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THIRTEENTH PARLIAMENT

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THE HANSARD

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Tuesday, 4th March 2025

The House met at 2.30 p.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

PAPERS

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Deputy Speaker. I beg to lay the following Papers on the Table:

1. The Agreement between the Government of the Republic of Kenya and the Government of the Federal Republic of Germany on a Comprehensive Migration and Mobility Partnership from the Ministry of Labour & Social Protection to be referred to the Departmental Committee on Labour;
2. Audited Annual Report and Financial Statement of Kirinyaga University for the Financial Year ended 30th June 2023;
3. First Quarter National Government Budget Implementation Review Report for Financial Year 2024/25 from the Office of the Controller of Budget;
4. The Fourth Medium Term Plan (MTP) (2023-2027) including MTP IV Booklet, MTP IV Popular Version Booklet, National Reporting Indicator Handbook of the MTP IV and MTP IV QR codes from the National Treasury and Economic Planning;
5. Fourth Quarterly Report of the Ethics and Anti-Corruption Commission for the year ended 2024 from the Office of the Attorney-General & Department of Justice;
6. Annual Report for the Financial Year 2023/2024 from the Judicial Service Commission;
7. Annual Report for the Financial Year 2022/2023 from the National Cohesion and Integration Commission;
8. Report of the proceedings of the 82nd Session of the Executive Committee and the 46th Conference of the African Parliamentary Union, 2024, held in N'Djamena, Chad in October 2024 from the Secretary-General of the African Parliamentary Union;
9. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022, 30th June 2023, and the certificates therein in respect of:
 - (a) AIC Itoloni Girls' Secondary School;
 - (b) Bishop Abiero Shauri Moyo Secondary School;
 - (c) Canon Kituri Secondary School;
 - (d) Dr. Aggrey High School;
 - (e) Gachoire Girls' High School;
 - (f) Gathaiti Secondary School;
 - (g) Gathanji Secondary School;
 - (h) Gathiga Secondary School;
 - (i) Gede Secondary School;

- (j) Gichuru High School;
- (k) Gituha Secondary School;
- (l) Ikanga Boys Secondary School;
- (m) Kajembe High School;
- (n) Kanjeru Girls' High School;
- (o) Kenyatta High School;
- (p) Kituma Secondary School;
- (q) Kyome Boys' Secondary School;
- (r) Lari Boys' Secondary School;
- (s) Maai Mahiu Girls' Secondary School;
- (t) Magutu Girls' High School;
- (u) Malindi High School;
- (v) Marifano Secondary School;
- (w) Matuga Girls' High School;
- (x) Mazeras Girls' Memorial Secondary School;
- (y) Mbitini Girls' Secondary School;
- (z) Munyu Girls' High School;
- (aa) Murera Secondary School;
- (bb) Ngala Memorial Girls' Secondary School;
- (cc) Ngala Memorial Secondary School;
- (dd) Our Lady of Fatima Kiriko Girls' Secondary School;
- (ee) Sane Girls' Secondary School;
- (ff) Senior Chief Mwangeka Girls' Secondary School;
- (gg) Shimo la Tewa School;
- (hh) St Mary's Girls' High School - Igoji;
- (ii) St. John's Girls' Secondary School - Kilifi;
- (jj) St. Ursula Girls' Secondary School Tungutu;
- (kk) St. Charles Lwanga Secondary School; and'
- (ll) Voi Boys' High School.

Thank you.

Hon. Deputy Speaker: Before we go to the next Order, allow me to recognise the following schools seated in the Public Gallery:

1. Kamogoso Secondary School from Bomet Central Constituency, Bomet County.
2. Riara Springs School from Embakasi South Constituency, Nairobi County.
3. Kagwanja Primary School from Mathioya Constituency, Murang'a County.

I call upon the Member for Bomet Central to welcome them on our behalf. If he is not here, we can have the Member for Embakasi South.

Hon. Babu Owino (Embakasi East, ODM): Thank you very much Hon. Deputy Speaker. On behalf of *Mheshimiwa* Mawathe, I would like to take this opportunity to welcome the students from Embakasi South Constituency. My advice to you as our children is that education is the key to success. The roots of education are bitter but the fruits are sweeter. Boys and girls, when in school, right now, focus on books and pens. If you must kiss a man, kiss a book. If you must hug a girl, hug a pen. This is the only thing that shall rescue you from the bondage of poverty. Thank you and God bless you.

(Applause)

Hon. Deputy Speaker: Thank you.
Next Order.

QUESTIONS AND STATEMENTS

Hon. Wanjiku Muhia (Kipipiri, UDA): On a point of order.

Hon. Deputy Speaker: What is your point of order, Hon. Muhia? Give Hon. Muhia the microphone.

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Deputy Speaker, I stand under Standing Order 31. How can Parliament continue with normal business while doctors are protesting outside here and patients are alone in the hospitals with no one to attend to them? This strike has been going on for the last four months. I request the House to adjourn and discuss the important matter of the doctors' and nurses' strike at 5.00 p.m.

Hon. Deputy Speaker: This is a matter of national importance and you should have brought it in writing as an Adjournment Motion before we started the Sitting. A written request for the adjournment was needed, which I would have approved to allow you to address it later today. Now it is too late for that.

Yes, Hon. Baya. Then we will have Hon. Osoro.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Deputy Speaker. The Hon. Member, having shifted from her usual desk to the other side of the aisle, has been in this Parliament for a long time. She knows very well that there is a procedure for adjournment. We ask her to follow that procedure. Some things are happening in the country that we are not happy about. The people of Kipipiri elected you to use parliamentary procedures to do the right thing, instead of playing to the gallery on important matters. I wish that you could bring that Motion here because we also want to debate it. However, it should be done in a civilized manner so that we have an opportunity to discuss it thoroughly.

Hon. Deputy Speaker: That is exactly what I have communicated to her, just in less harsh terms.

Yes, Hon. Muhia.

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Deputy Speaker, is the Member in order to say that I am not acting in a civilised manner when the people of Kipipiri are watching? As I was walking to Parliament today, I found doctors and nurses at the main gate. This is obviously a matter of national importance. I will seek your guidance to urgently bring the Adjournment Motion tomorrow.

Hon. Deputy Speaker: Thank you. Please bring it tomorrow. Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Deputy Speaker, it is, indeed, true, as Hon. Muhia has said, that doctors are gathered outside. It is within the right of every Kenyan under Article 119 of the Constitution to petition the National Assembly on any matter of national importance.

From the information I have, the doctors have already submitted a petition to this House. It will be tabled before the relevant Committee and follow the due legal process. We have the Public Petitions Committee and the Departmental Committee on Health here. They will handle the matter. It will follow the established procedures and, in due course, come before the House in the form of a report.

Article 119 is clear that every citizen is free to petition Parliament. Therefore, whenever we see members of the public outside the gates petitioning, it should not disrupt the normal operations of the House. The petition will be considered by the relevant committee, and a report will be tabled for debate.

I submit, Hon. Deputy Speaker. Thank you.

Hon. Amos Maina (Starehe, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Yes, Hon. Member. Please proceed.

Hon. Amos Maina (Starehe, JP): Thank you, Hon. Deputy Speaker. I wish to support my colleague's sentiments. As we were entering Parliament, we encountered doctors and other

health workers protesting. They have been on strike for the past four months. As the representatives of Kenyans, we must acknowledge this as a matter of national interest. Many patients are in hospitals and are suffering and at risk of losing their lives. We should not rigidly adhere to procedures when people are dying in hospitals. This Parliament must be seen as serious and committed to the interests of *wananchi*.

We should support Hon. Muhia's call to adjourn House business and address this matter as an urgent priority.

(Loud consultations)

No! There is nothing procedural about people losing their lives.

Hon. Deputy Speaker: Hon. Member, we hear you. I have not dismissed this as a matter of national importance. In fact, I have acknowledged that it is. That is why I have advised that Hon. Muhia bring a substantive Motion to the House tomorrow morning, which I will approve. It will allow her and the rest of the House to ventilate on it properly and in an orderly fashion. We must address this issue properly to find solutions.

Hon. Amos Maina (Starehe, JP): So, we should just wait and let more people die while we follow procedures?

(Loud consultations.)

Hon. Samuel Chepkong'a (Ainabkoi, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Chepkong'a, what is your point of order?

Hon. Samuel Chepkong'a (Ainabkoi, UDA): Thank you, Hon. Deputy Speaker. I rise under Standing Order 83 to remind this House that the right to picket is enshrined in Article 37 of the Constitution. There is nothing wrong with people peacefully picketing outside Parliament. Their presence here is to invoke Article 95, which mandates Members of Parliament to resolve issues that are of concern to the people. When citizens bring petitions, we must receive them, process them through the relevant committees and ensure a resolution is achieved. This is not a matter for a talk show; it is a constitutional right for every Kenyan to picket peacefully.

I met some of the protestors, and they even greeted me. I assured them that we are addressing their concerns. Furthermore, I am working on an amendment Bill that will soon be brought to this House to help resolve such issues more effectively. As Members of Parliament, our duty is to legislate and resolve issues that are of concern to the people, not merely observe protests and walk away.

It is not a matter of talking but resolving issues.

Hon. Deputy Speaker: I believe we are all in agreement on this matter. Let us not flog a dead horse. We have agreed on the way forward. Now, let us move to the next Order. What is coming up? Questions and Statements?

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

Hon. Deputy Speaker: Alright. I have a list here. Hon. Daniel Manduku, Member for Nyaribari Masaba.

FILLING VACANT POSITIONS OF CHIEFS AND

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ASSISTANT CHIEFS IN NYARIBARI MASABA

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the filling of vacant positions of chiefs and assistant chiefs in Nyaribari Masaba Constituency.

Chiefs and assistant chiefs are pivotal in maintaining law and order at the grassroots level. They serve as the primary liaison officers between the national Government and local communities, resolving disputes, facilitating development initiatives, and ensuring security through prompt responses to issues such as crime and emergencies. Their roles are also essential for delivering effective national Government administrative services.

Regrettably, many residents of Nyaribari Masaba Constituency are deprived of those essential services due to the absence of chiefs and assistant chiefs in various areas, specifically in Nyaribari Ikorongo and Irianya locations and Kegogi, Gekonge, Ikenya, Ibacho, Mesabisabi, Nyanturago, and Nyankononi sub-locations, respectively. Those vacancies have created significant gaps in local administration, thus undermining effective governance and service delivery at the grassroots level.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs on the following:

1. A report on the status of recruitment for chiefs and assistant chiefs, including the challenges, if any, faced by the Ministry of Interior and National Administration in completing that exercise across the country;
2. The measures that have been put in place to ensure that any vacant positions for chiefs and assistant chiefs are filled promptly, thereby eliminating gaps in administrative services that are faced at the affected grassroots level; and,
3. A definitive timeline for when the vacant positions of chiefs and assistant chiefs in Nyaribari Masaba Constituency will be filled.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: That matter will be addressed by the Departmental Committee on Administration and Internal Affairs.

Let us proceed to the next request for statement by Hon. Mumina Bonaya, Member of Parliament for Isiolo County.

APPROVAL OF JUNIOR SECONDARY SCHOOLS IN ISIOLO

Hon. Mumina Bonaya (Isiolo County, JP): Hon. Deputy Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Education regarding the approval of junior secondary schools in Isiolo County.

The transition to Grade 9 in most parts of the country has been fairly smooth and seamless due to the concerted efforts in infrastructure development by both State and non-State actors. Despite those positive developments, Isiolo County remains concerned about the delay in the approval of 18 Junior Secondary Schools submitted to the Ministry of Education in March 2024, as listed below:

1. Yaqbarsadi;
2. Abargase;
3. Merti South Muslim Girls' Academy;
4. Awarsitu;
5. Kubi Mata Mukha;
6. Merti School for the Deaf;

7. Kom New;
8. Mogore;
9. Bahari Girls' Primary School;
10. Makarim Primary School;
11. Parkuruk JSS;
12. Longopito Primary School;
13. Kawalash Primary School;
14. Parkishon JSS;
15. Rumate JSS;
16. Lengwenyi JSS;
17. Mata Arba; and'
18. Dololo Dakiye.

The delayed approval is causing significant hardship, as learners are forced to walk long distances to neighbouring schools that are approved to host junior secondary schools, thus leading to increased dropout rates.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Education on the following:

1. The status of finalisation of the pending approval of the 18 Junior Secondary Schools in Isiolo County to ensure that learners are not disadvantaged by the limited number of Junior Secondary Schools; and,
2. Plans by the Ministry of Education to ensure equitable access to Junior Secondary Schools in marginalised areas that still lack Grade 9 classrooms, notwithstanding the ongoing construction efforts.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. That will be marked to the Chairperson of the Departmental Committee on Education for attention. Now, we get to Hon. Stephen Mogaka, Member for West Mugirango.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. Farah Maalim) took the Chair]

STATUS OF SALARY ENHANCEMENT FOR TEACHERS IN NYAMIRA

Hon. Stephen Mogaka (West Mugirango, JP): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Education regarding the status of salary enhancement for teachers in Nyamira Municipality.

In 2021, the Teachers Service Commission signed a Collective Bargaining Agreement (CBA) setting out the terms and conditions of service for teachers. The Agreement provided *inter alia* for enhanced house allowance for teachers in municipalities. In 2024, Nyamira County gazetted several municipality areas including Nyamira Town, Tinga, Nyamaiya, Miruka, Kebirigo, Ekerenyo and Keroka. Despite the gazettement of those areas as municipalities, teachers working in schools within those localities are yet to receive enhanced salaries and allowances as agreed in the CBA. This has negatively affected their welfare and morale, which risks compromising the quality of education in the area.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Education on the following:

1. A report on the status of implementation of enhancement of salaries and allowances for teachers in Nyamira Municipality; and,
2. Steps being taken by the Government to ensure that teachers in municipality areas receive appropriate remuneration adjustments in line with their urban classification and the expected timeline.

I thank you, Hon. Deputy Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Temporary Speaker, not Hon. Deputy Speaker.

Hon. Stephen Mogaka (West Mugirango, JP): I apologise for having failed to notice the change of Chair, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): The Chairperson of the Departmental Committee on Education. I do not know what the practice is but, ordinarily, you should make an undertaking on

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, the Chairperson of the Departmental Committee on Education, as well as so many other committee chairpersons, are out of town.

The Temporary Speaker (Hon. Farah Maalim): As the Majority Chief Whip, you will take responsibility for them.

Hon. Silvanus Osoro (South Mugirango, UDA): I commit to give a response in 21 days, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): No way. Hon. Mogaka, he says he will give a response in 21 days. I thought that is too long. Hon. Osoro, this is not a matter between two Kisii Members of Parliament. I direct that you give a response within two weeks.

Hon. Silvanus Osoro (South Mugirango, UDA): Much obliged, Hon. Temporary Speaker.

(Hon. Stephen Mogaka spoke off record)

The Temporary Speaker (Hon. Farah Maalim): Hon. Mogaka, that is a presumption. You cannot anticipate recess before the Motion of Adjournment for recess is moved. It is fair. You are right that the Calendar of the House is there. Please give the Whip of the Majority Party, Hon. Osoro, the microphone.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, I am privileged to sit in the House Business Committee, and I am privy to the Calendar of the House. In two weeks, we will be out for a short recess. So, I was being practical that he will get the answer in three weeks. To satisfy him, let me just say two weeks, but practically, we will not be in the House during that time.

The Temporary Speaker (Hon. Farah Maalim): Hon. Mogaka, how urgent is this matter?

Hon. Stephen Mogaka (West Mugirango, JP): When it comes to the remuneration of teachers, nothing could be more urgent. I pray that you direct that the answer be given within seven days. We have a very hardworking Cabinet Secretary.

The Temporary Speaker (Hon. Farah Maalim): I direct that the Ministerial Statement be given next week, one week from today.

Hon. Stephen Mogaka (West Mugirango, JP): Most obliged.

PAYMENT OF RETIREMENT DUES AND
PENSION FOR RETIRED TEACHERS

The Temporary Speaker (Hon. Farah Maalim): Hon. Madam Lydia Haika is seeking a Ministerial Statement from the Departmental Committee on Finance and National Planning. Proceed.

Hon. Haika Mizighi (Taita Taveta County, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the payment of retirement dues and pension for retired teachers.

Retirement benefits are fundamental rights for public officers, which ensure they have financial stability in their later years, as provided under Article 43(1)(e) of the Constitution. Those payments are intended to provide retirees a seamless transition from active employment to retirement. However, despite that fundamental right, a number of retired teachers who served under the Teachers Service Commission (TSC) are yet to receive their pension and retirement dues. In addition to the prolonged delays, they have not received any formal communication regarding their benefits, leaving them in uncertainty. As a result, many of those senior citizens who largely hoped to depend on their pensions for essential needs such as medical care and daily expenses are enduring significant hardship.

It is against this background that I request for a statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following:

1. A report on the factors contributing to the delayed disbursement of retirement benefits to retired teachers in Taita Taveta County;
2. The data and statistics of all unpaid retired teachers in Taita Taveta County, including when they retired from service and the timelines within which their outstanding dues will be fully settled; and,
3. The measures that have been put in place to ensure timely processing and payment of pensions, as well as any alternative interventions to support affected retirees during such delays.

I thank you, Hon. Speaker.

The Temporary Speaker (Hon. Farah Maalim): The Whip of the Majority Party, I have noticed that the Chairperson of the Departmental Committee on Finance and National Planning is not here.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, as I mentioned earlier, most of our colleagues are out of town, representing all of us at the burial of our colleague, the late Hon. Malulu Injendi. I will pass the message to Hon. Kuria Kimani and ensure that the answer is provided within a week.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Hon. Geoffrey Ruku, Member for Mbeere North.

PAYMENT OF LAST EXPENSE AND DEATH GRATUITY UNDER NHIF AND PUBLIC SERVICE SUPERANNUATION SCHEME

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Temporary Speaker. It is worth noting that this is the second time I am requesting for this statement. This means that the Ministry of Health is not serious at all and that is why we are facing all those challenges in the implementation of the Social Health Authority (SHA).

Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Health, regarding the status of payment of last expense and death gratuity under the defunct National Health Insurance Fund (NHIF) and the Public Service Superannuation Scheme (PSSS).

Article 43 of the Constitution of Kenya entitles every person the right to social security. To this end, the defunct National Health Insurance Fund (NHIF) and the Public Service

Superannuation Scheme offer last expense and death gratuity to their beneficiaries in the occurrence of death. Regrettably, the family of the late Moses Muturi Ndwiga, P/F No. 2009000918, who succumbed to COVID-19 while serving as an Acting Director in the Ministry of Lands, Public Works, Housing and Urban Development, Nyeri County, is yet to be paid the last expense and death gratuity. This case is among an estimated 800 beneficiaries under the then NHIF last expense scheme and 400 entitled to death gratuity under the Public Service Superannuation Scheme, particularly those who died between 2019 and 2021.

It is against this background that I request the Chairperson of the Departmental Committee on Health to apprise the House on the following:

1. A report on the number of beneficiaries enrolled for last expense and death gratuity under the defunct NHIF and the Public Service Superannuation Scheme, respectively; payouts made so far, and the pending claims for the period between 2019 and 2021;
2. Reasons why the NHIF and the Public Service Superannuation Scheme have not compensated families of beneficiaries who died while covered by the two schemes;
3. Measures that have been taken to secure beneficiaries from loss of death gratuity following the winding up of the NHIF; and,
4. The plans and timelines for immediate remittance of last expense and death gratuity to the affected beneficiaries, particularly the family of the late Moses Muturi Ndwiga of P/F No. 2009000918.

Hon. Temporary Speaker, we should not be requesting for statements again and again. The Ministry of Health has the responsibility to respond. We have several Principal Secretaries, a Cabinet Secretary and Directors and yet, they cannot respond to a request for statement within one or two weeks. This request for statement was done in September last year and, up to now, in March, no answer has been given. It is a shame!

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Is it Hon. Osoro or Hon. Baya? Who is going to respond to this?

(Hon. Silvanus Osoro spoke off the record)

Order, Hon. Osoro. Now that we have the Deputy Leader of the Majority Party, is this matter still in the purview of the Whip of the Majority Party?

Hon. Silvanus Osoro (South Mugirango, UDA): On this particular matter, without really letting the cat out of the bag, I do not want to disappoint Hon. Ruku but the Departmental Committee on Health is one of the committees that is being reconstituted. The names will be tabled here tomorrow, by God's grace, or on Thursday. That means the Committee will proceed for elections to elect the chairperson and vice-chairperson. Because of that short period of transition, I request Hon. Ruku to be a little bit patient, perhaps, for two or three weeks, so that we can have a well-constituted committee that will handle the matter amicably.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. You have said that the answer will be available in two weeks' time. The presumption is that you will have it by the end of next week. We will not have gone for recess yet.

Hon. Silvanus Osoro (South Mugirango, UDA): I want to be very practical. With the reconstitution of the Committee, it means that they have to conduct elections within seven days. If the names will be tabled on Wednesday or Thursday, we will give them seven days to conduct elections of the chairperson and vice-chairperson. Setting their agendas and such things will require three weeks because there is also a session. We do not want to lie to our colleague and tell him that he will have the answer in a week's time, when we know that there is no

Departmental Committee on Health as we speak. It is part of the committees that will be reconstituted by Thursday, and then they will proceed for elections within seven days. The request for statement is directed to the Chairperson of the Committee.

The Temporary Speaker (Hon. Farah Maalim): Yes, Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Hon. Temporary Speaker, as I have mentioned, this is not a new request for statement. I have not changed even the wordings. Therefore, it means the bureaucrats at the Ministry of Health have full information of the matter.

Probably, you should give direction to the Clerk of the National Assembly to direct the Ministry of Health on what is required of them. As soon as the committee is constituted, they should transmit the answers to the four questions that are raised in the request for statement with immediate effect because the matter has been with the Ministry from September last year to now.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Yes, Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): I appreciate Hon. Ruku's frustration. I commit that in two weeks' time, he will have a statement that answers the questions that he has raised.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Yes, Member for Kajiado North.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Thank you, Hon. Temporary Speaker. The issues that are in the four requests for statement, including the one on security, are cross-cutting. The Office of the Leader of the Majority Party has failed to provide responses from the Cabinet Secretaries. He should have summoned them to appear before the House to respond to the issues. We should put the specific Cabinet Secretaries and Principal Secretaries to task on some of the issues that are coming up. We have an opportunity to call the Principal Secretaries to appear before this House. Since this Session started, the Leader of the Majority Party has not provided a schedule indicating which Cabinet Secretary would be coming to the National Assembly to respond to which matters.

For instance, the issue of pensions has become a thorn in the flesh. The Cabinet Secretary has continuously failed to reply to letters directed to him by this House. Likewise, on the matter that Hon. Ruku has raised, I wrote a letter, but it was dropped because the question that he had was before mine. The Office of the Leader of the Majority Party, even as it does its many things across the country, needs to take the work of the National Assembly very seriously and provide a schedule of Questions to be replied to by the Cabinet Secretaries. It is your role, especially Hon. Owen Baya. You are reconstituting committees, forgetting that you have the bigger responsibility of ensuring that Cabinet Secretaries come to the House to respond to the issues that are raised by the people.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. I direct that the statement be delivered within two weeks, which means next week.

Hon. Owen Baya (Kilifi North, UDA): I am much obliged, Hon. Temporary Speaker. However, I would like Hon. Ngogoyo to appreciate that Cabinet Secretaries will only come to the House if there are Questions to be responded to, but not requests for statements. What Hon. Ruku has presented is a request for a statement, which gets to this House through a certain process and procedure. Hon. Ngogoyo is a new Member who has refused to learn the procedures of the House. I do not know how he was in high school, but I have my doubts. You do not write a letter to Parliament. You raise a question or request for statement on the Floor of the House. If it is a Question, the Cabinet Secretary will respond to it before the relevant Departmental Committee, in which case we generate a schedule of Questions to be responded to in the departmental committees.

Hon. Ngogoyo, please, for the sake of the gallery or any other thing, familiarise yourself with the procedures and the Standing Orders of this House as well as the Constitution, so that

we transact business without going back and forth. You owe this House the duty of care so that we move forward, instead of raising issues and feigning ignorance of the Standing Orders. Please, we want to move forward. Ignorance does not help you on the ground or in this House. It makes you look very bad by your people, knowing that you know nothing about the proceedings of this House.

(Laughter)

The Temporary Speaker (Hon. Farah Maalim): Order, Deputy Leader of the Majority Party!

The Member for Kisii County, Hon. Dorice Donya, is seeking a statement from the Departmental Committee on Transport and Infrastructure.

UTILISATION OF THE FUEL LEVY FUND

Hon. Dorice Donya (Kisii County, WDM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the utilisation of the Fuel Levy Fund on maintenance, rehabilitation and development of the country's road network.

The Fuel Levy, also known as the Road Maintenance Levy Fund (RMLF), is primarily used to finance the maintenance, rehabilitation and development of the country's road network. That money that constitutes this Fund is collected from every litre of fuel that is consumed. A recent increase in the RMLF is aimed at addressing the significant backlog in road maintenance and settlement of debts owed to road contractors.

Even though 80 per cent of the Fuel Levy is sourced from road users, the condition of most roads across the country remains poor, characterised by potholes, inadequate drainage systems and stalled projects. The public rightfully expresses that the revenue from the Fuel Levy should lead to improved road infrastructure. However, this expectation has not been met. Concerns have been raised regarding the accountability of the relevant Ministry in allocation and disbursement of those funds, including the skewed distribution across the country.

Hon. Temporary Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. A report on the total collection and use of Fuel Levy for the maintenance, rehabilitation and development of the country's road network over the past three years, including details of the specific roads.
2. Action taken by the Ministry to ensure transparency and accountability in the expenditure of monies from the Fuel Levy Fund.
3. The criteria used to prioritise road maintenance and construction projects funded from the Fuel Levy.
4. Measures that have been put in place to ensure timely completion of road projects that are funded from the Fuel Levy.
5. The status of disbursement of the Fuel Levy funds between the national Government and the county governments, and whether the counties are sufficiently funded to maintain the roads under their jurisdiction.

Thank you.

Hon. Speaker, allow me to say something about this request for statement. I have raised five requests for statements in this House. However, I am always been given null and void answers. On this one, I hope the Departmental Committee on Transport and Infrastructure will

give me an example of a road in Kisii which was maintained using the Fuel Levy last year. A majority of the roads in Kisii County are in a bad state.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Yes, Hon. Owen Baya, Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I acknowledge that you may have to give us two weeks to sort out her issue, which is actually in order. The period that we request for is usually two weeks. We will ensure that the Departmental Committee on Transport and Infrastructure, and the Departmental Committee on Energy, respond to her request for statement.

Having said so, I would like to guide my good sister, the very able Woman Representative from Kisii who has handled lions and gorillas that, she cannot debate her own request for statement once she has presented it to the House. We have heard her but the procedure is very clear that you do not start debating a statement request that you have just presented to the House. It is a simple procedure of the House. We have heard you. Do not debate your statement request.

The Temporary Speaker (Hon. Farah Maalim): Order, Deputy Leader of the Majority Party.

(Hon. Dorice Donya spoke off the record)

Hon. Donya, you have made your point. What is it? What is the point of order? Proceed.

Hon. Dorice Donya (Kisii County, WDM): Hon. Baya is telling me that I have debated my statement request. Does he understand the difference between ‘debating’ and ‘stating something?’ I stated something. I did not debate my statement request. I know you are used to Kiswahili, but come for English lessons.

Hon. Antoney Kibagendi (Kitutu Chache South, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Yes, Hon. Kibagendi. What is your point of order?

Hon. Antoney Kibagendi (Kitutu Chache South, ODM): Thank you, Hon. Temporary Speaker. It is becoming increasingly concerning that the Deputy Leader of the Majority Party continually belittles the concerns that have been raised by Members in this House, while hiding behind the Standing Orders and procedures. I can see that he is not even listening. I am glad that he is being informed in Kiswahili, so that he can get to understand.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Osoro! You are in the leadership of Parliament and there is an important issue that is being raised and questions directed at both of you and yet, you are engaged in another small *kamukunji*.

Proceed, Hon. Kibagendi.

Hon. Antoney Kibagendi (Kitutu Chache South, ODM): My concern is about the Deputy Leader of the Majority Party and the Whip of the Majority Party, who continue to belittle questions and statement requests that are raised in the House by Members representing their constituencies. Particularly, the Deputy Leader of the Majority Party, Hon. Owen Baya, has belittled the matters raised by the Woman Representative of Kisi County, and other Members, this afternoon. We need to be serious. While you try to hide behind Standing Orders and procedures, you need to have some decorum in the way you respond to Members’ concerns.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Yes, Hon. (Dr) Makali Mulu, what is your point of order?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity. I want to raise two issues, and I will be pleading for your direction.

The first issue is that last season, I raised a statement...

The Temporary Speaker (Hon. Farah Maalim) Order. Order. Let us dispose of the business that is before us, which is Hon. Donya's request for statement. Hon. Owen Baya, you have not given a concrete undertaking on when you will have the statement brought to the House. Can you say it again if the Chair has not heard you? When will you have the statement ready?

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, we are very clear that we will bring the statement in two weeks' time. Even the gracious Lady agreed. In two weeks' time, I will inform the Committee...

The Temporary Speaker (Hon. Farah Maalim): Will you do so within two weeks? This is because after two weeks, the House will be in recess. That means you have to do so by next week.

Hon. Owen Baya (Kilifi North, UDA): The report will be ready.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. The statement will be ready.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): I can take the point of order by Hon. Makali Mulu. What is your point of order?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Speaker, I was saying...

The Temporary Speaker (Hon. Farah Maalim): I plead with you, Deputy Leader of Majority Party and Chief Whip of Majority Party; please, listen to the Hon. Member so that you can respond appropriately.

Proceed, Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Hon. Temporary Speaker, I want to raise two issues on which I want your direction. The first issue is that during the last session, I raised a question relating to a young man who was electrocuted. We agreed with the Chair of the Departmental Committee on Energy that the Statement from the Ministry was not good enough, and that there was need for a meeting between the Cabinet Secretary, the Committee, and myself. That has not happened up to now. So, I would want to hear whether I need to raise a question again. What is the way forward?

Secondly, when we went for the Parliamentary Retreat in Naivasha, the Cabinet Secretary for the National Treasury and Economic Planning made a presentation and gave a commitment that before the end of the month of February, he will have released money for National-Government Constituencies Development Fund (NG-CDF) and, more so, for bursaries. We are now on the 4th day of March 2025. Unless I am not well updated, I do not think any money has been released to the constituencies. I know that the time for the Committee on Selection has elapsed, but we have the leadership of this House, through the Leader of the Majority Party. I wish we could be updated on where we are.

Why am I raising this matter? It is because I think the Executive has started taking this House for a ride. They give commitments in terms of timelines, but they never honour them. I do not know for how long we are going to continue this way. If we do not act on some of these issues, this House will become very powerless. It will become a talk show, which I would really want us to avoid.

So, could I be updated on those two issues or responded to, through your Office, Hon. Temporary Speaker? I would really appreciate.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): The first one is with regard to the statement that you sought from the Departmental Committee on Energy. Am I right?

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Yes.

The Temporary Speaker (Hon. Farah Maalim): The Questions have lapsed with the last Session. So, you have to re-introduce it. Unfortunately, that is the rule.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): The Question was responded to, but we were in agreement that the reply was not good enough in terms of the...

The Temporary Speaker (Hon. Farah Maalim): So, the Chair...

Hon. (Dr) Makali Mulu (Kitui Central, WDM): So, the Chair had committed to have a roundtable meeting either...

The Temporary Speaker (Hon. Farah Maalim): Chief Whip of the Majority Party, can you give an undertaking on that roundtable meeting between the Member of Parliament, the Committee and the Ministry of Energy?

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Temporary Speaker, similarly, just like I said on the earlier statement request, while I do not want to let the cat out of the bag, the Departmental Committee on Energy is one of the Committees that are being reconstituted. The names of the Members will be tabled here tomorrow or Thursday, if the House Business Committee sits tomorrow.

So, I want to commit to Hon. Makali Mulu that we will work within two weeks or thereabout, or at most within 21 days. I think he is in agreement because he is a senior Member of this House. He understands the procedure. Upon the tabling of the names, we will have seven days to elect the chair and the vice-chair, and then they will start setting their agenda. After that, we will go for a short recess. So, let us be practical enough and just say that immediately we come from recess, we will make sure that, that agenda is first dealt with. That is on the first issue.

The Temporary Speaker (Hon. Farah Maalim): Fair enough.

Hon. Adan Keynan (Eldas, JP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Keynan?

Hon. Adan Keynan (Eldas, JP): Hon. Temporary Speaker, it is about the NG-CDF. The issue of NG-CDF is serious. It is a very serious issue. You remember how we fought very hard to have a Fund that was independent from the Executive. Hon. Muriuki Karue came up with the first CDF for a purpose.

I want the Deputy Leader of the Majority Party and my good friend, the Chief Whip of the Majority Party, to listen to this. It may not be their mistake; it is our mistake. We approved the Budget in June last year. Members, please, be practical because this is about your lives. I want you to hear this. We passed the Budget in June. July was the second month, August the third; September, October, November, December, January, February and now March - 10 months in total. We are all accountable to those who elected us. We are all accountable to the Constitution as the elected representatives as per the letter and the spirit of Article 1 of the Constitution. I do not know whether we have a NG-CDF Committee. I do not know whether Members are aware of their rights. We have advertised for bursaries and yet, the NG-CDF Board has not even approved the project proposals for the NG-CDF committees in the constituencies. I am shocked! Are we in the right House? Are we in our right senses? Are we determined to assist the people who have elected us? We have advertised things that do not exist. Those proposals do not exist.

My brother, the Leader of the Majority Party, alluded to this issue a few weeks ago, but it has not been addressed. I have been on the neck of the leadership of the NG-CDF Management Board. They release approvals every day. Those approvals do not exist. We are lying to ourselves. So, my good friend, Dr Makali, and cohorts, it is high time we dealt with

the rogue elements at the NG-CDF Board. Approvals do not require anything. The money can come later. Why are they delaying the approvals? It is because they want to incite Members against the Government. They want to incite you. That is why they are withholding the approvals. We are all being made to look very bad. I look very bad as an elder because I had advertised for projects and yet, the money and approvals have not been granted. Do I not look very bad? Does the Government not look very bad? Does everybody not look very bad? Who takes responsibility?

Leader of the Majority Party, bring a censure motion tomorrow morning as it is your party that appointed the Board plus the management. They are criminalising us, wasting our children's time and creating apathy and hopelessness among school-going children. It is not fair in modern-day Kenya for somebody to take us round for 10 months without approvals. Colleagues, if it was back in those days, we would have a motion tomorrow morning to disband that Board and the management, and put in place a new team that would deal decisively with the NG-CDF and implement it. The NG-CDF we had in mind is not what we are seeing right now. So, my good friend, I have raised this matter in the House Business Committee. Give us the approvals if you truly care about the welfare of school-going children who require school fees.

Hon. Temporary Speaker, the temperatures in the areas you and I come from are currently hitting 40 degrees Celsius. The parents are not getting assistance, the students are out of school and yet, we are coming up with advertisements but there is no money. I challenge you, Leader of the Majority Party. If you truly represent the Government, ask those guys to be accountable for what we have asked them to do.

The Temporary Speaker (Hon. Farah Maalim): This matter has generated a lot of interest. Can we listen to one or two more interventions? Let us have the Member for Funyula, and then Elachi Beatrice. Be very brief.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. I will be very brief.

We have walked this journey for far too long. We took the Cabinet Secretary's word seriously because we understood that he would honour it. Only a few months are left before the end of the financial year. Therefore, once we get the money, there will be an audit issue because it will be claimed that the funds for that financial year were not adequately and promptly utilised and, therefore, there was no value for money.

We would like to find out exactly what is happening through the Office of the Leader of the Majority Party. We could be in bigger trouble than the country has been made to believe we are in, if the money for mundane contribution to our people through the NG-CDF cannot be disbursed. The same applies to ordinary budgets like the development budget. Does it mean that we are sinking deeper into a hole every day? This romantic story we are being told about the economy doing well is just a story to assuage people and make them feel good. We need to be told the truth of the matter.

Finally, many constituencies that have submitted their project proposals for the Financial Year 2024/2025 have long received the code list. Those that have not received the code list probably had issues with the submission of project proposals. On that matter, I can defend the NG-CDF Board and the Committee. Our current issues are not a problem of their making but a bigger problem in the country, but nobody is willing to tell us the truth. The truth shall set us free.

The Temporary Speaker (Hon. Farah Maalim): Hon. Elachi Beatrice.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I also just want to weigh in on this matter. When students come home for mid-term, just as they did recently, one of the challenges that many of them face, especially orphans, is accessing funds through the NG-CDF to go back to school. If I am not wrong, the Cabinet

Secretary released funds last week. The Board should now clarify if they released the code lists after they released the money so that the people can go through them. Some of us had issued cheques. We are, therefore, waiting for them to give us money so that the cheques can be signed. That needs to be clarified.

I also want to tell the Board that while we support them, they need to always remember that bursaries are the most sensitive issue in the NG-CDF. You do not joke with bursaries. You can joke with development, but not with bursaries for the students.

The Temporary Speaker (Hon. Farah Maalim): Hon. Raso, do you also want to contribute on the same?

Hon. Ali Raso (Saku, UDA): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Be very brief.

Hon. Ali Raso (Saku, UDA): Hon. Temporary Speaker, I want to thank Hon. Makali Mulu for raising this matter. We have been going to the NG-CDF Board since the beginning of the year, and also before we went on the long recess. The NG-CDF is not just any common fund. It allows the young people in the Public Gallery to go to school. Children in many parts of this country, particularly those in arid and semi-arid lands (ASALs) and rural areas, are fully dependent on the NG-CDF. For that reason, the issue is not about the availability of the committees or the Board. If funds are available, they should be automatically remitted to the constituency fund managers. For that reason, without wasting a lot of time and making this House a talk show, we must be told when the funds will be available so that we can dispense with the bursaries.

The Temporary Speaker (Hon. Farah Maalim): Proceed, Hon. Osoro

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. This is one of the rare moments when I remove the hat of the Chief Whip of the Majority Party and speak as the Member for South Mugirango Constituency. The NG-CDF affects us all regardless of which side of the political divide we come from. It is something that all Member hold close their hearts.

As Hon. Elachi has said, I want to set the record straight that some money has been released to the Board. I hear Ksh30 million is supposed to be sent to each constituency in the course of the week. But that is not the point. The issue is the Chief Executive Officer (CEO) of the NG-CDF. When Mr Yusuf was acting as the CEO in the last Parliament before this House approved him. He was very competent, approachable, reachable and easily available to Members. He would listen to us. I do not know what happened to him immediately he was confirmed. The gentleman has changed and became something else. Some of the questions the Members are asking could easily be answered by the CEO of the Board, but he is no longer available to Members. He has turned out to be too big for Members to access him. He is presumably even over-running the Board. The question is not even the provision or the availability of funds. Even the approval of the proposals has not been done even after the release of the Ksh30 million. Therefore, the amount does not have expenditure votes. We cannot spend it. We will have it in the accounts, but the fund managers will tell you that the proposals have not been approved and, therefore, they are waiting for the approvals from Nairobi because the Board has not sat. That is the question. We need to re-direct our energy to where our pain comes from. The pain comes from the NG-CDF Board and the CEO. When we reconstitute the committees on Wednesday, 4th March 2025, we need to summon them to appear before this House.

Sometimes, the money is released from the National Treasury, but the Board keeps it to themselves for one, two or three months. When they eventually release the funds to the constituencies, they do that without the expenditure votes following the funds. So, we end up having money in the accounts that cannot be spent. That is why we should have a CEO in acting capacity rather than holding that office substantively. When Yusuf Mbuno was holding that

office in acting capacity, he was the best. We need CEOs in that office in acting capacity. Confirming people in that office only for them to behave this way is really messy. At such a point, some of us remove the hats we hold as Whip of the Majority Side and speak as Members because this thing affects us also.

It is three months since we advertised for the bursaries and our young people filled the forms, but we do not have the funds. Why, really? Who do we defend here? I choose to stand at the point of the poor parents in my constituency. I choose to stand on the side of the students in my constituency. Therefore, the Board should face the Committee and explain what the problem is.

With those remarks, I beg to submit.

The Temporary Speaker (Hon. Farah Maalim): Hon. Owen Baya, do you want to add something?

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker...

The Temporary Speaker (Hon. Farah Maalim): Just before you weigh in on this matter, what is it Hon. Caroli?

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Speaker, thank you for giving me this opportunity. I invite Members to pay very keen attention to the Budget Policy Statement with respect to the NG-CDF. The reduction of NG-CDF allocation is at Ksh38 billion. So, what we are discussing is just a tip of the iceberg. We have a bigger problem that we will be dealing with in the next few days. That is the only Fund that works for the people. That is the only Fund that leaves no pending bills and that is the only Fund that is not over-priced in terms of procurement. I have studied the 170 pages of the current Budget Policy Statement, which I have here, and I already have 15 issues to raise. One of them is the reduction of the allocation for NG-CDF by Ksh38 billion. That is the information I want to leave for the House.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Nyamai.

Hon (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Temporary Speaker. This matter of NG-CDF disbursements is so serious that it cannot be ignored. We have already engaged our constituents, gone around all our wards and had students fill forms for bursaries. This is the beginning of March and we did this work in December. There is a problem that needs to be discussed very seriously. I am encouraged to hear the Whip of the Majority Party, Hon. Osoro, saying that Ksh30 million is going to be disbursed to each constituency. So, this means that we will be able to deal with the bursaries. That is good and I congratulate the Cabinet Secretary, our former colleague, because he has kept his word, at least, on the bursaries. He said that he will do it by the end of February.

We have a problem at the Board. Even if we get the other monies disbursed by NG-CDF within those few months, with projects that have never been approved, how are we going to deal with that? So, I believe it is time we invite the CEO so that he can face the House and tell us what he does not have. Is it that the good staff he had, some of them have resigned and left? Is it that there is a problem within the Board? For some of us like Hon. Baya, who have been here for the last 12 years, we can tell there is slow motion at the NG-CDF Board. We need to know what the source of the slow motion in NG-CDF is. Mr. Mbuno needs to tell us where the challenge is.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Baya, there is a lot of lamentation here. Members of the National Assembly are complaining and the Leadership of Parliament is also complaining. You should now take the proactive position of summoning the Board. In the absence of the Committee in charge, the leadership of the House has the power to summon and engage the Board on these matters. Pending the composition of the Committee,

as the leadership of the Majority Party with the leadership of the Minority Party in the House, you have the responsibility to call the NG-CDF management as well as the Board, level up with them and report to the House.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker.

The NG-CDF, as Hon. Makali Mulu has said, is the only Fund that we have that works and has given us results. It has ensured there is equity in this country. Areas that had been left behind have been brought forward because of the NG-CDF. We should not lose sight of the ball on this. We have to come out strongly, as Members of this House, to defend NG-CDF. We cannot allow the management there and the Board to play games with NG-CDF. I tell Mbuno and his team that they will not win this war. If they want to play with Parliament on the issue of NG-CDF, they will get out of the way and Parliament will have its way. That is because this is something that is fundamental for the development of this country and for the good of children, some of whom we have in here in the Gallery today.

So, I would like to tell the Board in very clear terms that they have to either follow the highway or get out of the highway.

The Temporary Speaker (Hon. Farah Maalim): Can you, with the leadership of the Majority and Minority Parties, use your office to summon them and engage them on that? If those of you in authority complain and every other Member of Parliament also complains, we will not go anywhere.

Hon. Owen Baya (Kilifi North, UDA): I am not complaining Hon. Temporary Speaker. I am making very strong statements.

The Temporary Speaker (Hon. Farah Maalim): You are complaining about the Board and the Management.

Hon. Owen Baya (Kilifi North, UDA): I am only telling them off. We will summon the Board to appear before the House Business Committee on Tuesday, 11th March 2025. They should prepare for that meeting so that they can come and explain why.

The Temporary Speaker (Hon. Farah Maalim): Thereafter, you will report to the House.

Hon. Owen Baya (Kilifi North, UDA): I would also like to inform Hon. Members that Ksh30 million has been disbursed to each constituency as of today. So, if they check with their fund managers, they will realise there is Ksh30 million in the accounts. They can use the short recess to disburse bursaries to make sure that our children are in school.

The Temporary Speaker (Hon. Farah Maalim): That matter is settled. Hon. Members, I want to appreciate the presence of students from a number of schools in the Public Gallery and the Speaker's Gallery.

In the Speaker's Gallery, we have students from Machakos Girls' High School. In the Public Gallery, we have students from Nairobi Comprehensive School from Embakasi West Constituency, Nairobi County. We also have students from the University of Embu, Manyatta Constituency, Embu County; Mount Kenya University, Thika Constituency, Kiambu County; and Mount Kenya University, Kigali Branch.

I will give an opportunity to a Member from Machakos County, who may want to say a word of encouragement to the students. It appears that there is no Member from Machakos. Do we have anyone from Machakos or Kitui? Either Hon. Nyamai or Hon. Makali Mulu can take it. Hon. Makali, proceed.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Speaker.

On behalf of my colleague, I welcome our children to the Parliament of Kenya. They must have seen what we do. I encourage them to work hard. When the right time comes, some of them will be sitting here to also serve the nation. I also wish them well in their studies. They need to work as a team, with their teachers and parents. Please, work hard when you go back to Machakos.

Now that I have welcomed them here, I am the one who raised the issue on the NG-CDF.

The Temporary Speaker (Hon. Farah Maalim): One business at a time. Let us finish this one first.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): On behalf of all Members of Parliament from Ukambani, I send best wishes to the school.

The Temporary Speaker (Hon. Farah Maalim): Any Member from Nairobi to give a word of encouragement to Nairobi Comprehensive School? Yes, Hon. Elachi Beatrice.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you. I also want to encourage our children and tell them that education is an equaliser in life. While here and looking at us, you will realise we are just one. The most important thing for you while in school is to take care of yourselves, mostly the girls from Machakos and Nairobi. You only have one card. That is your book. You will see the fruits after that. Always know that education will be your equaliser if you take care of yourself and read smart. Be blessed.

The Temporary Speaker (Hon. Farah Maalim): Machakos Girls High School and Nairobi Comprehensive School, you have heard the words of encouragement from your honourable Members.

We also have the University of Embu from Manyatta Constituency. Do we have any Members from Embu here? I will allow the Member of Parliament for Tharaka. You come from the same region. Give a word of encouragement to the students who are in the Public Gallery.

Hon. George Murugara (Tharaka, UDA): Embu people are my neighbours. Tharaka-Nithi County is just ahead of the great county of Embu. I am happy to hear that students of Embu University are here. I take this opportunity to welcome them to the House to observe what we do here. They are possibly undergraduates. They will soon be qualifying with their degrees. Many of them may intend to run to be Members of this House. Therefore, mine is to encourage them to continue studying very hard and ensure they are disciplined. They should achieve that which they have set out to achieve in life. You are welcome. When you go back, greet the students of Tharaka University who are your neighbours and academic competitors.

Thank you so much.

The Temporary Speaker (Hon. Farah Maalim): Now that is done. Let us have someone for the Kigali branch of Mount Kenya University. I am made to understand that the Whip of the Majority Party is an alumnus of the university. Proceed to give your words of encouragement, Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker.

I am playing host to Mount Kenya University's School of Law, Kigali branch. This was just a dream. The School of Law had not started when we visited the University with the founder, Dr Simon Gicharu. He carried me as one of his speakers to encourage students to register to join the university. They reached out intending to visit Kenya and Parliament to look at how we operate. I engaged the leadership, including the Clerk of the National Assembly, to grant permission. They are here for an educational trip to study universities around Kenya and look at the legislative procedures that we practice here. I encourage them to study and work hard in practice. The practice systems of Rwanda and Kenya are a bit different, although there is much one can learn from the Kenyan system, especially in the common law legal system that we practice here.

(Applause)

Hon. Jared Okello (Nyando, ODM): On a point of order, Hon. Temporary Speaker.

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The Temporary Speaker (Hon. Farah Maalim): Yes, what is your point of order?

POINT OF ORDER

REPORT ON THE HARDSHIP ALLOWANCE SCHEME

Hon. Jared Okello (Nyando, ODM): Thank you, Hon. Temporary Speaker. At the outset, allow me to state that we have our collective hearts going out to Malava Constituency, where the interment process of our late colleague is ongoing.

(Hon. Owen Baya and Hon. Silvanus Osoro consulted loudly)

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. Order, Hon. Owen Baya and Hon. Osoro. A Member rising on a point of order is usually raising issues that have something to do with committees and their chairpersons. We do not have Cabinet Secretaries here. In their place is the leadership from the Majority Party. Please, pay attention when these things are being raised. You should not have your small *kamkunjis* here.

Hon. Jared Okello (Nyando, ODM): Thank you for that directive to the leadership of the House.

As I had said, our hearts go out to the family, friends and relatives of our departed colleague whose remains are being interred today. We pray that God provides fortitude to the family and everybody else to bear. For Malava Constituency, we are with you in prayers.

For those who have cared to listen to me in the last three months, I have consistently raised a matter here that touches on not just Nyando Constituency, but many others that are represented in this House. Out of the agitation of this House, the Hon. Speaker directed the Government to carry out a comprehensive appraisal of areas that qualify for hardship allowance and how those that deserve can be infused into the system.

(Hon. Joseph Makilap, Hon. Ali Raso, Hon. Faith Gitau and Hon. David Ochieng' stood up in their places)

The Temporary Speaker (Hon. Farah Maalim): Hon. Makilap and Hon. Raso, you both come from hardship areas. A matter on hardship areas is being raised. Hon. Faith Gitau and Hon. Ochieng, you can have your *kamkunjis* in restaurants or other places, but not on the Floor of the House. Proceed.

(Laughter)

Hon. Jared Okello (Nyando, ODM): I thank you once again. The Government picked up the matter and a multi-agency team was formed. It went across the country collecting data on hardship areas that hitherto put off this scheme. Taxpayers' money funded the report. Sylvester Bullo, attached to the Ministry of Public Service and Human Capital Development, led the team. The Report has been there for the last one year.

When I started raising the need to have the Report brought before this House, it has been like a moving target for three months. Initially, the Speaker tasked my friend, Hon. Baya, to bring it. It was not forthcoming. I raised it once again and the Leader of the Majority Party was given the mandate to bring the Report before this House.

I can confirm that more than 50 constituencies deserve to be included in the hardship scheme. That Report delved into the areas very much. I heard it was with recommendations to include them in the hardship allowance scheme. Whereas the Speaker has always asked for that

Report to be brought before this House, up to date, we have not seen it! I would be remiss not to mention that the distance between where we are and the Ministry of Public Service and Human Capital Development is barely a one-minute walk. Why does it have to take more than three months for a simple Report to be brought before this House? I am bewildered.

It is only this House that has powers to dictate to the Government that, if such a report has mentioned certain areas to be included, the gazettelement should ensue. Why is it taking three months? The Report was completed a year ago and here we are still talking about the same thing. It is characteristic of Government offices that very good reports gather dust without any execution. On this, we are not going to drop the ball as a House.

I, therefore, plead with you to ask the leadership here present, represented by three very capable individuals, to walk to Harambee House right now and bring that Report to this House. Thereafter, this House can direct when the gazettelement of those needy areas ought to be done. Otherwise, it is going to be another charade here. This is the only House that never legislates or asks questions in vain. I, therefore, plead with you that the three leaders should march to Harambee House right now and bring the Report so that you give direction as to when the gazettelement should be done.

(Hon. Jared Okello spoke off the record)

The Temporary Speaker (Hon. Farah Maalim): Order, Member for Nyando. You do not have to worry whether they are going to crawl, run, walk or fly. The issue is that you want the Report to be brought to the Floor of the House. Hon. Baya, how soon can you have that Report?

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I appreciate Hon. Jared Okello's passion and leadership on this matter. Sincerely, he has raised this matter several times. The Speaker had directed that it should be brought to this Chamber three Wednesdays ago. I have had consultation with Hon. Okello. I want to report that I had the opportunity to speak to the Cabinet Secretary for Public Service and Human Capital Development, Hon. JB Muturi, a few minutes ago. He told me, and I will quote him verbatim, that the Report was on his table, but because this matter was a multi-sectoral matter, it was taken to the Head of Public Service. The Report is yet to be signed. It is not in the Office of Hon. JB Muturi, as you say, but it is in the Office of the Head of Public Service. They are still going through the Report. When they are done, the Report will be signed and brought to the House for debate. After that, gazettelement will be done. That is the report I have as of now. I have also requested the Clerk to write to the Head of Public Service so that the approval of the report is expedited and it is brought to the House. It is something that we are working on. With your push, guidance and leadership on this matter, I can assure you that we will have the Report here next week.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. That is a fair undertaking.

(Hon. Jared Okello spoke off the record)

Order! You made your point. You took sufficient time. What is it? What are you raising again? Member for Mandera North. Please, give him the microphone. Use the ones at the back. What happened to the microphones? They are all dead. Member for Mandera North, is your microphone working?

Hon. Major (Rtd) Abdullahi Sheikh (Mandera North, UDM): Thank you, Hon. Temporary Speaker. You know this is a very blessed month. I take this opportunity to wish you

and all Members who profess the Islamic religion and all Muslims across the country and the globe, a blessed month of Ramadhan.

The people of Mandera, especially Mandera Town, have not had power since the Ramadhan began. As we speak, the people of the Town go to Bula-Hawa, which is across in Somalia, to get their phones charged and to buy cold water and cold drinks. It is very unfortunate that the people of Mandera East have been let down by Kenya Power Company. There is no power right now.

(Hon. Silvanus Osoro and Hon. Owen Baya consulted loudly)

The Temporary Speaker (Hon. Farah Maalim): Hon. Osoro and Hon. Baya, there is a very important matter that is being raised by a Member and you are supposed to respond to it.

Hon. Major (Rtd.) Abdullahi Sheikh (Mandera North, UDM): Hon. Temporary Speaker, you know where Bula-Hawa is. It is sad that the people of Mandera Town are going to another country to get water and cold drinks, and to charge their phones. That is because Kenya Power Company has failed to restore power in the town. It is very unfortunate. This is the month of Ramadhan and people are fasting in this kind of heat and yet, they cannot get cold water in Mandera Town because Kenya Power Company has failed to restore power for the last two to three weeks. It is unfortunate that the people are suffering. We plead with and send a clear message to Kenya Power Company to move with speed this evening to restore power in Mandera Town. It is very sad. How do we get power from Somalia, which we say is probably a failed State? It is not a failed State in terms of power supply. Their people are doing their things much better and in an organised manner. How can there be power in Bula-Hawa and yet there is no power in Mandera Town? It is a very sad situation.

The Temporary Speaker (Hon. Farah Maalim): You have made your point. Hon. Memusi Kanchory, is it on the same? Is it on the same matter raised by the Member for Mandera North? Use the microphone next to you.

Hon. Memusi Kanchory (Kajiado Central, ODM): Thank you, Hon. Temporary Speaker. I am actually shocked by the fact that Kenyans would be forced to cross into Somalia, a failed State. I support the Member. Kenya Power Company should act with urgency.

However, the reason I wanted to catch your eye for a minute is on the issue of hardship allowance. This issue should be explained not just to this House, but to Kenyans. The rationale behind identifying areas to be classified as hardship areas should be explained. For example, in Kajiado Central, there is a sub-county called Oloilelai. If there are remote places in this country, then that is one of them. Teachers have to commute hundreds of kilometres to schools that are far in between. Imagine a teacher having to use a *boda boda* every morning and they have no hardship allowance. This is an issue that must be brought to the attention of the House.

I have taken up this issue with the Teachers Service Commission (TSC) and they say it is the Ministry of Interior and National Administration that does the classification. When you go to Ministry, they pass the ball over to TSC. This is a ping-pong game. You do not know who is responsible for the issue. This is an issue of great importance because it affects education in marginalised areas.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. I hope Hon. Osoro and Hon. Baya will respond to all that. Let us also listen to Hon. Umul Kheir, who comes from Mandera. She is the Woman Representative of Mandera. Please, give her the microphone.

Hon. Umul Kheir Kassim (Mandera County, UDM): Thank you, Hon. Temporary Speaker. I want to speak about the power outage in Mandera. As we speak, and knowing that we are in the month of Ramadhan, the situation in Mandera is dire. Mandera Town has not been having electricity for the last 48 hours, non-stop. We are now in the month of Ramadan

and our people are suffering. They get ice blocks across from Bula-Hawa in Somalia. That is unfortunate and shameful. Two generators were delivered by the Kenya Power Company (KPC) last month, but they are not working. If you look at the forces of supply and demand, of course, the demand is higher and the supply is low. We want KPLC to act with speed. What it is trying to do is to play around with the lives of the people. The health care is paralysed and businesses are collapsing. The elderly are getting shocks from heat waves.

In as much as there is power in Mandera West, the situation is dire in terms of water. Our people are really suffering and we want the Government to act with speed. The Kenya Power Company should get its act together to ensure that power is restored in Mandera Town. I want to urge the people of Mandera to exercise restraint. They know that we have been trying our best but KPC has been failing us. They should have a lot of *subra*.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): You have made your point, Hon. Umul Kheir. Now, Hon. Osoro, you can...

(An Hon. Member spoke off record)

Well, do you want to respond to all of them, or you just want to respond to the power issue now? On the issue of the hardships, Hon. Baya has responded to it fairly comprehensively.

Hon. Jared Okello.

Hon. Jared Okello (Nyando, ODM): Let me add this, Hon. Temporary Speaker. As I said, it has been one year since the Report was brought to Harambee House. What my brother, Hon. Baya, the Majority Whip is saying is that they are still reading the Report a year later. The Report has moved from the Minister to the Office of the Head of Public Service (HOPS). If we are going to wait for people to read reports for one year...

Now that you have been confronted by twin issues that you will give direction on – one being of power – it is important we recognise that the Report was brought one year ago and it is in the Government offices. It is Parliament that needs that Report so that it can be acted upon. So, as you give us direction, I request that that Report be brought before this House as soon as possible, most probably, today.

The Temporary Speaker (Hon. Farah Maalim): Very well. You have made your point. Hon. Osoro, respond to the two areas that have been mentioned comprehensively. The power outages in Mandera and, frankly, the whole country in this month of Ramadan. In my constituency, Dadaab – and I wish I was not on the Speaker's Chair because I would have really contributed on this matter. We have power rationing. How will you engage KPC to see the need to respect Kenyans in this holy month of Ramadhan? Address the issue of the hardship allowance also.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. First, I want to thank Hon. Bashir for raising this very important matter. It is, indeed, unfortunate that in this day and age, citizens still rely on power from a neighbouring country and yet they pay taxes in Kenya. They live within the jurisdiction of this country and they are Kenyans by all rights. Hon. Bashir and all the Members who have spoken, that was important. It shows that we are representing our people very well.

To answer that question, there has been an ongoing process under the Minister for Energy to light up the entire country. You will agree with me that two or three weeks ago, the Head of State, alongside the Minister for Energy, signed some agreements with some allies. There is a programme to light up the entire North Eastern region, as far as I am concerned. However, I do not want to hold brief for the Ministry. I want to commit that next week, the

Departmental Committee on Energy will respond comprehensively after the Cabinet Secretary appears before it to state the progress the Ministry has made as far as energy is concerned.

On the second concern on water, it is unfortunate that we are still talking about water challenges ten years, post-devolution. It might interest Members to know that water is largely devolved. Most of the processes concerned with water management are actually devolved. As we speak, there is a strange disease that has befallen my people in the village as a result of water contamination. The Ministry gave a report today that people in the area drunk contaminated water. However, who should answer that question? That question should be answered by the county governments. Ten years, post-devolution, we still have challenges of water in our counties despite counties being given huge amounts of money to manage water challenges. Sometimes, we need to ask ourselves this question: What exactly are county governments doing as far as the water challenge is concerned?

Water resource is becoming very scarce by the day. We have climate change issues like what you have said that there are parts of this country that are experiencing temperatures of over 40 degrees Celsius as we speak. Nairobi is currently at 35 degrees Celsius. For the very first time, my region is at 37 degrees Celsius. It is a region where it rains every day. The other day, Hon. Kibagendi said that it is like persons walking around the Gusii streets are walking with a bag of dust on them. They normally reach their homes when they are in such a dusty state. It is very hot all over the country. So, even as we talk about these challenges, we need to pose this question to county governments as the national Government works on the energy sector. I have committed that the Departmental Committee on Energy will handle the energy issue, and I said that there is an ongoing process of procuring energy suppliers. We saw the President sign some agreements with energy suppliers. There are a lot of efforts to mitigate the challenges on energy.

On the water challenge, we need to pose that question to the right people. There is a challenge of water in Nairobi, North Eastern and Gusii. In fact, there is a challenge of water in all the counties. So, we really do not know whether the water issue should revert to the national Government for easier management or it should remain in the county governments. It may not require the hardship money *per se* to solve it. Actually, it is the prerogative of county governments to handle water. However, counties have chosen to spend that money in other forms like putting the money in unnecessary projects, including moving around with 50 vehicles carrying goons and hiring cheering squads in functions. Nowadays, governors hire squads to attend their functions. Every Governor has got a group of about 300 to 400 people on payroll that they move around with. They stand or sit in strategic positions to clap whenever the Governor speaks, be it in burials or churches. That is what they do instead of allocating the money to the right places. That is very unfortunate. Sometimes, they even direct the people in the county inspectorate to remove their uniforms...

(Hon. Otiende Amollo spoke off the record.)

The Temporary Speaker (Hon. Farah Maalim): Hon. Osoro is responding to two points of order that were raised. Proceed, Hon. Otiende Amollo.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Speaker, mine is a procedural point of order. I appreciate the fact that two points of order were raised and you have given the Whip of the Majority Party an opportunity not to respond, but to promise to respond. However, the Whip of the Majority Party is now taking us through a lecture session on Kisii politics. How is that relevant to the two points of order that were raised?

My substantive point of order is this: We are two hours into a session, and we have not yet addressed the first substantive business for this afternoon. Some of us came here for a very specific reason. Order No. 10 is on the National Dialogue Committee (NADCO) Report, which

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addresses matters of great concern to the citizens, including security. As I speak here, I woke up this morning to the news that five ladies from my constituency were buried alive, including a 27-year-old graduate. I was hoping we would get to this Order so that we can focus on those substantive issues of national concern and leave out issues of Kisii and Nyamira politics to another later session.

Thank you.

(Laughter)

The Temporary Speaker (Hon. Farah Maalim): Hon. Silvanus Osoro, I agree with you entirely that you are not empowered under our current system and Constitution when it comes to issues of water. All I want you to do is proceed and give a definitive undertaking on the report and the issue of power outages in Mandera and many other places. We share your frustration. Even the Chair shares that with you. However, it is for you to go and change the law so that if the county government cannot perform in certain areas, then the national Government can step in and perform that function and deduct the costs from the allocations. There are ways we can do things. We cannot just stay helpless and say that the county governments are not doing anything. I think the National Assembly needs to be powerfully proactive for it to come up with definitive solutions to the problems that are there. Everybody shares with you the frustrations of the county governments.

Actually, if there is going to be a referendum right now on whether the county governments should be maintained the way they are, majority of Kenyans are going to vote in a manner that will shock everybody. Proceed and give a definitive undertaking right now on how soon you can report back on that report and when you are going to engage the Kenya Power Company on the issue of power outages in Mandera and all the Muslim areas during this Ramadan period.

Proceed, Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much. I do not wish to respond to what Hon. Otiende has raised.

The Temporary Speaker (Hon. Farah Maalim): Leave the senior counsel alone. You and I are legal minds. He is a senior counsel.

Hon. Silvanus Osoro (South Mugirango, UDA): He has made the same mistake that he has accused me of, when he was raising a point of order. He has mentioned his constituency, which was unrelated to this issue.

The Temporary Speaker (Hon. Farah Maalim): He is an elder in the field. Therefore, he is allowed to make certain small mistakes. Proceed, Hon. Otiende.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you. He should leave Rarieda politics out of this when he responds to questions. I only gave examples of governance structures that are not responsive to the needs of the people. I have just said that the issue of the water resource is affecting all the counties, including Nairobi, North Eastern and Kisii. It is not related to politics. We, perhaps, need to push the national Government to find a way to work with the county governments where they are totally incapacitated, especially on the water resource, because they have totally failed. Members can agree with me that they have entirely failed to provide the water resource.

On the question of energy, like I have said, my report is that once the Committee is constituted tomorrow, or at the latest by Thursday, perhaps, we can give ourselves about seven days while they conduct elections for their new chairman. After that, they will come up with a structure, and, perhaps, their itinerary, and get the reports tabled once they have completed their work.

The Temporary Speaker (Hon. Farah Maalim): What about in the interim? Given the fact that people are fasting in Mandera, give an undertaking right now on how you are going to engage the Kenya Power Company.

Hon. Silvanus Osoro (South Mugirango, UDA): In the interim, immediately we finish here, I will engage the Cabinet Secretary and the Permanent Secretary (PS) for Energy and give the answer on Thursday.

The Temporary Speaker (Hon. Farah Maalim): Excellent. Thank you.
Next Order.

(Hon. TJ Kajwang' spoke off the record)

Order, Hon. TJ Kajwang'! The Temporary Speaker has already called out the next Order.

BILLS

First Reading

THE ANTI-MONEY LAUNDERING AND COMBATING
OF TERRORISM FINANCING LAWS (AMENDMENT) BILL
(National Assembly Bill No. 5 of 2025)

*(The Bill was read a First Time and
referred to the relevant Committee)*

Second Reading

THE NATIONAL POLICE SERVICE COMMISSION (AMENDMENT) BILL
(National Assembly Bill No. 23 of 2024)

(Moved by Hon. Peter Masara on 26.2.2025 – Afternoon Sitting)

(Resumption of debate interrupted on 27.2.2025)

The Temporary Speaker (Hon. Farah Maalim): There was a Member who had a balance of eight minutes; I believe it was Hon. Kimaiyo. Is he around?

Hon. Members: No.

The Temporary Speaker (Hon. Farah Maalim): Okay. Let us have Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker...

The Temporary Speaker (Hon. Farah Maalim): Hon. George Murugara, are you on a point of order?

Hon. George Murugara (Tharaka, UDA): I want to contribute.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Hon. Mayaka, proceed.

Hon. Irene Mayaka ((Nominated, ODM): I stand to support this Bill.

The Temporary Speaker (Hon. Farah Maalim): We have a balance of one hour and two minutes on this Bill.

Hon. Irene Mayaka (Nominated, ODM): I stand to support this Amendment Bill and thank Hon. Peter Masara for bringing it forth. Psychosocial support for our police officers is

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very vital because they have one of the hardest tasks of dealing with the citizens or *wananchi*, and we need them to be in the right frame of mind. I like the fact that this Bill will, among other things, ensure that there are valuable guidelines for our police officers in terms of stress management. This will help them cope with the different situations that they are presented with and even support their personal development. We do not want to assume that, while they are conducting the services they provide, the police are not normal human beings. They are normal human beings and we must ensure that they always have adequate psychosocial support while they are doing their work.

One of the recommendations I see here is that, that support should be devolved to different county levels. This would even be more beneficial if it reaches the police stations so as to enable the police officers to access the services whenever they want. One of the key advantages of this is the improvement of their mental strength, which is very important.

Secondly, we need to look at their self-esteem. While we emphasise the importance of providing support to our police officers, we also need to frequently reward and recognise them. We have very few memories of police officers who have done fantastic jobs in this country.

For example, I remember my brother, Joash Monari, who was awarded the Head of State Commendation (HSC) by the President for what he did in Westlands, where he tried to waylay thieves who were going to distress people. We have also seen that police are very human. If you check *TikTok*, there are many police officers who have become quite popular. We have the famous Solomon Kiragu, who is known for dancing '*Bora ni Enjoy*' by Diamond Platnumz, if I may quote. He is now quite popular, and the people in the area where he serves admire him because they relate to him and feel that he is one of them. These are things that are inborn; they are about self-esteem. We, however, need to go further than that and ensure that our police officers are well taken care of. Psychosocial support does not only mean the clinical aspect but also, motivation of the police officers. The leadership should always be present to ensure that police officers do not do their job on a routine basis.

This is a very brief amendment. I, therefore, do not want to take a lot of time. It has my full support. Let us ensure that it is implemented so that it does not seem like we are only doing paperwork. I hope there would be proper action to ensure that our police officers have access to this very important support.

Hon. Temporary Speaker, with those very few remarks, I support. Thank you.

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

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. TJ Kajwang'?

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Speaker, with due respect, this Bill has been debated for two hours. Last week, it was also debated for two hours. We have resumed the debate on it today and it has a balance of one hour and two minutes. If you check *The Hansard*, more than 20 Members have spoken to it. Would I be in order to ask that you call the Mover to reply?

This is because the Motion has been exhausted and the issues are in *The Hansard*. Additionally, there are several Motions that are lined up, some of them very weighty.

The Temporary Speaker (Hon. Farah Maalim): Hon. Kajwang', right behind you is a Member interested in debating. There are Members who are interested to contribute to this debate. The rules are very clear.

(Loud consultations)

Order, Hon. Members. The Chair exercises discretion and also makes sure that the democratic rights of a certain minority are not muzzled.

Hon. Murugara, proceed and contribute to the Bill.

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Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker.

I agree with Hon. TJ that most Members have agreed with the Bill, and have supported it. It is also important that those of us who did not voice our support last week, do so today before we move to the next important matters in the Order Paper.

I thank Hon. Masara. He sat down, thought through this Bill, and came up with these important provisions, which he wants introduced to the National Police Service Commission Act. There is a widespread practice where, when somebody is employed, everybody thinks that a favour has been done to that person. They are expected to work and take care of themselves, their family and all their dependants. Nobody sits back to ask how the person will work, under what conditions and how the work will affect their mental health. Principally, this applies to our police officers and, by extension, to other disciplined forces. Recently, some soldiers came back from a peace-keeping mission in Somalia. Most of them are in a deplorable state of mind; they have lost it! They came back very violent. They need rehabilitation so that they can come back to normal societal life.

Our police officers are all over the country. Some of them have been assigned to hardship areas; and because they are not used to the kind of life in those areas, when they come back to their villages, people think they are mad. We would then start speaking ill of them and others who work in the disciplined forces. This Bill is timely. We need to have programmes in place. We may start by legislating for the National Police Service (NPS).

As I have always said, I have a special interest in NPS because I have brothers, sisters, cousins and other relatives who work there, and I have always sympathised with them. They do not have commensurate pay. They are still paid paltry sums of money, which they are supposed to live on and use to educate their children. This is becoming a burden to them. They also live in deplorable state without good houses. Some of them are in tents while others are in make-shift houses, where a number of families share a room. This is deplorable and it affects them. This is why the two Sections are being introduced by Hon. Masara. The Commission will now be under obligation to establish psychosocial units and formulate programmes to promote the mental health and well-being of police officers.

From time to time, there are police officers who require rehabilitation. Some of them have ended up in Mathari Hospital and yet, it is not a rehabilitation centre. In fact, it is demeaning to take police officers there thinking they have mental illness. The new Section 12A provides officers with resources to cater for their mental health. Let nobody ask where those resources will come from. I can assure you that this country is not as poor as many may want to believe. It is only that, sometimes, we are questioned on how we apply our resources. Whichever way and whatever we do, let us allocate our police officers with some resources so that they do not lose it when they are working.

Two, in every county, the Commission shall establish well-equipped centres in offices, camps, training colleges and communities for police officers to receive psychosocial support. Police officers are human beings and, therefore, they need a place where they can go for counselling and anything else that they may require so that they are integrated well into the society.

It is common sense that if you have a gun while on duty and you are confronted by a thug and shoot him dead, you will have nightmares. It will have an effect on your mental capacity because of what you have done. Police officers assume this is part of their work and yet, those things come to haunt them when they retire.

The former Chief Justice Cecil Miller fought in World War I. He sat in the High Court Building as we used to call it those days, and he would find himself throwing tantrums and hallucinating. He would salute and issue commands. Whenever he sat and was asked what the problem was, he would say: "I have seen myself in the airplanes of 1942 to 1945, flying over

some city and bombing it.” He needed such support services, but they were not available then. He was therefore, not helped. In fact, this support should not only be available to the disciplined forces, but should also be extended to all civil servants and especially those who work in hardship areas where life is not as normal as it is in other areas.

Hon. Temporary Speaker, let us have a way of trying to help them so that they are integrated back into society to become better people. Those areas include my constituency, Tharaka, which is a hardship area. The police officers and civil servants there do not earn any hardship allowance. That is why yesterday, I took it up and asked about Tharaka Constituency. Other civil servants like teachers and judicial officers receive a hardship allowance through the Teachers Service Commission (TSC) and Judicial Service Commission (JSC), respectively. The civil servants in Tharaka Constituency and Chuka/Igambang'ombe Constituency should also receive hardship allowances so that they can work better in the country.

With those remarks, I beg to support the Bill.

The Temporary Speaker (Hon. Farah Maalim): Hon. Mutuse, I can see your name here. Are you here for something else or you want to contribute to this Bill?

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Hon. Temporary Speaker, I support the call by Hon. TJ for the Mover to be called upon to reply.

The Temporary Speaker (Hon. Farah Maalim): Hon. Basil.

Hon. Robert Basil (Yatta, WDM): Thank you, Hon. Temporary Speaker. I do not know why Members are not very much interested to support police officers, considering what they go through and what they do.

The Report of the National Dialogue Committee has a lot of interests, particularly with an understanding of the broad-based Government. However, let us focus on the police officers because they play a very significant role.

I applaud my brother, Hon. Masara, for bringing the National Police Service Commission (Amendment) Bill, (National Assembly Bill No.23 of 2024).

Majority of our police officers are extremely stressed. This emanates from a number of reasons like very poor working conditions. For instance, my brother, who is also our counsel, has mentioned about police officers sharing houses. One family shares a house with other police officers in a very deplorable working environment. This results to stress.

[The Temporary Speaker (Hon. Farah Maalim) left the Chair]

[The Temporary Speaker (Hon. David Ochieng') took the Chair]

In a small country like Namibia, whose economy is much weaker or smaller compared to Kenya, they remunerate the police officers very well. I was there, when I used to work with the United Nations. I can attest that Namibia police officers are not corruptible because they are remunerated well. We talk of the police officers being corrupt in our country. This is because we have ignored them. We talk of police reforms, but no one seems to pay attention to them.

The insurance for our police officers is even more worrying. We have security officers who serve as our guards at our homes, particularly senior Members. When we talk to police officers, we get very very shocking information from them. Imagine your bodyguard takes a family member to a hospital and the insurer he has is dishonoured by the hospital. How do you expect such a person to effectively discharge their duties? These are some of the reasons which contribute to serious stress. We should not cure symptoms without looking at the cause. As much as we come up with programmes to support the psychosocial well-being of our police officers, we must factor in what is contributing to that stress. This is where the whole issue starts from.

There is an increased cost of living due to the Finance Bill and new taxes. Everyone is feeling the pinch, but their salaries are at the same level. How do you expect police officers to survive under poor working conditions and pay? This will definitely result to stress. We see some results of stress, where some officers commit suicide. Others shoot their bosses, thus committing crimes, when they are supposed to restore order and peace. This is because of the stress which has built over time. In a nutshell, I recommend that we focus on psychosocial support, and improving salaries and benefits for our security officers and the police officers in that order.

We also need to look for better housing and living conditions for our Police Force. Otherwise, we will keep on talking about psychosocial support, without anyone paying attention to the main cause of stress.

We also need to restructure working hours. Some of our officers work beyond the stipulated eight working hours. Leave days need to be factored in so that we can mitigate the causes of stress. Thus, we would be able to properly support our officers do the job they are supposed to.

Recently, we heard the cries of Generation Z who were complaining of excessive use of force by our police officers, brutality and abductions. You may not know but, perhaps, one of the reasons why police officers use firearms excessively is because of stress. A stressed person may want to discharge or offload the stress by improper use of firearms, thus contributing to police brutality and other vices that are linked to stress management. I recommend that proper stress management training be initiated, and should target police officers across the country. If possible, they can also look at other disciplined forces like those who are working at the borders.

With those few remarks, I submit. I am ready to work on amendments to that effect.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you and well said.

The Member for Siaya County, Hon. Ombaka.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity to contribute.

My contribution would be very short through a story. Recently, I was giving out bursaries to students and while doing so, I gave them some inspirational talk. I told them that there are many opportunities in life for those who want to become doctors, pilots and journalists. One student told us that he wanted to be a police officer, but the majority of students laughed.

(An Hon. Member walked into the Chamber)

The Temporary Speaker (Hon. David Ochieng’): The Member coming in, go back to the Bar, bow and then walk in.

An Hon. Member: I bowed, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Okay.

Hon. (Dr) Christine Ombaka (Siaya County, ODM): My story continues. When I asked why they were laughing, they said it is a miserable job and questioned who can possibly be a police officer in this day and age? They laughed at him because they associated them with suffering, working under difficult circumstances, poor remuneration and deplorable housing.

The picture that came out was that nobody wants to become a police officer simply because of the suffering and degradation of their lives as we see it today.

I, therefore, support this Bill because the whole world and country knows that a police officer suffers psychologically. They even asked me how they can be police officers and yet they kill themselves. Many of them have committed suicide and killed their children and

families because they are stressed. They are going through psychological trauma. The image of a police officer is so negative! It is so bad! I still recommend that much more be done as part of police reforms. We not only need to increase their salaries, but also look into their living conditions, which are so shameful. It is so bad. They live in very old single rooms made of tin, and there is no water nearby. It is terrible. I recommend that entertainment be introduced in places where they work and stay. They should have some form of entertainment to help them relax after a hard day's work. They need to relax, chat and play some games. This would help them feel part and parcel of human life. That is also part of therapy and treatment for when they are going through stress. After a hard day's work, they need to sit together, chat, and play some games like darts or football, or watch television or films. Let them have some comfort where they are working.

So far, none of this has even been thought of. Police officers rarely get promoted. They complain so much. One can understand the situation they are going through. They are out on the streets controlling traffic all day, in the rain and under the sun. Nobody gives a damn.

I, therefore, support this Bill because it is for the good of our security team — the police. They need to be sorted out so that they feel human psychologically. To make them feel like they are on equal terms with every other human, and so that they are treated much better than they are currently being treated. That way, they will serve us better.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Well said. Members, join me in welcoming and recognising the presence of students from St. Thomas Aquinas Kyaani Secondary School, Kibwezi West, Makueni County. They are seated in the Public Gallery. Members, you should show your appreciation by stumping your feet.

(Members stumped their feet)

Hon. Eckomas, is this your constituency or it is in the general area? Give Hon. Eckomas a minute to welcome the students.

Hon. Mwengi Mutuse (Kibwezi West, MCCC): Hon. Temporary Speaker, Kyaani is in the neighboring Kibwezi East Constituency, but because Kibwezi Constituency was once one and we remain the same people, allow me, on my own behalf and that of Hon. Jessica Mbalu, to welcome the students from Kyaani to Parliament. This is where we debate, make laws, create policies and appropriate funds for their learning and well-being of the people of Kenya. *Karibuni sana.*

The Temporary Speaker (Hon. David Ochieng'): Thank you. Member for Baringo.

Hon. Jematiah Sergon (Baringo County, UDA): Thank you so much, Hon. Temporary Speaker.

I also take this opportunity to support this Amendment Bill by my friend and colleague, Hon. Masara. This Bill is on the National Police Service Commission and it is specifically, focusing on psychosocial support and mental health for our Police Force.

If you listened keenly to what Members have contributed, we all agree that a lot of attention must be given to our Police Force and specifically, on the problems they go through every day. On the other hand, everyone needs this psychosocial support, especially people who work in the Government and those who provide public services.

For the police, I specifically single out the female police officers. It is so hard being one in Kenya. The work is so much. They work day and night and have many shifts. They also do not have many leave days. And being a female police officer is even more challenging. They are often housed in small shared rooms, where they share with their families. Those places have poor sanitation with pathetic amenities.

I once visited a relative there and realised that those houses and rooms are partitioned using curtains. Whatever happens there, whether there is a quarrel, a fight or any other issue... My colleague Hon. Betty Maina is telling me about conjugal rights. All those become a problem. We all understand that this is a common issue. Although police officers might not always express those problems, they go through a lot.

If you are an early riser, you will always find a policeman at 5.00 a.m. already on the road controlling traffic. When Members attend high-profile or dignitary events, the police are always already at the venue, and we leave them there. Those are people who have dedicated themselves fully to their work.

This psychosocial support is crucial and will play a significant role in their day-to-day lives. While other departments may need such support, singling out the police is essential. As the Amendment suggests, I do not think it is a good idea to set aside an area for them to go when they face problems and mental issues. Isolating them in this way, could probably, create more problems. Instead, we need to create an environment that is equally accommodative, so that when they have problems, they can talk to a colleague, or access a support desk within the jurisdiction of their workplace or residences. This is because they also take care of their families. Sometimes, a police officer is transferred far from home and is unable to visit his or her parents and family.

Like other public servants, police officers handle difficult situations, such as dealing with dead bodies. Imagine one has just graduated as a police officer and is immediately posted to areas with high criminal activities, where their work involves handling bodies in a morgue or accident scenes, where they are asked to pick up bodies, and sometimes bodies of people known to them. Yet, they may not have a chance to express their emotions or seek support after handling such situations and specifically, for female officers.

You will also realise that there are issues with their uniforms. I do not know whether there are any regulations on the same. Sometimes, most of the police officers do not even have complete uniform. You often see them with torn shoes or worn-out clothes. Maybe, it is because they must wear uniforms every day. This lack of proper attire could lead to lack of confidence and contribute to their inability to perform their duties effectively. This could result in issues such as corruption, where they might collect a few coins and fees here and there, just to compensate for the little remuneration they get.

In conclusion, this is a very important Bill. It should not only apply to the police, but also other Government departments in the Public Service. This will create an ambient work environment and, hence, good services will be given the people.

I was very happy to see the Inspector-General (IG) and the Deputy Inspector-General (DIG) giving out flowers on the streets during Valentine's Day. It was a good gesture that showed that those officers are a part of our society. We need to support them more.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Next on the list is the Member for Busia.

Hon. Catherine Omany (Busia County, ODM): Thank you, Hon. Temporary Speaker. I, fully, support the National Police Service Commission (Amendment) Bill. I applaud Hon. Peter Masara for drafting it. He has played with a full deck this time.

We look up to our police officers for security. We depend on them to solve things that many of us would not even know how to, be it the President or a village elder. What guts me is that the police suffer in silence. They have been trained to persevere and endure a lot of pain in silence and yet, we forget that they are human beings. It is time we either sink or swim as a country when we are amending any law. This is so that we can make something viable that can work. If your son or daughter served in the same docket, how would you expect them to offer good services?

Police officers who work in hardship areas appear thin and fit because of problems. They lack resources. If there was an emergency and you called the police, you would realise that their vehicles do not have fuel. There is this perception that they are unavailable, unwilling, or waiting for bribes to show up. But the truth is that the vehicle might be there but without fuel. They have to ask for fuel to show up. That must change. I do not think a passionate police officer who yearned and fought to be in the force would choose to just relax and wait for things to go bad.

Police officers lack personal development. Being recruited to the Police Force because you are fit does not mean you are well-trained to understand security issues and policymaking. The National Police Service has various departments like gender and counseling that police officers have to work in whether they like it or not and yet, they need counseling themselves. They need to be trained now and then, be well-equipped, and celebrated. Those who perform well should be acknowledged. We hardly celebrate our police officers. We are full of complaints.

Additionally, looking at their pay slips, you would realise they depend on loans. After the deductions, nothing is left on their pay slips. How do we expect them to handle any matter when they are stressed? We need to up our game on how we handle security issues. A stable nation has a beefed up security department in terms of equipment, knowledge and a happy workforce. Police officers are not well-paid and do not have hardship or transport allowances. I once went to Marsabit and Kajiado counties, and after police officers were done with their duties, they asked for a lift to take them to where they lived. That means they do not have a means of transport. They are barely surviving.

Police officers should be looked after even after they retire. They must be well-taken care of until they die. They should be celebrated after their death - like people who died in the line of duty, and who served, risked, and endangered their lives while taking care of their nation.

The Temporary Speaker (Hon. David Ochieng'): Let us have the Member for Kitui West. Is she in the House? It seems she is not. Let us have the Member for Kisii. Go ahead.

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Temporary Speaker.

I support Hon. Masara for bringing this very important Bill. Security is like food. When there is peace, the country is happy.

After I cleared high school, I visited my aunt, but I will not mention where she lived. Her husband was a police officer. I, honestly, did not like where they slept. The entire neighbourhood could hear any activity that would happen at my auntie's place. When I say 'any activity', you know what I mean. Yet, the children were sleeping in the same house. In the morning, the kids would ask...

Hon. Owen Baya (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): What is out of order, Hon. Baya?

(Laughter)

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, activities have names. This is a House of proper records and specifics. Please tell us the 'activities' that happen in police officers' homes that cause people not to sleep.

The Temporary Speaker (Hon. David Ochieng'): No! The Member has a choice of words to use. She has already said she did not like the situation. It would be worse if you ask her to describe the activities she mentioned. Hon. Donya, you have a choice. Proceed to argue your case the way you like it best.

Hon. Dorice Donya (Kisii County, WDM): Hon. Baya does not know that Hon. Donya says it as it is. I was referring to conjugal rights. Is that okay with you?

(Applause)

They are not prohibited from doing it. It is an activity.
Children are like...

(Hon. Adipo Okuome walked across the aisle)

The Temporary Speaker (Hon. David Ochieng’): To the Member walking towards the Chair, that is not your place to walk on. You are not supposed to block the Speaker from seeing the Member who is speaking. Please go back and walk behind her.

Hon. Dorice Donya (Kisii County, WDM): He is now seated. I was explaining that children are like magnets. They tap everything....

(An hon. Member raised his hand)

Why are you interrupting me when I am putting across a very good point regarding our police officers? Since we have the Affordable Housing Programme, we can start by improving their housing by allocating those houses to them. Imagine a police officer whose wife is in the village, or who is divorced, and their immediate neighbour is a police officer whose wife is around. The atmosphere would not be pleasant. Such situations would affect them mentally.

Also, when a police officer dies, 50 officers are sent to send off their colleague, but they do not even have a good monetary contribution to offer the bereaved family. That shows how they wallow in abject poverty.

When I was in Class VII, I wanted to become a police officer, but I changed my mind and pursued journalism after I visited my aunt. I instantly knew I could not cope. We empathise with their situation.

We thank Hon. Masara for bringing the Bill. I hope something would be done this time around. Even as we debate and pass the Bill, in two months’ time or in the next budget, Parliament should allocate the police money for their activities. People will applaud us for walking the talk. Let us not talk only, but actualise our moves. Thank you, Hon. Temporary Speaker.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): There is nothing out of order, Hon. Otiende. You are a senior here and you know the rules. She has just completed her contribution. There is nothing out of order. Go ahead.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Speaker, we are allowed to intervene even on behalf of a neighbour like Hon. Adipo Okuome.

Hon. Temporary Speaker, you made a correct ruling that a Member should not come in between the Hon. Temporary Speaker and the Member contributing. Hon. Adipo Okuome does not gain sufficient elevation to block you from the person speaking. Can he be exempt from that particular Standing Order?

(Laughter)

The Temporary Speaker (Hon. David Ochieng’): Hon. Adipo has his mouth and legs. I am sure he can speak for himself, and walk. Hon. Adipo, do you confirm that you are seeking exemption?

Hon. Adipo Okuome (Karachuonyo, ODM): Hon. Temporary Speaker, the Member is totally out of order because there is no Standing Order upon which he can make such a statement.

(Laughter)

The Temporary Speaker (Hon. David Ochieng’): Hon. Member from Kisii, Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. My senior Hon. Otiende is not in order. You cannot define a man’s elevation and height. He does not have knowledge of that and so, he is completely out of order for trying to define the elevation and the height of a man. You cannot do that. Not as a man.

The Temporary Speaker (Hon. David Ochieng’): Hon. Mayaka knows better than Hon. Otiende in this kind of matter.

(Laughter)

Hon. Otiende, you have no experience in this kind of matters. You are free to consult Hon. Mayaka so that you get to know about elevations.

The Member for Nandi.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to support the amendment to this Bill. I appreciate Hon. Masara for having gone through the Act and accurately flagging the inadequacies that are in it.

Hon. Temporary Speaker, mental health has been an issue that all of us are concerned about for a long time. I am glad that we are finally making the right decisions and doing what needs to be done for us to sort it out. This issue is going to be anchored in law hoping that the Members of this House are going to pass this amendment Bill. We will have a structured way and manner of dealing with mental health issues, especially in the Police Force.

We must also appreciate the kind of work that the Police Force does in this country. They do what all of us cannot do. They handle cases and situations that all of us do not have the capacity to do. It is only fair that we give them a platform where they can deal with the difficult issues and situations. Members have spoken on the kind of situations that the police officers are called to sort out. They are called to handle issues to do with dead bodies, rotten bodies, domestic violence, robbery and other very obscene situations. Today, I am happy that we will put this into law. I ask the people who are tasked with the responsibility of implementation to do so because it is one thing to have a progressive provision that outlines how to sort out a situation, and it is another thing to have the implementing authorities do exactly that so that we can reap the results we desire.

It must be noted that every Ksh100 invested on the well being of an employee will give that particular institution a profit of not less than Ksh300 to Ksh500. This can never be an investment in vain. Again, we must relate the mental health of an institution, its employees and the output. An institution or a business that pays attention to the mental wellness of their employees has a very low desertion rate and productivity. The business is very high.

I stand here today as a very sad person because last night, it came to my attention that more than four employees of a very good institution are in a rehabilitation centre because the working conditions in that entity are wanting. Allow me to shame the management of New Kenya Co-operative Creameries. How does a management or leadership sit and watch its employees end up in a rehabilitation centre because of mental issues and because of the working environment? This is despicable and we must all rise to the occasion. If one is in a

leadership position, they must endeavour to make sure that the working environment is safe. That will ensure productivity.

This matter must be taken seriously because if we do not pay attention, we will be required to build more rehabilitation centres. I support the notion that we better prevent than cure because we do not have the adequate capacity to cure mental illness. This Bill is a good indicator that we are now walking the talk of dealing with mental issues.

I support this particular amendment Bill that focuses on mental health. An amendment has been proposed to the Commission and its functions so that it has more functions to enable it sort out more problems that our police forces are facing.

We appreciate the kind of work the disciplined forces do in this country. We have not shown them appreciation with material things, but they should know that we appreciate. Going into the future, we must ensure that they feel appreciated even with material things as they handle this tough job that they have as policemen.

I support this amendment Bill and I urge the honourable House to support it as well. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. Member for Narok North, you want to speak on this matter? Hon. Pareyio, you requested to speak on this matter?

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker for giving me this opportunity to support this amendment by Hon. Peter Masara.

The police are a very important unit in this country. We all need to appreciate the work that they do. We need to look at the issue of their salaries because there is no way we can support them if we do not give them enough money to take care of their families.

The police are responsible for guarding banks. They are the first people to show up during exams. The situation they live in has changed and reduced them to beggars. These days, when you see a policeman, you start preparing your hand bag because they complain of *njaa, njaa, njaa* every time. They are forced to say that because of the harsh conditions they live in. Look at the houses they live in. Take a day and visit the police line where they stay. They have no bathrooms and toilets and, therefore, when you see them, you cannot help but sympathise. As Kenyans, we need to take care of our police and those that are taking care of us in terms of security because they are all suffering. Not everyone can do the work they do. Some of them guard banks during the day and at night, they are on standby to make sure that we are all secure.

Hence, I support this amendment Bill. I would appreciate if all of us can come together and ensure that we take care of our police. We appreciate the work that they do. This very important Bill will ensure that we take care of the conditions of our police.

Thank you for giving me the opportunity.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Members, the time allotted for debate on this Bill has lapsed. It is now my chance to call the Mover of the Bill, Hon. Masara, to reply.

Hon. Peter Masara (Suna West, ODM): Thank you. I donate some few minutes to Hon. Bedzimba, at least, to say something before I reply. Thank you.

Hon. Rashid Bedzimba (Kisauni, ODM): Ahsante sana Mhe. Spika wa Muda.

Nami pia nasimama miongoni mwa wanaounga mkono maslaha ya maafisa wa usalama wa ndani. Wanafanya jukumu kubwa sana. Huu usalama wote ulio katika taifa hili ni jukumu lao. Ingawa wako wanaofanya matatizo na makosa, siyo wote. Maslaha yao yaangaliwe zaidi. Nimefanya kazi ya polisi kwa miaka tisa na nilipata shida kubwa mno. Nimehangaishwa Kenya nzima. Natolewa stesheni hii baada ya miezi sita, napelekwa nyingine kwa miezi sita. Tulikuwa tunatembea na sanduku la chakula na *safari bed*. Tungeingia katika hali nyingine ambapo hema zingekuwa ni matope matupu, ilhali hapo ndipo tunapikia. Nimefanya katika Kikosi cha *General Service Unit (GSU)* na najua shida wanazozipitia. Kwa hivyo, ni vyema tuangalie maslaha yao.

Ni lazima wawekewe bima. Wakati mwingine, wao hupata ulemavu wakienda kazini na kurudi manyumbani mwao kuteseka na familia zao. Watoto wao hawasomi vizuri kwa kuwa wanahamishwa hapa na pale. Inafaa wawe wanajengewa chuo cha maafisa wa polisi na watoto wao waishi pale kwa uzuri, ili maafisa wafanye kazi kwa utulivu.

Hivi sasa, wanaishi katika hali ngumu sana. Wanalala katika sehemu iliyogawanywa na nguo ya aina ya *leso* tu! Mmoja yuko upande huu na mwingine upande ule. Wakati mwingine, mmoja anapewa zamu ya usiku ilhali afisa mwenzake anabaki pale nyumbani. Saa nyingine, wake wa wengine wamehama na wako nao pale. Utaenda kufanya kazi namna gani? Si hapo ndipo panatokea sababu ya kupiga risasi ovyo? Kwa hivyo, ni kweli ni lazima maslaha ya hawa watu yaangaliwe. Nao pia wafanye uaminifu ili wananchi wakubali maafisa hawa wanashika watu kwa makosa ya kweli.

Namshukuru ndugu aliyeleta swala hili la kuangalia maslaha ya polisi.

The Temporary Speaker (Hon. David Ochieng’): Hon. Masara, you can proceed.

Hon. Peter Masara (Suna West, ODM): Thank you, Hon. Temporary Speaker.

I want to continue informing this House that the work of police officers is in most cases is a very exhausting job in dangerous working conditions. They encounter highly distressful situations that expose them to trauma daily. Combined with the demands of family life and social expectations, the exposure can lead to many problems: thus, causing depilating stress, job burnout, anxiety, post-trauma stress disorder, depression, and even suicidal indications.

It is essential that police officers have access to counselling and psycho-sociological support services because they are vital for maintaining their wellbeing and enabling them to function optimally both professionally and at a personal level.

The Bill itself is a product of so many supporters. As I mentioned when I was moving the Second Reading, this amendment Bill is a product of the 12th Parliament. I was in the Departmental Committee on Administration and National Security for five years and I went around this country. I went to almost 27 out of our 47 counties. I appreciate the police officers we gave an opportunity to give us their version of life. I came up with this amendment Bill from my interaction with police officers all over the country, including those who were working in refugee camps.

Before I proceed, I appreciate the former Chairman of the Departmental Committee of Administration and National Security, the late Hon. Paul Koinange. He was very passionate about police officers. His efforts and support enabled me to pursue this line to help police officers.

I have heard the concerns and contributions of the many Members of Parliament. They have raised fundamental issues on the welfare of our police officers in Kenya. The challenges are not limited to housing, health, salary, living conditions and so many other things like mobility. I encourage Members to fast track this Bill because despite those challenges, one can navigate when in sound mental health. The problems police officers face become a disaster when mental and psychological issues add up.

Hon. Temporary Speaker, I want to take you through a very serious Report of a Health Taskforce of 2020. The contents of that Report indicate that one in every ten police officers have mental issues. That means you might not know when your bodyguard, your Officer Commanding Station (OCS), or the Officer Commanding Police Division (OCPD) has a mental issue. You may not know because, based on the Report, one in every ten police officers have a mental challenge. What is the remedy? The remedy is to fast-track this amendment to the National Police Service Commission Act to make it mandatory for the National Police Service Commission to institute or initiate psycho-support centres in every county.

The original version of my amendment was to establish a psycho-support centre in every divisional headquarters. Because of the financial constraints in this country, we

suggested that we start at the county level. The centres can be introduced in every divisional headquarter progressively. Eventually, if possible, at every police station.

The Report by the mental health taskforce of 2020 indicates presentation of various psychological trauma stress disorders. They represent various disorders and deviancies like assault at 14 per cent, murder at 30 per cent, suicide at 90 per cent and homicide at 17 per cent. Such a Report is worrying.

Therefore, I ask Members of the august House to be remembered for fast-tracking such important Bills to be enacted into law. We would have helped our men and women in uniform even if we have left this House.

I was so saddened when a very good police officer at Oruba Police Station, just a few metres from my home, committed suicide sometime last year because of a stressful life. We make many losses to the family when we lose one officer. The wife becomes a widow. The children become orphans. We use extra money to train and recruit other officers. We subject the families of the deceased officers to several issues after such deaths because benefits take ages to be paid. I know many police officers from my constituency who died a long time ago and the wife and children cannot access their benefits. This Bill needs enactment like yesterday to avoid such a situation.

I appreciate all stakeholders. When proceeding to the Third Reading of the Bill, I encourage Members to read the Report by the Departmental Committee on Administration and Internal Affairs that Hon. Gabriel Tongoyo leads. He really supported me. The entire Committee and all stakeholders in the meeting where I gave my views recommended that this Bill be enacted.

I appreciate the offices of the Clerk and the Speaker, the legal teams, all my colleagues, my friends and those who contributed in one way or another to ensure that this Bill reaches where it is today. I appreciate their support. I got calls from many police officers. I do not even know where they got my number from. But they are appreciating the contents of this Bill. Therefore, I request the House Business Committee to prioritise this Bill so that it can go to the next level. Before the end of the next budget cycle, we should have the Act so that NPSC is given the mandate to allocate money based on the law, not on the goodwill of those who are in office. I agree that we can enrich this Bill so that it benefits the targeted group.

Thank you, Hon. Temporary Speaker, and may God bless you. I acquired the ‘Doctor’ title and so, in future, when you are inviting me to most occasions, kindly add it. It is not something which can be taken for granted. Those who honoured me with the title will be very happy if it is included in my identification. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Dr Masara, end by saying: ‘I beg to reply.’

Hon. Peter Masara (Suna West, ODM): Thank you, Hon. Temporary Speaker. I beg to reply and request that we defer the putting of the question to the next Sitting of this House, pursuant to Standing Order 53(3). Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you and well said, Dr Masara.

Hon. Members, his request for deferment of the Question on this Bill at Second Reading is granted. The putting of the Question is deferred to the next time the Bill will be slotted in the Order Paper.

(Putting of the question deferred)

Next Order.

MOTION

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The Temporary Speaker (Hon. David Ochieng’): Hon. Gitonga Murugara, this is your chance for this.

ADOPTION OF THE JOINT REPORT ON THE REALISATION
OF TWO-THIRDS GENDER PRINCIPLE

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I beg to move the following Motion:

THAT, this House adopts the Joint Report of the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights on its consideration of the Report of the National Dialogue Committee (NADCO) and the Report of the Multi-Sectoral Working Group on the realisation of the two-thirds gender principle, laid on the Table of the House on Thursday, 16th January 2025.

The long-awaited NADCO Report is here with us and ready for debate. The country is awaiting its outcome to possibly take certain steps in a certain direction in the political arena. The NADCO itself succeeded in what was called the Bipartisan Committee which the National Assembly and the Senate established jointly, to try and resolve outstanding issues as of March and April 2023.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): On a point of order.

The Temporary Speaker (Hon. David Ochieng’): Hon. Otiende, I thought this is a Joint Report. What is your point of order?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Temporary Speaker, I need your direction. Ordinarily, I do not interrupt my Chairman, Hon. Murugara. I am a member of that Committee. I wrote a letter to the Speaker dated 27th February 2025, and I had hoped that he would have given some directions. If he did not give directions, then you may consider the matter. I would still be happy if you pronounce yourself on it and then we proceed.

I brought to the Speaker’s attention that the Report being considered is a Joint Report of the National Assembly and the Senate. On 9th October 2024, the Departmental Committee on Justice and Legal Affairs tabled a Report, which also considered the very same NADCO Report. I had sought the Speaker’s attention and direction on how we would treat the two Reports, and whether, indeed, it would be in order that, as we consider the current Report, we be allowed to look at the two Reports jointly.

The reason for that is that in the Report tabled last year, a number of members of the Committee dissented in a few instances. Hon. TJ Kajwang’, Hon. Dawood, Hon. Adan and myself dissented in very specific points. I thought it would benefit this House if, in the course of our contributions, we are allowed to refer to those points of dissent which are not in the current Report. Without derailing debate, I would be very happy if you pronounced yourself and allowed us to do that. It is not a dissent with the entire Report. It is a minority opinion in very specific areas that we had pointed out. That is the direction I wanted. I am happy to table that letter, if need be.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Hon. Otiende, was the other Report you are referring to tabled and debated in this House?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): It was tabled on 9th October 2024. I brought it to the attention of the Speaker so that we could get clarity as to what happened after it was tabled.

The Temporary Speaker (Hon. David Ochieng’): Has it been debated?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): To the best of my knowledge, it has not been debated.

The Temporary Speaker (Hon. David Ochieng’): My direction on this matter is that we shall proceed, and the next time this Report is scheduled for debate, we will give communication on the issue Hon. Otiende has raised.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker. I wish to confirm that the first Report by the Departmental Committee on Justice and Legal Affairs was tabled, but the House Business Committee had to shelve it in favour of the Joint Report, which is what is before the House for debate today. I have always agreed with Hon. Otiende Amollo that the dissents that were in that Report should be points of argument while debating this Report.

The National Assembly and the Senate established NADCO vide resolutions passed on 16th August 2023 and 29th August 2023, respectively, to, among other things, facilitate dialogue and consensus-building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya in line with the Constitution and the laws of the Republic of Kenya, while respecting the functional and institutional integrity of State organs. To this end, NADCO submitted its report to Parliament with proposals to amend the Constitution and various statutes. The National Assembly and the Senate adopted the NADCO Report on 22nd and 21st February 2024, respectively.

Following the adoption of the NADCO Report by the two Houses, the Speakers of the two Houses issued concurrent communications on 5th March 2024, in which they directed the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights to hold joint sittings to do three things:

1. To consider proposals to amend the Constitution and recommend to the Houses the manner of actualising recommendations of NADCO on amendment of the Constitution.
2. Consider any proposed amendments to statutes or enactments of new statutes that may be consequential to the proposed amendments to the Constitution.
3. Submit a report to the Houses recommending the manner of actualising the recommendations of the NADCO Report.

Hon. Temporary Speaker, the Speakers and the Leaders of the Majority and Minority Parties of both Houses deliberated on the modalities for implementing the recommendations of the Report and agreed as follows:

1. To refer the proposals to amend the Constitution to the Departmental Committee on Justice and Legal Affairs of the National Assembly and the Senate Standing Committee on Justice, Legal Affairs and Human Rights for consideration. The draft Constitution of Kenya Amendment Bill 2024 by NADCO is actually annexed to the Report and members are encouraged to obtain a copy so as to look at the proposed amendment Bill.
2. To introduce the following legislative proposals in the National Assembly:
 - (a) The Independent Electoral and Boundaries Commission Amendment Bill 2024;
 - (b) The Ethics and Anti-Corruption Commission Amendment Bill 2024;
 - (c) The Leader of Opposition Bill 2024; and,
 - (d) The National Government Coordination Amendment Bill 2024.
3. To introduce the following Legislative Proposals in the Senate:
 - (a) The Elections Offences Amendment Bill 2024;
 - (b) The Elections Amendment Bill 2024;
 - (c) The Statutory Instruments Amendment Bill 2024; and,

(d) The Political Parties Amendment Bill 2024.

Hon. Temporary Speaker, with the exception of the legislative proposal on the Leader of Opposition Bill 2024 and the National Government Coordination Amendment Bill 2024, all the other proposals have been published. Some have been passed and others are at an advanced stage of consideration by the two Houses. The two remaining Bills are yet to be published because they require a constitutional amendment. Therefore, until that amendment is effected, the other two proposed Bills cannot be considered.

Furthermore, while the framework for realisation of the two-thirds gender principle in Parliament was one of the issues that the National Dialogue Committee had been tasked to address, in its Report, it recommended that the Multi-Sectoral Working Group (MSWG) finalises its work and recommends to Parliament a framework for the implementation of the two-thirds gender principle. As it is very well known, the two-thirds gender rule is one of the thorny issues in this House. It has never been agreed on.

Subsequently, in Annexure 5 of the Joint Report, on the 27th of February 2024, the Speaker of the National Assembly notified the House that he was in receipt of the Report of the Multi-Sectoral Working Group on the realisation of the two-thirds gender principle, which is Annexure 6, recommending amendments to the Constitution, the Elections Act and Political Parties Act through the following proposals:

1. The proposed Constitution of Kenya Amendment Bill 2024;
2. The proposed Elections Amendment Bill 2024; and,
3. The proposed Political Parties Amendment Bill 2024.

On 14th March 2024, an addendum to the Report of the MSWG on the realisation of the two-thirds gender principle, which is Annexure 7 of the Joint Report, was submitted to Parliament. The Report contained a revised draft of the Constitution of Kenya Amendment Bill 2024, and that is Annexure 8. To this end, the Committee held joint sittings on 7th and 16th April 2024 to consider the NADCO Report. However, due to the conflicting schedules of the two Houses, the Committees were unable to finalise the consideration of the NADCO Report within the initial 45 days. Consequently, as the Chairperson of the Departmental Committee on Justice and Legal Affairs, I requested the Rt. Hon. Speaker of the National Assembly to extend time for consideration of the NADCO Report by another 45 days, and to authorise the National Assembly Departmental Committee on Justice and Legal Affairs to consider the Report independent of the Senate Committee. This request was granted and the National Assembly Committee held sittings on 19th and 24th September 2024, where they deliberated on the NADCO Report, and considered the proposed Constitution Amendment Bills by NADCO and by the MSWG, and tabled its Report in the House on the 9th of October 2024.

Similarly, the Senate Standing Committee on Justice, Legal Affairs and Human Rights considered the NADCO Report and the MSWG Report, but did not table its report to pave way for harmonisation of the recommendations of the two Committees on the implementation of the two reports.

Hon. Temporary Speaker, consequently, the two Committees reconvened on 2nd December 2024 to deliberate on and harmonise their recommendations on the actualisation of the proposals contained in the NADCO and the MSWG reports. Thereafter, the Committees adopted their Joint Report on 4th December 2024. In undertaking the assignment, the Committees took note of the Report of the Multi-Sectoral Working Group on the realisation of the two-thirds gender rule, observed that the Report of the draft Constitution of Kenya Amendment Bill proposed by the same group should be read and considered as part of the NADCO Report. That recommendation is actually in our Report. This was on the basis that the realisation of the two-thirds gender principle was one of the areas that NADCO was mandated to address. NADCO deferred the consideration of the matter to allow the MSWG to

comprehensively address the issue, including proposing appropriate amendments to the Constitution and to any relevant statutes that touch on the two-thirds gender principle.

Hon. Temporary Speaker, the two Committees covered all the aspects and gave their recommendation on the realisation of the NADCO Report. The Committees deliberated all the clauses contained in the proposed Bills proposing amendments to the Constitution, and made observations as contained in the Joint Report. Further, the Constitution of Kenya Amendment Bill 2024, proposed by the MSWG on implementation of the two-thirds gender principle, proposes to implement it by way of gender top-up through party lists. The Committees considered the draft Bill and made its observations as contained in Chapter 3 of the Joint Report, which we urge Members to obtain copies of and read so that they can enrich their debate on the matter.

Chapter 4 of the Joint Report provides the road mark for actualisation of the proposed amendments, including the legal framework or the process of amending the Constitution. Members will note that there are two ways of amending the Constitution in this country, which are the parliamentary initiative and the popular initiative, which is known as the referendum.

To conclude, Hon. Temporary Speaker, Chapter 5 of the Joint Report provides a number of recommendations. For instance, the Committee recommends that the draft Constitution of Kenya Amendment Bill 2024, proposed by the National Dialogue Committee, be revised by deleting proposals. These are the proposals we made as regards the draft Constitution of Kenya Amendment Bill 2024:

1. Requirement for state and the public officers to promptly obey court orders. The justification is that there are existing legislative provisions that adequately cater for this.
2. Delete the proposal on extension of the term of the Senate from five years to seven years which means reject the proposal. Sufficient justification was not made for the proposed amendment. Additionally, altering the term and date of elections of Members of the Senate requires a complete overhaul of the Constitution.

Thirdly, entrenchment of the office of the Leader of Opposition. This is another one we have, unfortunately, proposed to be deleted. The proposal undermines the presidential system of government in Kenya which we have in our Constitution. Further, Article 108 of the Constitution provides for party leaders in the National Assembly to include Leader of the Minority Party, who is essentially Leader of the Opposition in Parliament. The same provisions are replicated in the Senate Standing Orders. We have a problem with the office of the Leader of Opposition, while we have Leader of the Minority Party in the House.

Fourthly, deregistration by a political party is one of the ways which one would vacate the office of a Member of Parliament, County Governor or Member of the County Assembly. There is a proposal in the NADCO Report that one of the ways you can lose your seat is if your party deregisters you. We had issues with this. This is the justification. The proposal is an affront to democracy because political parties are not as democratic as envisaged by the framers of the Constitution. Considering that Members of Parliament are elected by people, the proposal gives the party leaders excessive powers prone to abuse. This would breed dictatorship and subvert the will of the people, as the right of recall should only be exercised by the people but not political parties. The current Political Parties Act and related legislation already regulate party discipline effectively. Article 103 of the Constitution allows Parliament to create laws promoting party fidelity and managing party membership changes. The Committee believes party discipline procedures should be based on facts and merit, but not law.

Fifthly, there is the provision for recognition and status of representatives in international legislative bodies which Kenya is a member. This proposal proposes that we

should now recognise the Members of the East African Legislative Assembly (EALA) we have in Kenya as legislators and be accorded everything, including privileges that go with the legislators or Members of Parliament. Unfortunately, we rejected this.

The Committee further recommended that the draft Constitution of Kenya (Amendment) Bill, 2023 by the Multi-Sectoral Working Group on implementation of the two-thirds gender principle be revised by deleting Clause 5 proposing to implement the gender top up within 30 days of coming into force of the proposed Act. The proposals by Multi-Sectoral Working Group were that 30 days after passage of the law, then the gender top up would be implemented. The justification for the refusal is that the proposal is too ambitious and cannot be implemented in the current Parliament. It will be neater to implement it during the next general election.

The Committee recommended that proposals to amend the Constitution as contained in the NADCO Report and Multi-Sectoral Working Group Report be reduced into three Bills as follows:

Firstly, a Bill to amend the Constitution to entrench the National Government Constituencies Development Fund (NG-CDF), the Parliamentary Oversight Fund and the National Government Affirmative Action Fund (NGAAF) respectively in the Constitution.

Hon. Members of Parliament, you will recall that we also have a draft Bill trying to entrench the three Funds in the Constitution. This is entrenching the three Funds in the Constitution separately from other proposed amendments.

Secondly, there is a Bill containing the other amendments that do not require to be subjected to a referendum, including the implementation of the two-thirds gender principle in Parliament. All these require parliamentary initiative where Members of Parliament, on attaining the two-thirds majority, will pass these Bills.

The third Bill contains amendments that need to be subjected to a referendum. This is pursuant to Articles 255 and 256(5) of the Constitution. The Committee has recommended a process for their enactment. Remember, this is what the Hon. Speaker mandated us to do.

One, that the Bills be redrafted in the manner proposed herein, printed and circulated to Members of Parliament and the public for their comments and consideration.

Two, that Parliament publicises and, through the Committees, facilitates public discussion on the Bills as contemplated under Article 256(2) of the Constitution.

Three, that the two Bills not requiring referendum be introduced in either House of Parliament. We have made new drafts which are attached to our Report. You can always get copies so as to familiarise yourself.

Therefore, having jointly considered the NADCO Report with the Senate Committee, we agreed on a common position - the actualisation of the NADCO recommendations as currently contained in the Joint Report.

So, the Joint Committee recommends to the House, the Joint Report of the National Assembly Departmental Committee on Justice and Legal Affairs and the Senate Standing Committee on Justice, Legal Affairs and Human Rights on the Consideration of the Report of the National Dialogue Committee (NADCO) and the Report of the Multi-Sectoral Working Group on the Realisation of the Two-Thirds Gender Principle, laid on the Table of the House...

The Temporary Speaker (Hon. David Ochieng'): Please, allow him to finish his sentence.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker. I am finishing.

Laid on the Table of the House on Thursday, 16th January 2025. There is a lot more that is contained in that Report. You can obtain a copy, read and then robustly participate in this debate.

With those very many remarks, I beg to move and request my very able Vice-Chairman, the Member for Kibwezi West, the only and well-known Hon. Eckomas Mwengi Mutuse, to second.

The Temporary Speaker (Hon. David Ochieng’): I wanted to give some direction. Hon. Otiende, has your issue been addressed?

(Hon. Wanjiku Muhia spoke off the record)

The Temporary Speaker (Hon. David Ochieng’): Hon. Wanjiku, I have heard you and noticed that you are here. Hon. Otiende, you addressed an issue which I think we need to dispense with so as to avoid confusion. Were you Co-chairs with Hon. Murugara in the first Committee?

Hon. George Murugara (Tharaka, UDA): Yes.

The Temporary Speaker (Hon. David Ochieng’): I assume your Report was supposed to inform this one.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, this is slightly different.

The Temporary Speaker (Hon. David Ochieng’): Yes.

Hon. George Murugara (Tharaka, UDA): The Report of the first Bipartisan Talks Committee which we co-chaired was substantive. Unfortunately, we never made progress. We reached a stalemate and eventually, we were disbanded. Then, NADCO was formed to take the matter afresh and bring a report which I have presented here. As I have stated, we meet with the Senate and could not reach a consensus. So, we requested for an extension of time; after which we were allowed to sit separately. That is why the Departmental Committee on Justice and Legal Affairs produced a Report of its own, which was tabled on 8th October 2024. The Senate Committee also considered the matter, but did not table their Report. So, the Leaders of the Majority and Minority Parties instructed the Departmental Committee on Justice and Legal Affairs to sit with the Senate Committee and harmonise the two Reports.

Currently, we are debating the harmonised Report. The Report by the Departmental Committee on Justice and Legal Affairs, which we tabled here, has not been acted on or debated. So, it died naturally. However, the points in the Report are important, especially for those who had dissenting opinions. This is because they can voice those opinions as they debate this particular Report.

The Temporary Speaker (Hon. David Ochieng’): For purposes of this debate, I will allow Members who are inclined to refer to the earlier Report to do so. As the Chairperson has said, the Report that you are debating today is a product of the latter Report. The Committee harmonised the two reports with the Senate, and this was based on what he had presented to Parliament. I quickly read the Report. The dissent, if we call it that, by Hon. Kajwang’ and others, is captured in the current Report that we are debating. I do not think there will be anything patently wrong, if any Member wishes to refer to the original NADCO Report.

Hon. Eckomas.

(Hon. Wanjiku Muhia spoke off the record)

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Temporary Speaker, for giving me an opportunity to second the Joint Report of the NADCO that has been ably moved by my Chairperson, Hon. Murugara.

(Hon. Wanjiku Muhia spoke off the record)

The Temporary Speaker (Hon. David Ochieng’): Hon. Muhia, insert your card in the intervention slot so that I can give you an opportunity to prosecute your point of order. Just get your card. There are staff members over there. You can send them to get your card so that you can insert in the intervention slot. I will give you a chance to air your point of order. This is the procedure of the House and you know this very well.

(Hon. Wanjiku Muhia spoke off the record)

Not quite. The rules apply to everybody speaking in the House and you know it. Those are our rules, Hon. Wanjiku.

(Hon. Wanjiku Muhia spoke off the record)

Order! You obviously do not have the microphone.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Hon. Temporary Speaker, if you allow me, I wish to continue seconding the Motion.

The Temporary Speaker (Hon. David Ochieng’): Hon. Muhia get your card, come back, and I will give you an opportunity to prosecute your point of order.

Go ahead, Hon. Mutuse.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Temporary Speaker, for giving me an opportunity to second the Motion that has been moved by my very able Chairperson and senior, Hon. George Gitonga Murugara. This is a Report of the Joint Committee of the Departmental Committee on Justice and Legal Affairs and its equivalent in the Senate on the NADCO.

The Chairperson has taken us through the historical background of where we came from up to where we are in terms of what transpired in NADCO. He started from the beginning where we had the bipartisan team that was jointly co-chaired by our Chairperson and Senior Counsel Otiende Amollo. I also participated in that team.

I want to be very brief and confirm the sentiments by Senior Counsel Otiende Amollo, that there was some laxity by our sister Committee in the Senate to attend meetings. Initially, as a Committee, this prompted us to consider the NADCO Report without the participation of the Senate Committee. That is what produced the Report that was tabled in the House in October.

I want to confirm that we agreed 98 per cent on the issues in that Report. Hon. Otiende Amollo alluded to three Members who had divergent opinions on a few issues. Therefore, in enhancing our right to hold divergent opinions and constitutional right of freedom of expression, I do not think there will be a problem if Members are allowed to refer to the original Report by the Departmental Committee on Justice and Legal Affairs.

Hon. Temporary Speaker, in this Report, we separated the constitutional amendments that require a referendum in order to be enacted from those that do not. Under Article 255 of the Constitution, there are different routes to constitutional amendments. One of them is the parliamentary initiative, where we do not require a referendum. The other is the popular initiative, where on particular clauses and articles of the Constitution, you require a referendum so as to amend.

One of the distinct amendments we have brought before this House and recommended that they be processed through a parliamentary initiative involves NG-CDF, NGAAF and the Senate Oversight Fund. This is because we do not want important issues that are of public interest to be lost. We separated them so that Kenyans can choose what they want and what they do not want.

As alluded, we found it difficult to know where to place the office of the leader of opposition. As we are aware, the political elite out there are clamouring - including us - for the creation of the office of the leader of opposition. Looking at it technically, there are three Arms of Government; the Executive, Legislature and Judiciary. We were unable to place the office of the leader of official opposition in any of the three arms of the Government.

If it is created as an office in the Executive, we asked ourselves: How will that person sit in the Legislature? If it is an office in the Legislature, how will that person enjoy the protocols of the Executive and trappings of power? We also found that it will be a little clumsy to have both the Leader of Minority and the Leader of Official Opposition sitting in the House. We recommended that, if possible, we get another route to create that amendment.

I notice time is not on my side. It is important for Kenyans to know that there was a proposal under NADCO to increase the term of the Senate from five to seven years. The Joint Committee said a big no! We do not want to increase the term of Senators or any holder of a public office beyond what is stated in the Constitution. Therefore, Kenyans should rest easy knowing that we are not going to increase the term of Senate and the National Assembly. It will remain five years.

The Temporary Speaker (Hon. David Ochieng’): Allow him to finish his sentence. My advice to the Clerk-at-the-Table is that it is good to allow a Member to finish the sentence before cutting them off on the time.

Hon. Mwengi Mutuse (Kibwezi West, MCCP): Thank you, Hon. Temporary Speaker, for your protection. As I conclude, we agreed that the recommendations on extension of term for the Senate be dropped. Also, no Bill should be presented before any House of Parliament, for extension of term.

Thank you, Hon. Temporary Speaker. With those remarks, I beg to second. I urge Members to read the Report, contribute and do justice to the people of Kenya.

(Question proposed)

The Temporary Speaker (Hon. David Ochieng’): Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to speak on the NADCO Report and its recommendations. I note with a lot of gratitude that majority of the proposed amendments have been rejected.

The first time I went through this Report, I learned with horror that there was a proposal to increase the number of Members of Parliament through further direct nominations to meet the two-thirds gender parity. I firmly believe that we are a Parliament of 290 elected leaders, 47 special seats by affirmative action and 12 nominees. A third of 290 is 97, if you do your maths. I propose the 12 nominees be reserved for women. We can only add another 12 nominees if the 47 affirmative action seats are taken away. This is because you cannot do affirmative action on seats that are already affirmative. The shortfall is between 28 and 29.

This being the case, we can make a requirement since all political parties get direct public funding. I would have recommended that a party must meet the two-thirds gender rule to qualify for public funding, if I were in that group. Parties have safe seats they can reserve for women in their strongholds. We should not add seats through party lists. Even the concept of “party list” itself is an oxymoron in our constitutional system. These lists are used where parties are elected and not individuals.

In South Africa, the African National Congress (ANC) goes to an election to be voted. No individual is voted for. We have direct election of Members of Parliament in Kenya. In South Africa, they have a party list of those who will become party Members of Parliament, if

a party wins a certain percentage of the votes. We do not need a party list in Kenya. It is a constitutional oxymoron. I am very happy that this has been rejected.

My proposal is that we do not need to work heads too much about the two-thirds gender rule. The solution is already in the Constitution.

The Temporary Speaker (Hon. David Ochieng’): Hon. Caroli, what has been rejected?

Hon. Caroli Omondi (Suba South, ODM): I am reading the observations of the Committee. They said clearly that these amendments cannot be implemented.

The Temporary Speaker (Hon. David Ochieng’): From what I read in the Report, they said they support. They are only deferring the implementation.

Hon. Caroli Omondi (Suba South, ODM): Read the observations of the Committee. It has rejected. The proposal was overly ambitious. It would pose significant implementation challenges during the current term of Parliament.

The Temporary Speaker (Hon. David Ochieng’): Order. It is good to debate so that Kenyans are informed. Hon. Murugara, you can give us the page in the Report where the Committee accepted that proposal. The only thing they call overly ambitious is the proposal to implement it in this term of Parliament. The Committee accepted the proposal on party lists.

Hon. Caroli Omondi (Suba South, ODM): They are saying: “It was the Committee’s view that it would be neater to implement the proposal at the term of the current Parliament”. Whatever it is, the bottom line is that it is not workable. We already have a solution in the current Constitution.

All we need are about 87 fine ladies elected into this Parliament. Already, forty-seven have special seats and 12 should be reserved for women, whether those with disability, workers or representatives. As a condition of receiving political party funding, parties should be made accountable in that they must have enough women. I am happy with whatever has been recommended.

The Temporary Speaker (Hon. David Ochieng’): Hon. Caroli, I will give you more time on this. I want you to read paragraph 88 in page 17.

Hon. Caroli Omondi (Suba South, ODM): It says: “The Bill proposes to amend Articles 97 and 98 of the Constitution. New clauses are inserted to provide that where after the general election the two-thirds principle is not met in the National Assembly and the Senate...” This is where they will fill them through party lists, which is an oxymoron.

Hon. Temporary Speaker, as a lawyer, you know there is no concept of “party lists” in our constitutional order.

The Temporary Speaker (Hon. David Ochieng’): Hon. Caroli, I am holding you to this because you are reading the Report of the Committee selectively. If you read paragraphs 88 and 89, it states that they agree with the Report and the two-thirds gender rule should be implemented through party lists. What they are saying is overly ambitious. In paragraph 92, there is a proposal to implement it in this term. So, if we go by the Report, we will still have party lists that will provide a top-up. That is what they are saying.

Hon. Caroli Omondi (Suba South, ODM): Thank you, Hon. Temporary Speaker. So that I make progress on the other clauses, I will leave it here. It will suffer the same fate as the Building Bridges Initiative (BBI).

The Temporary Speaker (Hon. David Ochieng’): Correct. Allow him three more minutes.

Hon. Caroli Omondi (Suba South, ODM): Yes. It will suffer the same fate as the BBI. Secondly, I am very happy that this Report clearly rejects the proposal to have the leader of official opposition. Our constitutional architecture does not contemplate a position called “the leader of opposition.” If any leader of a political party wishes to lead his party in Parliament, there is a pathway that is provided by the Constitution. They should nominate themselves on

the nomination roll and then come to this House and be the minority leader. There is no way the leader of the official opposition can exist in our constitutional order. So, again, we were taking people for a ride. I am happy that it is out.

On Political Parties Bill, I am very happy that this Report recommends that political parties cannot take away your election as they have tried in the past with some of us. In Kenya, Members are elected directly by the people, not by parties. Parties are not elected in elections in Kenya. Once you are elected, even if you disagree with your party, it cannot remove you from this House. That is the law.

Let me put it very clearly. What we need to do is to create “a cross-bench” in this House. Today, if you go to the House of Commons, the former leader of the Labour Party – the one who ran for elections and lost – is no longer in the Labour Party. He ran as an independent candidate. There should be a cross-bench out there for those who have disagreed with their parties on issues and do not wish to caucus with them. There should be a cross-bench where they will be free to sit. That is a practise in the Commonwealth.

A political party cannot overturn the will of the people after you have been elected. That is the law. They should have gone further to review Section 7(2)(a) and Section 7(2)(3) of the Political Parties Act, where dominant political parties are putting barriers for the establishment of parties that can compete with them.

We will discuss the Political Parties Amendment Bill which is in the NADCO Report, but with illegalities. There is no requirement that my party should have 1,000 members in 25 sub-counties or if I have a party, I should be registered in those sub-counties. For example, if I want to form an Omena party for Omena fishermen, I should be allowed. A political party should be registered in not more than 72 hours. That is a practise in the Commonwealth. What we see are games where dominant political parties are trying to create entry barriers to new competition in the political space. This is an illegality and there are many others. I read the NADCO Report...

I can see that my time is running out and I may not exhaust everything. I am very happy that this Report will meet the same fate as BBI. This is because there are a lot of illegalities.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Well said. Thank you. Hon. Otiende Amollo.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Temporary Speaker. I want to assure this House that this Report was discussed in an atmosphere of collegiality. Indeed, there are no fundamental disagreements within the Committee, not even with our counterparts from the Senate, at least, from the meetings we attended. It is only three things that we must bear in mind. One, this NADCO Report was a ceasefire document. Like any ceasefire document, it must be treated with positivity and purposiveness. Wherever it appears not to achieve what was intended, it is our collective business to ensure that it does.

Two, it was fast-tracked for obvious reasons. Hon. Murugara and I were in the first NADCO. For reasons we do not have to discuss now, the first one died a natural death. We moved to NADCO 2, and now we are here. The generality of the Report is to support the NADCO Report. However, as with everything that is fast-tracked, there are some ideas that are incomplete. The Committee endeavoured to complete their purpose. In some instances, we were given options, as with the two-thirds gender rule. The Report suggested...

(Hon. Sabina Chege crossed the Floor without bowing)

The Temporary Speaker (Hon. David Ochieng’): Hon. Sabina Chege must do the right thing in the House.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): She is criss-crossing the Floor.

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The Temporary Speaker (Hon. David Ochieng') No! You cannot do that. This is your third term in Parliament. Do the right thing.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): It is called compounding an impropriety.

The Temporary Speaker (Hon. David Ochieng'): Go on, Hon. Otiende.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): I was explaining that the Report gives us two options for the two-thirds gender principle. We could go for top-up, create special seats or do what Hon. Caroli was suggesting. The Committee settled for the top-up option. I will talk about it.

Thirdly, the Committee had an eye on legality throughout. Whatever proposal is made must be consistent with the law. I am happy to associate myself with the Report of the Committee. My only divergence is in three points.

The first point is on the proposed amendment to Article 103 of the Constitution on vacation of office by a Member of Parliament, and the same would go for a governor or member of a county assembly. One would vacate office by resigning or being deregistered from a political party in circumstances that would then be indicated.

The point here is that our Constitution has provision for deeming someone who has left a political party. That provision has never been implemented in the 14 years that we have had the Constitution. Why? This is because it requires the Speaker to do something else. The Speaker must trigger its implementation by saying that a Member is deemed to have resigned from a political party. As long as you do not present a letter, the Speaker will not deem you to have left a political party. This has brought a very untidy situation. The position should be that, when I am elected as a Member of Parliament...

Hon. Temporary Speaker, you are elected as a Member of Parliament for Ugenya Constituency on a Movement for Democracy and Growth (MDG) ticket. There are people who elected you because of who you are and those who elected you because of the party. If you decide that the party is no longer important enough, then you should face your electorate. That is what the proposal sought to achieve, but the Committee rejected it. I am persuaded, and on this, I was with Hon. T.J. Kajwang', that, that provision should not be thrown out as the Committee has proposed. It should be included, so that we have political hygiene. People should not just criss-cross parties all over and think nothing of it.

Hon. Temporary Speaker, you will add me a little more time because I have points of divergence. I am going beyond the Report and I want to speak on three things only.

The Temporary Speaker (Hon. David Ochieng'): Use what you have first.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): The second point is in relation to the question of Prime Minister. We pointed out that the report uses the name 'Prime Minister', but everywhere else the name is Cabinet Secretary. We thought there should be some consistency. One, some of us thought that we should go further and not shy away from recommending a parliamentary system, if that is what we want. We should stop having a presidential system by just changing names. More importantly, I also pointed out that this is a proposal that would require a referendum. So, we must be honest about it.

Thirdly, the two-thirds gender principle is very delicate. This is because it is a question of achieving full representation against the cost of representation. It is not an easy balance. All I pointed out are two things. As we do this, we must take the courage to go back to the people in a referendum. Looking at Articles 10(2)(a) and 255 of the Constitution, I am persuaded that this is also a referendum question.

When you increase the number of Members of Parliament beyond a certain level, you are not just affecting the functions of Parliament, but also its functionality. So, as we take the other fundamental question to a referendum, we must be prepared to take this question as well, so that Kenyans can help us to resolve the very delicate issue of cost versus representation. It

is only on those three issues that I had divergence with the Committee. On all the other issues, I agree. So, I support the Report of the Joint Committee.

Thank you, Hon. Temporary Speaker.

(Hon. Wanjiku Muhia spoke off the record)

The Temporary Speaker (Hon. David Ochieng’): Hon. Wanjiku Muhia, what is your point of order?

QUORUM

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Temporary Speaker, the debate in the House is a weighty one because it speaks to the complexity of politics in this country. In that regard, pursuant to Standing Order 35, the House has no Quorum.

(A Member spoke off the record)

The Temporary Speaker (Hon. David Ochieng’): Order! Allow the Member to finish.

Hon. Wanjiku Muhia (Kipipiri, UDA): Hon. Temporary Speaker, the House should catch your eyes so that you see there is no Quorum. This debate needs to proceed when the House is properly constituted.

The Temporary Speaker (Hon. David Ochieng’): Of course, we shall have Quorum. Therefore, I order that the Quorum Bell be rung for the next five minutes.

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

Okay. The Quorum Bell shall be rung for ten minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Members! I order that the Quorum Bell be stopped.

ADJOURNMENT

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, the time being 6.36 p.m., this House stands adjourned until tomorrow, Wednesday, 5th March 2025 at 9.30 a.m.

The House rose at 6.36 p.m.

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