano wa SBC, nafikiri tulikubaliana kwamba ajenda tutakayo shughulikia ni Hoja ya kuahirisha kikao hiki ili tuweze kupatiana nafasi---

The Speaker (Hon. Kingi): Sen. Madzayo, that is exactly what Sen. Ledama---

The Senate Minority Leader (Sen. Madzayo): Ikiwa tutaanza kushughulikia mambo mengine, tutaharibu muda wa huu mjadala.

The Speaker (Hon. Kingi): Sen. Madzayo, just take your seat.

The Senate Minority Leader (Sen. Madzayo): Tafadhali, Bw. Spika, nakuomba. Ikiwa inawezekana, tushughulikie jambo moja pekee ambalo tulikuja hapa kujadili

The Speaker (Hon. Kingi): Just take your seat. Take your seat, please.

You are also a Member of the SBC. One of the agenda---

(Sen. Madzayo stood up in his place)

Have your seat, Sen. Madzayo. You know you came late for the SBC meeting. Let me tell you what was discussed. Just have a seat, please. Have your seat, Sen. Madzayo.

(Sen. Madzayo sat at his place)

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When we met as the SBC, and minutes are there, one of the agendas was to adopt the Supplementary Order Paper, which was adopted by Members of the SBC, including you. The Supplementary Order Paper is the one that is before the Plenary now, which includes that Motion.

This is a Motion that should take us two minutes. It is going to affect you when you come back. The secretariat needs to adequately prepare for your going to Busia. It is something that should take us a minute.

The Senate Minority Leader (Sen. Madzayo): Bw. Spika, nakubaliana nawe jinsi ulivyosema. Hata hivyo, ingekuwa bora tukianza na kile tulichokubaliana kabla ya kushughulikia Hoja nyingine. Hiyo itakuwa sawa kabisa.

The Speaker (Hon. Kingi): Are you asking me to rearrange the sequence of the Order Paper?

The Senate Minority Leader (Sen. Madzayo): Ndivyo.

The Speaker (Hon. Kingi): Okay. Clerk, proceed to call Order No.9.

MOTION

ALTERATION OF THE SENATE CALENDAR FOR THE THIRD SESSION

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I beg to move the following Motion-

THAT, notwithstanding the resolution of the Senate made on 15th February, 2024, regarding the approval of the Calendar of the Senate for the Third Session, and pursuant to Standing Order No.32(4), the Senate resolves to alter its calendar to proceed on recess at the rise of the Senate on Wednesday, 26th June 2024 (Morning Sitting) and resume its sittings on Tuesday, 16th July, 2024.

Mr. Speaker, Sir, yesterday was a difficult day for this country because of what happened. When there were protests, we expected that they would be peaceful and people would go home as they have been doing previously.

Things took a turn for the worse where there were incidents of breaking of the rule of law. Under very difficult circumstances, Members of this House had to be evacuated. Some of us were in Protection House while others were here, including our members of staff. They had to find their way out of Parliament.

In the ensuing battle, lives were lost. I do not know the names or identities of people who lost their lives, but one is already too many. I do not intend to speak much on this topic because I am still reflecting and thinking hard about perhaps what needs to happen in our country. We can say what we want to say, but at the end of the day, it will be remembered that we were in the leadership at this particular time. Therefore, this is to provide for that opportunity to pose and perhaps mourn lives that were lost and sympathize with those that were injured, including the police officers.

When I was walking out of the Bunge Tower going to Protection House, I saw a police officer who was injured trying to provide cover for the Members and so many

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other people who were crossing on by foot from the National Assembly side to the Bunge Tower.

Generally, the country is hurting and sick and maybe our collective wisdom, as leaders, is needed at this point. This is an opportunity for us to pose and reflect. I therefore do not want to take long because of the sensitivity of this matter and the heaviness with which we come before this House looking at our staff, many of them were equally affected in one way or the other, including the Members who are here and the country at large.

I want to agree with the decision of the Senate Business Committee (SBC) to request that we proceed on recess until Tuesday, 16th July, 2024, which is about a two-weeks break to provide time for the things that I have said.

Mr. Speaker, Sir, we consulted with the Leader of the Minority on this matter and agreed that it would be good to take a break from the business of the House.

With those very many remarks, I request him to second.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Kwanza, nasimama kuunga mkono Hoja hii ya kuahirisha vikao vya Bunge letu la Seneti kwa moyo mzito sana. Tunasimama hivi leo hapa tukiwa tumewapoteza ndugu zetu na watoto wetu. Hapa sio pahali pengine katika Kenya ama mbali na maeneo ya Bunge, lakini tumeweza kupoteza watoto wetu ndani ya maeneo ya Bunge ambapo walipigwa risasi.

Bw. Spika, ni jambo la kusikitisha sana. Nikisimama hapa, ninajua kuna akina mama wengi sana katika Kenya hivi leo ama ndugu zetu wa kike na kiume na Wakenya kwa jumla, wamepoteza ndugu zao na jamii zao kote katika Kenya. Hata hivyo hatujajua hesabu ya wale waliopoteza maisha. Kwa hivyo, katika shinikizo hili, nakubaliana na maahirisho ya vikao vya Seneti. Tunataka tuwape nafasi wale ambao watakuwa wachunguzi kuweza kujua ni nini kilitendeka, akina nani waliingia hapa na akina nani waliongoza hususan kile kikosi cha polisi kilicho ingia hapa ndani ya maeneo ya Bunge, wakikimbiza ama wakiwafuata waliokuwa wakiandamana.

Pia, tunataka kujua ni kina nani wale waliwapiga risasi waandamanaji wakiwa ndani ya maeneo ya Bunge na kumuangusha Mkenya mwingine kwa risasi ili yeye aweze kuonekana ni jemedari.

Bw. Spika, tunajua maeneo ya Bunge ni maeneo ambayo hayatakikani watu ambao hawatakikani kuingia ndani ya hili Bunge. Bunge ni eneo ambalo limechungwa sana lakini si ya kwamba wewe unaweza kufyatua risasi na kuuu Mkenya. Kwa hivyo, tunakubaliana kwamba tuahirishe vikao vya Seneti ili uchunguzi ufanywe ili tuweze kujua ni askari yupi alichukua ile bunduki yake kisha akaweza kumwagalia Mkenya na kumfyatulia risasi. Kama tunaahirisha vikao ni kwa sababu ambazo zina mwafaka.

Jambo lingine ambalo tunataka kujua ni kwamba ilikuwaje hawa askari ambao walikuwa pale mbele ya majengo ya Bunge kuweza kukubaliana ama kuwachilia watu kuingia Bungeni ama ilikuwa ni makusudi kuwatega wale waliokuwa wanafanya maandamano kwa kufungua malango kisha wakawaacha kuingia ndani?

Tunataka kujua haya kwa sababu askari waliokuwa pale nje walikuwa na jukumu la kuwakinga wale watu waliokuwa wakifanya maandamano au wale wanaojulikana kama *Generation Z*.

Tunaelewa ya kwamba sisi kama Wabunge tuko hapa na haya ni maeneo ambayo yanaingia watu wa nje kwa ruhusa ya inayotolewa hapa. Tuliona maroli ya polisi ambayo yalikuwa yakiwazuia watu ili wasiweze kuingia. Ilikuwaje waliruhusiwa na mlango ukafunguliwa na wakaingia ndani? Hilo ni jambo moja ambalo tunaweza kusema ya kwamba tunataka uchunguzi ufanywe ndio sababu tunatoa nafasi hii.

Yale yanayosemwa ya kwamba Bunge liliweza kuingiliwa na likaharibiwa na maeneo mengine kama maeneo ya kula chakula na maeneo ambayo walikuja wakaangusha hizi bendera zetu. Hata hivyo hao walikuwa Wakenya lakini tunasema ya kwamba, katika maeneo hayo ambayo tumesema, kama ni mambo ya chakula, sisi hatuji hapa kwa sababu ya kula chakula. Tunakuja hapa ili kujadiliana na kuangalia ni mbinu gani tunaweza kusaidia Wakenya.

Bw. Spika, ninasema ya kwamba, wale walioweza kuingia na pengine wakaenda maeneo mengine wakaharibu wanajulikana. Kwa hivyo, tunataka uchunguzi ufanywe ili tuweze kujua ni akina nani wale waliingia katika maeneo haya na kuweza kuharibu ama kufanya vitendo ambavyo havifai.

Sisi tunasema ni sawa tunaweza kuahirisha vikao na tuwape nafasi ili waweze kufanya uchunguzi wao.

Kwa hayo mengi ---

Sen. Omogeni: Mr. Speaker, Sir, on a point of order.

The Speaker (Hon. Kingi): What is your point of order, Senator?

Sen. Omogeni: Thank you, Mr. Speaker, Sir. It is the first time that I join the Majority Side.

The Speaker (Hon. Kingi): What is so out of order with your Minority Leader?

Sen. Omogeni: Mr. Speaker, Sir, that is what I want to draw to your attention.

Mr. Speaker, Sir, I have listened to the Motion that has been moved by the Majority Leader and seconded by the Minority Leader where he is seeking for this House to adjourn to July. I know that yesterday the National Assembly passed the Finance Bill and our budget runs within stringent timelines.

Today, I speak as a patriotic Kenyan and a lawyer. I also speak as a person whose conscience has been pricked by what has happened in the last couple of days. I speak regretting that for the first time ever since this country got its independence, the House of Parliament was invaded by demonstrators.

Mr. Speaker, Sir, it is a big indictment on us, as a House of Parliament, and a big indictment on us as Members of Parliament.

Sen. Chute: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Chute, Sen. Omogeni is on a point of order. Sen. Omogeni?

Sen. Omogeni: Mr. Speaker, Sir, the point I am raising is that I want to get directions from the Chair.

The Speaker (Hon. Kingi): You rose on a point of order indicating that Sen. Madzayo's conduct was disorderly. Let Sen. Madzayo conclude and then you seek intervention and then I will rule on it.

Sen. Omogeni: Mr. Speaker, Sir, if we lose this chance, we will not be able to---

The Speaker (Hon. Kingi): No, Sen. Omogeni. We are a House of rules. Let Sen. Madzayo conclude and then I will give you a chance to do your intervention.

Sen. Omogeni: Mr. Speaker, Sir, you have not heard my point of order.

The Speaker (Hon. Kingi): Firstly, you are not even stating under what Standing Order you are in.

Sen. Omogeni: I am standing under Standing Order No.1.

The Speaker (Hon. Kingi): That cannot relate to Sen. Madzayo. It is Sen. Madzayo who was on his feet. What was disorderly?

Sen. Omogeni: What is disorderly is that you are allowing the Senate Majority and the Senate Minority leaders to move this House to adjourn.

The Speaker (Hon. Kingi): Are you saying the Chair is disorderly?

Sen. Omogeni: Mr. Speaker, Sir, it is not a matter of being disorderly. The Senate Majority and Senate Minority leaders are the ones who are out of order.

The Speaker (Hon. Kingi): You know the purpose of a point of order is to call a Senator who is speaking to order because they are behaving disorderly. If it is an intervention, I will give you an opportunity. Let Sen. Madzayo conclude and I will give you that opportunity.

Sen. Omogeni: Mr. Speaker, Sir, the problem ailing this country is that we never want to speak truthfully and we do not want to confront issues.

The Speaker (Hon. Kingi): I will give you an opportunity to speak truthfully after Sen. Madzayo has concluded. I have just listened and clearly, Sen. Madzayo was not out of order because firstly, you are not indicating the Standing Order he is breached.

Just have your seat, Sen. Omogeni, and I will give you an opportunity to ventilate your point. It will not be lost. I always celebrate your wisdom. Sen. Madzayo, conclude.

The Senate Minority Leader (Sen. Madzayo): Asante, Bw. Spika. Pia, ndugu yangu ana hoja nzuri na atapewa wakati wake wa kujieleza.

Ninakubaliana tuahirishe hivi vikao mpaka tukutane tena Julai 16. Ninaunga mkono hii Hoja.

The Speaker (Hon. Kingi): Sen. Chute?

(Sen. Kibwana walked into the Chamber)

Sen. Hamida, take your seat. Hon. Senators, I will now proceed to propose the question.

(Question proposed)

Hon. Senators, some of you do not have cards. Those who can access the dashboard can press, but those who cannot access can raise their hands.

(Sen. M. Kajwang' spoke off record)

No shouting. You just need to raise your hand and I will locate you. You do not have to shout. Rise and keep your hands in the air until I tell you to drop them.

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(Laughter)

Proceed, Sen. Chute.

Sen. Chute: Asante, Bw. Spika. Ninasimama kuunga mkono mjadala huu. Pia, ninachukua nafasi hii kutuma pole zangu kwa wale vijana waliuwawa, walioumizwa pia na wale wako hospitalini kwa ajili ya maandamano.

Jana, mimi, Seneta wa Pokot na Wajumbe sita kutoka Bunge la Taifa tuliingia kwa ambulensi ili tuweze kutoka kwa majengo ya Bunge. Tulikutana na vijana waliokuwa wanasimamisha ambulensi na sisi tulikuwa kwa moja. Hiyo gari imenyoroshwa na mawe, mbele, nyuma, katikati na kila mahali.

Bw. Spika, leo ungesikia vifo vya Wabunge nane vilivyotokea jana. Mungu alikuwa nasi na akatuokoa. Kuna askari walitupa vitoa machozi na tukapata nafasi ya kutoka kwa hiyo ambulensi. Narudisha shukrani kubwa kwa wale askari ambao walituokoa.

Nikiongea juu ya ile Miswada iliyopitishwa, ninasema kuna shida ndani ya nchi hii. Ninashukuru sana kuona Rais wetu akitaka ushuru ulipwe. Kuna bidhaa zingine kama *sanitary towels* ambazo zinatengenezwa huku nchini. Kitu cha kwanza kingeangaliwa ni kama zinaweza tosha kutumika katika miji yote ya Kenya. Jambo la pili ni bei ya *sanitary towels* zinazotengenezwa huku ambayo iko juu. Kuna vitu vinafaa kuangaliwa.

Ningetaka Wakenya wajue haya mambo muhimu. Ukiwa na mitungi ya maji na imetoboka chini na bado unataka kuweka maji ndani, kitu cha kwanza unafaa kufanya ni kuziba ufa huo. Hilo shimo likizibwa, unaweza kuweka maji. Vile hii sheria imepitishwa, ni kama kuweka maji kwa mtungi uliotoboka.

Bw. Spika, unaona watu wanatembea na helikopta, wakiwa na pesa, wakitoa mamilioni kwa michango. Unaona wengine wakienda matembezi nje, Rwanda, Kampala na kwingineko. Mimi nashindwa kuona kwamba watu wengine wanafuja pesa.

Ukienda kwa makaunti, asilimia 50 inaliwa. Ukienda kwa Serikali ya Taifa, asilimia 30 inaliwa pia. Ningetaka kumwambia Mheshimiwa Rais awache kuongeza ushuru kwanza na apunguze ukora ambao unafanyika ndani ya hii nchi.

Bw. Spika, ukiangalia Serikali ya Taifa, asilimia thelathini inakuliwa na wakora na wanakula pia asilimia 50 kwa kaunti zetu. Tulipitisha Ksh400 bilioni kama mgao wa kaunti. Ukitoa asilimia 50 kutoka kwa hizi pesa, unapata Ksh200 bilioni ndio zimekuliwa. Ukotoa asilimia 30 kutoka kwa Shilingi trilioni tatu, unapata Shilingi bilioni 900 zimeenda.

Rais wetu anafanya juhudi usiku na mchana ili nchi yetu ilipe madeni, watu wakae vizuri na shule zinaendelea vizuri, lakini hiyo kazi yote inaharibiwa na wakora.

Nikisupport *adjournment*, kuna risasi nyingine tulizosikia zamani tukiwa wadogo ambazo zimeweka rubber zinazoitwa, "*rubber bullet*". Serikali ya Kenya haiwezi kutumia hizo kupiga hawa watoto? Kwa nini wanatumia risasi za kuuwa watu?

Mhe. Spika, sijasikia mtu akisema pole kwa wale waliokufa jana. Hata President wa nchi hii hajasema pole. Angeanza kwa kusema pole kwa kupoteza watoto na kwamba hao watoto hawakufaa kufa na hivyo hakutakuwa na vifo vya watoto wengine.

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Mwisho, jana tukiwa ndani ya *ambulance* tukijaribu kutoroka, kuna wengine walibebwa na *helicopter* kutoka Kenya International Convention Center (KICC) wakienda kutua nyumbani mwao. Hata Spika wetu alikuwa katika hali ya hatari. Nilienda kuangalia kama yuko sawa wakati wengine walikuwa wakibebwa na *helicopter* na akasema yuko salama. Jana tungekufa wakati wale waliokula pesa wakichukuliwa na *helicopter* ilhali sisi tukipigwa na risasi na mawe. Nashukuru wale askari waliombeba Spika wetu wakampeleka akiwa salama.

Mhe. Spika, tukienda kwa hii *recess*, ningetaka wale ndugu zetu tunaowaangalia wakila wafikirie, wakati sisi tunawaangalia wao wakila, kwani sisi na watu wetu hatuna hiyo njaa? Mfikirie na mkirudi Bungeni mtuambie kama hayo mambo ya *corruption* yatapunguzwa au la. Kama hayatapunguzwa, kama *President* wetu hawezi kuongelea *corruption*---Juzi tukiwa *State House*, nilikatazwa kuongea. Nilikuwa nataka kuuliza, hii pesa mnalipwa, kama hamjaweza kusimamisha *corruption*, si ni hao watu watakula tu?

(Applause)

Tukienda likizo yetu, tunataka kuenda nyumbani kwa sababu watu wameniona kwa *television* nikipigwa na mawe na wananipigia simu wakitaka kujua kama niko hai. Wananiuliza kwa nini watu wengine walibebwa na *helicopter* wakati wewe uliingia ndani ya *ambulance*. Kwa hivyo nataka kurudi nyumbani niwaambie watu wangu tuko salama na waendeleo kukaa salama. Ningeomba kabla turudi hapa, tupitische ile Hoja ya kuenda Busia ili *Secretariat* wawe na nafasi ya kufanya kazi yao. Tukirudi hapa tuwe kama ndugu na marafiki.

Asanteni sana.

Mhe. Spika, nimeshukuru sana.

The Speaker (Hon. Kingi): Sen. Omogeni, proceed.

Sen. Omogeni: Thank you, Mr. Speaker, Sir. First, I join my colleagues in passing my message of condolences to Kenyans who yesterday lost their lives and those who were maimed during yesterday's demonstrations. Yesterday was unprecedented. We witnessed an invasion of Parliament. I thank the Almighty God that he saved my friend, Sen. Chute. When I was watching the news, I did not know that the person who survived that ordeal was him. We thank the Almighty God for you. That is a stern reminder that if we are not resonating with the people we represent, nobody is safe in this country.

I stand to differ with the Senate Majority Leader and Senate Minority Leader by opposing the Motion that is on the Floor to adjourn the House. If you are an elected leader, at this point in time, the people you represent are looking up to us to provide solutions. I am sure that the people of the great County of Nyamira want to see what solutions we can offer, as a House, to the issues that have been brought to the table by the young people, Generation Z.

By adjourning this House, we are running away from confronting the challenges and the problems that are facing us as a country. If you adjourn this House and I retreat to the village, how am I going to address the issues that are on the table? This is a time that we need as a House to have a bipartisan approach on how we resolve the issues that are facing us as a country. As has been put by Sen. Chute, the young people are indicting

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this House of having failed to address issues of corruption and excesses by those who are in leadership. How is adjourning this House going to give hope and confidence to our youth?

The first issue I want to raise is that, for many years, this House has witnessed the mutilation of the Constitution of Kenya, 2010 on passage of legislation. I have had the benefit of going through the Finance Bill 2024/2025. Our Constitution is very clear that if we have any legislation that touches on functions of counties, such must be considered by the National Assembly and the Senate. Article 110 of the Constitution defines Bills concerning county governments. Article 110 (1) (a) says-

“In this Constitution, “a Bill concerning county government” means—

(a) a Bill containing provisions affecting the functions and powers of the county governments set out in the Fourth Schedule;”

Article 110 (3) states that-

“Before either House considers a Bill, the Speakers of the National Assembly and Senate shall jointly resolve any question as to whether it is a Bill concerning counties and, if it is, whether it is a special or an ordinary Bill.”

Mr. Speaker, Sir, I have read the Finance Bill, 2024. If you read the memorandum to that Bill at page 599, it proposes to amend pieces of legislation relating to fees, levies and management of public funds. What is more important to this House is that it proposes to amend the Affordable Housing Act, more so Section 54. If you go to the HANSARD--

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(An. Hon. Member spoke off record)

It does not matter. That was a provision that was in the Bill. We have a chance to make comments on it. That is the point.

Section 54 was introduced to the Affordable Housing Act by an amendment that was introduced by this House, the Senate. It was sent to the National Assembly and the National Assembly concurred and Section 54 was enacted into the Affordable Housing Act. Now, the Finance Bill of 2024 has purported to amend that particular section of the Affordable Housing Act by proposing a deletion without the involvement of the Senate. That is trying to introduce an amendment to that piece of legislation through the backdoor.

The second one is the proposal to amend the Data Protection Act. It is on record that that piece of legislation was also considered by the Senate. Again, those amendments have been proposed as part of the Finance Bill, 2024.

The third one is an amendment to the Public Finance Management Act, a piece of legislation that serves both the national Government and county governments. The question I am posing to us this morning, as leaders who have seen what has happened around, did our Speaker, the Honorable Speaker of the Senate, participate in concurrence with the Speaker of the National Assembly?

If we sit here today and tomorrow, we see this Bill being assented to by the President without the involvement of the Senate, what we are telling Kenyans is that the culture of impunity that triggered demonstrations and the storming of Parliament, will

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continue being entrenched. If that is the case, then we are not addressing the issues that are facing this country.

The Finance Bill has triggered the challenges that we are facing as a country. Why can we not demand, as a Senate, that it be brought to us before it is assented to by the President? I want to draw the attention of the House, that there is nothing in this Constitution that stops this House from considering the Finance Bill as long as it has provisions that affect functions of county governments. The Constitution only has a restriction on the originating House when it comes to Money Bills.

It says Money Bills may originate from the National Assembly, but it does not say that they will not be considered by the Senate. If the Government chose to introduce Bills that touch on functions of counties in the Finance Bill, then the best that we should do, as a House, is to demand that that Bill comes to the Senate for consideration before it is assented to by the President.

Secondly, as we adjourn, I condemn and do not support destruction of property. However, I equally denounce the use of live bullets by our police officers on demonstrators. I watched the Cable News Network (CNN) this morning and tried to tick the minutes where Kenya was repeatedly accorded more than an hour. The focus was that the Kenyan police used live bullets to kill innocent, unarmed demonstrators not at Moi Avenue or University Way, but within the Precincts of Parliament.

I understand it is wrong to invade the institution of Parliament, but as a House, do we support the use of live bullets on demonstrators? Sen. Chute has told us this morning and we all know that there are rubber bullets. We know it. There are those “*rungus*” too. I do not know how we call them in English, but they can be used to quell demonstrations.

Mr. Speaker, Sir, should we, as an independent country, which gained independence 62 years ago, open live bullets on demonstrators? What is the difference between Kenya today and the apartheid in South Africa?

We watched the Sarafina movie that was shot in South Africa where the police during apartheid were opening fire on black South Africans who were fighting for the independence of their country. What is the difference with what we witnessed yesterday?

When these pictures are being shown in CNN, what picture are we portraying for our nation? I witnessed during the unfortunate incidents-which again I do not support-that happened in Washington DC, when Trump led demonstrators to invade Congress, nobody approved. I do not approve it up to today. It was the wrong thing to do, but there was restraint from the police force in the United States of America (USA) and nobody was shot dead.

In fact, the person who lost his life instead was a police officer, who in extreme restraint, sustained fatal injuries. However, in this country yesterday, we opened fire on young people. The statistics have it that we lost five lives, but it could be more.

As a House, instead of adjourning, we need to know who was in command of those police officers. Can you imagine if the youth turned on hon. Sen. Chute here and killed him yesterday? What could have happened?

Mr. Speaker, Sir, Chapter 14 of the Constitution has standards that should be applied by our police force. We also have structures. Under Article 145, there is only

one Kenyan who should give us answers; the Inspector General (IG) of Police. He is the one who has commanding authority over the National Police Service (NPS).

Worse still, we have the National Security Council (NSC) that has supervisory powers over all the security organs such as the Kenya Defence Forces (KDF), the National Intelligence Service (NIS) and the NPS. The NSC, under Article 240, is chaired by none other than the President of the Republic of Kenya. Does he approve the murdering of our youth by police force? We know that the United Nations (UN) Assembly of State Parties in 1979 passed a code of conduct for security organs in all member states.

Mr. Speaker, Sir, when you are dealing with a demonstration, you are not allowed to use live bullets unless the demonstrators themselves are using equal force. If you see people coming to Parliament, opening fire on the police officers, that can be excused, but you are dealing with people who are invoking their right under Article 37. If they have invaded Parliament, we can invoke our laws and have them arrested, charged, and taken to court.

Mr. Speaker, Sir, yesterday, our Chief Justice (CJ) issued a statement that is unprecedented. She urged our security organs that the courts will open beyond 6.00 p.m. Arrest anybody who is breaking the law and bring them to us. She did not tell them to open fire and kill, no.

Mr. Speaker, Sir, what happened yesterday should be condemned. We want a country that respects the rule of law. If there are people who have broken the law, let them be arrested, taken to courts of law, charged, tried and if they are found guilty, they should be jailed. However, they should not kill demonstrators using live bullets.

I oppose this Motion because we have serious issues that we need to prosecute and deal with now and not in July. That is what is expected of us as the people's representatives.

I oppose. I am sorry to differ with the Senate Majority and Minority leaders. We cannot adjourn while the country is burning. Parliament can sit even during wartime. However, if we adjourn and run away, then we are cowards. This is not a House of cowards. We have distinguished leaders here. Let us know the problems facing us at this hour and time in our history. What are the solutions? How do we deal with them? If we adjourn today and you see the youth again demonstrating on Monday, are you going to deal with these issues from Nandi or Marsabit County? No. You will deal with the issues from here on this Floor.

Mr. Speaker, Sir, I oppose this Motion. I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Cherarkey.

Sen. Cherarkey: Thank you, Mr. Speaker, Sir. From the onset, I want to empathize and sympathize with many Kenyans and police officers who lost their lives over the anarchy that we witnessed yesterday in the Republic of Kenya. I am also happy that most of our colleagues, including you, escaped unhurt.

Extra ordinary times need extra measures. While we agree that the conversation started in good faith and with serious concerns is very valid, we would not want to lose our country to people who want to take advantage of the situation that we are in as a

country. Let us remain focused. What happened yesterday at Parliament was unfortunate. It should never have happened. It should not have happened!

A few weeks ago, I remember one of my colleagues questioned the security systems within Parliament. It is good that a Commissioner of the Parliamentary Service Commission (PSC), Sen. Okong'o Omogeni, is here. I wish he would be listening. When we questioned this, even at the opening of the Bunge Tower, we were told there are three layers of security within Bunge Square. Yesterday, some people were evacuated out of Parliament precincts in ambulances. People laid in ambulances like corpses, which was very unfortunate.

Three weeks or one month ago, when we questioned the security of Parliament, we were branded populists. We were threatened to be taken before the Powers and Privileges Committee for speaking out. I said on this Floor of the House that if we cannot speak for ourselves, who will speak for us? Yesterday, the some people invaded Parliament, which has never happened in the history of this Republic.

I shudder to think that if those young men and women would have accessed Parliament when we were in session, they would not have cared who you are. I saw some of my colleagues - respectively from the Minority side - trying to escape through the bypass. I do not want to name names. However, they were being called enemies and yet they were Members of the Minority side who voted no for the Finance Bill.

We, as leaders, must come together despite our political affiliation and thinking. It will not matter whether you are on the minority or majority side; when the Gen Zs come for us, they will not care how you spoke or which side you are affiliated to. They will only care about one thing: What have you done for this country? What have you said?

I agree that this is the time to fight impunity and corruption. Anybody who has taken public money, anybody who has shown arrogance and impunity. I want to challenge governors because they might feel that they are safe. From my sources, allegations are that the next stop is county governments and county institutions because Kenyans are tired. I am happy that for the first time, we, as a country, are having a conversation by the people, for the people and for the sake of the betterment of the future of this Republic.

Mr. Speaker, Sir, I tend to disagree with the Senate Majority Leader and the Senate Minority Leader. Even in times of war, for example, in Iraq, Israel and everywhere across the world, there is no way parliament has run away from its responsibilities.

I agree there could be persuasive reasons to do so. However, if we were to run away when our leadership is needed more than ever, who will provide leadership from Nyamira County? Who will provide leadership when we are all cowards and under our beds somewhere in Nyamira, Narok or Kapsabet?

This is the right time we should be sitting as Parliament and be part of the conversation on what the young people are raising. Imagine if young people tomorrow said in their proposal that they need policy and legislative intervention, where will we be? We will be somewhere taking care of cows in Narok or Luanda where the market is in disarray. Let us avoid being emotional.

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I know there is wisdom in adjournment. However, the Chamber is somehow functional. I have seen on a lighter note that some of us have been having reservations about the food served here. I saw the Gen Zs saying that the Chef of Bunge should look at the recipe because they are putting too much *pilipili* in it. Our hospitality services are still functional. They are up to 80 per cent functional.

I know our staff were also affected. We are with them in prayers and thoughts. I know some of them were attacked in their offices, but we are praying with them through the Clerk. We are happy that they have the courage to be here with us. This is when leadership is needed more than ever. So, if everybody closes, imagine if the Judiciary today adjourns for one month. You have heard the Chief Justice saying, “we can even do extra hours in case there are people being brought to court.” The Judiciary has even said; “let us sit beyond normal times.” The Executive is working beyond the normal time. Now, Parliament, where we have the representatives of the people, they are now going home to hide.

It is unfair for the country when the Judiciary and the Executive provide leadership. Parliament, as the people’s representatives, we, should even be sitting beyond our normal hours of operation, burn the midnight oil and be part of the people who will resolve the crisis. I think we need to be serious.

Under Article 37 of the Constitution, every person has a right to demonstrate. However, we want to ask people who demonstrate to do so peacefully and within the confines of the rule of law. We want to also ask the security agencies within the country to also have proper intelligence.

This calls into question the role of the National Intelligence Service (NIS). If they knew Parliament would be under siege, they should have looked into the issues of the number of police and organization of security structure, including the barricades and many others. They should have planned properly so that we would not have witnessed that situation where Parliament was invaded, where it would be desecrated. In some democracies, it shows that we have lost legitimacy of the people despite the fact that we were elected.

Mr. Speaker, Sir, the security apparatus within the country should also be on the lookout. While we empathize and sympathize with the police, I have seen a police officer who lost his hands the other day and he is admitted. I empathize with him. One lost his life last night in Githurai and a number of them have been injured across the country.

While we empathize and sympathize with the police officers, we ask the police command and security agencies also to be well organized. In future, even if criminals want to infiltrate in these peaceful demonstrations, they can be isolated and dealt with. Let the criminals be dealt with as per the law and within the law.

I really want to plead that as Parliament, this is the moment we need to provide leadership. As Winston Churchill said, the person who matters is the person in the ring; that has sweat and blood in trying and resolving crisis. When in crisis, this is when leaders are made. This is when leadership is shown.

The Senate Minority Leader, it is not okay for us to adjourn and go home to do our own things and watch events as they unfold through social media; *TikTok*, *Viewsasa* or any other outlets.

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It is we, as the Senate, to find out how do we become part of the solution to this process and challenges that we are facing as a country. I am happy that we have found time to be here despite the challenges that we saw yesterday.

Finally---

An. hon. Member: (*Inaudible*)

Sen. Cherarkey: No, but that was the only way, it was a security arrangement, using an ambulance, but we are happy you are safe. Other people who attempted to use an ambulance like Sen. Chute did not succeed. A well-organized group thwarted their efforts.

I would like to advise Sen. Chute in future that he should get a Red Cross ambulance and get the flag. You know under the law, those ones cannot be stopped and even demonstrators understand. That is my advice to Sen. Chute.

Finally, Mr. Speaker, Sir, this is the right time as a country to engage. We should stop name calling, call for peace, resolve and ensure we remain steady focus going into the future.

Mr. Speaker, Sir, this country belongs to all of us. When it goes down, it does not matter whether you are seated on the Minority or Majority side. As a country, we must come together and resolve all this.

With those very many remarks, I am 101 per cent oppose the Adjournment Motion. Let Parliament sit, provide leadership and assist in moving the country forward.

I thank you.

The Speaker (Hon. Kingi): Let us have Sen. Olekina and then, Sen. (Prof) Ojienda.

Sen. Olekina: Thank you, Mr. Speaker, Sir. I rise to support this Motion that the Senate of the Republic of Kenya should adjourn. In fact, I am short of saying that this House and Government should be dissolved because we have failed and we are cowards. Let us not lie that we are not cowards.

Mr. Speaker, Sir, what is leading this country right now are citizens' assemblies. Recently, there was a citizens' assembly through the space of Twitter X. It brought about over 1.2 million people to listen. This country is going through a crisis that is unheard of. It is a fire that has been lit up by the International Monetary Fund (IMF). We know very well that the IMF does not put out fires in countries, it lights them.

The only thing that makes sense today is for us to be with our citizens and demystify what is happening in this country. My colleague, Sen. Omogeni, has spoken here and pointed out the lack of respect to the rule of law by this Parliament. The National Assembly is part of this House. However, the National Assembly is amending three pieces of legislation that are supposed to be considered by both Houses and nobody gives a hoot in hell about the consequences.

This House sat and amended the Housing Act; by then, it was the Housing Bill. It had made sure that the houses that are being built for the poor cannot be sold. Now, through a miscellaneous amendment in the Finance Bill, the National Assembly comes in and removes that because they do not care.

Mr. Speaker, Sir, some of us are being bashed outside there. Personally, I am being bashed because of miscommunication. There was a Conflict of Interest Bill, which

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was brought to this House. My colleague, Sen. Omogeni and I, sat down and looked at all the provisions that were being proposed in it. I was not sponsored by the IMF and the corrupt Ethics and Anti-Corruption Commission(EACC) of this country. There is no body more corrupt than the EACC.

The EACC now wanted to be put in as the body that goes out to look for conflict of interest instead of being the body that fights corruption. Very shoddily, the Conflict of Interest Bill was prepared and tabled in the National Assembly by the Majority Leader, Hon. Kimani Ichung'wah.

It was proposing to amend the following existing Acts; The Leadership and Integrity Act, the Ethics and Anti-Corruption Act, the Anti-Corruption and Economic Crimes Act and the Public Procurement and Asset Disposal Act (PPADA).

Mr. Speaker, Sir, 80 per cent of those amendments by my colleagues were actually brought down. He was attending court in Narok on that day, so I read on his behalf. Before people out there just come out and shout, it is important for them to know what was in the definition of a relative because it was vexing.

I will read what the definition of a 'relative' was. Before I do so, that Bill was brought here and hurriedly rushed. The only thing that we could not do was to reject it Bill. I now stand corrected; we should have actually rejected it, in the first place.

The definition of a 'relative' was that-

“A person related to a public officer by birth, marriage, common law, partnership, adoption, or affinity, and includes a public officer's father, mother, son, daughter, brother, sister, uncle, aunt, great-aunt, great-uncle, first cousin, nephew, niece, husband, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-son, step-daughter, step-brother, step-sister, half-brother, half-sister, or who is the grandfather or who is the grandmother of the spouse of the public officer.”

Mr. Speaker, Sir, why on earth should a relative of mine be punished because the citizens of this Republic saw it fit to put me in this House? Why should a step sister-in-law not be allowed to do business with the Government just because Sen. Ledama Olekina has been elected in this House? That is ludicrous.

It is important that people read and think about it because right now, the EACC is sponsoring articles in dailies saying that they are being pushed out and yet we know it is the most corrupt body in this country.

Governors are swimming in wealth and buying properties. Cabinet Secretaries are making billions on a monthly basis by taking bribes simply on issuing licenses. You apply for a license and you are told to pay “X” amount of money. Let us call a spade a spade; we have failed this country.

I could not sleep at 3.00 a.m. I was asking myself how powerful a person can be such that over 200 Members of Parliament (MPs), who are elected by people to come and represent them, cannot use their medulla oblongata and reason. They just follow like sheep such that they cannot enquire about the unintended consequences.

Mr. Speaker, Sir, what will I be doing in this House? Today, I am mourning a young man from Narok County who was shot outside this Parliament. This young man - I will remember his name shortly - is from a family of the Shieni in Ololulung'a. I want to

go mourn and listen to them. In fact, if we care about this country, we should be joining the Gen Zs in the streets and fighting for their rights because we have failed.

Mr. Speaker, Sir, people do not care. We just want to line our own pockets and appear as if we are important. We are not important; those people are the ones who have made us important.

History has great men and women who non-violently walked. Gandhi and his supporters walked for 240 days until they won. In the United States of America (USA), Martin Luther King walked in the Great March. Today, we can see results. What stops us from doing so? We sit here and lie to ourselves that we can make a difference yet nowadays, we worship our party leaders and party lines. We cannot remember that the people are the ones who brought us here.

Mr. Speaker, Sir, I plead with my colleagues that it is time that we join the citizens' assemblies and ask ourselves whether we really understand the phrase that power is transient. We are acting as if we will be in these seats for the rest of our lives. What happened yesterday should be a wake-up call to the citizens of this country. We should all remember that we are here for a very short time.

Mr. Speaker, Sir, what shocked me is what is this thing that pushes the President so much to want this Bill to be passed when blood is pouring out there. What is it? Sen. Chute, thank you for asking a very good question that all of us are asking. Instead of us fighting corruption; going after corrupt Cabinet Secretaries and governors, we are here trying to overtax citizens.

About 70 per cent of the population of this country is Gen Zs. I am a Gen X and should be joining them out there to fight for these rights. It is a pity that we do not care because we are busy lining our own pockets. It is sad. I want to correct it out there. I proposed amendments to the Conflict of Interest Bill because it was barring the whole clan, the whole citizenry of Kenya, from doing business with the Government. It was amending legislation, which is already provided for. It was being engineered by the EACC so that they could find many loopholes for getting money. We say '*emala*' in Maasai.

You know, we have that gourd. When you decide to open that gourd, the insects go in when there are so many other avenues. We can easily do the right thing. This Parliament can check whether there is any conflict of interest. However, we should not punish every other citizen, for example, a step sister-in-law from doing business with the Government, which they were doing before I came.

Mr. Speaker, Sir, as I conclude, my prayers are with the family of a young man, Erick Ayunishieni and all the departed Gen Zs. Your live will not go out in vain. The statements being propelled out there to feed certain interests are further from the truth. These young men and women were yesterday marching unarmed in the streets to fight for their rights.

It is hard out there. This House is supposed to be a House of union that brings sanity. Even if we sit here and burn the midnight oil, there is nothing we can do. We are being spoken to, but it gets into the left ear and pops out of the right ear because sometimes we are being enticed.

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I plead with my colleagues right now that every one of us seated here should search deeply within their soul. Why are you seated where you are Sen. (Dr.) Lelegwe? Sen. Mo Fire, you are seated there, not because you fell from heaven like manna, but because the citizens of the Tharaka Nithi brought you here and you have to listen to them.

Mr. Speaker, Sir, right now, we only have two choices in this country. Wake up, smell the coffee and know that shit has already hit the fan. We resign; all of us to go home, dissolve the Government and allow new elections to be held.

Let people who care about the fiduciary responsibility of this country come back here. We have failed and we have no business being here.

I rest my case and support the Motion.

Sen. Mumma: Thank you, Mr. Speaker, Sir, for the opportunity to contribute to this Motion. I respectfully oppose this Motion. This is the time when we should come together in a bipartisan manner to reason together on how to resolve the many issues that our children - I am calling them children, not in a derogatory manner, but because I am a mother raising Gen Zs.

Mr. Speaker, Sir, the events that happened yesterday in this country are historic. It is not because the young people managed to break into Parliament, but because it was a big statement about how Parliament has failed. The sooner we understand that, the better for us.

Our sense of importance is so inflated as Members of Parliament (MPs) that we do not even get the point. We need to come down. I have said here more than four times that we must remember we are messengers of the people; we are not lords of the people. Yesterday was the moment to make every MP reflect and remember that we are here to represent and not about ourselves.

The Gen Zs and the other young people who were on the streets form over 75 per cent of the population of Kenya. Therefore, we need to listen to them, whether we like it or not. If we do not like it, we will be driven out of these Houses. That is why my view is that we cannot run away.

We need to be here to discuss the issues. We might want to suggest that we focus on different issues rather than what we have on the Order Paper. We can use the two weeks to discuss pertinent issues on what the Gen Zs have raised in their concerns.

(Loud consultation)

Mr. Speaker, Sir, can I request that those on the side speaking loudly to sit down and listen or go speak out there? It is a sign of disrespect for this session.

As I had said, the young people have given us enough notice about the demonstrations. They went on the streets with twigs and came all the way to reach here. I was in this compound and was among the few MPs who were trying to plead with the security members to allow us to see whether we could speak to them, but they started shooting. As they started shooting, they killed a few of those young people.

They were allowed in after a while. I believe it was deliberate to allow the Gen Zs into the compound so to say we shot them dead because they had come to Parliament. Neither this Parliament nor any of us here is bigger than the people of Kenya.

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I ask the MPs to humble themselves and listen to what people are saying. If you have been listening, we have mothers on the streets pleading with the President and us to listen to them.

What does it cost for us to listen to them? Those who used ambulances were abusing our position as MPs. The ambulances should have been carrying those who were sick and not getting MPs out of precincts of Parliament. We need to smell the coffee.

We need to schedule special sessions to invite the Cabinet Secretary for Internal Security, Hon. (Prof.) Kindiki to find out why they used bullets on young people. We also need to summon the Cabinet Secretary for Defence, Hon. Duale, if he actually issued that Gazette notice. This Parliament no longer cares about the Constitution of Kenya.

As Sen. Omogeni said, we should instruct the Speaker to write an advisory to the President not to assent to the Finance Bill because it breached the Constitution. Through the Finance Bill, they amended laws that affect counties. Therefore, the Finance Bill should have come to the Senate.

This House should instruct lawyers to go to court and stop the Finance Bill. We cannot do that if we take a break. This Senate should find out how best we can reach out to Gen Zs to speak with them. They gave a notice for Thursday. Assuming they are coming on Thursday, this House should be present to ask if we can have Thursday demonstrations done differently, so that we receive them as they come peacefully. We should not run away. This House should find out how many of us can be sent to represent the Senate in the different funerals of children who have died.

Mr. Speaker, Sir, I suggest respectfully that we consider reorganising the programme of the House to discuss these pertinent issues that have been raised by these children. We need to look at the budget that the National Treasury submitted to the National Assembly. These children looked at the budget. They are telling us that we should not overtax their parents and put money to different places. Why are we, as Parliament, not willing to look at the budget items to find out what these children are telling us?

The Gen Zs are not stupid. They are trying to call us to order as MPs. I think we have an inflated sense of importance that we have even forgotten who we are. We need to calm down and remember we are messengers of the people. I, therefore, suggest to Members who will speak; please do not allow us to go on recess. Let us have our sittings and summon the necessary people we need to discuss about what happened yesterday.

Mr. Speaker, Sir, as I finalise, I empathize with all families that lost their loved ones. As MPs, let us find out who they are. Let us represent ourselves and be humble enough to mourn with those families. I also ask Cabinet Secretary, Hon. (Prof.) Kindiki, to ensure that all the young people he has instructed to be abducted are released.

More than 10 young people have been abducted simply because they are bloggers. That is an abuse of office and a violation of the right of expression and this must stop now. We must be a country that respects the rule of law---

Sen. Gataya Mo Fire: On a point of order, Mr. Speaker, Sir. I heard Sen. Catherine Mumma saying that Hon. (Prof.) Kindiki instructed the police to abduct bloggers. I do not know whether she has evidence that she can adduce before this House

that Hon. (Prof.) Kindiki instructed people to abduct bloggers? Is there any evidence to that effect?

Sen. Mumma: Mr. Speaker, Sir, I withdraw what I have said. The Cabinet Secretary for Interior and National Administration should bring to this House information on who abducted young bloggers who are simply expressing themselves. It is his responsibility, which he cannot run away from. If he cannot do so, he should resign and let somebody else take responsibility.

We cannot kill our children and think we will be okay. We cannot use so much force and expect we will go into our houses and sleep. I cannot sleep because of what I watched happening yesterday outside Parliament.

We pleaded, but they were going on with guns yet those children only had twigs. Stones were thrown because bullets were being fired. Stones came because canisters were being released every minute. Those children were unarmed.

I saw a clip where one police officer is contemplating resigning because his brother was killed by another police officer. I want to tell our police officers this: I know your job is difficult, but remember you are Kenyans and also have children. Do not allow anybody to use you to break the law. Using live bullets on an unarmed person is breaking the law. We need to call ourselves to order as leaders.

Finally, I plead with the President. Mr. President, listening is not cowardice. I can assure you the Finance Bill is not bigger than the people of Kenya. That Finance Bill is unconstitutional because it has clauses that should have come to the Senate.

If your people have not told you that, please listen to us. Retreat, not even because of the Senate, but because of these young people. Call them and explain boldly the justification of the budget lines that the National Treasury presented before the National Assembly.

Shame on the National Assembly for passing a budget that has budget items that are embarrassing for the nation. Both sides of the aisle passed the budget. They were wrong on that. Listen to the people of Kenya.

Mr. Speaker, Sir, I oppose.

The Speaker (Hon. Kingi): Proceed, Sen. Wakili.

Sen. Wakili Sigei: Thank you, Mr. Speaker, Sir, for giving me this moment to share my grief and send my messages of condolence to many people who suffered yesterday. We lost a good number of Kenyans. Property was also destroyed, not just within, but also without Parliament.

I stand a very sad Kenyan today to support this Motion because there is wisdom in the decision that the SBC took in the morning to adjourn and rearrange the programme of this House.

It is a very sad day because experiences that we had yesterday here and various places in the country have never happened before. While we appreciate the constitutional entitlement of each Kenyan to demonstrate, demonstrations that took place yesterday have never been experienced before. The attack on Parliament has never happened before.

Colleagues here have talked. Some have supported the Motion to adjourn, while some have said it is not the right thing to do. Whereas it is time for us, as a House, to

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reflect, we cannot reflect on the way forward on what happened when the House is in session and discussions are ongoing.

Issues that have been thrown left, right and centre are heavy. Each one of us, as leaders, represent certain interests; whether from our position as Senators, leaders of various groups, or even in the National Assembly. There are serious concerns that even as we ask ourselves the big question of whether to adjourn or not, we can only do so after appreciating the fact that it is not just about yesterday because the issues are beyond.

Following the attack of Parliament alone, the safety of everyone here was at stake yesterday. It is not something that should not be taken lightly and assumed that we can proceed to run business of the House as if everything is normal. That is not the case.

The issues presented are for every one of us to reflect at our personal level. As suggested in the Motion, the break is meant to allow Members an opportunity to reflect and think through and ask ourselves where the rains started beating us.

Mr. Speaker, Sir, the comments that we are all making seem to be doing what I would say is in the Book of Lamentations. We are not here to lament, but to give solutions, guide and think through. When we support or oppose this Motion as though we are all lamenting, we are not helping the situation at all.

Mr. Speaker, Sir, the Motion to adjourn is in good faith. I believe there must have been great wisdom by the SBC, to say this is the right time to take a break and deal with this situation and when the people of Kenya have also equally reflected on what happened in this country yesterday.

Mr. Speaker, Sir, I appreciate the opportunity granted to me as we mourn our brothers, sisters and the young generation that we lost yesterday. Also the destruction of the property, which as a leader and as Kenyan, I do not support. It is condemned in the strongest terms possible.

I support.

The Speaker (Hon. Kingi): Proceed, Sen. Veronica.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir, for the opportunity to contribute to this Motion, which I support. It is time to take a short recess for the leaders and the nation to have a deep reflection of the events that took place yesterday.

Mr. Speaker, Sir, from a personal view, it is a very sad day in the history of Kenya. The history we wrote yesterday as a nation is not anything we can be very proud of. When I recall the sequence of issues and events that led to yesterday's experience, it is a very sad state of affairs.

It began very well where there was the Generation Z who needed a conversation and needed to be heard, which is correct. It is rightfully so, because they are citizens in this Republic. There was a guide that was given by the Cabinet Secretary for Interior and National Administration. I remember he gave an address and detailed how that right in Article 37 on the right to demonstrate and picket was to be carried out. I also saw the Law Society of Kenya (LSK) giving a sort of a guide on what to do and what not to do in the event of exercising Article 37 of the Constitution.

Mr. Speaker, Sir, in that guide that was given by LSK, which is supposed to be a neutral body, the Generation Z was well guided that they should not go near institutions,

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which are secured such as Parliament and State House. They were well guided not to interfere with the integrity of the institutions.

The morning session was good. I was in the House and we were conducting business as usual. Nonetheless, we could hear tear gas being thrown in different parts because of the heavy masses that had gathered. What started well in the morning as an exercise of that right was breached somewhere in the middle of the day. This is when there were other demonstrators who came in and their intention seemed to have been altered from the initial conversation, which was headed by the Generation Z.

Unfortunately, the masses wanted to break down into Parliament and they started burning things. I could see some people who were even in the dining area having the lunch that was served there. Having the lunch may not be a big deal because that may be money that is from the taxpayers coffers and which the Members by the way usually pay for when they take a plate of food there.

Mr. Speaker, Sir, those who have visited Parliament on a normal day know that they are always free to have that lunch anytime they are cleared at the gate to visit. Parliament has never denied access to any member of the public to a visit the institution once they give the notice. What was very worrying was the criminal intention that rode with the demonstration.

The police were cornered. It is very sad and I am very saddened as a mother and as a leader in this nation, to imagine that one teenager or one young person lost their life yesterday and we deeply condole with those families. That was never the intention and should never have been the intention of that demonstration.

There is an apparent conflict right here and it is normal for a family, community and institutions to have conflicts. How do we resolve those conflicts? Any institution or family that is not able to resolve conflicts in a timely fashion and in a manner where people feel listened to ends up very poorly. If it is a couple, there will be a divorce. If it is a family, there can be a breakup. If it is an institution, people go different ways.

The reason we need this short break now is because we need to have a serious conversation. This serious conversation is not about us and them. It should be a Kenyan conversation. We must take time now to listen to one another and hear what these grievances are and how they can be resolved. Does the Constitution offer a pathway for people to resolve these conflicts?

I want to say this to our children because the Generation Z are our children. The same Constitution that gave you Article 37, gives a ventilation mechanism in the event that you have issues you want to ventilate to Parliament. You can do a petition and peaceably present it at the gate. That petition is taken, debated, sent to a Committee, members of the public are invited and they bring their views.

I want to assure the Generation Z, the leaders who have been voted in this House represent the views and the rights of the Kenyans, so that we do not have the integrity of institutions such as Parliament, which are constitutional bodies, being degraded to a point where people feel that they need to walk, burn a few things and then maybe they will be heard. That is the wrong approach.

I think it is good for us to be honest with ourselves. As leaders, we are willing to listen. Churches, open up your doors, take the views of these people, help them present the petitions and guide them the right way.

Mr. Speaker, Sir, we live with these young people and sometimes they do not agree with us, even as parents. When our young people are not happy with maybe what is being dished out at home or the schools, they are being taken to, do we tell them to take knives and walk all over or do things that are so unprecedented or harmful to themselves or the other members of the society? No!

We guide that as Senate we take this recess and let all the institutions open doors, present their views and let those views be given to Parliament. As MPs, we are willing to listen. If anything has gone wrong it can always be corrected. There is nothing wrong that cannot be corrected.

This nation has been through a very tough journey even during the making of the 2010 Constitution. Let people not forget that even during the making of the 2010 Constitution, people did not fully agree on the clauses that were being made yet there was a journey and there was a process. Therefore, in that journey and in that process, we do not need to have one person lost in the Republic of Kenya.

Mr. Speaker, Sir, that is why we say, as we take this recess, let us take a reflection even as leaders. It is good for leaders to be also sensitive to the plight of the people who are raising issues. When we sit down, discuss and agree on the grievances that people are having. They can be assured that the institution of Parliament stands to represent the people of Kenya and that is our calling. It is the integrity of our calling.

I believe and pray that the vote will be in favour of a short recess. As we take this short recess, Gen Z our doors are open, we want to listen to you, we want to talk to the churches and we want to have the petitions that you have that you think should be presented before Parliament. We know we can come up with a conclusion.

When we will later look at the constitutional amendments that we need even through the National Dialogue Committee (NADCO), report, that listening has to be done. We are willing to do it as the institution of Parliament.

Consequently, for those who planned mayhem and raided institutions or businesses such as Quick Mart, was that necessary? I saw the Quick Mart somewhere at downtown being attacked and raided and many places burnt. Was that the exercise of Article 37? Let us answer the hard questions as Kenya.

Mr. Speaker, Sir, do we want to rebuild or do we want to destroy first and then say that we want to rebuild? As young people and as parents, we want to rebuild this nation. Reading the book of Nehemiah, you find that Nehemiah was charged with a heavy responsibility of rebuilding the walls of Jerusalem. I know he had a very tough task because there were those who were saying that it cannot be rebuilt.

This nation of Kenya is in the hands of not just the leaders, but parents, the youth, the Presidency and the Deputy President. We must all accept that we must work together to rebuild the walls of this nation and not to bring shame to our nation. Our nation has given birth to many nations that have been in conflict around us.

The true test of the strength of our nation will come in hard times. We should write a blueprint from here. Nations that almost teeter close to the edge of going down can regain and bounce back and give confidence to people.

Mr. Speaker, Sir, with that, I beg to support the Motion. I thank you.

The Speaker (Hon. Kingi): Sen. Wambua.

Sen. Wambua: Thank you, Mr. Speaker, Sir, for this opportunity to add my voice to this Motion. This is not the first time that an adjournment Motion is being sought after going through the necessary approvals. I would say that, perhaps this is the first time that an adjournment Motion is being sought for the wrong reason and at the wrong time.

I take this opportunity to declare that I, on behalf of the people of Kitui County, oppose to an adjournment at this time. This is for the following reasons. It is basic knowledge that we have three arms of the Government; the Executive, the Legislature and the Judiciary. The Executive and the Judiciary are working on an overdrive of 24 hours. The Legislature is seeking to take a break before they can even formally resume from another recess.

I would like to remind my colleagues who are proposing the adjournment that we already look very bad in the eyes of Kenyans. In fact, we only have a small window to reclaim our place in the society. Going for an adjournment at this time is not doing the right thing and it is shooting ourselves on the foot.

Mr. Speaker, Sir, we are the representatives of the people in good times and bad times. An argument has been put forth and I agree with it; that we are occupying premises that, for all intents and purposes, are scenes of crime. The premises of Parliament were invaded. There is need for some investigations to be carried out to ascertain the extent of damage and prepare for repairs and rehabilitation.

Mr. Speaker, Sir, the drafters of our Constitution had the wisdom and the presence of mind to know that Parliament does not necessarily have to sit in this premises. I would like the Senate Majority Whip to allow me persuade the hon. Speaker with regard to Article 126 (1), which says-

A sitting of either House may be held at any place within Kenya and may commence at any time that the House appoints.

If it is true that it is not possible to continue holding sittings at a scene of crime, then we could go and sit anywhere else, including in a military barracks, if that is gazetted. We could sit in the old Chamber. There are places we can sit and transact business. To adjourn at this time would be the wrong thing to do in the face of the challenges this country is facing. We will be running away from a problem.

Mr. Speaker, Sir, I would like to challenge a number of my colleagues whom I have heard speak certain things about Parliament. Their view is how useless this House has become and how people should resign. These sound-bytes stopped making sense to Kenyans a long time ago. Instead of a Member rising and threatening that the best thing to do is for the House to wind up, the right thing would be for that Member to lead by example and tender a resignation, so that we know that those people are serious.

I take this opportunity to address myself to four institutions. I will begin with the institution of the Cabinet Secretary for Defence. I see that the KDF has been asked to come in and beef up security with the police. This is a wrong move because the KDF,

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like any other defence officers in any other country in the world, are trained to do three things.

Mr. Speaker, Sir, I wish the Senate Minority Leader could listen to this because he supported this Motion. First, the KDF is trained to fight. The other thing is to kill and the last thing is to die for their country in defence and against external aggression.

The KDF is not trained in crowd control. They do not understand that language because they are not trained in that way; unless we are telling them to come out and kill as many as they can. Unless, that is the order. Let us keep our men and women in boots in the barracks. That is where they belong. Calling out the KDF on our children is the reason why the Senate must sit even beyond 6.30 p.m. every day to safeguard the lives of our people and the integrity of our Constitution.

(Applause)

The other institution that I want to address is the Judiciary and specifically the Chief Justice and the President of the Supreme Court of Kenya, Justice Martha Koome. I applaud Justice Martha Koome. She has the courage to lead from the front. I am beginning to admire the way she is doing her things. At a time that young people are being arrested left, right and centre and abducted, she very well articulates the provisions of Article 49 on the rights of arrested persons. She said the Judiciary is ready to work overtime to hear cases, make determinations and to restore order in this country.

The other institution that I want to address as I move towards closure is the Presidency. I am the least qualified to advise the President, Hon. William Ruto. This advice that I am giving him is unsolicited. I know he has many advisers comprising of qualified men and women. I am just begging the ear of the President for a minute or two.

Mr. President, you have a duty of care to listen to your children. Those children on the streets are your children. They call you their President. They have told you they have challenges with the cost of living and the way their parents are in trouble trying to fend for them. They have told you that corruption in your Government stinks to high heavens. Mr. President, listen to your children.

I say this because I know there are people telling the President that if he backs down on this Finance Bill 2024/2025, he will look weak. That the children will think that they have won against the President. Mr. President, I want to tell you that you are not in competition with your children. You are their leader. Listening and taking good counsel, even from a child, is not a sign of weakness or cowardice. It is a sign of leadership and strength. Listen to your children.

Lastly, the other institution that I want to address is the police. I was in the precincts of Parliament yesterday when all these things were happening. I was surprised at how police liberally used live bullets on innocent people. I stood next to an officer inside the premises of Parliament. An old officer that covered his face who was carrying a machine gun. He was firing at the crowds. I asked him why he was doing so. In fact, a younger officer, who was standing in front of him, almost slapped him and told him, "how can you be firing live bullets behind me? If you want to fire live bullets, stand in front of me." However, the man went on firing and shooting.

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When I hear my colleagues here say that the intention was not to kill, I ask myself, when you fire live bullets into a crowd, what do you expect? In fact, I really thank God that the numbers are not what this officer, and officers like him, intended them to be. The intention to kill was evident.

The clergy have spoken. Even as late as last evening, the clergy spoke. Not once, not twice, many times. Professional bodies, including the LSK, teachers' organizations, medics, the business community, investors, both local, regional, and international and the ambassadors have spoken. They have said, "Mr. President, this is too much." The Finance Bill 2024/2025 is not just unacceptable; it is unbearable. The Mama Mbogas were here a few days ago and they said the same thing. Our children are speaking now. Who else, Mr. President, do you want to speak, and what other language do you want to hear?

My appeal, as I sit, is to the President of the Republic of Kenya, His Excellency, Dr. William Samoi Ruto, do not assent to this Bill. Return it. Let us revert to status quo. Give this country an opportunity to heal. Give expression to the voices of the children and the mothers who are saying they cannot take this anymore.

I urge my colleagues to agree with me that this is a wrong time. The reasons given for us to adjourn are the wrong reasons. Let us continue our sittings. We can do all those other things, including reflecting. Sittings and reflection are not mutually exclusive. You can have Senate sittings and still reflect on what is happening in the country. You do not have to be at home to reflect.

I conclude by condoling with the families of our children that have been killed by police officers whose intention was expressly to kill. We condole those families and pray that the grace of God shall firmly rest upon them through this mourning period.

I oppose.

The Speaker (Hon. Kingi): Proceed, Sen. Crystal Asige.

Sen. Crystal Asige: Thank you, Mr. Speaker, Sir. As the only visually impaired Senator in the House, it was difficult for me to know if I would catch your eye, but I am glad that I have. I thank you for the opportunity to also, with some of my colleagues, oppose this Motion.

I have heard a colleague use the book of Nehemiah to prosecute her support of this Motion. What exactly did Nehemiah say when he was urged to retreat? What was Nehemiah's decision when people were trying to detract him from his work? Nehemiah said, I am doing a good work and I cannot come down. That is what Gen Zs are also saying to the Executive and to Members of Parliament (MPs); that they are doing good work by standing up, speaking for themselves and for their colleagues; young men and women who are out in the street. They cannot come down and neither should we in this Senate.

How can we go on a recess? Why are we going on a recess? We have just come from a three-weeks recess period. Why do we need two more weeks to reflect? This is a House of reflection, and we have to do it while we are sitting in these seats and speaking in these microphones. That is what we are here to do. Parliament stands to represent its people. Parliament does not close to run away from its people.

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I urge and persuade those who have not yet spoken to also concur in opposing this Motion. It is not because of disrespect, but of respect for the young men and women who have lost lives and are now muted because they cannot speak due to yesterday's horrifying scenes.

We cannot go home. Are we trying to say that renovations of windows and offices are more important than speaking for bloodshed and lives lost yesterday? We cannot. As the first young person speaking to this Motion, and a youth in this House, I am speaking for the youth who are outside of this House. We cannot go on a recess. It is wrong and it would be completely insensitive to do so.

Mr. Speaker, Sir, darkness fears democracy. I rarely wake up in the morning wishing for my eyesight to be restored, but what a sight to be able to behold. This last week had me aching with desire to see my fellow youth in the most spectacular display of patriotism, camaraderie and putting up a first-rate master class on demanding that governments be held to account for the entire world to see and yes, they have seen. However, this unity has been violently gunned down in the streets, not by men, but by monsters who have no concern for human life. Although this Government has demonstrated that lifeless Kenyan bodies are not to take precedence over their punitive Finance Bill, young Kenyans have looked their oppressor dead in the eye and shown them that when it comes down to the wire, there are only two times to be brave. When you feel like it, and when you do not.

My profound disappointment with the current Government and its forceful assault on crowds of innocent youth, by its nefarious police officers who have gone rogue on unarmed young citizens, peacefully exercising their constitutional right towards an uncaring, corrupt, and wasteful Government in their eyes that has turned its back on them, cannot be emphasized enough.

The brutal force used against young, unarmed protesters reveals the operating system built into the fabric of today's Government. When they kill us they are killing themselves.

The arrogance from some of these top Government officials has been outrageously condescending to young people, disgusting and reminiscent of narcissistic abuse.

You call us wankers and clueless children of plunderers. Then you say you are proud of us for making our voices heard peacefully. Then abduct defenseless children using State machinery and escalate a peaceful demonstration of young people with phones, twigs, and water bottles in their hands into barbaric scenes of bloodshed. Young people were not out to kill.

In fact, I was here on this premises yesterday when everything set off. Whilst I was separated from my security guard, I also saw another MP from the National Assembly who is on a wheelchair user, who voted 'yes' to the Finance Bill, also having been separated from his team, aides and bodyguard. He was stranded. He could not run nor hide in his wheelchair. Do you know what happened when those kids entered this premises?

Three young boys saw this MP who voted 'yes' for the Finance Bill and instead of reprimanding him or giving him a piece of their minds, they actually carried this MP in

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his wheelchair to the tunnel so that he can go and seek refuge across in Bunge Tower. The three boys ran back and joined their fellow comrades. That is what happened. These kids do not operate in mendacity. They are moral youth who are just trying to get their voices heard. There is a peddling of a message or narrative that this youth are evil, killers and criminals, but they are not.

That is completely misguided and untrue. Why can these police officers not punch at their own weight class? That is my question. I have been asking myself, would they come into Parliament to try and abduct or take on Ledama Olekina?

Would they be able to have the balls to come and abduct and violate the safety of Samson Cherarkey? They would not, because they know that all they are doing is showing a brute force, using their shields, armour and artillery, and pouring it on young defenseless Kenyans.

Clinical psychologists will tell you that narcissists will first love bomb you, then manipulate you, and then gaslight you into believing their lies. They will devalue you and finally, they discard you once they have what they want. We young people have seen every single stage of these narcissistic behaviors in this Government.

Since they complained that over eight million of us did not come out to have our voices heard in the 2022 elections, we are here now. An estimated 25 million came outside in every corner of the country yesterday to say that we reject this Finance Bill because we would rather die on our feet than live on our knees. We are not the generation who are silenced with every carrot dangled in front of them. We are the generation that asks questions and demands accountability. This is because we understand that we are rich and only if the money that we refuse tastes better than the money that we accept.

Gone are the days when Governments relied on using such methods to numb their people through controlling the media, education and the church, which used to be houses of God, but have now turned into dens of thieves.

Mr. Speaker, Sir, we are saying as young people, go ahead, push that narrative all you want about our international financier. That is a scapegoat because you will not find one. Unity is our financier. Liberation, passion, justice, anger, disillusionment, and dissatisfaction are all our financiers.

This is the reason why I oppose going on recess, especially at such a sensitive time in our country.

Mr. Speaker, Sir, this Finance Bill is without a doubt designed to be esoteric. I believe that it is relied upon for citizens not to understand this document in full. The Prime Cabinet Secretary said a few days back, if the Finance Bill, 2024 fails to pass, the implications are serious. It could result in a complete shutdown of the Government and signal a vote of no confidence from the public. These and many statements are being peddled by Government officials and none of them are true. They tell the public how ominous the failure of the passing of the Bill will be, but that is not true.

If the Bill were to pass without the consent of the people, it will split the entire nation and that is not what we want to see. The President still has an opportunity to not put pen to paper. The Constitution clearly says that he has 14 days to assent to any Bill

that comes from Parliament, and he can still, right now, today, in this moment, decide not to sign this Bill into ascension.

Mr. Speaker, Sir, I just want to conclude, so I can give other Members a moment to also contribute, but to just say that young people are tired. Young people are exhausted. They do not have jobs. How would they have money to look for artillery and knives and guns? But still we poured every single piece of armor on these young children yesterday. As a young person, I am disgusted. I am appalled. I am completely beside myself.

I want to conclude by saying that my heart goes out to the families and loved ones who lost people yesterday. I was disappointed to hear the President's speech yesterday. I had hoped that more unity would have come from it but there was no empathy for the pain that Kenya is feeling right now. There was absolutely no sign of benevolence when he spoke.

I would have hoped that the President would have stood in that address and unified the nation, but instead, he threatened, he was glossy and cold. In closing, I just want to comfort those by saying that even though they cut our wings and tie our feet, still, we will rise.

Viva Comrades!

The Speaker (Hon. Kingi): Now, Hon. Senators, it is 12.32 p.m. So, pursuant to Standing Order No.34(2)(a), I am going to add a further 15 minutes, so that we conclude business.

I will therefore allow Sen. M. Kajwang' five minutes and then call the mover.

(Loud consultations)

We need to conclude business and that is why I have even added more time.

Proceed, Sen. M. Kajwang'.

Sen. M. Kajwang': Mr. Speaker, Sir, I feel very victimized---

Sen. Madzayo: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): There is no Senator who is on their feet. So, who are you calling to order? Approach the Chair, Sen. Madzayo.

Sen. M. Kajwang': Mr. Speaker, I feel very victimized on behalf of the people of Homa Bay County, that our views can be truncated to five minutes, while other delegations have had 15 minutes to convince this House on which direction we should take.

From the onset, and under those circumstances, if I am to speak for five minutes, I oppose this Motion, because I need time to come here and talk on behalf of the people of Homa Bay. Five minutes is not going to be adequate for me to speak on behalf of the Gen Zs of Homa Bay County and the Gen Zs of the Republic of Kenya.

Mr. Speaker, Sir, I oppose this Motion and that then should guarantee me an opportunity to come back here and continue my debate. I want to start by sending condolences, personal and on behalf of the people of Homa Bay, to the many families that today are mourning their loved ones. The reality is hitting slowly. Many people are

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still in denial that the little boys and girls who left their homes yesterday are today sleeping in a morgue.

Mr. Speaker, Sir, even if it was you, with a teenage or a grown son, 20 or 21 years old, you had breakfast with him in the morning; you told him about the kind of things that you expect and wish for this nation. You reminded him that the Constitution protects him; that he can go and protest and present petitions to public authorities. You even told him that we have a reasonable Government and security force that will ensure that you are protected. Then, you get a call that your son is lying at City Mortuary or in a morgue somewhere in Eldoret or Nakuru. That is the reality we are dealing with. We cannot run away from our constitutional mandate when we have our people lying in morgues, hospitals, and detention centers. The very least we should do is call the Cabinet Secretary for Interior and National Administration to come to this House this afternoon and tell us the number of people who were killed yesterday while exercising their constitutional rights.

Two, the Cabinet Secretary must tell us the number of people being held incommunicado by the police and other paramilitary forces in this Republic. We need to know how many people are in hospitals with gunshot wounds. We cannot go on recess until those questions are answered.

Mr. Speaker, Sir, we need to be calling some governors, such as the Governor of Nairobi City to tell us what happened in Nairobi where City Hall was set aflame. I know people are saying that when I call him to the County Public Accounts Committee (CPAC), he will tell me that all the records were burnt by Gen Z and also, when you ask him for his academic certificate, he will tell you that it was burnt by Gen Z.

We need to put a stop to this nonsense. We cannot go on recess until these issues are resolved. We must put a stop to the arrogance that we are seeing in the ruling class of this country. Make sure that people live within their means and that people who have consumed public resources do not come and vomit on our shoes and our feet. We know them; some of them are in this House while some are in the Executive. We cannot go on recess until we have held them to account and delivered them to Gen Z for punishment or necessary action, of course action within the Constitution.

Mr. Speaker, Sir, why do we want to run away from our duty when Parliaments sits even when a country is at war? Is it because we do not have lunch? If we do not have lunch, Sen. Hamida has always provided meals for us. Is it because we have broken windows? We cannot lament about broken windows when we have broken limbs and people out there.

We should also stop this blame of our Gen Zs. Look at our curriculum; what have these new adults been fed on in the school curriculum? These are the products of the free primary education of Mwai Kibaki and Raila Odinga.

When it comes to *fasihi* and literature, their curriculum reads as follows; the *Animal Farm*, which is about injustice. They read; *Kidagaa Kimemwozea*, *Tumbo Lisiloshiba*, *Kifo Kisimani*, *Mstahiki Meya*, *Mashetani* and *Parliament of Owls*.

Parliament of Owls is the recent set book in literature and then you blame the Gen Zs for coming to this Parliament? A Parliament of Owls, sellouts, turncoats and

completely insensitive to them. We are the ones who have fed them this kind of literature and we are reaping what we sowed at this moment.

Mr. Speaker, Sir, we cannot go on recess until the President apologises to the youth of this country. Since when did the hustlers become mutineers and wankers? Since when did our Gen Z's, our children, become saboteurs and connive to commit treason? The youth, the public and the nation deserve an apology, not the intransigent posture that we saw from President Ruto yesterday.

Sometimes, we need to go back to the Bible. Look at the book of Exodus and how God hardened the heart of Pharaoh not once, twice or thrice, but almost five times. Eventually, God was trying to teach Pharaoh a lesson. Pharaoh William Ruto, God is teaching you a lesson. You have hardened your heart. Your children are in morgues and hospitals and yet you are calling them criminals and saboteurs.

Even in the hardest of circumstances, God will rescue his people and children. God will rescue this nation from the clutches of people who do not care about those who put them in office. They care about State dinners in foreign lands and not about the welfare of the people that they are supposed to represent.

We cannot go on recess until we call the President because the Constitution empowers us to call any person, including the President. He should come here as the Chairperson of the National Security Committee to tell us the actions he is taking to ensure that the cost of living is managed, and the flagrant abuse of human rights and constitutional rights is also stemmed.

Mr. Speaker, Sir, we cannot go on recess until the Justice, Legal Affairs and Human Rights Committee carries out an inquiry on the circumstances that led to the mess of yesterday; until the Committee on Trade, Industrialization and Tourism talks to small-scale traders in Tom Mboya and Ronald Ngala and finds out the extent of losses yesterday; until the Committee on Finance and Budget makes a strong case for the Senate to consider the Finance Bill because it has provisions that relate to county governance; until this House takes a resolution on the basis of Sen. Omtatah's letter that Parliament means Senate and the National Assembly and the Senate must be involved in provision of budgets for constitutional officers and independent officers as per Article 249 of the Constitution.

Mr. Speaker, Sir, if proceed on recess until that date in July, all these things are going to pass and by the time we come back, it will be water under the bridge. We cannot go on recess until the Committee on National Cohesion, Equal Opportunity and National Integration calls all relevant stakeholders to have a conversation on the intergenerational conflict and the intergenerational divide that we are seeing emerging. We cannot go on recess until the security, safety and well-being of the staff of Parliament is guaranteed and assured.

If anyone bore the brunt of yesterday's disruption, it was our staff. Our offices were not touched, we were safe in Bunge Tower, but many of these clerks sitting here; their windows were broken, they were shaken, and uniforms of Serjeant-at-Arms were taken away. We are told that the Commission spent Kshs3.2 billion on an advanced security solution. It was tested yesterday. Does it work? We are not going on recess until we get answers to these questions.

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Mr. Speaker, Sir, we are not going on recess until our friends, our brothers and sisters on the other political divide approach their political leader as Pharaoh was also counselled by his counsellors, but God had designed that his heart should remain hardened. Please our colleagues, Sen. Cherarkey, you have the ear and access to the President. What benefit do you get by leading a dead, injured, sick nation or an unhappy nation?

Whose happiness is more important? Is it Joe Biden or the people of Kenya? President Ruto, we expect you to climb down and respond to the concerns of Kenyans; to talk to your children and to provide leadership. If that does not happen, the Gen Zs showed us yesterday what they are capable of doing.

Revolutions start like that. If you read a tale of two cities, Charles Dickens' account of the French Revolution; revolutions start like it did yesterday. Do we want a revolution in Kenya? Perhaps we need a revolution, but I conclude by crying out to my party leader Raila Amolo Odinga. Baba, we need you. I wish you did not have to go to Addis Ababa. How I wish you were here to provide leadership, counsel, statesmanship and direction for a country that is in dire need of leadership for direction and statesmanship.

What we do not have in this country is statesmanship. We have politicians and people who have come across cash and do not know how to conduct themselves in the presence of cash. It is like someone who has been hungry for too long and finds a huge banquet on the table. They are now just showing us what they call *madharau* in Kiswahili.

Mr. Speaker, Sir, we hope that this nation will not degenerate. When it goes down, it does not matter whether you are a Senator, a Member of the National Assembly, a member of UDA or Azimio, we will all go down. *Baba*, we need you.

The Speaker (Hon. Kingi): Now, Senator Kajwang', I had given you 11 minutes. You have spoken for 11 minutes courtesy of the request you made on behalf of the people of Homa Bay.

Sen. Tibiko, please proceed.

Sen. Tobiko: Thank you, Mr. Speaker, Sir, for this opportunity to oppose the Motion. I strongly feel we should not adjourn at this moment. We should not run away from our children and issues that are being raised. This is the best time for us to engage in the conversation.

Since we did not have a chance to debate the Finance Bill as a Senate, this is the opportunity for us to engage on pertinent issues that demonstrators raised. They include taxes, the cost of living, the cost of doing business, and freehold and leasehold land. We must engage in this debate. In fact, issues to do with land affect counties. These are issues we need to speak about.

We also need to talk to the police on how to handle peaceful demonstrations. The Gen Z, millennials and all the others who took part started peaceful demonstrations. We saw last week these young people even taking selfies with the police. They had bottles of water and their phones. They never meant any harm to anybody. They just wanted to pass a strong statement to the country at large and especially the leadership and we should listen. I urge the President to listen to these young people because they are the same

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people who elected him. They elected him because they had and still have hope that he can change this country given an opportunity.

Mr. Speaker, Sir, these young people are learned and know what is going on in the rest of the world. They also know that the future of this country belongs to them. We must engage in this conversation instead of running away. Parliaments sit even at times of war, but we are not having a war. This country is peaceful.

Our police only need to know how to handle demonstrators. As far as I am concerned, the police should have escorted the demonstrators. They should have led them to the right streets and told them protected areas and premises they should not enter because of consequences.

Mr. Speaker, Sir, I do not think it is time for the Senate to go on some forced recess. We can hold meetings in other venues. It does not have to be at this venue. It is a sad day for our country. I looked at all the ladies in this house today. I realised that, just by sheer coincidence, and maybe because of what we are all feeling, each person in this House today is dressed in black and white because we are mourning children that we lost. We are mourning our young people who should not have died but today they are in morgues.

Mr. Speaker, Sir, I agree with these young people. Rex and the others should not have died. There was no reason to die because they were holding peaceful picketing which we should allow. This country should know how to handle democracy better.

We cannot purport to be a democratic nation but dictatorial at the same time. That is not possible. We must be accommodative to democracy. We must be accommodative to the right of say, even when the majority have their way.

I strongly feel that the Senate should be allowed to engage on issues in the Finance Bill, which should come to the Floor of this House. We must represent our counties on issues that are important in that Bill.

Mr. Speaker, Sir, I oppose the recess and thank you for this opportunity.

The Speaker (Hon. Kingi): Hon. Senators, we have 10 minutes to the end of the morning session. What is ahead of us is the Mover to respond and then we proceed to vote. Therefore, allow me at this juncture to allow the Mover to rise for purposes of responding.

Sen. (Dr.) Lelegwe: Thank you, Mr. Speaker, Sir. I also rise to support the Motion that is before the House for this House to adjourn. I pass my condolences to the Kenyans who lost their lives.

We have heard the views and the contribution of the Hon. Senators on this Motion, I therefore, beg to reply.

I thank you.

(Several hon. Senators stood up in their places)

The Speaker (Hon. Kingi): Senators, kindly take your seats. Now, hon. Senators, I will proceed to put the Question.

(Question put)

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We have 10 Senators who are following these proceedings online and therefore, the voting shall be by roll call to allow them also an opportunity to vote. Clerk, kindly proceed to arrange for that.

At this juncture, I will call upon the Serjeant-at-Arms to ring the Division bell for 10 minutes. Can we have the Tellers for No and Yes. We have 10 Senators who are online, and they also need to vote. We cannot go electronically because most of you do not have your cards. Voting shall be by Roll Call.

(The Division Bell was rung)

The Speaker (Hon. Kingi): Serjeant-at-Arms, kindly lock the doors and draw the bars.

(The Doors were locked and the Bar drawn)

Who is the Teller for Noes? Sen. Hamida, are you the one nominated to be the Teller for Noes? Sen. Syengo, are you the Teller for Noes?

Sen. Beth Syengo is the Teller for Noes and Sen. Chimera is the Teller for Ayes.

(Several Senators stood up in their places)

The Speaker (Hon. Kingi): Order Hon. Senators. Sen. Wafula, take your seat please. I had already put the question, so Clerk, you may proceed with the Roll Call Voting. Those hon. Senators who are taking part in these proceedings online, there is one who is logged in as iPhone. Can you kindly identify yourself? Has the Senator nicknamed iPhone given us the official names? Let us proceed because we will not call "iPhone". We are not going to give them an opportunity to vote.

Proceed, Clerk.

(Roll call voting in progress)

Sen. Abass, you are online. Proceed to vote. A lot happened to our technology yesterday. Has Senator Abbas voted? Okay.

(Loud Consultations)

Sen. Omogeni, let me conduct this session. Proceed to the other Senator, he has dropped out.

(Loud Consultations)

Order! He has not voted. We cannot deny the Senators who are online a chance to vote. Let us proceed.

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Call the next Senator.

(Roll call voting in progress)

Sen. Dullo, proceed to vote.

(Loud Consultations)

Approach the dispatch if you want to see what is going on. The technology got a serious beating yesterday. We have a Teller for Noes and Ayes.

(Sen. Madzayo and Sen. Omogeni consulted loudly)

Order, Sen. Madzayo, Sen. Omogeni and Sen. Chute.

Sen. Madzayo: Every time we have something like this, we have to see them on the screen. We cannot do this. This is dangerous.

The Speaker (Hon. Kingi): Can we have the Teller for the Noes approach the screen and tell us what is there? I have not seen it.

(Loud Consultations)

Sen. Omogeni: Mr. Speaker, Sir, even when we had COVID-19---

(Loud Consultations)

The Speaker (Hon. Kingi): ICT team can you project all Senators online? Instead of having them on the I-Pads can you use the screens?

The Senate Minority Leader (Sen. Madzayo): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Sen. Wambua, kindly resume your seat.

(Sen. Wambua resumed his seat)

Hon. Senators, kindly take your seats. Senate Minority Leader and Sen. (Dr.) Lelegwe Ltumbesi, you could have done that a while ago. Just take your seats.

(Sen. Madzayo spoke off record)

Let us play by the rules not through arguments. You have invited me to play by the rules not through arguments. So, take your seats. I am going to abide by the rules.

(Sen. Madzayo and Sen. (Dr.) Lelegwe Ltumbesi took their seats)

Okay. Let us proceed.

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(Roll call voting in Progress)

The Speaker (Hon. Kingi): Can you beam that image?

(Sen. Cheruiyot beamed his image)

Okay, proceed.

(Roll call voting in progress)

The Speaker (Hon. Kingi): Is that Sen. Mbugua? Could I see if he is properly dressed before he can cast his vote?

(Loud consultation)

Sen. Mbugua, can we see how you are dressed?

(Sen. Mbugua appeared on the screen)

(Laughter)

I am afraid; you are not going to vote.
Proceed, Clerk.

(Roll call voting in progress)

The Speaker (Hon. Kingi): Order! Hon. Senators, for the avoidance of doubt, allow me to read Standing Order No.261(2)-

“A Senator participating virtually shall adhere to the standards set out under the Speaker’s Rules on attire and decorum.”

Pursuant to the Speaker’s Rules, Sen. Mundigi is not properly dressed for purposes of voting.

(Roll call voting in progress)

Senator for Vihiga County, for clarity, just take a second one.

(Roll call voting in progress)

I am unable to verify that one. Proceed.

(Roll call voting in progress)

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Order, Hon. Senators, let us avoid speeches, it is either No or Yes.
Clerk, let us Proceed.

(Sen. Madzayo consulted loudly)

Order, Senate Minority Leader. It shall be well.
Proceed, Clerk.

(Roll call voting in progress)

Sen. Ali Roba, I am afraid you are not properly dressed. Therefore, I will not allow you to cast your vote.
Please hold on. Sen. Roba, are you in a *kanzu*?

(Loud consultations)

Order, hon. Senators. May we have order, Senate Minority Leader? It is a very simple question. He will answer either “Yes” or “No”.

Sen. Ali Roba, are you in a religious attire or that is a normal shirt you are wearing?

Sen. Ali Roba: Mr. Speaker, Sir, I request Sen. Mariam Omar to vote on my behalf.

The Speaker (Hon. Kingi): Let us proceed.

(Roll call voting in progress)

You may proceed to tally.

DIVISION

ROLL CALL VOTING

(Question, that notwithstanding the resolution of the Senate made on 15th February, 2024 regarding the approval of the Calendar of the Senate for the Third Session, and pursuant to Standing Order No.32 (4) the Senate resolves to alter its Calendar to proceed on recess at the rise of the Senate on Wednesday 26th June, 2024 (Morning Sitting) and resume its sittings on Tuesday 16th July, 2024 and the Senate proceeded to vote)

AYES: Sen. Cheruiyot; Sen. Chimera, Sen. Joe Nyutu, Sen. Miraj, Sen. (Dr.) Lelegwe Ltumbesi, Sen. Okenyuri, Sen. Tabitha Mutinda, Sen. Veronica Maina and Sen. Wamatinga.

Teller of the Ayes: Sen. Chimera.

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NOES: Sen. Beth Syengo, Sen. Chute, Sen. Crystal Asige, Sen. Faki, Sen. Githuku, Sen. Kavindu Muthama, Sen. Kibwana, Sen. Lemaltian, Sen. Kajwang' M., Sen. Madzayo, Sen. Methu, Sen. Montet Betty, Sen. Mumma, Sen. Mwaruma, Sen. Omogeni, Sen. Osotsi, Sen. Tobiko, Sen. Wafula, and Sen. Wambua.

Teller of the Noes: Sen. Beth Syengo.

The Speaker (Hon. Kingi): Hon. Senators, the results on the Motion are as follows:

AYES: 9

NOES: 19

ABSENTIONS: Nil.

The "Noes" have it.

(Question negatived by 19 votes to 9)

ADJOURNMENT

The Speaker (Hon. Kingi): Hon. Senators, the time being 32 minutes past 1.00 p.m. and the Motion on the Alteration of the Senate Calendar having been negatived, the Senate stands adjourned until today, Wednesday 26th June, 2024 at 2.30 p.m.

The Senate rose at 1.32 p.m.