



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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THE HANSARD

Wednesday, 12th February 2025

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

Hon. Speaker: Hon. Members, we have more than the necessary quorum. Congratulations on your enthusiasm. You should keep the same spirit throughout the term and session so that we can better conduct business.

COMMUNICATION FROM THE CHAIR

RECONSTITUTION OF THE SELECT COMMITTEE ON THE NATIONAL GOVERNMENT CONSTITUENCY DEVELOPMENT FUND

Hon. Members, this is not what you are expecting. That will come slightly later. This is a communication on the reconstitution of the Select Committee on the National Government Constituency Development Fund, which we left out yesterday.

Hon. Members, you will recall that during yesterday's Sitting on Tuesday, 11th February 2025, I notified the House that the term of 18 committees had lapsed pursuant to the Standing Orders. I wish to further notify the House that in addition to the 18 committees listed in my Communication No. 001 of 2025, the term of the Select Committee on the National Government Constituency Development Fund also lapsed yesterday. This is pursuant to Section 50 of the National Government Constituency Development Fund Cap. 414A.

In this regard, I have since instructed the Clerk to write to the Leader of the Majority Party and the Leader of the Minority Party notifying them of this fact and requesting them to submit the names of Members to be appointed to serve in this Committee. This will enable the Committee on Selection to consider the reconstitution of all committees that lapsed at once and, thereafter, to submit its recommendations, including any consequential changes to other committees, to the House Business Committee for consideration.

Hon. Members, as you have noticed in today's Order Paper, the reconstitution of the House Business Committee is listed as Order No. 8. I note that by way of letters addressed to the Speaker, Hon. Kimani Ichung'wah and Hon. Junet Mohamed, in their respective capacities, have already submitted names of Members for appointment to the House Business Committee. Those names are listed in the Motion under Order No. 8.

Hon. Members, now that the question as to which is the Majority Party and the Minority Party and their respective leaders in the House is going to be settled, I urge the House to reconstitute the House Business Committee when the business appearing under Order No. 8 is reached whether today or tomorrow... But I hope it is today. This will enable the Committee to expeditiously embark on preparing and approving the Calendar of the House for the Fourth Session and setting the agenda for the House starting with the business for tomorrow, Thursday afternoon Sitting.

I also urge the leadership, once constituted, to expedite the constitution of the committees that lapsed in order to facilitate timely consideration of priority business, particularly the business relating to the budget cycle for the Financial Year 2025/2026. I wish

to note that pursuant to Section 25 of the Public Finance Management Act, Cap 412A, the Budget Policy Statement (BPS) must be submitted on or before 15th of February, 2025. Further, under Section 33 (1) of the said Act, the Debt Management Strategy of the National Government over the medium-term ought to be submitted to Parliament on or before the 15th of February, 2025.

Hon. Members, today, being the 12th of February, 2025, I direct the Clerk to urgently liaise with the National Treasury to ensure that the 2025 Budget Policy Statement and Debt Management Strategy are submitted to Parliament. The two documents ought to be tabled either in the course of today's Sitting or during tomorrow's Sitting, being the last available sitting day as per the prescribed timelines.

Having said so, strict statutory timelines apply to the consideration of the BPS by the Budget and Appropriations Committee and, indeed, the departmental committees. Therefore, the urgent formation of the Budget and Appropriations Committee and the Public Debt and Privatization Committee to consider the Budget Policy Statement and Debt Management Strategy cannot be over-stated.

The House is accordingly guided.

Next Order.

MESSAGES

(Several Members walked into the Chamber)

PASSAGE OF VARIOUS BILLS

Hon. Speaker: Members, take the nearest seats on whichever side you desire. Hon. Jehow, take the nearest seat.

Hon. Members, I have a Message from the Senate. Pursuant to the provisions of Standing Order 45 (5), I wish to report to the House that I have received eight messages from the Senate regarding the passage of the following Bills:

1. The Houses of Parliament)Bicameral Relations) Bill (National Assembly Bill No. 44 of 2023);
2. The Cotton Industry Development Bill (Senate Bill No. 5 of 2023);
3. The Public Transport Motorcycle Regulation Bill (Senate Bill No. 38 of 2023);
4. The Public Finance Management (Amendment) Bill (Senate Bill No. 40 of 2023);
5. The Fire and Rescue Services Professionals Bill (Senate Bill No. 55 of 2023);
6. The Intergovernmental Relations (Amendment) Bill (Senate Bill No. 12 of 2024);
7. The Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024); and,
8. The Elections (Amendment) (No.2) Bill (Senate Bill No. 29 of 2024).

The first message conveys that on Thursday, 5th December 2024, the Senate considered and passed the Houses of Parliament (Bicameral Relations) Bill, (National Assembly Bill No. 44 of 2023) with amendments. In this regard, the Senate now seeks the National Assembly's reconsideration of the Bill in accordance with the provisions of Article 112 of the Constitution.

The second Message relates to the passage of the Cotton Industry Development Bill, (Senate Bill No. 5 of 2023). The Message conveys that the Senate considered and passed the National Assembly's amendments to the Bill on Wednesday, 4th December 2024. Members will recall that in accordance with the provisions of Article 112 of the Constitution, the National Assembly considered and passed the Bill with amendments on 14th August 2024 and referred

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them to the Senate for consideration. The passage of the Bill by the Senate in the form passed by the National Assembly, therefore, concludes the bicameral consideration of the Bill.

The third Message relates to the passage of the Public Transport (Motorcycle Regulation) Bill, (Senate Bill No. 38 of 2023) (what is commonly called the *Boda boda* Bill). The Message conveys that the Senate considered and passed the Bill with amendments on Thursday, 5th December 2024. The Bill seeks to provide for a regulation of the *boda boda* industry and for connected purposes.

The fourth Message relates to the passage of the Public Finance Management (Amendment) Bill, (Senate Bill No. 40 of 2023) published *vide* the Kenya Gazette Supplement No.160 dated 1st September 2023. The Bill seeks to amend the Public Finance Management Act CAP 412A to *inter alia*, require county governments to develop and implement a county revenue collection system and to provide for the process of funding functions that have been transferred from one level of government to another under Article 187 of the Constitution.

The Message conveys that on Thursday, 5th December 2024, the Senate considered and passed the Public Finance Management (Amendment) Bill, (Senate Bill No. 40 of 2023) with amendments.

The fifth Message relates to the passage of the Fire and Rescue Services Professionals Bill, (Senate Bill No. 55 of 2023). The Message conveys that the Senate considered and passed the Bill with amendments on Thursday, 5th December 2024. The Bill seeks to provide for the establishment, administration, powers and functions of the Fire and Rescue Services Professionals Board, the examination, training, registration and licencing of Fire and Rescue Services Professionals and for connected purposes.

The sixth Message relates to the passage of the Intergovernmental Relations (Amendment) Bill, (Senate Bill No. 12 of 2024). This Bill seeks to amend the Intergovernmental Relations Act, CAP 265F to establish a structured framework for intergovernmental relations to enhance relations among the national Government, county executive and county assemblies. The Message conveys that the Senate considered and passed the Bill with amendments on Thursday, 5th December 2024.

The seventh and eighth messages relate to the passage of the Political Parties (Amendment) (No. 2) Bill, (Senate Bill No. 26 of 2024), and the Elections (Amendment) (No. 2) Bill, (Senate Bill No. 29 of 2024). The Bills seek to amend the Political Parties Act, CAP. 7D and the Elections Act, CAP. 7 to actualise some of the recommendations and views of the public submitted to the National Dialogue Committee (NADCO) during the national dialogue discourse on issues of electoral justice and related matters. The messages convey that the Senate considered and passed the two Bills with amendments on Thursday, 5th December 2024.

With regards to the Senate Amendments to the Houses of Parliament (Bicameral Relations) Bill, 2023, the schedule of amendments is hereby referred to the Department of Committee on Justice and Legal Affairs for consideration and reporting.

With regard to the Senate Bills, Members will note that Standing Orders require the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of its Message. In view of this, and in order for the House to commence the consideration of the Senate Bills, I hereby direct the Clerk to schedule the Bills in the Order Paper for First Reading in the next Sitting.

Thereafter, the Bills stand committed to the following Departmental Committees:

1. The Public Transport (Motorcycle Regulation) Bill, (Senate Bill No. 38 of 2023), to the Department of Committee on Transport and Infrastructure.
2. The Public Finance Management (Amendment) Bill, (Senate Bill No. 40 of 2023), to the Departmental Committee on Finance and National Planning.
3. The Fire and Rescue Services Professionals Bill, (Senate Bill No. 55 of 2023), to the Department of Committee on Regional Development.

4. The Intergovernmental Relations (Amendment) Bill, (Senate Bill No. 12 of 2024), to the Department of Committee on Administration and Internal Security.
5. The Political Parties (Amendment) (No. 2) Bill, (Senate Bill No. 26 of 2024) and the Elections (Amendment) (No. 2) Bill, (Senate Bill No. 29 of 2024), to the Department of Committee on Justice and Legal Affairs.

The House is accordingly guided and I thank you. Members at the back, take the nearest available seats.

(Several Hon. Members walked into the Chamber)

As we do so, allow me to acknowledge, seated in the Public Gallery, students from Kenya Institute of Management, Nairobi Campus, Nairobi City County. I also wish to welcome Magomano Girls' High School from Kinangop, Nyandarua County. On behalf of myself and the House, we welcome them to the House of Parliament for this afternoon's Sitting.

Hon. Thuku Kwenya has asked me for a minute to welcome the school from his constituency. You have strictly one minute, Hon. Kwenya.

(Hon. Kwenya Thuku waved his hand)

You are not allowed to wave at people in the Gallery.

Hon. Kwenya Thuku (Kinangop, JP): Hon. Speaker, I am waving at the Clerk-at-the-Table for him to spot where I am sitting. I thank you for giving me this opportunity to welcome a great school in my constituency by the name of Magomano Girls'. I want to assure them that the Parliament is a beautiful place to be and to work. Given the opportunity, they now have a dream of a place where they would wish to work and/or even represent their constituents, maybe, later in their lives. They are and should feel most welcome. This is Parliament where we say it is a place of record and decorum.

Thank you, Hon. Speaker.

Hon. Speaker: Record and decorum, sometimes!

(Laughter)

(Hon. (Dr) James Nyikal and another Member walked into the Chamber)

Hon. (Dr) Nyikal, take your seat! Otherwise, you will stand for a little long. The Member coming in, take your seat. Next Order.

Hon. Members, before I go back to the Communication, I received a note from Hon. (Dr) Robert Pukose, the Chairperson of the Departmental Committee on Health to the effect that he has travelled out of the country and he has designated Hon. (Dr) James Nyikal to lay on the Table the Statement on the SHA issue that we raised in Naivasha.

Hon. (Dr) Nyikal, are you ready with it?

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Chair, is it to lay or to deliver?

Hon. Speaker: This is not the Chair! This is the Speaker. To deliver.

Hon. (Dr) James Nyikal (Seme, ODM): I am sorry Hon. Speaker.

Hon. Speaker: To deliver if you are ready before I give my ruling.

Hon. (Dr) James Nyikal (Seme, ODM): Then I will give it to the Clerk-at-the-Table.

(Loud consultations)

Hon. Speaker: The direction was that the Statement was to be presented to the House. Members will not know the content until they look for it after a long while and yet, the issue is that it is of public interest and everybody wants to know what you are saying.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Speaker, do we do that before we get into the business of the House?

Hon. Speaker: It is part of the business of the House. If you have it

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Speaker, then I am not in a position to move it now.

Hon. Speaker: If you are not, that is okay. I was also requested by two Members, Hon. Dawood and Hon. Shakeel Shabbir, to eulogise the passing on of His Highness Prince Aga Khan, the spiritual leader of the Ismailia Muslim Community. Between the two, I do not know who will go first. Do you have to do both?

(Hon. Shakeel Shabbir spoke off the record)

Yes. Who is the senior? I will start with the senior. Hon. Shakeel Shabbir, you will start and then Hon. Dawood will follow.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Speaker. I would like to present a tribute to the Aga Khan of the Ismailia Muslim Community, in respect of the passing away of Prince Kareem Aga Khan, whose visionary leadership and unwavering commitment have left an indelible mark on Kenya. He was a beacon of hope for millions around the country. His Highness was the 49th Hereditary Hiram of the Ismailia Muslims and passed away on the 4th of February 2025, leaving a legacy of compassion, education and humanitarianism.

In Kenya, the Aga Khan's contribution has been transformative across various sectors. His Highness established the Nation Media Group in 1959, which has been the cornerstone of press freedom and media excellence in East Africa. Through the Aga Khan Fund for Economic Development, he founded Serena Hotels, promoting tourism and economic growth, while preserving cultural heritage and environmental sustainability. The Aga Khan Education Fund also established Aga Khan schools across the country.

The Aga Khan Primary School in Kisumu, where I studied, was a source of pride, producing generations of well-educated individuals who continue to contribute to the nation's development. That institution was recognised as the top school for several years. The Aga Khan hospitals in Nairobi, Mombasa and Kisumu and the Aga Khan University Hospital stand as a beacon of quality health care, providing cutting-edge medical services and reducing the need for Kenyans to seek treatment abroad. His Highness also played a pivotal role in education and established the Aga Khan academies in Mombasa and Kisumu.

As we mourn the loss of His Highness, let us also celebrate his remarkable achievements and the enduring impact of his work in Kenya and East Africa. May his legacy inspire us to strive for a more compassionate world.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Dawood Rahim.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Speaker. I want to give a tribute to the late His Highness the Prince Aga Khan Al Hussein, Aga Khan IV.

Pursuant to Standing Order 43(1), I rise with a heavy heart to pay tribute to our towering figure, whose legacy of service, wisdom and compassion has left an indelible mark on our world. The late His Highness was the founder and Chairman of the Aga Khan Development Network Foundation. The late was not only a spiritual leader, but also a visionary humanitarian and a champion of progress, whose impact transcended borders, faiths and generations. For

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over six decades, the Aga Khan dedicated his life to uplifting communities, advancing education, strengthening healthcare and fostering economic development. His leadership of the Ismaili Muslim community was marked not only by spiritual guidance, but also by the unwavering commitment to pluralism, unity and the dignity of all people, regardless of their background.

Through the Aga Khan Development Network, he transformed lives in ways few have ever done. The late understood that leadership is not measured by power but, rather, by service. He stood as a bridge between civilisations, a voice of reason in times of division and a steadfast believer in the power of knowledge. His advocacy for inclusivity and social cohesion remains an inspiration to leaders across the globe. His legacy continues through the institutions he built, the lives he changed and the values he instilled in all who had the privilege to know him.

May I extend my deepest condolences to the family, friends and community of the Aga Khan as we honour the life of an extraordinary person. We give thanks for his boundless contributions and pledge to carry forward his vision of a more just, compassionate and enlightened world. May His Highness the Aga Khan rest in peace. We congratulate His Highness Prince Rahim Al Hussein, the Aga Khan V, on his ascension yesterday to the imamate.

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Passaris, is it on the same issue?

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Speaker. I just thought in the interest of gender, we should also have a woman speak to the passing of Prince Karim Al Hussein, Aga Khan IV. What I know is that, as soon as he assumed office at the age of 20, he passed two resolutions to amend the constitution. The first one was that if a family has children, girls and boys, and they have limited resources, the girls should be given the possibility of going to school. He believed in gender empowerment; he believed that women and girls should be given equal opportunity. If resources were less, girls should be promoted to study. He also started the Aga Khan housing projects, because he believed that every family should own a home.

We stand in solidarity with the Ismailia community. Having been a beneficiary of the Aga Khan's projects, in the sense that I went to the Aga Khan Primary School and the Aga Khan Secondary School. I pay condolences to the entire Ismailia Community and we thank the Aga Khan Foundation for all the work that they do. We congratulate the new Prince on assuming the position.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, order. We recognise the outstanding work to humanity by the late Prince Aga Khan. Each one of us here has, in one way or another, been touched by the work of the Aga Khan. Either you have gone to Aga Khan Hospital, Aga Khan schools, Serena hotels or you have read the *Nation* newspaper. In whichever way, you have been touched. I request the House, with great humility, to stand for a minute of silence in honour of the late Aga Khan.

(Hon. Members observed a moment of silence)

Thank you. I will go back to Communications. Those on their feet, take your seats. Hon. Kiamba and Hon. Sabina Chege, take your seats.

COMMUNICATION FROM THE CHAIR

LEADERSHIP AND CONTINUITY OF BUSINESS OF THE HOUSE

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Hon. Speaker: Hon. Members, I have a Communication to make on the leadership and continuity of the business of the House in the Fourth Session of the 13th Parliament. During the afternoon Sitting of Tuesday, 11th February 2025, the Member for Suba North, Hon. Millie Odhiambo-Mabona, rose on a point of order about the designation of the Majority and Minority parties in the House and their respective leadership. In the point of order, she noted that she had been aware of a judgement of the High Court in Nairobi, High Court Case Number E202 of 2023, Kenneth Njagi Njiru versus State Law Office and Jubilee Party of Kenya, where the court had declared the ruling contained in the Communication made on 6th October 2022 on the Majority and Minority parties in the National Assembly as unconstitutional, null and void.

In her view, the judgement declared the Azimio la Umoja One Kenya Coalition Party as the Majority Party. Hon. Millie further noted that she had submitted a letter to the Speaker seeking the recognition of Azimio la Umoja One Kenya Coalition Party as the Majority Party and conveying the names of Hon. Junet Mohamed as the Leader of the Majority Party and Hon. Robert Mbui as the Deputy Leader of the Majority Party.

She concluded by seeking that the Speaker recuse himself from presiding over the proceedings and allow the Deputy Speaker to recognise Azimio la Umoja One Kenya Coalition Party as the Majority Party, with Hon. Junet Mohamed as the Leader of the Majority Party and Hon. Robert Mbui as the Deputy Leader of the Majority Party.

Notably, Hon. Millie seems to have conveniently forgotten the fact that the Deputy Speaker is also a member of a political party and represents a constituency. As such, her concerns of impartiality would still have arisen if the Deputy Speaker was in the Chair. Indeed, this applies to all Members of the Speaker's Panel.

At the beginning of the debate, I gave Hon. Members some general direction on the issues from the judgement as I understood them, including the fact that the judgement did not bar the Speaker from presiding over the House.

In the issues from the judgment as I understood them, including the fact that the judgment did not bar the Speaker from presiding over the House, indeed, the issue of how a vacancy arises in the office of the speaker is expressly provided for in Article 106(2) of the Constitution. Arising from the point of order raised by Hon. Millie Odhiambo-Mabona, no less than 58 other members contributed to the debate that arose with a number raising additional points of order.

These included:

1. Deputy Speaker, Hon. Gladys Boss, MP.
2. Hon. Kimani Ichung'wah, MP.
3. Hon. Junet Mohamed, MP.
4. Hon. Adan Keynan, MP.
5. Hon. Silvanus Osoro, MP.
6. Hon. Sabina Chege, MP.
7. Hon. Christopher Wangaya, MP.
8. Hon. David Ochieng', MP.
9. Hon. George Murugara, MP.
10. Hon. Joseph Makilap, MP.
11. Hon. Omboko Milemba, MP.

Other Members who contributed on the point of order were:

12. Hon. Major (Rtd) Abdullahi Sheikh, MP.
13. Hon. Betty Maina, MP.
14. Hon. John Kiarie, MP.
15. Hon. Timothy Kiphumba, MP.

16. Hon. Raphael Wanjala, MP.
17. Hon. John Chikati, MP.
18. Hon. Zaheer Jhanda, MP.
19. Hon. Robert Mbui, MP.
20. Hon. Dorice Donya, MP.
21. Hon. Wanami Wamboka, MP.
22. Hon. (Dr) Otiende Amollo, MP.
23. Hon. Caroli Omondi, MP.
24. Hon. Mwengi Mutuse, MP.
25. Hon. Duncan Mathenge, MP.
26. Hon. Didmus Barasa, MP.
27. Hon. Jane Kagiri, MP.
28. Hon. Emmanuel Wangwe, MP.
29. Hon. Peter Kaluma, MP.
30. Hon. (Dr) Lillian Gogo, MP.
31. Hon. Gideon Kimaiyo, MP.

Additionally, the following Members contributed to the debate.

32. Hon. Nabii Nabwera, MP.
33. Hon. Marianne Kitany, MP.
34. Hon. Parashina Sakimba, MP.
35. Hon. Atieno Bensuda, MP.
36. Hon. Ruweida Mohamed, MP.
37. Hon. (Dr) Makali Mulu, MP.
38. Hon. Chiforomodo Mangale, MP.
39. Hon. Gichimu Guthinji, MP.
40. Hon. Majimbo Kalasinga, MP.
41. Hon. (Dr) Robert Pukose, MP.
42. Hon. Julius Mawathe, MP.
43. Hon. Kassim Tandaza, MP.
44. Hon. Dekow Mohamed, MP.
45. Hon. Alice Ng'ang'a, MP.
46. Hon. TJ Kajwang', MP.
47. Hon. (Dr) James Nyikal, MP.
48. Hon. Ruth Odinga, MP.
49. Hon. Ruku GK, MP.
50. Hon. (Dr) Ojiambo Oundo, MP.
51. Hon. Bisau Kakai, MP.
52. Hon. Titus Lotee, MP.
53. Hon. Ferdinand Wanyonyi, MP.
54. Hon. Kuria Kimani, MP.
55. Hon. John Koyi, MP.
56. Hon. Rahim Dawood, MP.
57. Hon. Gonzi Rai, MP.
58. Hon. Moses Kirima, MP.

In a broad summary, the ensuing debate crystallised the following issues:

1. Whether the court in its findings designated any party as the majority party or any party as the minority party in this House and, if in the affirmative, whether

this was an invitation to the Whips to invoke the provisions of Standing Orders 19A and 20 on the submission of freshly elected party leaders.

2. What were the implications of the judgment of the continuity of the business of the House, noting that the court expressly declined to grant the prayers sought by the petitioners to declare Azimio la Umoja One Kenya Coalition Party, as the majority party and Kenya Kwanza as the minority party?
3. Whether the judgment rendered the constitution of the House Business Committee, which is the core business at the first sitting of the House in a new session, impossible.
4. Whether the judgment rendered the transactional business of the House impractical and, if in the affirmative, whether any intervention ought to be made so as to facilitate the National Assembly to continue discharging its constitutional responsibilities.
5. What were the specific findings of the court in the judgment in question, and what is the effect on the proceedings and resolutions of the House in the pre-judgment 13th Parliament?
6. Whether the judgment affects other facets of the House that are determined by the relative majorities and coalition agreements, such as the deputy party leaders, whips, chairs, chairing and membership of all House Committees, membership of the Parliamentary Service Commission, nominations to the Independent Electoral and Boundaries Commission selection panel, and the Commission on Revenue Allocation.
7. Whether the Speaker is a Member of the House and how this relates to his political rights and party affiliation and how the role of the Speaker in the House relates to the principle of impartiality.
8. Whether certain aspects of the judgment violated the doctrine of separation of powers by constituting judicial encroachment into:
 - (a) The internal affairs of the Legislature contrary to the spirit of Article 124 of the Constitution that empowers each House to regulate its own procedure and then the attempt by the courts to prescribe a procedure for the Houses may stifle the ability of the House to discharge its constitutional mandate.
 - (b) The powers, privileges and immunities accorded to the House and its membership by Article 117 of the Constitution, in matters done by Parliament officially in the furtherance of its constitutional mandate, will attract personal liability.

While contributing to the debate, Hon. Mwangi Mutuse tabled a letter dated 30th January 2024 from the Register of Political Parties indicating that the Maendeleo Chap Chap had exited the Azimio la Umoja One Kenya Coalition Party with effect from 25th January 2024.

On her part, the Deputy Speaker, Hon. Gladys Boss, submitted that upon receipt of the judgment, while discharging the role of the Speaker in the absence of the Speaker who was out of jurisdiction, she instructed the Clerk of the National Assembly to seek information from the Registrar of Political Parties with respect to the status of membership of the 21 parties represented in the House in any coalition and to request for certified copies of the relevant coalition agreements.

At the conclusion of the debate, the Deputy Speaker tabled a response from the Registrar of Political Parties referred as Request for Information on Coalition Agreements dated 11th February 2025. Annexed to the response were certified copies of coalition agreements relating to:

1. The Azimio la Umojo One Kenya Coalition Party.

2. The Kenya Kwanza Alliance Coalition.
3. The Kenya Kwanza Alliance Coalition and the Democratic Party.
4. The Kenya Kwanza Alliance Coalition and the Grand Dream Development Party.
5. The Kenya Kwanza Coalition and the National Agenda Party of Kenya.
6. The Kenya Kwanza Alliance Coalition and Chama cha Mashinani (CCM).
7. The Taifa Democratic Coalition.

Consequently, Members, I undertook to consider the concerns raised by the Members and documents tabled by Hon. Mwengi Mutuse and the Deputy Speaker and to guide the House at this Sitting.

At the very outset, I wish to note that the judgment seems to have created an element of unprecedented confusion in the affairs of the House. This has affected the manner in which I have now been called upon to guide the House in light of the patent contradictions I have noted in the letter submitted by Hon. Millie Odhiambo-Mabona.

In communicating confirmation of Members of the Azimio Coalition as the majority, Hon. Millie Odhiambo-Mabona signs off as the Majority Party Whip, National Assembly, against a letterhead that also designates her as the Minority Chief Whip.

(Laughter)

The letter also fails to attach any records of any meeting which the alleged the decision of the coalition was made as required by the very Standing Orders 19A and 20 that she quoted and invoked. Viewed in isolation, the letter is, in law, defective. Nevertheless, I will allow the Hon. Member some latitude in the light of the prevailing confusion.

Hon. Members, I have read the judgment, and it has been explained to me at length by our very able legal team. I find it quite unfortunate that misleading assertions have been made with respect to the findings of the court.

(Hon. Raphael Wanjala consulted loudly)

Hon. Raphael Wanjala, keep your cool.

Majority of the reporting has failed to note that the matter before the court related to a mixed bag of prayers sought by petitioners touching on the pending disputes in the Jubilee Party, the Finance Bill, 2023, requests for a section of Kenyans not to pay taxes, and deeming of certain Members to have resigned from their political parties, among others. A reading of the judgment reveals glaring factual and legal contradictions. I instructed that an appeal be lodged against the judgement forthwith. My guidance to the House should not be construed as a review of the findings and orders of the Court, as that remains within the province of the Judiciary.

With respect to the issues raised by Members, I can only pronounce myself on matters that are necessary to facilitate the continuity of the business of the House. Consequently, the guidance I am about to give shall strictly confine itself within those parameters.

I wish to note that out of 34 prayers expressly sought by the petitioners, the High Court in its findings only granted three prayers and expressly declined the other 31 prayers. Paragraph 508 of the judgment reads, and I quote:

“In the ultimate, we allow the petition to the following extent:

1. It is hereby declared that the question as to which party or coalition of parties is the majority in the National Assembly in the 13th Parliament was determined by the sovereign will of the Kenyan voters during the 9th August 2022 General Elections.

2. It is hereby declared that the Hon. Speaker's ruling or determination contained in his Communication from the Chair made on 6th October 2022 on the Majority and Minority in the National Assembly violated Article 108 of the Constitution and, therefore, it is null and void.
3. It is hereby declared that the Hon. Speaker's ruling or determination from the Chair on 6th October 2022 with respect to leadership of the National Assembly on account of his determination of the Majority and Minority Parties in the National Assembly is contrary to and violated Article 108 of the Constitution and, to that extent, it is null and void.
4. An order of *certiorari* is hereby issued quashing the Hon. Speaker's ruling on determination contained in his Communication from the Chair made on 6th October 2022 on the Majority and Minority parties in the National Assembly.
5. Subject to the foregoing orders, the rest of the prayers in the Petition are declined.
6. Parties will bear their respective costs.”

Hon. Members, Finding No.5, in which the Court declined to grant the rest of the prayers sought by the petitioners is quite instructive. To put it in its proper perspective, I note that in paragraph 33 appearing on page 6 of the judgement, the petitioners had expressly sought from the Court the following prayers, amongst others:

(d) That a declaration be issued to declare that the Azimio la Umoja-One Kenya Coalition is the Majority Party in the National Assembly of Kenya based on the outcome of the election of Members of the National Assembly held on 9th August 2022.

(e) That a declaration be issued to declare that the Kenya Kwanza Alliance is the Minority Party in the National Assembly of Kenya based on the outcome of the elections of Members of the National Assembly held on August 2022.

I reiterate that in its final orders and, in particular, in paragraph 508(iv) of the judgement, the Court expressly declined to grant those orders.

Therefore, in quashing the Communication issued on 6th October 2022, the Leadership of the National Assembly in the 13th Parliament, the Court did not declare any party or coalition of parties as the Majority or Minority parties, and neither did it declare any Member of this House as the Leader of the Majority Party nor the Leader of the Minority party. This addresses the first and second issues.

(Loud consultations)

Hon. Members, yesterday, when all of you submitted, I kept quiet and listened. I implore you also to keep quiet and listen. It is a *quid pro quo*. Even Hon. Millie Odhiambo who raised the issue is conducting herself like the distinguished lawyer that she is. She is listening quietly. When we go to court as lawyers, even when the court rules against you, you stand up, bow and say: “I am much obliged, my Lord”.

(Loud consultations)

Order!

Moving on, in its first finding, the High Court cryptically held that the question as to which party or coalition of parties is the Majority in the National Assembly in the 13th Parliament was determined in August 2022. Whereas the finding of the Court is a statement of fact and law as prevailing on 9th August 2022, the nagging question as raised by a number of Members is whether the law contemplates this determination of the Majority and Minority

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parties to be static throughout the subsequent days of a term of Parliament. The Constitution itself enumerates several avenues in which the number of parliamentary seats secured by a party or a coalition at a general election can be subsequently varied.

First, Article 103 of the Constitution spells out seven instances in which a vacancy can arise in the office of a Member of Parliament, including death and resignation. That can drastically affect the numbers or Members of a particular party.

Secondly, Article 104 of the Constitution provides for the manner in which a Member of Parliament can be recalled by the electorate with the resultant effect on the parliamentary seats secured by any political party.

Thirdly, Article 105 of the Constitution provides for the manner in which the High Court can nullify the election of a Member of Parliament with the resultant effect on the parliamentary seats by any political party.

Fourth, Article 108 of the Constitution, as further expounded in the Political Parties Act, acknowledges the formation and existence of coalitions which, when varied through post-election agreements, have a resultant effect on the parliamentary seats associated with a political party or coalition.

For instance, apart from the dynamic complexities that we have witnessed around the composition of coalitions since the last general election, Hon. Members are also aware of the current existence of three vacancies in the offices of Members of Parliament with respect to Banissa, Magarini and Ugunja constituencies. A further vacancy exists with respect to the nomination slot vacated by Hon. John Mbadi. How is the House meant to treat a change in its relative majorities arising from the current existing four vacancies?

In my mind, all the cited scenarios create avenues for the exercise of the sovereign will of the people to determine the Majority and Minority parties in the House. By quashing the guidance that I gave for purposes of ensuring the continuity of the business of the House, the Court recreated the very same question that arose at the commencement of the 13th Parliament, as to which party or coalition is the Majority or Minority in the House.

The Third Schedule to the Constitution prescribes the Oath that I took pursuant to Article 74 of the Constitution before assuming the office as your Speaker. Having been elected by yourselves on 8th September 2022, I swore to bear true faith and allegiance to the people and the Republic of Kenya. I undertook to faithfully and conscientiously discharge my duties as Speaker and to obey, respect, preserve, protect and defend the Constitution. Critically, I also committed to do right to all manner of persons in accordance with the Constitution and the laws and conventions of Parliament without fear or favour, affection or ill will. I did ask the Almighty God to help me in this crucial role and appended my signature to the physical version of the Oath. With that in mind, whenever I am invited to render guidance to the House, it remains my solemn and singular duty to provide that guidance and a way forward.

My predecessors have previously upheld the significance of safeguarding the independence, powers and privileges of this House and the doctrine of exclusive cognisance.

Article 124 of the Constitution empowers the House to regulate its own procedure. The other arms of Government have a duty to refrain from interfering with that privilege. A question such as the one referring to the Majority Party and Minority Party falls within that privilege. As of necessity, it must be guarded jealously and only resolved within Parliament. The Constitution, laws and conventions of Parliament do not grant me the option of declining jurisdiction or issuing any guidance that effectively holds the operations of the House. My oath obligates me to ensure the uninterrupted functions of this House for the benefit of Kenyans.

(Applause)

In its finding number three, the Court held that the Communication was null and void. Debate arose as to whether this finding affected the propriety of all the business that the House has transacted since it was inaugurated on 8th September 2022. There were perceptions and assertions that the legislation so far passed by the House may have been voided.

It should be beyond doubt that there was no order of the court in this regard to precipitate that kind of thinking. There cannot have been such a blanket order as the issues placed before the court by the litigants did not question the legality and competence of Parliament to legislate on matters before it, save for the prayers relating to the Finance Act, 2023 and Appropriations Act, 2023, which were expressly dismissed by the Court.

Members at the bar, take the nearest seats.

(Several Hon. Members walked to their seats)

Take the nearest seats, Hon. Shinali and Hon. Osero.

As ably noted by the Member for Kikuyu, the decisions which arise from the business transacted by the House have no relation to which party is designated as the Majority or Minority. They are decisions of the House as a whole. From where I sit, no debate can arise on the legality of the actions taken by the House prior to the invalidation of the Communication. I need not belabour this point.

To the critical matter at hand, Article 108 of the Constitution establishes the offices of party leaders in Parliament and outlines the order of precedence to be observed in the National Assembly as follows:

1. There shall be a Leader of the Majority Party and a Leader of the Minority Party.
2. The Leader of the Majority Party shall be the person who is the leader in the National Assembly of the largest party or coalition of parties.
3. The Leader of the Minority Party shall be the person who is the leader in the National Assembly of the second largest party or coalition of parties.
4. The following order of precedence shall be observed in the National Assembly—
 - (a) The Speaker of the National Assembly.
 - (b) The Leader of the Majority Party.
 - (c) The Leader of the Minority Party.

In determining which party or coalition of parties is a Majority Party and Minority Party, primary reference has to be made to the results of the last general election.

As noted in previous guidance on the designation of the leadership of the House, the exercise must be informed by reference to formal records of membership of the political parties represented in the House and their affiliations, if any, with each other through pre-election and post-election coalition agreements. It will be noted that the Independent Electoral and Boundaries Commission (IEBC) vide Gazette Notice No. 99509951 of 2022, dated 23rd August 2022; Gazette Notice No. 10535 of 2022, dated 5th September 2022; Gazette Notice No. 10537 of 2022, dated 7th September 2022; and Gazette Notice No. 10710 of 2022, dated 9th September 2022 declared all the persons duly elected and nominated as Members of this House and their respective parties at the general election.

With respect to the affiliation between the parties currently represented in the National Assembly, Standing Order 2B requires the Clerk of the National Assembly to obtain a certified copy of any coalition agreement entered into by two or more political parties. As guided in previous rulings by the Speakers of this House, Standing Order 2B was intended to allow the House to determine its relative majorities and resolve, among others, any disputes between constitutive parties of coalitions to the membership of the Parliamentary Service Commission,

nominations to the Commission on Revenue Allocation (CRA), and positions in the East African Legislative Assembly (EALA).

Hon. Members, indeed, as noted by Members in their contributions to the debate herein, the continuity of the business of the House and consideration of the orders of the Court under finding (i) of the judgement would be significantly embedded, without access to the most current information, on any coalitions formed or dissolved by the parties represented in the House today, and any variation in the membership of those coalitions and parties.

This information must be juxtaposed against the current membership of the House. Indeed, several Members, including Hon. Millie Odhiambo, Hon. Junet Mohammed, Hon. Peter Kaluma, Hon. Omboko Milemba, Hon. David Ochieng', Hon. Sabina Chege, Hon. Mwengi Mutuse, Hon. Major (Rtd) Bashir and others referred to what they called changed circumstances in the composition of the respective coalitions and parties within the House.

Allow me to take you down memory lane, but for illustration. During the 7th Parliament, where yours truly was a Member, there arose a leadership dispute between the Forum for the Restoration of Democracy–Asili (FORD-Asili) and FORD–Kenya as to which party was the official opposition. Each party had 31 seats which led to dramatic and humorous incidents where the late Hon. Martin Shikuku... You may recall that the leader of FORD-Asili was the late Hon. Kenneth Matiba who was not in good health at the time. The late Hon. Martin Shikuku, as the Secretary General of the party, was the de facto leader of the party in the House. There were dramatic and humorous incidents where the late Hon. Martin Shikuku and the late Hon. Mzee Jaramogi Oginga Odinga alternatively claimed the seat reserved for the Leader of Opposition in the House on a first-come, first-occupy basis.

(Laughter)

The dispute was finally resolved following the defection of Hon. Njuguna Njoroge, the then Member for Makuyu, from FORD-Asili to Kenya African National Union (KANU). Thereafter, FORD-Kenya became the de facto official opposition party, with the late Hon. Jaramogi Oginga-Odinga as the leader of the official Opposition. Subsequently, he was followed by the late Hon. Wamalwa Kijana after the demise of Mzee Odinga. It will, therefore, be beyond absurdity for your Speaker to blindly designate the leadership of the House without reference to formal communication of the membership of various coalitions and the relative majorities of the House as of today.

The designation must take into account any changes in the various coalitions, vacancies in the membership of the House and other relevant realities. As was stated by the Deputy Speaker, in order to establish the existence and status of coalition agreements affecting the affairs of the National Assembly, she instructed the Clerk to write to the Office of the Registrar of Political Parties on the evening of 7th February 2025, seeking information:

1. Membership of the 21 political parties represented in the National Assembly in any coalition, including coalition political parties and the dates relevant to the membership.
2. Any variations in the membership of the coalitions and coalition political parties and the dates of the variations.
3. Certified copies of pre-election and post-election coalition agreements relating to the parties and the status of the agreements.

The Registrar of Political Parties responded by a letter dated 11th February 2025, that was tabled by the Deputy Speaker yesterday. The contents of the letter indicate as follows:

That a pre-election coalition known as the Azimio la Umoja-One Kenya Coalition Party (Azimio) was registered on 21st April 2022 and comprised 21 parties namely: Jubilee Party, Orange Democratic Movement (ODM), Wiper Democratic Movement - Kenya (WDM), Kenya

African National Union (KANU), National Rainbow Coalition–Kenya (NARC-Kenya), Muungano Party, Democratic Action Party–Kenya (DAP-K), United Party of Independent Alliance (UPIA), United Progressive Alliance (UPA), Kenya Union Party (KUP), United Democratic Party (UDP), Movement for Democracy and Growth (MDG), Kenya Reform Party (KRP), Chama cha Uzalendo (CCU), Party for Peace and Democracy (PPD), National Liberal Party (NLP), Peoples’ Trust Party (PTP), Ubuntu Peoples’ Forum (UPF), Party of National Unity (PNU), Labour Party of Kenya (LPK) and the Party for Growth and Prosperity (PGP).

That a pre-election coalition known as the Kenya Kwanza Alliance was registered on 3rd June 2022 and comprised 11 political parties namely: United Democratic Alliance (UDA), Amani National Congress (ANC), Forum for Restoration of Democracy–Kenya (FORD – Kenya), Chama Cha Kazi (CCK), Communist Party of Kenya (CPK), The Service Party (TSP), Tujibebe Wakenya Party (JIBEBE), Farmers Party (FP), Devolution Party of Kenya (DPK), Economic Freedom Party (EFP) and the Umoja na Maendeleo Party (UMP).

That a post-election coalition agreement was entered into on 5th September 2022 between the Kenya Kwanza Alliance and four additional parties namely: The Democratic Party of Kenya (DPK), National Agenda Party of Kenya (NAP-K), Grand Dream Development Party (GDDP), and Chama Cha Mashinani (CCM). The letter from the Registrar of Political Parties also conveyed that five parties had exited the Azimio la Umoja-One Kenya Coalition Party as follows: The Peoples’ Liberation Party, formerly the National Rainbow Coalition Kenya, on 6th December 2024; Maendeleo Chap Chap Party (MCCP) on 25th January 2024; Devolution Empowerment Party on 11th April 2023; United Democratic Movement (UDM) on 22nd November 2023 and Pamoja African Alliance (PAA) on 27th February 2023. Suffice to mention, Members, that the Peoples’ Liberation Party, formerly National Rainbow Coalition, does not have representation in this House.

That the Amani National Congress (ANC) was in the process of dissolving the party to collaborate with the United Democratic Alliance (UDA).

That the Movement for Democratic and Growth (MDG) had initiated a process of exiting the Azimio la Umoja-One Kenya Coalition Party but was yet to finalise its exit from the coalition political party.

That, as at 11th February 2025, Pamoja African Alliance (PAA), Maendeleo Chap Chap (MCCP), United Democratic Movement (UDM) and the National Ordinary People Empowerment Union (NOPEU) are not members of any registered coalition or coalition political party. Hon. Members, I put emphasis on the information provided by the Registrar of Political Parties indicating that four political parties are not members of any registered coalition or coalition or political party

Hon. Members, by reference to the *Gazette* notices relating to the election of Members at the last general election, the current vacancies with respect to Banissa, Magarini and Ugunja constituencies and the resignation of Hon. John Mbadi, the current composition of the National Assembly by individual political parties in alphabetical order is as follows:

NO.	PARTY	MEMBERS
1.	Amani National Congress ((ANC)	8
2.	Chama Cha Mashinani (CCM)	1
3.	Democratic Alliance Party of Kenya (DAP-K)	5
4.	Democratic Party (DP)	1
5.	FORD-Kenya	6
6.	Grand Dream Development Party (GDDP)	1
7.	Jubilee Party	28
8.	Kenya African National Union (KANU)	6

9.	Kenya Union Party (KUP)	3
10.	Maendeleo Chap Chap (MCCP)	2
11.	Movement for Democracy and Growth (MDG)	1
12.	National Alliance Party of Kenya (NAP-K)	1
13.	National Ordinary People Empowerment Union (NOPEU)	1
14.	Orange Democratic Movement (ODM)	83
15.	Pamoja African Alliance (PAA)	3
16.	The Service Party (TSP)	2
17.	The United Democratic Alliance (UDA)	145
18.	United Democratic Movement (UDM)	7
19.	United Party of Independent Alliance (UPIA)	2
20.	United Progressive Alliance (UPA)	1
21.	Wiper Democratic Movement - Kenya (WDM)	26

A simple calculation of the cited numbers, with reference to the communication and coalition agreements received from the Registrar of Political Parties, indicates the cumulative number of the Members of the constituent parties of the Azimio la Umoja-One Kenya Coalition Party and the Kenya Kwanza Alliance as follows:

Azimio la Umoja-One Kenya Coalition Party consists of 154 Members, computed by adding the membership of the Orange Democratic Movement (ODM), Jubilee Party, Wiper Democratic Movement–Kenya (WDM), Kenya African National Union (KANU), Democratic Action Party–Kenya (DAP-K), Kenya Union Party (KUP), United Party of Independent Alliance (UPIA) and Movement for Democratic Growth (MDG).

The Kenya Kwanza Alliance consists of 165 members computed by adding the membership of United Democratic Alliance (UDA), Amani National Congress (ANC), FORD-Kenya, The Service Party (TSP), National Agenda Party of Kenya (NAP-K), Grand Dream Development Party (GDDP), Democratic Party of Kenya (DPK), and Chama Cha Mashinani (CCM).

Hon. Members, it is notable that the numbers relating to Azimio la Umoja-One Kenya Coalition Party are tinged by a slight element of doubt with respect to membership of the Movement for Democratic and Growth (MDG). You will recall the express sentiments made in the House yesterday, by the sole Member and party leader of the MDG, dissociating both himself and the party from the Azimio la Umoja-One Kenya Coalition Party. However, I decline to engage in this controversy.

It is further notable that even if it was to be assumed that the four vacancies were to be filled in favour of the parties under which the former Members were elected and nominated and their number added to the computation of the two coalitions, Azimio la Umoja-One Kenya Coalition Party would still not attain a majority of the Members in the House.

Arising from the foregoing, the Kenya Kwanza Coalition is the Majority Party and the Azimio la Umoja-One Kenya Coalition Party is the Minority Party in the House.

(Applause)

(Loud consultations)

Order, Hon. Members. I still have a little more to go.

I have not received any further communication from the Kenya Kwanza Coalition replacing the Member for Kikuyu, Member for Kilifi North, Member for South Mugirango and Member for Marsabit County as their preferred leadership in the House. Similarly, I have not

received any communication from the Azimio la Umoja-One Kenya Coalition Party replacing the Member for Suna East, Member for Kathiani, Member for Suba North and Member for Embakasi West as their preferred leadership in the House. Consequently, the leadership of the House remains unchanged.

(Applause)

Hon. Members, at this stage, permit me to address the fate of 14 Members who, as per the letter from the Registrar of Political Parties, belong to parties other than parliamentary parties that are not affiliated with the two identified coalitions in the House. I wish to reiterate that the 14 Members, and all Independent Members, shall be treated equally in nomination to the committees of the House and access to any other attendant entitlements. The Speaker shall, under Standing Order 174(2)(b), decline to approve any list of Members nominated to serve in committees that does not take into account the interests of all Members, including the 14. Hon. Members. Under Standing Order 172, the Committee on Selection is responsible for nominating Members to serve in all committees, including the remaining 18 sessional committees that I listed yesterday in the Communication from the Chair on Resumption of Sittings for the Fourth Session and the lapse and re-introduction of business.

I urge the Committee to prioritise the constitution of the Budget and Appropriations Committee, in light of the Communication that I gave you earlier on the Budget Policy Statement.

In summary, therefore, Hon. Members, I guide as follows:

The Kenya Kwanza Coalition, is the Majority Party in the House. Azimio la Umoja-One Kenya Coalition Party, is the Minority Party in the House. To the extent that I have not received any communication of the Azimio la Umoja-One Kenya Coalition Party or the Kenya Kwanza Coalition replacing their leadership in the House, the leadership existing as at the end of the last Session remains the leadership of this House.

I thank you.

(Applause)

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Millie. This was your point of order. Hon. Members, I am not opening any debate. I am giving Hon. Millie the chance because she was the owner of the point of order. After she finishes, we will go to the next Order.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. In compliance with Standing Order 87(2)...

Hon. Speaker: Hold on.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I just want to indicate that in compliance with Standing Order 87(2), I am not going to raise any issues regarding

Hon. Speaker: Let me have my Standing Orders. Go on now.

Hon. Millie Odhiambo Mabona (Suba North, ODM): Thank you, Hon. Speaker. I just want to say that in compliance with Standing Order 87(2), I will not raise any issues regarding the Communication that you have just given. I am a very law-abiding citizen. I am also cognisant of our Standing Orders.

(Applause)

Further, Hon. Speaker, I also wish to indicate that as Azimio la Umoja-One Kenya Coalition and much more so, those of us who are keen on ensuring that Baba clinches the African Union Chairmanship position, we want to be sure that we follow the rule of law. We support a broad government which is not based. We are encouraging the Government to be both broad and based. It is broad but not based. For those who have not learnt literature, understand what I am saying: This Government is broad but it is not based. Do not call us to be in a broad-based government. It has to be a broad-based government.

Hon. Speaker, I also want to say that as Azimio, we follow...

(Hon. Silvanus Osoro spoke off the record)

No! I am not going to congratulate you.

Hon. Speaker: Ignore him.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): This one is purporting to harass me but I will ignore him.

Hon. Speaker: Ignore him. You are more senior.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): He should listen to me. I am ignoring him.

Hon. Speaker: Hon. Osoro, Hon. Millie Odhiambo is your learned senior. Listen to her.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes. But Hon. Speaker, do not even worry. I can handle him. I am capable in all manner to handle him.

(Laughter)

Hon. Speaker, as Azimio, we are adherents of the rule of law. As those who adhere to the rule of law and just the way you say we speak as lawyers, I want to indicate that as Azimio, we respectfully disagree.

Hon. Speaker: Thank you.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): I will not go the substance but we respectfully disagree with your Communication.

There is a philosophy in my local community that says, “*ng’ama tek onyono kwesi meru.*”

Hon. Speaker: Meaning?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): When a strong man steps on your mother’s pipe, you tell your mother to remove her pipe. That philosophy was relevant in the generation of my mother. In my generation, if a *ng’ama tek onyono kwesi meru*, you point at the eyes of *ng’amatek* respectfully.

So, Hon. Speaker, today you are *ng’amatek* — a strong man. You are stepping on my mother’s pipe. I will respectfully tell you that, I do not agree with you as a strong man and that, you are stepping on my mother’s pipe. As Azimio, we are going to take further action until you stop stepping on my mother’s pipe. I respectfully note your Communication.

Hon. Speaker: Thank you, Hon. Millie Odhiambo.

(Loud consultations)

Order! I am not opening any debate. Hon. Millie Odhiambo, that is how the law works. It is not necessarily popular or likable. It is just the law. Charles Dickens said it is an ass. It is the law. When you obey the law, sometimes you may step on somebody and other times you may not. However, the law remains the law. In the law and our Constitution, we trust.

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Finally, I want to join all of you in wishing our patriarch and leader, Hon. Raila Amolo Odinga, success in the election as the Chairman of the African Union Commission.

Hon. Members: Yes.

Hon. Speaker: The first vote to be cast will be that of President William Samoei Ruto of Kenya. Hon. Millie Odhiambo, I have also directed the Leader of the Majority Party and his counterpart, after this ruling, that in constituting Committees, they should go beyond broad and base.

(Several Hon. Members raised up their hands)

Hon. Speaker: Order. I will not open any debate. Next Order.

(Hon. Raphael Wanjala spoke off the record)

Hon. Speaker: Order, Hon. Wanjala.

MOTION

APPROVAL OF MEMBERS FOR APPOINTMENT TO THE HOUSE BUSINESS COMMITTEE

Hon. Speaker: Leader of the Majority Party.

(Loud Consultations)

Order, Hon. Members. Those who are recessing, do it quietly.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Standing Order 171(1)(f), this House approves the appointment of the following Members to the House Business Committee in addition to those specified under paragraphs (a), (b), (c), (d) and (e)

- (i) Hon. Omboko Milemba, MP.
- (ii) Hon. Robert Mbui, MP.
- (iii) Hon. Faith Wairimu Gitau, MP.
- (iv) Hon. Samuel K. Chepkong'a, MP.
- (v) Hon. Adan Wehliye Keynan, MP.
- (vi) Hon. Tom Joseph Francis Kajwang', MP.
- (vii) Hon. Sarah Paulata Korere, MP.
- (viii) Hon. Joshua Mbithi Mwalyo, MP.
- (ix) Hon. Umul Ker Kassim Sheikh, MP.

Hon. TJ Kajwang' (Ruaraka, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Who is rising on a point of order?

Hon. TJ Kajwang' (Ruaraka, ODM): It is me.

Hon. Speaker: Hon. TJ, you cannot call for order when you are not orderly. What are you doing where you are? We have moved to the next Order. Proceed, Hon. Ichung'wah.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): We want Hon. Junet to speak.

Hon. Speaker: Pardon?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Why is he being denied a chance to speak?

Hon. Speaker: I did not give a chance to anybody except the Mover of the Motion. Go on, Hon. Ichung'wah.

(Loud consultations)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, as Hon. Members may be aware, this is a very critical Committee. The other Members of the Committee sit there by virtue of their offices.

With those few remarks, I beg to move and request Hon. Adan Keynan to second.

Hon. Speaker: Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): I second.

(Loud consultations)

Hon. Speaker: Order, Hon. Members. Take your seats. Hon. Millie's point of order was not a party point of order, but one by the distinguished Member for Suba North. Upon delivering the Communication, I dutifully gave her an opportunity to say what she said, and that ended that matter. We are now on Order No. 8.

(Hon. Wanami Wamboka consulted loudly)

Hon. Wamboka, I am proposing the Question. I have not put any Question. You are actually out of order.

(Question proposed)

Hon. Cynthia.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Speaker, for giving me the opportunity to make a comment regarding the House Business Committee that has been constituted. These are Members who sat in the same Committee last time, and they did a beautiful job. I support their nomination back to the House Business Committee.

It must be noted that the House Business Committee is the engine of this House, and we appreciate their willingness to run the business of this House. I support their nomination and urge Members of this House to support it, so that we can start and continue the business that is important to this House. We must serve Kenyans by ensuring that Members of the House Business Committee are able to schedule business and dispense matters that are of concern to Kenyans.

I support.

Hon. Speaker: Hon. Junet

(Loud consultations)

(Several Members stood up in their places)

Order, Hon. Members standing around Hon. Junet. Hon. Junet, take your seat for a minute.

(Loud consultations)

Hon. Members.

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

(Hon. Babu Owino stood up in his place)

Hon. Speaker: Order! Hon. Junet, just hold. Order! Hon. Babu Owino, take your seat. When the Speaker calls you out, you do not have to stand up. This is not a classroom. You are rarely in this House, and when you come, you want to cause disorder. Take your seat.

(Hon. Babu Owino spoke off the record)

Order! Hon. Junet, present your point of order.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I have no intention to speak about your ruling; I want to speak on the matter that is before the House.

Under instructions from our Parliamentary Group, before you put the Question, I have been asked to convey to you on the Floor of the House that we have withdrawn our Members from the House Business Committee. It will be a nullity for the House to pass the membership from our side. You may now consider me as the Leader of the Majority or Minority Party, whichever way you can take.

(Several Members walked out of the Chamber in protest)

Hon. Speaker: Hon. Junet, a Question has already been proposed.

(Loud consultations)

Hon. Ichung'wah, I call upon you to reply.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Speaker. In replying, the House Business Committee is properly and duly constituted, with or without the participation of the four Members of the Azimio Coalition, and it will sit.

Hon. Speaker, as the Chairman of the House Business Committee, you will advise us on when to have our first sitting, hopefully after the adjournment of this House this afternoon, so that we may schedule business that concerns Kenyans.

What we have been engaged in since yesterday does not concern Kenyans who have sent us to represent them in this House. What we have been engaged in from yesterday up to the drama that you have witnessed touches on leadership positions by leaders in the House. What matters most to all of us are the leadership positions that have been given to us by our constituents as their representatives, and that is what we should put ahead of any other consideration.

Yesterday, I mentioned that the perks of the Leader of the Majority Party are similar to those of the Leader of the Minority Party. These seats are not personal to anyone. The small sitting allowance that Chairpersons of Committees get is not even commensurate with the amount of work that they, along with their Vice-Chairpersons, put in and the sacrifices they make. Therefore, I implore all our Members, including my brothers and sisters from the Azimio Coalition, to prioritise the people that they represent over their own interests as leaders and conduct the business of the House by addressing the pertinent issues that concern Kenyans today.

As you had indicated, we have business to reconstitute all the 18 committees whose terms have come to an end, some of which have a huge implication on the lives of our people. Students in both primary and secondary schools are waiting for school capitation. Yesterday, the Cabinet approved the Supplementary Appropriations Bill, and this is the money that Kenyans are waiting for to go to our children—not just for bursaries, but also for school capitation, which will enable the Government to hire the additional 20,000 teachers who will help in our schools. These are the issues that should concern us now. I urge that you convene the House Business Committee, hopefully immediately after this vote, so that we can schedule business and reconstitute those Committees that will help us to pass the Budget Policy Statement for this year, as well as the Supplementary Appropriations Bill that will be coming to this House in the next few days.

Thank you. I beg to reply.

Hon. Members: Put the Question.

Hon. Speaker: Hon. Members, before I put the Question, it is important that we put certain matters in proper perspective. Standing Order 58 reads as follows: “After the Question has been proposed on a Motion, the Motion shall be deemed to be in the possession of the House, and such Motion shall not be withdrawn without the leave of the House”.

Secondly, I received communication from Hon. Kimani Ichung’wah and Hon. Junet Mohamed, and I want to put it on record so that it is clear to all Kenyans.

Hon. Kimani Ichung’wah wrote to the Clerk of the National Assembly, Mr Samuel Njoroge, on 6th February, after I had spoken personally to both Hon. Ichung’wah and Hon. Junet, asking them to propose names to the House Business Committee. Hon. Ichung’wah wrote:

Dear Sir,

Reference: Nomination of Kenya Kwanza Alliance Members to the House Business Committee.

Further to your letter referenced NA/L&P/HBC/2025/CORR(001) dated 3rd February 2025, I hereby submit the following names of Members of the Kenya Kwanzaa Coalition for appointment to the House Business Committee, in addition to those specified under Standing Order 171(1)(b) and (d).

1. Hon. Samuel Chepkong’a, CBS, MP, Uasin Gishu, male.
2. Hon. Omboko Milemba, CBS, MP, Vihiga County, male.
3. Hon. Faith Wairimu Gitau CBS MP, Nyandarua County, female.
4. Hon. Joshua Mbithi Mwalyo, MP, Machakos County, male.
5. Hon. Umul Ker Kassim Sheikh, MP, Mandera County, female.

Yours sincerely, Hon. Kimani Ichung’wah, EGH, MP, Leader of the Majority Party.
Copy to the Rt Hon. (Dr) Francis Moses Masika Wentang’ula, EGH, MP, Speaker of the National Assembly.

I received a letter from Hon. Junet Mohamed on 10th February, addressed to the Clerk of the National Assembly. It said, “Dear Sir, Reference: Nomination of Members to the House Business Committee. Your letter dated 3rd February 2025, Reference NALP HBC/2025/CORR001, refers. The Minority Party nominates the following Members to the House Business Committee in accordance with the Standing Orders:

1. Hon. Robert Mbui, MP.
2. Hon. Francis Kajwang’ Tom Joseph, MP.
3. Hon. Wehliye Adan Keynan, MP.
4. Hon. Korere Sarah Paulata, MP.

Yours sincerely, Hon. Junet Mohamed, EGH, MP, Suna East Constituency, Leader of the Minority Party in the National Assembly.”

The judgement under the contestations that went on yesterday was already out at the time Hon. Junet wrote this letter. He knew and designated himself, rightly so, as the Leader of the Minority Party. I called out the Motion to be moved, today. The Leader of the Majority Party moved the Motion and Hon. Keynan seconded. Once a Motion is moved, either you can move an amendment seeking the necessary support from the House that shall be put to a vote or you keep your cool. You do not change the content of a Motion by picketing on the Floor of the House and making completely unparliamentary and unhelpful statements.

As it is now, the Motion we will vote to is properly in the House. It fully carries the names of both sides of the House: the Majority and the Minority. Upon voting on the Motion and if passed by the House, I direct the Members to go to Committee Room 9 for the first meeting of the House Business Committee to schedule business for tomorrow.

I repeat that we have a greater duty to the people of Kenya than the shenanigans that we want to display here. The Mover of the point of order yesterday, Hon. Millie Odhiambo, said she respects the outcome even if she does not agree. That is part of fair game in any arena, that is judicial or quasi-judicial, like this House. Like I said, you do not fight or insult the judge if you go to court and lose a case. You say ‘much obliged, my Lord’. You will come back to fight another day. That is how the law works. I repeat that no Member listed on this Motion has been withdrawn because the withdrawal of any Member on a Motion like this can only be through an amendment to the Motion.

(Question put and agreed to)

Before the Speaker’s procession, Members who have been approved to the House Business Committee should move to Committee Room 9 immediately.

ADJOURNMENT

Hon. Speaker: Hon. Members, you may be upstanding. There being no further business in the House, the House stands adjourned until tomorrow, Thursday, 13th February 2025, at 2.30 p.m.

The House rose at 4.15 p.m.

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