

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 14<sup>th</sup> December 2017

The House met at 9.30 a.m.

*[The Speaker (Hon. Muturi) in the Chair]*

### PRAYERS

### PETITIONS

#### PROPOSAL TO AMEND THE UNIVERSITIES ACT

**Hon. Speaker:** Hon. Members, I have two petitions. The first one is Petition No.6 of 2017.

Standing Order 225(2)(b) requires that the Speaker reports to the House any petition other than those presented through a Member. I, therefore, wish to convey to the House that my office has received a petition signed by Mr. John Wangai and Mr. Antony Manyara. The petitioners are proposing amendments to Section 18(b) of the Universities Act of 2016 to provide for election of representatives of Universities Student Council through popular vote.

The petitioners contend that Section 18(b)(1)(c), (1)(d) and (1)(e) of the Universities Act of 2016 contravenes Article 10(2) of the Constitution on national values and principles of governance. They claim that this section of the Act does not promote democracy and participation of the people, equity, social justice, inclusiveness, equality, human rights, protection of the marginalised, good governance, integrity, transparency and accountability. The petitioners further aver that collegial voting by three representatives from each faculty does not represent the will of the majority and that the electoral college is easy to manipulate.

The petitioners, therefore, pray that the National Assembly reviews Section 18(b) (1)(c), (1)(d) and (1)(e) of the Universities (Amendment) Act of 2016 to provide for a popular vote system in election of representatives of Universities Student Council.

This petition stands committed to the Departmental Committee on Education and Research for consideration. The Committee, upon appointment of its membership by the House and election of chairperson and vice-chairperson, should engage the petitioners and address their prayers, and submit a report to the House within 60 days, in accordance with Standing Order 227(2).

I thank you.

#### ENACTMENT OF ANTI-FRAUD LEGISLATION

**Hon. Speaker:** Hon. Members, the second petition that has been received in my office is signed by Mr. Allen Waiyaki Gichuhi (ID No.11061762) of Wamae & Allen Advocates. It is on enactment of anti-fraud legislation.

The petitioner avers that there are inherent limitations on the Penal Code, Cap. 63 Laws of Kenya in respect of the offences of fraud, fraudulent activities and conspiracy to defraud. Further that the offences as constituted are neither preventing nor assisting in prosecuting persons who set up companies with the primary purpose of defrauding Kenyans.

The petitioner further contends that the inadequacies of the Penal Code in preventing and prosecuting persons who set up companies with the sole intention of defrauding innocent Kenyans, both in private and public capacities, is alarming and requires urgent intervention. In enacting the said law, the National Assembly may consider modifying the current law by noting the provisions of the United Kingdom's Fraud Act of 2006, with necessary modifications that suit the Kenyan case.

The petitioner, therefore, prays that the National Assembly, through the Departmental Committee on Justice and Legal Affairs introduces, enacts or adopts with necessary modifications fraud legislation similar to the United Kingdom's Fraud Act, 2006.

This petition, therefore, stands committed to the Departmental Committee on Justice and Legal Affairs. I urge the Committee, upon appointment of its membership by the House and election of chairperson and vice-chairperson to engage the petitioner, address his prayers and submit a report to the House within 60 days, in accordance with Standing Order 227 (2).

I thank you, Hon. Members.

### PAPERS LAID

**Hon. A.B. Duale:** Hon. Speaker, I beg to lay the following Papers on the Table of the House:

Annual Report of the Independent Electoral and Boundaries Commission for the Financial Year 2016/2017.

Reports of the Auditor-General on the Financial Statements in respect of the following institutions for the year ended 30<sup>th</sup> June 2016 and the certificates therein:

- i. Lake Basin Development Authority.
- ii. Maseno University.
- iii. Eldoret National Polytechnic.

The Reports of the Auditor-General on the Financial Statements in respect of the following constituencies for the year ended 30<sup>th</sup> June 2016 and the certificates therein:

- i. Sotik Constituency.
- ii. Tinderet Constituency.
- iii. Samburu West Constituency.
- iv. Eldama Ravine Constituency.
- v. Bomet East Constituency
- vi. Kwanza Constituency
- vii. Mosop Constituency
- viii. Konoin Constituency
- ix. Nandi Hills Constituency.
- x. Sigor Constituency.
- xi. Pokot South Constituency
- xii. Kiminini Constituency.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well.  
Next Order.

## NOTICE OF MOTION

### APPOINTMENT OF MEMBERS TO COMMITTEES

**Hon. A.B. Duale:** Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Standing Order No. 175, and the previous resolutions of the House appointing Members to the House Business Committee (HBC), the Committee on Selection and the Procedure and House Rules Committee, this House further approves the appointment of various Members to the respective committees as specified in the schedule.

## PROCEDURAL MOTION

### REDUCTION OF PUBLICATION PERIOD OF A BILL

**Hon. A. B. Duale:** Hon. Speaker I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order No.120, this House resolves to reduce the publication period of the Kenya Roads Bill (National Assembly Bill No. 47of 2017) from 14 to 8 days.

This Bill was passed by this House in the 11<sup>th</sup> Parliament and then sent to the Senate. Members who were in the 11<sup>th</sup> Parliament know that the Senate usually takes two to three years to pass a Bill. This Bill got stuck in the Senate for two years and it collapsed there. We have now republished it with the amendments of the Committee, those of individual Members and those of stakeholders. So, we want to do the First Reading of this Bill so that come January, the first work of the Departmental Committee on Transport, Public Works and Housing will be to look at this Bill. We will allow the Bill to go through the First Reading today and then the subsequent stages when we resume from recess. This is just to ensure that this Bill does not wait for the House to be considered for it to go to the relevant Departmental Committee. We just want to do the First Reading and then refer it to the relevant Departmental Committee which will be constituted by next week after we pass the list.

Therefore, I ask the Majority Whip to second.

**Hon. Washiali:** Thank you, Hon. Speaker. I wish to second.

*(Hon. Members consulted loudly)*

**Hon. Speaker:** Order, Hon. Members! Hon. Naicca and Hon. Mwadime, please! Who is that one? I will throw you out! I do not know what you were doing before you joined politics. There are rules here. You must allow us to transact the business of the House. The Whip is here; he is not hiding. In fact, if you require him, he can even sit somewhere at the back. Now when you come and crowd around him...

*(Hon. Members walked into the Chamber)*

Hon. Members making your way into the Chamber, please, can you take your seats? Member for Tharaka Nithi, stop greeting people! Take your seat. What is wrong with this shaking of hands? Are there some people that if you do not touch their hands you will have problems in the course of the day? You will be here throughout the day.

Hon. Members, as has been explained, this is a procedural Motion to enable the Bill to be read a First time.

*(Question proposed)*

**Hon. Members:** Put the Question.

**Hon. Speaker:** Hon. Members, it seems that the majority opinion is that I put the Question.

*(Question put and agreed to)*

Hon. Members, I do appreciate that it is early in the morning and people may have slept on the bad side of their systems. It is expected in the morning that sometimes tempers may be a bit high.

*(Hon. Ganya rose on a point of order)*

**Hon. Speaker:** What is your point of order, Member for North Horr?

**Hon. Ganya:** Hon. Speaker, with due respect, this is a House of rules and procedures. We have been in this House for some time now. We have a right to any Bill or Motion. It is a right not a privilege. In the wisdom of any legislature in the world, there is a reason for a period for publication of any Bill. We are forming committees...

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

**Hon. Ganya:** My point of order is that we should be given right and liberty to represent the people of Kenya in this House. We should not be stopped from doing our constitutional mandate on the Floor. We are being denied an opportunity because... I personally have an issue with that particular Procedural Motion which has just been approved. We wanted to contribute but we have been muzzled. There is a reason for this Bill to be given such a period. This Bill on roads is a shared function between national and county government. I sat in that Committee of the 11<sup>th</sup> Parliament. I know how complex it is.

What the Leader of the Majority Party is pushing is that he does not want it to go to the committee of this House. What is so special that it cannot be entrusted with the committee in charge of infrastructure? What is so special? We are forming committees. Why do we not give them the right and liberty to scrutinise that budget in the interest of the Kenyan people? Why? What is it being rushed for?

**Hon. Speaker:** Hon. Chachu Ganya, you actually said something very nice. That you have been here for a long time and that seems to be factual. But all these procedures are provided for. The Leader of the Majority Party, in moving the procedural Motion, did explain that this particular Bill was actually debated and passed by the 11<sup>th</sup> Parliament in the National Assembly, and because it contains provisions that affect counties, of necessity it had to be referred to the Senate. All that has happened is that this Bill has been published with all the amendments that the House adopted and because the House is scheduled to go to recess, it is just and fair to the

House that the Bill be to read for the first time. After that, Hon. Chachu, as you know very well, the Bill then will be referred to the relevant departmental committee for the committee again. This is because it is a requirement whether we pass it or not, to invite stakeholders to come and present views on the Bill as published.

Therefore, this should not be a matter that should excite or be contentious. This particular process which has been provided for is merely to allow the Bill to be read the first time. I am sure as you say, having served for such a long time, reading of the Bill is by the Clerk. The Bill then automatically stands committed to the relevant committee. So, nobody is being denied the right to debate the contents in the Bill.

Therefore, Hon. Chachu, whereas you claim to rise on a point of order, indeed, you proceeded to raise an argument. So, please, be accordingly advised. That was not really a point of order. The House is not being denied at all. In fact, by adopting this, we are now providing for the opportunity for the House to fully consider the Bill. All those processes will have to be undertaken in the normal ways. Therefore, I would advise that do not worry, there is nothing lost. You will have the full opportunity, Hon. Chachu, to look at the Bill with a toothcomb to give your views; and indeed not just yourself, but every other Member and the public.

Thank you. Let us proceed.

## PROCEDURAL MOTION

### EXEMPTION OF BUSINESS FROM PROVISION OF STANDING ORDERS

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

**Hon. A.B. Duale:** Thank you, Hon. Speaker. I am happy that the Bill will now go to the relevant committee.

I beg to move the following Motion:

THAT, notwithstanding the provisions of Standing Order 42 relating to reading and laying of messages from the President, and in furtherance to the provisions of Articles 152(2) and 156(2) of the Constitution, this House resolves that during the period before commencement of the second Session of the 12<sup>th</sup> Parliament, upon receipt of names of persons nominated for appointment to State offices from the President, the Speaker shall forthwith refer the messages containing the names to the relevant Committee for consideration.

Hon. Speaker, ordinarily when messages are received from the President or such other office regarding the appointment of persons to State offices, you will be required as per the Standing Orders to convey...

*(Loud consultations)*

Hon. Speaker, there is too much consultations. I hope EALA campaign is not being brought to the Chamber; that strangers might be in the House.

Ordinarily, you are supposed to convey that message at the plenary. In case this House is on recess and without anticipating debate that today will be our last day for this session, you will be required to call a special session of the House. If, for example, the President sends you names of his Cabinet or any other office, you will be required to call a special sitting of the House just to read the names and then we go back and refer it to the committee.

Therefore, this Motion is exempting the House from that procedure. We are saying, if you receive names—and hopefully today we will pass the committees and next week they will elect their chairs and vice-chairs—then you will directly send to the relevant committees, and you will only call the House when we want to approve or reject those nominees. So, this is just to make sure that we give Members that leeway.

According to the published calendar of the House and Standing Order 27(1), when we proceed to recess today, we will resume for regular session on 13<sup>th</sup> February 2018. During this period, it is anticipated that His Excellency the President may send names of persons proposed for appointment to various offices, including Cabinet Secretaries, for consideration by the House. What this Motion is asking is the authority of the House for you to commit such names when received to the relevant committee for approval, so that the House may only be recalled for a special sitting if necessary to consider those names, either for approval or rejection.

We did this several times in the 11<sup>th</sup> Parliament and colleagues who were there will agree with me. This practice is not new to this House. So, I beg to move. It is a very simple Motion. And today we have a very heavy agenda. When we say put the Question to a procedural Motion, we have no intention of curtailing your right to expression. But if you look at the Order Paper this morning and for the afternoon, which is EALA elections, it is a busy day. Where we feel we can cut on time, we are absolutely.... Personally, I have no intention of curtailing. You can speak in this House from morning to evening. It is the Speaker that allows that provision. We have to look at the Order Paper. There are very heavy agenda.

This is just to make sure, in a nutshell, when the Speaker receives names from the Executive or any other institution, we are exempting him from calling a special sitting of the House just to read names and then go home. We are giving that power, through this Motion, to the Speaker. Once he receives names for appointment from the President, he sends them directly to the relevant committees. The committees will deal with the matters within the stipulated period as per the Public Appointments (Parliamentary Approval) Act, 2011. He will only call the House for either approval or rejection. So it is as clear as that.

I will ask Hon. Washiali to second.

**Hon. Speaker:** Hon. Washiali.

**Hon. Washiali:** Thank you, Hon. Speaker. As well explained by the Leader of the Majority Party, this House approved the calendar of the House. As per the calendar, we are supposed to go on a long recess up to 13<sup>th</sup> February, which is about two months from today when we are going on recess. That is a very long period. The Motion is meant to save both the House and Members of Parliament the cost of coming back just for the announcement only. Therefore, for us to be able to save that, I think it is important that the House agrees with us that we proceed with this Procedural Motion so that it can allow you to proceed and commit the relevant nominees to the ministries so that when the committees come back, and we are assuming that the Committees by then would have been properly constituted, they will have to sit and look at the nomination of the Executive.

Therefore, I beg to second.

*(Question proposed)*

**Hon. Speaker:** Leader of the Minority Party, the Floor is yours.

**Hon. Ng'ongo:** Thank you, Hon. Speaker. I rise to oppose this Motion. I have three points to raise. One, I think procedural Motions really need to be procedural. However, if we

develop this kind of practice, chances are that we will be setting aside the entire Standing Orders of this House. This is because the Standing Orders were created for a purpose. If the House is on recess and you receive a message from any office, either you wait for us to come back or if it is urgent, the Leader of the Majority Party and the Leader of the Minority Party in consultation can request you to convene this House to come and specifically deal with that matter. So, the excuse that we are on recess and hence we should not come back just to listen to the Speaker reading a message, to me is demeaning the importance of this particular Standing Order.

Secondly, we should not be making decisions in anticipation of what is likely to happen. There are so many things that are likely to happen and we will not sit in this House trying to anticipate and project that someone somewhere will sit and communicate to this House when that communication has not even come. So, this legislating in anticipation to me again is violating the procedures of this House.

Finally and fundamentally, this Motion is presupposing and anticipating that there will be some appointments by the President to come to the House. However, I want to be very clear. Leader of the Majority Party, I have not even said what I wanted to say. However, the point is that there is no President in this country to make appointments and I think that needs to really sink very clearly.

*(Loud consultations)*

**Hon. Members:** On a point of order.

**Hon. Speaker:** Leader of the Majority Party, the Floor is yours. Hon. Members, even before the Leader of the Majority says what he has to say, I think we should distinguish between what may excite us outside there in the villages and streets and serious business conducted within the four corners of this Chamber. It is not fair to allow things which you can freely say as you choose out there to be the kind of things that you would be allowed to say in the Chamber. Therefore, even without listening to anybody, I want to request the Leader of the Minority Party, Hon. John Mbadi to withdraw. Hon. Members, I am the one ...

**Hon. Members:** And withdraw!

*(Loud consultations)*

**Hon. Speaker:** Hon. Members on this side, it is not you to tell me what to do. Hon. John Mbadi, you must withdraw the remark that there is no President. That may be very comfortable with you outside there but we will not operate on that basis in this Chamber. At least, not under my watch. You must withdraw.

**Hon. Ng'ongo:** Thank you, Hon. Speaker. The comments and remarks that I have made, I did consciously...

**Hon. Speaker:** Hon. John Mbadi, I have told you to withdraw the statement that there is no President. Do not explain anything. You either withdraw or refuse and the consequences are well known to you please.

**Hon. Ng'ongo:** I cannot withdraw the obvious and the truth. As far as I am concerned, there is no President in this country.

**Hon. Speaker:** Order Members! We are not going to engage in a shouting match here. Hon. John Mbadi, I have ordered you to withdraw the statement that there is no President in

Kenya. I will not engage in a discourse between you and me. My instructions and direction is very clear. You either withdraw and if you do not, the consequences are very clear that you have to withdraw from the Chamber.

**Hon. Ng'ongo:** Thank you, Hon. Speaker. I would rather withdraw from the Chamber, but not withdraw the remark I said that this country does not have a President. The country does not have a President!

*(Loud consultations)*

**Hon. Speaker:** Order Members! There is no need of shouting in this place. Hon. John Mbadi is within his rights to refuse to withdraw the remark and rather withdraw from the Chamber. Hon. Wanjala, you will also follow suit. We are not in Budalangi!

*(Laughter)*

There will be consequences which are well known to you. Read your Standing Order Nos. 107 to No. 112. Hon. Mbadi, having refused, failed and neglected to withdraw as directed by the Chair, you are now ordered to withdraw from the Chamber for the balance of this morning sitting. Get out!

*(Applause)*

Hon. Mbadi, when you are ordered to withdraw, it is not an occasion to go shaking hands. It is to withdraw. Get out!

*(Hon. Ng'ongo withdrew from the Chamber)*

Hon. Members, I want to caution you. Any Member claiming to rise on a point of order must state the Standing Order under which he or she is rising on so that we do not have situations where Members just want to stand up and make statements. This is not the occasion and place to do so. The place for that kind of discussion is certainly not here but outside. I will not allow people to just make statements claiming to be rising on points of order. However, any Member genuinely desiring to rise on a point of order will be facilitated to do so.

Hon. Members, I will again disallow a situation where Members shout from their places that there is a point of order. You have been taken through how to raise points of order. I see that the Hon. Member for Igembe North is on intervention.

**Hon. Maore:** Hon. Speaker, you have addressed it perfectly.

**Hon. Speaker:** Very well. I can see that the Member for Lugari has intervention. You have been given the microphone.

**Hon. Angatia:** Thank you, Hon. Speaker for the opportunity. I rise to request you to invoke Standing Order 42 (2), which states as follows:

“If a message is received from the President, at a time when the House is not in session, the Speaker shall forthwith cause the message to be transmitted to every Member and shall report the message to the House on the day the House next sits.”



Hon. Speaker, the Standing Order is very clear that it is within your jurisdiction to look at the communication from the President. If it is a matter of national importance, you have powers to recall Parliament and we go on with the business as it deems fit to you. Let us not break the rules of procedure. Let us follow the Standing Order.

I support the Motion as placed before the House. Let us follow the rules and procedure. Presidential appointments, in case we are going to approve the appoint Cabinet Secretaries and Principal Secretaries, is a weighty matter. If, in case, we have emergency, like tension on our borders, and we need to deploy the military, such is a weighty matter. It is purely within your power. However, let us not bend the rules for the sake of pleasing a few individuals.

Hon. Speaker, the rules and procedure of this House should not even be anticipated by debate. Is the Leader of the Majority Party aware of the day and time when the President will name the Cabinet? If he is, let him tell us. Let us not anticipate debate. Those are the rules and procedures of this House.

Thank you so much.

**Hon. Speaker:** I hear you, Hon. Ayub Savula. You have read correctly, but I wish you looked at how the Motion is couched. It starts with “Notwithstanding...”

If we remember, former Vice-President, the late Hon. Kijana Wamalwa, once told the country that the English language is a growing language, and that it keeps growing. It seems to grow from time to time. However, this phrase is not very new. I do know for a fact that this House has the power, under Standing Order 256, to come up with this kind of Motion. Indeed, very recently, during the 11<sup>th</sup> Parliament, we had a number of similar Motions. However, you are at liberty to speak in support or in opposition because we have already proposed the Question.

It is not that there is anything that is being breached. The Motion has been approved by me because I am fully aware that the House has the power, acting under Standing Order 256, to come up with such a Motion. Remember, every Motion that comes before the House is brought so that the House can express itself in one way or another – in support or opposition.

Therefore, since the procedural and technical aspects of the Motion have been addressed, you can either support or oppose it. Either way, you are perfectly within your powers and exercising your rights conferred upon you and your election and/or nomination under Article 95 of the Constitution. Please, let us just contribute to the Motion, and not the technicalities. Just contribute to the Motion whichever way; it is your Motion. It is before the House and you.

I can see the Member for Kajiado South.

**Hon. Katoo:** Thank you Hon. Speaker. Before I contribute, there was a very good point of order I had. I do not know if it has been overtaken by events. That is under Standing Order 107. It is good that we are just starting the 12<sup>th</sup> Parliament. It is good that we start on a very good footing and in a very orderly manner.

Standing Order 107 (1)(a) states:

- “A Member commits an act of gross disorderly conduct if the Member –  
(a) defies a ruling or direction of the Speaker or Chairperson of Committees.”

Hon. Speaker, you have just ruled that the Leader of the Minority Party has defied a direction of Hon. Speaker. Further, sub-clause (3) states that the Speaker may call a member whose conduct is grossly disorderly to order, and shall order the member to withdraw immediately from the precincts of the Assembly for a minimum of five days and a maximum of 28 days, including the day of suspension.

I have raised the point of order to seek your direction as to whether the Leader of the Minority Party should not be sent away for a minimum of five days, as stipulated by the Standing

Order. That notwithstanding, maybe you have just become too lenient, but it will also go on record that the first person to become disorderly in the 12<sup>th</sup> Parliament is the Leader of the Minority Party. That is the person who should have shown great leadership on the other side of the House.

I support the Motion for two reasons. As the Leader of the Majority Party has correctly put it, this House, as per its own resolution and its own business calendar, will be proceeding for a long recess this afternoon. When nominations of state officers are made, or should there be messages from the President...

*(Loud consultations)*

Hon. Speaker, the consultations are so high.

**Hon. Speaker:** Hon. Members, consult in low tones.

**Hon. Katoo:** Hon. Speaker if we come back to deal with any messages, that will be taken as a special sitting. We will save time if we approve this Motion. Members should know that during a special sitting, we only deal with the gazetted agenda; nothing else. Therefore, if we are called for a special sitting, Hon. Speaker can only read to us the message from the President. We cannot act on that message on that particular day. The matter has to be sent to the relevant Committee of the House. We will be doing justice to this House, in terms of time and money, to give Hon. Speaker permission to receive any message from the President. You just direct it to the relevant committee, which should execute and process it.

When it comes to tabling the Report of the Committee that is the time the House should come for the special sitting where we can receive, debate and act on that report. The Leader of the Minority Party read Standing Order No.85 in terms of anticipating debate. I think together with Standing Order No.42, as put by his colleague, Hon. Savula, they will resolve that matter for the time being. We suspend the operation of those two Standing Orders – Standing Order Nos.42 and 45 – during the time of recess and then we come back and they become operational.

Therefore, I support the Motion and I urge my colleagues that we approve it.

**Hon. Speaker:** Hon. Members, we only need contributions. Let us have the Whip of the Minority Party, Member for Suna East.

**Hon. Nuh:** Thank you, Hon. Speaker, for giving me an opportunity. I stand to oppose this Motion in the sense that, as has been said by the Leader of the Minority Party who has just been removed from the House, we cannot legislate in anticipation. When you get Communication, the Leader of the Majority Party will write to you requesting that we have a sitting of the House so that we can come back and sit and deliberate on that matter. If you look at the formation of the Committee on Appointments that is supposed to look into that matter, you will see that it only consists of Jubilee Party members. This is a very important matter. We do not have the National Super Alliance (NASA) members in that Committee. Does that mean that when the matter is committed to a committee only Jubilee members will look into that matter?

This is a House of procedure. We must follow the procedure that has been laid down so that we can have the matter dispensed with in an amicable manner. The Leader of the Majority Party is trying to hold the House in abeyance; that it can just sit any day and any time and anything can happen without Members sitting in the Chamber to discuss that matter. The matter that is supposed to be addressed through this Procedural Motion is very important for this country. So, you cannot just commit it to a committee without communicating it to the sitting of the House. For that reason, we need to defeat this Motion so that the House can convene.

I have seen the Leader of the Minority Party was thrown out of the House but what he said, if I may paraphrase it, is that he is just paying allegiance to the people's president. That is what he meant. He was not meaning that there is no president. He did not mean it.

**Hon. A.B. Duale:** On a point of order, Hon. Speaker.

**Hon. Nuh:** What is the point of order? Hon. Speaker, this matter...

**Hon. Speaker:** What is your point of order? Please, let the points of order be points of order.

**Hon. A.B. Duale:** Hon. Speaker, on Standing Order No.42, the matter before us which Hon. Junet is fishing not knowing it says "notwithstanding" the names, not only from the President, but from any other institution require approval.

Hon. Speaker, if you heard it, he is following the footsteps of his colleague. He is talking about a people's president. The Constitution is very clear that the President of Kenya is elected after the IEBC gives a certificate and it is confirmed by the Supreme Court.

Hon. Speaker, I said it in the 11<sup>th</sup> Parliament that there is a president and there are losers. A loser is given a title in this august House. The title is not that of a President but that of a people's president. I represent Garissa Township. There are people there and their president is the one that they have elected who is Uhuru Kenyatta.

Therefore, who is this mysterious people's president? So, the matter is on notwithstanding Standing Order No. 42. It is very clear. Let us not play sideshows. If names come to the Speaker, we do not need to recall the House. The Executive can send names even tomorrow or next week. They can decide not to send until we come back. We are working in terms of projections and those of us who are in Government know there are appointments coming. If you are in the Opposition, then you know there are no appointments coming from your side. We are in Government. So, we know appointments will come and they will need the approval of the House in accordance with Articles 152 and 153 of the Constitution.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, there are far too many consultations. Some are constitutional and some are procedural on the Standing Orders. Please, let us do it but also do it while at the same time allowing debate to continue.

I want to just advise that it is not disorder if somebody makes a statement with which you disagree. If you do not agree with what somebody else has said there is no disorder. You merely do not agree. Allow the Member to say what they have to say. Have an opportunity to rise again and disagree with them so that we can conclude this matter. So, please let us just allow everyone who is making a contribution to this Motion to do it quickly but, please, restrict yourself to the Motion. Just restrict yourselves to the Motion. You must allow yourselves for today to only deal with the matters that are on the Order Paper. Please do not bring those other things that may be exciting you outside there in the village here.

So, Hon. Junet, proceed.

**Hon. Nuh:** Hon. Speaker, there was an issue I was asking for your indulgence and ruling. The matter that is supposed to be addressed by this Motion is supposed to be taken to the Committee on Appointments and I said we have not yet submitted the names to that Committee. I think it is tidy to call the House at that point in time so that you can bring the Communication from the appointing authority and we can also see whether we can form the Committee on Appointments and then have the matter committed to a full committee of the House.

Otherwise, I cannot go against your ruling. You have thrown out my Leader of the Minority Party from the House and do not throw me out also. We were just putting our allegiance to the peoples' president. You know who he is – Raila Amolo Odinga. That is the only president.

**Hon. Speaker:** Hon. Junet, please leave those terminologies which are going to cause unnecessary excitement. I said some of those phrases may excite everybody out there on the streets, but here let us remain faithful to the business that is at hand.

Hon. Members, let me make this clarification that, it is within the Speaker's authority and power to determine what disorderly conduct and grossly disorderly conduct is. If you look at Standing Order No.107, it graduates into Standing Order No.107 (a) and the Members of the Procedure and House Rules Committee of the 11<sup>th</sup> Parliament will remember why we had to graduate it. It was to avoid a situation which was deemed by the House to have been very high-handed because there was no graduation of the penalties. The Member for Ugunja is a beneficiary of the former Standing Orders. It is for that reason that we provided in Standing Order No.107 for disorderly conduct and in Standing Order No.107 (a) for grossly disorderly conduct. It moves on.

It is proper that the Leader of the Minority Party was deemed by the Chair to have been disorderly. Therefore, under Standing Order No.107, he could only be suspended for a maximum of four days. When the law provides for a maximum, it is the discretion of the person that makes the declaration to determine the minimum. Therefore, Hon. Katoo, I have determined that the Leader of the Minority Party remains outside for the balance of this sitting. I concluded that what he did was disorderly and not grossly disorderly.

Hon. Members, do you want to further contribute to the Motion?

**Hon. Members:** Put the Question!

**Hon. Speaker:** Hon. Members, I find concurrence that I put the Question. Like I always remind you that whenever there is business in the House, it is yours.

*(Question put and agreed to)*

## BILLS

### *First Reading*

#### THE KENYA ROADS BILL

*(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Departmental Committee)*

**Hon. Speaker:** Hon. Members, please pay attention. Have a look at your Order Paper.

### *Second Reading*

#### THE BUILDING SURVEYORS BILL

*(Hon. (Ms.) Mbarire on 5.12.2017)*

*(Debate concluded on 13.12.2017 – Afternoon sitting)*

**Hon. Speaker:** The gracious lady having a conversation with the Minority Whip let us transact business. The Minority Whip is available for you 24/7. That is why he holds that high office.

*(Hon. King'ola consulted in the gangway)*

Member for Mavoko, you can take a seat somewhere.

Hon. Members, I know the consultations are not even with regard to this business. They might be with regard to the next three businesses. In quick succession, I want us to dispose of Order Nos.11 and 12. Allow me to do that.

Debate on the Building Surveyors Bill was concluded yesterday and what remained was for the Question to be put.

*(Question put and agreed to)*

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

#### THE PHYSICAL PLANNING BILL

*(Hon. A. B. Duale on 13.12.2017)*

*(Debate concluded on 13.12.2017 – Afternoon sitting)*

**Hon. Speaker:** Member for Emurua Dikirr, I said that we dispose of these Orders quickly.

Hon. Members, again you concluded debate on this.

*(Question put and agreed to)*

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

**Hon. Speaker:** Hon. Members, before I call on the Clerk to read the next business, we will adopt the procedure that we developed last week. These two Bills will have to go to the relevant Committees for consideration. The Committees are instructed to ensure that there is an advertisement and public participation on them. Before you table a report, there must be evidence that you took views of various stakeholders as appropriate.

### MOTIONS

#### APPOINTMENT OF MEMBERS TO VARIOUS COMMITTEES

**Hon. A.B. Duale:** Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of the Standing Order 175, and the previous resolutions of the House appointing Members to the House Business Committee, the Committee on Selection and the Procedure and House Rules Committee, this House further approves the appointment of various Members to the respective Committees as specified in the schedule.

## **I. DEPARTMENTAL COMMITTEES**

### **A. ADMINISTRATION & NATIONAL SECURITY**

1. The Hon. Didmus Wekesa Barasa Mutua, MP
2. The Hon. Geoffrey Kingagi Muturi, MP
3. The Hon. Marselino Malimo Arbelle, MP
4. The Hon. Paul Koinange, MP
5. The Hon. Tecla Chebet Tum, MP
6. The Hon. Josphat Kabinga Wachira, MP
7. The Hon. Nimrod Mbithuka Mbai, MP
8. The Hon. George Theuri, MP
9. The Hon. John Waluke, MP
10. The Hon. Martin Deric Ngunjiri Wambugu, MP
11. The Hon. Abdi Omar Shurie, MP
12. The Hon. Yussuf Mucheke Halima, MP
13. The Hon. Peter Masara, MP
14. The Hon. Ahmed Kolosh Mohammed, MP
15. The Hon. Aduma Owuor, MP
16. The Hon. Justus Kizito, MP
17. The Hon. Makali Mulu, MP
18. The Hon. Edward Oku Kanya, MP
19. The Hon. Wafula Wamunyinyi, MP

### **B. AGRICULTURE AND LIVESTOCK**

1. The Hon. Yegon Brighton Leonard, MP
2. The Hon. Gabriel Kago Mukuha, MP
3. The Hon. Adan Haji Ali, MP
4. The Hon. Maison Leshoomo, MP
5. The Hon. John Paul Mwirigi, MP
6. The Hon. John Kanyuithia Mutunga, MP
7. The Hon. Adan Haji Yussuf, MP
8. The Hon. Francis Munyua Waititu, MP
9. The Hon. Silas Kipkoech Tiren, MP
10. The Hon. Janet Jepkemboi Sitienei, MP
11. The Hon. Emmanuel Wangwe, MP
12. The Hon. Daniel Kamuren Tuitoek, MP
13. The Hon. Fred Ouda, MP
14. The Hon. James Opinyo Wandayi, MP
15. The Hon. Florence Mutua, MP

16. The Hon. Simba Paul Arati, MP
17. The Hon. Joyce Kamene, MP
18. The Hon. Justus MakokhaMurunga, MP
19. The Hon. Ferdinand Wanyonyi, MP

### C. COMMUNICATION, INFORMATION AND INNOVATION

1. The Hon. William Kipkemoi Kisang, MP
2. The Hon. Gathoni Wamuchomba, MP
3. The Hon. Moses Wekesa Mwambua Mabonga, MP
4. The Hon. Sylvanus Maritim, MP
5. The Hon. Kawira Mwangaza, MP
6. The Hon. Erastus Kivasu Nzioka, MP
7. The Hon. Jonah Mburu Mwangi, MP
8. The Hon. Liza Chelule Chepkorir, MP
9. The Hon. John Kiarie Waweru, MP
10. The Hon. George Macharia, MP
11. The Hon. Mwarwa Kemero Maisori Kitayama, MP
12. The Hon. Annie Wanjiku Kibeh, MP
13. The Hon. Mark Nyamitta, MP
14. The Hon. Antony Oluoch, MP
15. The Hon. Getrude Mbeyu, MP
16. The Hon. Innocent Momanyi Obiri, MP
17. The Hon. Joshua Kimilu,MP
18. The Hon. Godffrey Osotsi, MP
19. The Hon. Alfa Ondieki Miruka, MP

### D. ENVIRONMENT AND NATURAL RESOURCES

1. The Hon. Beatrice Pauline Cherono Kones, MP
2. The Hon. David Kongogo Bowen, MP
3. The Hon. Sophia Abdi Noor, MP
4. The Hon. Hassan Oda Hulufu, MP
5. The Hon. Benjamin Jomo Washiali, MP
6. The Hon. Hilary Kiplang'at Kosgei, MP
7. The Hon. Amin Deddy Mohamed Ali, MP
8. The Hon. Francis Chachu Ganya, MP
9. The Hon. Peter Kimari Kihara, MP
10. The Hon. Charity Kathambi Chepkwony, MP
11. The Hon. Kareke Mbiuki, MP
12. The Hon. Rehema Hassan, MP
13. The Hon. Rossa Buyu, MP
14. The Hon. Charles Ong'odo Were, MP
15. The Hon. Benjamin Dalu Tayari, MP
16. The Hon. Ali Wario, MP
17. The Hon. Paul N. Nzengu,MP

18. The Hon. Said Hiribae, MP
19. The Hon. Nasri Sahal Ibrahim, MP

#### **E. DEFENCE AND FOREIGN RELATIONS**

1. The Hon. Katoo Metito Judah, MP
2. The Hon. Peter Mungai Mwathi, MP
3. The Hon. Nelson Koech, MP
4. The Hon. Charles Mutavi Kilonzo, MP
5. The Hon. Bashir Sheikh Abdullah, MP
6. The Hon. Marth Wangari Wanjira, MP
7. The Hon. Dido Ali Raso, MP
8. The Hon. Moses Nguchine Karima, MP
9. The Hon. Yusuf Hassan Abdi, MP
10. The Hon. Richard Tongi, MP
11. The Hon. Beatrice Nkatha Nyaga, MP
12. The Vincent Kipkurui Tuwei, MP
13. The Hon. John Lodepe Nakara, MP
14. The Hon. Lilian Gogo, MP
15. The Hon. Memusi Ole Kanchory, MP
16. The Hon. Silvanice Osoro, MP
17. The Hon. Patrick Makau, MP
18. The Hon. Ernest Ogesi Kivai, MP
19. The Hon. Caleb Amisi, MP

#### **F. EDUCATION, RESEARCH AND TECHNOLOGY**

1. The Hon. Julius Melly, MP
2. The Hon. Moses Malulu Injendi, MP
3. The Hon. Joseph Kipkosgei Tonui, MP
4. The Hon. Wilson Kipngetich Kogo, MP
5. The Hon. Jerusha Mongina Momanyi, MP
6. The Hon. Lentoijoni Jackson Lekumontare, MP
7. The Hon. Lilian Cheptoo Tomitom, MP
8. The Hon. Amos Kimunya, MP
9. The Hon. Zadoc Abel Ogutu, MP
10. The Hon. Peter Lochakapong, MP
11. The Hon. Eric Muchangi Njiru, MP
12. The Hon. John Oroo Oyioka, MP
13. The Hon. Eve Obara, MP
14. The Hon. Geoffrey Odanga, MP
15. The Hon. Wilson Sossion, MP
16. The Hon. Pamela Ochieng, MP
17. The Hon. Eng. Zambia, MP
18. The Hon. Omboko Milemba, MP
19. The Hon. Catherine Wambilyanga, MP



**G. HEALTH**

1. The Hon. Mohamed Dahir Duale, MP
2. The Hon. Gladwell Jesire Cheruiyot, MP
3. The Hon. Mohamud Sheikh Mohamed, MP
4. The Hon. Zachary Kwanya Thuku, MP
5. The Hon. James Kipkosgei Murgor, MP
6. The Hon. Tongoyo Gabriel Koshal, MP
7. The Hon. Patrick Munene Ntwiga, MP
8. The Hon. Swarup Ranjan Mishra, MP
9. The Hon. Sabina Chege, MP
10. The Hon. Mercy Wanjiku Gakuya, MP
11. The Hon. Benard Kipsengeret Koros, M
12. The Hon. Charles Muriuki Njagagua, MP
13. The Hon. Chris Karan, MP
14. The Hon. Martin Peters Owino, MP
15. The Hon. Esther M. Passaris, MP
16. The Hon. James Nyikal, MP
17. The Hon. Stephen Mule, MP
18. The Hon. Alfred Agoi Masadia, MP
19. The Hon. Dr. Eseli Simiyu, MP

**H. JUSTICE AND LEGAL AFFAIRS COMMITTEE**

1. The Hon. William Cheptumo Kipkiror, MP
2. The Hon. Japheth Kiplangat Mutai, MP
3. The Hon. Johana Ngeno Kipyegon, MP
4. The Hon. George Gitonga Murugara, MP
5. The Hon. Boss Shollei, MP
6. The Hon. Alice Wahome, MP
7. The Hon. Jennifer Shamalla, MP
8. The Hon. John Munene Wambugu, MP
9. The Hon. Anthony Githiaka Kiai, MP
10. The Hon. Roselinda Soipan Tuya, MP
11. The Hon. Adan Haji Yusuf, MP
12. The Hon. John Kiarie Waweru, MP
13. The Hon. Zulekha Hassan, MP
14. The Hon. Peter Opondo Kaluma, MP
15. The Hon. Charles Gimose, MP
16. The Hon. William Kamoti, MP
17. The Hon. Ben Mumanyi, MP
18. The Hon. Beatrice Adagala, MP
19. The Hon. John Olago Oluoch, MP

**I. LABOUR AND SOCIAL WELFARE**

1. The Hon. Janet Marania Teyiaa, MP
2. The Hon. Charles Kanyi Njagua, MP
3. The Hon. Joyce Korir, MP
4. The Hon. Fabian Kyule Muli, MP
5. The Hon. Alfred Kiptoo Keter, MP
6. The Hon. ole Sankok David, MP
7. The Hon. Janet Nangabo Wanyama, MP
8. The Hon. Ali Wario, MP
9. The Hon. Abdi Mude Ibrahim, MP
10. The Hon. Michael Mwangi Muchira, MP
12. The Hon. Safia Sheikh Adan, MP
13. The Hon. Gladys Wanga, MP
14. The Hon. James Onyango Koyoo, MP
15. The Hon. Tom Odege, MP
16. The Hon. Wilson Sossion, MP
17. The Hon. Rose Museo, MP
18. The Hon. Omboko Milemba, MP
19. The Hon. Catherine Wambilyanga, MP

#### **J. LANDS**

1. The Hon. Josphat Gichunge Mwirabua Kabeabea, MP
2. The Hon. Onesmas Kimani Ngunjiri, MP
3. The Hon. Joshua Kuttuny Serem, MP
4. The Hon. George Risa Sunkuyia, MP
5. The Hon. Jayne Njeri Wanjiru, MP
6. The Hon. Catherine Waruguru, MP
7. The Hon. Khatib Mwashetani, MP
8. The Hon. Samuel Kinuthia Gachobe, MP
9. The Hon. Caleb Kipkemei Kositany, MP
10. The Hon. Simon Nganga Kingara, MP
11. The Hon. Dr. Rachael Nyamai, MP
12. The Hon. Jane Wanjuki Njiru, MP
13. The Hon. George Aladwa, MP
14. The Hon. Owen BayaYaa, MP
15. The Hon. Babu Owino, MP
16. The Hon. Omar Mwinyi, MP
17. The Hon. Ali Mbogo,MP
18. The Hon. Teddy Mwambire,MP
19. The Hon. Mishu Mboko, MP

#### **K. ENERGY**

1. The Hon. Cecily Mbarire, M.P.
2. The Hon. Abdikhaim Osman Mohamed, M.P

3. The Hon. Joseph Wathigo Manje, M.P.
4. The Hon. Oscar Sudi, Kipchumba, M.P.
5. The Hon. Vincent Musyoka Musau, M.P.
6. The Hon. Amina Gedow Hassan, M.P.
7. The Hon. Clement Muturi Kigano, M.P.
8. The Hon. Lemanken Aramat, M.P.
9. The Hon. Gitau Faith Wairimu, M.P.
10. The Hon. David Gikaria, M.P.
11. The Hon. Ekomwa Lomenen James, M.P.
12. The Hon. (Dr.) Robert Pukose, M.P.
13. The Hon. Walter Owino, MP
14. The Hon. Ken Chonga, MP
15. The Hon. Elisha Odhiambo, MP
16. The Hon. Mohammed Ali Lokiro, MP
17. The Hon. Julius Musili Mawathe, MP
18. The Hon. Tindi Nicholas Mwale, MP
19. The Hon. Elsie Muhanda, MP

#### **L. FINANCE AND PLANNING**

1. The Hon. Ndirangu Isaac Waihenya, M.P.
2. The Hon. Jimmy Noru Ondieki Angwenyi, M.P.
3. The Hon. David Mwalika Mboni, M.P.
4. The Hon. Abdul Rahim Dawood, M.P.
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6. The Hon. Daniel Epuyo Nanok, M.P.
7. The Hon. Mohamed Ali, M.P.
8. The Hon. Joseph Limo, M.P.
9. The Hon. Stanley Muiruri Muthama, M.P.
10. The Hon. Kandie Joshua Chepyegon, M.P.
11. The Hon. Purity Wangui Ngirici, M.P.
12. The Hon. Lydia Haika Mizighi, M.P.
13. The Hon. Shakeel Shabir, MP
14. The Hon. Joseph Oyula, MP
15. The Hon. Samuel Atandi, MP
16. The Hon. Andrew Adipo Kuome, MP
17. The Hon. David Mboni Mwalika, MP
18. The Hon. Alfred Bernard Wekesa Sambu, MP
19. The Hon. Enoch Kibunguchy, MP

#### **M. SPORTS, TOURISM AND CULTURE**

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2. The Hon. Victor Kioko Munyaka, M.P.
3. The Hon. Cyprian Kubai Iringo, M.P.
4. The Hon. Korei ole Lemein, M.P.

5. The Hon. Daniel Wanyama Sitati, M.P.
6. The Hon. Grace Jelagat Kipchoim, M.P.
7. The Hon. Lydia Haika Mnene Mizighi, M.P.
8. The Hon. Tecla Chebet Tum, M.P.
9. The Hon. George Risa Sunkuyia, M.P.
10. The Hon. Benard Masaka Shinali, M.P.
11. The Hon. Annie Wanjiku Kibeh, M.P.
12. The Hon. Sylvanus Maritim, M.P.
13. The Hon. Christopher Omulele, MP
14. The Hon. Jeremia Lomurukai, MP
15. The Hon. Jackline Oduol, MP
16. The Hon. Christine Ombaka, MP
17. The Hon. Charles Ngusya Nguna,MP
18. The Hon. Titus Mukhwana Khamala, MP
19. The Hon. Jones Mlolwa, MP

#### **N. TRADE, INDUSTRY AND COOPERATIVES**

1. The Hon. Rahab Mukami Wachira, M.P.
2. The Hon. Alexander Kimutai Kigen Kosgey, M.P.
3. The Hon. Anab Mohamed Gure, M.P.
4. The Hon. Robert Gichimu, M.P.
5. The Hon. Cornerly Serem, M.P.
6. The Hon. Patrick Kimani Wainaina Jungle, M.P.
7. The Hon. Kipruto Moi, M.P.
8. The Hon. Kathuri Murungi, M.P.
9. The Hon. Kanini Kega, M.P.
10. The Hon. Alois Musa Lentoimaga, M.P.
11. The Hon. Generali Nixon Kiprotich Korir, M.P.
12. The Hon. Joseph Nduati Ngugi, M.P.
13. The Hon. Wilberforce Oundo, MP
14. The Hon. Andrew Mwadime, MP
15. The Hon. Jones Mlolwa, MP
16. The Hon. James Mukwe, MP
17. The Hon. Daniel Maanzo, MP
18. The Hon. Bunyasi John Sakwa, MP
19. The Hon. Ferdinand Wanyonyi, MP

#### **O. TRANSPORT, PUBLIC WORKS & HOUSING**

1. The Hon. Dominic Kipkoech Koskei, M.P.
2. The Hon. Peris Pesi Tobiko, M.P.
3. The Hon. Kulow Maalim Hassan, M.P.
4. The Hon. Mugambi Murwithania Rindikiri, M.P.
5. The Hon. Samuel Arama, M.P.
6. The Hon. Shadrack John Mose, M.P.

7. The Hon. Rigathi Gachagua, M.P.
8. The Hon. David Pkosing, M.P.
9. The Hon. Moses Kuria, M.P.
10. The Hon. Rehema Dida Jaldesa, M.P.
11. The Hon. Ahmed Bashane Gaal, M.P.
12. The Hon. David Njuguna Kiaraho, M.P.
13. The Hon. Johnson Naicaa, MP
14. The Hon. Tom Odege, MP
15. The Hon. Suleiman Dori, MP
16. The Hon. Ahmed Abdi Salan Ibrahim, MP
17. The Hon. Gedion Mulyungi, MP
18. The Hon. Angatia Ayub Savula, MP
19. The Hon. Vincent Kemose, MP

## II. FINANCIAL AUDIT AND MONEY RELATED COMMITTEES

### A. PUBLIC ACCOUNTS COMMITTEE

1. The Hon. Daniel Kipkogei Rono, M.P.
2. The Hon. Christopher Doye Nakuleu, M.P.
3. The Hon. James Gichuhi Mwangi, M.P.
4. The Hon. Mathias Nyamabe Robi, M.P.
5. The Hon. Francis Kuria Kimani, M.P.
6. The Hon. Koske Kimutai Gideon, M.P.
7. The Hon. Samson Ndindi Nyoro, M.P.
8. The Hon. Qalicha Gufu Wario, M.P.
9. The Hon. Michael Mwangi Muchira, M.P.
10. The Hon. James Opiyo Wandayi, MP
11. The Hon. Peter Masara, MP
12. The Hon. Michael Thoyah Kingi, MP
13. The Hon. Florence Mutua, MP
14. The Hon. Junet Mohammed, MP
15. The Hon. Paul Otiende Amollo, MP
16. The Hon. Dr. Eseli Simiyu, MP
17. The Hon. Jesica Mbalu, MP
18. The Hon. Patrick Makau, MP
19. The Hon. Bunyasi John Sakwa, MP

### B. PUBLIC INVESTMENTS COMMITTEE

1. The Hon. Zachary Kwenya Thuku, M.P.
2. The Hon. John Muchiri Nyaga, M.P.
3. The Hon. Mohamed Hire Garane, M.P.
4. The Hon. James Githua Kamau Wamacukuru, M.P.
5. The Hon. Joash Nyamache Nyamoko, M.P.
6. The Hon. Purity Wangui Ngirici, M.P.

7. The Hon. Omar Mohamed Maalim Hassan, M.P.
8. The Hon. Mary Wamaua Waithira Njoroge, M.P.
9. The Hon. Mohamud Sheikh Mohammed, M.P.
10. The Hon. Ahmed Abdisalan Ibrahim, MP
11. The Hon. Abdulswamad Ahmed Nassir , MP
12. The Hon. Raphael Wanjala, MP
13. The Hon. Hon. Babu Owino, MP
14. The Hon. Ahmed Kolosh, MP
15. The Hon. Paul Katana, MP
16. The Hon. Rashid Kassim Amin, MP
17. The Hon.(Dr). Gideon Mutemi Mulyungi, MP
18. The Hon. Tindi Nicholas Mwale, MP
19. The Hon. Dr. Chris Wamalwa, MP

### C. SPECIAL FUNDS ACCOUNT COMMITTEE

1. The Hon. William Kamuren Chepkut, M.P.
2. The Hon. Moses Wekesa Mabonga, M.P.
3. The Hon. Abdi Koropu Tepo, M.P.
4. The Hon. Marwa Kemero Maisori Kitayama, M.P.
5. The Hon. Mark Lomunokol, M.P.
6. The Hon. Kathuri Murungi, M.P.
7. The Hon. Mohammed Ali, M.P.
8. The Hon. James Githua Kamau Wamacukuru, M.P.
9. The Hon. Rehema Dida Jaldesa, M.P.
10. The Hon. Shakeel Shabir, MP
11. The Hon. Mohamed Ali Lokiru, MP
12. The Hon. Esther Passaris, MP
13. The Hon. Dennita Ghati, MP
14. The Hon. Jared Okello, MP
15. The Hon. Justus Kizito, MP
16. The Hon. Irene Kasalu, MP
17. The Hon. Geoffrey Omuse, MP
18. The Hon. Alfred Agoi Masadia, MP
19. The Hon. Erustus Kivasu Nzioka, MP

### D. BUDGET AND APPROPRIATIONS COMMITTEE

1. The Hon. Moses K. Lessonet, M.P.
2. The Hon. Benard Masaka Shinali, M.P.
3. The Hon. Ruth W. Mwaniki, M.P.
4. The Hon. Sarah Paulata Korere, M.P.
5. The Hon. Moses Kiarie Kuria, M.P.
6. The Hon. Samwel Moroto, M.P.
7. The Hon. Fatuma Gedi Ali, M.P.
8. The Hon. James Gichuki Mugambi, M.P.

9. The Hon. Qalicha Gufu Wario, M.P.
10. The Hon. John Kanyuithia Mutunga, M.P.
11. The Hon. James Mwangi Gakuya, M.P.
12. The Hon. Josephine Naisula Lesuuda, M.P.
13. The Hon. Jude Njomo, M.P.
14. The Hon. Korei ole Lemein, M.P.
15. The Hon. Florence Chepngetich Koskey, M.P.
16. The Hon. Kimani Ichung'wah, M.P.
17. The Hon. John Muchiri Nyaga, M.P.
18. The Hon. John Mbadi, MP
19. The Hon. Gideon Ochanda, MP
20. The Hon. Millie Odhiambo, MP
21. The Hon. Hon. Badi Twalib, MP
22. The Hon Mark Nyamita, MP
23. The Hon. Paul Abuor, MP
24. The Hon. Dr. Makali Mulu, MP
25. The Hon. Dan Mwashaka, MP
26. The Hon. Christopher Wangaya Aseka, MP
27. The Hon. Richard Onyonka, MP

### III. OTHER SELECT COMMITTEES

#### A. COMMITTEE ON IMPLEMENTATION

1. The Hon. Daniel Kamuren Tuitoek, M.P.
2. The Hon. Alois Musa Lentoimaga, M.P.
3. The Hon. John Waluke Koyi, M.P.
4. The Hon. James Kipkosgei Murgor, M.P.
5. The Hon. Joseph Wathigo Manje, M.P.
6. The Hon. Hassan Oda Hulufu, M.P.
7. The Hon. Nelson Koech, M.P.
8. The Hon. Francis Munyua Waititu, M.P.
9. The Hon. Generali Nixon Kiprotich Korir, M.P.
10. The Hon. George Theuri, M.P.
11. The Hon. Onesmas Kimani Ngunjiri, M.P.
12. The Hon. Moitalel ole Kenta, MP
13. The Hon. Johnson Naicca, MP
14. The Hon. Owen Baya Yaa, MP
15. The Hon. Paul Abuor, MP
16. The Hon. Silvanus Osoro, MP
17. The Hon. Michael Thoyah Kingi, MP
18. The Hon. Paul Simba Arati, MP
19. The Hon. Jared Okello, MP
20. The Hon. Mwalyo Joshua, MP
21. The Hon. Charles Ngusya Nguna, MP
22. The Hon. Godffrey Osotsi, MP

23. The Hon. Richard Onyonka, MP

## B. DELEGATED LEGISLATION

1. The Hon. Gladys Jepkosgei-Boss Shollei, M.P.
2. The Hon. Charles Muriuki Njagagua, M.P.
3. The Hon. William Kamket Kassait, M.P.
4. The Hon. Ronald Kiprotich Tonui, M.P.
5. The Hon. Munene Wambugu, M.P.
6. The Hon. Isaac Waihenya Ndirangu, M.P.
7. The Hon. Abdi Tepo, M.P.
8. The Hon. George Gitonga Murugara, M.P.
9. The Hon. Jennifer Shamalla, M.P.
10. The Hon. Muturi Kigano, M.P.
11. The Hon. Patrick Kariuki Mariru, M.P.
12. The Hon. Martha Wangari, M.P.
13. The Hon. Fatuma Gedi, M.P.
14. The Hon. Alice Wahome, M.P.
15. The Hon. Timothy Wanyonyi, MP
16. The Hon. Abdulswamad Sharff Nassir, MP
17. The Hon. Charles Gimose, MP
18. The Hon. Wilberforce Oundo, MP
19. The Hon. William Kamoti, MP
20. The Hon. Daniel Maanzo, MP
21. The Hon. Sammy Saroney, MP
22. The Hon. Robert Mbui, MP
23. The Hon. Alfred Bernard Wekesa Sambu, MP

## C. REGIONAL INTEGRATION

1. The Hon. Christopher Doye Nakuleu, M.P.
2. The Hon. Naisula Lesuuda, M.P.
3. The Hon. Ruweida Mohamed Obo, M.P.
4. The Hon. William Kamket Kassait, M.P.
5. The Hon. Gideon Keter, M.P.
6. The Hon. Joyce Akai Emanikor, M.P.
7. The Hon. Ezekiel Machogu Ombaki, M.P.
8. The Hon. Cyprian Kubai Iringo, M.P.
9. The Hon. Moses Malulu Injendi, M.P.
10. The Hon. Janet Marania Teyiaa, M.P.
11. The Hon. Mathias Nyababe Robi, M.P.
12. The Hon. Abdi Mude Ibrahim, M.P.
13. The Hon. Erastus Kivasu Nzioka, M.P.
14. The Hon. Samson Ndindi Nyoro, M.P.
15. The Hon. Eve Obara, MP
16. The Hon. Geoffrey Omuse, MP



17. The Hon. Rossa Buyu, MP
18. The Hon. Janet Ongera, MP
19. The Hon. Memusi ole Kanchory, MP
20. The Hon. Gideon Ochanda, MP
21. The Hon. Ali Wario, MP
22. The Hon. Kassim Sawa Tangaza, MP
23. The Hon. Nasri Sahal Ibrahim, MP

#### **D. CONSTITUENCIES DEVELOPMENT COMMITTEE**

1. The Hon. Omar Mohamed Maalim Hassan, MP
2. The Hon. Fred Kapondi Chesebe, MP
3. The Hon. Richard Maoka Maore, MP
4. The Hon. Richard Nyagaka Tongi, MP
5. The Hon. Sharif Athman Ali, MP
6. The Hon. Benjamin Gathiru Mwangi, MP
7. The Hon. Mary Wamaua Waithira Njoroge, MP
8. The Hon. Janet Jepkemboi Sitienei, MP
9. The Hon. Sophia Abdi Noor, MP
10. The Hon. Emmanuel Wangwe, MP
11. The Hon. Johana Ngeno, MP
12. The Hon. Moses K. Lessonet, MP
13. The Hon. Alfa Ondieki Miruka, MP
14. The Hon. Titus Khamala, MP
15. The Hon. Fred Ouda, MP
16. The Hon. Mishi Mboko, MP
17. The Hon. Mwalyo Joshua, MP
18. The Hon. Kassim Sawa Tangaza, MP
19. The Hon. James Mukwe, MP

#### **E. CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE**

1. The Hon. Jeremiah Ng'ayu Kioni, MP
2. The Hon. Fred Kapondi, MP
3. The Hon. Yussuf Mucheke Halima, MP
4. The Hon. Kandie Joshua Chepyegon, MP
5. The Hon. Koske Kimutai Gideon, MP
6. The Hon. Jane Wanjuki Njiru, MP
7. The Hon. Abdi Omar Shurie, MP
8. The Hon. Peris Pesi Tobiko, MP
9. The Hon. Japheth Kiplangat Mutai, MP
10. The Hon. Naomi Shaaban, MP
11. The Hon. Simon Nganga Kingara, MP
12. The Hon. Sarah Korere, MP
13. The Hon. Geoffrey Kingagi Muturi, MP
14. The Hon. Daniel Kipkogei Rono, MP

15. The Hon T. J. Kajwang', MP
16. The Hon. Anthony Aluoch, MP
17. The Hon. Ken Okoth, MP
18. The Hon. Wafula Wamunyinyi, MP
19. The Hon. Raphael Wanjala, MP
20. The Hon. Christine Ombaka, MP
21. The Hon. Fabian Muli Kyule, MP
22. The Hon. Angatia Ayub Savula, MP
23. The Hon. Charles Gimose, MP

#### F. NATIONAL COHESION AND EQUAL OPPORTUNITY

1. The Hon. Ekomwa Lomenen, M.P
2. The Hon. Adan Keynana Wehliye, M.P.
3. The Hon. Maina Kamanda, M.P.
4. The Hon. Joyce Korir Chepkoech, M.P.
5. The Hon. Daniel Wanyama Sitati, M.P.
6. The Hon. Zadoc Abel Ogutu, M.P.
7. The Hon. Mohamed Hire Garane, M.P.
8. The Hon. Benjamini Gathiru Mwangi, M.P.
9. The Hon. Jayne Njeri Wanjiru Kihara, M.P.
10. The Hon. Wilson Kipnetich Kogo, M.P.
11. The Hon. Jerusha Mongina Momanyi, M.P.
12. The Hon. Rahab Mukami Wachira, M.P.
13. The Hon. Maison Leshoomo, M.P
14. The Hon. Jane Jepkorir Chebaibai, M.P..
15. The Hon. Jacqueline Oduol, MP
16. The Hon. Moitele ole Kenta, MP
17. The Hon. Julius Musili Mawathe, MP
18. The Hon. Charles Ong'ondo Were, MP
19. The Hon. Mohamed Ali Lekiro, MP
20. The Hon. Rose Museo, MP
21. The Hon. Stephen Mule, MP
22. The Hon. Edward Oku Kanya, MP
23. The Hon. Enoch Kibunguchy, MP

#### G. PARLIAMENTARY BROADCASTING AND LIBRARY

1. The Hon. Chelule Chepkorir Liza, M.P.
2. The Hon. Joash Nyamache Nyamoko, M.P.
3. The Hon. James Mwangi Gakuya, M.P.
4. The Hon. Eric Muchangi Njiru, M.P.
5. The Hon. Anab Gure, M.P.
6. The Hon. Jonah Mburu Mwangi, M.P.
7. The Hon. Lentoi Joni L. Jackson Lekumontare, M.P.
8. The Hon. James Gichuhi Mwangi, M.P.

9. The Hon. Patrick Munene Ntwiga, M.P.
10. The Hon. Joseph Kipkosgei Tonui, M.P.
11. The Hon. Lilian Cheptoo Tomitom, M.P.
12. The Hon. Ruth W. Mwaniki, M.P.
13. The Hon. Daniel Epuyo Nanok, M.P.
14. The Hon. Mercy Wanjiku Gakuya, M.P.
15. The Hon. Zulekha Hassan, MP
16. The Hon. Pamela Owour, MP
17. The Hon. Getrude Mbeyu, MP
18. The Hon. Lilian Gogo, MP
19. The Hon. Ken Chonga, MP
20. The Hon. Irene Kasalu, MP
21. The Hon. Paul N. Nzengu, MP
22. The Hon. Justus Makokha Murunga, MP
23. The Hon. Said Hiribae, MP

## **H. PARLIAMENTARY POWERS & PRIVILEGES**

1. The Hon. Anthony Githiaka Kiai, M.P.
2. The Hon. Vincent Kipkurui Tuwei, M.P.
3. The Hon. Beatrice Pauline Cheronno, M.P.
4. The Hon. Gladwell Jesire Cheruiyot, M.P.
5. The Hon. Marselino Malimo Arbelle, M.P.
6. The Hon. Jude L. Kangethe Njomo, M.P.
7. The Hon. Didmus Wekesa Barasa Mutua, M.P.
8. The Hon. Peter Mungai Mwathi, M.P.
9. The Hon. Francis Chachu Ganya, M.P.
10. The Hon. Omar Mwinyi, MP
11. The Hon. James Mathew Onyango Koyoo, MP
12. The Hon. Dan Mashako, MP
13. The Hon. Vincent Kemose, MP
14. The Hon. Andrew Mwadime, MP

## **I. MEMBERS SERVICE & FACILITIES COMMITTEE**

1. The Hon. Catherine Waruguru, M.P.
2. The Hon. Florence Chepngetich Koskey, M.P.
3. The Hon. Ezekiel Machogu Ombaki, M.P.
4. The Hon. Samwel Moroto Chumel, M.P.
5. The Hon. Silas Kipkoech Tiren, M.P.
6. The Hon. Janet Nangabo Wanyama, M.P.
7. The Hon. Rehema Hassan, M.P.
8. The Hon. Rigathi Gachagua, M.P.
9. The Hon. Charity Kathambi Chepkwony, M.P.
10. The Hon. Elisha Odhiambo, MP
11. The Hon. Aisha Jumwa Katana, MP

12. The Hon. Elsie Muhanda, MP
13. The Hon. Eng. Zambia, MP
14. The Hon. Christopher Wangaya Aseka, MP
15. The Hon. Catherine Wambilyanga, MP

#### **J. COMMITTEE ON APPOINTMENTS**

1. The Hon. Jimmy Nuru Ondieki Angwenyi, M.P.
2. The Hon. Benjamin Jomo Washiali, M.P.
3. The Hon. Cecily Mbarire, M.P.
4. The Hon. Kimani Ichung'wah, M.P.
5. The Hon. Joyce Akai Emanikor, M.P.
6. The Hon. Maitu Sabina Wanjiru Chege, M.P.
7. The Hon. David ole Sankok, M.P.
8. The Hon. Rachael Nyamai, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Lydia Haika Mnene Mizighi, M.P.
11. The Hon. Khatib Abdallah Mwashetani, M.P.
12. The Hon. David Losiakou Pkosing, M.P.
13. The Hon. Lilian Cheptoo Tomitom, M.P.
14. The Hon. David Gikaria, M.P.
15. The Hon. William Kamuren Chirchir Chepkut, M.P.
16. The Hon. Yusuf Hassan Abdi, M.P.

*(Additional to the Members specified under Standing Order 204(1))  
(House awaits nomination of Members from the NASA Coalition)*

#### **K. PROCEDURE AND HOUSE RULES COMMITTEE**

1. The Hon. Cornelly Serem, M.P.
2. The Hon. Samuel Kinuthia Gachobe, M.P.
3. The Hon. Alfred Kiptoo Keter, M.P.
4. The Hon. Abdikarim Osman, M.P.
5. The Hon. Samuel Arama, M.P.
6. The Hon. Ken Okoth, M.P.
7. The Hon. Teddy Mwambire Ngumbao, M.P.

*(Additional Members to those appointed on 5th December, 2017)*

#### **L. COMMITTEE ON SELECTION**

1. The Hon. Robert Gichimu Githinji, M.P.
2. The Hon. John Paul Mwirigi, MP.

*(Additional Members to those appointed on 5th December, 2017)*

## M. HOUSE BUSINESS COMMITTEE

1. The Hon. Makali Mulu, M.P.
2. The Hon. Mishi Mboko, M.P.
3. The Hon. Omboko Milemba, M.P.

*(Additional names from the NASA Coalition)*

House Committees are very important and vital. Without them, the House is not constituted in terms of workload. They are very vital in the working process of the Legislature. Committees play an oversight role and legislate. Every piece of legislation that comes to this House - either private or from the Government - must be subjected to a relevant Committee of this House which conducts public participation in accordance with Article 118 of the Constitution. Upon tabling a report, that piece of legislation can then be subjected to the last bit which is the Committee of the whole House.

They play an oversight role in terms of the fact that it is the respective Committees that scrutinise the budget of each and every department of Government that they oversee. The Committee also makes sure that it participates in the budget-making process of their relevant counterparts in Government. They are very vital. Committees participate in the vetting process of public and State officers as provided for in the Constitution.

Committees do 60 per cent of the work of Parliament. Committees are an extension of the plenary. The last decision lies with the plenary but the Committees are like the kitchen. They cook and prepare the food that will be discussed in the Chamber. That is why based on numerical strength, our Whips...It is unfortunate that Hon. Mbadi is not in the House.

Hon. Speaker, when you become a leader, your utterances change. You are different from when you are an ordinary Member. That is why the late Hon. Nyenze and Hon. Jakoyo Midiwo are respected. They lived and behaved like leaders. A friend of mine and neighbour, Hon. Mbadi, must listen to this. Hon. Junet should also learn because he is the Minority Whip. He should also be part of the process of learning.

House committees are agents. His time will come because he is supposed to defend the membership from the other side. House committees are agents that enable the House to organise its work in such a way as to perform the numerous activities simultaneously and in fulfilment of their mandate. In this regard, therefore, I present a list and urge the House to approve the appointment of these Members to the committees. This is the beginning of the formation of committees in the 12<sup>th</sup> Parliament. I want to tell Members that when a matter becomes very serious, you will only be very busy with one committee. I am sure the Chair of Liaison Committee, Hon. Cheboi, the Deputy Speaker, is here. Liaison Committee brings all chairs together. They are chaired by the Deputy Speaker. We must leave the culture that we saw in the 11<sup>th</sup> Parliament. Members used to walk into a committee, sign the attendance role and then they do not sit. We want Members to sit in the Committee, if it is two or three hours, and they do the oversight and legislation roles.

The other thing which was very shameful in the last Parliament was that when a person from your village is being interrogated by a committee of Parliament, either select or investigative, you bring a crowd to that Committee. A public officer who is serving and is accountable to Parliament regardless of his social status, tribe or region, must face the scrutiny of

the committees of this House. When individuals came to the Committees in the 11<sup>th</sup> Parliament, the relatives or the constituents also came. They are not members of that committee. They brought chaos to committees. When it happened the first time, I thought the problem was with Jubilee, until we saw one public officer from the other side and they came in large numbers. The moment committees elect their chairs and vice chairs, the first thing we do is to train Members. The Departmental Committee on Defence and Foreign Relations oversees National Intelligence Service (NIS), Ministry of Foreign Affairs and International Trade and the needs of the Ministry of Defence. We need to take that Committee through one week grilling and training them on its mandate. They engage the Ministry of Defence, NIS and the Ministry of Foreign Affairs and International Trade. The same applies to the Budget and Appropriations Committee and the Departmental Committee on Finance and National Planning. They must go through training which is done by the National Treasury and the staff of Parliament, so that by the time we start to engage with the Executive, Members should know the boundaries. How far can they go and grill?

Hon. Speaker, I watch the United States of America (USA) Congress. The best place I admire when individuals are being vetted or grilled is the USA Senate. You protect the rights of the person you are grilling. You protect the confidential documents you go through. This time in the 12<sup>th</sup> Parliament, we expect our committees to be emulated by other Parliaments in Africa, so that other Parliaments come and learn how we interrogate. I want to make it very clear. Hon. Mbadi said he would not submit lists of appointments. That is your problem. We have over 17 Members in Jubilee. We have the quorum. We will vet our appointees. So, you can as well go and vet those characters that are in the people's assembly. That is not the business. We will vet the appointees.

The way Hon. Kaluma is holding that Member is not in order.

*(Laughter)*

Hon. Kaluma is a serious guy on some matters. There is a Standing Order on decorum. Let us maintain decorum in the Chamber. I will rise on a point of order this afternoon. There are some women Members of Parliament whose dress code is not in line with this. I will talk to them today but tomorrow we will say it. We do not wear tight trousers. This is a House of respect. Let us protect the decorum of the House. I am sure Members have issues.

Our Whips have worked very hard. We have made sure that every Member gets one departmental committee. If you get two departmental committees, you are lucky. The Members who are in the Departmental Committee on Justice and Legal Affairs are in charge of independent commissions. All independent commissions will expire. The men and women who run commissions including the Director of Public Prosecutions (DPP) and the Chief Justice will be vetted by this House within these five years. So, if you are in the Departmental Committee on Justice and Legal Affairs, very key people will pass through your hands in these five years. The term of the Chief Justice is coming to an end because of his age in 2020. The term of the commissioners of the National Land Commission (NLC) is coming to an end. The Salaries and Remuneration Commission (SRC) commissioners will leave on 18<sup>th</sup> Monday. We will vet the men and women who will be appointed to that SRC like nobody else's business, particularly those who sit in SRC on behalf of the National Assembly and the Senate. We will not play around with those members. If you represent Parliament, you must represent the welfare of Members.

Article 127 of the Constitution says committees must be facilitated. That Article says that the Parliamentary Service Commission is in charge of the welfare of Members. It is a constitutional provision and nobody can deny us. Any way, we shall discuss that matter when we come to the next Motion which is being waited. The Whips have done a good job. We will keep on changing. If there will be areas that they have not done very well, we will bring a more rationalised list when we come back in January. I am sure the Committee on Selection agreed last night that if we feel that there are areas we did not cover well, we will bring back a fresh list in January. We have made a suit. This list is like a suit. You will know where it pinches when you wear it. We want you guys to wear the suit in your respective committees. If there will be a problem, we will dress it.

I move and ask the Minority Whip, Hon. Junet, to second. Congratulations to him. I campaigned for him and lucky enough he succeeded. I really campaigned for him. I had to talk to *Baba* whom I have not talked to for long. Please second.

*(Laughter)*

**Hon. Nuh:** Hon. Speaker, I rise to second the Motion. Committees are very important organs of this Parliament. Most of the works we do in Parliament go through Committees. What happens in committees is more important than what happens on the Floor of the House.

Hon. Speaker, we managed to assign every Member a Committee they had applied for. We tried as much as possible to allocate each Member a Committee they had shown interest in, but the slots were very few. You remember that in the last Parliament we had a committee membership of 29. The numbers have been reduced from 29 to 19. The reduction has affected the membership of committees. If a Member is placed in one departmental committee, he would be very lucky to be placed in another one - It is next to impossible. This is actually the first list. We will rationalize it and make it better. When we come back from recess, we will come up with a better list that takes care of the interests of everyone.

In the last Parliament, the committee membership was 29. Attendance of committee meetings was very poor. Standing Orders say that if a Member misses four consecutive sittings, he or she is supposed to be removed from that committee. I hope this time that will be taken care of. At the time of assigning Members committees, every Member fights to be in a committee he wants, but when sittings begin, raising a quorum of five Members becomes difficult. So, many times committees adjourn because they do not have quorum on a particular day and set another day for a sitting. Sometimes the public officers who have been invited are left unattended. We want Members to take attendance of committee meetings seriously because it is as important as the plenary sitting.

*(Loud consultations)*

**Hon. Speaker:** Order Members, especially Members on my right side. You are consulting in loud tones. I cannot follow what Hon. Junet is saying.

**Hon. Nuh:** When a Member is appointed to a committee, we expect elections to be conducted. The clerks of the committees will issue notices for Members to meet to elect their chairmen or chairladies and vice-chairpersons. Jubilee Party has already appointed the chairpersons and the vice-chairpersons of committees. That is un-procedural. Elections are supposed to be conducted and Members are supposed to be given the chance to vote for the

person they want to be the chairperson. Imposing people as chairpersons and vice-chairpersons is not allowed by the Standing Orders. I am told the Leader of the Majority Party stood in State House and read names of Members who will chair the various committees. He is not an appointing authority. I want to talk for the silent majority of Jubilee Members who are really uncomfortable in the way the appointment of chairpersons to committees has been done.

There is no opposition to Government in this House. We are all Members of Parliament under the leadership of the Speaker. We are the majority....

**Hon. ole Sankok:** On a point of order, Hon. Speaker.

**Hon. Speaker:** There is an intervention. Yes, what is your point of order?

**Hon. ole Sankok:** Hon. Speaker, when I look at the list, I do not see names of chairpersons of any committee. When Hon. Janet, or is it Junet?

*(Laughter)*

Forgive me for that; the two names sound the same. The Member has come up with rumours by telling the House that we already have chairpersons of committees. We do not see names of chairpersons here on the list. Those are just rumours! He is out of order to give us hearsay about State House or wherever. This is a House of rules and orders. He should give us facts not hearsay.

**Hon. Speaker:** You are right. Hon Junet, if you persist in making that allegation, we may call upon you to provide evidence.

*(Applause)*

I can hear some of you shouting some things about television or newspapers. You need to familiarize yourself further with the Standing Orders. Do not shout that here. Hon. Junet is aware. He knows the rules.

**Hon. Nuh:** Hon. Speaker, the Member is new and he has pronounced my name like that of a lady. When one is dressed like a Serjeant-at-Arms, in a green suit, one may be mistaken to be part of them.

*(Laughter)*

**Hon. Speaker:** Order Members! Hon. Junet, you know what we said about the English language. It is only Members who know how your name is pronounced by looking at the spelling. They know it is Junet but, the Member, perhaps from where he comes from that name can only be pronounced as Janet. You are, however, right to correct him. I also want to confirm that I notice that the Member is very elegantly dressed. He is in order.

Proceed, Hon. Junet.

**Hon. Nuh:** Thank you, Hon. Speaker. What I was alluding to is in the public domain and within the corridors of Parliament. Certain people have been anointed as chairmen and chairladies. Both the Minority and Majority sides are supposed to participate in the election of persons to committees.

If you look at developed democracies, they have committees that are chaired by the Minority side, but here we are all subjected to numbers. So long as the Majority side has more numbers than the Minority in any committee, the chairperson must come from the Majority. That



is a very bad doctrine if we are to stay as a single unified Parliament. The division caused by that kind of endorsement stays with us for five years. That is what causes divisions and disagreements. I want Members of Jubilee who are interested to be chairpersons and vice-chairpersons of committees, and have not been anointed by the Leader of the Majority Party to talk to me. I have numbers for them. We shall elect them and give them Members who will vote for them. They should not allow themselves to be subjected to the tyranny of numbers within the Jubilee Party. They must resist the way we have. How can you subject members of your coalition to tyranny of numbers? They must join us now in the resistance and reject the way things are being done.

I thank my colleagues the Whip of the Majority Party and the Leader of the Majority Party for the consultation we had before coming up with a good list of Members to various committees. The Leader of the Majority Party chaired our committee yesterday. Some of the Members are not happy. They feel they have not been appointed to serve in the committees they wanted. However, the Leader of the Majority Party has alluded to the fact that we are going to look at the list and revise it and come up with a better one.

To conclude, we are going to make sure, as Whips, that Members attend committee meetings on time so that service delivery is offered to Kenyans. This is because Sarah Serem has been complaining that we are not working since she does not attend committee meetings. She only sees on television what happens in plenary. I am happy that she is gone. She should go for good and never come back.

Thank you.

**Hon. Speaker:** Hon. Members, it is fair that we allow ourselves to discuss that which we know is relevant to the Motion.

I draw the attention of Members to Standing Order No.179 on conduct of election. It states that the Clerk shall appoint a place, date and time for the first meeting of committee within seven days of its constitution by the House or such further period as the Speaker may approve, and as soon as the majority of the committee Members are present, the Clerk shall by secret ballot conduct the election of the chairperson and vice chairperson of the Committee. Those are the Standing Orders. I am just reminding you this so that we do not engage in unnecessary sideshows.

Let us proceed.

*(Hon. (Ms.) Korir stood at the gangway)*

The Member who was, again, being whisked by Hon. Kaluma, please take a seat. You are very mobile.

*(Laughter)*

From Hon. Kaluma, outside and now this way. Very fast.

*(Question proposed)*

Member for Nambale.

**Hon. Bunyasi:** Thank you, Hon. Speaker. I rise to comment on this Motion. As you said repeatedly, this is where business is done in the House. Judging by my experience from the 11<sup>th</sup>

Parliament, I sometimes wondered whether we, in this Parliament, were not abdicating our role of oversight. It seemed like oversight should be done only by the Minority Party and not the Majority Party.

Parliament has a fundamental role to oversee the Executive. Whether you are in the same party with the Executive or not, there is certain minimum critical evaluation that you need to do. My experience with the vetting in the last Parliament was quite mixed. Sometimes we had such noise that you would think we were in a public rally because people are uncomfortable with critical evaluation of other people they did not agree with. I hope we will avoid that kind of situation this time round. We have rules that govern the conduct of Members during committee sessions.

*(Loud consultations)*

Hon. Speaker, we need your protection. The House is consulting too loudly. We cannot hear each other. We need to enforce strictly the rules of the House, particularly in the committees, so that there can be orderly participation by non-committee members. We have had the occasion...

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, the Leader of the Majority Party and the other active Members, consult in low tones.

**Hon. Bunyasi:** Hon. Speaker, non-members of committees have a right under the Standing Orders to participate. When it was turned into a circus...

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, I now rule and direct that the Speaker is not going to consult with Members. Please, allow me to listen to the contributions of Members. When there is a Member on this side and another one on the other side while Members are contributing, and others moving all over, I cannot follow anything. If you want to consult with the Speaker, please go to the Speaker's Office. Not here now. I am unable to follow what is happening because there is somebody consulting me on one ear and another one on the other ear. How do I follow the proceedings? Desist from consulting me now. If you have issues you want to raise on the Floor, I am available to listen to you. You do not have to come and consult here. Let me follow what Hon. Sakwa Bunyasi is saying.

**Hon. Bunyasi:** Thank you, Hon. Speaker. Now that we can hear each other, I was saying that we have enjoined the responsibility of overseeing the Executive whether or not you are in the Majority Party or the Minority Party. There is a purpose for this process. We get policies and programmes that are in line with the public policy that has been agreed upon and presented to this House. If we begin to say that because we are the majority, we must always support, we lose the essence of oversight. A lot of those incidences happened in the last Parliament.

Whereas any Member of this House can go to any committee and sit, as you might recall, we had some instances that stood out last time, in which that participation turned committee meetings into some kinds of public rallies. It was unfortunate. It happened in ways that touched

both sides of the House last time. That is not excusable. I would hope that we get tighter rules to address such situations.

The quality for committee discussions depends on the intensity with which Members apply themselves during the proceedings of committees. Technical appearances at committees undermine the capacity of committees to produce harmonious reports at the end of the day. We should have a way in which we get certain minimum critical participation in committees that are always involved in sometimes fairly controversial work. It might be the Public Accounts Committee (PAC) or other committees as well. There must be a way in which we can find a mechanism for monitoring participation to be able to enrich the Committees.

As I conclude my comments on this, we are going to go into a lot of vetting. I know vetting is not an interview. I would like to ask the technical side of Parliament – the research side and other supporting departments – that we have them in place. In the research they do, it is extremely important to raise the fact that we are not doing interviews. It is important to understand the opinion of the person you are talking to on the subject you are talking about. That can come from public statements. The research needs to be more nuanced so that in challenging the persons that you are vetting, you want to challenge their beliefs in relative to what they are doing, not their qualifications. That is done by another team. I have found that aspect of support at the committees has been wanting. I hope that in the 12<sup>th</sup> Parliament, we will do a lot better and get much more relevant and focused background checks that will help the committees to focus on those issues.

Thank you.

**Hon. Speaker:** Very well. Member for Endebess. The gracious ladies behind you have greatly removed your attention.

**Hon. (Dr.) Pukose:** Thank you, Hon. Speaker. I stand to support the appointment of Members to the various committees. I know there was a big challenge in terms of Members not getting the committees they wanted. The leadership had to do whatever they had to do. Unfortunately, you will find that majority of us are only in one committee. I know we feel dissatisfied; we feel our aims of wanting to be in various committees were not met. We have agreed that with time we shall have to put our House in order. Let us allow the committees to transact business. That is the ground in which we are able to support.

Hon. Junet raised an issue saying that they needed to give Members to the Committee on Appointments. It is their responsibility to get Members into the Committee on Appointments so that as the President makes the list that will come to this House, that list will be forwarded by you to the relevant Committee to deal with it.

Hon. Speaker, a committee is an important area in which this Parliament transacts business. We are hoping that after adjournment this afternoon; these committees will meet and put their businesses in order so that they start transacting business as soon as possible. There are various areas in our economy which Kenyans expect a lot to be done. We are hoping during this period we will reconcile, and bring our country together. We now know that politics is behind us. We need to ensure that we transact business that will put this country in a better position as a middle-income economy.

When you look at the constitution of the Committees, you will realize that they are all represented by both the Majority and the Minority side. We are hoping once we constitute our Parliamentary Service Commission (PSC) this morning, issues pertaining to Members' welfare will also be looked into seriously.

With those few remarks, I support the Motion.

**Hon. Speaker:** Deputy Whip of the Minority Party.

**Hon. Wakhungu:** Thank you, Hon. Speaker. I rise to support.

*(Loud consultations)*

Hon. Speaker the consultations are too high.

Hon. Speaker, the bulk of the business of this House is done at the committee level. We cannot operate optimally without operationalisation of committees. In the last Parliament we had a big issue with the chairpersons of committees. It is important to note that those who have been proposed to chair committees should know that the success of each committee has a positive correlation with the commitment of the particular chairperson. In the last Parliament, people like Hon. Keynan did very well as chairpersons of committees.

*(Loud consultations)*

**Hon. Speaker:** Order Members! If it becomes impossible for us to proceed with this Motion, then I will be forced to ask the Mover to reply because, surely, if there is no interest, then I should just call upon the mover to reply and you vote on it. Proceed Hon. Wamalwa.

Hon. Members, in as much as these consultations are encouraged, we must agree that they must be in low tones. I can hear the consultations between the Leader of the Majority Party and the Member for Makeni from where I am. That is not consulting in low tones.

**Hon. Wakhungu:** Thank you, Hon. Speaker. Actually, the point I am raising is very important particularly to those Members who are going to chair committees. The success of any committee has a positive correlation with the commitment of the chairperson. I noted that in the last Parliament, Hon. Adan Keynan as a chairman did very well. I also want Hon. Members to note that if a chairperson does not perform well, he can be removed. We need to note that fact. You could be given a responsibility as a chairperson, but most of the time you delegate or you are never there. That committee would be sleeping. I do not want to name the committees that were sleeping in the last Parliament. However, today I am happy to note that the chairperson of the Implementation Committee, as per the rules and the procedures that we changed, is going to come from the Minority side. This is a very important Committee because it is the one responsible for the implementation of the House resolutions. It will be very nice if this committee moved with speed. There are so many resolutions that the House passed in the last Parliament but up to now the Executive has not implemented them. The House Business Committee, under your chairmanship, is a very critical committee because it is responsible for the day-to-day operations of this House. The Standing Orders are very clear that if the committee does not have quorum in the first 30 minutes, it should adjourn. This was poorly implemented in the last Parliament. So, it is important that as Members start engaging in business they should know that time is very critical.

We had so many technical appearances: a Member would appear only to sign and then go away. This should not be encouraged. We tried to compile this list and it was very difficult. Revision has to be done because it is important for you to be in a committee where you have the technical expertise. Unfortunately, because of the limited numbers majority of the Members are not in their desired committees.

The other issue I wanted to speak to is about the four consecutive sittings. This is very key. We should implement it to the letter. It must be enforced so that we can have discipline

when it comes to business of committees. I know we will have another Motion when it comes to the issues of the PSC. We want Members who will take the interest of the welfare of these Members at heart. It is very important. I had wished that somebody like the Member for Kiambu Hon. Wamuchomba to be in the PSC. The very first time she came, she showed that she had the interest of the welfare of the Members at heart. This is a House of debate and we are not just going to accept Members because they have been proposed by somebody. We want people who can take care of the interests of the welfare of this House. That is the most important thing. We must guard that jealously.

Outside there we have a lot of enemies. The moment you are elected to come to this House, the number of your enemies doubles. That is the problem. When it comes to matters of legislation, public scrutiny has to go on in the committees. When it comes to public participation as stipulated in Article 118 of the Constitution, it is done by the committees. We, therefore, must take seriously the work of committees. I looked at the Committee on Appointments and I realized that it is incomplete. It is going to be a problem when it comes to vetting but with further consultations, we should allow this committee to be constituted properly so that the HBC can move on.

In the last Parliament we had a big problem with regard to venues. You go to a venue and find that two committees have been allocated that same venue. Through your chairmanship in the PSC, it is my assumption that we will have enough rooms. The Serjeant-at-Arms, who have been in charge of allocating committees space, will need to exercise due diligence so that we do away with wastage of time. In the last Parliament the Departmental Committee on Environment and Natural Resources, under Hon. Abdalla, did very well. I want the chairperson to emulate that iron lady. She was a good chairlady. She was very effective and efficient. So, in terms of venues, it was a big challenge. I am sure the Serjeant-at-Arms Department is listening from somewhere so that when it comes to allocating venues, then it should be done properly.

Because of the consultations going on; and I know EALA campaigns are ongoing, the Standing Orders will not allow me to call upon the Mover to reply. I think we have said what was to be said, and it is high time we moved on and called upon the Mover to reply.

Thank you, Hon. Speaker, I support.

**Hon. Speaker:** Well spoken, Hon. Wamalwa. Indeed, you have raised very many pertinent issues. We are now discussing the question of composition of committees. Those that may be lucky to chair or deputize, it is fair that we be faithful to the Standing orders. If you invite people to appear before your committee at an appointed time and 30 minutes after the appointed time you have not raised quorum, please, disband. Walk away. The clerks should also walk away. Those are the new instructions I am going to issue. The Standing Orders clearly says 30 minutes maximum if you have not been able to quorate, the clerks will be under instructions to walk away, so there will be nobody. Even if you come later, it will be stories. There will be no report about what has transpired

Again, the chairs and vice-chairs are encouraged to ensure that their members attend. It is for that reason that this effort has been made to make sure that Members are not in too many committees, so that they are able to give their very best input to the committees to which they will be appointed. Indeed, Hon. Wamalwa, it is important that that issue be appreciated by all of us. It is not fair when you invite people to appear before you, the appointed time is 10 a.m., and at 11 a.m. some of you are busy on your phones pretending someone is calling you. We know nobody is calling you. You are just walking out of the committee room. The chair is busy

running around. And in fear of being voted out, they do not even report to the Speaker that their members do not attend meetings.

I want chairs to be people with the capacity to make very hard decisions. You do not have to please everybody. If your members do not come at the time appointed, just adjourn the sitting. It saves you the embarrassment of those whom you invite everyday complaining that these people invite us...of course, I know you like using the terminology 'sermon'. It is very exciting. You say you summon people to appear at 10 a.m., at midday you are still waiting. It does not give those in those committees very good standing in the eyes of those who have obediently attended at your invitations.

Hon. Washiali, you have heard what Hon. Wamalwa has said about this Motion.

**Hon. Washiali:** Thank you, Hon. Speaker. As a member of the Committee on Selection and as one of the leadership of the Majority in the position of whip, I rise to support this Motion as well moved by the Chair of the committee and seconded by my counterpart in the Minority. As members of the committee, I want to admit that we had challenges and it is true that not all Members are happy with the way we have done it. But like the Leader of the Majority Party said while moving this Motion, we will relook at these committees and where there is a genuine problem we shall still come back to you and Members so that, that problem is corrected.

I wanted to inform Members, what the Whip of the Minority Party said notwithstanding, that now that Members know the committees they are going to serve in, I am sure out of this session they will start campaigning to be chair and vice-chair. I just wanted to inform them that we have some committees that one may not qualify to be chair because the Standing Orders dictate on whom to be the chair. In some of the committees, Hon. Speaker, you have been mentioned as the chair, especially the House Business Committee. Members, if you looked at Standing Order 171(1)(a), you will realise that the Speaker is the Chair of HBC, similar to the Procedure and House Rules Committee. The Powers and Privileges Committee is equally chaired by the Speaker. The Committee on Selection is chaired by the Leader of the Majority Party. The Committee on Appointments is equally chaired by the Speaker. So if your name appears in those committees, please do not go out there to campaign to be chair or vice-chair because the Standing Orders will not allow you.

I want to admit that we did a lot of consultations. I want to thank my colleague, the Whip of the Minority Party, who may not be here with us. Luckily the Deputy Whip of the Minority Party is here with us. We did a lot of consultations across parties. Therefore, the list that we are presenting to the House is consultative enough. I want to repeat that in case there is an omission somewhere, especially where Members claim that they are in one committee, we shall need to look around and see those who are in more than two committees so that we can fit them in those committees.

Hon. Speaker, with your permission, there is something I would like to comment on. It took place in this morning session, where one of our colleagues commented on not recognising the current Government. I would just request that our colleagues, especially those in the Minority that we have heard a lot of such comments in and outside the House. I just want to request that if you claim that you do not recognise the President of this Republic, to me it is not news. The President was democratically elected by the majority. I also want to tell you that if your candidate would have passed as the president, I would not have recognised him because I was supporting someone else. I am the Whip of the Majority, which means there are more Members who were elected on this side *vis-à-vis* on that side. Therefore, if the President was elected by these people on the majority side, who are you not to recognise the President if it is true that you

are the ones who advance democratic reforms? Democracy dictates that the majority will have their way and the minority will have their say. This is what we are saying. We want our brothers and sisters in the minority, next time if you did very well you would also become the majority. For now, especially the election of 2017, you are on the minority. You have to accept the fate the way things are. And let us move on as a country.

I would not want to pursue that line because these are our brothers. On the issue of allocating Members to committees we really worked together. It is unfortunate that our colleagues have not given us Members to the Committee on Appointments, but we will expect you to allow them, because the committee is properly constituted and we know the quorum required, to look at the appointments of the Executive so that we can proceed as a House and as a country.

Hon. Speaker, I wish to support.

**Hon. Speaker:** The Member for Ugunja, what is your point of order.

**Hon. Wandayi:** No, I am not on a point of order.

**Hon. Speaker:** Who is on a point of order? Hon. Ichung'wah.

**Hon. Ichung'wah:** On a point of order, Hon. Speaker. I rise on Standing Order No. 97 on limitation of debates. Considering that this matter of committees has been dragging for some time, I urge the House that we limit the debate for this Bill and ask the Mover to reply and kindly put the Question to allow us to move to the next Order in the interest of time.

Thank you.

**Hon. Speaker:** Point noted. I had already recognized the Member for Ugunja Constituency.

**Hon. Wandayi:** Hon. Speaker, I will take a very short time in view of the mood of the House. I just want to appreciate what has happened in this 12<sup>th</sup> Parliament. The mere fact that membership to committees has been rationalized is a step forward.

Hon. Speaker, in the last Parliament we had a very strange phenomenon in this House where you would find a Member sitting in as many as five committees. With the little experience I have from the last Parliament, it is not possible for a Member to be effective in more than two committees. In fact, I propose going forward that perhaps we limit membership to one committee per Member in future. This is because these committees as has been rightly put, are key organs and platforms for doing business of this House. The more efficient they are, the better for everybody really.

Hon. Speaker, I want to comment on the quality of the leadership of committees. I agree with the Majority Leader when he suggested that Members of certain key committees like the Departmental Committee on Defence and Foreign Relations and so forth should be taken through some form of induction before they begin their work. I would even further suggest that we take seriously the matter of inducting the leadership of these committees because it is assumed--- It is because the leadership of a committee is expected to command certain leadership skills and managerial capabilities. It is assumed that once you are a chairman of a committee, you possess those capabilities. That is not the case because this House has got a diversity of presentation across the country and backgrounds and, therefore, it is critical that leadership that will be elected is taken through some form of orientation so that they are alive to the fact that they have an onerous responsibility in their hands.

Hon. Speaker, I say this because in the last Parliament, I belonged to two committees and you could see the difference that came about as a result of lack of capabilities in the leadership of a certain committee *vis-à-vis* the other. Therefore, I recommend that in future, we take this into

consideration. Otherwise, as things stand, I support the Motion given the circumstances. This is the best that could have happened and I wish everybody the best in their committees.

Thank you.

**Hon. Speaker:** Very well. Hon. Members, you heard the point of order raised by the Hon. Member for Kikuyu.

**Hon. (Dr.) Nyikal:** On a point of order.

**Hon. Speaker:** Hon. Nyikal, sorry, it is not possible. Member for Seme, who is out of order? It must be you. If you want to raise an issue, you must allow the Chair to complete what it is that he is communicating first. The Member for Kikuyu rose in his place and claimed that in view of business that you have to transact, and that Members are generally in support... Hon. Nyikal, sorry it is not possible.

Hon. Members, he may have misapplied Standing Order No. 96 to No.97. That I obviously noticed. He was referring to limitation of debate. The two of them do not apply interchangeably. It should have been on Standing Order No.95.

Hon. Members, given there is general concurrence; I call upon the Mover to reply.

*(Question, that the Mover be now called upon to reply, put and agreed to)*

Mover! Hon. Mbarire, on behalf of the Leader of the Majority Party, please, proceed.

**Hon. (Ms.) Mbarire:** Hon. Speaker, I will proceed to reply. I want to thank all the Members who have contributed to this Motion and especially those who have supported the need for us to form these committees so that we can begin the work of Parliament immediately, and so that even as we go on recess, these committees can begin their work over the recess period because there is a lot of pending work.

With those few remarks, I beg to reply.

**Hon. Speaker:** Hon. Members, the Mover having replied, the next thing is for the Chair to put the Question.

*(Question put and agreed to)*

Hon. Members, before we go to the next Order, as you may have noticed in the Standing Orders, the Clerk is required to appoint a date and place within seven days for the first meetings of those committees except, of course, for House Business Committee (HBC), Committee on Selection, Committee on Appointments and, indeed, even those Members who serve in the House Rules and Procedure as well as the Pensions Committee.

Therefore, the Clerk is seized of this resolution which proposes that he will be issuing instructions to the Director of Committees, for the convenience of the House and those committees, and since we know that the House is obviously proceeding on recess tonight, that those committees will have to do their meetings because the rules are within seven days. They have to have their meetings between Tuesday next week, 19<sup>th</sup> Wednesday and Thursday to transact the business specified in the Standing Order regarding election of the chairpersons and vice-chairpersons. It is important and necessary because later in the day, we will be giving directions as to when the committees, after those elections, meet because we normally also allow our staff to take Christmas holidays. So, it is important that that aspect of the formation of committees is completed latest Thursday next week.



Next Order!

**Hon. Maanzo:** On a point of intervention.

**Hon. Speaker:** What is your intervention? There is an intervention by the Member for Makueni.

**Hon. Maanzo:** Thank you, Hon. Speaker for giving me an opportunity to intervene. I am moving my intervention under Standing Order 147, which provides for the inadmissibility of any Motion on the basis that it is contrary to the Constitution.

Hon. Speaker, I am seeking two clarifications from the Hon. Chairman for the direction of the House under Articles 127 and 250 of the Constitution, in relation to the appointment of the Parliamentary Service Commission (PSC). Under Article 127, last term we performed this function by approval by the two Houses of the Parliament; The Senate and the National Assembly. Article 250(2) (b) requires approval by the National Assembly.

Therefore, this Commission should be approved by the National Assembly, although it includes Members of the Senate. We should not do what we did last time or what may be envisaged in Article 127 – that it is by Parliament. I will be seeking your direction on that one.

Secondly, I am seeking your direction as to whether, under these two Articles and under this Commission, after serving one term, as it happens with the other commissions generally, a Member is eligible to be appointed for a second term.

The reason is that in all other commissions, a member is appointed once and is not eligible for another appointment. Although a term of Parliament is five years, does it mean that once you are through with the five years of Parliament – the PSC Act talks of six years – you can complete six years if you are appointed and then you are dropped or do we stick with what happens at the Judicial Service Commission (JSC), where a judge serves for only one term? Commissioners at the Independent Electoral and Boundaries Commission (IEBC) serve for one term, and not two terms. What could be the distinction Hon. Speaker, in the circumstances? I would really appreciate if this direction is given by the reading of Article 250 as a whole and Article 227 that talks about the PSC, to which you are the Chair, before we proceed with this Motion so that we can get the direction. This will enable Parliament to act within the law, so that we lead the country by example so that a Member serves once. I seek your indulgence Hon. Speaker, so that we get direction on those matters.

**Hon. Speaker:** Very well, Hon. Maanzo. You have raised some pertinent issues. Of course, as per Chapter 15 of the Constitution, all Commissions are governed by the provisions of Article 250 on composition, appointment and terms of service. You have rightly pointed out that under this Article, Members serving in the constitutional commissions and independent offices serve for fixed terms, which are non-renewable. However, Hon. Maanzo, again the Constitution provides that the term of a Commission, in Article 127, comes to an end when the term of Parliament ends.

The term of Parliament is fixed to five years. In these other commissions, Commissioners are appointed to serve for six years non-renewable. This applies to bodies as the Controller of Budget, the Auditor-General and the independent commissions.

Therefore, in this same Constitution, there is a very clear distinction between the various Chapter 15 commissions, most of which are the same with two exceptions. In Article 248, you will find that all commissions are supposed to have membership of between three and nine. There are only two exceptions as far as the membership is concerned; the PSC, which has a membership of 10, and the Judicial Service Commission, which has a membership of 11. It therefore means that these two commissions, to a very large extent, when it comes to the

mandate, particularly with regard to terms, do not operate in the same way as the rest of the Chapter 15 commissions, except the non-Member of Parliament, Commissioners of the PSC and the non-lawyer Commissioners in the JSC, who are appointed for six years non-renewable.

On the point you have raised about approval of commissioners of the independent commissions by the National Assembly there is a specific requirement but if you read Article 127 of the Constitution, it talks about appointment by Parliament. According to Article 94, Parliament includes the duality of the National Assembly and the Senate. So, we are within the Constitution to have the approval of the nominees by both Houses. In any event, the Commissioners approved by both Houses or even by this House will serve Members of both Houses. It is only fair in keeping with the need for committee between the two Houses to have the nominees approved by both Houses. Therefore, I see no contradiction in the method of approval.

Hon. Maanzo, you were in the 11<sup>th</sup> Parliament and you served the people of Makueni very well. They decided to renew your mandate. It is they who are the voters. Similarly, in this process, the membership here and in the Senate is the voters who do the approvals. So, it is not inconsistent with the Constitution for a Member of either House going through the process of their parties – which is the other issue which you wanted to raise – to be nominated but ultimately it is the two Houses that will decide who becomes the Commissioner.

It is not fair for me to, at this point, make a ruling as to the eligibility or ineligibility of a Member merely because they may have served in the previous Commission. Indeed, it has also not been our practice. During the 10<sup>th</sup> Parliament, Hon. Keynan was a Commissioner. When it came to the 11<sup>th</sup> Parliament, the two Houses appointed and approved him to continue to serve as a Commissioner. However, in both occasions, he took a fresh oath just like you did as MPs when you were re-elected. It would be unfair and unnecessary for me to make a determination as to the eligibility or ineligibility of a Member who has served as Commissioner during the 11<sup>th</sup> Parliament, if the Member is nominated to serve as Commissioner during the 12<sup>th</sup> Parliament. We will proceed. That matter will rest at that point.

In the event somebody feels that that determination is not proper, they have the recourse of going to the High Court. As of now, it is over.

Let us proceed.

**Hon. A.B. Duale:** Thank you, Hon. Speaker, for that guidance.

I beg to move the following Motion:

THAT, pursuant to the provisions of Article 127(2) of the Constitution, the National Assembly approves the appointment of the following Members of the National Assembly and Senators to the Parliamentary Service Commission-

(a) under sub-section (c)(i)-

- (i) The Hon. Naomi Shabaan, EGH, MP.
- (ii) The Hon. Aden Keynan, CBS, MP.
- (iii) The Hon. Senator Beth Mugo, EGH, MP.
- (iv) The Hon. Senator Aaron Cheruiyot, MP.

(b) under section (c)(ii)-

- (i) The Hon. Gladys Wanga, MP.
- (ii) The Hon. Aisha Jumwa, MP.
- (iii) The Hon. Senator George Khaniri, MP.

Hon. Speaker, I am sure the Leader of the Minority Party should be preparing himself to defend his side of the list.

**Hon. Kigano:** On a point of order, Hon. Speaker.

**Hon. Speaker:** What is the point of order, Hon. Muturi Kigano.

**Hon. Kigano:** Thank you, Hon. Speaker. The Motion smacks of unconstitutionality in the category laid down under Article 127(c)(ii). The second category of nominees appears to contravene the provisions of Article 27(c) (ii). Sub-article (ii) is in plural and it says “parties.” So, it is not one party or two parties, but all parties. My understanding from yesterday’s contribution is that the Wiper Democratic Movement (WDM), which is a parliamentary party, did not contribute to that communication and has not nominated. If it is a parliamentary party and it is not part of that nomination, the whole of that nomination stands vitiated. In other words, the whole communication to you must be endorsed jointly by all the political parties on the other side or singularly by each of those parties, especially those parties that are parliamentary. So, those three names, therefore, cannot stand and the whole exercise will be unconstitutional if we are to proceed.

**Hon. Speaker:** Member for Borabu, I see you want to say something.

**Hon. Momanyi:** Thank you, Hon. Speaker. As the Leader of the Majority Party has clearly put it, I want to speak as a Member of WDM. I want to associate myself with the submissions of my colleague who has just spoken. As I indicated yesterday, WDM is a recognised party in this House. If you look at the names which have been forwarded to you, we have no Member either from the Senate or the National Assembly that belongs to WDM. When we claim to be championing democracy, it must be both ways. Yesterday, the Leader of the Minority Party in this House stood here misleading the House that the NASA leadership sat somewhere in a summit and agreed on the names.

He also mentioned that he received communication from WDM concerning the list that they had presented to this House. I did not have the communication yesterday, but I have the communication to the Leader of the Minority Party where the WDM disassociated itself from the list that has been tabled in this House. The communication to the Leader of the Minority Party dated 6<sup>th</sup> December 2017 completely disassociates WDM from the list of nominees that was presented to this House. I wish to table this communication to the Leader of the Minority Party disassociating our party from the list here in. I table the communication from WDM to the Leader of the Minority Party.

*(Hon. Momanyi laid the document on the Table)*

**Hon. Speaker:** While tabling that communication to the Leader of the Minority Party, in terms of our Standing Orders, since WDM commands more than 5 per cent of the membership of the National Assembly and, therefore, in your argument, is entitled to make a nomination, why is it that WDM has not communicated to either the Speaker or the Clerk of the National Assembly forwarding the name of its nominee?

**Hon. Momanyi:** Hon. Speaker, I could respond to that. A copy of this document that I have tabled has been given to the Speaker of the National Assembly. As I indicated, WDM is a recognised parliamentary party in this House. We demand for the slot as a matter of right. We have a candidate for EALA as a party and it is not related to any political party in this House, which clearly shows that we also have a right to have a slot in the PSC. I, therefore, invite you to make a ruling whether WDM has a slot in the PSC. I thank you.

**Hon. Speaker:** Order! Maybe, Hon. Members, it is good to hear from the Whip of the Minority Party.

**Hon. Nuh:** Hon. Speaker, I wish to speak as a Member of the NASA Coalition and the Minority Whip. I do not want to speak as a Member of the Orange Democratic Movement (ODM). I belong to ODM as a party, but to NASA as a coalition. The last time I checked, the coalition agreement is still in force and deposited at the Office of the Registrar of Political Parties. I take cognisance of the fact that our brothers in WDM have complaints about the names that have been presented in the House. The best way to address that matter is to go back to our coalition organs and not on the Floor of the House. We have our own mechanism of addressing disputes. We even had mechanisms of producing a presidential candidate in 2017, through the organs and the systems of the NASA Coalition. If you allow the Speaker to decide who takes which position in this House, then we will have a situation where every Member will appoint himself to certain commissions and positions.

I have made a lot of arguments that I wanted you to listen to. If we engage the Speaker to micromanage how coalitions are managed, then we will lose the meaning of having political party tribunals and mechanisms within coalitions and parties that handle disputes. This is a dispute within a coalition. It is not an affair of Parliament. It is a dispute between WDM, ODM, Forum for Reforms and Democracy - Kenya (FORD-K) and the Amani National Congress (ANC). If we produced a presidential candidate in 2017, this is a small matter. I request that you leave this matter to the leadership of NASA within and outside Parliament to sit down with its Members. If you allow everybody to appoint himself to a position, tomorrow, people will stand up and tell you that they are the Leader of the Minority Party.

The last speaker who is from WDM did not even tell the House what criteria or methodology he used to come up with the sharing of positions. He is just saying that the WDM has one position and ODM has this number of positions. Just now, barely 10 minutes ago, we passed names of Committee Members approved by this House, who have been placed in Committees by the leadership of this House. Members of WDM, ANC, FORD-K and ODM did not dispute it. It is very absurd and ironical for Hon. Muturi Kigano to speak on behalf of the NASA Coalition when he knows that he cannot win a seat as a Member of the County Assembly (MCA) even in Murang'a with a NASA Coalition ticket. He should stick to his Jubilee lane. He is here courtesy of Jubilee. This is not a court of law. This is Parliament. It has its own rules, procedures and traditions that we follow in the Standing Orders.

Lastly, without belabouring the matter, you made a ruling when the issue of leadership of the House was raised by Hon. Ayub Savula. You referred us back to our coalition and the Political Parties Dispute Tribunal. Somebody can even go to the High Court. If you are aggrieved, there are other avenues that can address your grievances and not necessarily on the Floor of the House. This matter is engineered by none other than the Leader of the Majority Party. He has a hand in this. I know it.

*(Loud consultations)*

The Leader of the Majority Party should stop interfering with the work of the NASA Coalition. He is the Leader of the Majority Party of the Jubilee Coalition.

**Hon. Speaker:** Order! Hon. Junet, just a while ago, I advised many of you to go through Standing Order Nos. 107 to 112. Please, it is unfair to level accusations against any other Member unless you are prepared to table evidence. I take it that you have evidence to show that the Leader of the Majority Party has engineered this. Can you table the evidence? Is it documentary or stories in the wind?

**Hon. Nuh:** Hon. Speaker, the Leader of the Majority Party has just been canvassing here in front of our eyes for the last two hours telling the Members of WDM that they must rebel and resist. Cameras can show that.

*(Loud consultations)*

**Hon. Speaker:** Hon. Junet, to say that he has been canvassing is not tabling evidence. I have been seeing you canvassing with so many Members. I do not know what it is you people are canvassing. Surely, you are now taking the House for a ride. It is not fair. You may have suspected it, but you do not have the evidence. You just saw him talk to some WDM Members. I have also seen you talking to several Members from the other side. Were you canvassing for something?

So that we do not waste time on this, once a Motion is before the House, any Member from either side is at liberty to comment on it. You are not limited to the party that sponsored you to the House. You can comment on anything as long as it is brought before the House. Once it has been brought before the House, it is the property of the House. You cannot gag any Member. Hon. Junet, you should withdraw your statement that the Leader of the Majority Party has engineered some coup.

**Hon. Nuh:** Hon. Speaker, I suspected him. I withdraw, but I suspected him.

*(Laughter)*

He has been canvassing and creating anarchy within our side of the coalition for the last three days. We have been having sleepless nights because of the Leader of the Majority Party. He has been giving us problems on our side.

I submit that this matter should be referred back to the coalition. Not the names, but the complaints. The names stand because they are before the House. They are already in a Motion of the House. You can only withdraw or amend the Motion. We cannot withdraw names here. I am talking about the complaints that have been raised to the Speaker and not to the Leader of the Majority Party. Refer them back. Hon. Speaker, you are a man of rules and constitutionalism. Refer them back to the highest organ of the coalition called the summit so that they can address it then we can see what we can give Hon. Momanyi. He is a good man. He will get something.

**Hon. Speaker:** Let us have Hon. Kanchori.

**Hon. Memusi:** Thank you, Hon. Speaker. It is clearly evident that the appointment of Members to the Parliamentary Service Commission (PSC) is raising issues. I want to differ slightly with the Minority Whip. I would like to request you to withdraw the list from the NASA side because it does not conform to the Constitution.

*(Loud consultations)*

I cannot speak about the whole list. I refer you to Article 10 of the Constitution, particularly on the rights of the marginalised. I must declare that I am speaking as an interested party in this matter. As the House might be aware, my name was first on the list only to be removed hours later. I request that you, together with this House, as provided by the Constitution, protects the rights of the marginalised. The appointment of Members to the PSC from our coalition has not taken into consideration the marginalised.

Hon. Speaker, there is a lot that has to be changed. I would like to say that those Members who served in the last PSC left Members vulnerable and as beggars. There is no particular reason why a Member should be taken back if he or she served in the last Commission. I request you to allow us to withdraw this list, go back, consult and bring a list that reflects the face of this country.

I thank you, Hon. Speaker.

**Hon. Speaker:** Member for Ruaraka

**Hon. Kajwang':** Hon. Speaker, every time I rise to make a debate in this House, I try as much as possible...

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, why are those ones struggling there? This is not a wrestling arena. What is it, the Member who is standing? You do not do that way. That is how they think they can come here to wrestle.

Proceed Hon. Kajwang'.

**Hon. Kajwang':** Thank you, Hon. Speaker. I want us to talk to each other. It is amazing how everyone in this House may be talking about the same thing, but we are Members of the National Assembly which is governed by rules. It is not possible that we can argue and debate without the benefit of rules and laws. If we lose that, then we become a *baraza*, but not the National Assembly anymore. The little I remember about the Standing Orders and any decent conversation is that there must be a Motion before the Floor of the House by which Members are able to debate or even make points of order to.

In the Standing Orders, a Motion is moved when the person who has expressed himself as the Mover of that Motion rises to complete his address and then there is a person who claims to second that Motion. That Motion becomes the property of the House. The Members debate merits and demerits. Members raise points of order as many as they want and then the Speaker ceases a Motion before the House. The Speaker is entitled to make a decision on law and procedure.

I walked in when the Leader of the Majority Party was on his feet. He was trying the best he could to plough through the moving of this Motion. Points of order flow in. There is a Motion which is seconded and the Speaker does not know how then his direction is sought to make a decision one way or the other on a Motion. I do not want to get into the discussion on the merits and demerits. I have my opinions and when my time will come, I will rise to say them without fear or favour. I will say everything, but until I have a Motion before the House, there is very little I can do. Would you direct that the Leader of the Majority Party be allowed to finish moving the Motion, then it is seconded and it becomes our property which we can deal with in this House in the way that we require it to be dealt with?

Thank you, Hon. Speaker.

**Hon. Speaker:** What do you want to say, Leader of the Majority Party?

**Hon. A.B. Duale:** Hon. Speaker, I totally disagree with my good friend, Hon. T. J. Kajwang'. I have lived here for long. Any time an agenda is brought to this House, be it a Bill or Motion, any Member of this House, to my recollection, can stand up and raise the constitutionality of that item. It is not whether the Mover has moved and seconded. These are the traditions that I have seen. I have seen the 10<sup>th</sup> Parliament and 11<sup>th</sup> Parliament where even the Speaker suspended debate of a Bill for Second Reading to give a Communication later. Let us

not gag Members. What Hon. Muturi Kigano, a Member of the Jubilee Party, raised and was seconded by Hon. Momanyi and Hon. Memusi is not about whether I have infiltrated the Opposition side. This is a House of politics and in politics we do all that political craftsmanship calls for. Hon. Junet has the right to do his political craftsmanship in Jubilee Party. I can also engage the WDM. I might be in their party in 2022. Members can rise at any given time before a Motion is moved, if there is an issue of constitutionality, then the Speaker must give direction. The same thing happened yesterday.

Article 127 (c)(i) is very clear. It is cast in stone. It talks about parties. On the side of NASA, the only two parliamentary parties that have more than 5 per cent of the number of Members in this House are the Wiper Democratic Movement and the Orange Democratic Movement. Hon. Memusi raised the issue of Article 10 of the Constitution which is on national values and principles of governance like equity and social justice. Article 10 of the Constitution is bigger than Article 127 of the Constitution. We must do justice to Members and political parties, even if their party leader is out of the country. We must represent him here. We must defend his party. We will defend the WDM because its leader is away. We will vote for his son this afternoon. Let me go on record.

*(Laughter)*

We will vote for the son of Hon. Kalonzo Musyoka as Jubilee. I have that instruction. Apart from fighting for them this morning, this afternoon, we will vote for his son. The WDM should sit comfortably because they have votes this afternoon. They should not allow the likes of Hon. Junet and Hon. Mbadi who want to transport and export party dictatorship to this Floor. You cannot bring dictatorship here. The culture of party dictatorship and arrogance must end when we enter the Chamber. Hon. Junet must listen to everybody.

Thank you, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Hon. Members, I wish the ones who are raising these issues did not tussle here because I will not be addressing them. They are Hon. T.J. Kajwang', Hon. Peter Kaluma, Hon. Gladys Wanga, Hon. Muturi Kigano and this other one who is squatting. Order Members. I understand why there have been such consultations. Hon. Members, the issue raised by Hon. T.J. Kajwang' is an important one, but I wish to give this direction or guidance. At any point, a Member can rise in his place and raise a matter touching the Constitution. When it touches the Constitution, it is immaterial that the Motion has not been moved or it has been moved, seconded or otherwise.

As we all know, if it touches on the Constitution, that is the supreme law of the land, but that notwithstanding, I will direct that the Leader of the Majority Party moves the Motion, then it is seconded. Do not get excited about the Motion. Remember you are at liberty to propose amendments to the Motion. In the meantime, until after the Motion has been moved and seconded, I am not going to give direction on the constitutionality or otherwise. Let us allow the Motion to be moved and seconded then I will give direction on its constitutionality.

APPOINTMENT OF MEMBERS TO THE  
PARLIAMENTARY SERVICE COMMISSION

**Hon. A.B. Duale:** Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to Article 127(2) of the Constitution, the National Assembly approves the appointment of the following Members of the National Assembly and Senators to the Parliamentary Service Commission-

(a) under sub-section (c)(i)-

- (i) The Hon. Naomi Shabaan, EGH, MP.
- (ii) The Hon. Aden Keynan, CBS, MP.
- (iii) The Hon. Senator Beth Mugo, EGH, MP.
- (iv) The Hon. Senator Aaron Cheruiyot, MP.

(b) under section (c)(ii)-

- (i) The Hon. Gladys Wanga, MP.
- (ii) The Hon. Aisha Jumwa, MP.
- (iii) The Hon. Senator George Khaniri.

As I was saying before I was interrupted, I will speak for the side of my coalition and ask, in the absence of the Leader of the Minority Party, the Whip of the Minority Party, to argue his case for the names from their coalition because I was not part and parcel of those who appointed Members under section (c)(ii).

Article 127 of the Constitution talks about the Parliamentary Service Commission. It says that four shall be nominated equally from both Houses by party or coalitions of parties forming the national Government of whom at least two shall be women. Part (ii) is for the other coalition. Article 127 of the Constitution is very important. I want the Members that we shall appoint to this Commission to hear me very clear and loud. The Members and the Commission are responsible among others for providing services and facilities to ensure the efficient and effective functioning of Parliament. They must prepare the annual estimates of expenditure of the Parliamentary Service Commission and submit them to this House. This Parliament, I remember in the Budget of 2016/2017, allocated over Kshs25 billion to the Commission. We want to know where that money goes apart from salaries. It is a huge budget.

One of the cardinal functions of the Commission is to take care of the welfare of Members. What is welfare? The car we drive is welfare. I remember the other day somebody said, and I agree with him, that even chiefs and sub-chiefs in our locations have motorbikes and airtime. County commissioners have vehicles. Principal Secretaries and Cabinet Secretaries whom we vet have vehicles. I want Members to listen. This is a serious debate. Let us listen to each other and contribute. So, if the people we vet as a Principal Secretaries, CSs or holders of independent offices and ambassadors have more than three vehicles, where is the justification that a Member of Parliament cannot be given a car to enable him go to his constituency?

*(Applause)*

During the 11<sup>th</sup> Parliament, some civil society groups brought pigs outside Parliament and the biggest pig had my name and another one had Jakoyo's name and many others.

*(Loud consultations)*

**Hon. Speaker:** Order Members. The consultations are once again too loud.



**Hon. A.B. Duale:** So, the welfare of Members is documented in Article 127 of the Constitution and is a function of the PSC. This time round, the men and women we are going to choose to sit in the PSC under the leadership of the Speaker must deliver on their mandate. We are ready to tell the President to form a tribunal for their removal if they do not deliver on their mandate.

Dear colleagues listen to me. This Commission is like any other. Read Articles 250 and Article 251 of the Constitution on removal of a commissioner. It is not very easy to remove a commissioner from office. If you put somebody in the Commission, you cannot remove them until you form a tribunal. That is what I am saying and that is the law.

I want to speak for the Jubilee Party. We had a meeting that was properly constituted and chaired by our party leader and we said...

*(Loud consultations)*

**Hon. Speaker:** Order, Members.

**Hon. A.B. Duale:** You can make noise, but when we go to vote, you will vote and we will see who will go against the party line.

**Hon. Speaker:** Order, Members.

**Hon. A.B. Duale:** If you look at Article 127 of the Constitution... Hon. Speaker, I must be heard in silence.

*(Hon. (Ms.) Gitau stood up on the gangway)*

**Hon. Speaker:** Order Members. Member for Nyandarua!

Leader of the Majority Party, why do you not move the Motion? Those Members saying that I put the Question, you must have been outside the Chamber. I have given an undertaking that I will give direction on the issue raised on constitutionalism. So, do not be excited about putting of the Question. Unfortunately, I am incapable of that kind of direction.

Leader of the Majority Party, conclude moving the Motion.

**Hon. A.B. Duale:** Thank you, Hon. Speaker. These are colleagues. The seven Members ultimately will come from this House. We shall vote. Hold your horses. We must have seven people and four of them must come from this House. Three will come from the Senate. Everybody should campaign to be one of them. From where I sit, I have one vote, but I speak for a coalition.

If you read Article 250, the people we shall appoint here must be people of integrity and non-partisan. If you have a toxic language, we must discuss you here. If you poured water on the former Deputy Speaker, Joyce Laboso, the Governor of Bomet, we must discuss you. We must discuss the issue of our friends, the Wiper Party, and Memusi. So that at the end of the day, as we go home, we have a very good House where each and everybody's interest is taken care of. As you are aware, you will put the Question one after the other. There will be no chorus. Each commissioner will have his chance to get his or her votes. We will know who got the votes and who did not.

With those many remarks, I can stand for the list from Jubilee. I am the Leader of the Majority Party. Jubilee is comfortable with its four nominees.

**Hon. Members:** No! No!

**Hon. A.B. Duale:** Hon. Speaker, in Jubilee, we have democracy. That is why you hear the voices. We have democracy. Our Members are democratic. They will elect either way. We believe in whatever we decide, but ultimately, we are a democratic coalition. We will vote with our conscience, but the position of our party is that these are our four names. We have party discipline.

**Hon. Members:** No!

**Hon. Speaker:** Leader of the Majority Party, move the Motion.

**Hon. A.B. Duale:** Unlike Hon. Mbadi, I can defend my list. We are happy and we will vote. Allow Hon. Junet to defend his side of the list. Hon. Junet, you have the Floor.

*(Loud consultations)*

**Hon. Speaker:** Order, Hon. Members! Hon. Junet.

**Hon. Nuh:** Hon. Speaker, I stand to second the Motion. The PSC is basically the Commission that has employed us in this House. We are employees of the PSC. It is a very important organ that we must make sure we put men and women who are going to work for this Parliament and make sure that the welfare of the Members is taken care of.

Hon. Speaker, please, protect me from the Members.

**Hon. Speaker:** Order, Hon. Members! Remember you have a right to express yourself, but please, allow Hon. Junet to say what he has to say. I want to remind my good friend, the Member for Nandi Hills, that a Question is never put before it is proposed. Just relax. I can see you want to get to the very end. Just relax. Let us allow Hon. Junet to finish. Hon. Members, just a minute. We do not have the luxury of so much time. This place has to be configured for voting in the afternoon at 2.30 p.m. Hon. Junet, bear that in mind.

**Hon. Nuh:** Hon. Speaker, I have two minutes to contribute. What I have come to discover is that I thought it is our side which had problems.

**Hon. Speaker:** Second the Motion, these are side shows.

**Hon. Nuh:** I have seconded. I want to say that we must come together as a Parliament to approve this list. I do not see why we should argue on this matter. I propose that we withdraw, discuss and come back, Hon. Speaker.

**Hon. Speaker:** Did you second?

**Hon. Nuh:** Yes, I did.

**Hon. Speaker:** Hon. Members, let us take the matter seriously. The Motion has been moved and seconded. I will propose the Question.

*(Loud consultations)*

Hon. Members, you are unlikely to influence what I am going to say because it is not whimsical. After I propose the Question, I will give direction on the issue of constitutionality that has been raised and thereafter, give further directions. Hon. Members, I told you, you are unlikely to influence what I am going to say.

*(Question proposed)*

I will allow the Members who are standing to take their seats. Hon. Members, you cannot sit, what is wrong with you? You have problems sitting? Hon. Wang'a, you are moving too

much, take your seat. Member for Mvita, you have become so transitory. The Member for Kangema, Hon. Muturi Kigano, rose in his place raising the issue of the constitutionality of the Motion before us. He specifically made references to Article 127(2)(c) (ii).

But the issue raised by Hon. Muturi Kigano and supported by Hon. Ben Momanyi, had been raised yesterday when the Notice of this Motion was given. So, the issues are similar. It is a matter of significance in that Article 127(2)(c) makes the following provision:

“Seven members appointed by Parliament from among its members of whom—

- (i) four shall be nominated equally from both Houses by the party or coalition of parties forming the national government, of whom at least two shall be women; and
- (ii) three shall be nominated by the parties not forming the national government, at least one of whom shall be nominated from each House and at least one of whom shall be a woman”.

So, the membership contemplated in paragraph (ii) is of the parties not forming the national Government and that membership must reflect both Houses. It is, therefore, not true to say that you would calculate that membership only using the numbers in the National Assembly, because there must be a Member from the Senate.

Quite distinct from paragraph (i) which makes reference to the party or coalition of parties, paragraph (ii) only makes reference to political parties. It is true that in the recent past, I have received communication from the Registrar of Political Parties indicating that there is a coalition known as NASA, comprising of various parties, notably ODM, Wiper, ANC, FORD-Kenya, CCM, and...

**Hon. A.B. Duale:** *(Off-record)*

**Hon. Speaker:** The Leader of the Majority Party, you are not communicating. It is I who is communicating. There is reference, although another communication has come to my office by a party known as Muungano disowning it is a member of NASA and claiming that it only had a coalition agreement with Wiper. So, there is greater problem on this side.

*(Laughter)*

When an issue such as the present one is raised on the Floor of the House by a political party, for instance, the letter that has been tabled by Hon. Ben Momanyi, written to the Leader of the Majority Party and copied to the Clerk and to me, that party is raising a concern that it has not been given the opportunity to nominate a candidate in terms of paragraph (ii) of Article 127(2)(c). Therefore, it is not a matter that can be wished away.

In the circumstances and in fairness, I will suspend debate on this Motion and allow the coalition known as NASA...

*(Loud consultations)*

Hon. Members, it is important that Hon. Junet listens to this. It is important that you sit as a coalition and give me the names of your nominees to the PSC.

As to the Wiper Party, which is recognised in our Standing Orders as a parliamentary party, to indicate through its top leadership and not executive officers and Secretary-General to the House, and raise the issue of your entitlement as a party under (ii), are you not a member of that coalition? It is not tenable because you cling to the position that you are a member of a coalition

then you come and raise on the Floor of the House an issue as a party. You cannot eat your cake and have it. You are either in the coalition or out of it. It is best when you move in harmony.

Hon. Members, the nominees, just like we have done with other constitutional commissions, will be voted in one at a time.

*(Applause)*

Hon. Members, I am not saying they must be these ones. If the coalitions decide to change, they are at liberty to. The Motion is still active. You can make whatever decision you want to make. However, for the time being, because this issue has been raised, it is fair we get a proper communication from the NASA Coalition and also one from the Wiper Democratic Party (WDP). Yes, you raised a pertinent issue that as a party, you are a parliamentary party and you are, therefore, entitled to a slot. However, you are also a member of the NASA Coalition. Do you want to have your cake on this side and still eat it? You are either in the coalition or not. If you want to be recognised as a political party in terms of the Standing Orders, then you cannot be yet you are actually a coalition. So, you must go and discuss that matter and write to the House and let the House debate the matter in full knowledge of our understanding. Hon. Junet said the coalition is capable of resolution and I think it is. You should be able to sit and agree.

We do not want to have communication from one executive officer. You are the leaders of these parties. Let them jointly communicate that way. When the leadership of your coalition partners jointly write that letter, of course, none of you would be at liberty now to start claiming something under the carpet. Your fate would have been sealed. Therefore, for the convenience of the House and because this Chamber has to be configured to permit for the voting for our representatives to EALA, who are due to be sworn in on Monday, 18<sup>th</sup>, it means that that business must be concluded today and we move forward.

I suspect Hon. Soipan will be accompanying them to Arusha to witness their swearing in if she is available. I hope she is here.

Hon. Members, I adjourn debate on this Motion and the House.

*(Debate adjourned)*

## ADJOURNMENT

**Hon. Speaker:** Hon. Members, therefore, the House stands adjourned until today at 2.30 p.m.

The House rose at 12.50 p.m.