



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. IV NO. 58

THE HANSARD

Thursday, 26th June 2025

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, you may ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

You may stop the Quorum Bell. Hon. Members, we may proceed. Call the first Order.

PAPERS

Hon. Sir. George, you can lay the Papers on behalf of the Leader of the Majority Party.

Hon. George Murugara (Tharaka, UDA): Hon. Deputy Speaker, on behalf of the Leader of the Majority Party, I beg to lay the following papers on the Table:

1. Report of the Auditor-General and Financial Statements of Kerio Valley Technical and Vocational College for the year ended 30th June 2021 and the certificate therein.
2. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2022 and the certificates therein in respect of:
 - (a) Laikipia North Technical and Vocational College; and
 - (b) Kerio Valley Technical and Vocational College.
3. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2023 and the certificates therein in respect of:
 - (a) Navakholo Technical and Vocational College;
 - (b) Kerio Valley Technical and Vocational College;
 - (c) Mumias West Technical and Vocational College;
 - (d) Laikipia North Technical and Vocational College;
 - (e) North Horr Technical and Vocational College;
 - (f) Laisamis Technical Training Institute; and
 - (g) Webuye West Technical and Vocational College.
4. Reports of the Auditor-General and Financial Statements of Cherang'any Technical and Vocational College for the years ended 30th June 2022, 30th June 2023 and 30th June 2024 and the certificates therein.
5. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2023 and 30th June 2024 and the certificates therein in respect of:
 - (a) Kaloleni Technical and Vocational College;
 - (b) Tana River Technical and Vocational College; and
 - (c) Kitelakapel Technical Training Institute.

Thank you, Hon. Deputy Speaker.
Hon. Deputy Speaker: Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Hon. Deputy Speaker: Hon. Joseph Gachoki, Member of Parliament for Kirinyaga Central, do you have a Statement, or are you seeking a response from the Departmental Committee on Trade, Industry and Cooperatives? Is the Chairperson not present? Hon. Kitany, your Chairperson was expected to give a response to a Statement.

Hon. Marianne Kitany (Aldai, UDA): Hon. Deputy Speaker, we are not ready with the Statement. We shall provide it in the next sitting.

Hon. Deputy Speaker: Very well. There is also a Request for Statement by Hon. Majimbo Kalasinga, Member for Kabuchai. Who is responding to it? All of them fall under the Departmental Committee on Trade, Industry and Cooperatives.

(Hon. Bernard Shinali spoke off the record)

Very well, you may proceed. Are you ready with the first one on the management of Shirikisho la Wanawake Savings and Credit Cooperative Society?

Hon. Bernard Shinali (Ikolomani, ODM): Yes, I am.

MANAGEMENT OF SHIRIKISHO LA WANAWAKE SACCO

Hon. Deputy Speaker: Hon. Joseph Gachoki is not present, so we shall skip his.

(Statement deferred)

Hon. Deputy Speaker: Is Hon. Majimbo Kalasinga present?

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Yes, I am present, Hon. Deputy Speaker.

Hon. Deputy Speaker: Very well. Hon. Shinali, you may proceed with the second one. We shall skip the one for Hon. Gachoki.

THEFT OF NAKOYONJO SACCO'S MONEY

Hon. Bernard Shinali (Ikolomani, ODM): Thank you, Hon. Deputy Speaker, for this opportunity to respond to a request for a Statement by Hon. Majimbo Kalasinga, Member of Parliament for Kabuchai Constituency.

Nakayonjo Farmers' Cooperative Society Limited is a Coffee Marketing Cooperative Society and not a Savings and Credit Cooperative Society (SACCO). Nakayonjo FSC Limited was registered in 1958 and is situated in Mukuyuni Ward, Kabuchai Sub-County of Bungoma County. The cooperative has about 3,382 active members. Average production for the cooperative is 800,000 kilograms of coffee.

On the theft of Ksh25.5 million, on 1st March, 2022, Nakayonjo Farmers' Cooperative Society Limited withdrew Ksh25,500,000 from the Cooperative Bank, Bungoma branch. The

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money was meant for the second payment of 2,892 coffee farmers for their 1,000,857 kilograms: Ksh24,021,425 for coffee and Ksh478,575 for salaries and wages. The money was transported to the Bungoma Union's Ushirika Bank Kimilili Branch, accompanied by two policemen and cooperative officials.

On arrival at the Ushirika branch, robbers attacked them and stole the money, injuring the two policemen. It is noted that by then, the Farmers' Cooperative had no digital payment system. It is also noted that the cooperative did not have a Cash-On-Transit Insurance Cover. The matter was taken over by investigative agencies, who have not released their report to date.

On specific questions by Hon. Majimbo Kalasinga, Member of Parliament for Kabuchai Constituency, the Member wanted a report on the guidelines on large withdrawals and financial security measures for SACCOs and the reasons why the management of Nakoyonjo SACCO society withdrew Ksh25,000,000 in cash at once instead of using electronic funds transfer or withdrawing the money in cash in small amounts for security reasons.

The general policy on cash handling applies to all cooperatives in Kenya. These include cash-on-transit insurance covers, armed escort, availability of storage rooms, handling of storage room, password and keys, handling of system passwords, theft by staff covers, physical security where money will be stored as it's being dispensed, CCTV cameras, panic alarms, amongst others. The amount of money transported from the bank to the cooperative premises would normally be dictated by the limit given by the insurance cover.

In this case, no insurance cover was in place and, therefore, officials were negligent in the way they handled this matter. The Hon. Member also wanted to know the circumstances surrounding the theft of Ksh25 million at the entrance of Ushirika Bank, the status of investigations into the incident, and steps being taken to recover the stolen funds.

The circumstances surrounding the theft of Ksh25.5 million will be established once the Directorate of Criminal Investigations releases its report. Third, the Hon. Member wants clarification on whether cooperative societies are required to have insurance cover against theft, fraud, and other financial risks. Also, whether Nakoyonjo SACCO society was insured and that the stolen funds be indemnified.

Cooperative Societies officials are required to put in place all preventive measures to mitigate the loss of members' funds and other properties. These include various classes of insurance, physical security in terms of watchmen, CCTV cameras, strong rooms, cash boxes, panic alarms, amongst others. It has been established that Nakoyonjo did not have such an insurance cover, which was negligent on the part of the cooperative officials. The lack of insurance cover exposes the farmers to total loss of their money.

Thank you.

Hon. Deputy Speaker: Do you have another request for Statement to respond to?

IMPORTATION OF RICE INTO THE COUNTRY

Hon. Bernard Shinali (Ikolomani, ODM): Yes, Hon. Deputy Speaker.

Hon. Deputy Speaker: Is Hon. Mary Maingi present? She is not present. Therefore, we will skip that one.

(Statement deferred)

We can move to the next Order.

(Hon. Majimbo Kalasinga spoke off the record)

Hon. Deputy Speaker: Yes. Do you want to respond? Okay.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you, Hon. Deputy Speaker.

I have diligently listened to the Chairman giving us a report of Ksh25 million stolen from the poor farmers of Nakoyonjo Coffee Factory. The Statement is totally unsatisfactory because the Ksh25 million was not stolen from farmers of Nakoyonjo. Ushirika Bank withdrew that money without the police. They are lying. They carried the money from Bungoma Co-operative Bank to their Kimilili Ushirika Bank office. It is not the farmers who did that.

On reaching their office and as they put the money on the floor, robbers came in and took the money. That is the case. Robbers injured no one when they carried the money from the floor. It is not worthy to use two officers as security for that huge amount of money, Ksh25 million! They were not using any other vehicle but a private one.

Finally, I plead with you because the Statement states that the DCI has not given a report up to now. We had 307 days left for that year since 1st March 2022. There were 365 days of 2023 and 366 days for 2024. This year has given 165 days. That is a total of 1,203 days and there is no response from the DCI. I humbly ask you to use your discretion in this House to ask the DCI to release a report on the investigation. They are quiet. It bleeds.

One John Khuveyi, a poor farmer of Member No. 1005, lost 620 kilogrammes. Jackson Naibe, a peasant farmer of Member No. 350, lost 870 kilogrammes. Evelyn Nasimiyu of Member No. 2244 lost 825 kilograms. These are poor farmers who are at the bottom of the pyramid. The Chairman has answered very unsatisfactorily.

Finally, the last page states that Nakoyonjo had some negligence. Nakoyonjo is a coffee factory. Nakoyonjo did not have custody of the money. They did not need to have CCTV in Nakoyonjo Factory to work in Kimilili. I do not agree with this Statement. This thing is nonsense. They must go back and bring us the right report for the people of Nakoyonjo.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Chairperson, you might have to summon the DCI to your Committee.

Hon. Bernard Shinali (Ikolomani, ODM): First, I do not know whether it is parliamentary to say the report is nonsense. Two, I agree with the Member that the report from the DCI has been delayed so much. It should have been given a long time ago. It is unfair to the farmers. I indulge you to direct the DCI to appear before the Committee. I would like the Member to come when the DCI appear so that we interrogate the DCI on why their report has taken too long.

Hon. Deputy Speaker: Yes, that is why I have directed that your Committee should summon the DCI.

Hon. Martin Owino (Ndhiwa, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Yes, Hon. Owino.

Hon. Adan Keynan (Eldas, JP): Hon. Deputy Speaker, this is a House of traditions.

Hon. Martin Owino (Ndhiwa, ODM): Point of order, Hon. Deputy Speaker. I was hijacked. I think the chance was mine, Hon. Keynan.

Hon. Deputy Speaker: Hon. Keynan, I was giving an opportunity to Hon. Owino. I had not given you the Floor.

Hon. Martin Owino (Ndhiwa, ODM): Thank you. How could you not let me go ahead? Mine is short, Hon. Deputy Speaker.

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I am just wondering because I represent farmers just like my friend, Hon. Kalasinga. Is it fair to the process when a Statement is required from a Chair and he or she reads it as given to him or her? Two, farmers go through many issues and many difficult times. Is it in order to wait for reports when it is time to pay them? They do not need reports. They have kids to go to school. Life is very difficult to them. What they needed was money. It is not proper being told that the bank did not have insurance considering the circumstances that Hon. Kalasinga is seeking a report of investigation by the DCI.

As a House, really, how do we entertain such kind of answers? It is now two years. Sometimes we have to look at the process through which we are pushing things. I do not think Chairpersons reporting directly from ministries satisfy the House. Maybe we need to turn these to Questions, then we deal with them on site.

Thank you.

Hon. Deputy Speaker: Okay, Hon. Kalasinga. You could also start legal action for recovery against the bank under a civil suit. All right. Let us proceed. Next Order.

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

Hon. Deputy Speaker: We know we have already finished that topic.

((Hon. Adan Keynan spoke off the record))

Hon. Deputy Speaker: Okay, I will hear your point of order. What is it?

Hon. Adan Keynan (Eldas, JP): I also sought a number of Statements. I can see the Chairman of the Departmental Committee on Blue Economy, Water and Irrigation here. I sought a Statement about two months ago. I do not see it listed here. I also sought a Statement from the Chairman of the Departmental Committee on Transport and Infrastructure. I am yet to see a response.

This is a House of records. You have heard Hon. Kalasinga use the word “nonsense”. He is my good friend. He can recount or withdraw for the sake of the records of this House. As much as he does not agree with the Statement, the word “nonsense” is unparliamentary.

Hon. Deputy Speaker: Yes, Hon. Kalasinga.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): According to the Michael West Dictionary or the current version of the English Dictionary, something that does not make sense is nonsense or no sense. I am not willing to apologise because this report does not make sense to the people of Nakoyonjo.

Hon. Deputy Speaker: Okay. Let us close that debate. Let us move to the next Order.

((Hon. Kagongo Bowen spoke off the record))

Hon. Deputy Speaker: Yes, Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation. Do you want to respond to Hon. Keynan?

Hon. Kagongo Bowen (Marakwet East, UDA): Yes.

Hon. Deputy Speaker: Okay.

Hon. Bowen Kangogo (Marakwet East, UDA): Hon. Deputy Speaker, I followed the question by Hon. Keynan last week. There is an ongoing water conference in Mombasa and I spoke with the Cabinet Secretary for Mining, the Blue Economy and Maritime Affairs, who is also attending the conference. I promise the Member that next week, if will not have broken for recess, I will bring an answer.

Hon. Deputy Speaker: You know, Hon. Kangogo, even if the Cabinet Secretary is at a conference, he is not the one who does the reports. He has technical officers in his office who can do that. So, that cannot be an excuse.

Let us proceed. We go to Order No. 8.

MOTION

APPROVAL OF NOMINEES FOR APPOINTMENT TO NG-CDF CONSTITUENCIES COMMITTEES

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of section 43(4) of the National Government Constituencies Development Fund Act, (Cap. 414A) and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, this House approves the list of nominees for appointment to the following ten constituencies committees of the National Government Constituencies Development Fund, laid on the Table of the House on 24th June 2025.

1. BALAMBALA CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|-------------------------|---|--|
| 1. | Bishar Abdi Hussein | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 2. | Abdi Shale Bulle | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 3. | Abdiaziz Mohamud Maalim | Male Youth Representative | Appointment, pursuant to Sec. 43(2)(b) |
| 4. | Sahara Diis Ahmed | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 5. | Habiba Mohamed Daud | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 6. | Ubah Hassan Yunis | Female Youth Representative | Appointment, pursuant to Sec.43(2)(c) |
| 7. | Ismail Said Maalim | Representative of Persons with Disabilities | Appointment, pursuant to Sec. 43(2)(d) |

2. BOMET CENTRAL CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|-------------------------|---------------------------|---------------------------------------|
| 1. | Weldon Kipkorir Ngetich | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |

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3. ISIOLO NORTH CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|------------------------|---------------------------|---------------------------------------|
| 1. | Joseph Ngichili Alobei | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |

4. KISUMU EAST CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|-----------------------|---------------------------|---------------------------------------|
| 1. | George Onyango Ondere | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |

5. LAISAMIS CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|----------------------------|---|--|
| 1. | William Ebukut | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 2. | Charles Lesupuko Lekaldero | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 3. | Rehoboam Ltapanwa Lepato | Male Youth Representative | Appointment, pursuant to Sec. 43(2)(b) |
| 4. | Fatuma Farhia Jumaali | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 5. | Mpirawon Raphaela Neepe | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 6. | Stella Galaho Obeile | Female Youth Representative | Appointment, pursuant to Sec.43(2)(c) |
| 7. | Maria Gumato Kochale | Representative of Persons with Disabilities | Appointment, pursuant to Sec. 43(2)(d) |

6. MAKUENI CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|-----------------------|---------------------------|--|
| 1. | Daniel Kavoi Mulelu | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 2. | Wilson Kamau Kaviti | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 3. | Nathan Mutuku Mwololo | Male Youth Representative | Appointment, pursuant to Sec. 43(2)(b) |

| | | | |
|----|-------------------------|---|--|
| 4. | Faith Kanini Mulwa | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 5. | Purity Nthenya Muthama | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 6. | Esther Kamanthe Musuke | Female Youth Representative | Appointment, pursuant to Sec.43(2)(c) |
| 7. | Alphonse Mwendwa Wambua | Representative of Persons with Disabilities | Appointment, pursuant to Sec. 43(2)(d) |

7. MATHARE CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|--------------------------|---|--|
| 1. | Viterlis Oyile Opicha | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 2. | Peter Njoroge Kamau | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 3. | Martin Shikuku Peter | Male Youth Representative | Appointment, pursuant to Sec. 43(2)(b) |
| 4. | Magdaline Kalondu Masila | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 5. | Mwanaisha Adhiambo Joel | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 6. | Nancy Anyango Osiche | Female Youth Representative | Appointment, pursuant to Sec.43(2)(c) |
| 7. | Diramu Wario Wako | Representative of Persons with Disabilities | Appointment, pursuant to Sec. 43(2)(d) |

8. SABATIA CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|------------------------|-----------------------------|--|
| 1. | Wycliffe Muzozo Volemi | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 2. | Peter Isabwa | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 3. | Wycliffe Mukarani | Male Youth Representative | Appointment, pursuant to Sec. 43(2)(b) |
| 4. | Lilian Muhonja Siva | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 5. | Serah Muhalia Litu | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |

| | | | |
|----|------------------------|---|--|
| 6. | Noel Kelonye | Female Youth Representative | Appointment, pursuant to Sec.43(2)(c) |
| 7. | Dorine Kadenyi Ing'ale | Representative of Persons with Disabilities | Appointment, pursuant to Sec. 43(2)(d) |

9. SAKU CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|------------------------|---|--|
| 1. | Guyo Huka Roba | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 2. | Boru Adhi Jattani | Male Adult Representative | Appointment, pursuant to Sec.43(2)(b) |
| 3. | Guyo Bonaya Dida | Male Youth Representative | Appointment, pursuant to Sec. 43(2)(b) |
| 4. | Marian Lengalen | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 5. | Arbe Galgallo Dokata | Female Adult Representative | Appointment, pursuant to Sec.43(2)(c) |
| 6. | Eve Bahati Jaro | Female Youth Representative | Appointment, pursuant to Sec.43(2)(c) |
| 7. | Julius Kinoti M'Ringer | Representative of Persons with Disabilities | Appointment, pursuant to Sec. 43(2)(d) |

10. BOMACHOGE CHACHE CONSTITUENCY

| No. | Name | Category | Statutory provision under NG-CDF Act |
|-----|------------------------|---|--|
| 1. | Timothy Akama Onyinkwa | Representative of Persons with Disabilities | Appointment, pursuant to Sec. 43(2)(d) |

By considering these 10 constituencies, we now have a total of 288 constituencies whose committees have been presented and approved by the House. Members of 231 constituencies committees have been gazetted by the Attorney-General. I urge Members for Kuria West and Isiolo South to bring their names so that we complete the list of all constituencies' committees. This is a very important part of the NG-CDF Act. The committees cannot act without being gazetted. I beg to move and ask Hon. Kassim Tandaza to second.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Deputy Speaker. As said by our chairman, the committees run the NG-CDF kitty contrary to what most people believe that Members of Parliament run it. This is as per the Act and Regulations. It is important that the committees are in place, given that mandate of the previous committees expired.

There have been interesting situations in some constituencies where outgoing committee members who realise their terms will not be renewed start sabotaging NG-CDF activities such as issuance of bursaries and projects. Some even tend to do illegal withdrawals and transactions. For that reason, it is important that we have these committees in place. I therefore second.

Thank you, Hon. Deputy Speaker.

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Hon. Deputy Speaker: What is your point of order?

Hon. Nolfason Barongo (Bomachoge Borabu, ODM): Thank you, Hon. Deputy Speaker. I am seeking a clarification from the Chairperson about which Bomachoge he was referring to. He just said Bomachoge.

Hon. Musa Sirma (Eldama Ravine, UDA): Bomachoge Chache Constituency.

(Question proposed)

Hon. Members: Put the question.

(Question put and agreed to)

Next Order.

BILL

Second Reading

THE VIRTUAL ASSET SERVICE PROVIDERS BILL
(National Assembly Bill No. 15 of 2025)

(Moved by Hon. Kuria Kimani on 24.6.2025)

(Resumption of debate interrupted on 24.6.2025)

Hon. Deputy Speaker: Hon. Jematiah Sergon was on the Floor. She still had five minutes. Is she here?

(Hon. (Dr) Robert Pukose spoke off the record)

Hon. Pukose, you are getting into the habit of interrupting when I am conducting the business of the House from the Chair. You have been doing that and you did it yesterday. Be quiet unless I give you the Floor.

Any Members who want to contribute to this can press the intervention button. Hon. Sir George Murugara, do you want to contribute?

(Hon. George Murugara spoke off the record)

Okay. I see no request on intervention, so I will allow the mover to reply. Hon. Murugara, you may reply on behalf of the Leader of the Majority Party.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. I wish to thank every Member who made a contribution to this Bill on virtual asset service providers. We all know what virtual assets are in modern-day economy. The debate was lively. We have made it clear how one can become a virtual asset service provider. This law will be very helpful on matters of virtual assets in the country. Like the rest of the world, Kenya must move forward and recognise the fact that there is a lot to be done with respect to virtual assets.

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With those remarks, I beg to reply.

(Question put and agreed to)

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

Hon. Deputy Speaker: The Chairperson of the Departmental Committee on Finance and National Planning is not here. I think we will skip that. The Chairperson is not here unless he has designated someone else to move on his behalf. We shall defer it.

(Motion deferred)

Next Order.

BILL

Second Reading

THE CONSTITUTION OF KENYA (AMENDMENT) BILL (National Assembly Bill No. 4 of 2025)

Hon. Deputy Speaker: Who is the Mover of the Bill? Hon. (Dr) Otiende, proceed.

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

I wish to move the Bill as per the Order Paper. First of all, this Bill has seen contributions for the last four months. As per our Standing Orders, a Bill to amend the Constitution cannot...

Hon. Deputy Speaker: Hon. (Dr) Otiende Amollo, could you just move it first as it is on the Order Paper?

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

I do not have the Order Paper. Could I get a copy?

Hon. Deputy Speaker: Give him the Order Paper.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Deputy Speaker, I beg to move that the Constitution of Kenya (Amendment) Bill (National Assembly Bill No.4 of 2025) be read a Second Time.

As Members know, this Bill has been with us for the last four months. It has undergone immense public participation and contributions from Members because of its importance. It is our hope, and my hope as the Mover, that this will constitute the first amendment to the Constitution in the last 15 years.

In terms of public participation, as I mentioned in this House, this Bill has seen the highest level of public engagement of any Bill or amendment in the last 15 years. A total of 224,000 persons contributed to it. It received the highest level of support at 98.5 per cent.

We realised that even the 1.5 per cent who did not support it, did so out of ignorance. They thought the question was whether NG-CDF should be abolished and responded “no,” believing they were supporting it, when in fact, that counted as opposition. Nonetheless, 98.5 per cent supported it. Indeed, if it were to go to a referendum, we are persuaded that this Bill would receive overwhelming support. However, we have not found it necessary to subject it to a referendum

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because, under Article 255, it is not required, and the cost of a referendum would be unnecessary in this case.

This Bill seeks to constitutionalise the issue of NG-CDF. Almost everyone has supported NG-CDF, although some have challenged it on constitutional grounds. We seek to remedy that by putting it in the Constitution so that it is beyond the constitutional question. Once we do that under Article 23, it will be beyond challenge. No one opposes the idea of NG-CDF itself but rather, the role of Members of Parliament and certain functions included in the NG-CDF Act.

It is important to understand that, under the Preamble to our Constitution, the people of Kenya have the sovereign and inalienable right to determine the form of governance they desire. That form is captured in the Constitution but may be amended from time to time. We believe it is time to entrench the idea of NG-CDF in the Constitution.

A Constitution is not a Bible as summarised in the Ten Commandments; it is a working document that can be adjusted and changed as the people may desire. Constitutional edits are therefore, movable and can be added to or removed. This amendment is essentially minimalist and is entrenched under Article 204, which in our opinion, is the best place to have it.

It is important to clarify that this amendment applies only to matters within the exclusive jurisdiction and functions of the National Government, and not to any functions of county governments. It is also limited to monies appropriated from the national government's share of revenue as defined in the Division of Revenue Act. Those who are saying that we abolish the NG-CDF and transfer it to counties should understand that, even if NG-CDF was abolished, the funds would not go to counties and would not do those county functions.

This Bill addresses three commonly raised complaints. First, it does not affect county allocations. Second, it gives no role to Members of Parliament in its implementation. Third, it does not interfere with the doctrine of separation of powers.

On the matter of separation of powers, the Constitution mentions the principle only three times, and only in the context of devolution. While it is a necessary principle, it is not absolute. It can be adjusted according to national needs, and our constitutional design has already made significant adjustments. Traditionally, the Executive holds both the purse and the sword, but in Kenya, the purse has been moved to Parliament, which now determines Budget allocations. This is an adjustment of the doctrine. Additionally, although the Judiciary is traditionally mandated to interpret the law and the Constitution, we have established a Judiciary Fund to protect its financial independence.

Moreover, Kenya has created constitutional commissions and independent offices that do not fall under the three traditional Arms of Government. Therefore, those who invoke the principle of separation of powers to challenge NG-CDF must explain how these other institutional arrangements conform to that same principle. All those who usually come and sing Separation of Powers in respect of NG-CDF should tell us how do these three things accord to Separation of Powers. Separation of Powers is a doctrine that was considered hundreds of years ago and cannot tie our hands in this day and age if it is necessary. However, of great importance is that the idea of NG-CDF as provided for in this Bill does not offend Separation of Powers.

Hon. Deputy Speaker, it is also important to understand devolution versus decentralisation. There are those who think that because we have devolution, any decentralised funds are unconstitutional because they affect devolution. That is not so. A keen reading of Articles 6 and 10 of the Constitution require that even those functions given to the national Government need to be decentralised. That is why we have decentralised funds for roads, Women and Youth Enterprise Fund, and Uwezo Fund and no one has ever challenged any them. There can be no challenge to

decentralisation in terms of NG-CDF as long as it is within the function of national Government as provided for in this Bill.

There is a common misconception by some governors in thinking that if they kill NG-CDF, then they will get more funds to the counties to use. For now, I do not want to speak to what governors do with their funds, but I want them to understand that even if there was no NG-CDF, these funds will not go to counties but will remain at the national Government level.

If they remain at the national Government level, we will go back to where we were decades ago where for any Member of Parliament to construct a toilet in a school, you will have to seek an appointment with the President to tell him: “Mr President, I need Ksh400,000 to construct a toilet in Chianda Primary School”. For all the Members of Parliament here, that will not be possible. That will take us to the centralisation of power that we are avoiding. Of greater importance, even if this money were to be given to the counties, it should be understood that it will not be used for the purposes for which NG-CDF is currently in use.

In terms of education, counties are restricted to Early Childhood Development (ECD) and village polytechnics. Counties do not have the authority to construct any classroom, dormitory, laboratory, or even any fencing anywhere. Anyone opposing this should think of who then will have the responsibility of helping our primary and secondary school and universities. It should be understood that bursaries that we provide for through NG-CDF will not be given by the counties. Counties cannot give bursaries beyond ECD and village polytechnics. In fact, as we speak, there is a High Court order stopping counties from issuing any such bursaries.

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

[The Temporary Speaker (Hon. Martha Wangari) took the Chair]

It should also be understood that the effort we have of helping the Judiciary help Kenyans access justice by constructing courts will not be possible. As we speak, about 40 courts have been constructed through the use of NG-CDF, the first of which I am proud of, was in my Constituency, Rarieda.

It should be understood that counties cannot help in the construction of police stations because the security function belongs to national Government. The idea of solarisation of energy that many constituencies have undertaken in schools will not be possible. In terms of fishing, because I come from a fishing community, we even provide for speedboats and all that through the committee, but that will now, not be possible.

Of importance, is that the history of this Bill is founded on the National Dialogue Committee (NADCO). Hon. Murugara and I chaired the first phase of NADCO, while the second phase was co-chaired by the Leader of the Majority Party and Hon. Kalonzo Musyoka, expressly recommended the entrenchment of NG-CDF in the Constitution. To the extent that the NADCO Report reflects the wishes of Kenyans, we are merely agents of implementation of those wishes. It should be understood, and the Report is here that we had public participation which was immense and widespread and is encapsulated in this 500-page document by the greatest number of Kenyans who have ever participated.

There is not much more to say on this except that it is in keeping with the wishes of Kenyans; it is in keeping with the doctrines of constitutionalism; it is in keeping with the desire to decentralise power in terms of what we have called imperial powers of the presidency; and in keeping with the service to our constituents in terms of representation that the National

Government Constituency Fund (NGCF) should be entrenched. We have studiously avoided the use of the word development because some people have an issue with the idea of development. We are focusing on decentralisation of the Funds and functions. The details of how all these three Funds will be implemented will come in subsequent legislation. There is nothing unconstitutional in terms of entrenching these funds.

Hon. Deputy Speaker, I wish to call upon Hon. George Murugara to second. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. G.G Murugara.

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

I stand to second this Bill and thank Hon. Otiende Amollo, Senior Counsel, for the many things he has done which are positive as regards the Constitution of the Republic of Kenya which we enjoy today, especially the fundamental freedoms that we see in the country, including what was being exercised yesterday, although it may have gone overboard from the provisions of the Constitution.

Hon. Otiende Amollo was an expert when we were promulgating the Constitution of Kenya in 2010. He was in it and it is in his fingertips and therefore when he speaks, the Constitution of Kenya speaks.

Hon. Otiende Amollo was also one of the beneficiaries of the new Constitution as it brought him to Parliament as a fresher. Again, he was a proponent of the various laws that were to be made under that particular Constitution and most of them have been enacted already and there are Acts of Parliament which we rely on as part of our law practice.

A myriad of cases have faced the National Assembly and Members of Parliament as regards NG-CDF as it stands today. We know very well that some of those cases are by the detractors of the people against the will of Kenyans. In fact, we did public participation regarding this proposal, which is again being moved by Hon. Otiende Amollo. It is likely to be the first successful constitutional amendment in the country after 2010. He again goes into making history in that he has amended a document that he proposed at that particular time to the benefit of Kenyans.

If anybody thinks they can go against the NG-CDF as it stands today and what we intend to entrench in the Constitution, let us go to a referendum. We will receive the highest number of positive votes more than any other proposal. The net effect is that Kenyans are fully in agreement with what this House intends to do. NG-CDF needs to sit pretty in the highest law on the land against any challenges by detractors, including the so-called Council of Governors.

Hon. Members, let us solve this problem once and for all. There is nothing new we will say today, apart from speaking on behalf of the County Women Representatives in this country and House. National Government Affirmative Action Fund (NGAAF) which we are also entrenching in the Constitution should not bring any worries. There is a provision for national legislation where the National Government money will be split. We will not touch the county allocation or any other money. After division of revenue, we will go to the National Government share of revenue so that these monies are divided as appropriate.

The same goes for the Senate Oversight Fund. Even if they have any issues, we will tell them to pass the Constitution of Kenya (Amendment) Bill. We will solve them as soon as we entrench the three Funds in the Constitution. Generation Z usually talks about positive vibes which are positive attributes regarding a particular subject. As far as NG-CDF is concerned, we have a lot to say which we call positive vibes. What has NG-CDF done in this country?

We repeat that it has nothing to do with individual Members of Parliament in this House. It is run by an independent Board. At the local level, we have the NG-CDF Committee which is

formed by the Board, brought to this House, approved and starts working. We approved certain NG-CDF Committees of certain constituencies this morning. Members of Parliament from those constituencies have no role to play. Therefore, nobody - not even our courts, Senate and the Executive - should ever try to attribute NG-CDF to Members of Parliament.

As soon as we pass this Bill, let us move to national legislation. This is where we will determine the percentages of the National Government's revenue which will go to the three Funds. This will be fair and just. We will bear in mind the fact that if you want to see development today, look at NG-CDF. I can assure you that we have counties, including Tharaka-Nithi, that will receive not less than Ksh6 billion. When you compare the little amount of money two Members of Parliament and I get, you will see that we outshine the county governments, in spite of it being not more than Ksh450 million for the three constituencies. The county government gets over Ksh6 billion which is supposed to develop it into what it should be.

Hon. Members, I urge you to support this Bill. Let us debate it soberly and inform Kenyans what we are doing. In any event, I am sure Kenyans are watching and are in full agreement with us. What we are doing here is what they want us to do and see, especially in the rural constituencies which do not have a lot to talk about. This is the only money that is visible down in the rural constituencies. It saves poor children who are in school and do not have any means of paying school fees. It is money from the Government that assists them. NG-CDF does many other things. We give out bursaries and construct classrooms, chiefs' offices and police posts. We do all these so that Kenyans can enjoy services closer to them.

I agree with Hon. Otiende Amollo. We have even gone on to build courts so that we can bring judicial services closer to the people. All these are not done by Members of Parliament. We only oversee the projects. The NG-CDF Committee does everything. We only ensure that the monies are spent as budgeted.

With those very many remarks, allow me to second this particular Bill. Thank you very much, Hon. Temporary Speaker.

(Question proposed)

The Temporary Speaker (Hon. Martha Wangari): Hon. Rindikiri Mugambi.

Hon. Mugambi Rindikiri (Buuri, UDA): I thank you, Hon. Temporary Speaker.

I rise to support this Bill. I congratulate the Mover for articulating law issues on this Bill. If there is any activity that is close to the people and binds them with the Government, is NG-CDF and NGAAF because of what the County Women Representatives do in this country with it. We know that the Senators are very keen to enhance their oversight responsibilities at the county governments. Therefore, I support this Bill.

I also acknowledge what Kenyans did during the public participation. For example, in Buuri Constituency where I come from and represent, there were only two people who opposed the enactment of this Bill. They are activists who do not understand the difference between decentralised funds and devolution. I thank Hon. Otiende Amollo for setting the record straight. I am sure I will give the answer to those two people.

NG-CDF has performed very well, since inception. We, as Members of Parliament, are beneficiaries of NG-CDF in this House. Through it, the families that are unable to educate their children survive. This is the best managed Fund. It is run by a Committee. Each project is run by Project Management Committee who are representatives of the people. The Members of

Parliament are not there. We only oversee the projects. However, we are also members of the public in our own rights.

Therefore, we are very keen to see that it is successful. The State Department for Public Works always investigates how these projects are implemented and whether they are quality or not. The NG-CDF is audited internally and externally and the reports are brought to this House. This is a well-structured Fund. Kenyans are saying that we should entrench it in the Constitution, so that they are sure because they are not sure of any other money.

Let us entrench it into the Constitution to give Kenyans certainty. Kenyans trust the National Government Affirmative Action Fund (NG-AAF) and the National Government-Constituencies Development Fund (NG-CDF). As the Mover rightly said, these are not devolved funds, they are appropriated, monitored and evaluated right here. It is wrong for anyone to oppose the amendment. Dropping it, for any reason, though I believe it will pass unanimously, would deny Kenyans the opportunity to enjoy National Government services. That is the bottom line in all we do and say.

The people of Buuri are clear. They have sent me with a message that even if it requires a referendum, they will participate and pass the amendment. I believe other Members have received similar messages. So, without wasting time, I stand to support this amendment. I am on record that I have delivered the message of the great people of Buuri, that the NG-CDF should be fully enacted as per the proposed amendment.

The Temporary Speaker (Hon. Martha Wangari): Hon. Adan Keynan, Member for Eldas.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. At the outset, allow me to thank Hon. (Eng.) Muriuki Karue, the father of NG-CDF, for reflecting on the dynamics of Kenyan politics, immediately after independence, after the advent of multiparty, and before the promulgation of the current Constitution.

For those of us who were in Parliament at the time when the Government used to be here, there were three things that dominated the House. A Member of the backbench would ask a question to a then senior Minister (Cabinet Secretary) on a development project in his constituency. The usual answer was, “These projects will be funded when funds are available.” Note that phrase: “When funds are available.” That is the first thing that motivated Eng. Karue. At that time, our politics was tribal, regional, and full of its own characteristics. Meaning, when you were on the other side of the Government, development was highly politicised. Therefore, Hon. Karue decided to depoliticise development entirely. That is why he brought in the NG-CDF. I am privileged to have represented two constituencies, larger Wajir West and Eldas.

Before I go there, the third criticism of the 8th Parliament and earlier was that Parliament was an appendage of the Executive. So, we had three issues. I tell my new colleagues, we had to remove Parliament from the ambit of the Executive and bring it into the domain of Members of Parliament themselves. We succeeded in forming the Parliamentary Service Commission (PSC). That was the first step. The second step was to erase that phrase: “When funds are available.” We shifted the power to Members themselves through NG-CDF.

The third issue was to free ourselves. The truth shall set us free. We Members of Parliament had been demeaned. You know the history. Every last day, Members used to congregate somewhere, you know the corners. That too, has changed. Today, this is your time. I also want to thank Hon. Otiende Amollo, Hon. Chepkonga, and other great minds who have persistently pushed for this constitutional amendment.

Every Parliament has its own legacy. If this is your Third Term, you know that the history of this Parliament will be judged by the passage of this amendment. If we do not pass it, let me tell

you, there are caucuses that have contributed millions to fight it. Members, please listen. There are groups fighting four things. First, they fought equalisation. They succeeded. Equalisation is no more. Those of us who fought for that clause are ashamed. Thirteen years since promulgation of Constitution, there is nothing tangible we can say has come from equalisation in our regions.

Second, they are, out of ignorance, fighting NG-CDF. Yet NG-CDF does not take from devolved funds. The formula is already provided for.

Third, they are against the empowerment of our County Members of Parliament through NG-AAF. What could be more important than empowering our County Members of Parliament? They represent constituencies. The framers of our Constitution were not fools. They created special seats for women. Those fighting this are fighting the majority of Kenyan voters —women.

Fourth, they seek to create an illegal niche for one of the Houses. I am a fervent supporter of the Senate. But we must support and believe in the role of both Houses. We shall not allow anyone to demean the National Assembly, just as we shall not allow anyone to demean the Senate. That is constitutionally enshrined.

Let us understand why we moved forward. In the history of governance, Kenya has had various attempts at decentralising development. When you decentralise development, several things emerge. First, we have political decentralisation. Then administrative decentralisation, District Officers and the like. In politics, we have counties. But we also have economic decentralisation, and that is where NG-CDF comes in.

The goal is to do away with disintermediation. That means removing the different layers, the corruption, the incompetence, the bureaucracy, and getting funds directly from national coffers to the constituency. That spurs development. That brings equity. Members, just reflect on your constituency. When I was first elected, I was young, on an opposition ticket, during Kenya African National Union (KANU) time. My constituency; Wajir West, did not have a single secondary school. It took me almost year, through Harambee, to build one. But since then, it is clear, through NG-CDF, we now get the same development across.

I want to say this on record: All Members of this National Assembly who will not be present for the passage of this constitutional Bill, as the father of this House, I shall name and shame you for not supporting your constituency's development. Cancel all your assignments wherever you are. Come and vote for this critical Motion that empowers local people.

NG-CDF remains the most popular development agenda in Kenya. Public participation has demonstrated. Who is anybody else to fight it? As Hon. Amollo rightly said, this is our time to put things into perspective. Yes, people can go to court, it is their right. But they must appreciate that legislative authority rests with Parliament. That must be respected and supported.

Lastly, there are those trying to equate NG-CDF to the pork-barrel policy in the U.S. Congress. These are ignorant people who do not understand legislative history. Let me educate them. The pork-barrel policy arose after World War II. It is one of the tools used by Congress to let a Member have oversight funds at their disposal, managed not by the Member, but by their office for certain emerging pertinent issues in their congressional district. But NG-CDF is completely different. It is not managed by the Member of Parliament. The Member of Parliament is just that, a Member of Parliament. NG-CDF is managed by a legal entity, the NG-CDF Board, through its structures. Where does the Member of Parliament come in? Therefore, there is no correlation or resemblance between the pork barrel politics in the Congress of the United States of America (USA) and the National Government Constituencies Development Fund (NG-CDF). Those who want to equate the two are ignorant of the history of Congress and of the NG-CDF. They have also not applied their minds to the true intent of the NG-CDF.

Another thing that we must also understand is that we are politicians. I am a politician in every aspect. I think, sense and reflect politics. I also act politically. Nobody should intimidate you. If you allow yourself to be intimidated, then you are in the wrong field. Go back to your farm and become a farmer. If you have opted to be in this field, make sure you stand for the rights of your voters. When the time comes for you to leave, you either exit politics or decide to do other things that you will be remembered for by your constituents.

Finally, I represent Eldas Constituency. It was created at the same time that devolution was established. I want to compare the role and the critical contribution of the NG-CDF to my Eldas Constituency with what the devolved funds have done. If you put their roles on a scale, you will give the NG-CDF a 99.9 per cent success rate and a 1 per cent success rate to the devolved funds. Can the NG-CDF be substituted? No!

I rise to support this critical amendment Bill and urge other Members to come out of their cocoons and support this amendment Bill this afternoon so that it goes to the President for assent tomorrow.

The Temporary Speaker (Hon. Martha Wangari): Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker. I also rise to support the amendments to Sections 204A, B and C of the Constitution to entrench the NG-CDF, the Senate Oversight Fund (SOF) and the National Government Affirmative Action Fund (NGAAF) into the Constitution.

I support the amendments because I have witnessed what the NG-CDF has done for the security of our people in improving police stations. I have also seen what it has done in improving school infrastructure and providing bursaries for our students. I have had the privilege of accompanying some of our Women Representatives when they launch projects and donate equipment to support women, persons with disabilities, the elderly and the youth. We should all support this very important amendment to our Constitution.

We saw the overwhelming support from Kenyans during the public participation. The NG-CDF projects are very visible on the ground, over and above any other projects. Not even the county governments' projects have similar visibility to the NG-CDF projects. It is assumed that NG-CDF funds go into the pockets of Members of Parliament. That is not the case. The Constitution outlines the roles of Members of Parliament as oversight, representation and legislation. When we go back to our constituencies, even I, as a Nominated Member, have a right to see what the NG-CDF has done. Members do not have direct access to the NG-CDF. That needs to come out very clearly.

The Mover of the Bill mentioned that these monies are appropriated from the Government's shareable revenue as envisaged in Article 218 of the Constitution on the annual division and allocation of revenue. Even if that money is not allocated to the NG-CDF, the NGAAF or the Senate Oversight Fund, it will not go to any other place. It will not help any other person. Therefore, we should support this amendment.

The Senate Oversight Fund will assist our Senators because it will be a structured fund that will allow them to perform their oversight roles and go to the different counties that they represent to ensure that the county governments' funds are properly spent.

As it has been said, the position of Women Representative is entrenched in the Constitution. It does not make sense for them not to have funds in place to enable them to perform any of their roles outlined in the Constitution. If we do not ensure that the vulnerable and affirmative action groups such as women, persons with disabilities and the youth have allocations that can assist them, nobody will do it.

While recently visiting Migori County, I saw people being given tents, chairs, hairdressing equipment, machines and even *posho* mills. Those items help people to generate income for themselves because we do not want to be legislators who give the community fish to eat. We want to enable our communities to fish for themselves. We will then be developing the nation in the right direction.

I will stop there so that I allow other colleagues to speak to this Bill. However, I just want to encourage the whole country and fellow Members to support the entrenchment of this amendment in the Constitution, so that we do not have constant issues where people keep going to court to try and stop these noble funds from taking effect. Instead, we will have a seamless process where the funds are able to do what they are supposed to do.

With those few remarks, I support the Bill.

The Temporary Speaker (Hon. Martha Wangari): Hon. Wachira Karani.

Hon. Wachira Karani (Laikipia West, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Constitution of Kenya (Amendment) Bill (National Assembly Bill No.4 of 2025) by Senior Counsel Hon (Dr) Otiende Amollo and Hon. Samuel Chepkonga to entrench the NG-CDF in the Constitution. I wholly support the amendments and I thank them for coming up with this noble idea.

Where I come from in Laikipia County, we used to be frequently attacked by bandits from neighbouring communities to the extent that many people contemplated moving out of the area. However, through the NG-CDF, there has been a transformation including the construction of police posts and police stations. In the past, our chiefs worked from their homes because they did not have offices, but since the NG-CDF was introduced, a lot of transformation has taken place. We are very grateful that our chiefs and assistant chiefs now operate in a very hygienic environment and the area has become habitable.

There is a lot of transformation in education. The NG-CDF is sponsoring 492 students in day schools across Laikipia West Constituency who previously could not go to school. When we would visit the villages, villagers would present cases of children who had been at home since their exam results were released. The children had been admitted to secondary schools but could not join the schools because they did not have money. The NG-CDF has helped such students who are now in school and are very happy.

There is a lot of infrastructural transformation in our constituency and across the country. When we went for public participation, there was a very big turnout in my constituency because people are happy with what the NG-CDF has been doing. I am very grateful.

In our counties, a lot of money has been received. However, Senators who are supposed to conduct oversight have faced constraints as is the case in my county. It is a very vast county. It has three constituencies, but it is spread out widely. Moving from one corner to the other to inspect the projects being implemented by the county government is a major challenge. This Fund will enable the Senator for Laikipia and others to travel across their counties and provide the necessary oversight.

With those few remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): Whip of the Majority Party.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. I also rise to support this Bill by Hon. Chepkonga and Hon. (Dr) Otiende Amollo that seeks to entrench the NG-CDF, the NGAFF, and the Senate Oversight Fund in the Constitution.

This country has come of age. Those who served before us in this House know exactly where this country has come from in terms of delivering resources to the common *mwananchi*. We

have two levels of governance – the devolved units and the national Government. It is important to note that even as we continue advocating for funds to flow through county governments, there are elements that remain within the national Government structure that are still critical to people in the villages and constituencies. With a well-regulated system, the impact of these funds is felt in those areas. These matters include education, security, and other services.

Unfortunately, there is a misconception that NG-CDF is a fund managed by Members of Parliament. Far from it. Even under the current structure, Members of Parliament have no role in the sharing or operation of the NG-CDF. That is why it is called the National Government Constituency Development Fund. It is a Fund under the national Government, with an autonomous governance structure. We have the NG-CDF Board that undertakes approvals. We have the Constituency Fund Managers who are employed by the NG-CDF Board.

We also have constituency committees that collect views from the common *wananchi*, where the role of Members of Parliament is extremely limited. It is strictly oversight, as provided for under Article 95 of the Constitution. That is all. What Members of Parliament do when they visit NG-CDF-funded projects in their constituencies is simply to exercise oversight. To assess whether the Fund is being utilised properly and whether the projects align with what the local committee proposed and what the Board approved.

People have this misconception that Members of Parliament sit somewhere, access the accounts, allocate the money and make some changes. That is false. I often challenge people on this. If there is a fund that cannot be easily misused, it is the NG-CDF. It is time we replicated the NG-CDF model within county governments. NG-CDF disburses funds to the constituency with a clear vote structure. This percentage for bursaries, this percentage for infrastructure, and so on. Members of Parliament have no discretion over it. The idea that a Member of Parliament can wake up and decide to withdraw Ksh1 million from the NG-CDF account is simply not possible. It is not practical. You cannot do that. What we do is oversight.

What we are now proposing is to entrench these funds in the Constitution so that the impact is safeguarded. When you compare the funds that come through the NG-CDF with those sent through other devolved units, the NG-CDF stands out. Its impact is visible. In the constituencies, you can point at a school built by the Fund, a school bus bought, students whose fees were paid and police posts constructed. I even saw one case in Nairobi, my former colleague in this House, who in the last Parliament built swimming pools in Nairobi schools through the NG-CDF.

Those students have gone on to compete nationally and internationally because they were given that opportunity. That is why some failed weird quarters are viciously fighting so that the Fund does not get the common *mwananchi* because they know they have no ground against an empowered *mwananchi*. People tend to suppress others to use them for their ulterior motives. This Fund helps a lot when it comes to the public. It elevates educational standards. It is felt by *mwananchi*.

I say this not as a politician, but as someone whose life was personally changed by this Fund. When NG-CDF was first introduced, I was in Form One. Hon. Omingo Magara paid my school fees through this Fund. At the time, school fees was about Ksh3,000. When I saw my name on the notice board, I was very happy. I had dropped out of school. I had no money. I had started doing menial jobs in the village. I had no place to sleep. I wanted to be in boarding school, not because of academics alone, but because I had no one to cook for me or house me. At that time, Hon. Omingo Magara, as the Member of Parliament, the NG-CDF was not under the Board. It was a bit direct. He paid my school fees through the NG-CDF. While the structure has evolved since

then, the core impact remains unchanged. This House must stand firm and support this Bill so that the Fund is entrenched in the Constitution.

There is also NGAAF. Women play a critical role in our society. When you travel across counties, you will notice the impact NGAAF has created. Though the allocations, about Ksh6 million to Ksh8 million per constituency, or about Ksh42 to Ksh60 million per county, are relatively small, the outcomes are visible. We have seen water tanks installed, bursaries awarded, and other critical services provided. These women leaders do their best to balance these small allocations for maximum impact. That is more than can be said of some billions sent to counties, where often little is seen on the ground.

If there is a Fund we should support and even increase, it is NGAAF. As we entrench it in the Constitution, we must also scale it up. It is practical and effective. Water remains a challenge in most parts of this country. Yet our women leaders have provided tanks to schools and homes, helping us harvest rainwater. Pupils are no longer being sent to rivers with jerrycans. This is progress. I say again, NGAAF is worth defending, and our gracious women have shown what leadership and stewardship look like.

Finally, I must mention the matter of oversight. One of the reasons the Senate looks crippled in its oversight function is that it is under-resourced. When you call a governor, who controls billions, to appear before a Senate Committee, and yet the Committee lacks even basic resources, it is an unfair fight. They look down on you. They view you as a pauper. Even making oversight visits to counties is a challenge for the Senators. They struggle to get to counties. There is no special budget for their facilitation to counties. I recently saw Senators visiting some hospital in one of the counties. They displayed quite disturbing images of three female patients sharing beds in the maternity wing. It is a very sad situation. We need to empower Senators through the Senate Oversight Fund so that they can work when they see such things.

With those many remarks, I beg to support. I urge Members to appear in large numbers in the afternoon to vote for this Bill to ensure meaningful development in our society. Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Next is the Member of Seme, Hon. (Dr) James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you for this opportunity.

The Bill seeks to entrench the National Government Constituencies Fund (NGCF), the National Government Affirmative Action Fund (NGAAF), and the Senate Oversight Fund (SOF) in the Constitution. Constituencies' funds has done what other Funds have not done. The argument of those who have been sporadically going to court regarding this fund and the other decentralised funds is that this is against devolution. However, they should remember that the NGCF is part of the national component of revenue. Even if abolished, the share will not go to counties. It would still be part of national government funds.

Hon. Temporary Speaker, people have talked about separation of powers. As we know, the role of a Member of Parliament is representation, legislation, and oversight. If you look at it, their role in the NGCF and the Senate Oversight Fund will be purely oversight.

The National Government Constituencies Development Fund NG-CDF has a clear structure where there is no participation by the constituency Member of Parliament. It has a national board with representation like all other boards. We vet the chairperson here just like we did for all other boards and Semi-Autonomous Government Agencies (SAGAs) of the national government. That is part of our legislative responsibility.

The NG-CDF has a constituency committee in whose structure we do not take part. Like anyone else, we may try to see who gets there but it is still in the hands of the Deputy County Commissioner. People apply to be members of that committee. The Deputy County Commissioner chairs the meeting and thereafter people are picked. The Member of Parliament has absolutely no role.

The Project Management Committee (PMC) may be the reason the NG-CDF is particularly popular. This is because funds allocated to constituencies clearly indicate the use and Vote. Of course, public participation is conducted prior to that and people decide what they really want done in their areas. Money from the board is allocated directly once that decision is made.

The PMC purely comprises constituents who manage it and this is one of the strengths of the Fund. The truth is that a Member of Parliament has no role. What role would you have as a Member of Parliament if the Deputy County Commissioner who is the chairperson of the NG-CDF committee in the constituency and the Fund Account Manager decide to exclude you from what they are doing? You would have none at all. The truth is that the Fund can run without a Member of Parliament present.

In that context, I do not see the issue that people have with it. Some people claimed this is just pocket money for Members of Parliament. How does this money even get into our hands? The head of the school who is either a secretary or chairperson of PMC is a signatory before payment is made for instance to a school. That is once money has gone to the Project Management Committee. The Member of Parliament is not a signatory anywhere. Therefore, I do not see why it is claimed that this money is for Members of Parliament.

Why is this Fund popular? One is access. I have not seen a single Fund to which people have access like the NG-CDF. The chairperson and members of the community will sit once there is a problem. For instance, a school's dormitory has burnt down. They will decide whether to use the emergency component of the Fund and the work will be done immediately. The Member of Parliament does not play any role in it. Which other Fund gives people such direct access? During the project, the people oversee the job. Although many people come to us to complain about progress of projects, we just have to oversee what is happening. That is one of our oversight roles.

A Member of Parliament may meet with the Sub-County Security Committee in need to know what is happening to security. That is oversight. That is exactly how we relate with the NG-CDF. There may be an ongoing education programme. For instance, Members of Parliament get involved during examinations. I do not see how Members of Parliament can be accused of owning or misusing the NG-CDF.

Regarding the Senate Oversight Fund, I actually sympathise with Senators and Women Representatives. They have a huge area to oversee. Now, a Women Representative or a Senator in Parliament cannot start legislating without opportunity or ability to go to the constituency level to find out what exactly is happening. How will they work? The Senator and the Women Representatives need money. Otherwise, it will just be a talk show for them. They have to go and see what is happening.

I think this Fund and the other decentralised Funds have been accused wrongly. Members of Parliament have also been wrongly accused of misusing these Funds. In my view, we should entrench these Funds if the people have found them useful. The only argument I have consistently heard is that it is unconstitutional. Why do we make constitutions? We create constitutions to guide our lives in a manner that we find most useful and productive. If we discover a structure that proves to be highly efficient, why should we not amend the Constitution to incorporate elements that work

effectively and are popular with the people? The overhead costs in the NG-CDF are indeed the lowest.

With that, I support this Bill.

The Temporary Speaker (Hon. Martha Wangari): Member for Laikipia County.

Hon. Jane Kagiri (Laikipia County, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to support this Amendment Bill. As I stand in support of this amendment, I am reminded of my childhood when I was excited to attend a boarding secondary school. Unfortunately, during those years, Laikipia County did not have a boarding secondary school for girls, so my parents had to send me to another county for my secondary education. Over the years, I have often wondered what had caused the lack of schools in our area. Laikipia County has long been neglected, and we are one of the counties that seek equalisation due to historical injustices.

Years later, the National Government Constituencies Development Fund (NG-CDF) was introduced. Today, I can proudly refer to NG-CDF as the equaliser in this country. Due to the efforts of the Members of Parliament elected in Laikipia, we can now take pride in having boarding schools for both boys and girls in our county. Furthermore, many needy students have gone through school thanks to the bursaries provided by our Members of Parliament in our counties and constituencies. Currently, Laikipia County has achieved 70 per cent completion with semi-permanent structures in our schools. By seeking more funding for NG-CDF, I believe we can eliminate these semi-permanent structures and provide equal opportunities for students in Laikipia County, enabling them to receive an education just like their peers in other counties.

As I support these amendments, I would like to discuss the National Government Affirmative Action Fund (NGAAF). I am the chairperson of the 47 county Members of Parliament. Allow me to share some statistics from last year. The National Government Affirmative Action Fund supported 50,000 students across the country with bursaries. Although 50,000 may seem like a small figure, I urge us to envision 50,000 children being granted an opportunity in this country. That is nearly the size of an entire constituency. My question is: what if we had more funding for NGAAF? We could potentially be speaking of hundreds of thousands of students receiving opportunities.

In my own county of Laikipia, last year, I was able to send 430 students for Technical and Vocational Education and Training (TVET) and another 362 for catering classes. I reflect on this and consider that these opportunities have provided students with a means to secure their futures - offering them a fishing line rather than simply giving them a fish. Such opportunities create employment and empower our young people.

Hon. Temporary Speaker, last year we supported around 3,000 groups through NGAAF. While this number may seem small, envision the women, youth, and persons with disabilities who now have a daily source of income thanks to this funding. We have been able to empower individuals with trolleys, shaving kits, and tools of trade that enable success in their businesses. For instance, during a recent visit to Nanyuki, I provided my labour group in Nanyuki town with a concrete mixer. I believe this will enable them to empower themselves and, in the future, become property owners in that town.

As women representatives, we also seek to ensure access to clean drinking water for our people. Unfortunately, our funding remains inadequate to guarantee that every school and administration institution has water tanks, ensuring our people are served with clean water and resources for better living conditions.

According to the Education Act, we are only allowed to provide sanitary towels to students in basic education. However, secondary students are often in even greater need of sanitary towels. Our resources currently do not cover all students, both in basic and secondary education. With increased funding for NGAAF, we will provide more children with sanitary towels, ensuring that our girls remain in school as they should.

Finally, we are not merely seeking an increase; we are advocating for the consideration of a percentage of the national revenue. As we move forward with this amendment, we, as women representatives, are requesting a 2.5 per cent allocation of the national revenue to NGAAF to support our women, youth, and persons with disabilities.

I support and I submit. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Kitui Central, Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker, for this opportunity. I join my colleagues in supporting this Constitution (Amendment) Bill, and before I delve into the details of the Bill, I wish to thank the movers, Hon. (Dr) Otiende Amollo and Hon. Chepkonga.

I would like to provide some facts so that those following this debate understand what we are discussing. This Bill proposes the introduction of three funds: the National Government Constituency Fund (NGCF), the Senate Oversight Fund, and the National Government Affirmative Action Fund (NGAAF). When it comes to sharing resources in this country, we have two levels of government: the national government and the county governments.

The Division of Revenue Bill determines how much funding goes to each level. After establishing the allocation for both the national government and the county governments, we will introduce these funds. Therefore, those who suggest that if this money is not allocated to the NGCF, the Senate Oversight Fund, and NGAAF it will go to the county governments are mistaken.

The reality is that even if this money is not allocated to these three funds, it will not go to the county governments. The only way it could flow to the county governments is through conditional grants, meaning that the national Government would have to withdraw part of its share and distribute it to the counties in the form of conditional grants otherwise, there will be no additional resources for the counties if these funds are not established.

Furthermore, these funds ensure equity in the distribution of resources. By equity, I mean that these are the only funds that guarantee that, at the end of the day, every constituency and every county receive funding from national resources, regardless of who they voted for. It therefore addresses the equity issue that we have consistently advocated for in resource sharing across the country. Through these funds, we can ensure that every part of this country has access to public resources.

Another critical aspect is that the NG-CDF serves as a successful development model. If we were to assess the models we utilise to deliver development across this country, the NG-CDF stands out as the best which has been proven beyond reasonable doubt. I ask myself, if one is genuinely Kenyan, why would they not want their fellow Kenyans to benefit from this effective development model? It has minimal recurrent expenditure and the highest development expenditure, indicating growth in our economy.

Hon. Temporary Speaker, let me highlight the impact of the NG-CDF on the Kenyan people. In my constituency, I did not mobilise anybody to advocate for or against it; the response was overwhelmingly positive. The people, on their own accord, chose to advocate for the continuation of the NG-CDF because it has made a significant impact on educational and

infrastructural development, particularly in providing bursaries for our students, especially those in need, including orphans in this country. The NG-CDF has also assisted our security sector in providing infrastructure for our security officers. This Fund emerges top in terms of the positive impact it has had on Kenyans. Any right-thinking Kenyan should support the entrenchment of this Fund in the Constitution. It will help improve the lives of our people.

The other issue is public participation. The current NG-CDF Act says that every two years, public participation is conducted to identify programmes and projects that should be funded to benefit our people. Public participation has also been adequately catered for in this Fund as required by the Constitution. Our people can give their views on what they want done. This way, we will have targeted developments by funding what the people proposed. That is why I support these three Funds.

Without belabouring, I urge my colleagues to support this Constitutional Amendment. Let us prove that we are in support of this by availing ourselves for the afternoon Sitting; we do not even achieve the two-thirds, but 100 per cent attendance in support of the three Funds. That way, we will help this country move in the right direction. Colleagues who are out there or watching the proceedings, make sure by 2.30 p.m. we are a full House so that we support these important Funds. We will be helping this country.

With those many remarks, I support.

The Temporary Speaker (Hon. Martha Wangari): Very well. I see there is a lot of interest. Though we have 10 minutes per Member, if we can try and shorten it, more people will speak. The Standing Orders do not provide for that; it has to be a personal conviction to take a shorter time. Member for Kitutu Masaba, Hon. Gisairo.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker. Firstly, let me start by congratulating and thanking Hon. Otiende Amollo and Hon. Samwel Chepkonga for bringing this Bill to this House. The 2010 Constitution had very good intentions on devolution. However, it did not foresee a point where we are going to create 47 demigods. People who control funds, but the funds do not reflect in the lives of the people. The 47 demigods know that they cannot be summoned by this House; they can only be summoned by the Senate, which has little or no say on the direction of whatever they do.

The Senators are not even able to know what actual projects are taking place in their counties. Members of Parliament are called by constituents to complain about dysfunctional services in the counties, matters that should be handled by the Senators. It is in that spirit that we feel that the Senators should get the Senate Oversight Fund. This will allow them to walk the streets of their counties, visit dispensaries, hospitals, and primary schools with Early Childhood Development and Education (ECDE) classes to confirm whether those infrastructures are being done and done in the right way. As a House, we therefore have to support this provision to ensure that Senators are well and properly resourced to oversee our 47 demigods.

Resources will never be enough. We cannot reach everyone individually. And that is the spirit of having the National Government Affirmative Action Fund (NGAAF), to allow the women representatives to identify and support vulnerable cases within our communities. The NGAAF has done a commendable job. In my county, I have seen women and young people's groups being empowered to get their lives together. We have seen girls getting sanitary towels, things that we see as basics, but millions of our Kenyan youth cannot afford. Their parents are not able. NGAAF should not only be entrenched here, but the amount should at least be doubled to enable the vulnerable in the community to be taken care of in the right manner.

Many Members have said that Members of Parliament are not party to the NG-CDF. We are elected to perform three key roles: oversight, legislate, and represent. We have a hand in the NG-CDF by virtue of representation. The 350,000 people of Kitutu Masaba will not face the fund manager, all of them at once. That is why they have elected me as their leader to listen to and represent them in different forums. I, therefore, play my role to represent them. They have a vision, but the 350,000 of them cannot present that vision. You, therefore, as a Member of Parliament, are the vision carrier for your people. We will, therefore, continue playing our role of representing our people to the Board and the Constituency Development Fund Committees (CDFCs).

I sit in the Select Committee on the National Government Constituencies Development Fund, and if there is a Fund that is properly structured, it is this Fund. The money goes to the Board, the Board sends the money to the constituencies' CDFC's main account. From there, the money does not go to the contractor. It goes to the project management committee account, which has a representation of the local community where the project is going to be done. The members of that community are the signatories. This is the Fund that reaches the poor. It is the Fund that speaks the language of the poor.

Today, while we talk here, we are not talking as Members of Parliament. We are carrying the voices of the millions of people we represent.

(Applause)

We will not allow this country to go to a point where the Member of Parliament of Kitutu Masaba, who is elected on the Opposition side, cannot be able to get classrooms for the children of Kitutu Masaba. We are not going back to where we begged certain institutions for our people to get the very basic. Education is basic. Classrooms are basic. Bursaries are basic. We are not going to allow a point where we have to go back to kneeling and singing loyalty for our people to get what is their right.

(Applause)

The NG-CDF has brought equity to this country. We should all fight for this Fund. And for the people who are forever taking it to court, and only appear in the villages carrying bottled water once in a blue moon to attend a funeral and cannot even sleep in those villages, you should know that we are the ones who carry those children of the poor. The children who have no pampers, we are the ones who carry them, look them in the eye and see the dreams in their eyes. Those who sit in Nairobi, in the courts and well-ventilated offices, do not tell us what the people go through. We are the ones who know what people go through. We are the ones who know the dreams of the poor child. It is our responsibility as a House to show up today. If you do not show up, we will put you in the bracket of the aloofness represented by the people active in courts. I would like to end there. I support this Bill because with it our children have a future.

Thank you.

(Applause)

The Temporary Speaker (Hon. Martha Wangari): Hon. Agnes Pareyio.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker, for this opportunity to contribute to the Constitution of Kenya (Amendment) Bill. This Bill will help the

people we represent by making sure they continue to receive NG-CDF money. This is not money meant for the Member of Parliament. This is money that has made a difference in our constituencies.

It is seen as if it is the Member of Parliament uses the money, yet the Fund is run by a management committee with a Fund Manager. Public service officers and the community monitor its use. We receive messages on our phones from students who are unable to sit their examinations, because they know NG-CDF money is meant for them and it can support them in their education. So, I support the Bill. If it were not for this money, most schools in my constituency would now have been closed for lack of toilets. The community knows they can get the money. We must make sure that we have quorum to support this Bill and the make sure this money remains with the people at the constituency level.

I also support women on NGAAF. I sympathise with them because the area they serve is very huge, the whole county. I see Woman Representatives donating water tanks, tents and bursaries but the money they get is little. They still make sure the use of the money is felt in their counties. The money is not enough. More money should be added to the Fund. Women in our constituencies and counties feel the effect of this Fund. NG-CDF and NGAAF are meant for the people, not for Members of Parliament. We should come out in large numbers to get the quorum to pass the Bill.

Thank you. I support.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Kanduyi, Hon. Makali.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker, for the opportunity to also weigh in on this Bill. First, I thank the people who thought of establishing NG-CDF, particularly Sen. Karue. I also thank my senior colleagues Hon. Otiende Amollo and Hon. Chepkonga for sponsoring this Bill.

(Hon. Raphael Wanjala consulted loudly)

The Temporary Speaker (Hon. Martha Wangari): Hon. Wanjala, you are totally out of order.

Hon. John Makali (Kanduyi, FORD-K): Hon. Temporary Speaker, the Constitution is a living document. Article 95 of the Constitution gives us power to discuss issues touching on the people, who have granted us sovereign authority. Members of Parliament sit to represent the people. This Bill seeks to entrench the three funds in our Constitution. Why are we here in the first place? This Assembly and NG-CDF Board have been subjects of various disputes in court challenging the Fund. If a court declares a fund unconstitutional, who has the responsibility to make it constitutional? Under Article 256 of the Constitution, under which this Bill has been brought, we have power as Members of Parliament to make what is unconstitutional to be constitutional. By discussing this Bill, we are basically doing our part in making what the courts have declared unconstitutional to be constitutional.

Arguments have been made that the NG-CDF Act offends the doctrine of separation of powers. I wish to submit before this House that there is no absolute doctrine of separation of powers. This House has powers to make laws that would give meaning to what the people have sent them here for. I submit before this House that even the Judiciary, as much as it is given the role of interpreting laws, also has a Judiciary Fund and it executes projects. So, there is no absolute doctrine of separation of powers.

In pushing this Bill, we formed NADCO, which sat and took views from Kenyans. Kenyans were very clear that we needed to entrench these funds in the Constitution. Therefore, in passing this Bill, we are doing nothing outside the law. We are simply fulfilling the wishes of Kenyans whom we represent here. As it is emblazoned in the House, we are here ‘for the welfare of society and the just government of the people’.

Article 10 of the Constitution provides national values. Some of the national values are inclusion, equity and public participation. We took this Bill to all the 290 constituencies and 98 per cent of Kenyans said we needed to entrench this Fund in the Constitution to give naysayers a break from taking this Assembly and the Board to court every time. There is no part of Kenya which is excluded from this Fund. We are giving effect to inclusivity and ensuring accountability.

One of the critical things in this Fund is public participation at the grassroots. We used to have Focus on Rural Development during the Moi era, which failed. This is the only Fund on which public participation is conducted at the grassroots level and people give their views on the development they want.

Two agencies have been fighting this Fund; the Council of Governors and the civil society. They have taken many matters to court, which we have been able to participate in. Their argument has been that we want to create a third level of funds. They say that there are only two levels of disbursement of government funds, that is, the national government and the county governments. We need to disabuse the notion that funds allocated to NG-CDF are funds meant for county governments. These are funds allocated for national functions. NG-CDF funds finance national government functions. Therefore, there is no overlap at all.

There has also been a misnomer that these funds are like loose change and pocket money for Members of Parliament. That is not true. Members of Parliament are far removed from the Fund. This Fund is domiciled in the National Treasury and there is a board that manages it. There are NG-CDF committees at the constituency level and Project Management Committees (PMCs) at the community level. This Fund is not loose change for Members of Parliament as it has been indicated. Members only conduct oversight to ensure these Funds are spent in a better manner so that they are not misused. They also oversee how the projects are being done. Therefore, the only contact with this particular Fund by the Members of Parliament is for purposes of oversight.

Finally, Hon. Temporary Speaker, in amending the Constitution, we are simply giving effect to the wishes of the Kenyan people who sent us here. The public participation process clearly indicates that 98 per cent of Kenyans wanted entrenchment of these Funds in the Constitution.

With those few remarks, I beg to support this constitutional amendment. I urge my colleagues to stand up to be counted, and vote for this constitutional amendment that assists not only the poor people, but it cuts across the entire Kenya and assists both the underdeveloped and developed areas so that we can have equity in our national development ethos as we move on as a country. I support this constitutional amendment.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Bomachoge Borabu, *Mhe.* Nolfason Barongo.

Hon. Nolfason Barongo (Bomachoge Borabu, ODM): Thank you, Hon. Temporary Speaker, for according me this opportunity to also contribute in support of this constitutional amendment to ensure that we secure the gains that we have made as a country in terms of development.

Hon. Temporary Speaker, last year, I had the good fortune of attending the 20th anniversary of the NG-CDF. To understand why this Fund is very important and must be entrenched in the

Constitution, we listened to a tale by the former Member of Parliament for Ol Kalou, Hon. Muriuki Karue, who got frustrated trying to get development for his constituency. Every time he went to the National Treasury and Economic Planning, he was told that his constituency will get development when the funds become available. His frustrations were arising from the fact that in his constituency, students were learning under trees. Today, schools in so many constituencies have dilapidated toilets. Some of these schools are threatened with closure because they do not have decent toilets. If we do away with NG-CDF, *harambees* will be back in full swing. We will now be required to conduct *harambees* to educate children, which is against the spirit of the Constitution. In Article 43, every Kenyan has a right to education. In Article 53, every child has a right to access free education and that education should be compulsory. Why should we take the responsibility of educating our children back to the public? The public right now is stretched financially. We are struggling. Kenyans are struggling to put food on their tables. It will be the wrong time to take away this Fund, which has subsidised education and assured Kenyan children of a better future.

If we take away this Fund, most of the ills that have bedevilled this country will be back. We will be back to politicising basic services for *mwanaanchi*. The process of engaging the public in determining their priority projects in their constituencies is a constitutional requirement, and the current NG-CDF as constituted has been ensuring that the public have a say in the priority projects that have to be undertaken in their constituencies.

The public spoke emphatically by giving their views on what needs to be done going forward. The courts have announced their position that NG-CDF is currently unconstitutional, and it is upon this House to now make a decision and correct the things that the court has raised so that this Fund is now entrenched in the Constitution and Kenya can continue to receive the development that ensures that there is equity across the land.

Hon. Temporary Speaker, I encourage those Members who are not in the House today to make their way back to Nairobi and into the Chamber. Let us ensure the overwhelming support we received from the public regarding the entrenchment of this Fund into the Constitution becomes a reality this afternoon. For these reasons, I support this amendment. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Member for Ndhiwa, Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Equally appreciative, Hon. Temporary Speaker, for the opportunity to thank our friends, the Mover, Senior Counsel Hon. Otiende Amollo, Hon. Chepkonga and also Secunder, Hon. (Sir) George Murugara.

Hon. Temporary Speaker, there is nobody who is saying NG-CDF does not work. It works. Our aim is to protect what is working for Kenyans and ensure it continues to serve them, while locking out these busybodies who keep on going to the courts all the time. Speaking from my own constituency, and I know it is the same across other constituencies... If I go to Hon. Mary Maingi's constituency, it is the same as well as Hon. Cynthia's constituency and in Matayos Constituency too. One can see what NG-CDF does and how it works.

In Ndhiwa Constituency, I have 204 schools where 152 are primary schools and 52 are secondary schools. Prior to NG-CDF, children were learning outside while seeing goats grazing and this was the case nationwide. That has now changed because we are building classrooms. We are reducing population in classrooms by half. Previously, children were 80 in a class. They are now half that size and are performing better because of NG-CDF. I have testimonies of children having completed high school and college and are now back to the community. Some are lawyers, some are engineers giving back to the community. Children would have dropped out of school in

those areas. Teenage pregnancies have reduced because of sustaining kids in school because education is an equaliser in all this. We appropriate money to the Ministry of Education, but we do not see what that money does on the ground, including infrastructure, which is even supported internationally.

Therefore, I speak on behalf of the people of Ndhiwa. Classrooms have been decongested. Laboratories were built so we can compete with schools like Alliance High School. Water provisions have been provided for as well as sports facilities. However, I do not know why sports was removed because we were very active in our constituencies. We used to be in charge of sports as well.

Hon. Temporary Speaker, when we talk about national ethos, including value for money, equity, inclusivity and emergency responses, that is the heart of NG-CDF notwithstanding the devolved units. But they do not respond to emergencies. We are even being pushed to respond to toilets as emergencies, which should not be the case. What happened with the capitation we give to the ministries? Where do they take their money? So, mine is to protect what is working and entrench it into the Constitution. In fact, if we were to rewrite the Constitution, this would be the most important decentralised Fund in the 290 constituencies. We would not even think of the 47 counties. The monies would have been channelled through it and we would see the impact it would have had in these areas.

Lastly, entrenching this into the Constitution will cure what we call oxymoron-ism of leadership, where one says one thing but do the other. What NG-CDF does is seen and because it is people-driven, public participation is a must, approval system is up to the board and we even have a committee in this House that oversees that board. So, the whole system should be replicated in other areas of activity. Those who are jealous of its functionality should copy what NG-CDF does.

Without belabouring on the obvious, allow me to say, I support this and Members, if where representation is needed this afternoon, it is in this House. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Cynthia Muge, Member for Nandi.

Hon. Cynthia Muge (Nandi County, UDA): Thank you very much Hon. Temporary Speaker for giving me the opportunity to add my voice to this very important Motion on the Floor of the House. I appreciate Hon. Otiende Amolo and Hon. Chepkonga for the very thoughtful time and sentiments they have put together into this Bill so that, finally, the NG-CDF, the National Government Affirmative Action Fund (NGAAF) and the newly added Senate Oversight Fund can be entrenched in the Constitution.

The NG-CDF and NGAAF for so many years have been facing a lot of legal challenges. And this is an opportunity to ensure that those legal challenges finally go away. We will also deal with ambiguities and make sure that people understand the structures of NG-CDF and NGAAF. It has come to my attention that many people, including the beneficiaries of NGAAF and NG-CDF, do not understand how the structure works. That is why we hear Members, especially the patrons of NG-CDF, saying that students text them on their phones. It is also high time that people in this country, including the beneficiaries and those people who run institutions and organisations, understand how structures work. The NG-CDF and NGAAF have a structure.

Speaking of NGAAF, I wish people knew that there is a structure that runs it. Hon. Temporary Speaker, allow me to say that the people who have attached NGAAF and NG-CDF to Members of Parliament are not Members themselves. They are people outside there. In the structure, there is nowhere a Member of Parliament, who is a patron of NG-CDF, runs the

operations of NG-CDF. The same applies to NGAAF. As a County Women Representative, I do not run NGAAF. I am just a patron; I am just an oversight authority for NGAAF. I make sure that all the money that has been allocated for NGAAF is used for that purpose. I ensure that the percentages that are allocated for women's economic empowerment are used for that particular purpose and that the money that has been ringfenced for bursaries and scholarships is used for that particular purpose.

I am in full support of the entrenchment of NGAAF and NG-CDF because the importance of the two Funds cannot be gainsaid. Before NGAAF and NG-CDF came in, for instance, in my county, there were no direct empowerment projects that went to the people. But with NGAAF, that needs to be entrenched in this Constitution, we now have members of the community: women, youth, persons living with disabilities and other vulnerable groups able to access funds for empowerment. We find groups in the villages like the Momba Boda *Boda* Group in Tinderet, which has Ksh300,000 that they can use to better their operations as operators in the boda boda sector. The Oasis Women Group in Kibiyet can now run their businesses, invest in business, get income and have money in their pockets, courtesy of the same NGAAF.

Today, Nandi County boasts of more than 700,000 seedlings of Kahawa that have been given out under the Mama na Kahawa Programme. The programme, in the next three years, will bear proper fruit; we will see fewer people going to the NG-CDF and NGAAF offices to look for funds because they will pay their school fees. This is equity that we have always looked for and have wanted to see in every aspect of this life.

I cannot give enough accolades to NG-CDF. For me to be here today, I am a product of the NG-CDF. I got a bursary from the Emgwen office, then, in 2012. I appreciate what NG-CDF did for me and for other vulnerable children who need and require education. When we walk around the constituencies that we come from, we can tell where we are courtesy of the branding that is done under NG-CDF. One can know whether they are in Emgwen, Likuyani, or Msambweni. One will know where they are courtesy of projects that have been done by NG-CDF.

I am in total support of the entrenchment of the Funds in the Constitution so that they can continue giving services to people and continue being important to the people of Kenya. We are not doing this because we are Members of Parliament today. I can assure Hon. Members that in September 2027, during the swearing-in, I will not be in this House, but NG-CDF and NGAAF must be in this House so that they can serve the people of Kenya, post-me and you, Hon. Temporary Speaker who are sitting in this House. So, we are not doing this for ourselves, but we are doing it for the people of Kenya, we are doing it for the children, women, youth, and People with Disabilities (PwDs) of Kenya so, that these Funds can live beyond any Member and any person who gets an opportunity to sit in this House.

Hon. Temporary Speaker, with those very many remarks, I support the entrenchment of NG-CDF, NGAAF, and the Senate Oversight Fund into the Constitution of Kenya so that we can stop running battles in courts with the people who like going to court and deliver services to the people of Kenya.

The Temporary Speaker (Hon. Martha Wangari): Chairperson of the Committee on National Government Constituencies Development Fund (NG-CDF).

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you Hon. Temporary Speaker for giving me the opportunity to give my views and support the entrenchment into the Constitution of the NG-CDF, NGAAF and the Senate Oversight Fund.

First, I would like to thank Hon. Muriuki Karue, who did a good job. I was in this House at that time and before, there was nothing else people were doing in the rural areas. They were

busy selling their cows and their produce to build schools. Schools were built exclusively by parents who had children in school and well-wishers. But currently, what has happened is a transformation of this country. We have lessened the burdens of the public through the provision of funds that are people-driven. The committees that have been set aside and gazetted by the Attorney-General are going to work tirelessly to make sure that the Funds are managed and what people need is given priority. These Funds are an equaliser to all. They enable the poor to take their children to school and ensure equitable development no matter what kind of government is there.

The NG-CDF will equalise all the areas in the country. Everybody will feel what they pay, in terms of taxes. We also want the Fund to be entrenched in the Constitution because we have serious litigants in this country. Kenya has evolved into a very serious democratic country which has never been seen in Africa. Everybody has a right to challenge whatever is done in this House. They go to court. They are also allowed to run in the streets and say what they require. Entrenching this Fund is the right thing so that we shield it from being destroyed by litigants and others who do not wish other people well.

Hon. Temporary Speaker, compare what NG-CDF does in the constituencies with what county governments do in various areas. NG-CDF builds schools. The county governments have only one responsibility in education—to build the Early Childhood Development (ECD) classes which are only two in every primary school. After the enactment of the Constitution to have the county governments, we are in the 12th year. In fact, the governors have not finished building nursery schools which are only two classes. The NG-CDF Boards and Committees in the constituencies build classes. They are almost done. So, we need to support the entrenchment of NG-CDF in the Constitution so that we support constituencies.

I wish we had included Wards Development Fund in the Bill, so that we can take some money from the county governments and give it to the wards' representatives. This would enable us to have a management system in the wards, so that we see development on the ground. Since we do not have it in the Bill this time, I hope Members can think about it so that we entrench Wards Development Fund in the Constitution.

County governments are allocated Ksh400 plus in billions. Every constituency is allocated almost Ksh54 million from NG-CDF. When you compare the two, it is like day and night. That is why governors pass through courts at the end of every term to be washed before they go home. We do not know how we will protect Kenyans' money from being misused.

There are reforms which will be required after the Fund is entrenched in the Constitution. Members should think about how we shall give strict rules and regulations and the Act to the Board, so that they can manage the Fund effectively. If we entrench the three Funds in the Constitution, we need to think about what we want to make sure they are perfect and out of the litigation area.

Kenyans deserve to live better lives. Their children should go to school. We should empower women and people with disabilities in this country. The only solution is NG-CDF and NGAAF. Therefore, I support that we entrench these Funds in the Constitution.

Thank you.

The Temporary Speaker (Hon. Martha Wangari) Member for Wajir West, Hon. Yussuf Mohamed.

Hon. Yussuf Farah (Wajir West, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support the entrenchment of NG-CDF and NGAAF in the Constitution. Kenyans spoke. We did public participation everywhere in this country. Kenyans supported the Bill overwhelmingly. This clearly shows the trust they have in NG-CDF and NGAAF.

I do not want to debate with Governors who claim these specific Funds should be abolished or taken off from the records. Even if this money is taken back by the National Government today, it will not be allocated to the county governments. Why? This is because NG-CDF functions are very clear and distinct. NG-CDF and NGAAF do National Government functions, specifically education, security and energy. If these Funds are abolished, where will the Governors and county governments get money to fund the gap? If they are able to do it, they could have done it now. Education and security are not devolved functions. The people who are advocating for the removal of these Funds do not understand what the person at the grassroots level feels about it. These are people who are able to pay school fees for their children, and do other things that NG-CDF does for Kenyans.

As much as we argue whether we entrench the Funds or not, we need to understand the following:

1. Are these funds meant for specific Members of Parliament?
2. Are the funds being used by Members of Parliament for their own gains?

We all know these funds are used for a specific purpose by a Board. The Members of Parliament do their oversight role, which is to confirm and make sure that money is used appropriately or in the right way that is required by law. Some Kenyans believe that these funds are used by Members of Parliament which is neither here nor there. It is hot air. They know it, but they do it because they do not want these funds to go to the village level. Today, if we say that we abolish these Funds, what will happen to the people of Wajir West? What will happen to the schools from the remotest places in this country? The schools that could not get any infrastructure development funding from the national government since inception. Their only source of funding is NG-CDF. There is no school in Wajir West that was not either built, or equipped by NG-CDF. That clearly shows that this money is doing exactly what the two levels of government were supposed to do. It would be very unfair to the people of Wajir West if these Funds were removed. On behalf of the people of Wajir West, I want to say on record that these Funds should be entrenched into the Constitution.

Hon. Temporary Speaker, I have seen some busybodies, I call them so, because they always run to the courts to challenge whatever is good for this country. It is unfortunate that even those who are at the corridors of justice or courts to challenge the legality of these Funds, come to Members of Parliament or go to the NG-CDF committees to request for bursaries. That includes the judges. They go to the NG-CDF committee in their constituency to request for funds and in that same place they are here ruling against the legality of these Funds. Everybody knows, whether these Funds support the people of Kenya properly or not. What we need as a House--- I can see Members of Parliament are not around today. I urge everybody to come so that we can attain two thirds. Most of the Members of Parliament should come and vote. I withdraw before---

Hon. Beatrice Kemei (Kericho County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Beatrice Kemei, what is out of order?

Hon. Beatrice Kemei (Kericho County, UDA): Thank you, Hon. Temporary Speaker. Is it in order for the Hon. Member to say that Members of Parliament are not in this House yet we are all here? Let him debate on what he wants to say but not to say that we are not here.

The Temporary Speaker (Hon. Martha Wangari): Hon. Mohamed has already corrected. I think what he means is that we must attain 233 in the afternoon.

Hon. Yussuf Farah (Wajir West, ODM): Yes, Hon. Temporary Speaker. We must attain the threshold of 233 Members today, so that we entrench this Bill into the Constitution. If we are serious about this Bill, the people of Kenya and our children, we must entrench this Bill into the Constitution.

With those few remarks, I support the Bill. Thank you for giving me this opportunity.

The Temporary Speaker (Hon. Martha Wangari): Hon. Member for Nairobi, Hon. Passaris.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Bill on entrenching NG-CDF, NGAAF and create a Senate Oversight Fund as well.

The first thing I have to say is that, I regret what happened in Nairobi City County and across the country yesterday. What was supposed to be a peaceful demonstration was not peaceful. Lots of people ended up losing their lives. So many others were injured and on top of it a lot of people lost property. Nairobi came to a standstill as did many other parts of the country.

I appeal to the Civil Society Organisations (CSOs) and all those that have huge followings on social media that we have only one country. We need to respect that we have only one country and the situation that this country finds itself right now with heightened unemployment and limited budgets to fulfil the needs of the entire country. Just coming out, calling and thinking it is a beautiful selfie moment, undermine the National Police Service and expect them to serve us.

Seeing a policewoman get brutally kicked by the public, and another policeman get attacked, I am not saying that what the police officer did in terms of not exercising restraint in shooting innocent participants in the demonstrations, is right. What I want to say is when you push the police to the limits that we are pushing them, knowing that there is one policeman for 500 people and when we threaten their own safety, then we are also asking for trouble. I believe that yesterday, everybody was culpable. It is not just the police officers that shot demonstrators. Those who called for these demonstrations, funded them and caused the mayhem that they did, because if it is peaceful demonstrations then no county would be on shutdown. But a lot of the country came on shutdown yesterday. When you say that you are having peaceful demonstrations for memorials and you end up saying that you want to occupy State House, that is where you are going, you are actually looking to overthrow a government and that cannot be allowed. We have to understand that we have one country and we have to work together.

We are in a bad place in terms of the economy and the President is trying as much as possible to get us back on track as a country. But the opposition is taking advantage and trying to misuse poverty, to divide us on tribal lines and trying to cause mayhem. The lives that were lost is not blood on the police hands. It is blood on the politicians that funded this. It is blood on the civil society movements.

I also want to talk to the Law Society Kenya (LSK). You know, you are the Law Society of Kenya not just for the civil society. You are the law society for the entire country. You are the law society for that woman who lost her shop. You are the law society for that mother who lost her child. You are the law society for the many policemen that were also injured. So, I really say that, this country needs to take a break and focus on allowing the government to do the job that it wants to do. It is like they want to undermine the government so that they can actually move in. But that is not the way to win an election. Tell the public what you are going to do for them. Show them by example what you are going to do for them.

Before I became an elected a Member of Parliament, I was already a leader. I had already done the projects of adopt-a-light. I was already employing deaf people. What are you doing? You

came out of government, you want to get into government and you are promising things. We have a former chief justice who is also trying to do that. So, for me, I really feel that we need to focus on ensuring that we have peace in this country.

Hon. Atieno Bensuda (Homa Bay County, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Bensuda, what is out of order?

(A Member spoke off the record)

Hon. Atieno Bensuda (Homa Bay County, ODM): Do not tell me to sit. We are legislators.

The Temporary Speaker (Hon. Martha Wangari): Hon. Bensuda, address the Speaker.

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you, Hon. Temporary Speaker. I am sorry, I withdraw.

We are debating NG-CDF and NGAAF, but I am hearing very fundamental contribution on police brutality and other issues that we should do. Could the contributor, the Hon. Member for Nairobi City County, explain whether that is related to enshrining NG-CDF and NGAAF into the Constitution?

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Passaris, by the Standing Orders, you will maintain relevance to the debate.

Hon. Esther Passaris (Nairobi City County, ODM): Thank you, Hon. Temporary Speaker, but I cannot be ignorant of what happened in my county yesterday and in the country at large. As legislators and representatives of the people, it would be remiss of me not to offer condolences to all the people that lost their loved ones and continue to lose their loved ones because the civil society cannot hold itself and its horses. The political wing is also trying to undermine the country.

As I stand here, I speak as a patron of NGAAF. I have seen all these Funds - NGAAF and NG-CDF - being riddled with many court battles and the thing is nobody wants to understand the impact these Funds have on the society. I came to know about NG-CDF when I first came to Parliament. The late Hon. Ken Okoth had invited me to Kibra Constituency where he was opening a school funded by NG-CDF. It was not him who had funded. So, as Member of Parliament he ensured that NG-CDF for Kibra was used for the job that it was allocated. He ensured that the desired standards were observed. The committee members and NG-CDF board members oversaw the fund. Therefore, they owned the school construction project. As the area Member of Parliament, he only gave leadership.

I am the patron of NGAAF in Nairobi County and I receive a lot of money for various votes. One of the votes is the county wide vote. When the committee members realised that there was an increase of Sexual and Gender-Based Violence (SGBV), they decided to save the money. We bought land and the money is being used to put up the first county owned safe house in Nairobi County. That could not have happened if we left everything to the governors and the Executive.

Nobody had thought of building a safe house in Nairobi. I have seen a number of county women representatives building safe houses and rehabilitation centres. Therefore, these gaps are being addressed by this Fund. During the COVID-19 scourge, the *mama-fuas* came to us complaining that they could not go into clients houses to wash clothes and their businesses were going down. The NGAAF Committee sat and decided to create stations for them to operate from. We equipped the stations with washing machines, driers and ironing boards so that they could conduct their businesses. That gap that was bridged by NGAAF. There are so many other projects

that we do. We empower people to start businesses like running a posho mill, Television Centres and buy motor bikes for bodaboda business.

NG-CDF plays its role. People always go to court because of this Fund. They end-up derailing its role in terms of providing bursaries for education, affirmative action, provisions for persons living with disabilities and building police stations. When you go to Ruaraka Constituency, Hon. T. J. Kajwang' has put up a police station. The Judiciary once engaged us as Members of Parliament when they needed more courts. They wanted us to allocate money for building courts so as to bring services closer to the people.

This Fund needs to be entrenched in the law. So, that we stop the back and forth of court cases and it can continue to do the good work. After 20 years, some people are saying that this Fund should go. They cannot see that it meets the needs in the grassroots areas. You know, other countries want such a Fund.

I hope that we will entrench NG-CDF in the law and NGAAF will be apportioned a percentage like that of NG-CDF. So, that as the economy grows, it also grows. NGAAF cannot be constantly at Ksh3 billion. I support all these Funds so that we can effectively deliver at the grassroots in real time as required. The Members of Parliament are just patrons who ensure that their people are served well.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): The Member for Nambale, Hon. Geoffrey Mulanya.

Hon. Geoffrey Mulanya (Nambale, Independent): Thank you, Hon. Temporary Speaker for giving me the opportunity to add my voice to this Bill. The fight against NG-CDF is not just about the Fund. It is a misplaced fight where many people are fighting Members of Parliament. So, they wrongly direct their anger to the Fund. When you walk around the country you will realise the gains made by the NG-CDF. In my constituency Nambale, we have many new schools that were constructed using the Fund. Article 53 of the Constitution guarantees Kenyan children free basic education. How will we achieve this? It cannot be achieved if our children have to cover two to three kilometres to school.

In Nambale Constituency, we have earmarked the construction of six new schools. The only fund that can help the people to achieve this is NG-CDF. It will be used to build these schools near homes to enable children easy access. The judges who seat in courts and decide cases are products of government schools. In these current times, we cannot have school children walking a distance of three kilometres to attend school. That is why we build schools near homes so as to reduce the walking distance.

In most parts of our country, Chiefs and Assistant Chiefs initially never used to have offices. All the gains made for our people to be served properly by administrative units were made through NG-CDF. People say NG-CDF is pocket money for Members of Parliament. Withdrawing this Fund will be a great injustice to Kenyans. The only option we have is to entrench it in the Constitution. Then, increase allocation so it can be used for development in the rural areas. People are saying that the Fund offends the doctrine of separation of powers. However, we must appreciate that it applies to the National Government functions like education, security and administration. People want it withdrawn yet it will not affect the county governments allocations because they have their own allocations.

As has been said, we are 13 years into devolution. In many parts of this country, some schools do not have the Early Childhood Development and Education (ECDE) classes. So, county governments must concentrate on the funds allocated to them. They should allow the National

Government to perform its functions. Members of Parliament are mere patrons. Our duty is to ensure that there is equity in the distribution and application of the Funds in all parts of our constituencies. We are not involved in its appropriation and expenditure. I have never seen a NG-CDF cheque in my constituency. I only see bursary cheques as I supervise their distribution. So, I support the entrenchment of NG-CDF in the Constitution. So, as to stop the busy bodies who rush to the courts saying that the Fund is unconstitutional. I support.

The Temporary Speaker (Hon. Martha Wangari): The Deputy Majority Whip, Hon. Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this very important ongoing debate. I also want to thank Hon. Otiende Amollo and Hon. Samuel Chepkonga for bringing this Bill. We need to participate in the debate because this Bill touches on the lives of our people, especially the vulnerable.

The poverty level in our country is quite high. The only way we can help our people is through NG-CDF and NGAAF. We cannot compare NGAAF to what NG-CDF does or the amount of money it is allocated. However, the impact of NGAAF is quite huge. It has transformed lives. It educates students and brings development closer to the people at the grassroots level. We use the little money we are given very well. The 47 Country Women Representatives exercise good accountability and stewardship of that money.

That money has also equalised marginalised parts of this country. Previously, those of us who come from remote areas did not feel the presence of the Government. However, these Funds have taken services closer to our people. It has educated people and transformed lives. We go to the ground to empower over 15 women's groups, 10 youth groups, and people living with disabilities by giving them a cheque of Ksh100,000. This money is meant to improve their businesses and create job opportunities for them. That way, they create their own wealth and transform their villages.

Members have done a lot using NG-CDF. They provide bursaries just like Women Representatives. They have built school infrastructure and constructed technical training institutes. Some have built medical training colleges and supported the national administration. I have seen some even constructing Huduma Centres. We have improved the lives of the people at the grassroots level, brought services closer to them and also created jobs for the youth.

Some Kenyans have been fighting NG-CDF because they think that it benefits individual Members of Parliament. It is unfortunate that people in our country like fighting Members of Parliament. Many of us have sacrificed a lot to transform the lives of the people on the ground. I beg the citizens of this country to give Members of Parliament an opportunity to serve them better. We need to support this Bill because it will not benefit us but our citizens.

Women Representatives are demoralised because many people want to reduce the little money they get for NGAAF. It is my prayer that the allocation for NGAAF is increased. So, that we can reach many people in the villages who need our support. We are the only ones who understand the needs of women, youth and people living with disabilities in the villages.

With those few remarks, I support the Bill.

The Temporary Speaker (Hon. Martha Wangari): Bishop Kosgei.

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Thank you, Hon. Temporary Speaker. At the outset, I also wish to support this Bill that proposes to entrench NG-CDF and NGAAF in the Constitution because of two reasons. First, is the impact of these funds on the citizens since their

establishment several years ago. It has been said that you cannot deny citizens a right that they have legally enjoyed. You can only enhance it.

Secondly, the impact of this Fund is evident. The best way to enhance it is by entrenching it in the Constitution. It is beneficial to citizens of this country. I support it because of devolution. The very spirit and intent of the Constitution by bringing devolution was to transfer power and bring resources closer to the people. Primarily, the drafters of the Constitution wanted to bring governance closer to the people thus foster greater public participation and equitable resource allocation.

The question before us should not be whether to have NGCF or NGAAF. Rather, how to enhance devolution. This is one way of boosting the right of citizens to participate in an equitable manner through legal and practical means. This afternoon, as we undertake to have the Funds entrenched in the Constitution, I appeal to all Kenyans of goodwill to appreciate that this is one way of enhancing devolution in our country.

With that, Hon. Temporary Speaker, I thank you.

The Temporary Speaker (Hon. Martha Wangari): Very well. The Member for Teso North, Hon. Kaunya.

Hon. Oku Kaunya (Teso North, ODM): Thank you, Hon. Temporary Speaker. I wish to add my voice to this debate.

I support the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2025) to entrench NGCF, NGAAF and the Senate Oversight Fund into the Constitution. I want to emphasise one important thing that NG-CDF has done in the country. It brought inclusivity and equity. It has provided resources to communities like the Teso and marginalised constituencies like mine. I want to give an example of when I came to Parliament in 2017. Teso North Constituency had no government training institution or college since independence.

Through NG-CDF we established a committee to work around the clock. It has established four institutions that have over 4,000 students such as the Kenya Medical Training College (KMTC) with over 700 students. The students walk from their homes in the villages to the colleges. Therefore, the cost of training has gone down. Even poor sections of the community can access education.

We have a Technical Training Institute (TTI) with over 3,000 students. We established a National Youth Service institution operationalised through NG-CDF. We have also established a campus of Kenya Institute of Highway and Building Technology (KIHBT). Without NG-CDF many marginalised areas in this country would not have developed. Therefore, entrenchment of NGCF in the Constitution is key. It will ensure that there is inclusivity and equity in development.

Secondly, the entrenchment of these Funds will alleviate poverty in affected areas. Children who are unable to access education because of poverty are provided with bursaries. Only NG-CDF bursaries are felt on the ground. So, we need to enhance the bursaries allocation. Again, I can give the example of my constituency. More than 2,000 students have been fully sponsored by NG-CDF to undertake different courses in various colleges. More than 30,000 students have benefited from bursaries and are able to remain in school. Apart from sponsorship of students, NG-CDF has improved the infrastructure of schools.

I support the idea of entrenching this Fund. This is because Kenya has been experimenting development strategies so as to progress. At Independence, there was Sessional Paper No. 5 on African Socialism and its Application to Development in Kenya. One of the things we were trying to experiment then was to see how best we could achieve equity, development and distribution of resources as well as political devolution. We talked of regionalism. Over time, in the 1980s we had

the District Development Committees (DDC). I happen to have been a District Commissioner (DC) during those times.

The DDC was an instrument that the Government used to ensure participation by local leadership and departments at the district level in planning and distribution of resources. Devolution brought in counties. The whole experiment of counties and NG-CDF is a progression. As of today, NG-CDF has proved to be working.

Therefore, we need to entrench it in the Constitution, especially now that we have counties as devolved units. After entrenching this Fund, we should consider entrenching the Ward Development Fund to ensure that devolved funds allocated to county governments reach the grassroots. So, as NG-CDF reaches constituencies, we want county government funds to also reach the wards. So, the public can really feel the development.

Thank you, Hon. Temporary Speaker, for this opportunity. I support the entrenchment of NGCF, NGAAF and SOF in the Constitution. I urge all Members to turn up so that we give the Bill the two-thirds support.

The Temporary Speaker (Hon. Martha Wangari): Member for Mandera. She has walked out. Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, ODM): Thank you, Hon. Temporary Speaker for the lovely opportunity. First and foremost, I want to thank the two Members, Hon. Chepkonga and Hon. Otiende, for coming up with this Bill so we can entrench NGCF in the Constitution.

A lot has been said about this. The ones opposing NG-CDF, NGAAF and SOF are those who stay in Nairobi. They do not go back home so they do not know what is happening there. I met one of them, a very senior lawyer and I asked him how he was doing. He said, that he has not gone back home for a while to see exactly what NG-CDF and NGAAF has done. This is an opportunity for this House to entrench these Funds in the Constitution. Let us forget about the noise being made out there. Those people do not know what they are talking about. They are talking for the sake of it and to make their presence felt. Some of them are very senior lawyers.

Without NG-CDF, it means we will go back to holding *harambees* to support school children. Parents will be asking Members of Parliament to support their children. NG-CDF has already taken care of this. I do not get involved at all in its management. All I do is oversight. The Fund has done a very good job. It is broad based even the sub-county commissioner is involved. The NG-CDF committee is very representative. I come from Trans-Nzoia a small county in Kenya. We have had good representation and have done a lot. Go to Kwanza or any constituencies in this country and see what NG-CDF has done. In the absence of NG-CDF, we will go back to *harambees* to build classrooms and toilets. With NG-CDF, all you need to do is to get information from the school committee about what they want.

Some people want NG-CDF to go to counties. It is a joke. In my county, there is no construction of ECDE classes. What does this mean? You will be enabling the governors to use the money as they want. There have been cases in court where they have been accused of misusing money. In fact, as we are talking, my governor is in trouble because of misuse of money. Assuming you take away NG-CDF from five constituencies in the county. What will you get? Nothing but court cases.

Hon. Temporary Speaker, let us entrench these Funds in the Constitution. We are not begging anybody; it is our right. We want to avoid the problems we have had in the past like *harambees*. For those who do not know, some of us have been here for quite some time. We can recall the days when we were asked to build school toilets and we had to hold a *harambee*. We do

not want to bring that back. Each one of us has an opportunity to vote in the afternoon for these Fund to be entrenched in the Constitution.

I also take this opportunity to remind citizens that we are not involved in the running of NG-CDF. We only oversight. I have not heard of anybody being taken to court for misusing NG-CDF or NGAAF. The Senate Oversight Fund will assist Senators to oversight counties and sub-counties. Let us pass this Bill in the afternoon.

Thank you, Hon. Temporary Speaker, for the opportunity. I support.

The Temporary Speaker (Hon. Martha Wangari): Thank you very much.

Hon. Members, unfortunately, our time for the morning session is up. We take note that there is a lot of interest. I have requested the Clerks-at-the-Table to note Members who have been queuing. As long as you will be in the House, you will get the first opportunity in the afternoon to contribute.

ADJOURNMENT

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, the time being 1.01 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.01 p.m.

*Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi*