



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. IV NO. 50**

## THE HANSARD

Wednesday, 11<sup>th</sup> June 2025

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

**Hon. Speaker:** Hon. Members, there is no quorum in the House. Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Order, Hon. Members. We have quorum to transact business. Clerk-at-the-Table, proceed.

*(Several Members walked into the Chamber)*

Members on their feet, please take the nearest seats. I have a short communication.

### COMMUNICATION FROM THE CHAIR

#### PRONOUNCEMENT OF BUDGET POLICY HIGHLIGHTS AND REVENUE-RAISING MEASURES FOR THE NATIONAL GOVERNMENT FOR FY 2025/2026

**Hon. Speaker:** Hon. Members, you may recall that on Tuesday, 27<sup>th</sup> May 2025, I notified the House that, in compliance with the provisions of section 40 of the Public Finance Management Act, Cap. 412A as read together with Standing Order 244C, the Cabinet Secretary for the National Treasury and Economic Planning was scheduled to make a public pronouncement of the Budget highlights and revenue raising measures for the FY 2025/2026 on Thursday, 12<sup>th</sup> June 2025.

In this regard, I wish to remind the House that the event will take place as scheduled tomorrow, Thursday, 12<sup>th</sup> June 2025, from 3:00 p.m. in the National Assembly Main Chamber, Parliament Buildings. In keeping with the established parliamentary practice for fostering regional integration of the East African Community (EAC), this ceremonial event will take place concurrently in all the EAC member states.

The pronouncement of the Budget highlights and revenue raising measures by the Cabinet Secretary is a critical function of the National Assembly in the budget-making cycle. Indeed, various dignitaries and invited guests are expected to attend and observe the proceedings. I, therefore, urge all Members to prioritise and attend this significant event.

Thereafter, there will be a reception at the Parliament Courtyard, hosted by the Ministry of the National Treasury and Economic Planning. Consequently, Members, the parking spaces at the Parliament Courtyard will not be available for use tomorrow, Thursday, 12<sup>th</sup> June 2025. Hon. Members will be dropped off at the main entrance, following which drivers will be guided

by Parliament Security Officers and Sergeant-At-Arms to alternative parking spaces within Parliament Square.

To this end, I urge Members to clear the parking area at the Parliament Courtyard as from today, 4.00 p.m., to allow arrangements for the reception to be undertaken.

The House is accordingly guided.

While I am upstanding, allow me to acknowledge, in the Speaker's Gallery, Gakoe Girls' High School, Gatundu North, Kiambu, Migwani Boys' High School, Mwingi West, Kitui and in the Public Gallery, Karangare Secondary School, Mbeere North, Embu, Kalisasi Secondary School, Mwingi Central, Kitui and Thumaita West Secondary School, Ndia, Kirinyaga.

On my behalf and on behalf of the House, we welcome the students, their teachers and those accompanying them to the House of Parliament. Next Order.

*(Several Members walked into the Chamber)*

Members on their feet, take the nearest seats. I have a Message from the Senate.

## MESSAGE

### APPOINTMENT OF SENATORS TO THE MEDIATION COMMITTEE ON THE DIVISION OF REVENUE BILL, 2025

**Hon. Speaker:** Hon. Members, pursuant to the provisions of Standing Order 41(1), I wish to report to the House that I have received a Message from the Senate regarding the appointment of Senators to a Mediation Committee on the Division of Revenue Bill (National Assembly Bill No. 10 of 2025).

The Message conveys that pursuant to the provisions of Article 113 of the Constitution, the Speaker of the Senate has appointed the following Senators to the Mediation Committee on the Bill—

1. Sen. (Capt.) Ali Ibrahim Roba, CBS;
2. Sen. (Dr) Boni Khalwale, CBS;
3. Sen. Tabitha Mutinda;
4. Sen. William Kisang;
5. Sen. Danson Mungatana;
6. Sen. Eddy Gicheru Oketch;
7. Sen. Mohamed Mwinyihaji Faki;
8. Sen. Richard Momoina Onyonka; and
9. Sen. Daniel Kitonga Maanzo.

The appointment of Senators to the Mediation Committee on the Division of Revenue Bill (National Assembly Bill No. 10 of 2025) arose out of the decision of this House to reject the Senate amendments to the Bill on Tuesday, 3<sup>rd</sup> June 2025. This rejection remitted the Bill to a mediation committee pursuant to the provisions of Article 112(2)(b) of the Constitution.

You may recall that vide a Communication issued to this House on 4<sup>th</sup> June 2025, I appointed nine (9) Members to represent the National Assembly in the Mediation Committee. With the appointment of the Senators, the Mediation Committee is now fully constituted as contemplated under Article 113 of the Constitution. I, therefore, call upon the Committee to expeditiously consider the contested aspects of the Bill and submit a version for consideration by the Houses of Parliament.

In considering the Bill, I hasten to remind the Committee to be alive to the timelines provided for under Article 113(4) of the Constitution to ensure the bicameral process is concluded in time.

Thank you. Next Order.

## PAPERS

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I thank you for giving me this opportunity. I beg to lay the following Papers on the Table:

1. Reports of the Auditor-General and financial statements of the Commodities Fund Staff Mortgage and Car Loan Scheme for the years ended 30<sup>th</sup> June 2019 and 30<sup>th</sup> June 2021, 30<sup>th</sup> June 2022, and the certificates therein.
2. Reports of the Auditor-General and financial statements of the Public Private Partnerships Project Facilitation Fund for the years ended 30<sup>th</sup> June 2019, 30<sup>th</sup> June 2020, 30<sup>th</sup> June 2021, 30<sup>th</sup> June 2022, 30<sup>th</sup> June 2023 and 30<sup>th</sup> June 2024 and the certificates therein.
3. Annual Report of the National Gender and Equality Commission (NGEC) for the financial year 2023/2024.
4. Report of the Audited Accounts of the Pest Control Products Board (PCPB) for the year ended 30<sup>th</sup> June 2024 from the Ministry of Agriculture and Livestock Development.
5. Report of the National Government Budget Implementation Review for the First Six Months (First Half) for the financial year 2024/2025 from the Office of the Controller of Budget.
6. Quarterly Economic and Budgetary Review Report (Third Quarter) for the financial year 2024/2025 for the period ending 31<sup>st</sup> March 2025 from the National Treasury.
7. The County Governments Budget Implementation Review for the First Quarter for the financial year 2024/25 from the Office of the Controller of Budget.
8. The National Governments Budget Implementation Review for the First Nine Months for the financial year 2024/25 from the Office of the Controller of Budget.
9. Reports of the Auditor-General and financial statements for the year ended 30<sup>th</sup> June 2024 and the certificates therein in respect of:
  - (a) Our Lady of Mount Carmel Mary Hill Girls' High School.
  - (b) Rarieda Technical and Vocational College.
  - (c) Sabunley Secondary School.
  - (d) St. Bonaventure Kaheti Boys High School.
  - (e) St. Therese Mbooni Girls' High School.
  - (f) St. Thomas Aquinas Kaumoni Boys Secondary School.

I do not know why the Chairman of the Departmental Committee on Administration and Internal Security is... Thank you very much, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Members...

Hon. Members, before we go to Order No.7, let us have a short rearrangement so that we dispose of Orders No.8 and 9 before we go to Order No.7. Is Hon. Musa Sirma in the House? Who will be moving the Motion at Order No. 9? That is something you move, you second, and we dispose of. Chief Whip of the Majority Party, where is the leadership of the National Government Constituency Development Fund (NGCDF)?

**Hon. Owen Baya** (Kilifi North, UDA): I saw Hon. Musa here.

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**Hon. Speaker:** Well, he is not.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I think that is a fairly easy thing.

**Hon. Speaker:** You can move it.

**Hon. Owen Baya** (Kilifi North, UDA): Yes.

**Hon. Speaker:** Okay, call out Order No.8.

## MOTIONS

### CONSIDERATION OF REPORT ON ESTIMATES OF RECURRENT AND DEVELOPMENT EXPENDITURE FOR THE YEAR ENDING 30<sup>TH</sup> JUNE 2026

THAT, this House do agree with the Report of the Committee of Supply on its consideration of the Budget Estimates for the FY 2025/2026 and pursuant to the provisions of Article 221 of the Constitution, section 39 of the Public Finance Management Act, Cap. 412A and Standing Order 240A, approves the issuance of a sum of Ksh2,549,543,978,440 from the Consolidated Fund to meet the expenditure for the National Executive, Parliament and the Judiciary during the year ending 30<sup>th</sup> June 2026 in respect of the Votes as contained in the Schedule.

*(Moved by Hon. Samuel Atandi on 10.6.2025)*

*(Resumption of consideration interrupted on 10.6.2025)*

*(Several Members stood in their places)*

**Hon. Speaker:** Hon. Members on their feet, take the nearest seats.

*(Question put and agreed to)*

Hon. Members, I must congratulate those who painstakingly remained in the Chamber yesterday to prosecute the Committee of Supply. I know some of you had retreated elsewhere, but I saw Members like Hon. Kajwang, Hon. Keynan, Hon. Owen, Hon. Bowen, Hon. Oundo and others, who remained here from 2.30 p.m. to the end of the day. We must salute their industry.

Next Order.

### CONSIDERATION OF NOMINEES TO THE 51 NG-CDF COMMITTEES

**Hon. Speaker:** Yes, Hon. Owen.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I beg to move:

THAT, this House adopts the report of the National Government Constituencies Development Fund Committee on its consideration of the 51 constituencies committees laid on the table of the House on Tuesday, 10<sup>th</sup> June 2025, and pursuant to the provisions of Section 43 (4) of the National Government Development Fund Act, Cap. 414A and Paragraphs 5 (2) and (10) of the National Government Constituencies Development Fund Regulations, approves the list of the nominees for appointment to the following 51 Constituencies Committees of the National Government Constituencies Development Fund:

## 1. BANISSA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Sharif Sheikh Dahir	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Hassan Mohamed Hillow	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Abey Abdirahman Ibrahim	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Saadia Aliyerrow Abdi	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Makai Hussein Ibrahim	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Saadia Gedi Dakane	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Hussein Maalim Mohamed	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 2. BOMACHOGE CHACHE CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Ronald Maenya Kiriama	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Boniface Mogaka Onchera	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Some Ongeru Eric	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Jomo Decklah Moruri	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Tumbo Leonida Nyarinda	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Tabitha Kwamboka Orina	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	James Nyambega Kaibe	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 3. BUTERE CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Wambani Were Wambiri	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Ambetsa James	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Linus Ashika	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)

4.	Millicent Maube	Khayeshe	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Lilian Akinyi		Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Lavine Mate Tsalwa		Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Livingstone Omutanyi	Shibona	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 4. BUURI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Charles Kinyua Kiara	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Stanley Mwiti Ringeera	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Benson Murithi Mwirigi	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Catherine Gaiti Muriuki	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Mercy Gaceri Mwathe	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Jackline Murugi	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Joshua Murithi Mwarania	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 5. CHUKA -INGAMBANG'OMBE CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Njeru Protasio Mutema	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Jackson Murithi Mwira	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Allan Kimathi Njoka	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Secondina Ciangai Rugendo	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Doreen Mwendu Naivasha	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Joy Kawira Mwenda	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Humphrey Gitonga Ntwiga	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 6. DADAAB CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Mohamed Sheikh Osman Hathe	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Abdisalaan Muhumed Duale	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Abdinasir Mohamed Hussein	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Sahara Abdinoor	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Halima Hamdi Gure	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Habibo Mohamed Sheikh	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Mohamed Hassan Muhumed	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 7. EMBAKASI CENTRAL CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Patrick Maina Muthoni	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Peter Mwangi Njoroge	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Airo Cliff Odhiambo	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Nancy Njeri Kiragu	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Esther Nyakerario Obiri	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Christine Minae Muhando	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Francis Maina Mwangi	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 8. FUNYULA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Andrew Obada Oduory	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Constant Apopo Okumu	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Kelvin Bwire Ochieng	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Grace Naiti Makokha	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)

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|----|--------------------------|--|--|
| 5. | Josephine Violate Akello | Female Adult Representative                      | Appointment, pursuant to Sec.43(2)(c)  |
| 6. | Shakina Sophy Ousman     | Female Youth Representative                      | Appointment, pursuant to Sec.43(2)(c)  |
| 7. | Victorine Anyango Naburi | Representative of Persons Living with Disability | Appointment, pursuant to Sec. 43(2)(d) |

#### 9. GALOLE CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Godhana Nathan Oddo	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Barakatuh Guyo Maro	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Deye Samson John	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Habhibo Rahma Salat	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Ubah Mohamed Gudow	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Asha Mohamed Bodole	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Ali Kofa Guyo	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 10. GANZE CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Raymond Katana Baya	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Robert Galo Chengo	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Bonnphas Yaa Pembe	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Loyce Dama Katana	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Winnie Nzikwa Nguzo	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Maria Mbuhe Mrabu	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Daniel Ramadhani Karisa	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 11. GARISSA TOWNSHIP CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Hassan Osman Shurie	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Shikey Abdi Noor	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Mohamed Barre Olow	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Haretha Kahiya Saman	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Fatuma Ahmed Kosar	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Maryan Somo Hussein	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Siyad Hared Muhumed	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

### 12. GATUNDU SOUTH CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Samuel Mungai Kamau	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Joseph Njoroge Nyamathwe	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Peter Gathiga Kinyita	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Salome Njeri Nganga	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Faith Muthoni Churu	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Grace Njoki Kairu	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	George Wanyoike Kaboro	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

### 13. IJARA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Ahmed Mahamud Abdi	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Atif Khalif Buro	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Issack Zakarya Abdi	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Qureisha Daud Ibrahim	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)

5.	Istarlin Sambur Abdullahi	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Rahma Ali Yakub	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Halima Hussein Bulle	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 14. IKOLOMANI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	David Muliru Lisamula	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Patrick Shikuri Wendo	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Raivon Khigani Inginda	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Everlyne Wittila Otakwa	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Consolata Mukavi	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Sheverlyne Chimasi Odally	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Dennis Wendo Savatia	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 15. JOMVU CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Seif Kalama Masha	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Ganatra Robert Okochi	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Owen Benchure Ogonda	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Thima Maitha Raha	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Rehema Bahaj Saleh	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Barika Omar Said	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Riziki Abdallah Kadzoyo Mohamed	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 16. JUJA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Peter Kiratu Mbari	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Joseph Muniu Kaburi	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Simon Nduati Wamakau	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Njeri Mwangi Kahingo	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Jane Anyango Wanda	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Charles Mwenji Kirichu	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

### 17. KABUCHAI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Charles Wenganga Sirengo	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Douglas Munyasia Mukhongo	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Kennedy Juma Wanjala	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Maximillah Wanyonyi Wambani	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Florance Wabuke Nasambu	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Roselyne Nafula Barasa	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Janet Wanambuko Nasimiyu	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

### 18. KAITI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Japheth Musyoki Nyalita	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Mwongela Isaac Muloi	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	David Muthinzio Mbatha	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Winfred Nthenya Katunga	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)

5.	Ruth Nduku Mwinzi	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Angela Itumbi Muumbi	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Florence Mutania Mutie	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 19. KAMUKUNJI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Peter Kimani Wambui	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Ali Joram Juma Mkwamba	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Linus Okok Abuor	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Aisha Musiko Hamisi	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Esther Wairimu Kinyua	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Mivu Kemunto Jefita	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Zeitun Mohamed Essman	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 20. KANDARA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Samuel Kagwa Gichuru	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Sammy Mburu Chege	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Kelvin Warukira Mungai	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Roselynn Nduta Gitau	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Sarah Gathoni Chege	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Sarah Nyanjuki Kamandi	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Anthony Mwangi Kiguru	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 21. KILIFI SOUTH CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Jumaa Ali Mohamed	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Richard Mungwa Mwambura	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Daniel Yawa	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Judith Pahe Mungwa	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Lilian Nyadzua Hassan	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Ruth Riziki Kadanga	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Gaspary Sanga Mbura	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 22. KILOME CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Tama Simon Muthiani	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Steve Mutuku Munyao	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Thaddeous King'oo Ndambo	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Margaret Kitumbi Maweu	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Jeniffer Mueni Nzinga	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Jaruf Salma	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Augustine Mwikya Mutua	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 23. KIMILILI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	George Simiyu Nyaranga	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Fred Khaemba Wasike	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	John Wanjala Sundwa	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)

4.	Emily Luchera Shibu	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Celestine Dyelyne Waliaula	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Abigael Naliaka Masika	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Wycliffe Simiyu Wepukhulu	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 24. KURIA EAST CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Morris Wambua Magaiwa	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Sickler Chacha Omari	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	John Chacha Chacha	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Raheli Wambura Mwita	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Gati Rioba Mwita	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Caren Goyo Makena	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Francis Chacha Mwita	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 25. LAGDERA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Dagane Abdullahi Daib	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Ismail Adow Warsame	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Hassan Mohamed Gabey	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Saadia Bile Hussein	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Sondus Ali Samow	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Ayan Shukri Ali Sagar	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Daib Mohamed Sahal	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 26. LOIMA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Kwalang Ekulan John	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	James Kalotum Jama	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Philip Ekaale Inyefu	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Maria Akipetot Lotiyan	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Elice Edung Ejore	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Naomi Aregae Esokon	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	John Egialan Lobur	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 27. LUGARI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Wycliffe Kalombo Soita	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Oliver Amuko Sande	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Philip Busakha Aluvi	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Mispellah Musanya Mulari	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Winnie Kageha Alukwili	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Nelly Alivitza Sale	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	John Wafula Sabuni	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 28. MATAYOS CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Stephen Ronald Ojwang'	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Emmanuel Ook Dickson	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Vincent Nyongesa Egesa	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Caroline Minnie Atieno	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)

5.	Vailet Aliviza Nyongesa	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Caren Nakuti Lutta	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Fredrick Okello Wafula	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 29. MATHIRA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Edward Muchiri Mururu	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Peter Mwangi Gachau	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Kelvin Mugo Muthoni	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Irene Nyambura Mwangi	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Irene Njoki Maina	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Martha Wanjiru Macharia	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Mercy Mumbi Githui	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 30. MATUNGU CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Michael Louis Watako	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Faluma Wasaya	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Mutayi Juvenalis Muroho	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Alice Were	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Francisca Wabuyabo	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Nancy Lydia Mukeyah	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Rose Nawire Makokha	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 31. MOYALE CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Shoba Gufu	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Guyo Kanu Boru	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Juma Wolasa Hasse	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Rukia Isaak Abduba	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Amina Isack Bante	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Fozia Hassan Manur	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Peter Kulo Zerihun	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

### 32. MSAMBWENI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Mwakibibo Rama Juma	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Mohamed Kassim Gambere	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Salim Mohamed Kirinzo	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Mwanaisha Rashid Halfani	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Gladys Reuben	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Rose Kamene Matheka	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Thabiti Mohamed Mchambi	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

### 33. MUHORONI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Del Benard Austine Ogutu	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	David Kipsang Rotich	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Nashon Juma Nudi	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Nancy Iminza Kayere	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)

5.	Wilfrida Adhiambo Olaly	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Emily Akinyi Ochuka	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Hamida Ismail Ahmed	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 34. MVITA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Ali Bafundi Ali	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Raweh Mohamed Shamsan	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Mbarak Salim Mbarak	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Khadija Kassim Abdulrehman	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Serah Mwikali Maingi	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Pamellah Atieno Orem	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Ruth Akinyi Marcella Oriyo	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 35. NYALI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Kennedy Otieno Odero	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Bonface Salasya Shitabule M	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Kalicha Golicha Dullo	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Mary Nyokabi Thairu	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Biasha Hamisi Mwanjama	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Khadija Ahmed Said	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Rajab Abdallah Athman	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 36. NYANDO CONSTITUENCY

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No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Kenneth Onyango Ogallo	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Joseph Rocky Odada	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Samuel Odhiambo Otieno	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Aloo Lilian Adhiambo	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Teresa Achieng Ochele	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Mildred Adhiambo Osambo	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Zedekiah Odalo Hongo	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

### 37. NYARIBARI MASABA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Josephat Nyarangi Giteya	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	James Maranga Tinega	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Philip Orina Osano	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Judith Bonareri Obino	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Prisca Nyareso Oywako	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Rael Moraa Ondieki	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Daniel Nyandago Nyabika	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

### 38. NYATIKE CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Onyango Henry Adar	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Joseph Menya Ngode	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)

3.	Daniel Onyango Ojwang	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Loice Adhiambo Ouma	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Judith Akinyi Ogola	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Celestine Achieng Otieno	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Jacob Otieno Oyomno	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 39. RABAI CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Emmanuel Muhaso	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Elvis Bokoro Hare	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Isaak Mwabaya Gideon	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Patience Idza Nyaki	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Agneta Mbodze Mwaruwa	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Sarah Nyamvula Foleni	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Joseph Fungo Fereji	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 40. RANGWE CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Otieno Alosi Jared	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Robert Ojwang K' Oloo	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Philemon Ondigo Onyango	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Carolyne Atieno Otieno	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Mary Adongo Onyango	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Maureen Akinyi Opondo	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)

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| 7. | Paul Ochieng Mboya | Representative of Persons Living with Disability | Appointment, pursuant to Sec. 43(2)(d) |
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## 41. SAMBURU EAST CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Lalaigwanani Lkaaso	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Raphael Lmimen Lesiyaloi	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Leleruk Michael Losas	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Jeniffer Lekagitele	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Janet Akiru Loldepe	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Silamoi Lilian Loltianya	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Teresa Lenamarker	Naikoka Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 42. SOTIK CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Richard Kipyegon Kirui	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Jeremiah Kiprop Tonui	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Edwin Kipruto	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Judith Chepkirui Birir	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Chelangat Koske Josphine	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Jescah Chepkemioi	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Shadrack Kipyegon Tonui	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)

## 43. SUBA NORTH CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
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1.	John Ooko Peter Andele	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Gilbert Owino Ongei	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	David Odhiambo Mingo	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Grace Akinyi Ouko	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Penina Akinyi Apindi	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Belinda Wankio Kasuku	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Olambo Innocent Jomo Miregi	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 44. SUNA WEST CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Edward Odhiambo Oluoch	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	John Otieno Wasonga	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Seth Otieno Owaka	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Pamela Atieno Ondara	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Moline Awino Asiga	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Anne Akinyi Odhiambo	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Koguttu Okello Mickey	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

#### 45. TAVETA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Hashimu Maghanga Mkombi	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Mteliani Jackson Kihara	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Mushere Lemomo Olenogita	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Prudence Wabosha Mwazighe	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)

5.	Halima Mazera Kutseka	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Grace Tatu Kadio	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Hussein Mchwangondo Jureji	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 46. TESO NORTH CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	William Okalio Epaye	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Pasliano Omasete Ikoito	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Gideon Kaala	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Florah Atyang Kitui	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Mary Ijaa Oshoromo	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Jakaa Racheal	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Crescent Wafula Wasike	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 47. TONGAREN CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Joseph Waliaula Edward	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Gilbert Wekesa Sitati	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Augustine Wanyela Barasa	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Florence Afandi Savonge	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Liny Musundi Munialo	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Wendy Nanjala Wanyonyi	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Antony Khisa Wekesa	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 48. TURKANA CENTRAL CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Engomo Francis	Kochilinyang Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Duncan Arono	Mwagavumbi Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Ekuwom Ekal Stephen	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Paulina Akiru Nangodia	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Roselina Akai Longor	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Agnes Longolei Emoja	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Sylvia Nang'or Ikai	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 49. TURKANA WEST CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Nakong Thomas Echapan	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	John Eyanae	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Lotom Gabriel Ekamais	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)
4.	Margaret Nakaina Iroo	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Adung Zipporah Lokere	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Fatuma Nimo Abdi	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	Jonathan Etot Apeyon	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 50. VIHIGA CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	James Mundia Munangwe	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Omedo Johnstone Kinyangi	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Allan Adanga Kagoni	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b)

4.	Clarice Kavuzi Anaye	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Nancy Mihadi Mavira	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Jacklyne Ambogo Ongere	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
7.	John Otieno Okono	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

## 51. WAJIR EAST CONSTITUENCY

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Jibril Omar Musa	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
2.	Abdinoor Mohamed Rage	Male Adult Representative	Appointment, pursuant to Sec.43(2)(b)
3.	Sharifa Haji Muhumed	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
4.	Surera Ali Mohamed	Female Adult Representative	Appointment, pursuant to Sec.43(2)(c)
5.	Bishara Abdi Abdullahi	Female Youth Representative	Appointment, pursuant to Sec.43(2)(c)
6.	Daud Omar Mohamed	Representative of Persons Living with Disability	Appointment, pursuant to Sec. 43(2)(d)

Hon. Speaker, I think this is a straightforward matter. Having done that, I would request the Hon. Jematiah to second. She is here.

*(Hon. Jematiah Sergon walked out of the Chamber)*

**Hon. Speaker:** She is walking out. Look for somebody else.

**Hon. Owen Baya** (Kilifi North, UDA): She is walking out. I request my counterpart on the other side, Hon. Mbui, to second for approval. Thank you.

**Hon. Robert Mbui** (Kathiani, WDM): I second.

*(Hon. Jematiah Sergon stood along the aisle)*

**Hon. Speaker:** Order, Hon. Jematiah, take the nearest seat, or complete your walkout.

*(Laughter)*

Thank you.

*(Question put and agreed to)*

Let us go back to Order No. 7.

## QUESTIONS AND STATEMENTS

**Hon. Speaker:** Hon. Members, we have several Requests of Statements.

### REQUESTS FOR STATEMENTS

**Hon. Speaker:** I will start with Hon. Farah Yakub. Is he in the House? Member for Fafi Constituency. The request dropped.

### NON-MEDICAL USE OF DRUGS IN NORTHERN KENYA

*(Request for Statement dropped)*

Hon. Mark Mwenje, Member for Embakasi West.

### SHORTAGE OF POLIO AND BCG VACCINES

**Hon. Mark Mwenje** (Embakasi West, JP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Health regarding the shortage of Polio and Bacillus Calmette-Guérin (BCG) vaccines in the Country.

Vaccination of newborns is essential for development of immunity and elimination of infant mortality by protecting infants against severe and life-threatening diseases, particularly the various forms of tuberculosis (TB), including TB meningitis and miliary TB. The BCG vaccine is one of the oldest immunisations still in use globally and is a cornerstone of childhood vaccination programmes administered shortly after birth. These vaccines offer crucial early-life protection when infants are at their most vulnerable stage of development.

Recent reports indicate that 12 out of 47 counties in the country have completely exhausted the stocks of key vaccines, particularly BCG and polio vaccines, and is therefore alarming. Even more concerning is the statement issued on 6<sup>th</sup> June 2025 by the Principal Secretary for the State Department for Medical Services, warning that the national stockpile of the BCG and polio vaccines were projected to last for only two weeks, while the rotavirus vaccine would run out within a month. The resultant delays in the administration of these critical vaccines can leave children unprotected, significantly exposing them to the risk of severe illness, long-term disability or premature death.

Hon. Speaker, it is against this background that I request a Statement from the Chairperson of the Departmental Committee on Health on the following:

1. The immediate measures the Ministry of Health is taking to address the current shortage of Polio and BCG vaccines in the country, including the specific timelines;
2. The logistical arrangements for quick distribution of the vaccines across all counties, including plans to reach remote and underserved regions that face logistical barriers;
3. A report on coordination between the Ministry of Health and National Treasury to secure timely disbursement of funds for vaccine procurement through Gavi-Kenya, and the steps taken to meet financial commitments to Gavi-Kenya to avert future disruptions; and
4. The long-term strategies put in place to strengthen the national vaccine supply chain so as to build resilience against future disruptions in vaccine availability.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Mwenje. Hon. (Dr) Nyikal, before you tell us when you can bring the statement, when this statement was brought to me yesterday, I felt alarmed; BCG vaccinations are as old as all of you here. There is none of you who does not have a mark on your arms of BCG vaccinations. I picked up the phone and called the Principal Secretary for Health, Dr. Oluga. He confirmed that there was a shortage, but vaccines had arrived at JKIA and would be distributed immediately to all hospitals. I found this not only alarming but dangerous for the country. We thank you for bringing the request.

Hon. (Dr) Nyikal, given the importance of this, I direct you to bring a response on Tuesday next week. I will not give you the luxury of two weeks. Your response should not just be to tell us that vaccines have landed in the country, but also the level of distribution to each and every health facility in the country. Children are born in every corner of the country and they are entitled as of right under the Constitution to this important vaccine.

**Hon. (Dr) James Nyikal** (Seme, ODM): Yes, Hon. Speaker. I am also aware of this. I made the same inquiry. We will get it on Tuesday. I will make an effort to contact the Cabinet Secretary and get the report on Tuesday.

**Hon. Speaker:** Go beyond telling us the vaccines have arrived and tell us about the manner and efficacy of distribution to all areas of need.

**Hon. (Dr) James Nyikal** (Seme, ODM): Understood.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Thank you. Yes, Hon. Oundo, is it on the same?

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Is it also possible, Hon. Speaker, if the chairman can get reassurance from the State Department that such shortage and lack of vaccine is not going to happen in this country in the foreseeable future to avoid putting our children under peril?

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Kaguchia, is it on the same?

**Hon. Kaguchia John** (Mukurweini, UDA): Thank you, Hon. Speaker. I would like to request that as the Chairman gives us that statement he also addresses the statement on the issue of the shortage of blood banks and reagents. It has been causing issue of blood shortage in the country. It has taken a bit of time to give us that feedback.

**Hon. Speaker:** Did you request for...

**Hon. Kaguchia John** (Mukurweini, UDA): Yes, I did and you directed that it be provided for in the House but the chairman has not done so as per your direction.

There is also another issue on the same. It is the issue of ICU payment boosting from Ksh4,000 to Ksh28,000 on SHA which was raised here by the Cabinet Secretary when he was here. He was also directed to give us feedback on the same. Those two issues remain unanswered.

**Hon. Speaker:** So that we do not convolute this, Chairman, I am sure you gave undertakings to deliver statements on those two issues on blood bank and the ICU payments. Go and dust out those statements. You can give them on Wednesday, but Tuesday is about BCG.

Thank you.

The next is Hon. Titus Khamala, Lurambi.

#### EXPANSION OF ROADS IN LURAMBI CONSTITUENCY

**Hon. Titus Khamala** (Lurambi, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the expansion of the Kakamega–Mumias Road and the adjoining feeder roads.

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The Kakamega–Mumias Road is a vital transport network in Western Kenya, connecting Kakamega County to Vihiga County, Nandi County, Kisumu County, Bungoma County and Busia County, through which the road ultimately links to the Busia border. The Road also contributes to local economies, facilitating regional trade, connecting key commercial towns in the region, and facilitating transportation of farm produce, particularly sugarcane to the country’s major sugar companies, namely Mumias Sugar Company, West Kenya Sugar Company and Butali Sugar Company. Despite the significance of the Kakamega–Mumias Road, it has never been expanded to meet the increasing traffic demand since it was tarmacked many years ago when I was in primary school.

The narrowness of the Kakamega–Mumias Road coupled with the deplorable condition, especially along the Mumuyukwe, Mahondo, Eshisiru Centre, Stendi Muhogo and Shibuli section, has been contributing to fatal accidents involving sugarcane tractors and trailers, motorists, including motorcyclists and pedestrians. Further, various feeder roads to the Kakamega–Mumias Road, particularly the Eshisiru-Esumeyia-Bushiri Road (Road C1) is impassable. Of critical concern is the Isasala Bridge along this road, which has partially collapsed but remains in active use, posing a serious risk to motorists and lives. There is an urgent need to expand the Kakamega–Mumias Road and upgrade its key feeder roads, particularly the Eshisiru-Esumeyia-Bushiri Road (Road C1), including restoration of the collapsing Isasala Bridge to improve safety, and support seamless economic growth in the region.

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

1. The plans by the Ministry of Roads and Transport and the Kenya National Highways Authority to expand the Kakamega–Mumias Road and fully re-carpet its surface instead of the periodic patchwork maintenance works that yield low value for public funds; and
2. The immediate interventions by the Kenya Rural Roads Authority to upgrade the Eshisiru-Esumeyia-Bushiri Road (Road C1) and reconstruct the collapsed Isasala Bridge along the said road, including financing mechanisms and the projected timelines;

I thank you, Hon. Speaker.

**Hon. Speaker:** Chairperson of the Departmental Committee on Transport and Infrastructure, Hon. GK, when can you bring a response?

**Hon. George Kariuki** (Ndia, UDA): In two weeks, Hon. Speaker, we will provide a response.

**Hon. Speaker:** Thank you. Hon. Joseph Gitari, Member for Kirinyaga Central, go ahead.

#### STATUS OF REHABILITATION OF ROADS IN KAGUMO TOWN

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Speaker. Pursuant to provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the status of rehabilitation of roads in Kagumo town in Kirinyaga Central. The roads in the town, especially in Gitwe and Trojan areas, experience high volumes of traffic due to transportation of tea, health service activities and the market centre located within the said area. As a result, there is a need to rehabilitate roads in the area, including installation of speed bumps and zebra crossing, to ensure the safety of residents and road users. This will prevent road accidents and enhance economic growth in the area.

It is against this background that I wish to request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on measures being put in place to rehabilitate the poor roads and install speed bumps and zebra crossings on the roads around Gitwe and Trojan areas in Kagumo town.

I thank you, Hon. Speaker.

**Hon. Speaker:** Hon. GK, when can you bring a response?

**Hon. George Kariuki** (Ndia, UDA): Hon. Speaker, in about two to three weeks, we should be able to respond.

**Hon. Speaker:** I will give you two weeks.

**Hon. George Kariuki** (Ndia, UDA): Thank you.

**Hon. Speaker:** Hon. Members, allow me to acknowledge, in the Speaker's Gallery, Njiiri School from Kigumo, Murang'a County. In the Public Gallery, we have Nyabondo Boys' Junior Secondary School from Nyakach, Kisumu County and Narok High School from Narok North, Narok County. On my behalf and that of the House, I welcome the students, their teachers and those accompanying them to the House of Parliament.

*(Applause)*

Member for Kigumo has asked me to allow him to welcome students from Njiiri School. You can do so on behalf of all your colleagues from whose jurisdictions the schools come.

**Hon. Joseph Munyoro** (Kigumo, UDA): Thank you, Hon. Speaker. I take this opportunity to welcome Njiiri School. That school was named after the Senior Chief Njiiri wa Karanja. That is why the school was renamed to Njiiri; that was his actual name. I welcome them and all other students attending this session. I would like them to be inspired to be Members of Parliament and great people in this country. I also wish them well as they travel back to school.

*Asante*, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Munyoro.

## STATEMENTS

**Hon. Speaker:** Is the Chairperson of the Departmental Committee on Education in the House to respond to a request by Hon. Robert Mbui? Hon. Rebecca, are you ready? Go ahead.

### STATUS OF DISBURSEMENT OF CAPITATION FUNDS TO SCHOOL

**Hon. Rebecca Tonkei** (Narok County, UDA): Thank you, Hon. Speaker. We have a response to the request that was made by Hon. Mbui, who actually attended the meeting where the Cabinet Secretary was summoned. The question was on the status of disbursement of capitation funds to schools. The question had four components, which we wish to report to as follows.

This is a report on the status of disbursement of capitation funds to public schools for Term 1 of 2025, including the total amount currently owed to schools due to delays in disbursement. Every enrolled learner in public primary schools is entitled to receive a total of Ksh1,420 per year. The funds are disbursed to schools at the beginning of every term through two bank accounts as summarised below:

Term	Percentage	Account 1 (Ksh)	Account 2 (Ksh)
Term 1	50 per cent	365.50	344.50

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Term 2	30 per cent	219.30	206.70
Term 3	20 per cent	146.20	137.80
	<b>Total</b>	<b>731.00</b>	<b>689.00</b>

Out of Account 1, Ksh75 per learner was deducted and sent to the Kenya Institute of Curriculum Development (KICD) for purchase of textbooks. Out of Account 2, Ksh20 per learner was deducted for co-curricular activities. For Term 1 of 2025, the Ministry disbursed Ksh4,127,304,081 for a total of 5,812,164 learners. This amount was made up of Ksh1,688,433,642 to Account 1 and Ksh1,886,676,099 to Account 2. There is no money owed to schools for Term 1. All the money was disbursed in January 2025.

The approved capitation rate for Junior Secondary School (JSS) is Ksh15,043 per learner per year. For Term 1 of 2025, Ksh15,323,832,631.92 was disbursed for 2,994,201 learners in 20,350 junior schools across the country. This amount is 50 per cent of the annual capitation due to the schools. The entire amount was disbursed in January 2025.

At the Senior Secondary School level, the approved capitation rate is Ksh22,244 per learner per year. For Term 1 of 2025, the Ministry disbursed a total of Ksh28,824,649,743.76 for 3,268,616 learners across 9,513 schools. Each learner received Ksh8,816.61. The disbursement was 50 per cent of the budgeted amount in the Printed Estimates and was done in two tranches. The first Ksh14,412,324,871.88 was sent in January 2025 and the second disbursement of the same amount sent in March 2025. It is important to note that the allocation of Ksh28,824,649,743.76 reflects a budgetary deficit of Ksh7,528,897,408.24. The resource requirement at the approved rate of capitation is Ksh36,353,547,000.52.

The second part of the question is the capitation amount allocated per child for examinations and activity fees for primary and secondary schools. No part of the capitation is allocated for national examinations. National examinations are funded independent of capitation from the budget allocated to the Kenya National Examinations Council (KNEC). In primary schools, the capitation amount allocated for co-curricular activities is Ksh76.44 per learner per year. Out of this, Ksh40 is retained at the headquarters to be used in running co-curricular activities at the national level, while Ksh36.44 is sent directly to the schools. In JSS, Ksh700 has been allocated to co-curricular activities and Ksh647 for internal assessment per learner per year. For senior secondary schools, in Term 1 of 2025, the capitation allocated per learner for activities fee was Ksh525 and for teaching and learning materials was Ksh1,643. The allocation for internal examination is 11 per cent of the sum provided for tuition.

The third part of the question was the measures being taken by the Ministry of Education to ensure timely disbursement of capitation funds. The Ministry has taken steps to ensure timely disbursement of capitation to schools. From the beginning of the 2023/2024 Financial Year, capitation disbursements are done on a timely basis, in the ratio of 50:30:20 for Term 1, Term 2 and Term 3, respectively. This was a change from the previous practice where disbursements were done on a quarterly basis without reference to school terms.

**Hon. Speaker:** How much more to go, Hon. Rebecca? It is too long.

**Hon. Rebecca Tonkei** (Narok County, UDA): I am almost done, Hon. Speaker.

**Hon. Speaker:** Go ahead.

**Hon. Rebecca Tonkei** (Narok County, UDA): Hon. Speaker, the Ministry requests for funds at least three weeks before schools open. There is also the existence of any planned review to the amount of capitation funds allocated per child in light of the current harsh economic conditions. The Committee and the entire House is aware of this. There is a need to review the current allocations as economic conditions have changed. In conclusion, the Ministry urges the Committee to support it in ensuring that the budget allocation is adequate as per the approved rates of capitation.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Robert Mbui, she says you also attended a meeting with the Committee and the Cabinet Secretary.

**Hon. Robert Mbui** (Kathiani, WDM): Yes, Hon. Speaker, I did, and I was extremely disappointed because there were no solutions to the problems facing our children. Any nation that does not take the education of its children seriously is on the wrong trajectory. Remember even our forefathers identified ignorance as one of the enemies of development in the future.

The reason I raised this matter was to establish whether it is enough for the education of our children; Ksh1,420 per child in primary school is what is being disbursed currently to cater for all education activities. It is supposed to finance internal examinations, sports, drama and music. It is really not enough. I was hoping that the Cabinet Secretary would have provided a solution. As per the Basic Education Act and the Constitution of Kenya, basic education is meant to be free. We also amended the law and made exams free. I wanted him to give us a solution. The Act says that principals and head teachers in Kenya cannot levy any charge to the parents, but in every single school in Kenya, parents are still paying. Unless we come up with a policy to address this matter, some schools ask for Ksh100, others Ksh200, others Ksh300, others Ksh400 and more. A policy would help us to set a standardised amount every parent is charged so that it is fair. I feel that we need better answers and a solution to this problem.

**Hon. Speaker:** Hon. Tonkei.

**Hon. Rebecca Tonkei** (Narok County, UDA): Thank you, Hon. Speaker. It is true that Hon. Mbui attended the Committee meeting where the Cabinet Secretary was present. We all agree that it is this House that appropriates money for schools and we all agree that the Cabinet Secretary has no solution to this problem. The House has a solution by allocating funds to the Ministry to disburse to schools. I am on record asking the Cabinet Secretary how free education is in Kenya. Every time parents are asked to pay money, it is because the Cabinet Secretary has no money by himself. Parents and principals need schools to run. Looking at the questions, it is true that they were partly answered. If we could allocate more money for the Ministry to be able to disburse the intended amounts, then we would be in a better position.

**Hon. Speaker:** Hon. Mwenje.

**Hon. Mark Mwenje** (Embakasi West, WDM): Thank you, Hon. Speaker. On the same issue, one of the concerns that we have is that money is disbursed based on the number of students registered on the National Education Management Information System (NEMIS). There has been an intentional deregistration of students on NEMIS so that the Ministry sends less money to schools. One of my schools, Umoja 1 Primary, for example, was sent Ksh59,000. This is a school that has 3,000 students. How do you send Ksh59,000 as capitation? The Ministry of Education should be clear. There is this notion that they send half the amount and retain the other half. Can they clarify that position so that school heads can know the amount to be disbursed? If the Ministry says Ksh15,000 to JSS students, they are only going to send Ksh7,500 per student and retain the rest, make it clear rather than having school heads expecting the full Ksh15,000 which will never come.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Bowen first then Hon. Owen.

**Hon. Kangogo Bowen** (Marakwet East, UDA): You know, Hon. Speaker, Hon. Owen Baya took over my name. In the second Supplementary Budget, the Chairman of the Departmental Committee on Education was on record in this House that there was an allocation of Ksh100 million. He told us that the money was going towards upgrading NEMIS to make sure that all students in this country are captured properly, so that the Ministry can disburse capitation money from a point of information based on the numbers of students in every school. It is proper for the Chairperson of the Departmental Committee on Education to tell us whether that money was utilised to upgrade NEMIS and whether the system is serving the Ministry well

in terms of providing the number of students in school and keeping track of capitation to schools.

**Hon. Speaker:** Hon. Tonkei. Let us first hear from Hon. Owen Baya. Hon. Tonkei, note those questions.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Speaker. I agree with Hon. Robert Mbui on this matter.

Hon. Speaker, I would like to request you to ask the Public Accounts Committee, led by Hon. Wamboka, to investigate schools because I have a problem in my constituency. Immediately money is sent to schools, a letter comes from the Sub-County Education Officer asking the school to send a certain amount of money per student such as Ksh5 or Ksh10 for a specific purpose. After some time, another letter comes from the County Education Office asking for Ksh10 per student for games in every school. When the students want to go for games, parents are asked to give out money so that the students can be facilitated.

Secondly, is the issue of NEMIS. A school in my constituency has 1,000 students but the Ministry sends money for only 500 students. When you ask why capitation has not been provided for the other students, the Ministry says that the students do not have birth certificates. I previously raised the same matter in the Chamber and the then Cabinet Secretary said that birth certificates would not be required for registration. Students who do not have birth certificates by virtue of the fact that they were not provided are denied an opportunity to access education and are sent home. They are asked to bring money just because they do not have birth certificates.

Thirdly, if you ask the Ministry of Education whether they have sent money for examinations, they will say that they sent money for each student for exams. People in the education sector will then go and get a person who provides exams at an exorbitant price, inform headteachers to instruct their students to give money, and students are then sent home to collect money for exams. Unless this Parliament takes a decisive step and requests a special forensic audit into schools and the education offices in the counties, we will never get answers and our students will suffer. What the Cabinet Secretary says in Nairobi is different from what is on the ground. Parliament must investigate schools. Why does the Ministry of Education run some special accounts? They demand that each student gives Ksh10 which is sent to an account run by the Kenya Primary Schools Head Teachers Association (KEPSHA). They then sit down and share that money amongst KEPSHA officials and officials of the Ministry of Education at the county levels. That is what happens and that is why our kids keep being sent home to collect monies to boost certain kitties in schools.

We need to bring this to an end by investigating each county and constituency so that the truth comes out. Otherwise, our children will continue to be sent home for money for exams, sports, Parent-Teacher Association (PTA) programmes and other mundane things that are not important to their education. I feel very pained by this because I see it happening to schools all the time. We must bring a stop to it. Money sent by the Government to schools must be used for what it was sent for, not to enrich education officers in the counties, headteachers and other officials.

**Hon. Speaker:** Hon. Tonkei, have you heard that?

**Hon. Rebecca Tonkei** (Narok County, UDA): I have heard, Hon. Speaker.

**Hon. Speaker:** What is your response?

**Hon. Rebecca Tonkei** (Narok County, UDA): Hon. Speaker, the Committee agreed with the Cabinet Secretary that it was time for the Ministry to review the amount of money that they send to schools. Giving out Ksh10 to students at the lower level is not ideal, especially when more funds have been left at the Ministry. That amount is very little. Fewer students move upwards compared to the number of students at the start of their academic journey. I still

request that this House allocates funds to the Ministry of Education because the principals and headteachers have no problem. The problem is the amount of money they are given.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Tonkei, you cannot ask for more money when the little you are getting is being badly utilised. Have you heard what Hon. Owen Baya said?

**Hon. Rebecca Tonkei** (Narok County, UDA): I have heard, Hon. Speaker.

**Hon. Speaker:** I know you are not the Cabinet Secretary, so you may not have ready answers.

*(Laughter)*

**Hon. Rebecca Tonkei** (Narok County, UDA): Yes, that is true.

**Hon. Speaker:** Go back to the Ministry and bring responses to these very serious allegations. Money is sent to schools from the Ministry, then schools are instructed to send some of the money to education officers in the counties and KEPSHA. The KEPSHA is not a students' association, so they have no business taxing students. It is a teachers' association. We all know what goes on in the education sector. You can see how many of your colleagues are agitating to ask questions on this. I will give an opportunity to two other Members, and then we will go to something else. You will extract the Order Paper, share it with the Ministry and ask for additional information, which you can bring to the House in another two weeks.

Hon. Ngogoyo.

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Thank you, Hon. Speaker. My question is on NEMIS. Hon. Mwenje raised the issue of deregistration, which she has not answered. Can she provide a response on the upgrading of the system?

**Hon. Speaker:** Hon. Tonkei, you are being asked these questions.

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Hon. Speaker, most schools in my constituency have 3,000, 4,000 or 5,000 students but, only about 1,800 students are registered on NEMIS. I have raised the issue of deregistration of students who are already registered on NEMIS, but you did not provide a response. We allocated Ksh100 million in the Second Supplementary Budget for registration of students and the Cabinet Secretary said that students no longer need a birth certificate to be registered on NEMIS. Why does the Ministry not deliver 100 per cent of the monies for students in schools while their statements indicate that a school has 3,000 students? Ongata Rongai Primary School has 4,200 students. They currently receive capitation for 1,200 students. What is the problem with NEMIS, yet we have provided resources for it?

Thank you very much, Hon. Owen Baya, for listening to the ground.

*(Laughter)*

**Hon. Speaker:** Yes, Hon. Gachagua. Sorry, Hon. Kirima. You and the Member for Ndaragwa look alike.

*(Laughter)*

**Hon. Moses Kirima** (Central Imenti, UDA): No, Hon. Speaker I cannot be Wamunyororo.

It is very unfortunate that we are discussing about our children in primary schools. Sometimes you drive past a certain primary school in your constituency and find very young children going home. When you ask them why they are going home, they say that they have

been sent away from school to collect some unconstitutional levies as pertains to the Ministry of Education.

We have Directors of Education and Directors of the Teachers Service Commission (TSC) in our sub-counties performing duplicate roles. The Ministry of Education should cater for Directors of Education at the sub-counties without asking heads of schools for the little capitation that they receive. Those Directors of Education demand for money for all activities that the Ministry is supposed to cater for, which is very unfair. You will find kids being sent home to collect some levies which are not within the Basic Education Act, which provides that basic education should be free. We have problems because the Government cannot meet the obligation of free basic education. We have created parallel bodies which lead to duplication of work. They should be looked into so that at least children can have a free atmosphere of learning. If a principal in a secondary school sends a student home, as a Member of Parliament, you can call them to request them to hold the student at school awaiting bursary disbursement.

**Hon. Speaker:** You have made your point.

**Hon. Moses Kirima** (Central Imeni, UDA): When it comes to primary schools, we cannot give them bursaries and this is such a big problem.

**Hon. Speaker:** You have made your point. Hon. Tonkei, bring additional information in two weeks' time. Those Members with issues will follow up from there. Let us move to Hon. Joseph Tonui's request. The Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works.

*(Hon. Daniel Manduku stood in his place)*

Hon. Manduku, I thought the Chairperson was Hon. Johana Ng'eno.

**Hon. Daniel Manduku** (Nyaribari Masaba, ODM): Hon. Speaker, I am answering on his behalf.

**Hon. Speaker:** Go on.

#### STALLED CONSTRUCTION OF OLENGURUONE STADIUM

**Hon. Daniel Manduku** (Nyaribari Masaba, ODM): Thank you, Hon. Speaker. A request for the funding of the Olenguruone Stadium was made in the year 2011. The procurement process was completed. On 12<sup>th</sup> November 2012, a contract was executed between the then office of the Deputy Prime Minister and Minister for Local Government, and Twin Construction Company at the quoted tender sum of Ksh290,643,668.93 for a period of 24 months, with the intended date of completion being 20<sup>th</sup> November 2014.

The scope of works entailed the construction of a perimeter fence, boundary wall, retaining walls, soccer pitch, four public dais, pavilions, driveways, parking bays, ablution blocks and other facilities.

The above works were supposed to be delivered within the prescribed contract period, with the assumption that both parties were to be diligent in exercising their respective contractual obligations. However, this was not the scenario because over the entire implementation phase, there were payment delays. In fact, certificate No. 1 was delayed for more than one and a half years. Certificate No. 2 was delayed for another half a year. The above delay was in contravention of clause 23(3) of the conditions of the contract that stipulated that the employer shall pay the contractor the amount certified by the project manager within 30 days of issuance of each certificate.

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

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

Hon. Deputy Speaker, the payment delays were mainly occasioned by:

1. Lack of Exchequer support to the project, arising from minimum or constrained budgetary provisions for four consecutive Financial Years: 2015/2016, 2016/2017, 2017/2018 and 2018/2019.
2. The transfer of devolved functions and corresponding funds to the county governments, Olenguruone Stadium being one of them. However, the county governments did not take up the functions of the stadium as the contract was between the contractor and the National Government.
3. The movement of the Urban Development Department from the then Ministry of Local Government to the Ministry of Devolution and Planning, and again to the Ministry of Lands and then to the current State Department for Housing.

It is under these circumstances that I wish to respond to Hon. Tonui's question. He asked the terms under which the construction of the Olenguruone Stadium was transferred from the National Government to the County Government of Nakuru. The response is that following the mutual termination of the contractor, the County Government of Nakuru assumed the responsibility of securing the site, until budgetary allocations for the completion of the project. Hence, there was no transfer of construction responsibility to the County Government of Nakuru.

Hon. Tonui also asked the details of the contract sum, amount paid, balance and transfer of funds to the county government and whether the action was lawful. The response is that the contract was for Ksh290,643,668.93. At the time of mutual termination, the contractor had been paid a total sum of Ksh120,446,886.20, thus leaving a balance of Ksh170,106,782.73. Therefore, there was no transfer of funds to the county government on this project. As it has been stated, the mutual termination was a process occasioned by lack of exchequer support to sustain the contract.

Hon. Tonui also asked the reasons leading to the contractor abandoning the construction site, having received funds, and what legal action has been taken to enforce compliance with the contract terms or recover misuse of public funds. The response is that the contractor was released from performance through mutual termination after it became evident that the contract was untenable, given the circumstances. The contractor was paid on the basis of measured works. Hence, no public funds were lost. Further mutual termination was undertaken within the provisions of the contract.

Lastly, Hon. Tonui asked the specific measures or plans put in place to ensure the completion of Olenguruone stadium. It is the Ministry's desire to ensure that all projects initiated are completed to ensure that there is value for money. However, the main challenge is lack of budgetary support.

Thank you, Hon. Deputy Speaker.

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

**Hon. Deputy Speaker:** Hon. Joseph Tonui, are you satisfied with the response?

**Hon. Joseph Tonui** (Kuresoi South, UDA): Thank you, Hon. Deputy Speaker. I am satisfied with the response. I have information from reliable sources that the construction of the Olenguruone Stadium will start very soon.

Thank you so much.

**Hon. Deputy Speaker:** Next is a response for a Statement requested by Hon. Abdul Haro, Member for Mandera South. Chairperson of the Committee on National Cohesion and Equal Opportunity, Hon. Adan, are you ready with your Statement?

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**Hon. Yusuf Adan** (Mandera West, UDM): Yes.

**Hon. Deputy Speaker:** Okay, you can proceed.

#### ETHNIC REPRESENTATION IN THE PUBLIC SERVICE

**Hon. Yusuf Adan** (Mandera West, UDM): Thank you, Hon. Deputy Speaker. I have a response which is very voluminous. However, I have shortened it, without interfering with its content, to save time.

The Clerk of the National Assembly vide letter NADABC-2503 of 19<sup>th</sup> May 2025 wrote to the Public Service Commission conveying a request from Hon. Abdul Haro, Member for Mandera South Constituency, through the Chair of the Committee on National Cohesion and Equal Opportunity for a Statement regarding ethnic representation in the public service for 2022/2023 and 2023/2024 Financial Years.

The Committee received the following responses on the issues raised. The first question was a report on the national proportionate population shared of each of the 46 ethnic communities, including the communities whose representation is in the public service. Proportionate to the national population share in the Financial Year 2023/2024, a total of 37 ethnic communities were represented as shown in Table No. 2. These include: Awer, Bajun, Boran, Burji, Dasinach, Dorobo, Elmolo, Embu, Gabra, Goshi, Ilchamus, Kenyan Arab, Kenyan Asian, Kenyan European, Kisii, Konso, Kuria, Maasai, Makonde, Mbeere, Meru, Nubi, Oromo, Pokomo, Rendille, Sakuye, Samburu, Suba, Swahili, Taita, Taveta, Teso, Tharaka, Turkana, Malakote, and Wayu.

Hon. Deputy Speaker, on the question of those who exceeded their proportionate share in the Financial Year 2022/2023, four ethnic communities exceeded their fair share. These were the Kalenjin, Kikuyu, Kisii and Luo.

In the Financial Year 2023/2024, three ethnic communities exceeded their proportionate share of the national population, namely: Kalenjin, Kikuyu and Luo.

In the Financial Year 2022/2023, five ethnic communities were below their proportionate share. These were: Kenyan Somali, Luhya, Maasai, Mijikenda and Turkana.

In the Financial Year 2023/2024, four ethnic communities were below their proportionate share of the population. These are: Kamba, Kenyan Somali, Luhya, and Mijikenda. There were two communities not represented in the Public Service at all in the Financial Year 2022/2023. These were, Dahalo and Kenyan Americans.

Hon. Deputy Speaker, the report on staff deployed by the Public Service Commission, detailing designation, job group or scale and ethnicity, shows that as of 21st May 2025, the Commission had a total of 276 staff from 30 ethnic communities, comprising 138 males and 138 females, translating to 50 per cent each. This staffing position is against an approved establishment of 491, indicating a variance of 215. The 30 ethnic communities represented in these scales include: Bajun, Boran, Embu, Gabra, Gare, Kalenjin, Kamba, Kikuyu, Kisii, Kuria, Luhya, Luo, Maasai, Mbeere, Meru, Mijikenda, Pokot, Rendille, Sabaot, Sakuye, Samburu, Somali, Suba, Swahili, Taita, Taveta, Teso, Tharaka and Turkana.

**Hon. Deputy Speaker:** Hon. Chairperson, how much longer is your report? If you have an executive summary, you may go through it so that Members can be given copies.

**Hon. Yusuf Adan** (Mandera West, UDM): On the matter of new appointments and promotions made in Ministries and Departments for the Financial Year 2022/2023, a total of 12,992 officers were appointed, comprising 5,484 females and 7,508 males. The list is as indicated below in terms of ranks and ethnicity.

Finally, with regard to promotions in Ministries and Departments for the same period, a total of 22,754 officers were promoted across 307 Ministries and Departments. These comprised 8,256 female officers and 14,498 male officers.

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**Hon. Deputy Speaker:** Hon. Chairperson, allow me to recognise the schools that are seated in the Public Gallery, as they may leave before we conclude. I wish to recognise the presence of the following schools: Chogoria Boys High School, Maara Constituency, Tharaka Nithi County and Narok High School, Narok North Constituency, Narok County. On behalf of the substantive Speaker and the Members of Parliament, we welcome you to Parliament. Thank you.

**Hon. Yusuf Adan** (Mandera West, UDM): The full list is as shown and copies will be shared on ethnicity. On the status of the Draft Public Service Commission Affirmative Action Regulations, 2024, the Commission concluded the Draft Public Service Commission Affirmative Action Regulations, 2024 and sought views from the general public and specific targeted stakeholders. A one-month period was given for receipt of these views, which lapsed on 2nd May 2025. The Commission is currently in the process of analysing the views received from various stakeholders. Once analysed and incorporated, where possible, the Commission will undertake a stakeholder validation exercise.

Thereafter, the draft regulations will be submitted to the Attorney-General before being presented to the National Assembly Committee on Delegated Legislation.

**Hon. Deputy Speaker:** Next is the response to the Question by Hon. Mark Mwenje, Member for Embakasi, by the Chairperson of the Departmental Committee on Transport and Infrastructure. Who is representing the Chairman?

**Hon. Ali Raso** (Saku, UDA): On a point of order, Hon. Deputy Speaker.

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

**Hon. Ali Raso** (Saku, UDA): Thank you, Hon. Deputy Speaker. The person who sought this statement is seated there comfortably. I am not sure whether he is satisfied with the response. But for those who were listening, we are genuinely worried that we live in Kenya. Maybe you could give Hon. Abdul Haro some time.

**Hon. Deputy Speaker:** Yes, Hon. Bowen.

**Hon. Kangogo Bowen** (Marakwet East, UDA): Hon. Deputy Speaker, I listened to the response by the Chairperson of the Committee on National Cohesion and Equal Opportunity as he gave statistics on how communities have been employed in the civil service, how some tribes received their fair share and others did not. Even as he comes up with that report, as a Committee, there are so many things to check before you come up with it. If we ask for a position of a graduate engineer to be filled here, you will find that there are so many members of Agikuyu compared to people from Tana River or Mandera. You cannot say, as we have 50 positions, we want to give 25 to Mandera when there is no engineer from there. We have to look at so many issues. I am just giving an example.

Also, the population ratio. There are so many things we have to look into so that we do not say these other ones exceeded their shares. As long as they are Kenyans and qualified, all of them should stand a chance to be employed and given an opportunity to serve in this country. Not to say these people here or there.

**Hon. Deputy Speaker:** In this debate, the most important thing is that the report will be circulated, and Members can always raise the issue. Again, once they have read...

*(Hon. Silvanus Osoro spoke off the record.)*

They need to have read the report. No. He needs to look at the report and read the percentages. I know he is talking about *pro rata* population, but that has to be something that can only be determined if we interrogate the report in depth. We have agreed to move to the next statement.

Hon. GK, the Chairman, Departmental Committee on Transport and Infrastructure.

*(Hon. Silvanus Osoro spoke off the record.)*

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The Member has been stopped from contributing because he was sitting next to the Chairman. He forfeited his opportunity and was taken up by Hon. Raso and others. Let us proceed. Hon. GK.

WORK PLAN FOR KENYA RURAL ROADS AUTHORITY  
AND KURA FOR FY 2024/2025

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Deputy Speaker. Although I am on my feet to read the response to the statement requested by Hon. Mwenje, I want to agree with Hon. Kangogo that we should base employment at all times on merit and not tribalism. If we continue this way, we will be perpetuating tribalism. Let us base employment on merit.

**Hon. Deputy Speaker:** Hon. GK, we are not debating the statement. We said that it will be for a later time. The report will be given to Members.

**Hon. George Kariuki** (Ndia, UDA): Now I can respond to the statement.

Hon. Mark Mwenje requested a statement from the Chairman of the Departmental Committee on Transport and Infrastructure regarding the status of a 2024/25 work plan for the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA). Hon. Mwenje sought to, among other things:

1. Established measures being undertaken by the Government to ensure the work plan tendered for the financial year 2024/25 is not suspended due to a lack of funds;
2. Measures being taken to ensure that the delay does not occasion pending bills and other charges that may result from breach of tender agreements; and,
3. Actions being undertaken to implement or are being implemented by KeRRA and KURA to ensure that roads under their jurisdiction, which are due for maintenance, are not affected by the delay in disbursement of funds.

I have the response from the Ministry dated 14<sup>th</sup> May 2025. This response has been overtaken by the events of last week, where we got a court ruling directing what the Ministry should do or the Kenya Roads Board (KRB) should do regarding the Roads Maintenance Levy Fund (RMLF) 22 and 10 per cent allocations. I want to request that Hon. Mwenje allows me to give a more current statement, possibly next week.

*(Hon. George Murugara and  
Hon. Kangogo Bowen consulted loudly.)*

**Hon. Deputy Speaker:** Order, Hon. Murugara and Hon. Bowen. You can do the shouting match outside the Chambers. Proceed.

**Hon. George Kariuki** (Ndia, UDA): Hon. Deputy Speaker, I request Hon. Mwenje to allow that I give a more current response next week, Wednesday or Thursday, because what I have here has been overtaken by the events of last week. Thank you.

**Hon. Deputy Speaker:** Thank you. Is Hon. Suzanne Kiamba, Member for Makueni County, here?

*(Hon. Mark Mwenje spoke off the record)*

He has already said that the report that he has is overtaken by events. You will only be speculating. You are having another chance next week when he comes.

Yes. Member for Makueni, are you present?

*(Hon. Suzanne Kiamba spoke off the record)*

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Okay, so we can proceed. Can the Chairman of the Departmental Committee on Transport and Infrastructure respond to that? We only respond if you are present.

#### STATE OF EMALI-UKIA ROAD IN MAKUENI COUNTY

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Deputy Speaker. The Member for Makueni County, Hon. Suzanne Kiamba, requested a statement from the Chairman of the Departmental Committee on Transport and Infrastructure regarding the status of the Emali-Ukia Road.

Hon. Kiamba sought to, among other things, establish:

1. A report on the current status of the Emali-Ukia Road, including any maintenance or improvement works undertaken on the road and when they were undertaken;
2. The reason why tarmacking of the said road, which is of significant economic importance, has been delayed for decades despite repeated Government commitments; and,
3. Specific plans by the Government to prioritise the tarmacking of Emali-Ukia Road to ensure its long-term usability, including budget allocation and timelines for upgrading the said road.

Regarding the current status of the Emali-Ukia Road, including any maintenance or improvement works undertaken on the road and when they were undertaken, the Ministry submitted that the Emali-Ukia Road section is in a motorable condition. The road recently underwent a nine-month routine maintenance contract that was completed in November 2024. A new routine maintenance contract is currently under procurement, and works were expected to commence in May this year for the section between Ukia and Dudune Centre.

The scope of works includes:

1. Grading the carriageway for the full road length, that is, two cycles within the contract period of 12 months;
2. Spot gravelling;
3. Gabion protection works; and,
4. Culvert installation.

The KeRRA has constructed 4.1 kilometres and done spot improvement of 1.64 kilometres. Regarding the reason why tarmacking of the said road, which is of significant economic importance, has been delayed for decades despite repeated Government commitments, the Ministry submitted that the road section has not been tarmacked due to the unavailability of funds.

Regarding specific plans by the Government to prioritise the tarmacking of Emali-Ukia Road to ensure its long-term usability, including budget allocation and timelines for upgrading the said road, the Ministry submitted that the road section has been designed to completion as part of the East Africa Economic Corridor, and construction shall commence once funds become available.

Finally, the routine maintenance contract for the Emali-Ukia Road has not yet been signed or commenced, and therefore, no payments have been made to any contractor.

I submit.

**Hon. Deputy Speaker:** Member of Makueni, are you happy?

**Hon. Susan Kiamba** (Makueni, WDM): Thank you, Hon. Deputy Speaker.

I think I am satisfied with the input on the first bit. However, I am wondering whether the Chairman is unaware of the advertisement in today's paper that the road is going to be

tarmacked and that we are in the procurement process. Is this a hoax? Are you aware how far this process has reached? Is the money you have talked about available?

**Hon. Deputy Speaker:** Yes, Hon. GK, you can just...

**Hon. George Kariuki** (Ndia, UDA): Hon. Deputy Speaker, thank you for that information. Unfortunately, I do not read newspapers but, I am happy that you have informed us. Thank you.

**Hon. Deputy Speaker:** Let us move to the next one, which is a Question.

**Hon. Patrick Makau** (Mavoko, WDM): On a point of order.

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

**Hon. Patrick Makau** (Mavoko, WDM): Thank you, Hon. Deputy Speaker.

That is very worrying from the Chairman of the Departmental Committee on Transport and Infrastructure. It is true that the same road has been advertised for upgrade to bitumen yet when you listen to his answer, he says there are no funds. Why am I worried? We allocated money to roads in the Supplementary Estimates I. I am wondering whether the Chairman is not aware, through the ministry, of pending roads or projects in the ministry so that he gives satisfactory answers to Members' questions in this House. Members in this House do not ask Questions for themselves. Our constituents and all Kenyans are listening to us. It is important for a Chairman to give satisfactory answers so that a Member can convey to the people who sent them to this august House.

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The assumption is that the Chair gets information from the ministry then conveys it to Parliament. There seems to be conflicting facts. Maybe we should allow the Chairman to get back to the ministry and give another update next week. That way, we can make progress. Thereafter, he can explain the advertisement and what exactly is being done. Hon. GK, it will therefore be your duty to get that information and bring it to the House.

**Hon. George Kariuki** (Ndia, UDA): Thank you for your guidance.

**Hon. Deputy Speaker:** Member of Msambweni. Hon. Feisal Bader, are you here?

*(Hon. Feisal Bader spoke off the record)*

Okay. Chair of the Departmental Committee on Transport and Infrastructure, you can proceed to respond to that issue.

*(Hon. Kareke Mbiuki consulted with Hon. George Kariuki)*

Hon. Kareke, you are distracting the Chairperson. He has to give a response to the House, to a Request of Statement by the Member of Msambweni, regarding the frequency of road accidents along Likoni-Lungalunga Highway.

#### HIGH FREQUENCY OF ROAD ACCIDENTS

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Deputy Speaker.

The Member for Msambweni, Hon. Feisal Bader, requested a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on Wednesday 9<sup>th</sup> April 2025. Regarding the high frequency of road accidents along the Likoni-Lungalunga Highway. Among other things, the Member sought to establish:

1. The immediate and long-term measures taken by the Ministry of Roads and Transport to mitigate the frequent road accidents along the Likoni-Lungalunga Highway.

2. The steps made by the ministry to erect speed bumps, pedestrian crossings, and other preventive measures in these accident-prone areas as an intervention to reduce the frequency of accidents.
3. The plans in place to improve road signage lighting and enforcement of traffic regulations along the highway to enhance road safety for both motorists and pedestrians.

The Committee received a response from the Ministry of Roads and Transport on 12<sup>th</sup> May 2025, which I now wish to make.

Regarding road safety concerns along the said road, the ministry submitted that it is taking short and long-term measures to address them. In the long term, the ministry plans to comprehensively redesign and upgrade the road to meet safety standards. The procurement process for the design consultancy is currently underway under the multinational Bagamoyo-Horohoro/Lungalunga-Malindi Road Project funded by the African Development Bank. In the short term, the road is currently under a performance-based contract that, among other things, incorporates road safety features like road markings and road signs in the scope of what is to be implemented.

On the measures taken by the ministry to reduce the frequency of accidents, through the Kenya National Highway Authority, the ministry has identified locations along the road as priority areas for road safety enhancements based on reported accident trends. The maintenance contractor has been directed to implement appropriate interventions including the installation of rumble strips and or standard speed bumps and markings of pedestrian crossings and erection of road signs.

Regarding plans to improve road signage, and lighting and enforcement of traffic regulations along the highway to enhance road safety for both motorists and pedestrians, the ministry emphasised that enhancing road safety requires a collaborative approach that integrates engineering solutions, public education and enforcement of traffic regulations.

While the ministry primarily focuses on engineering interventions through its road agencies, it works closely with other government agencies to support public awareness and enforcement efforts. Additionally, the Kenya National Highways Authority (KeNHA) has been progressively installing road signs through maintenance contracts but, vandalism of the signs remains a significant challenge particularly in the coastal region. To address this, the agency has started using signage made from non-steel materials to help mitigate vandalism.

Hon. Deputy Speaker, I submit.

**Hon. Deputy Speaker:** Hon. Feisal, are you satisfied?

**Hon. Feisal Bader** (Msambweni, UDA): Thank you, Hon. Deputy Speaker. The response is satisfactory although I request the Chair at least to give timelines on the short-term interventions by KeNHA.

**Hon. Deputy Speaker:** I think the Chairperson has noted that. He shall endeavour to give you short-term interventions.

Hon. Members, we will now return to Order No. 10r by the Chair of the Public Debt and Privatisation Committee.

## MOTION

### REPORT ON THE CONSIDERATION OF THE CONSOLIDATED FUND SERVICES FOR THE BUDGET ESTIMATES FOR FY 2025/2026

**Hon. Abdi Shurie** (Balambala, JP): Hon. Deputy Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Public Debt and Privatization Committee on its consideration of the Consolidated Fund Services for the Budget Estimates for the 2025/2026 Financial Year laid on the Table of the House on Wednesday, 11<sup>th</sup> June 2025.

Hon. Deputy Speaker, this marks the seventh Report on the CFS expenditures presented and deliberated by the National Assembly and provides basis for the House to consider non-appropriated and mandatory expenditures of the national government.

Hon. Deputy Speaker, I extend my sincerest gratitude to the diligent members of the Public Debt and Privatisation Committee for their unwavering commitment in examining these Estimates of Expenditure and for tabling this Report for our deliberation today. Our appreciation also goes to the key stakeholders who contributed critical insights during the Committee's sessions and to the Committee secretariat for their support.

The Consolidated Fund Service (CFS) expenditures are obligatory expenditures that are deducted directly from the Consolidated Fund and are not included in the Annual Appropriation Bill, as stipulated in Article 221(7) of the Kenyan Constitution. Today, these mandatory expenditures are the largest expenditures of the Government. CFS expenditures in the Financial Year 2025/26 will amount to Ksh2.14 trillion, thus indicating a decrease of Ksh148 billion from Ksh2.28 trillion in the Financial Year 2024/2025. The Committee observed that this decline, which will provide fiscal relief in Financial Year 2025/2026, is largely attributed to reduced debt service costs, and will provide much needed fiscal space that should be utilised prudently. The Financial Year 2025/2026 CFS expenditures constitute of: Public debt service expenses at Ksh1.9 trillion, pension expenditure at Ksh234.9 billion, and salaries, allowances and miscellaneous expenditures at Ksh4.7 billion.

Hon. Deputy Speaker, the review of the CFS expenditures for the Financial Year, 2025/2026 presents a timely opportunity to realign our fiscal management strategies towards long-term sustainability and growth. While debt service remains the dominant component, accounting for 89 per cent of CFS expenditure, a projected 7 per cent decline offers a short-term fiscal reprieve. This window, though narrow, should be strategically leveraged to improve budget execution, invest in growth-enhancing sectors, and reduce the burden of non-discretionary expenditures.

In the Financial Year 2025/2026, public debt servicing is projected at Ksh1.9 trillion, comprising of Ksh1.3 trillion in domestic debt service and Ksh586.4 billion in external debt service. This reflects a Ksh140.67 billion from the Financial Year 2024/2025. The decline is mainly attributed to a significant drop in redemption costs by Ksh242.59 billion, although this is partially offset by a Ksh101.92 billion increase in interest payments. Interest payments for total debt will reach Ksh1.1 trillion while maturing debt will amount to Ksh803.7 billion. The high interest obligations will account for 40 per cent of ordinary revenue, underscoring the growing cost of debt and its implications for fiscal space.

Kenya's fiscal outlook reflects a notable reallocation of public spending. Between Financial Years 2015/16 and 2025/26, interest payments as a share of GDP is projected to increase from 3.2 per cent to 5.7 per cent while development expenditure will decline from 7.2 per cent to 3.5 per cent. This inverse trend signals a structural crowding-out effect, where escalating debt service obligations are displacing capital investment in infrastructure, education, and other development-enabling sectors. The opportunity cost is notable as resources that could stimulate economic transformation and improve welfare are increasingly diverted toward servicing past borrowing. The broader macroeconomic impact is reflected in the decline of total investment as a share of GDP, from 19.5 per cent in the Financial Year 2015/2016 to just 4.1 per cent for the Financial Year 2025/26. Such underinvestment undermines capital formation, lowers the marginal productivity of labour, and reduces the country's long-term growth potential.

Pension expenditures on the other hand, are projected at Ksh234.9 billion in Financial Year 2025/2026, reflecting a Ksh11.75 billion increase from Ksh223.15 billion in Financial Year 2024/2025. This growth stems from: Ksh6.55 billion rise in ordinary pension payments and Ksh7.74 billion increase in commuted pensions. However, the performance of pension disbursement continues to be affected by slow exchequer releases and system down times.

Salaries compensation for constitutional and independent office holders is projected to increase by Ksh584.64 million, growing from Ksh4.08 billion in Financial Year 2024/2025 to Ksh4.73 billion in the Financial Year 2025/2026. The primary driver of this increase is a Ksh543.13 million allocation for judicial salaries, hardship allowance and arrears.

Arising from the consideration of the estimates and submissions from stakeholders, the Committee made pertinent observations, including the need to address challenges in pension disbursement in order to take care of our pensioners, enhance cash flow coordination in order to improve budget execution, and that the overreliance on domestic borrowing requires practical and well-sequenced reforms. The reforms in reference include strengthening the National Treasury's cash and debt management functions, accelerating the rollout of the Treasury Single Account (TSA), and institutionalising frameworks that ensure timely counterpart funding and prudent on-lending practices. Such measures are essential to improving liquidity, reducing commitment fees, and enhancing the credibility of the national budget.

Hon. Deputy Speaker, the Committee also noted the need to rebalance borrowing sources and to tap into alternative financing, including grants, climate finance, and concessional loans. We also caution that while instruments like securitisation may provide liquidity, they should be used carefully to avoid undermining fiscal consolidation efforts that might affect public debt sustainability.

After our deliberations on the estimates of the CFS under the Budget Estimates for Financial Year 2025/2026 and consultations with various stakeholders, the Committee therefore gives the following recommendations for consideration by the House:

1. In order to ensure full in-year pension disbursement, and clearance of pending obligations, the National Treasury should, within 30 days of the adoption of this report, implement an actionable framework to resolve delays in exchequer releases and address system downtimes that disrupt the processing of pension disbursements.
2. In line with prior resolutions of the National Assembly, the National Treasury should expedite the implementation of the TSA to consolidate idle government cash balances, improve liquidity management, and lower the government's borrowing costs through more predictable cash flow management.
3. To ensure full and timely disbursement of donor/loan financing and avoid incurrance of commitment fees, the National Treasury should ring-fence domestic counterpart funding from frequent supplementary budget reallocations and make counterpart funding provisions for loan agreements entered to mid-year.
4. To minimise the opportunity cost arising from waived on-lent loans and the payment of called-up government-guarantees, the National Treasury should, within 60 days:
  - (a) Formulate a standardised framework for determining interest rates on on-lent funds and the repayment of called-up guaranteed loans. This framework should be aligned with market benchmarks on interest rates and credit worthiness.

- (b) Should formulate enforcement mechanism to ensure timely repayments and reduce the risk of defaults by institutions benefiting from government financial support.
5. The National Treasury should adopt and enforce performance-based benchmarks and disbursement-readiness protocols to prevent the accumulation of undrawn external loans, which continue to attract costly commitment fees. No new loan agreement should be executed without full compliance with the performance-based benchmarks and disbursement-readiness protocols.
  6. To reduce reliance on debt and enhance access to alternative financing, the National Treasury should, within 60 days of adoption of this Report, develop and publish a comprehensive national strategy for mobilising non-debt financial resources, including grants, climate finance and other concessional funding.

This Report is not only a reflection of the current fiscal pressures; it is also a call to action. With coordinated effort, strengthened institutions and adherence to fiscal discipline, Kenya can navigate the present constraints and lay a firmer foundation for inclusive and resilient economic growth.

Hon. Deputy Speaker, with that, I beg to move and request Hon. Irene, the Vice-Chair of the Committee, to second. I thank you.

**Hon. Deputy Speaker.** Please proceed.

**Hon. Irene Njoki** (Bahati, UDA): Thank you, Hon. Deputy Speaker. I rise to second the Motion as ably moved by our Chairperson. The Report before us is a product of careful analysis, guided by our constitutional obligation to provide oversight over public finances including discretionary expenditures that are not subject to annual appropriation. I commend the Chairperson and members of the Committee for the rigorous scrutiny applied to these Estimates.

This year's CFS allocation stands at Ksh2.14 trillion, a slight reduction from the previous year's Ksh2.2 trillion, largely due to a decline in debt service costs. This presents a small but strategic window for fiscal relief, which should be used wisely to ease liquidity pressures and boost priority development investments. Public debt service, at Ksh1.9 trillion, remains the single largest expenditure, constituting 89 per cent of the CFS. While the decline in service cost is welcome, it is temporary. The underlying growth in debt stock still poses a long-term risk to fiscal sustainability.

The Committee's recommendations, including reforms in fast-tracking the establishment of the Treasury Single Account, timely pension disbursement and strengthened control over counterpart funding, are aimed at improving fiscal efficiency, liquidity, and credibility. Further, we support calls for diversifying our fiscal deficit financing options by tapping into non-debt sources such as grants, public-private partnerships and climate finance to reduce the cost of debt service. Kenya's development path must not be derailed by overreliance on expensive debt.

In conclusion, this Report lays out a clear path to strengthen fiscal governance and reduce structural rigidities that undermine Budget execution. I urge this House to adopt the Committee's recommendations. With those few remarks, I second.

*(Question proposed)*

**Hon. Deputy Speaker:** Members who want to contribute, please press the intervention button. I will give a chance to Hon. Kwenya.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you, Hon. Deputy Speaker, for this opportunity to support this Report from our Committee. For purposes of bringing it to the attention of Members, CFS expenditures are not appropriated in this House, but they are

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brought to the attention of the House for passage and adoption. The CFS expenditure consists of pensions, debt repayment, salaries for independent commissions, and the salaries of the President and the Deputy President. The biggest expenditure of the government is CFS. We have a Budget of about Ksh4.4 trillion and a half of it is going to repayment of debts, pensions and salaries of independent commissions and constitutional offices.

This brings the million-dollar question of how we are managing our finances and debts. A chunk of our revenue is going to the repayment of debt. Of the amount, Ksh1.9 trillion, the largest component, is for repayment of interest and commitment fees for loans that have been signed but not taken simply because the entities expected to absorb the funds have not done so. As a result, we find ourselves paying commitment fees to lenders, which has now become a critical expenditure in the CFS.

Something else we were able to look into while engaging the National Treasury is that one of the loans taken over by the government on behalf of Kenya Airways (KQ) has been novated, to the extent that the Government of Kenya has undertaken to repay it. As a Committee, we asked very pertinent questions. Why would the Government of Kenya be paying debts on behalf of profit-making entities like KQ? The burden is being passed over to Kenyans to pay at a premium rate. This is not just unacceptable but it is something we need to interrogate further. Why should KQ investors enjoy dividends and perks yet they cannot meet their loan obligations? While it has not been captured in this CFS as a standalone loan taken over by the government, we know it has happened. In the near future, this Committee will bring a report on the same.

The next frontier we realised is the issue of securitisation. The government is now taking advance loans based on a promise to pay from future collections, especially the fuel levy. We realised that the same is anticipated for the Sports Fund. We want investors to give us money and spend on the promise of future collections. It may be a promising frontier, but if not checked, we may find ourselves in financial headwinds in the future. This is something that our Committee will look into, call relevant agencies, and get to the bottom of it.

In conclusion, many pensioners do not receive their pension on time. We appropriate money but Exchequer releases do not come in time. Many retired people cannot access their pay simply because the National Treasury has not released funds. I support the Report and request Members to support it so that we can move forward.

Thank you, Hon. Deputy Speaker.

**Hon. Owen Baya** (Kilifi North, UDA): I want to commend the Public Debt and Privatisation Committee led by Hon. Abdi Shurie for the good job they have done. I also want to commend each and every Member of the Committee. Debt is one of the issues that we grapple with as a country all the time. This government came to power with the promise of reducing the public debt. One of the very unpleasant things about the previous regime was debt. It borrowed money but there was nothing to show for it.

There was a clarion call for change because Kenyans felt burdened by debt. One of the interesting things that we must note and take immediate action on is that we have over one trillion shillings of unutilised loans lying in our banks. Money was borrowed, commitment fee was paid, interest is accruing and yet the Ministries, Departments and Agencies (MDAs) are not utilising the money just because it was borrowed without a plan. That hurts the economy.

The reason why we have a problem of cash flow is because debt payment is a first charge on the Consolidated Fund. When it is a first charge, you will accumulate all the money, take over 80 per cent and give it out yet you have money lying in a bank. The Hon. Shurie-led Committee should ensure that this money is disbursed and we get value for it. I do not want to use the word “foolhardy” but I think it is foolhardy. We borrow what we do not need and burden taxpayers with commitment fees. When we get to a level where Exchequer is not available, like in the case of the National Government Constituencies Development Fund (NG-

CDF) today, we do not get all the money. Probably, the money was swept and used to pay a debt of money that was lying in an account of an MDA that has been utilised. That is bad manners and we need to stop it.

Secondly, 89 per cent of the Consolidated Fund Services is projected to ... I do not want to go to that. However, I have interesting points here that I want to speak on. According to reports, the government has not effectively harnessed non debt financing options that includes grants. At times our bilateral and multilateral partners would rather give us grants than loans. However, the people who go out there to negotiate for money prefer loans. Probably, there is a negotiation fee for those loans. I may not know.

Why can we not look at non debt financing that includes grants? We have a lot of money now in climate financing and concessional funding. We saw the Nairobi Expressway being built. We did not take a loan for the Nairobi Expressway but somehow it was built and motorists are paying to use it. Sometimes the people we entrust to go out there and source for funds prefer loans instead of non-loan financing options. Before the Government of Kenya commits to a loan, the question that must be asked is whether there was an alternative option. Could there have been a non-loan funding? Would there have been ...

Hon. Deputy Speaker, kindly, give me a little more time. I have a lot of things that I want to talk about. Add me four minutes. Important things must be said on this matter.

**Hon. Deputy Speaker:** Add him three extra minutes.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Deputy Speaker, before Hon. John Mbadi became the Minister for Finance, we sat with him in this House. He used to sit here then he moved there. I used to seat somewhere there. Every time the finance minister came, we used to ask why he had not implemented the Single Treasury Account (STA) so that we consolidate all the funds. We are actually borrowing our own money and paying it back with interest. We have money in several bank accounts. When you go to the KCB and say you want an overdraft, they will give you your own money that is lying in their bank from another MDA. This government must ensure that we embrace the STA system. I do not know the experts here. I know that Hon. Makali Mulu is an expert on this, he might tell us why. Why is it very difficult to embrace STA? What are the interests? I now have to speak like the Member for Kilifi North. I am asking, why is it difficult to establish STA to consolidate idle government cash balances to improve liquidity management and lower the government borrowing costs? Why is it difficult? We know that is one of the panacea that we can use to consolidate funds and stop the problem of cash flow that we have.

Hon. Deputy Speaker, another very important thing that I would like to speak about – apart from the single Treasury account – is that we have an opportunity to redeem this country. We are passing laws, for example, the Conflict of Interest Bill that probably some multilateral or bilateral lenders are pushing down our throats for funding. Because we are looking for money, we are told to do unpalatable things like passing a certain Bill, and do this and that. We rely on lenders and loans. Therefore, we must be pushed through a path that we do not like. If we consolidate all our funds, have one STA and be careful about the loans that we borrow, we may not have to go to multilateral lenders.

President Mwai Kibaki did it and it can still be done today. We can run our economy, the sixth largest economy in Africa, on funds that are available without raising a single tax. If we do all these things, we can bring down all taxes and still manage our economy. I believe all is possible. The only problem is that we are careless in our borrowing and when we get the money, we are not ready to implement projects while the money is lying in our accounts. We eventually borrow money that has been loaned to us. We actually pay double. We pay the interest and commitment fees, and go back to the same bank to borrow money to pay salaries.

We need to find a way out. What is wrong with having one single account for counties? You will find that one county government has a lot of money that it is not using while another

county government does not have money at all. The county government without money will go to a bank and borrow money that belongs to another county government yet it is still government money. We need to have a fiscal consolidation at another level to save us from always paying a lot of money and stop our cycle of borrowing. Unless we are careful, we will continue to borrow that way and we will not move this country forward.

I want to thank the Committee for a job-well-done. Hon. Shurie is doing a good job. If I were the boss, I would have given him something. I will do that next time. This country must move forward without debt.

Thank you.

**Hon. Deputy Speaker:** Hon. Makali Mulu, the Member for Kitui Central.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Deputy Speaker. I take this opportunity to thank my Chairman. I am two months old out of that Committee. I must appreciate the good work they have done. I also want to thank the Deputy Leader of Majority Party for being candid. That is what Kenyans expect from all of us as Members of Parliament – telling the country the truth.

The national debt as of 10<sup>th</sup> March 2025, is Ksh11.6 trillion. Out of that, you find that over the years, we have been having more external debt than domestic debt. Now the ratio seems to have changed. We are now doing 46 per cent external debt and 54 per cent domestic debt, which means we are borrowing more domestically. If you look at the report currently, the proposed debt ratios, what we call debt mix, is at 2 per cent external, 68 per cent domestic. That means we rely more on domestic debt as opposed to external debt. The disadvantage with that is that domestic debt is always more expensive and has a shorter repayment period. A shorter repayment period means an increase in interest paid, thus the share of domestic interest payment will be higher. If we want to manage our debt properly, these are some of the things we must get right.

Firstly, we have previously discussed everything contained in this Report. An example is the issue of commitment fee. In the Financial Year that we are implementing, from 1<sup>st</sup> July to date, we have paid commitment fees amounting to about Ksh770 million. We need to do something. That is why I agree with the Deputy Leader of the Majority Party. Hon. Mbadi has been one of us for many years. We have been on these benches together, saying these things. He is now the man holding the steering wheel, but things are not changing. I want to urge him that things can change because if they do not change, we will have a problem.

Second, is the issue of counterpart funding. Why get a loan if you do not have your local share of the loan, and continue paying the commitment fee? This is just poor financial management.

Thirdly, the elephant in the room is the ‘animal’ called securitization. I thank the Chairman for having picked out this one. The government is now able to get some money in advance, and the security is the money we expect to collect. For instance, we are collecting a Fuel Levy of Ksh7 per litre. On the basis that money will always flow in, the government can take a lump sum and then the payment will come from that monthly Fuel Levy. We have used that money to pay about 40 per cent to all the contractors for them to go back to work. It sounds excellent but as someone who appreciates these financial issues, the challenge we have with that is... I can see my time is...

*(Hon. Owen Baya spoke of the record)*

**Hon. Deputy Speaker:** I give you extra three minutes.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): The challenge with that is that you are tying your cash flow advance for repayments. What happens if, by bad luck, this House decides

to remove the Ksh7 Fuel Levy in the next Budget? What happens to the repayments? They will be stuck. They will not be able to repay. This is an area where we need to move cautiously.

Additionally, in two years' time, we will be having elections. This is very critical. Elections are just elections. They can go either way. Assuming we get another government and it decides it is not going to charge the Ksh7 Fuel Levy, or it is not going to continue with the fuel Levy Fund? Basically, this will mean that the incoming government will have a challenge paying this money. We should be worried. Our hands are tied in terms of cash flow. The so-called 'fiscal consolidation' as we move to the future will just become a story. It will never be a reality.

If we want to help this country, it is high time to joined hands with the National Treasury to end some of these issues. The Deputy Leader of the Majority Party has talked about having an STA. That is the most important account that we need in this country. Why can we not tell Waziri Mbadia that unless you have it operational by 1<sup>st</sup> July, we are not going to discuss anything coming from the Treasury? This will help this country. As the Deputy Leader of the Majority Party has said, we have government money lying all over the in commercial banks. That is the money we borrow through buying of Treasury Bills and Treasury Bonds. The government is using the money to buy their bonds and at the end of the day, they are paying interest. It makes all of us look very bad. We need to help the National Treasury so that we get some of these things right for the sake of our country.

Hon. Members, I want to share with you some experience. About two weeks ago, we had a serious conference on debt transparency and aligning legal frameworks with good practice. In the meeting, we had the former Finance Minister from Ghana. You are all aware that Ghana has restructured its public debt. They told us in very clear terms that Kenyans should pray to God to never go through a debt restructuring since it is a very bad experience. As Kenyans, that is where we are heading. If it is possible, the Leader of the Majority Party and the Leader of the Minority Party should ensure that we work towards avoiding public debt restructuring as a country if we want to help Kenyans. Colleagues, this will be good for our future generations.

There are things we must do in the public interest and put our political interests aside. By doing that, we will be helping ourselves, our children and our future generations. When they come to this country, they will acknowledge that the 13<sup>th</sup> Parliament set the right foundation for the financial management of this country. If we go that direction, we will help this country.

I see the Leader of the Majority Party is in now. Leader of the Majority Party, please; allow me to address you.

*(Hon. Kimani Ichung'wah spoke of the record)*

This House has made such important recommendations but they are never implemented. Can you help us get these recommendations implemented? For sure, if they are implemented, we will never talk about borrowing. We will have enough money in this country to do our things. As Hon. Shurie said, bad financial manners are taking us in the wrong direction. Let us work as a team and agree that whatever recommendations we make as a House, we implement them. If we do that, it will be good for this country.

Hon. Deputy Speaker, with those many remarks, I submit and thank you for the additional two minutes to enable me complete making my submission. Thank you so much.

**Hon. Deputy Speaker:** Member for Tharaka-Nithi.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Deputy Speaker. Tharaka is my constituency, and Tharaka-Nithi is my County although both names are suitable, especially with my aspirations now to move to Tharaka-Nithi County.

Allow me to support this Report by the Select Committee on Public Debt and Privatisation, chaired by Hon. Shurie. They have done a good job. We need such reports from time to time so that we know the position of the country when it comes to public debt. We know very well that quite often we are crippled by public debt. Sometimes we are told that the country is on the verge of receivership. That is, we are not able to pay our debts, and our lenders may make a run on us, as a result of which we would possibly go under, just like the other countries have.

There is a belief that public debt is now going down, and that means there may be money that we would have used for public debt, which will now be used for development. We are currently in the process of preparing the Budget, and it is a concern to everyone that most of our revenue is allocated to recurrent expenses. That recurrent expense includes the Consolidated Fund Services, which is for repayment of our debts, whether international or local, and payment of other recurrent expenses. In fact, we now need to assess our current financial situation, including our available funds and our expenditures, both recurring and for debt repayment. As a matter of fact, we need to look at how much we have and how much we must spend both on recurrent expenditure and debt repayment because Kenyans are anxious since they do not see the development they ought to see.

In spite of the observations made by experts like Hon. Makali Mulu, who noted that we may be buying or trading with our own money, visible development is reaching the rural constituencies. We must unlock the stalled projects and roads that have caused anxiety among our constituents. Many of them were promised tarmac roads whose construction began but later stalled. At the very least, we are now unlocking part of this money by whatever means to ensure that contractors return to the sites and we realise the roads we were promised or which we, as leaders, promised ourselves.

Interest rates are a concern. Unfortunately, money is expensive and the cost of borrowing is interest. As Hon. Shurie and his Committee make recommendations on the broader issues, I urge them to look at the interest rates and advise on the most feasible ways of borrowing in less expensive ways, either through grants or by leveraging public-private partnerships (PPPs) to avoid incurring unsustainable interest, which is becoming increasingly worrisome.

The Treaty Making and Ratification (Amendment) Bill is before this House. It will ensure that this House is involved in all agreements from inception to conclusion, particularly loan agreements or borrowing above Ksh1 billion. This is a good law because it will ensure that this House monitors how we borrow.

These are good recommendations. They should not become dead recommendations but recommendations that help our economy as it grows.

With those few remarks, I support the Motion for adoption of the Report.

**Hon. Deputy Speaker:** Member for Funyula.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this Motion. I also rise to support the Report of the Select Committee on Public Debt and Privatisation on the Consolidated Fund Services expenditures for the Estimates for Financial Year 2025/2026.

I have perused the Report and I admit that the Committee was bold enough to tell it as it is. The Report was checked and edited to reflect the reality of the matter. One fact that they have made very clear even though they tried to put it softly or to hide the truth, is that public debt has been rising unabated. Graphs plotted by various economic institutions denote a positive trend. Public debt has been rising despite what we were told by the government during the campaign period – that, it would reduce.

I would like Kenyans to know that public debt is currently estimated to stand at Ksh11.36 trillion as of 31<sup>st</sup> March 2025. There has been unending debate about the odious debt.

Nobody knows where it is, who procured it and what it was used to cover. There is a growing feeling which must be resolved or addressed by the new Cabinet Secretary for the National Treasury and Economic Planning. It is alleged that the actual stock of debt in Kenya is unknown. We are always being given estimates.

The Report has highlighted many facts which we already know, but many have probably been afraid of picking them out. The last sentence of paragraph 12 of the Report states that the interest has increased tremendously compared to the previous years. However, the most serious statement that every Kenyan must be aware of is that this elevated burden not only heightens interest rate risks but also crowds out essential government investments and inflates the cost of financing the fiscal deficit. They have told us that the economy is doing well but the reality on the ground is different.

Secondly, the Report clearly states that there is no relief in the foreseeable future. Paragraph 13 continuously highlights the challenges facing the economy. It clearly states that the interest payment as a share of Gross Domestic Product (GDP) is expected to increase from 3.2 per cent in 2015 to about 5.7 per cent, while development expenditure will decline from 7.2 per cent to 3.5 per cent. This inverse trend signals a structural crowding-out effect where escalating public debt obligations are displacing capital investments in infrastructure, education and other development-enabling sectors. The opportunity cost is stark. Resources that could stimulate economic transformation and improve welfare are increasingly diverted towards debt servicing of past borrowing.

We cannot tell it more than we have done. The truth of the matter is that we are not doing well. The earlier we accept it and reflect on it, the better. The Committee must continuously be bold enough to tell it all and avoid the sugar-coated rhetoric that we have been fed all over.

As I conclude, the Deputy Chief Whip of the Minority Party is in government and should stop lamenting and get the government to work.

**Hon. Deputy Speaker:** Hon. Aden Daudi.

**Hon. Aden Mohammed** (Wajir East, JP): Thank you, Hon. Deputy Speaker. I also rise to support this Report. I am a Member of the Committee that prepared the Report. A lot has been said about the Report by other speakers, but I would like to highlight one thing. This House passed a debt strategy mix of 75 per cent domestic borrowing and 25 per cent foreign borrowing in our Medium Term Debt Strategy (MTDS).

The problem with our budgets and getting money from the Consolidated Fund Services is that tax collection is not timely. We always have a problem with our tax collection and, therefore, we use domestic borrowing to buttress our tax collections. In its Report, the Committee is urging the National Treasury and the Central Bank of Kenya (CBK) to front-load domestic borrowing, so that our cash flow does not become a problem. Many ministries and departments are used to a lack of cash flow or Exchequer releases from the National Treasury. We lack timely Exchequer releases because our cash flows do not come at the time when ministries and departments need them.

The second issue is securitisation. This Report mentions that the national government is using a new “animal” called securitisation, which means borrowing upfront using expected revenues. An example of securitisation that this country has done so far without parliamentary approval is that of the Road Maintenance Levy Fund (RMLF) of Ksh7 by the Kenya Roads Board (KRB) to pay pending bills. This kind of borrowing brings contingent liability. We borrow for 10 to 15 years on monies that we think will come from our RMLF. As a country, we are going green. Our President is the Chairperson of the Committee of African Heads of State and Government on Climate Change (CAHOSCC). We are encouraging our vehicles to be electric or to go green. Yet we are borrowing on monies thinking that we will be using Ksh7

per litre of fossil fuel. By borrowing, we are creating a debt that will be borne by the next generation. We are borrowing that money to repay pending bills, not for development.

Therefore, I urge this House to be very aware of the issue of securitisation. The Public Debt and Privatisation Committee will bring more reports on this issue. The House should at least come up with a policy on intergenerational borrowing. We are borrowing now and loading it to the generations to come.

Finally, I would like to comment on the issue of TSA. We borrow money through domestic borrowing. All the MDAs keep their money in commercial banks. That very money from the public is being used by banks to buy bonds, from which they earn interest. Because of that, this Committee has recommended that we embrace the TSA system. This is not the first time we are recommending it. We recommended it last year and the year before. It is time that Parliament, through the Committee on Implementation, became serious and forced the National Treasury to adopt TSA idea.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Caroli Omondi, Member for Suba South.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Deputy Speaker. I just want to raise a few issues on the accuracy of some of the statements in this Report. I also invite the Committee to inform the House as to why they cannot report on additional matters that I think are pertinent to enable this House to deliberate effectively.

I have noted under paragraphs 90, 91 and 92 that the securitisation of the RMLF is ongoing. The way it is reported here, it appears that this is a process that is ongoing. I think over Ksh65 billion has been raised under the securitisation programme and actually disbursed to the contractors. It is, therefore, not clear to me whether the Ksh175 billion is additional to the Ksh65 billion that has already been raised. It would be important to get some clarification on this matter.

I share the same sentiments as Members of the Committee. Securitisation is just consuming what you do not have ahead of getting it. A classic example of a country that has gone that route is Angola. They used their oil revenues to securitise and invite the Chinese to build 700 kilometres of roads and apartments for them that nobody has ever occupied. It always ends up in tears.

Nonetheless, I think the Committee would do us more justice if in future they give us a flavour of what the debt sustainability framework for Kenya is. In other words, there is a lot of numbers here and narratives, but we are not seeing a debt stress analysis or a cash flow stress analysis. I think we need to see something like that, which will wake everybody up. It has been suggested that we are likely to default in six months, one year or in two years' time. As it is today, by reading this you can tell that there is a problem coming but you cannot predict when. This is because the analytical tool is missing. I am sure that we have very competent personnel who can give us a debt stress test and cash flow stress test for Kenya, to ascertain whether we are a going concern or we will soon be bankrupt.

On TSA, I am aware that there is e-Citizen. I would have loved to hear something from the Committee as to how the e-Citizen framework will interface with the TSA once the idea is embraced. This is because I think there are some connections there but I am not seeing that.

Finally, on the Kenya Airways issue, where we have inherited private sector debt or a company that is strategic or of national importance, but somehow held by the private sector. There is a clear case of conflict of interest here. Probably, the Committee was shy to talk about it but, as Parliament, we need to share this information out. Why is it that it was only Kenya Airways that was guaranteed that amount of money? Why? What is the Committee recommending about it?

Thank you very much, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Yes, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I rise to support the Motion. As my good friend, Dr Makali Mulu, was saying, if all the recommendations contained in this Report are implemented by the National Treasury, we will need to do very little.

Allow me to pick up from where the Member from Homa Bay, Hon. Caroli Omondi stopped regarding TSA. I remember that last year, during debate on a similar Report, we had this recommendation. The danger is that we only put it as a recommendation but with no timelines. How I wish the Committee had put specific timelines. This also points to a problem with the House's Committee on Implementation. Because once the House resolves on something, it should be implemented. We cannot be doing things in vain here. We purpose to have a Committee on Implementation not to just hold meetings in rooms up here and wait for allowances, but to hold meetings and follow up on all House resolutions. I do not think there is any other resolution that is as important as the resolutions we make on finance matters, especially around the issue of debt.

I remember saying in this House about six ago; that, there are bureaucrats in government who will never allow at their own volition, implementation of TSA. Because they are minting hundreds of millions of shillings by hauling money in bank accounts and getting kickbacks from commercial banks. That is how it is. I can say so without fear of contradiction because I know it is the truth. I have been an auditor in this country. I have worked in the financial services sector. I know what happens.

Therefore, it is up to the Committee on Implementation of this House to ensure that the particular recommendation on TSA is actualised. How I wish you could insert a small amendment to introduce a timeline on implementation of the TSA system. Give them 30 to 45 days. As a House, and as society, we all live in this country. Last year, during the State of the Nation Address, none other than President William Ruto pronounced himself in this House, and asked the National Treasury that by the first quarter of 2025, everybody must be on e-procurement. Now that we are at the tail-end of the second quarter, we must ask ourselves, 'Are we on e-procurement in all sectors of government?' There should be follow-up on action being taken on such pronouncements, by those who ought to be taking action. That is none other than the Committees of this House. They must ensure that whatever is pronounced in this House is implemented.

If such pronouncements are not followed through, and no action is taken by those who ought to do so – including the committees of this House, which are mandated to ensure that whatever is pronounced in this House is implemented – we will go through the Motions every year saying that we should embrace the TSA system. The President will pronounce himself on the question of e-procurement but it will never be done because people eat heavily from the manual procurement processes that exist. In some government parastatals, interestingly, you find a procurement process that is skewed in a way that it will only go to one contractor or service provider. The Public Procurement Regulatory Authority (PPRA) jots down an opinion and attempts to stop that procurement process. Two or three weeks later, the same agency, PPRA, gives it a go-ahead and then you wonder why it stopped it in the first place. All these things can only end if we go to e-procurement. That is why we must support what the President pronounced on e-procurement because it has a bearing on our debt levels.

The huge amounts of pending bills emanate from procurement processes that take forever. People procure towards the end of the financial year, like now, and incur expenditure but they do not pay. They are rolled over to July in a new financial year, and such expenditure end up accumulating into pending bills. We must assist the President. We must assist the country because ensuring the implementation of TSA and e-procurement will help Kenyans. I hope the Cabinet Secretary and Principal Secretary for the National Treasury and Economic Planning are listening to this debate. If they are, because they will come here tomorrow, I hope

to hear an update in their statement on where the National Treasury is on implementation of e-procurement across all sectors in government, including Parliament as an institution, since Hon. Speaker chairs the Parliamentary Service Commission (PSC). It is also an Arm of Government.

Hon. Deputy Speaker, I will move on to some of the other recommendations on the opportunity cost that arises from the interest being waived, especially in the example I have seen in the Report of Kenya Airways. Government borrows money through Treasury Bills at a rate of 9 per cent or 10 per cent. It then lends the same money to Kenya Airways at 3 per cent or 5 per cent. Why does it do so? Kenya Airways can borrow from banks at 10 per cent. We are basically subsidising a private company, as much as the government is a shareholder. Therefore, we must be careful. If we borrow money to lend to another government agency or parastatal, then it must be at an equivalent interest rate or lower premium. If Kenya Airways cannot get a commercial loan at 15 per cent, why can they not pay that loan at 10 per cent, 11 per cent or 12 per cent like in a SACCO, if we borrowed it at 9 per cent? It will still be at a discount compared to the interest charged on commercial loans. This is where we lose money. As the former Vice-Chairperson and a diligent Member of this Committee, Hon. Makali, said that we continue to lose money that way.

There is also the question of commitment fees that we pay for loans. The Committee has rightly noted, in their observations, that this emanates largely from loans that we have committed to but we do not allocate or appropriate money to pay the counterpart financing that ought to come from the Government of Kenya. It is in all sectors, especially the water sector. Many projects in the water sector, energy sector and a few in the roads sector need counterpart funding. Because adequate money is not appropriated during the budget-making process to pay for the counterpart funding, these loans are not disbursed yet we have paid commitment fees. At times we even pay insurance against those loans. This is money that is lost because you are not deriving any benefit from it, which you ought to. I am glad because two or three weeks ago, the Controller of Budget spoke to the same issue on commitment fees, interest and insurance that we pay on undisbursed loans. There is no loan that is signed by anybody in government. Whether it relates to energy sector or water sector or it is government guarantee on Kenya Airways loans, the National Treasury would always be aware of. If ‘one hand’ of the National Treasury is signing for these loans and ‘the hand’ is preparing the Budget Estimates, what is so difficult in them ensuring that they provide adequate resources to pay the counterpart funding and commitment fee so that we do not continue to incur costs? That is why I agree with Hon. Makali and the Committee – that, if we implement all the recommendations of this Committee, we will be better off. Hon. Makali has walked back into the Chamber.

The Committee on Implementation has let us down, as a House and country. All the recommendations we make here year in, year out, it is up to that Committee to follow up. I am waiting for the day I will see the Cabinet Secretary and Principal Secretary for the National Treasury and Economic Planning, and the Director General in charge of Public Debt before the Committee on Implementation telling the country why it is taking them so long to implement TSA while the government continues to borrow its money. This is because the government largely borrows its own money. For instance, if you look at the money being held by the Kenya Roads Board in commercial banks, you will be shocked. Even road agencies that owe contractors billions of shillings hold money in bank accounts.

If you look at the bank accounts of the National Land Commission, you will be shocked. There is idle money lying there. It is used by the commercial banks to trade with the government by lending it back to them, for which they pay interest. If that is not insider trading, I do not know what it is.

*(Laughter)*

We are guilty as charged because these are simple things that should take a very short time to implement. I must challenge our Committee on Implementation to ensure that the National Treasury and all other agencies that are charged with implementing many of the recommendations in this Report and other previous reports do so fully, so that we realise the gains that we ought to realise and save our public debt spending.

Hon. Deputy Speaker, if you read through this Report, you will see that between financial year 2015/2016 and financial year 2025/2026, the public debt interest payment as a share of our Gross Domestic Product (GDP) has grown from 3.2 per cent in 2015/2016 financial year to a projected 5.7 per cent in 2025/2026 financial year. This is a very big leap. It is almost doubling because it is just 0.7 per cent to be double what it was about 10 years ago. Consequently, as that number kept going up, the development expenditure has also been going down from a high of 7.2 per cent in 2015/2016 financial year to 3.5 per cent in 2025/2026 financial year. A country that spends 3.5 per cent on development expenditure as a share of GDP cannot grow at the rate that we want our country to grow. We must devote more money to development expenditure. I noticed that as much as the Committee speaks about other sources of financing, including off-balance sheet sources of financing, we must commend this administration. For the first time, a number of big ongoing infrastructural projects like housing are being funded by the Housing Levy, which helps to spur economic growth in the country. What would happen if that level of investment went into construction of roads or dams and water ponds across the country to ensure that there is enough water storage capacity in the country to cater for our use during the dry season? It would spur very good economic growth in the country and therefore reduce on the amounts that we have to borrow.

Hon. Deputy Speaker, lastly, I will comment on resource mobilisation. This is usually a very uncomfortable debate to engage with anybody, right from Caesar's time in the Bible when Jesus said, "Give unto Caesar what belongs to Caesar and to God what belongs to God." I look forward to hearing from the Cabinet Secretary for the National Treasury and Economic Planning tomorrow on the revenue raising measures. As we speak about the debt levels, keeping in mind that we passed in Financial Estimates this morning, we must bear in mind that that goes hand-in-hand with the level of resources that we can mobilise locally from our own taxes. This is because unless and until we are able to mobilise adequate resources to cater for our expenditure, we will continue to expand on our fiscal deficit and end up with increased borrowing to finance our public expenditure.

In the interest of time, I will end at this point as I appeal to the Chairman to ensure that all the recommendations in the Committee's Report are implemented fully. I particularly have a very keen interest on implementation of TSA and other recommendations that I have mentioned, especially around e-procurement to save government some money.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Suleka.

**Hon. Suleka Harun** (Nominated, UDM): Thank you, Hon. Deputy Speaker, for giving me an opportunity to contribute to this debate. At the outset, let me congratulate the Members of this Committee, to which I am also a Member. We have worked tirelessly and exceptionally well to produce this Report. This Committee is a good representation of the House in undertaking its oversight mandates.

Even though the public debt service is projected at Ksh1.9 trillion in the Financial Year 2025/26, this will be the lowest debt service level over the medium term. This gives us a short term relief that must be used wisely. We should also take this opportunity to improve how we execute the Budget and redirect it towards investment to grow the economy in the long term. We have also seen a steady rise in discretionary spending, especially on debt service and pensions. This puts a lot of pressure on the cash flow. To ensure that the Budget rises smoothly,

we must also improve on our cash forecasting systems and coordinate better between debts and cash management teams. This will also help us manage the short term liquidity pressures.

There is also a serious concern that was raised about wasteful spending, particularly on commitment fees. In the first nine months of financial year 2024/25, the government paid over Ksh770 million in commitment fees. We must also stop this by ensuring that our development partners fully disburse funds. That means we must honour our counterpart funding obligations. What happens is that we usually sign contracts and accessing funding but we do not have the counterpart funding component ready. Therefore, in the long run, we are unable to meet our obligations of funding those projects and the donors refuse to release their component of the funds, thus leading to huge payments of commitment fees. We also need to increase our investment in development. Development spending plays a big role in supporting public debt repayment in the long run and promoting debt sustainability for the country.

However, the investment share of Gross Domestic Product (GDP) has dropped sharply from 19.5 per cent in financial year 2015/2016 to 4.1 per cent in financial year 2025/2026. We also need to change this percentage by putting more capital projects, diversifying the economy and creating jobs for the youth.

Finally, the issue of STA is very important for this country. We are losing a lot of money. The government MDAs have cash lying idle in their bank accounts. At the end of the day we end up borrowing more money. That means we also need to put a lot of pressure on the National Treasury to make sure that we embrace STA to solve all our liquidity problems. It will save most of our investment and development projects.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Those who are interested in speaking; please, press the intervention button.

Hon. Timothy Toroitich, I see you have pressed the intervention button. Are you ready? Hon. Members, with your permission, we are going to rearrange the Order Paper. We are just done with Order No.10, on which we shall put the question later. We have now moved to Order No.15, which we have now renamed as Order No.11. So, I would like that order called out and then we shall move to Order No.12. What was Order No.12 will remain as Order No.12 and Order No.16 now becomes Order No.13. Thereafter what is Order No.11 will become Order No.14. So, you can call the Next Order, which is Committee of the whole House.

Okay, Hon. Shurie, you may reply and then we can move to the next Order.

**Hon. Abdi Shurie** (Balambala, JP): Thank you, Hon. Deputy Speaker. I thank Members for supporting the Report. We truly appreciate their support and views on where we need to improve. We sincerely thank them.

With those few words, I beg to reply.

**Hon. Deputy Speaker:** Thank you. Hon. Members, the Question on this debate will be put at an appropriate time.

*(Putting of the Question deferred)*

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

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

## IN THE COMMITTEE

*[The Chairlady (Hon. Gladys Boss) in the Chair]*

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THE CULTURE BILL  
(National Assembly Bill No.12 of 2024)

**Hon. Chairlady:** Hon. Members, we are now in the Committee of the whole House to consider the Culture Bill (National Assembly Bill No.12 of 2024).

*Clause 3*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, clause 3 of the Bill be amended in paragraph (b) by deleting the words “and cultural expression” and substituting therefor the words “culture, cultural heritage and cultural property”.

*(Question of the amendment proposed)*

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

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

*(Clause 3 as amended agreed to)*

*Clause 4*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, clause 4 of the Bill be amended in sub-clause (2) by deleting the words “cultural activities, expressions and practices” and substituting therefor the words “culture and cultural heritage”.

*(Question of the amendment proposed)*

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

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

*(Clause 4 as amended agreed to)*

*Clause 5*

**Hon. Chairlady:** Mover.

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, clause 5 of the Bill be amended—

(a) in sub-clause (1)—

(i) by deleting the word “expressions” appearing in paragraph (b) and substituting therefor the word “property”;

(ii) by inserting the following new paragraphs immediately after paragraph (g) –

“(ga) in consultation with institutions specializing in statistics, collecting, processing and maintaining national statistical data on cultural heritage;

(gb) developing mechanisms for restitution and repatriation of illegally acquired cultural property;

(gc) establishment of linkages with institutions undertaking research on Kenya’s cultures and cultural heritage;

(gd) establishment of national cultural centres for promotion of cultural participation and fostering of creativity;”

(b) in sub-clause (2) by deleting the word “Second”.

*(Question of the amendment proposed)*

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

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

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

*(Clause 5 as amended agreed to)*

#### Clause 6

**Hon. Daniel Wanyama** (Webuye West, UDA): I beg to move:

THAT, Clause 6 of the Bill be amended—

(a) by deleting the words “cultural heritage and cultural expression” appearing in paragraph (c) and substituting therefor the words “culture and cultural heritage”;

(b) by inserting the following new paragraphs immediately after paragraph (b)-

“(ba) establishment and management of county cultural institutions;

(bb) in consultation with institutions specializing in statistics, collecting, processing and maintaining county statistical data on cultural heritage;”

*(Question of the amendment proposed)*

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

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

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

*(Clause 6 as amended agreed to)*

*(Clauses 7, 8, 9, 10, 11 and 12 agreed to)*

*Clause 13*

**Hon. Daniel Wanyama** (Webuye West, UDA): I beg to move:

THAT, Clause 13 of the Bill be amended—

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

“(1) A person who wishes to register a property as a cultural property under this Act shall apply to the county government or the Cabinet Secretary in the prescribed manner: Provided that an application made to the Cabinet Secretary shall only be done after the property has been registered by a county government.”

(b) in sub-clause (3) by deleting the words “or person” appearing immediately after the words “register the property”;

(c) in sub-clause (5) by deleting the words “or a person”; and

(d) in sub-clause (6) by deleting the words “or a person”.

*(Question of the amendment proposed)*

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

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

*(Clause 13 as amended agreed to)*

*(Clauses 14, 15 and 16 agreed to)*

*Clause 17*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, clause 17 of the Bill be amended—

(a) in the marginal note by deleting the words “cultural expressions” and substituting therefor the words “culture, cultural heritage and cultural property”; and

(b) by deleting the words “cultural expressions as national expressions” and substituting therefor the words “culture, cultural heritage and cultural property”.

*(Question of the amendment proposed)*

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

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

*(Clause 17 as amended agreed to)*

*Clause 18*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, clause 18 of the Bill be amended—

(a) in the marginal note by deleting the words “cultural heritage and expressions” and substituting therefor the words “culture, cultural heritage and cultural property”;

(b) in sub-clause (2) by deleting the words “cultural heritage and expressions” and substituting therefor the words “culture, cultural heritage and cultural property”; and

(c) in sub-clause (4) by inserting the word “it” immediately after the words “where there is or might be a cultural heritage if”.

*(Question of the amendment proposed)*

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

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

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

*(Clause 18 as amended agreed to)*

*(Clause 19 agreed to)*

*Clause 20*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, clause 20 of the Bill be amended—

(a) in sub-clause (1)—

(i) by deleting the words “a cultural expression” appearing in paragraph (f) and substituting therefor the words “cultural property”;

(ii) by deleting paragraph (h) and substituting therefor the following new paragraph –

(h) conducts an activity or development at a cultural property or cultural heritage site without the requisite permit or license;

(iii) by deleting the words “cultural expression” appearing in paragraph (i) and substituting therefor the words “cultural property”.

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

(2) A person who commits an offence under this section shall be liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding five years, or to both.

*(Question of the amendment proposed)*

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

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

*(Clause 20 as amended agreed to)*

*(Clause 21 agreed to)*

*Clause 22*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, clause 22 of the Bill be amended by deleting the word “ten” and substituting therefor the word “two”.

*(Question of the amendment proposed)*

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

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

*(Clause 22 as amended agreed to)*

*(Clause 23 agreed to)*

*Clause 24*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, clause 24 of the Bill be amended by deleting the words “imprisonment for life” and substituting therefor the words “a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years, or to both”.

*(Question of the amendment proposed)*

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

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

*(Clause 24 as amended agreed to)*

*(Clauses 25, 26, 27, 28, 29, 30, 31 and 32 agreed to)*

*Clause 33*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 33 of the Bill be amended in sub-clause (2) by deleting paragraph (g) and substituting therefor the following new paragraph –

“(g) prescribing the manner of interlinkage with research institutions in regards to research relating to culture;”

*(Question of the amendment proposed)*

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

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

*(Clause 33 as amended agreed to)*

#### *Schedule*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, the Schedule to the Bill be amended by inserting the following new paragraph immediately after paragraph 4—

5. Bomas of Kenya.

*(Question of the amendment proposed)*

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

*(Schedule as amended agreed to)*

#### *Clause 2*

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) in the definition of “cultural property” by deleting paragraph (d) and substituting therefor the following new paragraph—

(d) buildings and architectural designs;

(b) by deleting the definition of “cultural expression”;

(c) by deleting the definition of “culture”;

(d) in the definition of “protection” by deleting the word “expression” and substituting therefor the words “cultural property”;

(e) by inserting the following new definition in its proper alphabetical sequence—

“culture” means the set of distinctive spiritual, material, intellectual and emotional features of a community or a social group, and includes the lifestyle, social interactions, value systems, traditions, beliefs, language, ideas, customs, codes, institutions, works of art, rituals and ceremonies.

*(Question of the amendment proposed)*

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

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

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

*(Clause 2 as amended agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**Hon. Chairlady:** I call upon the mover to move the Motion for reporting to the House.

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Chairlady, I beg to move that the Committee do report to the House its consideration of the Culture Bill (National Assembly Bill No.12 of 2024) and its approval thereof with amendments.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

IN THE HOUSE

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

**MOTION**

CONSIDERATION OF REPORT ON THE CULTURE BILL

**Hon. Julius Melly** (Tinderet, UDA): Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the Culture Bill (National Assembly Bill No.12 of 2024) and approved the same with amendments.

**Hon. Daniel Wanyama** (Webuye West, UDA): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report.

I request Hon. Murugara to second the Motion for agreement with the Report of the Committee of the whole House.

**Hon. Deputy Speaker:** Hon. Murugara.

**Hon. George Murugara** (Tharaka, UDA): Hon. Deputy Speaker, I beg to second.

*(Question proposed)*

**Hon. Deputy Speaker:** We shall put the Question at a later time.

*(Putting of the Question deferred)*

Next Order.

**BILL**

*Second Reading*

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THE LEARNERS WITH DISABILITIES BILL  
(Senate Bill No.4 of 2023)

*(Moved by Hon. Julius Melly on 24.4.2025)*

*(Resumption of debate interrupted on 24.4.2025)*

**Hon. Deputy Speaker:** Who was the last person to speak during the consideration of the Bill? Hon. Oundo had a balance of four minutes. He is not here. So, we will move to Hon. Mishi Mboko.

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

*[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]*

**Hon. Mishi Mboko** (Likoni, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Learners with Disabilities Bill (Senate Bill No.4 of 2023).

This Bill fulfils both our constitutional and international obligations. Article 53 of the Constitution guarantees every child the right to free and compulsory basic education. Additionally, Kenya is a signatory to international treaties, especially those that deal with the rights of persons with disabilities and the right to education.

Clause 5 of the Bill guarantees learners with disabilities equal access to quality education. Do we have proper infrastructure in terms of schools for children with special needs? I am taking into account children who are blind, children with hearing and speech impairment, children with autism, and those who suffer from *spina bifida* and hydrocephalus. Do we have proper infrastructure for them to access education? We had a policy for normal schools to have some units to cater for children with disabilities. Unfortunately, only a few schools have adhered to this request as per the policy, making it very difficult for children with disabilities to access education.

We need to know the barriers which hinder these children from accessing education. If we have them, and they are a challenge, we should look for solutions and ensure that such children actualise their dreams in education.

Clauses 6 and 7 clarifies shared responsibilities. The responsibilities are shared between parents and the government.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mishi, I like the contribution that you are making. This is a very unique Bill. May I get your views on Clause 5(g) that you have skipped?

**Hon. Mishi Mboko** (Likoni, ODM): Clause 5(g) of the Bill guarantees learners with disabilities equal access to education. That means that the government needs to have solutions to the barriers that hinder children with disabilities to access education. That is what I said.

**The Temporary Speaker** (Hon. Peter Kaluma): I get you, Hon. Mishi. Hon. Kajwang' do you have the Bill? The provision that Hon. Mishi is speaking to is very important. You can look at Clause 5(g).

Hon. Mishi, the concern I am raising is that, if these are learners with disabilities, I know what the Bill is intentional. However, when you say that they shall be accorded equal treatment with other learners who possibly do not have disabilities, will you not be entrenching discrimination? I do not understand.

**Hon. Mishi Mboko** (Likoni, ODM): Hon. Temporary Speaker, maybe, you did not get my point. When we say that they need to have equal access to quality education, we mean that for them to have that quality education, they also need to have proper infrastructure.

**The Temporary Speaker** (Hon. Peter Kaluma): You may proceed. I can see the Chairperson of the Departmental Committee on Justice and Legal Affairs (JLAC) and the Chair of the Departmental Committee on Education are looking at it and they may, later on, contribute on the point I am making. I thank you for the contributions that are making us realise how important this Bill is. Proceed. The minutes we have taken during your intervention will be added to your time.

**Hon. Mishi Mboko** (Likoni, ODM): Hon. Temporary Speaker, learners with disabilities should not be denied admission and participation due to their disabilities. In some communities, persons with disabilities are denied access and admission to schools probably because the schools do not have units for special needs children and the infrastructure to cater for their needs.

Clause 6 and 7 talk about shared responsibility between parents and the government. Whereas the government will ensure that there is proper infrastructure and supply of equipment and learning aids, like braille for the blind, parents should ensure that they take the responsibility of enrolling their children to schools so that they can access education. Moving forward, we should have regulations that will punish any parent who denies their child access to education because of disability so that all children with disabilities can access education.

Clauses 9-14 strengthen the management and governance of special needs education institutions. In our schools we have board of managements. These boards take care of the management of schools. In future, it will be prudent for the boards of management to be composed of teachers, parents and experts in special needs of children with disability so that when they deliberate on anything it will be an informed deliberation.

Clauses 35 and 36 establish robust quality assurance mechanisms and assign county governments the responsibility to monitor and maintain education standards. We have the quality assurance officials who go to schools to ensure that the quality of education given to children is of the standard required by the government. We need to ensure that at least there is somebody who is going to be doing monitoring and evaluation to ensure that children with disability are taken care of. A child with cerebral palsy is not just like any other normal child; it is a different child because of the condition they have. We also need to know how we will ensure that such children get a standard and quality education.

It is unfortunate that, to date, we still have some educational institutions where you go and you fail to see the infrastructure done in favour of a person with disability. You do not see a ramp, or where children with disability can pass. Also, you go to a school where there is a playing field, but there is no special playing field for children with special needs. Education is very vast, and it involves a lot.

If we want these children to realise their dreams in terms of education, we need to consider all factors necessary to address all the historical challenges affecting them and find a solution.

Going forward, even when we budget, we also need to ensure we know what we are allocating for and where we need additional allocation. For now, I have seen that we have added money for social protection meant for transfer to persons with disability, orphans and other vulnerable groups.

Going forward, as a country, we need to put priority on areas that will ensure that children with disability can access education without any kind of discrimination, isolation or denied admission to schools.

*[The Temporary Speaker (Hon. Peter Kaluma) left the Chair]*

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

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): What is wrong with this thing?

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support this very important Bill that has emanated from the Senate. I must commend the Senate. For the first time, we are debating something serious from that House. Most of the time they have been grousing over their Bills, most of which do not see the light of day when they come here. This is an important Bill.

Children and adults living with disabilities are sometimes taken to be a curse to society. Most of the African societies, especially pre-colonial, did not treat these people with any dignity at all. They thought it was a curse. So, the easiest thing to do was to cast them out and possibly end their lives. Fortunately, we have moved from that today to embracing the differently abled persons. It is not that they got disability per se; it is the enabling that is different. If we looked at all human beings, most of them have a disability of one type or the other, only that some are not pronounced, some are not visible, and some of them we do not want to talk about, but they are disabilities.

I always look upon Hon. David Sankok, a Member of the East African Legislative Assembly (EALA), who is a person who has lived with a disability since he was a young boy. He took it with a stride, and he has made every possible good thing out of it. He has taken it as an advantage and not a disadvantage. Differently abled people have advantages which they can exploit to make their lives better. Therefore, as we debate how we should educate our children with disabilities, we must look at this Bill with our two eyes and focus on the children to ensure that they get education equal to any other child whom we treat as a normal child.

Hon. Temporary Speaker, kindly, allow me to gloss over this Bill quickly. It is important. Clause 3 of the Bill has the objects, which are good enough. Clause 4 of the Bill is on guiding principles. Part II of the Bill has Clause 5, which has the rights and responsibilities regarding learners with disabilities. Clause 5(g) of the Bill is where Hon. Temporary Speaker has posed a question as to what exactly we mean by these learners being given equal treatment with other learners. Treatment does not apply to facilities and benefits. It is how you approach the learners, so that they do not feel less. They should feel complete, in spite of the fact they do not have some parts of the body or some parts of the body are weakened and not useful in the circumstances of that instance. This means that if the children go for physical education, you do not tell those who are disabled to sit down and watch those who are normal play. It should be open to all of them to play whichever way, in a manner that is satisfying. Even if it means running, we should assist these learners to run within their capabilities. We should not limit them. This is what it means to have equal treatment with the other learners. They do not feel they are lesser human beings or those who are normal are proper persons, while these other ones are abnormal.

What is the responsibility of the parent, National Government and the county governments? The National Government has tried because, even as we debate today, we have special schools for these people. However, they are not well-run, well-furnished and endowed for this particular learning. The net effect is that we have to allocate more resources, and make these schools able to accommodate these special learners.

The county governments, as usual, do not play their role. We keep on complaining day in, day out that we give them resources. Instead of using them for the proper use, we have bloated employment in the counties and wanton stealing of public resources. The governors do not want to be held accountable. When the Members of County Assemblies (MCAs) try to hold them accountable, there is hue and cry that they have been funded to ruin their government or

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impeach them. The county governments, under the governors, must rise to the occasion and also play a part in ensuring that our special learners are accommodated in Early Childhood Development and Education (ECDE) like other children.

Part III of the Bill is on registration and management of special needs educational institutions. These are the special schools we have today. We are trying to make it legal, so that we make provision and framework for our special schools to be properly registered, run and administered by people who are qualified to do these particular works. From there, we have Part Four, which is dealing with identification and assessment of children with disabilities. This is because we may not actually know this. Some of the elements of disabilities may not be known to us, and it is only experts who can do so. But it grieves us a lot by the fact that some of the children with disabilities are not let out in the open. I say this is a primitive African cultural practice, where we hide them in cow sheds, in our own dark rooms, or in our own pens which we set aside for them in a manner that is derogatory. It is now mandatory that when you have a child with a disability, the County Education Board has to do the assessment and eventually enrol that child into a facility suitable for the child to acquire some education.

Part six is on development of those facilities. I have just made a reference to the fact that these schools are not particularly well-equipped or well-developed. We shall now have a legal framework requiring the Cabinet Secretary to ensure that these schools are on an equal footing with the other ordinary schools. Once we do this, we will ensure that our children who are differently abled acquire the best of the education, just like any other children.

Pointedly, we have seen people who live with disabilities and who get a quality education working very well for this country. This is very important. Those are the people we should be emulating when the time comes for us to deal with the education of this group of persons.

With those remarks, I beg to support.

*(The Temporary Speaker (Hon. Farah Maalim) spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Is she in? There does not seem to be much more interest. Okay. Hon. Peter George Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Temporary Speaker. We always disagree with the House of the Senate in several Bills and Motions they process and bring here. For the first time this year, I congratulate the Senate for coming up with this Bill.

Until you see a person who was able before suffering disability in the course of their lives, you will not appreciate such a Bill. In the 11<sup>th</sup> Parliament, we had the MP for Migori County, Hon. Dennitah Ghati. She was very agile here. She was involved in a road accident, then there was another road accident and she acquired disability. She was treated, but a person who was previously very agile, came back to the House on a wheelchair. I even had difficulties approaching her but she told me that those of us who are enabled differently by God take it for granted. She told me that she never knew a time would come when even just going to a restroom, she would have to, first, resolve in her mind whether it should be another person helping her. She told me she never knew that even in dressing up, it takes another person to assist you. This is therefore very important.

Soon thereafter, my own personal assistant, a guy who was more intelligent than me, called Mr Kakachi, was involved in an accident. Even Hon. Kajwang would tell you about him. I took a guy who had a Master's Degree in Economics as my personal assistant. He suffered an accident on Limuru Road and in that accident his entire right arm went. Then I saw that even something like signing a cheque, the gentleman had to learn afresh using his left hand. All the

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documents had to change. His life had to change from a person who was helping others to being helped. I then realised that it is important that we think about these people.

I am one MP who hosts the only school in the entire of Southern Nyanza, including Kisii area and part of Bomet, of children who are enabled differently intellectually. When you see the situation, sometimes we talk about the issue, even the release of their capitation here, I can tell you we should focus more on their situation than other children who are enabled differently. When there is no water, you do not know what to do with the children in Ogande Special School in my constituency. Sometimes the principal has to call me when there is delay, saying, can you even send some money, we get a bowser from Homabay town to get water to the school because of their situation. Some of them are autistic while others are intellectually gifted in different ways. We are being careful on language because it is a difficult situation. If you allow them to go to a river, they will drown yet they need water a lot. We had to reach a level of getting help from the Japanese Embassy in Nairobi, for us to have enough dormitories and to create for us infrastructure that can help these children enter and also study.

Let me address the Chair of the Committee. If you go there on their Education Day, you will see how innovative they are. I can tell you that the bedside carpets that I use, and the beads used in my house, are processed by very beautiful things. Look at the bangles, the innovativeness, when they are trained to be able, like other people, to live on their own. We have seen cases where persons with disability were being exploited by some Kenyans who are enabled differently, on the streets. By investing in the learning and skilling of persons with disability, we remove such abuses. I am very happy, therefore, with this Bill coming from the Senate, and I think it is a good intervention because it is going to a vulnerable section of our society, whom we should be taking care of. But I wanted to add that this is important, because when we are supplying resources to these institutions, we are being alerted that we must always have those resources in time.

Hon. Temporary Speaker, I have spoken to the absence of water in these institutions at times. What of the Chairperson of the Departmental Committee on Education, where there is no capitation and, therefore, they do not have food? Remember, sometimes people just drop them there – people who are not even related to them. Sometimes these schools, having learners with their various disabilities, are just used in the manner they were in the traditional sense of somewhere you drop people and you forget about them. The difficulties that the principals go through are very, very, very dehumanising.

Therefore, I agree with this Bill that for once, the infrastructure accommodating persons with disability will be adequate; and the training as well as the skilling will be relevant to make them have a meaningful life beyond being people who can be neglected. I know that we are coming from old tradition where when you were born with any form of disability – if I may be allowed to use that word – you were deemed to have been cursed. In the olden days, in most African societies, such person would be dropped in the wilderness, a rope would be tied to confirm whether it is shaking or not until the person died there, and his body would be devoured by wild animals. We are past that stage. That is why this Bill makes me very happy. So, the provisions contained herein will ensure that we have adequate accessible infrastructure and personnel to train and give skills to people who are gifted differently for them to live their full life. We must ensure that there are facilities and an environment where disabled children can enjoy their right to education. This right is secured firmly under Article 53 of the Constitution and Article 45 on the right to free and compulsory basic education. The fact that they are enabled differently does not mean they should forgo those rights; it is not an exception in our Bill of Rights.

This is a good Bill and I support it. However, at the appropriate time, I will urge that we review some of the provisions by way of constructive amendments to make them clear, more direct and assertive in terms of the rights we are talking about. For instance, Clause 5(g)

says that every learner with disability shall have the right to equal treatment as other learners. On the face of it, the intent is very good. But which learners? We are creating this provision so that we can positively discriminate in favour of learners with disability. When you say they have a right to equal treatment with other learners, what are you talking about? They cannot be treated like other learners who are enabled differently. You must in a way give them a treatment that is over and above, and that accords with the fact that they are enabled differently. So, the intention of such a provision is very good, but when we read it keenly, it may be interpreted vaguely by the implementers in a manner that denies the right that we seek to assert. I hope the House will grant us the leave that we crave to clarify the provision.

As I conclude, Clause 6, on responsibility of parents, is specific to learners with disabilities. As we go to the Committee of the whole of the House, I will keenly look at provisions of Article 53(3) of the Constitution and the duty of every parent to be responsible for every child of theirs, whether the parents are married or not, so that we do not have parents who believe that institutions for learners with disabilities are dropping zones to enable them shirk their responsibility. Parents must continue discharging their duties. If there are gaps with respect to provisions prescribed in the Constitution, we will explicitly reiterate them here.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Jared Okello.

**Hon. Jared Okello** (Nyando, ODM): Thank you very much, Hon. Temporary Speaker, for the opportunity.

I also join my colleagues in supporting this most progressive Bill from the Senate. It should not be lost on us that these are our children, brothers and sisters, relatives, friends and we are connected with them in various ways. They are just as normal as other human beings with functional organs. As is commonly said, they are abled but differently from what would be the norm. I remember some of our colleagues or fellow pupils in school who were abled differently when we were in primary school. They were not given any preferential treatment. We have adopted a system where children report early in school hence, distorting their sleeping patterns. We could report to school at 5:00 a.m. and leave school at 7:00 p.m.

People were treated equally that you were subjected to lots of strokes of the cane as a punishment if you reported to school later than 5:00 a.m. Even those who were abled differently did not escape the wrath of teachers just because teachers did not understand the challenges they had, accessing schools and undertaking their lessons just like everybody else. This is something that we have to re-look into as a country.

If you go to America, schools begin at 7.30 a.m. whether it is primary schools or secondary schools. They are done by 2.30 p.m. Every activity beyond 2.30 p.m. is an extracurricular activity where they play, do sports and any other recreational activity but not the core curriculum. The craziness that we have in Africa of taking a whole day doing book learning, out book smart people who do not know how to interact with the community.

We have to step back and re-look into this because life is not only about academics. Life has many facets that can make somebody successful. We have to look into it, especially when considering people who are abled differently. We understand that accessibility to various places they intend to visit or go to, have been a big problem.

Many of our schools with children who are abled differently are without ramps. Other places have provision of ramps as part of law. All buildings must be fitted with equipment and other facilities that are proactive to people who are abled differently. We must also emulate that as a country. Developed countries where people board buses, have buses that lower themselves. I do not know how it works but, when stopped, they come farther down so that everybody can get in, including those with bikes meant for people with disabilities. Then, the bus will lift itself and continue with the journey.

We need to embrace such things as a community because disability is not unique to a particular country. It is humankind and it transcends nations. We need to have reclining seats for the abled differently so that we provide them a level of comfort.

I take cognisance of what our Constitution states even as we do that. That, you must consider the youth, women and people with disabilities when giving people employment. We still have employers who are hesitant to give opportunities to the abled differently yet they can as well deliver the services. Probably, better than people they think are normal in nature.

As a country, we must pay credence to our constitutional standing so that our places of work do not discredit any person abled differently. Providing interpretations of sign language has to be the norm. You have people who do not hear — the deaf — in a crowd where people are speaking and they are present but no one bothers about them and therefore, they cannot follow the thread of discussions.

We also need to infuse more stringent rules that accommodate people of this nature. As I have said about giving employment, even teachers who teach in various institutions with people who are abled differently, also have to be included so that you have teachers who connect with them because they suffer the same fate. But you have people who have absolutely no knowledge about disabilities being given the task to teach and guide them in various ways over problems that they do not properly understand.

Going forward as a nation, even though we have come up with a very progressive Bill, we need to go farther and make sure that the implementation of proposals, including the amendments that Members of Parliament will be introducing, are implemented. Otherwise, it will just be empty talk. They continue to suffer in the hands of those who do not understand them and life continues. That should not be the case. They are people who belong to our society and we have to embrace them the way they are, with disabilities notwithstanding.

I, thank you, Hon. Temporary Speaker. I support.

**Hon. Temporary Speaker** (Hon. Farah Maalim): There does not seem to be much interest. Hon. Fatuma, you may proceed.

**Hon. Fatuma Mohammed** (Migori County, Independent): Thank you, Hon. Temporary Speaker for giving me the opportunity.

I stand to support The Learners with Disabilities Bill (Senate Bill No. 4 of 2023). In my county, we have a school called Kuja Special Secondary School for the Deaf. It is a school that has students of both gender, who are abled differently. Unfortunately, the school cannot access basic needs such as sanitary pads for the girls who are learning there. This is a very good Bill but I hope we will not pass the Bill then shelve it.

There are basic needs that disabled students need. Further, the Bill indicates that they should be offered physical therapy, but how about psychological therapy? Because there are some young children not born with any disability who as a result of an accident end up with a disability they cannot cope with. If we do not give them psychological help, we will hinder their pursuit of education and their way of life. The Government should also consider parents of the disabled children and also give them psychological help. The same should be given to the teachers who look after those children because some children can be wild and not peaceful. So, these teachers get stressed and overwhelmed and therefore, also, need psychological support.

Most of these children are sexually abused. Sometimes, the school might not even know the child is abused because the child does not have a way of expressing themselves depending on the level of disability. So, it would be good if they have regular assessments to establish if the child is being taken care of because sometimes, the caregivers or even the relatives, are the ones who abuse these children. Assessments should be done regularly and should come in a form of an examination. For instance, an assessment should be done when the term ends to check if the child is okay or if they were abused in the institution or outside the institution.

We are talking about education, but we are not including religious education. As a Muslim, there are children who would wish to perform their *salah* but because they have not been taught to pray, they cannot be close to their God. A Muslim child might want to perform *wudhu*—washing himself or herself to prepare for prayer—but because they are not able to do that, they miss an opportunity to be close to God. There should be teachers of religious education who can teach a Muslim or Christian child how to pray and to assist them in fulfilling associated obligations. For example, if the child is a girl, she should be assisted by another girl who can take her to the washroom to perform *wudhu* to be able to pray. This is very important for the well-being of the child.

We should prescribe games that are friendly to these children. Beyond education, they need to play. Their games may not be the same. Some may be able to play football or other games. There should be games specifically for them and which they can play with children different from them. For example, Fatuma should be able to play with a child who is able to walk and foster friendship.

We must also address the issue of social stigma and bullying in schools and at home. Some of these children find life in the community very difficult because their parents also go through bullying. Schools should offer solutions so that if a child is bullied, they know where to report, considering that some of them may not be able to express themselves when bullied.

The curriculum and examinations for these children should not be the same as for other learners. Some of them are slow learners while the other children are fast. They are given the same maths examination and time limits. A disabled child may not write fast because of the disability, but the marking scheme is the same. Their marking scheme should be a little different, depending on the situation of the child.

There should be a system of health first aid. Some children may fall ill in school. A child without a disability may run and report a headache or a running stomach. Their parents may be called to pick them or they may be told to go home and be taken to hospital. What about a child who is not able to communicate or move by his or herself? There should be a small facility to cater for their first aid.

Paragraph 17 speaks about the responsibility of the Special Needs Education Advisory Board to establish and maintain a register of special service providers qualified to provide services to learners with disabilities. But where does this provision leave parents? There are many parents who hide their children, believing that the disability is a problem within the family or the community. As a result, education officers seeking to maintain a record of children with disabilities are unable to identify how many such households exist in their jurisdictions. There should be strict adherence to the rules. If you are found hiding a child with a disability, you should be taken to court and jailed. You are denying that child the opportunity to get an education, interact with other children, live and get all opportunities that other children enjoy. The government should be strict with parents who fail to disclose that they are raising a child with a disability. Such parents should be taken to court and jailed.

I support this Bill and congratulate the Senate for it. May *Allah* bless all these children and their parents.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Fatuma Masito, County Member for Kwale.

**Hon. Fatuma Masito** (Kwale County, ODM): Thank you, Hon. Temporary Speaker.

Ningependa kutoa ushuhuda wangu kuhusiana na sheria hii, iliyopitishwa na Bunge la Seneti. Sheria hii ni nzuri sana. Itaweza kudhibiti watoto ambao wametoka katika jamii maskini ambao hawajaweza kupata fursa ya kuenda shule kwa sababu ya maisha ya uchochole. Serikali yetu huwa haitilii maanani watoto kama hao – mtoto ambaye hana ile hali tunaita ulemavu au uwezo maalum. Watoto hao kusema kweli hakuna kitu wanashindwa. Wanaweza. Ni vile tu, wako na ile uwezo maalum iliyo tofauti na mtu mwingine.

Sheria hii inalenga hao watoto ili waweze kupata elimu kama wengine. itawawezesha kuingia shule za kwanza, za upili hadi *university*. Inalenga elimu yao iwe bure. Hili ni jambo la kutia moyo sana. Pia, katika shule wanaosomea, Serikali ihakikishe wamepata vifaa maalum vya kutumia ili waweze kupata elimu vizuri. Mara nyingi, wanakosa vifaa maalum vya kuwafanya waelewe lile jambo wanalofanya. Ni jambo la kutia moyo sana endapo sheria hii itapitishwa na Bunge hili. Watoto wetu watasoma.

Hivi karibuni, nilikumbana na visa dhidi ya watoto walemavu. Wengine wamefungiwa ndani mwa majumba, wengine wanafungwa minyororo wasionekane na jamii. Kama Serikali, tutadhibiti ili tuwe na sheria maalum ya watoto hao kupata elimu nzuri. Kila mzazi atajitokeza kuhakikisha mtoto wake amepata elimu bora na sio bora elimu. Jambo hilo limevunja moyo wazazi wengi kule mashinani. Wanaona watoto wenye ulemavu kama laana fulani kutoka kwa jamii. Lakini sio laana, ni uwezo maalum. Sisi waislamu tunaamini ni maumbile na uwezo wa Mwenyezi Mungu. Yule aliyekutoa wewe mzima, ndiye aliyemtoa yule akawa na mapungufu kiasi. Hatutaki kusema ni mapungufu kwa sababu ni mpango wa Mwenyezi Mungu.

Sheria hii pia inaashiria kuwa serikali za kaunti pamoja na ya kitaifa, zishirikiane kuhakikisha jambo hili litafanyika kwa njia nzuri.

Ninaunga mkono sheria hii ambayo imetoka kwenye Bunge la Seneti.

Asante sana.

**The Temporary Speaker** (Hon. Farah Maalim): Kwa vile sioni Mheshimiwa mwengine ambaye anataka kuchangia, nitamualika Mwenyekiti wa Kamati ya Idara ya Elimu ajibu.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Temporary Speaker.

I rise to reply. First of all, I thank Members. They have spoken out that this is a very important Bill. This Bill first originated in this House in the last Parliament. It lapsed when Parliament went on *sine die* recess, and finally it has resurfaced in the Senate. This is a very important Bill. It is trying to enable the children who are differently-abled to undergo their education with fewer difficulties.

This Bill, apart from trying to cure infrastructural problems in schools and challenges that learners who are differently-abled go through, is trying to make their education seamless. It goes on to address even learning centres in day cares. Our children have various forms of disabilities. These children are our brothers and sisters in our homes. It looks at all manner of disabilities amongst children. I thank Members because they contributed and made proposals on how to make this Bill even better to ensure learners across the country are assisted and can go through their education.

Hon. Temporary Speaker, the founder of Braille, Helen Keller, was born deaf and blind in the 1880s, but she went on to be an innovator alongside, Albert Einstein and many others. They made huge contributions despite their disabilities. This Bill will encourage families who hide their disabled children because they think disabilities are a stigma or curse, yet they are not. If well taken care of, disabled people can transform this world.

Thomas Edison is a very good example of someone who had many difficulties. He went to school and learned how to write after he was five or six years old. This is a wake-up call to parents, schools and institutions that any differently abled learner has the potential to change the society just like an abled person.

I thank this House because the Budget we just passed allocated resources to the Ministry of Education for learners with disabilities and many others. Therefore, I request Members to support this Bill.

Pursuant to Standing Order 53(3), I request that we defer the putting of the Question to a later date due to the procedural issues in the House. However, I thank each Member who contributed and, more importantly, for allocating money for students with special needs and those with infrastructural issues in their schools. As Hon. Kaluma clearly put it, some of the

issues affecting parents, which are not captured in the Bill, can be ingrained in the Bill through amendments to make it better.

I beg to reply.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, the re-ordering of the Business had been previously communicated. It looks like we only have a minute to go before the adjournment of the House. We will move to Order 16.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

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

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, you have not given directions on the Order we have just transacted in terms of the Question being put now or in future.

**The Temporary Speaker** (Hon. Farah Maalim): Oh, yes. Thank you. Hon. Members, the Question on The Learners with Disabilities Bill (Senate Bill No.4 of 2023) will be put at an appropriate time in future.

Thank you, Hon. Kaluma.

*(Putting of the Question deferred)*

Next Order.

## BILLS

### *Second Reading*

#### THE NATIONAL COHESION AND INTEGRATION BILL (National Assembly Bill No.74 of 2023)

**The Temporary Speaker** (Hon. Farah Maalim): Who is the Mover of the Bill? Is the Chairperson of the National Cohesion and Equal Opportunity Committee in the House? He seems not. We will then re-order the Business, but I think it is time for adjournment for the House.

*(Several Members spoke off the record)*

Thank you for the correction. We will re-order the Business. Let us go to Order 11

### *Second Reading*

#### THE POLITICAL PARTIES (AMENDMENT) (NO. 2) BILL (Senate Bill No. 26 of 2024)

*(Moved by Hon. Owen Baya on 3.6.2025)*

*(Resumption of debate interrupted on 3.6.2025)*

**The Temporary Speaker** (Hon. Farah Maalim): Resumption of this debate will start with Hon. Caroli Omondi, who was the last person contributing to this Bill. He has nine minutes. Hon. Caroli Omondi, proceed.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you, Hon. Temporary Speaker.

My friend, Hon. Toroitich, and I have really waited for this opportunity to get to this Order. This is another Bill from the Senate. I rise to express my reservations about certain provisions on it, and also acknowledge the very heavy challenges it presents to our democracy. Moreso, it is insensitive to public interest. It elevates the interest of the political class above all other members of society. Its objectives are also short-term. Let me go straight to the point.

In our constitutional system, it is individuals who go for elections and get elected. There are two pathways through which individuals may access political office. An individual can choose to run for office as an independent candidate as the Member for Migori or Hon. Toroitich there. The other pathway is to join a political party and be elected as a member of a political party. Political parties are not elected in Kenya. None of these pathways is superior or inferior to the other. They are all equal; whether you are elected as an individual or as an individual within a political party. Unfortunately, this Bill entrenches the selective funding of only political parties to the exclusion of independent candidates. This is discriminatory and violates the principles of free, fair and credible elections. This is because it gives undue advantage to those who choose one pathway and tilts the level playing field, rendering fair competition impossible in such an environment.

I will give you an example. The Political Parties Fund is divided into three ways. 70 per cent of the funds go to political parties on the basis of the votes their members garnered in any election, whether it is a Member of County Assembly (MCA), Woman Representative and everybody else. If you contest as an independent candidate and win like Hon. Fatuma and Hon. Toroitich, you do not get a share of those funds, yet the votes of whom they defeated were added to those in the tally of the political parties. They run and fail, but they are compensated for that. That is how unfair it is. We must therefore, look at this Bill and expand the scope of political party funding to independent candidates as well, so that there is one level playing field.

To give people a perspective of what goes on, if you look at Section 24(1)(a) of the Political Parties Act, the funds that go into the Political Parties Fund are 0.3 per cent of all the National Government share of revenue as divided by the annual division of revenues. That number was Ksh5, 292,300,000 in 2023. Jubilee Party got Ksh1,020,104,806 while my party, Orange Democratic Movement (ODM), got Ksh1,331, 392,198.30. This is according to the Auditor-General's Report of the Financial Year 2023/2024. Those who are elected independently do not get a share of that. 15 per cent of these funds goes to those who are elected according to the number of seats you have won. If you run as an independent candidate and win a seat, you do not get any compensation.

Hon. Temporary Speaker, 10 per cent goes to those who belong to special groups. If you get elected as an Independent candidate, and you are a Member of a special group, a youth or as a person with disability, you do not get compensated. This is how unfair this is. So, we will be proposing amendments to expand the coverage of the Political Parties Fund to include independent candidates.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Caroli, would you still make that line of contribution? If you looked at the provisions of Article 4(2) of the Constitution;

**Hon. Caroli Omondi** (Suba South, ODM) Which says, what? Remind me.

**The Temporary Speaker** (Hon. Peter Kaluma): Does the Table have a copy of the Constitution? It is always good to hear the thoughts of Hon. Caroli and do not worry about time.

**Hon. Caroli Omondi** (Suba South, ODM): Okay.

**The Temporary Speaker** (Hon. Peter Kaluma): Do not worry about time, your time is frozen on this element.

**Hon. Caroli Omondi** (Suba South, ODM): I did not bring my Constitution today.

**The Temporary Speaker** (Hon. Peter Kaluma): What Members do not know is that you served in the Executive. So, you are the heart of most of these pieces of Legislations.

**Hon. Caroli Omondi** (Suba South, ODM): So, you are saying Article 4...

**The Temporary Speaker** (Hon. Peter Kaluma): Sub-Article 2. Your proposal is that independent candidates and Members be funded separately from political parties. How does that sit with that provision?

**Hon. Caroli Omondi** (Suba South, ODM): It states that:

“The Republic of Kenya shall be a multi-party democratic state, founded on the national values and principles of governance referred to in Article 10.”

**The Temporary Speaker** (Hon. Peter Kaluma): Correct. That is what it says. And Article 10 talks about our national values, among others are patriotism, national unity, sharing, devolution, rule of law, democracy, participation of the people, which includes independent candidates, non-discrimination, which is what I am talking about and protection of the marginalised. That is what I am talking about. By excluding independent candidates, you are violating those values: human dignity, equity, social justice and inclusiveness. That is what I am talking about. I am giving life to *good* governance.

**The Temporary Speaker** (Hon. Peter Kaluma): The point I am making is in the very first line, which states thus:

“The Republic of Kenya shall be a multi-party, democratic state.”

**Hon. Caroli Omondi** (Suba South, ODM): Thank you. The interpretation of that particular clause, is what I have given: That there are two pathways to elective office in the Republic of Kenya. Multipartyism does not mean multiplicity of political parties, it means multiplicity of options to contest for elections and to win or lose.

*[The Temporary Speaker (Hon. Peter Kaluma) left the Chair]*

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

**Hon. Caroli Omondi** (Suba South, ODM): I would like the departing Hon. Temporary Speaker to pay attention.

**The Temporary Speaker** (Hon. Farah Maalim): He is hearing whatever has been said.

**Hon. Caroli Omondi** (Suba South, ODM): The Speaker is omnipresent.

**The Temporary Speaker** (Hon. Farah Maalim): No. Only God is omnipresent.

**Hon. Caroli Omondi** (Suba South, ODM): Okay. Thank you, Hon. Temporary Speaker.

What I am trying to clarify is that multipartism does not only simply the number of parties. It is about the multiplicity of pathways to elective office. That is multipartism. It is not about how many parties exist. You can have a pathway as an individual. In Kenya as I have said, individuals are the ones who are elected, not parties. An individual may be elected through association with others in a political party or by standing alone as an independent candidate. That is what multipartism is. I think that was meant to derail me, but let me continue now.

The second serious area of concern in this Bill is the proposed establishment of a commission to manage the Political Parties Fund. They are proposing that we create a commission of five persons who will serve on the same terms as members of other independent commissions, to manage the Political Parties Fund. I know it is a large sum of money, as I have given the breakdown. But let us look at what is happening in other sectors.

As of 25<sup>th</sup> March 2025, we only had 91 registered political parties in Kenya. Today in Kenya, we have the Registrar of Societies, which regulates both cooperatives and churches. There are 82,000 churches and cooperatives that have been registered. We have an office of the registrar of persons dealing with births and deaths for 57,000, 443,180 Kenyans. We have the registrar of lands who administers 12,000,788,311 titles. We have the registrar of marriages who administers 1,000, 607,237 marriages. We also have registrar of companies and business names who administers 1.5 million companies, 847,000 business names and 299 trusts. What is so special about the political class that they need a commission to oversee the management of political parties? I will ask for more time as I was guaranteed by the Speaker.

This is an example of the political class abusing its own power. If the issue is how to manage fair distribution of Political Party Funds, then we should have an advisory council. I will be moving amendments to that effect so that The Law Society of Kenya (LSK) nominates a lawyer to that Council; The Institute of Certified Public Accountants of Kenya (ICPAK) nominates a member; and the Chartered Institute of Arbitrators (CIARB) nominates a member so that we have three specialised people who are independent and can arbitrate. I will also be moving further amendments...

**The Temporary Speaker** (Hon. Farah Maalim): Clerk, give the Member an additional three minutes.

**Hon. Caroli Omondi** (Suba South, ODM): We should also remove the barriers that have been established by dominant political parties for the establishment of new political parties that will compete with them and in particular, the requirement that a new political party must be present in 24 counties. This is an imposition of dominant political parties to stifle competition. My right to form a political party cannot be made contingent on having a thousand members in other 24 counties. The Constitution does not contemplate that. I can have a political party for myself and my wife as long as it is national and does not promote sectarian interests. Being national does not mean physical presence with offices in 24 counties. I will move that amendment to remove that.

Finally, we will remove Section 14(a) to give Members of Parliament freedom to act as independent Members of this House. According to that section, Hon. Kaluma by now, should have been deemed to have defected from ODM because he is associating with UDA under something called broad-based government. I will be moving an amendment to that Clause too.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

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

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, what Hon. Caroli as a senior lawyer to me has said is very dangerous; not only in terms of how he interprets the provisions of the relevant sections of the Constitution and the laws, but also to many political careers as the staunchest member of the ODM party. I do not know if you heard him say that I should be deemed to have left the ODM party because I am in association with the UDA party. That is very dangerous. It cannot be inferred.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Caroli Omondi, association or no association, political parties that Members of Parliament have allegiance to, is purely a private matter for the Members of Parliament.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, the point I am making is that the relationship between the ODM party, which I am the staunchest member and the UDA party is documented. It is interparty and post-election, and we are doing it together for the good governance of the country.

**The Temporary Speaker** (Hon. Farah Maalim): You are still the staunchest supporter for that?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I am the staunchest supporter of that Memorandum of Understanding (MoU) and the broad-based government which was signed into by Rt.Hon. Raila Omolo Odinga, my party leader and the UDA party leader, His Excellency Dr William Samoe Ruto. So, to be adhering to that MoU, only confirms that I am the staunchest member of the ODM party. I am for the ideals. He should not misinterpret our relationship.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Speaker, I am not misinterpreting the law.

**The Temporary Speaker** (Hon. Farah Maalim): I will give you a few more minutes. Proceed and get to the substance of the matter.

**Hon. Caroli Omondi** (Suba South, ODM): The association he is referring to has not been reduced to writing and recognized within the framework of the Political Parties Act by the Registrar of Political Parties. It is something that is only known to him. That is what I mean when I say there is a problem with Section 14 of the Political Parties Act, which says, if you support the policies of another party, which my friend does, you should be expelled. He should have been deemed to have resigned. In fact, we should be having a by-election in Homa Bay Town today. That is how fallacious that Section is.

**The Temporary Speaker** (Hon. Farah Maalim): Order.

**Hon. Caroli Omondi** (Suba South, ODM): I just wanted to use it as an example.

**The Temporary Speaker** (Hon. Farah Maalim): Both the Statute and the Constitution are very clear. You have post-election coalitions and pre-election coalitions.

*(Hon. Caroli Omondi spoke off the record)*

Signature or no signature, that is purely a private matter. As long as that association works for them, then so be it. Also, if you have another association but you think it can work for you, you have the right and the freedom to exercise those rights.

Proceed, Hon. Caroli Omondi. I give you an additional three minutes.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you. To summarise, I would urge Members that we objectively, look at this Bill. Creating a three-member commission to run the Political Parties Fund (PPF) is an overkill. Actually, this is presenting ourselves as a very special class of people in Kenya, that we can have a commission established just to look after our interests, while we know what the fiscal situation is.

**The Temporary Speaker** (Hon. Farah Maalim): How many political parties do we have?

**Hon. Caroli Omondi** (Suba South, ODM): 91.

**The Temporary Speaker** (Hon. Farah Maalim): Only?

**Hon. Caroli Omondi** (Suba South, ODM): Only.

**The Temporary Speaker** (Hon. Farah Maalim): And what about the United Kingdom, which is probably more or less the same population as us if not slightly more? They are one of the oldest Democrats. How many political parties do you have in the United Kingdom (UK)?

**Hon. Caroli Omondi** (Suba South, ODM): I do not know the exact number, but there is a problem today...

**The Temporary Speaker** (Hon. Farah Maalim): I can tell you how many there are.

**Hon. Caroli Omondi** (Suba South, ODM): Yes.

**The Temporary Speaker** (Hon. Farah Maalim): There are about four.

**Hon. Caroli Omondi** (Suba South, ODM): Four?

**The Temporary Speaker** (Hon. Farah Maalim): Yes.

**Hon. Caroli Omondi** (Suba South, ODM): That is the problem that we are having in the UK, the United States of America (USA), and where a few dominant political parties exist.

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**The Temporary Speaker** (Hon. Farah Maalim): I stand to be corrected. There are five: Tories, Labour Group---

**Hon. Caroli Omondi** (Suba South, ODM): The Reform UK.

**The Temporary Speaker** (Hon. Farah Maalim): The Social Democrats.

**Hon. Caroli Omondi** (Suba South, ODM): Yes.

**The Temporary Speaker** (Hon. Farah Maalim): The Liberal Democrats and the Independents.

**Hon. Caroli Omondi** (Suba South, ODM): I am sure there could be more, because the last time I checked, there was a political party called Make Politicians History Political Party.

**The Temporary Speaker** (Hon. Farah Maalim): How many political parties are there in the USA?

**Hon. Caroli Omondi** (Suba South, ODM): There are two dominant ones, but that is the problem.

**The Temporary Speaker** (Hon. Farah Maalim): Any other political party in the USA?

**Hon. Caroli Omondi** (Suba South, ODM): There are other small ones.

**The Temporary Speaker** (Hon. Farah Maalim): Do you think there is any wisdom in the multiplicity of parties in Kenya?

**Hon. Caroli Omondi** (Suba South, ODM): There is a lot. Let me explain.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed.

**Hon. Caroli Omondi** (Suba South, ODM): Having two dominant political parties, as we are now experiencing in Europe and our Continent, is a problem. It is a problem because it leaves no alternatives. It allows fascists and far-right parties to thrive. That is what is happening in the UK and the USA. That is also what has happened in other jurisdictions, including France. People have lost faith in the two dominant political parties, yet there is no exit pathway. We should even have 100 political parties. In fact, our Constitution contemplates that. There is no limit to political parties, like there can be no limit to independent candidates.

In this Continent, where we have dominant political parties, especially those that claim to be liberation political parties, there is less democracy and economic mismanagement. You do not have to go far, just look around. Look at the african countries where the independent parties have remained dominant, democracy is not thriving, there is no economic prosperity; oligarchy and kleptocracy are the order of the day. We must open the door and let Kenyans have as many political parties as they want. There is no reason to restrict them.

Thank you.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Are you on a point of order? Go ahead, Hon. George Peter Kaluma.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): I thank you, Hon. Temporary Speaker. I needed to contribute before Hon. Caroli Omondi recedes from the House.

Article 4(2) of the Constitution says, among other things, in the first line that Kenya is a multi-party democratic state.

*(Technical hitch)*

**The Temporary Speaker** (Hon. Farah Maalim): Please give him the microphone.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Our democracy is founded on multi-partyism so that the pathway created for independent candidates is an exception, not the primary constitutional rule—an exception that Kenyans should exit were they to make considerations of amending the Constitution. It is intended to allow people who have run in political parties to have a second bite at the electoral process after losing.

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The ideal situation is that we should be a multi-party democratic state as per Article 4. Remember, the other provisions come later in the Constitution.

**The Temporary Speaker** (Hon. Farah Maalim): What is multipartism in your interpretation? Is the United States of America a multiparty system?

**Hon. Peter Kaluma** (Homa Bay Town, ODM): The parties become fewer in mature democracies. In the USA, you are either a democrat or a republican.

**The Temporary Speaker** (Hon. Farah Maalim): The USA has only two parties. Therefore, “multi” also means two and not necessarily, multiple.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Yes. Ideally, USA has only two parties but it means there could be more. What it excludes, are, the independent pathways we put in our Constitution.

We were taking provisions without considering the harmony in principle. Some were from South Africa, USA and elsewhere. We never had constitutional interpreters and practitioners sit to see that the principles are in harmony. That should have been cleared out.

There are barely five political parties in the United Kingdom (UK). The main ones are two.

**The Temporary Speaker** (Hon. Farah Maalim): The Tories and the Republicans.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Yes, and you can easily predict the ideologies people go for. When one tells you, he or she is a democrat in the USA, you automatically know they are supporters of former President Obama or President Biden. That person will be supporting the Lesbian, Gay, Bi-sexual, Transgender and Queer (LGBTQ) community and such other pretences of human rights not in the Universal Declaration of Human Rights. A republican on the other, hand is a person who looks inwards.

Parties are given freedom. Hon. Caroli is mistaken because it is long since he attended Orange Democratic Movement (ODM) party functions. Parties have working arrangements in their place in governance under Article 4 for the good of the nation.

**Hon. Caroli Omondi** (Suba South, ODM): On a point of order, Hon. Temporary Speaker.

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

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, could my time be frozen?

**The Temporary Speaker** (Hon. Farah Maalim): No. You will have your minutes. Do not worry.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Speaker, the distinguished gentleman from Homa Bay Town is forgetting...

**The Temporary Speaker** (Hon. Farah Maalim): The distinguished, Hon. Member.

**Hon. Caroli Omondi** (Suba South, ODM): The distinguished Member of Homa Bay Town is forgetting that they were holding rallies against me when I extended a hand of friendship to the President. They are doing the same thing a year later.

**The Temporary Speaker** (Hon. Farah Maalim): Which makes you happy today?

**Hon. Caroli Omondi** (Suba South, ODM): Exactly, so he should recognise that I opened the way for them.

*(Laughter)*

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

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, we were condemning because he went before the Party as an institution and sat with the other. We are joining on ideals agreed upon because the ODM party, the greatest, most organised and

currently, one of the oldest parties in Africa, sat with the United Democratic Alliance (UDA) Party. I do not know why Hon. Caroli is forgetting something that happened at the Kenya International Conference Centre (KICC) the other day where the President and former Prime Minister Excellency, Raila Odinga signed an MOU after a long session.

**The Temporary Speaker** (Hon. Farah Maalim): It is the Rt. Hon. Raila Amolo Odinga. The timing was way off the programme.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): The Rt. Hon. Prime Minister Raila Amolo Odinga. We, therefore, agree on points of convergence like equity and inclusivity.

We were punishing him because he went beyond the party in the fight for human rights. You must wait for the party and go together when you are in one. On those points of convergence, we have agreed that we will help the President and his party in holding our place under Article 4; where we have convergences of ideals and manifesto provisions. That is to hold the country together and stabilise our governance. There is nothing unconstitutional there.

Hon. Temporary Speaker, I oppose this Bill. I have never in my life encountered a Bill from the Senate that seeks to erode and undermine our democracy, and seeks to neuter the governance of our political parties than this one. This Bill may appear big but it is doing one thing; it is replacing the Office of the Registrar of Political Parties (ORPP) with a commission of seven. Simple. The other details Hon. Caroli is talking about is around transferring the current functions of the Registrar of Political Parties to a commission. The question to us is how much function is in the ORPP, that would merit our moving the number of people in charge of those functions from one to seven?

In India, one of the largest democracies on this side of the world, the entire electoral commission, has only three commissioners appointed by the Prime Minister directly. Without these manoeuvrings we do here, an office whose function is merely to register entities that qualify as political parties, to remove briefcase parties from the register, and deal with those few issues we have there. We are saying that we now need to change from a Registrar of Political Parties to a whole commission of seven, in a country where we know the salaries, remuneration and facilities around those commissioners are defined by another independent commission. You will have seven people who need cars, need pay in those hundreds of thousands and millions we are talking about, and who need facilities. This will stretch the fiscal space in our economy. For what purpose? This provision is ill-advised and we cannot have it.

There is also some undue obsession with odd numbers in the formation of our commissions. In the United States of America (USA), there is something called The Federal Electoral Commission which deals with campaign financing; not elections: Three Republicans, three Democrats. Sometimes, they are that way and at times, there is an independent. However, they are six. The selection panel that deals with the composition of electoral commission in South Africa has four people sitting in offices. People who, if they gave the country wrong commissioners, they are there to be punished and disciplined for among other reasons, misconduct. They are: the person heading the Constitutional Court, I think invariably the Chief Justice, the Public Protector who is the equivalent of the ombudsman here, the Chairperson of the Human Rights Commission and the Gender Commission.

What is our obsession with seven? That you ask the minority to give us three, majority three, then we will have someone elected to join there. Why do we form commissions beginning with the idea that there will be a dispute and disagreement to be resolved? That is why we think quagmire. Even for the electoral commission, instead of just doing straightforward things, we are thinking, “oh, bring from this so that we have odd numbers.” The obsession with odd numbers is not necessary and should not be there.

Hon. Temporary Speaker, see what is proposed for the role of this Commission in Clause 33A. That this Commission shall be in charge of the management of the Political Parties' Fund established under the Act. Where is the mandate of the registrar and the political

parties if we reject the commission? I am in the party which singularly standing, could be the biggest we have around. We are a big beneficiary of this Fund, and we are a party with a leadership. One of the best leaders Africa has ever produced; the right Hon. Raila Amolo Odinga, Prime Minister. You want to tell me that the entitlement of the Orange Democratic Movement (ODM) party from the Political Parties Fund cannot be managed by an organisation headed by the former Prime Minister, Raila Amolo Odinga? That we take that money which should be used to organise our party, to a commission of seven people? Then how will the political parties duly access it if there is gerrymandering and jokes around the party? I think there is no other provision that has been abusive of the level of maturity of our political party than this one. So, Hon. Temporary Speaker, when you look at all these things together, this is a Bill that I would be urging Members — and I am happy that the Chairperson of the Departmental Committee on Justice and Legal is here — to reject so that we have the Office of the Registrar doing the work it has been doing.

**The Temporary Speaker** (Hon. Farah Maalim): Give him an additional three or four minutes.

**Hon. Peter Kaluma** (Homabay Town, ODM): Thank you, Hon. Temporary Speaker.

For example, when we are done with elections, the Office of the Registrar should communicate to the House which party is majority or minority by dint of membership. You can imagine how fractious our elections are, at times, if you were to commit such a decision to a team of more than one person going strictly by records. It is a problem.

**Hon. Temporary Speaker** (Hon. Farah Maalim): There could be disagreements just like our electoral commission...

**Hon. Peter Kaluma** (Homa Bay Town): There could be disagreements which will keep it, and when those disagreements are going on, some may even end up in the Political Parties Dispute Tribunal. The House will be hung not knowing which is the majority side and which is minority. So, these things have far-reaching ramifications.

The problem with the growth of our political parties, and their maturity, is the Political Parties Dispute Tribunal and the Court. I wish this Bill was looking at that, instead of disbanding the Office and creating a commission with all the expenditures we cannot deal with.

Currently, a party like Orange Democratic Party (ODM) will sit and say, Hon. Kaluma ideally, by conduct, should be deemed to have resigned from the party under the Elections Act provisions. The decisions parties have been making are in good faith even though, others are malicious. However, in each of these cases, they go to the Political Parties Dispute Tribunal while others even skip that Tribunal which we empowered when we first sat under this new Constitution in the Departmental Committee of Justice and Legal Affairs Committee. They go straight to the High Court and the courts, instead of sustaining party decisions duly made, like these many others floating around here, not those ones which are malicious and we can separate them... But to the extent that people are now saying that even if they misbehave and do whatever they want, the decision on that matter will be made beyond the elections.

Look at even our ODM Party today. You have ODM Party members supporting somebody who is working with the World Bank there, and you cannot enforce. You have to take such provision to discipline them, to bring them back in line, to support the Broad-Based Government where all of us are. They will go to the High Court. You see Hon. Caroli laughing, and for very good reasons. So, if we are going to strengthen our parties, then the Political Parties Dispute Tribunal and our courts must know that we are in a multi-party democratic state, and the parties have organs and systems through which they decide fairly. If there is fair decision within the meaning of Articles 50 and 47, the decision of the party should be allowed to stand and any dispute taken by an individual affected should in any event be expeditiously determined. That way, we can contain parties which are going overboard in breaching the

members' rights as we also allow parties to govern and be institutions that are contemplated under the Constitution.

I, thank you very much, and I oppose.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Murugara and Hon. Toroitich both want to contribute.

*(Hon. George Murugara spoke off the record)*

You seconded in the first place, so it is Hon. Toroitich.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Speaker for giving me an opportunity to speak to this very important Bill before this House, which is the Political Parties (Amendment) (No. 2) Bill (Senate Bill No. 26 of 2024).

At the outset, I wish to associate myself partly, with the sentiments of Hon. Caroli Omondi in so far as matters with independent Members of Parliament are concerned. But looking at the spirit of this Bill, I am in support of having a commission for the reason that commissions established pursuant to Chapter 15 of the Constitution. Independent Offices have proved over time that they perform their functions without being arm-twisted by the Executive. Therefore, I support that the Office of the Registrar of Political Parties be scrapped and, in its place, we establish a Commission. This is to ensure that we do away with arm twisting by the Executive or certain individuals with vested interests in political parties.

We must appreciate that this is a consequence of the NADCO Report. During the protests in the country, political leaders sat down and came up with the NADCO Report. This is one of its products. So, when Hon. Kaluma says that he does not support this Report, does he mean that he does not support NADCO Report, because this is one of its products? We are implementing a recommendation of the NADCO Report.

Political parties are funded by taxpayers' money. Therefore, the money should not only benefit political parties but also, independent candidates. I am an Independent Member of Parliament. Were it not for the provision under the Constitution that provides for election of Independent candidates, I would not be here today. I am a victim of injustice and electoral fraud during party nominations. Were it not for the avenue under the Constitution for Independent candidates, I would not be here. Twelve Members in this House are elected on Independent tickets. Were it not for that avenue, we would not be in this House.

I have also looked at the membership of the Commission. I appreciate that Hon. Murugara is here. Clause 33(b) says that the Commission shall comprise five members nominated in accordance to sub-section (2) and appointed by the President, with the approval of Parliament. Clause 33(b)(3) further says that members of the Commission shall elect a Chairperson and a Vice-Chairperson. That goes against the spirit of Article 250 on nomination of commissioners and chairperson of commissions.

Article 250 of the Constitution talks about a chairperson and members of a commission. But this Bill says that the commissioners shall appoint their own chairperson. We can compare it with other commissions like the Salaries and Remuneration Commission (SRC) and the Independent Electoral and Boundaries Commission (IEBC). Under the IEBC Act, the Chairperson of the Commission is nominated differently from members. If you say that the chairperson of the commission shall be elected by the nominated members, then there is bound to be corruption and there is a likelihood of compromise. So, my proposal would be that we adopt the spirit of Article 250 of the Constitution which separates the nomination of the chairperson from that of members to a commission.

**The Temporary Speaker** (Hon. Farah Maalim): How will decisions be reached? Will it be by a majority or a minority?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, the decision is by the majority.

**The Temporary Speaker** (Hon. Farah Maalim): The Chairman of IEBC is also the national returning officer.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, I am saying that the position of Chairperson should be advertised differently from that of members so that when the names are submitted...

**The Temporary Speaker** (Hon. Farah Maalim): You have an additional four minutes.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, when the names are submitted to the President for appointment, the name of the Chairperson should be sent differently from those of the commissioners. At the time of appointment, the President should appoint the Chairperson, not members of the commission electing the Chairperson. A basic question is, who will convene the first meeting of the commission? Those are the issues we should consider.

Finally, the Political Parties Fund, in my opinion, is discriminatory. I will be proposing an amendment to provide for Political Parties and Independent Candidates Fund so that the Fund considers interests of Members elected on Independent tickets. Under Section 26 of the Act, the purpose of the Fund is to:

1. Promote the representation by Members of Parliament.
2. To cover election expenses.
3. To cover administrative and staff expenses.

There is no reason why this Fund should not be available to Members elected on Independent tickets. Members are elected to be Members of Parliament. They are supposed to undergo some trainings and have offices like political parties have their offices. We need to review the law or pass a stand-alone legislation on Independent Members of Parliament in this country, or of all independent offices.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Toroitich, Independent Members are not organised. They find themselves Independent because they chose to be so. A political party is an organised unit. So, how do you organise Independent Members?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, under the Standing Orders, we have a Caucus of Independent Members of Parliament, duly recognised by this House. Members of Parliament in this House who are elected on Independent tickets are exposed. There is no framework in this House to protect them. For example, when Members were being appointed to Committees, for Members elected on Independent tickets to survive, they had to associate themselves with political parties.

**The Temporary Speaker** (Hon. Farah Maalim): You have an additional two minutes.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Independent Members are exposed because they have to associate themselves with political parties to survive. When there was a reshuffle of committee membership, Independent Members who owe allegiance to political parties were placed on Committees by those political parties. That is erroneous. An Independent Member should be able to decide, through the Caucus, the Committee to which they want to belong. They are exposed, and they need protection.

**The Temporary Speaker** (Hon. Farah Maalim): Do you wish to be informed by Hon. Caroli?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Yes, Hon. Temporary Speaker.

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

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Speaker, I just want to support what Hon. Toroitich is saying. In the House of Commons or Parliament of Canada or Parliament of Australia, there is somewhere called Crossbench. Their sitting arrangement is

similar to ours. The Majority sit on one side and the Minority on the other side. The Crossbench is for Independent Members, Members de-whipped from their parties, or Members who parties have merged, like when United Democratic Alliance (UDA) and Amani National Congress (ANC) merged. Members of the two parties were on a free call. They could choose either to be Independent Members of Parliament or to join other parties. There is normally a provision for such Members. We need to look at our Standing Orders so that Independent Members are treated like other Members of political parties in this House, even when it comes to selection of Committees. I just wanted to share that with my dear friend.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Do you know of any caucus anywhere that allows Independent Members to demand and qualify for political party funding, by dint of their numbers in the House? A caucus of Independent Members is neither a political party nor a coalition. I was in the 10<sup>th</sup> Parliament when we established the concept of caucuses, mainly for Members who rebelled from different political parties, came together and took a position that they were united on. It is a post-election or a post de-whipping arrangement. We are looking at systems. I am just curious as to what kind of system we could create to accommodate such an arrangement.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Speaker, the Political Parties Act states that 70 per cent of the Political Parties Fund should be distributed according to the number of votes that the candidates of a political party received in various electoral positions such as a Member of a County Assembly (MCA), a governor or a Member of Parliament. That is the first criteria.

**The Temporary Speaker** (Hon. Farah Maalim): Okay.

**Hon. Caroli Omondi** (Suba South, ODM): Looking at that criteria, it is not the party that was on the ballot; it is the individual. I gave an example of Hon. Toroitich, who is in this Parliament.

**The Temporary Speaker** (Hon. Farah Maalim): The Act states that 70 per cent should be distributed on the basis of the votes each political party garnered in the presidential election.

**Hon. Caroli Omondi** (Suba South, ODM): Yes, but those votes belong to individuals.

**The Temporary Speaker** (Hon. Farah Maalim): They are brought in by individuals because you are an Orange Democratic Movement (ODM) Party member just like Hon. Kaluma and others.

**Hon. Caroli Omondi** (Suba South, ODM): No, there is no difference. That is the first explanation I gave because individuals go to the ballot. So, those who choose to associate with parties donate their votes to their party. The votes of elected Independent Members of Parliament should also count. That is what I was explaining.

**The Temporary Speaker** (Hon. Farah Maalim): Who will be paid?

**Hon. Caroli Omondi** (Suba South, ODM): It will be paid to the individual to cover their political affairs.

**The Temporary Speaker** (Hon. Farah Maalim): Will it be paid to every individual Member?

**Hon. Caroli Omondi** (Suba South, ODM): Correct. There are three criteria: The number of votes a party gets is factored in the funding. The number of seats a party gets is factored into the 15 per cent allocation. Special Interests Groups such as women, persons with disabilities (PWD) or youths are also factored in the funding. A young person under 40 years old who is elected but is not a person with disabilities would qualify for a 100 per cent funding under the current law. He should get a share because he is a Member of Parliament.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Caroli, you are one of the top-notch lawyers in the country.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): On a point of order, Hon. Temporary Speaker.

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

**Hon. Caroli Omondi** (Suba South, ODM): I am right on this one. I can read the law. Let us get the Political Parties Act and read the law. The law clearly states that 70 per cent of the Political Parties Fund will be distributed according to the number of votes each party garnered.

**The Temporary Speaker** (Hon. Farah Maalim): In this case, the structured individual will be Hon. Toroitich?

**Hon. Caroli Omondi** (Suba South, ODM): Exactly. Everybody who runs in an election incurs expenses. The Political Parties Fund is for the articulation of your ideas at an election.

**The Temporary Speaker** (Hon. Farah Maalim): What does an Independent Member of Parliament articulate?

**Hon. Caroli Omondi** (Suba South, ODM): Policies. That is why he or she runs in an election and gets elected.

**The Temporary Speaker** (Hon. Farah Maalim): What policies?

**Hon. Caroli Omondi** (Suba South, ODM): There is nothing superior about political parties compared to independent candidates.

**The Temporary Speaker** (Hon. Farah Maalim): Anyway, proceed.

*(Hon. Timothy Kipchumba spoke off the record)*

Hon. Toroitich, you now have the information. Take two minutes to conclude.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, I am surprised by your question on what an Independent Member can contribute. Irrespective of how they came here, they are Members of Parliament. They participate in the enactment of legislation and determine national policies amongst other matters. They play a crucial role.

As I finalise, Article 103 of the Constitution provides that an Independent Member of Parliament shall lose his or her seat when he or she associates with the ideologies of a political party or joins a political party. An Independent Member must associate with a political party to survive. For that reason, I support this Bill but with a rider that I shall bring an amendment so that we have an introduction that reads, “The Political Parties and Independent Candidates (Amendment) Bill”. This is to ensure that independent Members of Parliament are considered when these funds are distributed.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kimilu Joshua.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Speaker, for this giving me this opportunity to contribute. I have taken time to go through the Bill which is good. However, I request the owner of the Bill to consider a few things because we want to support it to the end. There are some aspects that need to be amended.

Clause 33C of the Bill states that a person is qualified for appointment as a member of a Commission if that person—

- (a) Holds a degree from a university recognised in Kenya.
- (b) Has proven knowledge and experience in any of the following fields—finance, management, political science, electoral matters, law, governance or public administration.
- (c) Has at least 10 years post qualification experience in the relevant areas of expertise.

When we are making some of these laws, we also need to consider the youth. They finish the university or O-Level when they are 25 years of age. I will bring an amendment to this House to reduce the required experience from 10 to five years, so that we consider the youth.

On the Political Parties Fund, I agree with my colleague that those who are elected as independent candidates need to be considered. We also want other countries to come and benchmark here. We need to come up with a structure which considers them because they deserve these funds. They incur expenses too. We need to come up with a structure where independent candidates benefit from the Political Parties Fund.

After elections, coalitions are formed. There are a lot of problems in sharing these funds. This is another field that we need to consider. This Bill can solve that problem once and for all. If there is a coalition and it breaks up, as it is happening now, it becomes a problem to some of the small parties inside the coalition to get their share. When the big party shares with other small parties, and they are not on the same political line, it becomes a problem. I will come up with an amendment to address this issue. I want this Bill to solve this problem once and for all.

This is a good Bill which I support. I want it to see the light of the day, so that it can solve problems in this country. I congratulate the Mover of the Bill. Kenyans need to think the way the Mover of this Bill thinks.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): It looks like there is no other Hon. Member who wants to contribute to this Bill. I ask the Chairman of the Departmental Committee on Justice and Legal Affairs to reply.

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

I wish the two other speakers who contributed immensely to the Bill were here to hear some of the points in the reply. Hon. Peter Kaluma and Hon. Toroitich have just left. However, it will be in *The Hansard*, so they will be looking at that.

The first point I wish to respond to is from Hon. Kimutai – the Fund. This Fund is constitutional, and it is called the Political Parties Fund. If you wish to introduce Independents, we have to look at the constitutional provisions so that we can see how we can anchor it in an Act of Parliament – the Political Parties Act. We also have to amend that Act to make it the Political Parties and Independents Act. Otherwise, that Fund will not find any anchor anywhere in the arguments that have been proposed.

Number two, this is not a constitutional commission. It is a Statutory Commission. It is a Commission established by an Act of Parliament. Therefore, Article 250 of the Constitution does not apply. It is a relevant statute, which is going to be the guiding law. Thus, it can have a deviation, like a few other commissions which are statutory. However, for the constitutional commissions, some of which are independent commissions, we have to comply with the provisions of Article 250 to the letter, because that is the requirement.

To Hon. Kaluma, who swore that he is a staunch member of the ODM, and that he lives by the tenets of that party, this Bill, although it came from the Senate, is a National Dialogue Committee (NADCO) Bill. It was a negotiated Bill between his principal, the leader of the ODM, and the leader of the UDA, the President of the Republic of Kenya. It was based on the fact that when the election dispute of 2022 arose, they were of the view that it is not just the Independent Electoral and Boundaries Commission (IEBC) that needed some reform. The Office of the Registrar of Political Parties also needed to be reformed. They felt that one person making decisions in that office was not sufficient. It had to be a little bit collegiate. A number of people sit to discuss and agree or disagree. This is why there is a provision that the number

has to be odd, so that if they do not agree, then they can take a vote. Again, that will be subject to the regulations which are provided once they are formulated.

Independents, unfortunately, and Hon. Temporary Speaker, you have rightly pointed out, the only thing we need to work on in this House regarding them are Standing Orders. They come in as independents. They have absolutely no policies to advance apart from debating in this House. They do not stand for anything. Political parties stand for ideology. That is what the Act says. Political parties have an ideology like a college. A person has an individual ideology, which is not to communicate to anybody apart from himself. How do we put it?

**Hon. Caroli Omondi** (Suba South, ODM): On a point of order, Hon. Temporary Speaker.

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

**Hon. Caroli Omondi** (Suba South, ODM): Is the Member in order to mislead the House that a person who runs as an independent candidate does not have an ideology, yet the Constitution contemplates even having a president elected in this country as an independent candidate, who will come with his full manifesto in that election, and that will be the basis of his policies? What is he trying to tell the House?

**Hon. George Murugara** (Tharaka, UDA): I am talking about the wording of the Political Parties Act.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Caroli, an Independent comes in as an independent. Even if there are 20 or 30 of them, there is no thread that combines them, because everybody comes from a different constituency. Exactly as Hon. Toroitich puts it, he became an independent, not because he wanted to, but because he was thrown out of the party that he wished to contest in. It is a way of saying, this political party does not think I have the popular support on the ground. If they cannot pick me as their candidate, I will teach them a lesson and go in as an independent candidate and invariably, most of the time, win the seat. They can have a development manifesto but, for instance, what is the political policy for the independent candidates right now. Do they have a common political policy?

*(Hon. George Murugara spoke off the record)*

Each is individual... So, you have 30 different policies.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much. You are articulating so well. The first problem is, if there were 30 independents, they have nothing in common. If there are any ideologies, there are 30 different ideologies. The fund does not fund individuals. It only funds political parties. There is nothing illegal about it because it is provided for in the Constitution and in an Act of Parliament. For instance, if we were to fund members of the political parties, it goes into funding individual members. Now, that is where the problem would be. But there is absolutely no provision anywhere that any member of a political party, who is a Member of Parliament, would benefit from this party. There is no such thing. It is not provided for.

**Hon. Caroli Omondi** (Suba South, ODM): On a point of information, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Murugara, do you wish to be informed?

**Hon. George Murugara** (Tharaka, UDA): No problem. He can inform me.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Speaker, in Australia, a Commonwealth Country, both political parties and independent candidates are funded by the State.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much. I do not disagree. Unfortunately, this is Kenya and we are talking about the laws of Kenya. I have started by saying we will have to amend the Constitution and the Act. When we have not done so, we can only say a proposal will be introduced, which we shall look at. But as far as this is concerned, I heard about tallying of votes so that you can distribute the money. Unfortunately, that is supposed to bring some equity. The money does not go to any of the persons who got those votes. It is purely a formula to determine what is fair and just when you are distributing the money.

On the other hand, would we have a college of independent candidates where we would put their individual votes? If that is the case, let us amend the Constitution and this particular Act to make an accommodation. But you would still have a problem. The money to independent candidates would not go to individual members. It would have to go to the college. What will that college be? A political party? I do not know what it will be. If independent candidates, like Hon. Toroitich, get part of the money, why should I, as a member of a political party who won, also not get the money?

*(Hon. Caroli Omondi spoke off the record)*

I do not think that is the argument. I do not think that was the rationale behind independence but this is a very vibrant, robust discussion and we need to look at this in totality. When you come in as an independent candidate, they say you are at the mercies of the parties when you come to sit in committees. That may be the case but it is not just independents. There are also other small parties that fall into the same category where when you come in as an independent Member of Parliament of a party, you have to find your way. You have to weave your way around it because our Standing Orders are clear.

*(Hon. Caroli Omondi spoke off the record)*

No, they do. I am talking about sitting in committees. You have to find your way to a committee. Remember our Standing Orders are clear that you must have at least two committees, but there may be no committees whatsoever. The two remaining committees would be the Parliamentary Broadcasting and Library Committee, and the Members Service and Facilities Committee. That is where you have to weave...

**The Temporary Speaker** (Hon. Farah Maalim): For the benefit of the House, Hon Caroli Omondi, even in Australia, they do not fund elections. They do not fund candidates. They reimburse candidates. After the election you must have a minimum of four per cent. The same way it is reflected in our Standing Order, even a political party with four to seven members on the Floor of the House, in the National Assembly, which does not have the requisite five per cent of the popular votes, does not qualify.

Yes, Hon. Caroli.

**Hon. Caroli Omondi** (Suba South, ODM): You are spot on. There is mischief in our Political Parties Act (PPA). The description of political party funding is not there while it is there in Australia. We have already captured that in the proposed amendments. We are describing political party funding for the first time.

**The Temporary Speaker** (Hon. Farah Maalim): It is captured in the Standing Orders. If I remember well, the Standing Orders of the 10<sup>th</sup> Parliament already captured it.

**Hon. Caroli Omondi** (Suba South, ODM): There is no definition of what qualifies for political party funding in the PPA. We are for the first time introducing an amendment that describes political party funding. It captures the exclusions of what cannot be funded and will apply to both independents and political parties. That is what is fair for everyone.

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**Hon. George Murugara** (Tharaka, UDA): What do we do with the constitutional provision on political party funding and the formula of what they are supposed to get? We will also have to look at that so that we do not err.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Murugara, I do not think anybody has thought through that.

Proceed.

**Hon. George Murugara** (Tharaka, UDA): All right. As I conclude, there will be room to propose amendments.

The amendments have to be in consonance with constitutional provisions so that we do not have to make a statute that is possibly not going to see light of day when it goes to the courts. However, I am still not convinced on discrimination. If a member of a political party who is a Member of Parliament received some funding through this Fund, then it would be open to independents also to insist that they have to be funded.

Whichever way, I thank every Member who has contributed to this. It had a short robust debate that we began the previous day and we have concluded now. As we move to the Committee of the whole House, I urge Members who have amendment proposals to bring them forth for consideration to make one of the best laws to regulate our political parties.

It is interesting that he said there are 91 political parties in the country. That is true. Unfortunately, I have always asked of the parties we are growing. The idea is to grow parties and nurture them so that, at the end of the day, we have two to three strong parties that compete in elections. However, most of the political parties in this country only have a life span of one term of Parliament. They have to mutate into something else after that. That mutation has been on since the advent of multipartism in 1992 to date. You cannot tell exactly where the ruling party we used to have those days is. Although, it possibly features and rears its head in all these political parties.

I beg to reply and kindly request that the putting of the Question be deferred to another day, pursuant to Standing Order 53(3).

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): The Chair defers the putting of the Question to another convenient Sitting or the next Sitting. That is in accordance with Standing Order 53(3). Under the circumstances, I have to call the next Order.

*(Putting of the Question deferred)*

## BILLS

### *Second Reading*

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

**The Temporary Speaker** (Hon. Farah Maalim): Where is the Mover? The Committee Chair is not around.

*(Bill deferred)*

Next Order.

### *Second Reading*

#### THE COUNTY PUBLIC FINANCE LAWS (AMENDMENT) BILL

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(Senate Bill No. 39 of 2023)

**The Temporary Speaker** (Hon. Farah Maalim): Where is the Chair of the Committee? The Chair is not in the Chambers to move Second Reading.

*(Bill deferred)*

Next Order by the Chairman of the Public Investments Committee on Social Services, Administration and Agriculture.

### MOTION

#### CONSIDERATION OF THE AUDIT REPORT ON PROVISION OF SERVICES TO PERSONS WITH DISABILITIES

THAT, this House adopts the Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Performance Audit Report by the Auditor-General on the Provision of Services to Persons with Disabilities by the National Council for Persons with Disabilities, laid on the Table of the House on Tuesday, 30<sup>th</sup> July 2024.

**The Temporary Speaker** (Hon. Farah Maalim): The Chairperson of the Public Investments Committee on Social Services, Administration and Agriculture.

**The Temporary Speaker** (Hon. Farah Maalim): Is the Chairperson of the Public Investments Committee on Social Services, Administration and Agriculture in the House to move this Motion?

This Motion is also deferred.

*(Motion deferred)*

Hon. Members, that is the last matter on the Order Paper today.

### ADJOURNMENT

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, the time being 8:10 p.m., the House stands adjourned until Tomorrow, Thursday, 12<sup>th</sup> June 2025, at 2:30 p.m.

The House rose at 8:10 p.m.

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