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Thursday, 20th August 2026

The House met at 2.30 p.m.

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

PRAYERS

Hon. Deputy Speaker: First Order.

PETITIONS

COMPLIANCE WITH CONSTITUTIONAL AND STATUTORY AND OBLIGATIONS ON SIM CARD DEACTIVATION AND REASSIGNMENT BY SAFARICOM

Hon. Deputy Speaker: Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any petition other than one presented by a Member.

I allow the Members who are standing to be seated.

*(Several Members entered the
Chamber and took their seats)*

Thank you, Members, I will continue.

I wish to report to the House that my office has received a Petition from Mr Thompson Kirongo, ID No.21XXX79, regarding the compliance by Safaricom PLC with statutory and constitutional obligations relating to deactivation and reassignment of SIM cards. The Petitioner states that Safaricom PLC, a licenced telecommunication service provider, offers SIM card services that facilitate essential services including voice and data communication, mobile money services such as M-PESA and access to financial services, customer identification and the storage and processing of personal data.

Hon. Members, the Petitioner alleges that Safaricom PLC has adopted a practice of deactivating SIM cards after a specified period of inactivity, ordinarily six months, and subsequently reallocating the corresponding mobile numbers to new subscribers. He contends that before such deactivation and reassignment, affected subscribers are always not given adequate notice. The Petitioner states that, consequently, the subscribers who resume use of their lines may find they are unable to access communication services such as mobile money accounts, financial services or personal data associated with the SIM card, thereby violating consumer rights guaranteed under Article 46 of the Constitution. The Petitioner further states that the subscribers who are unable to use their SIM cards for prolonged periods due to illness, travel, incapacity, imprisonment or other unavoidable circumstances risk losing access to their communication services, financial accounts and funds without adequate notice or due process.

The Petitioner additionally contends that a SIM card belonging to a deceased subscriber remains inactive and linked to financial assets that subsequent deactivation and reassignment of such SIM cards without the involvement of the authority of the deceased person or

representative may prejudice administration of the deceased estate contrary to Section 45 of the Law of Succession Act, which prohibits unauthorised intermeddling with the property of the deceased person. The Petitioner also questions whether unclaimed funds associated with inactive, deactivated or reassigned SIM cards are handled in accordance with the Unclaimed Financial Assets Act, including whether such funds are submitted to the Unclaimed Financial Assets Authority (UFAA) where applicable.

In addition, the Petitioner states that there are ineffective and untimely resolution mechanisms in place, particularly during processing, retention, transfer and protection of subscribers' personal data in the course of the SIM card deactivation and reassignment.

The Petitioner, therefore, prays that the National Assembly inquire into the circumstances under which Safaricom PLC deactivates and reassigns SIM cards, determine whether those practices comply with the relevant laws, and recommend appropriate legislative policy, regulatory, or administrative measures to safeguard consumer rights.

Hon. Members, having determined that the matters raised by the Petitioner fall squarely within the authority of this House, and noting that the issues raised in the Petition are not pending before any court of law, constitutional body or legal forum, I hereby commit the Petition to the Public Petitions Committee for consideration, pursuant to Standing Order 208A.

The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

Thank you. Yes, Hon. Didmus Barasa.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Deputy Speaker. I wish to support this Petition as it raises grave concerns regarding the privacy of the Kenyan people. Once a SIM card has been assigned to an individual, Safaricom must send written notice to that person, informing them that unless they take action to reactivate the line, it will be reassigned to someone else. This is very important. I urge the Public Petitions Committee to process this within the shortest time possible so that Kenyans are spared from the many inconveniences arising from these issues including the potential loss of revenue associated with Safaricom lines.

I support this Petition.

Hon. Deputy Speaker: Before we proceed with Hon. Tandaza, I would like to recognise the schools present today. In the Speaker's Gallery, I would like to recognise the presence of St. Mary's Kiranda Boys from Nyatike Constituency, Migori County; DEB Kavutiri Senior School from Runyenjes Constituency, Embu County; and St. Matthews Maraba School from Tinderet Constituency, Nandi County. In the Public Gallery, we have St. Paul's Mbaranga School from Mbeere North Constituency, Embu County; Kimunyu Primary School from Mwingi Central Constituency, Kitui County; St. Mary's Nthabari School from Mbeere North Constituency, Embu County; Kings Vision Academy from Laisamis Constituency, Marsabit County; and Tagice Education Centre from Roysambu Constituency, Nairobi County.

I will now allow Hon. Naomi Waqo, Member for Marsabit, to welcome the students on our behalf before we continue with the Petition.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity to welcome all the students from different counties to the National Assembly, particularly students from Laisamis, Marsabit County, which is my home. I want to tell you that you are fortunate to be here, and we are happy to host you. You have a bright future ahead. I know that thousands of students outside would have loved to be in your position today, but you have received this rare opportunity. You are among the privileged ones.

This is where legislators engage in debates, create laws, and shape policies. Kenya is highly competitive today. I am aware that among you are future pilots, doctors, nurses, and politicians. Work hard and excel in your studies. It is only your academic achievements that

will make a difference. If you aspire to hold a certain office, you have to work very hard. As you work hard, please, remember to uphold discipline.

I would also like to acknowledge the presence of board members and teachers who have accompanied the students. Please, continue to instil discipline in our students, as this will contribute to a better country in the future. As the leaders of today and tomorrow, make sure to work hard and make us proud. We are happy to have every one of you. Thank you.

Hon. Deputy Speaker: Thank you, Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Deputy Speaker. I would like to not only support this Petition, but also suggest to the Committee that when they reassign a number, they should notify the individuals who have previously saved that number. I have personally fallen victim to a situation where I sent money to a number saved in my phone under a specific name, only to realise later that the intended recipient had not received the money because the number had been reassigned to a different person. We cannot hold the receiver responsible for this issue. It is within Safaricom's capacity and responsibility to ensure that once they reassign a number, they notify those who had previously saved that number.

Hon. Deputy Speaker: Hon. Naisula, do you wish to contribute to this?

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you. Before I comment on the Petition, I would like to welcome the students present today, encouraging them to know that it is possible to achieve their goals and that they should put their utmost effort in their studies. I can only imagine those students from Marsabit: when did they wake up to arrive here? Their dedication illustrates that in life, wherever you wish to go, you will definitely make it.

Back to the Petition, this is a very important matter regarding the deactivation of SIM cards without notice, as well as the assets associated with services like M-Pesa or MShwari when a person becomes deceased. I hope the relevant committee will take action to address this issue. Indeed, what Safaricom should primarily focus on are the fraudsters who exploit people's numbers for extortion. This is particularly relevant for us as Members of Parliament, as our numbers are publicly shared on social media, enabling such fraudulent activities against our constituents. Safaricom and the relevant authorities should concern themselves with more than simply deactivating SIM cards. I support this Petition and look forward to the report being tabled in this House.

Hon. Deputy Speaker: Hon. Justice Kemei, Member for Sigowet.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Deputy Speaker, for the opportunity to add my voice to this very critical issue of deactivation of SIM cards. While I entirely agree that it is the responsibility of the service provider to deactivate lines that are no longer in use, I believe there should also be a public notice given regarding the deactivation of these numbers for specific reasons. Fundamentally, the mobile network service provision in this country is dominated by just three institutions. Given the inherent dangers associated with monopolies, duopolies, and oligopolies, we lack a law governing duopolies and oligopolies, even though we do have legislation addressing monopolies. As Parliament, we must consider what actions to take regarding these few service providers who deliver essential services. This way, we can effectively address any transgressions they may commit.

Thank you, and once more I support the Petition.

Hon. Deputy Speaker: Hon. Irene Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Deputy Speaker, for giving me the opportunity to also comment on this particular issue. As we approach an intense election period, and as highlighted by Hon. Naisula, issues concerning extortion and the misuse of SIM cards become increasingly relevant. Furthermore, in light of our country's data protection laws, Safaricom needs to inform the Public Petitions Committee about their compliance with these laws in the context of disconnections and the reassignment of SIM cards. Data protection is a very crucial issue. It needs to be taken into keen consideration. We need to ensure that people

are adequately protected in terms of how their personal information is exposed when this reassignment is being done without even their knowledge. I support the Petition. I hope we will receive a comprehensive response as soon as possible.

Hon. Deputy Speaker: Thank you. Hon. Pukose, Member for Endebess, go ahead. Please be brief.

Hon. Dr Robert Pukose (Endebess, UDA): Thank you, Hon. Deputy Speaker. You know, Hon. Barasa and Hon. Martha were consulting on how Barasa is making Sifuna know that “yeye si Sifuna” kule Bungoma.

I support this Petition. I request the Public Petitions Committee to expedite the Petition as fast as possible because it is of concern. Many of the Members here, as much as they cannot complain, get messages on WhatsApp and SMS even from anonymous people.

Data protection is actually one of the laws that was passed by this House. Safaricom needs to be called to order, especially in the areas of SIM replacements. I do not know how people access Members' numbers. Some people even call someone, and when one responds, you realise that it is not the owner of that number. For instance, yesterday, somebody I have saved as Mosop from Kitale was sending me messages, but the person sending those messages was not Mosop. It was somebody else trying to extort money from me. This is an emerging issue that must be addressed fast.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us make it brief. Hon. Mutunga.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you very much, Hon. Deputy Speaker. I would also like to add my voice to this very important Petition. Whenever we subscribe to any network, whether Safaricom, Airtel or whichever it is, we do so for a purpose. Sometimes a line or a phone can be lost, or things can happen, and one is not able to use the phone for some time.

Safaricom and other players in this particular field must know that when they take over the line, they transfer everything and, therefore, the lines are known. They put us on a collision course with our friends, our colleagues and our electorates. Sometimes they imagine that we are the ones hiding the line or that we have transferred it to somebody else. I think it is important that before they assign the line to someone else, they send a notification to the previous user.

I do not know whether I am the only one who is experiencing this, but I would like to probably bring a petition because there is a problem with Safaricom, especially when it comes to bundles. You buy 1.5 GB bundles, and after sending only one message, you have to go back and buy another bundle. I wonder whether those Kenyans who are spending a hundred shillings to send one message, are they really being treated fairly? We have a problem with Safaricom, and they need to be called to order. Those costs are extremely high. Sometimes you recharge your phone, and then everything is depleted within a very short time. There is a problem, and we need an investigation.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us have Member for Imenti North, followed by Hon. Umul Kheir.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Deputy Speaker. I concur with the Petition. We have another issue of SIM swapping. Your SIM could be swapped, and it takes three days to get your SIM back, and when you get your SIM back, you receive messages showing what has happened. There is a person in Meru who had his SIM swapped, and he lost Ksh2.7 million from four banks over the four days. In such a case, Safaricom should refund that money because how can they do a SIM swap when the person has not requested it? Therefore, I join my colleagues in supporting the Petition and urge that the issue of SIM swapping should be looked into.

Hon. Deputy Speaker: Thank you. We will close this by having the Member for Mandera County.

Hon. Umul Kheir Kassim (Mandera County, UDM): Thank you, Hon. Deputy, for giving me this opportunity to contribute to this Petition. I am a victim of the deactivation of lines. A family member of mine who travelled out of the country just realised that he could no longer use his WhatsApp because the line was deactivated while he was away. This Petition is welcome. The Committee should move with speed and ensure that they do a thorough job on this. Once we resume from recess, that should be the first business. It is a menace. You cannot use M-Pesa services; you cannot even use your WhatsApp in a foreign country. It is not a good thing. I support this Petition.

Hon. Deputy Speaker: Thank you. Hon. Members, allow me to reorder the Order Paper. We will move to Papers. Then after the Leader of the Majority Party is done with presenting Papers, we will move to Order No.7 so that he can make his weekly statement, and then we can proceed.

Next Order.

PAPERS

Deputy Leader of the Majority Party.

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

Hon. Osoro should stop interrupting you.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

1. Memorandum on Accession to the International Nuclear Safety Conventions by the Republic of Kenya from the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs.
2. Legal Notice No. 142 of 2026 relating to the Election Campaign Financing Regulations, 2026 and the Explanatory Memorandum from the Independent Electoral and Boundaries Commission. Hon. Members, this Bill concerns us. You need to get this Legal Notice.
3. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024, 30th June 2025 and the certificates therein in respect of the following—
 - (a) Getarwet Girls Secondary School – Kericho County;
 - (b) Rose Mwakwere Girls Secondary School – Kwale County;
 - (c) Friends School Bokoli Boys Secondary – Bungoma County;
 - (d) Kapkitony Girls Secondary School – Elgeyo Marakwet County;
 - (e) St. Michael's Boys High School – Terige – Nandi County;
 - (f) Naivasha Day Secondary School – Nakuru County;
 - (g) St. Albert The Great Siakago Boys High School – Embu County;
 - (h) Kalulini Boys' High School – Makueni County;
 - (i) St. Joseph's Chakol Secondary School – Busia County;
 - (j) Kambi Garba Mixed Day Secondary School – Isiolo County;
 - (k) St. Stephen Chiliba Secondary School – Bungoma County;
 - (l) State House Girls High School – Nairobi City County;
 - (m) General Joseph Nkaisery High School – Kajiado County;
 - (n) A.C.K Musoma Secondary School – Busia County;
 - (o) AIC Kakuyuni Secondary School – Machakos County;

- (p) Mashuuru Boys' Secondary School – Kajiado County;
 - (q) Burieruri Boys Secondary School – Meru County;
 - (r) St. Peter's Budokomi Secondary School – Busia County;
 - (s) Biliqi Nur Mixed Day Secondary School – Isiolo County;
 - (t) Yemit Boys Secondary School – Elgeyo Marakwet County;
 - (u) Kapcherop Boys Secondary School – Elgeyo Marakwet County;
 - (v) Merti Muslim Girls Secondary School – Isiolo County;
 - (w) Consolata Girls' Secondary School – Embu County; and,
 - (x) Kiriani Boys Secondary School – Tharaka Nithi County.
4. Reports of the Auditor-General and Financial Statements for the years ended 30th June 2024, 30th June 2025 and the certificates therein in respect of the following—
- (a) Kiranga Secondary School – Kwale County;
 - (b) South Tetu Girls High School – Nyeri County;
 - (c) St. Bakhita Gataragwa Girls High School – Nyeri County;
 - (d) Waso Day Secondary School – Isiolo County;
 - (e) Isiolo Barracks Secondary School – Isiolo County;
 - (f) Joy Valley Special Secondary School – Bungoma County;
 - (g) Mwiyo Secondary School – Nyeri County;
 - (h) Sawagongo High School – Siaya County;
 - (i) Ramba Boys High School – Siaya County;
 - (j) Kilifi Township Secondary School – Lamu County; and,
 - (k) Kiluani Boys Secondary – Kajiado County.

Hon. Deputy Speaker, I beg to lay.

Hon. Deputy Speaker: Thank you. Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Hon. Deputy Speaker: Leader of the Majority Party, you can start with your Statement.

BUSINESS FOR THE WEEK OF 24TH TO 28TH AUGUST 2026

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker. Pursuant to the provisions of Standing Order 44(2)(a), I rise to present the following Statements on behalf of the House Business Committee, which met on Thursday, 18th August 2026, to prioritise business for consideration during the week and the business coming before the House in the week commencing Tuesday, 25th August 2026.

With regards to business scheduled for Tuesday next week, the House is expected to consider the following Bills at various stages, some of which are listed in today's Order Paper.

1. Second reading of the following Bills:
 - (a) The Air Passenger Service Charge (Amendment) Bill, 2026.
 - (b) The Power of Mercy Bill, 2025—an important piece of legislation which we hope to finish today.
2. Committee of the whole House on—
 - (a) The Kenya Revenue Authority (Amendment) Bill, 2026.
 - (b) Senate amendments to the Public Finance Management (Amendment) (No. 4) Bill, 2024.

Additionally, the House will deliberate on the following Motions should they not be concluded today:

1. Consideration of the Inter-African Coffee Organisation New Agreement.
2. Inquiry into the proposed sale of shares in East African Portland Cement PLC.
3. Consideration of Sessional Paper No.7 of 2026 on the National Infrastructure Fund Investment Policy (Subject to tabling of the Committee Report and Notice of Motion).
4. Inspection Visit to the Kenya Embassy in Rabat, Morocco.
5. Inspection Visit to the Kenya Embassy in Cairo, Egypt.
6. Appointment of a firm to audit and report on the accounts of the Office of the Auditor-General.

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

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

Hon. Temporary Speaker, in accordance with the provisions of Standing Order 42A(5) and (6), I wish to convey that the Cabinet Secretary for the National Treasury and Economic Planning is scheduled to appear before the House on the afternoon of Wednesday, 26th August 2026 to respond to the following Members' Questions:

1. Question 21 of 2026 by the Member for Tiaty, Hon. Kamket, regarding report on the implementation status of the Equalisation Fund for the year ended 30th June 2023 and 30th June 2024 in Baringo County, including the amount allocated and disbursed and the status of the project.

Hon. Kamket asked this Question the other day and the Cabinet Secretary is coming to respond.

2. Question 19 of 2026 by the Member for Suba South, Hon. Caroli Omondi—he needs to do better in interviews—regarding the details of the lease agreements for the State-owned sugar mills, namely, Chemelil Sugar Company, Muhoroni Sugar Company, South Nyanza (SONY) Sugar Company and Nzoia Sugar Company, together with the legal opinion and advisory issued by the Auditor-General and evidence of the Government's compliance with the advisory.
3. Question 20 of 2026 by the Member for Suba South, Hon. Caroli Omondi—who should choose which TV station to go to—regarding the utilisation of Ksh65,778,448,646 approved by the House on 14th September 2023 under the memorandum by the National Treasury and Economic Planning on action plans to revive and commercialise State-owned sugar companies for the purpose of writing off debts owed by the following State-owned sugar mills—
 - (a) Chemelil Sugar Company;
 - (b) Muhoroni Sugar Company;
 - (c) Miwani Sugar Company;
 - (d) Nzoia Sugar Company; and,
 - (e) South Nyanza (SONY) Sugar Company.

In line with the direction of the Speaker earlier today, I encourage any Members wishing to ask Questions to the Cabinet Secretary to file them with the Table Office by close

of business tomorrow so that the Cabinet Secretary can be informed on time. Thereafter, we will transmit the Questions to the Cabinet Secretary alongside the Questions by the Member for Tiati and the Member for Suba South.

In conclusion, the House Business Committee shall reconvene on Tuesday, 25th August 2026 to schedule business for the remainder of that week. I now wish to lay this Statement on the Table of the House.

PENDING STATEMENTS

Hon. Temporary Speaker, I wish to lay another important document on the Table of the House: A Statement which was requested by the Speaker after Members of this House requested that they would like to know how their Requests for Statements have been treated by various committees. The Speaker directed that I present this Report now and I would like to use this opportunity, with your indulgence and guidance, to table it.

I hold here a tracker of all the Statements that have been requested by Members. If you have requested a Statement and it has not been responded to, I will table this document so that you may know the status of your Statement. I would like to give a summary of the committees and chairpersons of committees who have not submitted Statements as requested by Members.

No.	Committee	Chairperson	Pending Statements
1.	Departmental Committee on Administration and Internal Security	Hon. Gabriel Tongoyo	26
2.	Departmental Agriculture and Livestock	Hon. (Dr) John Mutunga	5
3	Departmental Committee on Blue Economy and Irrigation	Hon. Bowen Kangogo	1
4.	Departmental Committee on Communication, Information and Innovation	Hon. John Kiarie	2
5.	Departmental Committee on Defence, Intelligence and Foreign Relations	Hon. Nelson Koech	6
6.	Departmental Committee on Education	Hon. Julius Melly	18
7.	Departmental Committee on Energy	Hon. David Gikaria	5
8.	Departmental Committee on Environment, Forestry and Mining	Hon. Vincent Musau	4
9.	Departmental Committee on Finance and National Planning	Hon. Kimani Kuria	8
10.	Health	Hon. (Dr) James Nyikal	8
11.	Housing, Urban Planning and Public Works	Hon. Joseph Tonui	3
12.	Departmental Committee on Justice and Legal Affairs	Hon. George Murugara	1
13.	Departmental Committee on Labour	Hon. Ken Chonga	5
14.	Departmental Committee on Lands	Hon. Joash Nyamoko	7

15.	Departmental Committee Social Protection	Hon. Alice Ng'ang'a	1
16.	Departmental Committee on Tourism and Wildlife	Hon. Kareke Mbiuki	3
17.	Departmental Committee on Trade, Industry and Cooperatives	Hon. Bernard Shinali	1
18.	Departmental Committee on Transport and Infrastructure	Hon. George Kariuki	21
19.	Budget and Appropriations Committee	Hon. Samuel Atandi	1

I am happy that the Chairman of the Departmental Committee on Administration and Internal Security is here. He needs to respond to when he will table responses on the 26 Statements that have been requested. Chairpersons of committees need to be in the House at this time. The bulk of pending Statements, which should worry us, is with the Departmental Committee on Transport and Infrastructure, led by Hon. GK, which has not responded to 21 Statements. I think he is busy running for governor or something.

Hon. Temporary Speaker, this report summarises everything. We will table this report so that you can check where your Statement is. I request chairpersons of departmental committees, please, when Members bring requests for Statements, it is your duty to ensure you respond to them on time. They do it on behalf of their constituents. That obligates us, as chairpersons of departmental committees, to make sure they are responded to not only concisely and precisely, but also on time. This will ensure that Parliament does not work in vain.

I thank you and I table.

The Temporary Speaker (Hon. Farah Maalim): Yes, Hon. Tongoyo followed by Hon. Caroli. Give the microphone to Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. I will make some little comments on an issue that has been read by the Deputy Leader of the Majority Party in regards to Statements that have not been responded to, in particular the Statements that refer to my Committee. It has been indicated that they are about 28. I really regret that some may have taken a little bit long yet majority of them come with urgency. We know the nature of our departmental committee, but as much as I appreciate the same, it should also be noted that the Committee receives the highest number of requests for Statements. By the time we had 28 pending responses, we had tried covering much as such.

You remember I reported to the House that to address and clear such backlog, we had adopted a system where we called the Cabinet Secretary to appear before the Committee, together with the Member that had raised the Statement. This would ensure the matter is prosecuted before the Committee plenary. In fact, today we were supposed to have the Cabinet Secretary for Interior and National Administration appearing before the Committee at 10.00 a.m. to address majority of those Statements, but because he was attending to urgent issues of national interest, he requested to appear on Tuesday. I appeal to the Members and to the House...

The Temporary Speaker (Hon. Farah Maalim): To appear before the Committee or the House?

Hon. Gabriel Tongoyo (Narok West, UDA): To appear before the Committee. I appeal to the Members and report to the House that we will address the majority of the 28 listed Statements. It is our duty and it is in our interest, to expedite all Statements that have not been responded to.

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

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I am following up on what the Deputy Leader of the Majority Party has submitted with respect to private Members' Bills. Several have not been processed expeditiously. I have about four Bills. Some have gone through First Reading and Second Reading, but they have not turned around to come back to the plenary. It is a matter of grave concern, not just to myself, but to many other Members. Related to that are the petitions. We need a record. I am very happy with what you are doing because that is what accountability is all about. There are so many petitions that have not been concluded and reports brought back to the House. Again, if you could, please, help the House expedite those ones.

Thank you very much.

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

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker. I am reacting to what the Deputy Leader of the Majority Party has just said. That the Departmental Committee on Transport and Infrastructure where I sit as the Vice-Chair, has not responded to 21 requests for Statements. I agree, but you know as chairpersons, we read the responses given to us by the cabinet secretaries. There are times when we push these cabinet secretaries are so hard, that they say we are harassing them. We have since escalated the matter to the Office of the Leader of the Majority Party.

I am surprised that Hon. Owen Baya, who is the Deputy Leader of the Majority Party, reads his own report by saying that we have not 'responded to'. We do not respond to reports from the blues. We respond with the reports that we are given. We have escalated this matter to his office; therefore, it is him who should confirm to this House what he is doing to ensure that cabinet secretaries bring reports to the committees for the chairpersons to submit them. We do not fabricate our own reports. Hon. Owen Baya is cutting a tree that he himself is standing on. That is his responsibility. We do not want to go in the direction where when we persistently ask cabinet secretaries to do their duty, they report to his office that we are harassing them. Hon. Owen Baya, you should tell us when these Statements are coming. My role is just to read them.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. I want to recognise the presence of Nyalil Buch Junior School, Mogotio Constituency in Baringo County, and Kehancha Ravine School, Kuria West in Migori County, seated in the Public Gallery. Any Member of Parliament from Kuria here to give words of encouragement to the students from Kehancha Ravine School? Yes, proceed. Hon. Hassan, I remember you were brought up partly in Isibania.

Hon. Yusuf Hassan (Kamukunji, JP): Yes indeed. I am partly a Kuria man.

The Temporary Speaker (Hon. Farah Maalim): Not that I was a witness when you were growing up in Isibania. You are much older than me, but that is information I have.

(Laughter)

Continue.

Hon. Yusuf Hassan (Kamukunji, JP): Do not worry, Hon. Temporary Speaker. Thank you for the opportunity. As a person who has connections with Kuria, both West and East, and a former student of Tarang'anya Secondary School, I consider myself partly Kuria. I welcome the students from Kehancha very warmly to this Parliament. I encourage you to continue with your studies so that you can rise to the highest scale in life. Only through education and dedication in your education can you really reach that. I hope one day you can aspire to be a doctor, an engineer, an architect, and maybe a lowly position of being a Member of Parliament in this Assembly.

Thank you so much.

The Temporary Speaker (Hon. Farah Maalim): Anybody who is from Baringo? Hon. Makilap, welcome students from Nyalil Buch Junior School in Mogotio.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity on behalf of my colleagues and Members of Parliament from Baringo County, especially the Member for Mogotio, to welcome the students of Nyalil Buch Junior School to the House of Parliament of Kenya. I encourage you that one day, one of you will become a Member of Parliament here. If you can only foster discipline and hard work in your schools, you will have an opportunity to be here and become a lawmaker in the years to come. Even to the other students from Kuria, the future of our country is in the hands of young people. The students will one day become old and lead this country in any sector, be it private or other professions of the future of our country. Education is the only equaliser in this country where people from Mogotio can meet with people from Dadaab, from western or from Nairobi. Thank you. I wish them success.

The Temporary Speaker (Hon. Farah Maalim): We are now back to Statements again.

REQUEST FOR STATEMENT

Hon. Martha Karua. Sorry, Hon. Martha Wangari, Member for Gilgil, ranking Member.

(Laughter)

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, it is not the first time this has happened. We share both names; I am Martha Wangari and she is Martha Wangari Karua, but this is the Member for Gilgil.

The Temporary Speaker (Hon. Farah Maalim): Okay, proceed.

VIOLENCE IN POLITICAL RALLIES

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the rise of incidences of violence in political rallies across the country.

In recent weeks, the country has witnessed a worrying escalation of violence, disruption of political gatherings and destruction of property during political rallies, with recent incidents reported in Homa Bay, Nyandarua and Nakuru counties. The loss of life...

(Loud consultations)

The Temporary Speaker (Hon. Farah Maalim): Order, Members. Order, Hon. Tongoyo. You are engaging in an animated discussion with Hon. Passaris and Hon. Barasa when a matter that concerns your own Committee is on the Floor.

Hon. Martha Wangari (Gilgil, UDA): I blame Hon. Passaris. We were very peaceful before she came.

(Laughter)

The Temporary Speaker (Hon. Farah Maalim): Listen to what she has to say and then give an undertaking.

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, allow me to take it again. Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement

from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the rising incidences of violence in political rallies across the country.

In recent weeks, the country has witnessed a worrying escalation of violence, disruption of political gatherings and destruction of property during political rallies, with recent incidents reported in Homa Bay County, Nakuru County and Nyandarua County. The loss of life, attacks against civilians and security officers, destruction of property, threats against political opponents, and the growing use of inflammatory and divisive rhetoric are deeply concerning as it undermines the peaceful exercise of democratic rights. It also heightens political intolerance and poses a serious threat to national peace, cohesion and unity.

Incidents that were initially dismissed as isolated occurrences have now escalated into full-blown violence, characterised by explicit use of crude weapons. The consequences of political violence are far-reaching, resulting in loss of lives, destruction of property, disruption of livelihoods and erosion of investor confidence. It is regrettable that despite the recurrence of these incidents, decisive action has yet to be taken to bring the perpetrators to account. Additionally, the relevant State agencies are yet to provide comprehensive reports on the status of investigations into these reported cases of political violence across the country and measures to forestall its escalation.

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

1. Total number of reported cases of political violence during political rallies and other political activities across the country in the last 12 months, including the status of investigations, identities of perpetrators and actions taken in respect of each of the cases.
2. Total number of persons who have lost their lives, suffered bodily harm or sustained serious injuries as a result of political violence during the last 12 months.
3. Measures taken by the Government to curb political intolerance and prevent politically instigated violence, including preparations and interventions aimed at ensuring peaceful political activities as the country approaches the 2027 General Election.

Thank you, Hon. Temporary Speaker.

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

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I want to thank Hon. Martha, for requesting for that Statement. I have listened very carefully, and I wish she could have raised the issue of violence against women. Very recently, it has been said that many women were raped in the Homa Bay incident. On top of that, I saw the Governor of Homa Bay going to condole with a family in Shauri Yako Estate in Homa Bay Town. The person she went to condole with is a woman. We are told that the deaths in Homa Bay County are under-reported; not less than 12 people died.

I hope Hon. Martha or the Committee could, please, add to that Request of Statement the exact number of women who were raped and if there are investigations being undertaken. This is because women are very shy to come forward in cases of rape. I, personally met two women who were attacked. One was from Kwale County, she was cut with a panga on her head. Consequently, she is now in a wheelchair. Some people called to inform me about her plight because they know my concerns about women. I went to see her around midnight when she was on transit from Kisumu to Mombasa.

Finally, with your indulgence, Hon. Temporary Speaker, one of the issues is attacks or destruction of churches. As a Seventh Day Adventist (SDA), I was very offended that people have no respect even for churches. Two SDA churches were destroyed. It happened at the wrong time, especially in our month which is like the holy month of Ramadhan. This is a month that all of us SDAs know that we have our camp meetings. It is our month of prayer. Therefore, coming into our holy places in such a month is a disgrace. I hope the Committee can also raise concern about that.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): I think you have taken note of everything she has raised, in addition to what Hon. Martha Wangari had raised in her Statement. Hon. Naisula.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Temporary Speaker. I want to congratulate my sister and colleague, Hon. Martha, on requesting for this important Statement in the House. The incidents that have happened in this country are not something to take lightly. For each one of us in this House, this is not just a show. We should not take them lightly. It does not matter the political side that you support because everything raised in this House sometimes just becomes politicised. Why did Hon. Martha ask those questions? Why did Hon. Millie support? Why did so-and-so raise that issue? It does not matter which political side you are on, all of us should condemn violence, especially in the manner that it is happening in this country.

I want to say this Madam Speaker. I am so used to Madam Speaker. Hon. Temporary Speaker, I wanted to say Madam Speaker, then I realised it was you. Right now, we can cheer because it is somewhere else, but it will come to each one of us, as leaders. We were almost beaten here in 2024. So, anybody can fall victim to violence. Let us not be forgetful. Violence, in whichever form, should be condemned.

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

Hon. Naisula Lesuuda (Samburu West, KANU): You should ask some of us, who have to deal with these matters of banditry, through which lives are lost in our place every day. We now have people carrying pangas in public. I am still in shock with what happened in Homa Bay. I am yet to fathom what was happening that day. I support this Statement. It should be taken seriously and all of us should condemn violence, regardless of which side of the political divide we are on.

Hon. Temporary Speaker (Hon. Farah Maalim): Okay. Let us have Hon. Oundo, and then one more Member before we move to the next Statement.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): As I stand here, let me go on record that most of those attacks in these political rallies have been directed against my team of Linda Mwananchi and I. We almost faced death in Kisumu. However, what I saw in Homa Bay County on Sunday is not political violence. That was terrorism. Premeditated terrorism. The incident was recorded.

For that reason, I want the Chairperson of the Departmental Committee on Administration and Internal Security to face the Cabinet Secretary and the Principal Secretary and make it clear that what they watched and how the police officers stood by as they watched the happenings, is a dereliction of duty and breach of the Constitution of Kenya. I would urge that they extend this enquiry to include similar incidences that have happened several months back, since last year. We want an expedited answer as soon as it is practically possible, because once we go on recess, we are going to have many of these rallies. If perpetrators, some of them who are our colleagues here or our women governors are planning for the murder and rape of women, they must be condemned.

Thank you, Hon Temporary Speaker.

Hon. Temporary Speaker (Hon. Farah Maalim): Hon. Naomi, will be the last Member to contribute to this Statement which has been requested by Hon. Martha.

Hon. Naomi Waqo (Marsabit County, UDA): Thank you for giving me the opportunity to add my voice to this very important Statement. What we are witnessing in our country these days is not acceptable. Many people seem to be blaming politicians by saying that goons belong to politicians. I want to condemn that because when we do that, we hurt each other.

We only have one country. We have nowhere else to go if we bring it down. We, therefore, have to protect it by upholding peaceful coexistence and tolerating each other. Being in different political groups does not matter. What matters is us sharing our ideas and selling them to the people. We should leave the rest to God and the people. Everyone who is responsible—those who are behind the attacks, not only of last weekend, but all the attacks that have been carried out—should be put in jail. We should also protect the common man. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. We must make some progress. I will give the last opportunity to the Member for Banissa since he is a freshman with less than two years to go. Proceed.

Hon. Ahmed Hassan (Banissa, UDA): Thank you, Hon. Temporary Speaker, for considering my freshness. In addition to representing Banissa, I also come from Homa Bay County. Madam Millie can attest that I am from Homa Bay as well. I own businesses there. What we saw last Sunday was terrible. I do not wish such occurrences on any part of this country. I urge the Ministry of Interior and National Administration to prevent such things from happening in future. They must map out critical areas, so that such things do not repeat themselves in future.

The Temporary Speaker (Hon. Farah Maalim): Let us hear from the lady behind you. Hon. Emaase.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity to add my voice in support of the Request for Statement. The culprits must be called out for what they are – criminals. As a country, we cannot continue to tolerate what we have witnessed. It is not just in Homa Bay. We witnessed it in Ol Kalou and other places including Busia County. The investigations must be thorough and those responsible must be arrested. If no action is taken, we risk seeing this country degenerate into a state of anarchy where anybody can take the law into their own hands. We cannot allow that. It cannot continue. It must be stopped. It cannot be tolerated. Every Kenyan has a right to go anywhere in this country to seek for votes. Therefore, we cannot encourage such incidents. Otherwise, we shall be unable to carry out our campaigns across the country in peace. We need peace.

The Temporary Speaker (Hon. Farah Maalim): Ordinarily, I would presume that I have given a lot of leeway, but because of the sensitivity of the matter, I will give an opportunity to a few more Members. Let us have the lady behind the Member for Kesses. Sorry for my short-sightedness.

Hon. Charity Chepkwony (Njoro, UDA): Thank you very much, Hon. Temporary Speaker, for giving me this opportunity to contribute. I want to join my colleagues in supporting this Request for Statement. Our hearts were bleeding when we saw an innocent officer die while protecting Kenyans and when we saw our children die as they innocently supported their preferred political candidates. It is unfortunate. We must sober up as politicians. Let us stop being emotional. If your colleague is holding a rally, just relax and hold your own. We must reject such bad behaviour. We cannot sit in this House and watch our sons and daughters die due to such criminal activities. We want the Cabinet Secretary to take action and arrest those responsible.

The Temporary Speaker (Hon. Farah Maalim): This is a Request for Statement. Ordinarily, Members are supposed to comment on what has not been captured in the request. It is not an opportunity for debate.

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

The Temporary Speaker (Hon. Farah Maalim): Hon. Keynan, whom do you want to inform?

Hon. Adan Keynan (Eldas, JP): Hon. Temporary Speaker, there comes a time when we must side with the Republic of Kenya. Fidelity to the rule of law and constitutionalism is not a sign of cowardice. What unites us under our flag and defines the very borders of our sovereign republic is adherence to the rule of law. Goonism and violence have no place in a modern-day Kenya. We must all stand to be counted and reject such violence. We are destroying our tourism sector. We are discouraging foreign direct investors. We are sending a chilling and scary message to visitors.

I want to remind my fellow politicians that we must protect our country. I want to appeal to those in charge of the criminal investigations to investigate and arrest the perpetrators, regardless of their status or position, and bring everybody to book. We reject violence and goonism. Kenya must thrive. Our image must persist and our premier republic must be protected by all those who love Kenya. We love Kenya. We do not have a spare country.

The Temporary Speaker (Hon. Farah Maalim): Member for Kesses, do not take more than one minute. Do not give a long speech. Enrich the Request with anything that you feel has been left out.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Speaker. From the outset, allow me to first of all condole with the families that lost their loved ones. I have in mind the families of the police officer and the citizens who died. I wish those who were hurt a quick recovery.

I just want to mention one thing. All these issues surround the misuse of our democracy. Democracy has given us freedom of speech. However, we have reduced democracy and freedom of speech to profiling individuals and ethnic groups. We have reduced it to calling each other names and incitement. I urge politicians to be responsible for their conduct.

The Temporary Speaker (Hon. Farah Maalim): Let us have Hon. Caroli and then Hon. Barasa will be last.

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Speaker, Hon. Oundo and I are the victims of this recent violence in Homa Bay County. Thank you for giving me an opportunity to contribute. I do not want to spend too much time on other issues because they will be discussed elsewhere. However, there is a fundamental issue at play. Part of the team that planned the violence in Homa Bay County is made up of Members of this House. There are audio and video recordings of Members of this House, some of whom sit on the Speaker's Panel, planning violence against other Members.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Caroli Omondi. You understand the rules very well. You cannot discuss or debate the conduct of a Member of Parliament without a substantive Motion.

(Loud consultations)

You are out of order. Hon. Barasa is the last one to speak on this.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker. I have a contrary view. We are inviting the Cabinet Secretary to issue a Statement on this matter when we know the problem is not lack of policy direction. We already have laws that the police can use to arrest the perpetrators. We should invite the Inspector-General (IG) of the National

Police Service and the Director of the Directorate on Criminal Investigations (DCI) to tell us what happened. A Cabinet Secretary will just come to politick.

The Temporary Speaker (Hon. Farah Maalim): Order! When I tell you “order” you better listen. There are no provisions in the Standing Orders for you to invite the IG to the House. You can only invite the Cabinet Secretary.

(Hon. Didmus Barasa spoke off the record)

You can invite him at the Committee level, not in the plenary of the House.

(Hon. Didmus Barasa spoke off the record)

You are not supposed to be giving speeches. Proceed. Give him half a minute.

Hon. Didmus Barasa (Kimilili, UDA): Hon. Members, you have now seen that such violence is not good for the country. In 2019, I lost my red royal *kofia* in a violent incident and some Members in this House celebrated. It was my turn in 2019, but today it can be somebody else. I reported the theft and my *kofia* was later seen on a senior ranking Member of this House. Nobody has arrested him. He has never even been told to return my *kofia*. Now you see that such violence is not good for anybody.

(Laughter)

The Temporary Speaker (Hon. Farah Maalim): That is fair.

(Loud consultations)

Order! There are no more opportunities for Members to speak. Let us have Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. Allow me one minute to comment on this.

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

Hon. Gabriel Tongoyo (Narok West, UDA): Hon. Temporary Speaker, I indicated earlier that we are expecting the Cabinet Secretary to appear before the Committee on Tuesday.

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

Hon. Gabriel Tongoyo (Narok West, UDA): Given the urgency and the importance of this...

The Temporary Speaker (Hon. Farah Maalim): I hope you have a pen and a notebook and have been taking note of what every Member of Parliament has said.

Hon. Gabriel Tongoyo (Narok West, UDA): Yes, but I have a suggestion, Hon. Temporary Speaker.

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

Hon. Gabriel Tongoyo (Narok West, UDA): From the table, you can see that we have the highest number of non-responded Statements.

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

Hon. Gabriel Tongoyo (Narok West, UDA): For the obvious reason, we received the highest number of requests.

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

Hon. Gabriel Tongoyo (Narok West, UDA): Given the urgency and importance of this matter, which is a national issue and a security concern, we are going to prioritise it among the matters to be addressed by the Cabinet Secretary on Tuesday. I want to add that...

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

Hon. Gabriel Tongoyo (Narok West, UDA): Allow me one minute, Hon. Temporary Speaker. It will not be a one-on-one interaction. It should be clear to all of us that the President, the Inspector-General and the Cabinet Secretary himself have, on several occasions, clearly pronounced themselves on this issue and stated that they are doing everything possible to ensure the elimination of gangs and goons in this country. It is incumbent upon all of us, the 349 of us seated in this House, including those who are speaking the loudest, to take responsibility and be patriotic enough to ensure that we help the Government fight this menace of gangs and goons.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. When are you meeting the Cabinet Secretary?

(Loud consultations)

Order, Hon. Members.

Hon. Gabriel Tongoyo (Narok West, UDA): Tuesday.

The Temporary Speaker (Hon. Farah Maalim): So, if you are sitting with the Cabinet Secretary on Tuesday, when are you coming back to the House?

Hon. Gabriel Tongoyo (Narok West, UDA): On Hon. Wangari's Statement?

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

Hon. Gabriel Tongoyo (Narok West, UDA): Once we receive the responses, we will bring all of them to the Floor of the House.

The Temporary Speaker (Hon. Farah Maalim): When?

Hon. Gabriel Tongoyo (Narok West, UDA): On Wednesday.

The Temporary Speaker (Hon. Farah Maalim): The following day?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes.

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

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you.

The Temporary Speaker (Hon. Farah Maalim): It is so directed.

Hon. Gabriel Tongoyo (Narok West, UDA): For tabling as the record of the House.

The Temporary Speaker (Hon. Farah Maalim): It is so directed. The Member of Parliament for West Mugirango, Hon. Stephen Mogaka.

(Loud consultations)

Order, Hon. Members. Proceed.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Temporary Speaker, for giving me the opportunity to request for a Statement. Just on a point of order, Hon. Temporary Speaker. On 11th August 2026, I requested for a Statement, which is materially similar to what Hon. Wangari has raised. I hope the two Statements will receive urgent attention.

The Temporary Speaker (Hon. Farah Maalim): Proceed on the current matter.

IMPLEMENTATION OF INCOME TAX EXEMPTIONS FOR PERSONS WITH SEVERE DISABILITIES

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Temporary Speaker. I seek to request for a Statement regarding implementation of Income Tax exemptions for persons with severe disabilities as well as their parents or guardians.

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding implementation of Income Tax exemptions for persons with

disabilities and in particular, parents and guardians caring for persons certified with severe disabilities and incapable of catering for their basic needs.

The Persons with Disabilities Act, 2025 provides for tax reliefs intended to cushion persons with disabilities and families that bear the financial responsibility of caring for them. Section 56 of the said Act provides for Income Tax exemptions for persons with disabilities who are in receipt of income, while Section 57 of the said Act empowers the Cabinet Secretary responsible for Finance, upon application, to grant an Income Tax exemption to a parent or guardian of a person certified with severe disability and incapable of catering for their basic needs where such a person is under their care and custody.

While the law is very clear on this provision, there is limited information on how to apply for this exemption. By way of illustration, one Mr Anthony Obade, holder of Identification No.22151471, a resident of Kajiado County, is a parent of a child certified with severe disability and incapable of catering for his basic needs. The child was duly registered and issued with a Disability Registration Certificate, reference number MCPWD-JRSGRWG, way back in 2024. By the letter dated 24th June 2026, Mr Obade formally applied for tax exemptions on his income in accordance with the Persons with Disabilities Act. To date, however, there has been no feedback on the status of his application. This case raises concern as to whether eligible persons and their families are effectively accessing the statutory tax reliefs provided by the law.

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

1. The criteria and procedure currently applicable in determining the amount of income tax exemption available to parents and guardians under Section 57 of the Persons with Disabilities Act, 2025.
2. The status of the application of Income Tax exemption of the said Mr Anthony Obade and the reasons for the delay in processing his application.
3. What programmes are in place to disseminate information so that parents and guardians catering for persons with severe disabilities across the country are adequately informed of and access these tax reliefs?
4. The measures in place to address administrative and technological challenges that may hinder eligible persons, parents and guardians of persons with severe disabilities from applying for and accessing the statutory tax exemptions.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Chairperson of the Departmental Committee on Finance and National Planning, Hon. Kimani.

(Hon. Dorice Donya spoke off the record)

It is a very straightforward matter. What do you want to add?

Hon. Dorice Donya (Kisii County, WDM): Thank you, Hon. Temporary Speaker. The issue that Hon. Mogaka has raised is very crucial in our current economy because parents who have children living with disabilities do not work the whole day. They go half-duty because taking care of a child living with a disability is another job. This should not be taken as something that needs to be given a thought. It must be given consideration. We should help these parents. Given that we give a waiver to people living with disabilities, we should also consider their parents and give them even double because of the mental burden of taking care of children living with disabilities. I support what Hon. Steve has presented before this House and action should be taken within one week. We should have a response before we go for the recess.

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

Hon. Kuria Kimani (Molo, UDA): Thank you very much, Hon. Temporary Speaker. I would like to thank my two colleagues for seeking this particular Statement. One of the issues that I would like the Member to specify is that under the Persons with Disabilities Act, the first Ksh150,000 of income per month or Ksh1.8 million per year is automatically exempt from Income Tax. However, there is a rider that for you to qualify for that exemption, you must be registered by the National Council for People Living with Disabilities. As I seek to provide the answer requested by the Member, it is important for him to facilitate us with the information on whether the person for whom the Statement is being sought for is registered by the National Council for People Living with Disabilities.

Secondly, even as we wait for the answer from the Kenya Revenue Authority (KRA), there is no exemption given in law for relatives or guardians of people living with disabilities. The exemption is to the person living with disabilities and not to the parents or guardians. Maybe until such time when this honourable House may provide an extension of this exemption to those people taking care of the persons with disabilities, there may not be any provision in law to exempt those caregivers of people living with disabilities from Income Tax.

The Temporary Speaker (Hon. Farah Maalim): That is fair.

(Hon. Stephen Mogaka spoke off the record)

Order, Hon. Mogaka. The law as it is now...

Hon. Stephen Mogaka (West Mugirango, JP): Hon. Temporary Speaker, I draw the attention of the Chair to Section 57(1) of the Persons with Disabilities Act which gives the Cabinet Secretary discretion or application by a caregiver of a person with disability to grant that exemption. That is the law that I am asking the Committee to compel the Cabinet Secretary to grant parents of persons with disabilities their entitlement. That discretion needs to be exercised judiciously. The person in question is registered. I draw the attention of the Chair to Paragraph 3, where Mr Obade is registered under Disability Registration Certificate Ref: NCPWD-JRSGRWG.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. That is clear. Hon. Chairman, how long will you take to bring a response?

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, now that the Member has provided clarity on the details he seeks, this is a fairly straightforward request for a Statement. I will provide a response by Thursday, next week before we go for recess.

The Temporary Speaker (Hon. Farah Maalim): Okay, fair enough. It is so directed. The next request for a Statement is by Hon. Walter Owino, Member of Parliament for Awendo Constituency, on the impending auction of land belonging to South Nyanza (SONY) Sugar Company Ltd. Proceed.

AUCTION OF SOUTH NYANZA
SUGAR COMPANY'S LAND

Hon. Walter Owino (Awendo, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the impending auction of land belonging to the South Nyanza (SONY) Sugar Company Ltd.

SONY Limited has maintained banking services at the Co-operative Bank of Kenya since 2012. At various times, prior to the transitioning to the leasing arrangements, the company secured a five-year loan facility of Ksh335 million under the Commodities Fund and an overbought facility of Ksh300 million. At the time of transitioning to the leasing arrangement, the outstanding loan had accrued...

*(Hon. Abdisirat Khalif and
Hon. Umul Kheir Kassim consulted loudly)*

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. There is a small caucus of North Eastern Members of Parliament consulting loudly. Consult in very low tones. Hon. Abdisirat Khalif!

Hon. Walter Owino (Awendo, ODM): Hon. Temporary Speaker, I may have to start again. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request a statement from the Chairperson of the Departmental Committee on Finance and National Planning regarding the impending auction of land belonging to the South Nyanza (SONY) Sugar Company Ltd. SONY has maintained banking services at the Co-operative Bank of Kenya since 2012. At various times, prior to the transitioning to the leasing arrangement, the company secured a five-year loan facility of Ksh335 million under the Commodities Fund and an overdraft facility of Ksh300 million. At the time of transitioning to the leasing arrangement, the outstanding loan had accumulated to Ksh710,453,474, which included capitalised interest accrued over time. Records show that the security for the loan is the first-ranking legal charge of Ksh900 million in favour of the Company's property land, LR 16339, situated in Sare Awendo.

On 13th August 2025, the bank issued a statutory notice demanding settlement of the debt which the bank was advised to pursue it as a pending bill. Regrettably, the matter remains unresolved despite engagements involving the Kenya Sugar Board, the bank and the leasee. On 14th July 2026, the bank issued a notice of intention to sell the charged property within 40 days to recover the outstanding loan, which then stood at Ksh862,328,980. The impending auction of the Company land raises concerns regarding the protection of public assets under the subsisting lease arrangement.

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

1. The status of outstanding loan owed by the former South Nyanza Sugar Company Limited to the Co-operative Bank of Kenya.
2. The measures being taken by the Government to settle or restructure the outstanding liability and prevent the disposal of LR 16339 in Sare Awendo.
3. Measures being taken to safeguard the assets of the former South Nyanza (SONY) Sugar Company Ltd from disposal arising from historical liabilities.
4. The long-term measures being put in place to resolve legacy debt and other liabilities of state-owned sugar companies under leasing programmes.

I thank you, Hon. Temporary Speaker.

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

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. On that issue, has the Member spoken to Hon. Nyamita? Yesterday I listened to Hon. Nyamita on television where he said the exact opposite. Does Hon. Nyamita have updated information about South Nyanza (SONY) Sugar Company Ltd? Perhaps you could find out from Hon. Nyamita.

The Temporary Speaker (Hon. Farah Maalim): Is Nyamita in the House now? Where is Hon. Nyamita?

Hon. Walter Owino (Awendo, ODM): Hon. Temporary Speaker, I represent Awendo Constituency and Hon. Nyamita represents Uriri Constituency, which neighbours Awendo. Therefore, I speak on behalf of Awendo. Thank you.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Hon. Kimani, give an undertaking on when you will provide a comprehensive Statement on that.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, I thank Hon. Walter Owino for seeking this Statement. This is one of the institutions that the Departmental Committee on Finance and National Planning and the Departmental Committee of Agriculture and Livestock processed a Sessional Paper, I think, in 2023 on commercialisation of sugar companies. I know we will be going on recess and because we may have to visit the factory, we will need one month to bring a comprehensive statement on that. I ask the Member to be available to the Committee when we will be undertaking that so that he can give us inside information that will enable us carry out the process effectively.

The Temporary Speaker (Hon. Farah Maalim): Hon. Kimani, the Company's land is charged by a bank. The bank wants to realise the money it lent to the organisation. Efforts by the bank to recover its own money will be done not too much in the distant future. Unless you give a firm undertaking that you will manage to intervene before then, it might become *ex post facto*.

Who else wants to contribute on this? Member for Awendo.

Hon. Walter Owino (Awendo, ODM): I appreciate the response, however, a 40-day notice from 14th July 2026 was given by the Co-operative Bank for auctioning the parcel of land. So, waiting for another one month may not work. We may come back from recess after the parcel of land has already been auctioned.

*(Hon. Didmus Barasa and Hon. Abdisirat Khalif
consulted loudly with several other Hon. Members)*

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. Hon. Barasa and company. Hon. Abdisirat Khalif, I do not know what campaign you are on, but you seem to be making one small caucus after another.

Hon. Kimani, this is a commercial transaction. The bank has to recover its own money. This is a loan. If you really want to do something about it, you have to give an undertaking such that you make the right interventions with the National Treasury and Economic Planning or find a way to pay off the bank. Whatever you have to do, you have to do it yourself, because otherwise, the land will be auctioned. This is a parastatal, to the best of my knowledge. So, for you to protect the interest of the nation and the interest of the public who live around that place, you have to give a firm undertaking that you will make a certain intervention to make sure that the bank discharges the property upon a negotiated settlement of whatever it is. This is because it is a commercial loan and you cannot stop the bank as you have no powers to do so.

Hon. Kuria Kimani (Molo, UDA): Yes, indeed you are very right, Hon. Temporary Speaker. Now that there already exists a contractual arrangement between the sugar company and the bank, which is an arrangement or a contract as per the Contract Act, we need to be careful how we manoeuvre around this matter. However, there is still some relief because this august House passed a Sessional Paper in 2023, if I am not wrong, on the commercialisation of these companies, where there was an undertaking by the National Treasury to take up some of these debts. Therefore, considering the urgency of the matter as explained by yourself and by the Member, we shall make it a priority business in the Committee and bring a preliminary Statement next Thursday and a comprehensive Statement thereafter after which we shall meet all these parties.

I submit.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Hon. K'Oyoo, I think this matter is settled for now at least.

Hon. James K'Oyoo (Muhoroni, ODM): Thank you very much, Hon. Temporary Speaker. The Chairman of the Departmental Committee on Finance and National Planning should be very specific. The Government should be very careful with protecting people's property. We have been bailing out Kenya Railways Corporation every other day and that is a parastatal. This is something very unusual because the land belonged to the locals. The locals gave it willingly because they wanted a factory to be erected to promote industrialisation, create employment and keep the economy growing. However, somehow, somewhere along the way, people lost taste and what we are suspecting is that some serious people want this thing auctioned so that they buy it cheaply. They should be very serious with public properties. I want you to be specific and give a guarantee to this House that you will do what you said and stop the auction.

The Temporary Speaker (Hon. Farah Maalim): He has given an undertaking. He cannot stop the auction. An auction can only be stopped by a court of law. You can also have an undertaking if he negotiates, through the National Treasury, with the lending institution itself, then maybe that is the case.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Point of order Hon. Temporary Speaker.

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I think the Chairman of the Departmental Committee knows that it is now in the public domain that Homa Bay and Migori counties are marginalised and the Government takes special measures to support marginalised counties. Can the Government pay that loan? We are marginalised. So, let the Government pay that loan. After all, we are in the Broad-Based Government. Let the Government pay that loan!

(Laughter)

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

Hon. Wanami Wamboka (Bumula, DAP-K): Hon. Temporary Speaker, the circumstances under which corporations belonging to the Government are exchanging hands from Government to individuals are saddening. I speak with a lot of pain because of the manner in which Nzoia Sugar Company changed hands. It is similar to the way this sugar mill is going. Before they realise, it will be a very serious issue. The Chairman of the Committee is my good friend. He knows that I like him like a brother. We have had governments since 1963, but the people of this country have never undergone so much pain like the pain being inflicted on them right now.

You came to this House and assured us that we are leasing Nzoia Sugar Company. You told us that farmers and workers would be paid and the machines would be running. I want this Committee to just organise a fact-finding mission to Nzoia Sugar Company. It is sad that the employees have never been paid. They were told to go home without any pay. The farmers who supplied cane have never received their money and now the sugar factory is not milling. For a sugarcane farmer to get a permit to cut his sugar cane is a problem. We want the Committee to take this matter seriously. We want Hon. Mbadi to address the issue when he comes to this House because we are losing Government property. The properties belong to the people. It is sad.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Wamboka. You cannot rise on a point of order and hijack a matter that is for Sony Sugar Company.

(Hon. Wanami Wamboka spoke off the record)

Order. You people are a bit lazy. Why did you not seek a Statement from the same Committee? Anyway, we are now dealing with South Nyanza Sugar Company.

Hon. Wanami Wamboka (Bumula, DAP-K): That is where I was headed Hon. Temporary Speaker. Can I just finish my point of order?

The Temporary Speaker (Hon. Farah Maalim): No. Proceed, Hon. Kimani.

(Loud consultations)

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

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, inasmuch as the Member may have raised that point arbitrarily and abused it...

The Temporary Speaker (Hon. Farah Maalim): Confine yourself to the matter before the House right now. Do not generalise it.

Hon. Kuria Kimani (Molo, UDA): Yes, I undertake and I had committed...

The Temporary Speaker (Hon. Farah Maalim): South Nyanza Sugar Company has a loan that is owed to one bank. If I did not hear it wrong, which bank is it? Is it the Cooperative Bank? I hope that is going to be settled.

Hon. Kuria Kimani (Molo, UDA): Yes, I gave a commitment that, because of the urgency of the matter, we will bring a preliminary report next Thursday. However, I do not know how you intend us to deal with the issue of Nzoia Sugar Company, unless it is in your ruling...

The Temporary Speaker (Hon. Farah Maalim): No. We are now dealing with Southern Nyanza Sugar Company.

Hon. Kuria Kimani (Molo, UDA): Okay. For South Nyanza Sugar Company, I think I was clear in my undertaking on the same. Hon. Temporary Speaker, I submit and thank you.

The Temporary Speaker (Hon. Farah Maalim): The next Member is Hon. Umul Kheir Kassim on preparedness for anticipated El Nino rains in the ASAL areas.

PREPAREDNESS FOR EL NIÑO RAINS IN ASAL COUNTIES

Hon. Umul Kheir Kassim (Mandera County, UDM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Regional Development regarding the preparedness, contingency planning and response mechanisms in place for the anticipated El Niño rains and associated flooding risks across the Arid and Semi-Arid Lands (ASAL) counties, particularly Mandera County.

Hon. Temporary Speaker, the anticipated heavy and above-average rainfall presents a significant humanitarian, economic, public health, security and environmental risk to communities across Northern Kenya. Mandera County has experienced a prolonged period of drought peaking in February 2026. The drought, driven by consecutive failed rainy seasons, has severely weakened household resilience, depleted livestock and undermined food and water security. The onset of intense rainfall following such prolonged drought could consequently result in loss of lives and livelihoods, displacement of communities, destruction of infrastructure, flooding and outbreaks of waterborne and other communicable diseases. The risk of flooding in Mandera County is further heightened by its geographical and ecological characteristics. Heavy rainfall in the Ethiopian highlands and other upstream areas has the potential of causing a rapid rise in water levels in the Dawa River, thereby exposing communities along the river and other flood-prone areas to the risk of riverine flooding.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Regional Development on the following:

1. The comprehensive preparedness and contingency measures that the Government, through the National Disaster Risk Management Authority, has put in place to mitigate the anticipated heavy rains and flooding, particularly in Mandera County and other vulnerable ASAL counties.
2. Efforts made by the Government to strengthen disease surveillance, public health preparedness and emergency medical response, particularly to prevent and manage waterborne and other communicable diseases that may arise from flooding.
3. Measures put in place to protect learners and teachers in flood-prone areas and ensure the continuity of learning in the event of displacement, destruction of school infrastructure or restricted access to schools.

I thank you Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Is the Chairman of the Departmental Committee on Regional Development in the House? When will you bring the Statement sought?

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon. Temporary Speaker. I will endeavour to bring a response to the Statement in the first week after we resume from recess.

The Temporary Speaker (Hon. Farah Maalim): The first week after recess?

Hon. Peter Lochakapong (Sigor, UDA): Yes.

The Temporary Speaker (Hon. Farah Maalim): When is the anticipated period as far as the meteorological report is concerned?

Hon. Umul Kheir Kassim (Mandera County, UDM): According to the Kenya Meteorological Department, the anticipated period is the first week of September. We will be on recess until the end of September. That is going to be a long period of time.

The Temporary Speaker (Hon. Farah Maalim): Hon. Chairman, you have to give a better undertaking. This cannot come any later than next week. Give an undertaking for some time next week, otherwise, it will be a joke. You can get the preparedness report from the Government in half a day.

Hon. Peter Lochakapong (Sigor, UDA): Yes, if the El Niño is set to begin in the first week of September...

The Temporary Speaker (Hon. Farah Maalim): We have the National Drought Management Authority (NDMA) in the country.

Hon. Peter Lochakapong (Sigor, UDA): Hon. Temporary Speaker, as you have directed, I may bring a preliminary Response to the Statement Request next week on Thursday.

The Temporary Speaker (Hon. Farah Maalim): Next week on Thursday. It is so directed.

Hon. Members, we have another Request for Statement by Hon. Bernard Kitur. I will give him the Floor in a moment to speak, but before he does so, let me recognise, in the Public Gallery, the presence of students from Koimiret Secondary School from Chepalungu Constituency, Bomet County; and Ihumbu Primary School from Maragua Constituency, Murang'a County.

Hon. Kitur, would you like to give a word of encouragement to the students from these two schools?

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to welcome all the students from the two schools. I welcome all of you to this House of records. Take your time to learn. This is where laws are made. As you follow the deliberations, this can also encourage most of you.

It is a great opportunity for you to be here, as it is a unique chance. Many students across the country may have wished to be here. You have had the privilege to be here. Take time to learn. In the future, you will also be Members of this honourable House, and you will build our country by making laws and regulations that could change this country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): You can now go ahead and seek your Statement.

FORCEFUL EVICTION OF
SQUATTERS IN NANDI HILLS

Hon. Bernard Kitur (Nandi Hills, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the forceful eviction of squatters in Nandi Hills Constituency.

The Temporary Speaker (Hon. Farah Maalim): Is there a Member from that Committee in the House now? I do not see the Chair.

Hon. Bernard Kitur (Nandi Hills, UDA): There is a chairperson who can take the commitment for the same.

The Temporary Speaker (Hon. Farah Maalim): I thought I saw Hon. Naomi Waqo, the Deputy Whip of the Majority Party. Anybody from the leadership of the House? Whip of the Minority Party.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Yes, I am here.

The Temporary Speaker (Hon. Farah Maalim): You should be able to make an undertaking on behalf of the Chairperson of the Departmental Committee. After all, you are in the Broad-Based Government. Listen to what he has to say.

Proceed, Hon. Kitur.

Hon. Bernard Kitur (Nandi Hills, UDA): Allow me to start so that she can get it right.

Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the forceful eviction of squatters in Nandi Hills Constituency.

On Tuesday, 11th August 2026, Kimasas Cooperative squatters were forcefully evicted from Sitoi Farm, leaving their homes demolished, property destroyed, and their families left without shelter. The exercise was allegedly supervised by police officers from Nandi Hills Police Station in the presence of the Officer Commanding Police Division (OCPD) and Officer Commanding Station (OCS). The affected squatters have been engaged in a longstanding land dispute with Eastern Produce Kenya Limited, which is reportedly the subject of ongoing court proceedings. It is concerning that no valid court orders were presented to the squatters authorising the eviction and demolition.

Lawful evictions are permitted under the law. They ought to be undertaken in accordance with due process. The destruction of homes and property in Sitoi Farm without proper legal authority therefore constitutes a serious violation of the affected persons' constitutional rights to dignity, adequate housing and access to justice.

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

1. The circumstances under which the eviction at Sitoi Farm was undertaken, including the role of officers from Nandi Hills Police Station and an indication of whether excessive force was used leading to unlawful destruction of property.

2. The measures taken by the Government to ensure that evictions are strictly carried out in accordance with the law, particularly where there are ongoing court proceedings concerning the affected property.
3. Steps taken to ensure that the affected families are protected from further displacement, intimidation or violation of their rights pending the determination of the ongoing court proceedings.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, I will forward the Statement to the Committee. They will respond in two weeks' time.

The Temporary Speaker (Hon. Farah Maalim): Two weeks is not possible because Parliament will be on recess by then. You should give it next week.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Okay, because this is an urgent matter, as it concerns property rights, the health of the people who have been evicted, and the children and women who are now being displaced.

The Temporary Speaker (Hon. Farah Maalim): So, when?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Realistically, let me put it for Thursday next week. So, I will inform the Chair of the Committee, and the Request will be responded to on Thursday. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Are you happy with that, Hon. Kitur?

Hon. Bernard Kitur (Nandi Hills, UDA): Yes, it is fair enough.

The Temporary Speaker (Hon. Farah Maalim): It is so directed.

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you.

The Temporary Speaker (Hon. Farah Maalim): Next are Responses to Statements. Is the Chairperson of the Departmental Committee on Transport and Infrastructure here?

Hon. Didmus Barasa (Kimilili, UDA): Yes.

The Temporary Speaker (Hon. Farah Maalim): You are supposed to respond to Hon. Edwin Mugo's Request. Is he here? If he is not in the House, it would not be fair for you to give the Statement in his absence.

Will you table it?

Hon. Didmus Barasa (Kimilili, UDA): I will table it, but most importantly, when he requests for a Statement, it is not for him but for the people from that area.

The Temporary Speaker (Hon. Farah Maalim): It is for the people and the House. Common decency dictates that the questioner must be in the House for him to raise any concerns.

Hon. Didmus Barasa (Kimilili, UDA): I will table it, but I ask for your indulgence because some of the roads in Mount Kenya are actually destroyed by demonstrators burning tyres on roads. Maybe you could form another committee, to be chaired by Hon. Kimani Kuria, to speak with the Member for Mathira.

(Laughter)

Hon. Wanami Wamboka (Bumula, DAP-K): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): A point of order on what? He has already been put in order by the Chair. There should be no point of order when a Member has already been told to sit down. Order. Sit down.

Is the Member for Turkana North, Hon. Ekwom, in the House? Vice-Chairman of Departmental Committee on Transport and Infrastructure, proceed with the response on the improvement of two roads in Turkana South Constituency.

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): I direct that the matter of Hon. Edwin Gichuki be deferred to a time when Hon. Mugo is in the House. I suggest it will be on Wednesday next week.

(Statement deferred)

Proceed.

DELAYED MAINTENANCE OF LOKITAUNG - KIBISH
AND LOKICHOGIO - LOKITAUNG ROADS

Hon. Didmus Barasa (Kimilili, UDA): Thank you, Hon. Temporary Speaker. I would like to read the response to the Statement sought by the Member for Turkana North. He sought a Statement on the reasons for the delayed routine maintenance of Lokitaung - Kibish and Lokichogio - Lokitaung Roads despite the allocation of funds. He also needed to know the details of the funds allocated for the maintenance of these roads, and the plans being put in place to ensure that the necessary maintenance works are carried out in a timely manner. Lastly, he needed Kenya National Highways Authority (KeNHA) to provide accountability measures to address its failure to execute maintenance works.

Hon. Temporary Speaker, I beg to respond. Regarding the reasons for the delayed routine maintenance, the Ministry submitted that routine maintenance activities have been carried out consistently with the exception of the Financial Year 2024/2025 when there were budgetary constraints. Routine maintenance normally entails spot improvement and drainage works. Due to the long stretch of the road, only critical sections are constructed within the limited budgets.

Regarding the funds allocated and corresponding works undertaken, I have listed here a detailed report which the Hon. Member can read. It explains the amount of money that was allocated in the Financial Year 2025/2026 and the subsequent works that were undertaken.

Regarding accountability measures, the Ministry submitted that the implementation of maintenance works has largely been affected by budgetary and funding constraints. Notwithstanding these challenges, KeNHA continues to prioritise critical maintenance activities aimed at ensuring road safety, maintaining trafficability and preventing further deterioration of the affected road infrastructure

The Ministry further submitted that to enhance accountability and improve delivery of maintenance works, the Authority has strengthened monitoring and supervision mechanisms through regular road condition assessments, periodic inspections and performance reviews of maintenance programmes. Further, priority road sections have been identified and incorporated into planned routine maintenance and spot improvement programmes for implementation, subject to the availability of funds.

I assure the Member that I undertake to visit the particular section of the said road sometime next week to ensure that the Ministry and KeNHA address the issues raised in this Statement. The Member for Turkana North is very hardworking. In the region that he comes from, people do not destroy roads by burning tyres on them. So, we have to support him.

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

Hon. Paul Nabuin (Turkana North, ODM): Thank you, Hon. Temporary Speaker. The written response to this Statement Request is unsatisfactory. However, the Vice-Chairman has undertaken, from his off-the-cuff statement, that he will visit these roads. One of the roads connects Kenya to Ethiopia from the north-western part of Kenya - that is, from Turkana to Ethiopia. It is supposed to be a highway, but it is not. It is not motorable. It is cut off. The second road does not exist. It does not connect Turkana North from Lokitaung to South Sudan. It is not there. The last time these roads were budgeted for was in the Financial Year 2022/2023. The Response to the Statement Request indicates that there was a budget for maintenance of the two roads. These are some of the roads that have become cash cows for the Ministry and,

maybe, the Committee. Therefore, I request that I appear before this Committee, together with the Cabinet Secretary. If it is true that the Vice-Chairman of the Committee will visit Turkana North, then that is a good step. I should accompany him because I should be there to show him where these roads are.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Give a very brief rider, Hon. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. The issue of highways has become emotive. As the Committee visits Turkana North, please, pay attention and visit the Busia-Kisumu Highway, which is in a pathetic state.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Oundo. Why do many Members of Parliament have this habit? Whenever a specific question is asked, you raise your issues instead of supporting your colleague to get definitive answers that will help his constituents.

(Hon. (Dr) Ojiambo Oundo spoke off the record)

You are raising your issues. Request for a Statement on Busia - Kisumu Highway.

(Hon. (Dr) Ojiambo Oundo spoke off the record)

No, it is not right. Vice-Chairman, give a definitive answer.

Hon. Didmus Barasa (Kimilili, UDA): I have undertaken to visit that place next week.

The Temporary Speaker (Hon. Farah Maalim): When?

Hon. Didmus Barasa (Kimilili, UDA): I will do so next week on Friday. I will liaise with the Member so that when we come back from recess....

The Temporary Speaker (Hon. Farah Maalim): You will do sufficient consultation and then you will come back with a definitive Statement.

Hon. Didmus Barasa (Kimilili, UDA): Absolutely. Most importantly, allow me to table this Statement in response to the sentiments raised by Hon. Edwin Mugo. It is straightforward because the work is ongoing. He is not here. We will table it. We do not have to read it when he comes to the chamber.

The Temporary Speaker (Hon. Farah Maalim): Unfortunately, I have already given a direction on that.

Hon. Didmus Barasa (Kimilili, UDA): Correct. Lastly, we also need to plead with Members that some of the little money allocated to these roads and highways should be used for the intended purpose. There are times when you sit down with the Authority and they tell you that politicians mobilise their supporters to vandalise the road signs, bring down the guardrails and burn tyres. This makes the Ministry commit the money that had been allocated for other activities to carry out makeshift repairs.

I plead with Members, especially from some parts of our country, not to mobilise their supporters to destroy the road signage that we are repairing. The people who do this are known. We need to get elders to go and speak with them. One notorious man is from Mathira—the former Deputy President. He is very notorious for mobilising people to destroy property in this country. That is part of the long-term measures to ensure that roads are not destroyed.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. You have been heard.

Hon. Suzanne Kiamba (Makueni, WDM): On a point of order, Hon. Temporary Speaker.

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

(Hon. Suzanne Kiamba spoke off the record)

Can you give her the microphone, please? Is it the Member for Kibwezi?

Hon. Suzanne Kiamba (Makueni, WDM): Makueni.

The Temporary Speaker (Hon. Farah Maalim): Kibwezi is next door.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker. I requested for a Statement which was directed to the Departmental Committee on Housing, Urban Planning and Public Works during the last session. I was advised to raise the matter again in the House after raising five points of order. The last time I raised a point of order, I was told that I would be answered within two weeks. I have never received an answer.

I also raised a point of order about the 18 girls who were chased away from Kiganjo Police Training College, and I was told that I would be answered two weeks after the recess. I have since raised another point of order, but I do not seem to be getting an answer.

Thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Naomi, the Member for Makueni sought Statements on a number of issues. *The Hansard* is recording that fact. One of them is about the 18 girls who were chased from Kiganjo Police Training College.

Hon. Suzanne Kiamba (Makueni, WDM): Yes, 18 girls who were chased from Kiganjo.

The Temporary Speaker (Hon. Farah Maalim): What of the other one?

Hon. Suzanne Kiamba (Makueni, WDM): The other one was on affordable housing in Makueni.

The Temporary Speaker (Hon. Farah Maalim): When will you bring those Statements?

Hon. Naomi Waqo (Marsabit County, UDA): Thank you, Hon. Temporary Speaker. It is unfortunate that *Mheshimiwa* has not received her responses and has been waiting all this time. I apologise on behalf of the committee chairpersons. I will take that up. She is requesting that we do it before we go on recess. So, I will discuss it with the chairpersons, and she will receive her responses, probably, by Thursday next week.

Hon. Temporary Speaker, I am responding on behalf of the others. That is why I want to be sure that she receives her responses by Thursday. Let me work very hard. I will whip the chairpersons so that she receives her responses before we go on recess.

Hon. Suzanne Kiamba (Makueni, WDM): On Wednesday?

Hon. Naomi Waqo (Marsabit County, UDA): Yes, Wednesday afternoon.

Hon. Edith Nyenze (Kitui West, WDM): Hon. Temporary Speaker, on the same note, I also requested for a Statement on 40 transformers from my constituency. Last week but one, I raised the same matter, but it has not been responded to. So, I would like to know when it will be responded to.

The Temporary Speaker (Hon. Farah Maalim): Hon. Naomi, you will have to give an undertaking on that one too.

Hon. Naomi Waqo (Marsabit County, UDA): I will do some very serious follow-up and make sure that she also gets a response probably by Wednesday.

Thank you.

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

MOTIONS

APPROVAL OF NATIONAL PETROLEUM POLICY

THAT, this House adopts the Report of the Departmental Committee on Energy on its consideration of Sessional Paper No. 4 of 2026 on the National

Petroleum Policy, laid on the Table of the House on Thursday, 2nd July 2026 and approves Sessional Paper No. 4 of 2026 on the National Petroleum Policy.

*(Moved by Hon. Geoffrey Mulanya
on 19.8.2026 – Afternoon Sitting)*

*(Resumption of debate interrupted
on 19.8.2026 – Afternoon Sitting)*

The Temporary Speaker (Hon. Farah Maalim): This Motion was being moved by Hon. Geoffrey Mulanya, who had 16 minutes remaining, but he is not in the House. So, we will have to proceed to the next Order. Order No. 8 is therefore deferred.

(Motion deferred)

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

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

APPROVAL OF RATIFICATION OF NEW AGREEMENT
OF INTER-AFRICAN COFFEE ORGANISATION

THAT, this House adopts the Report of the Departmental Committee on Agriculture and Livestock on its consideration of the Inter-African Coffee Organization (IACO) New Agreement (2020), laid on the Table of the House on Thursday, 13th August 2026 and pursuant to the provisions of section 8(4) of the Treaty Making and Ratification Act (Cap. 4D), approves the ratification of the Inter-African Coffee Organization (IACO) New Agreement (2020).

Hon. Deputy Speaker: Is the Chairperson of Departmental Committee on Agriculture and Livestock is not there in the House?

We can go to the next Order?

(Hon. Patrick Osero stood in his place)

Are you standing in for the Chair? Proceed.

Hon. Patrick Osero (Borabu, ODM): Hon. Deputy Speaker, I wish to second the Motion that this House approves the ratification of the Inter-African Coffee...

Hon. Deputy Speaker: It is Order No. 9. It is supposed to be moved by the Chairperson, then you second it thereafter. You cannot second it when it has not been moved, unless you are moving it on behalf of the Chairperson.

The Motion is deferred.

(Motion deferred)

ADOPTION OF REPORT ON INQUIRY INTO PROPOSED SALE
OF SHARES IN EAST AFRICAN PORTLAND CEMENT PLC

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on its inquiry into the proposed sale of shares in East African Portland Cement PLC, laid on the Table of the House on Wednesday, 19th November 2025.

Hon. Deputy Speaker: Is the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives in the House. Is there someone who has been nominated to move the Motion? Hon. Waqo, is the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives here?

Hon. Naomi Waqo (Marsabit County, UDA): He is not here.

Hon. Deputy Speaker: Okay, we move to the next Order.

(Motion deferred)

BILL

Second Reading

THE POWER OF MERCY BILL
(National Assembly Bill No. 56 of 2025)

Hon. Deputy Speaker: Are you standing in for the Leader of Majority Party on this one?

Hon. Naomi Waqo (Marsabit County, UDA): Yes, Hon. Deputy Speaker.

Hon. Deputy Speaker: Okay. The Clerk's Office should ensure that chairpersons are notified when their Motions are coming up for debate so that we do not have to defer them. It is also agreed that the moving notes of the Leader of the Majority Party will be brought here so that when there is nobody to move, someone else can pick them up.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Deputy Speaker, I beg to move that the Power of Mercy Bill (National Assembly Bill No.56 of 2025) be now read a Second Time. This critical piece of legislation was published in the *Kenya Gazette* on 25th November 2025, read a First Time on 26th February, 2026 and subsequently committed to the Departmental Committee on Justice and Legal Affairs (JLAC) for consideration.

The Power of Mercy under Article 133 of the Constitution lets the State balance strict criminal laws with grace, forgiveness and healing for reformed offenders. We currently have the Power of Mercy Act (Cap.94) which was enacted in 2011 to operationalise Article 133 of the Constitution. While the Article has served the country over the years, experience in its implementation has revealed practical, instructional and operational gaps that require legislation reform.

This Bill is a major step forward that updates our laws, creates transparent system for presidential pardons and replaces old rules with modern a framework that respects human rights. This will really help Kenyans since the presidential pardon will be in place. The primary objectives of this Bill are as follows:

1. It gives full effect to Article 133 of the Constitution by establishing a structured statutory framework for the exercise of the power of mercy by the President.

2. It sets out clear legal parameters for the appointment, tenure, powers, and administrative function of the Advisory Committee on the Power of Mercy.
3. It sets out the rules, qualification, and types of mercy like full pardons, delays, or short sentence to stop any unfair decision.

The main goal is to replace all the words and have in place a modern system that protects human rights and includes victims.

Hon. Deputy Speaker, the Bill is structured into eight comprehensive parts and Schedules that outline the functional mechanics of executive clemency. Part One, clauses 1 to 4, establishes the foundational preliminary baselines, including the Short Title, statutory interpretation, the overarching objectives of the Act and its core guiding principles.

Part Two, clauses 5 to 24, provides a detailed roadmap for the structure and governance of the Advisory Committee on the Power of Mercy. This Part fulfils Article 133(2)(c) of our Constitution by specifying the committee's makeup, locating its headquarters, and outlining a strict competitive appointment process for its members. The Part goes further to establish a fully operational and independent Advisory Committee Secretariat. This secretariat will be headed by a competitively recruited Chief Executive Officer who will manage day-to-day administration and offer crucial support to the committee. You can clearly see that this secretariat will be of great help and will streamline everything and the day-to-day activities.

It also creates a clear framework for hiring dedicated pardon officers and setting up localised case management committees within our correctional facilities. These committees will be responsible for identifying eligible applicants, conducting initial risk assessment, and maintaining clean records. This ensures that only well-vetted, genuine, and reformed offenders are recommended for presidential clemency. At the moment, there are many people in prison and they are waiting for this and once this is applied, many Kenyans will be relieved.

Part Three, clauses 25 to 36, forms the substantive engine of the law, detailing the explicit forms of mercy recognised in Article 133(1) and creating unambiguous eligibility criteria and a standard procedural pathway for processing petitions.

Part Four, Clauses 37 to 39, enforces rigid financial regulations, capturing the explicit sources of funding for the Advisory Committee, annual estimates and binding audit controls aligned with public finance law.

Part Five, clauses 40 to 45, introduces frameworks for nationwide awareness creation, continuous public education, offenders' sensitisation, and guaranteed channels for the public to access crucial information safely.

Part Six, clauses 46 to 51, details miscellaneous mandates, focusing heavily on record keeping, data collection, the creation of an official electronic database, cooperation duties, and general penalty format for any contravention of the Act.

In Part Seven, clauses 53 to 68, the Bill grants the Cabinet Secretary the powers to make governing regulations while safeguarding continuous transition to technical repeats for consequential amendments and saving provisions.

Hon. Deputy Speaker, we have few issues raised from public participation. Let me just go through that. In strict compliance with Article 118 of the Constitution, the Committee placed advertisements and successfully received 20 substantive memoranda from vital stakeholders and State actors. Some of the issues raised include:

1. The National Intelligence Service raised concerns over the lack of standardised procedural framework for actuarial assessment, noting that the risk profiles of offenders must be metric-based rather than subjective.
2. The Kenya Prison Service (KPS) and Commission on Administrative Justice (CAJ) pointed out an error where capital offences were mistakenly equated with life imprisonment, urging an alignment with the standard Penal Code jurisprudence.

3. Several stakeholders, including the Law Society of Kenya (LSK), strongly advocated for explicit inclusion of the two-thirds gender principle and primary voting to protect the institutional integrity of the Advisory Committee.
4. Civil society groups like the Centre for Multi-Party Democracy and Justice Defenders raised pressing arguments around victim safety, demanding that the serious offenders of gender-based violence (GBV) and femicide be completely barred from seeking mercy.
5. Witness Protection Agency (WPA) and the Media Council of Kenya (MCK) requested clear mandates on data anonymisation for vulnerable victims and a structured framework for responsible public communication.

Hon. Deputy Speaker, allow me to go through the Committee observations and recommendations. Having thoroughly scrutinised the stakeholder submissions, the Departmental Committee on Justice and Legal Affairs made profound observations that have refined this Bill into superior legislation. They include:

1. The Committee observed that the phrase 'actuarial assessment' was entirely omitted from the substantive text of the Bill and thus recommended its total deletion from the interpretation section to avoid legislative clutter.
2. The Committee noticed a structural overlap between prison-based case management committees and Power of Mercy Advisory Committee's (POMAC) pardon officers, noting that the primary role of keeping and processing criminal records sits squarely with the Directorate of Criminal Investigations (DCI) and Kenya Prisons Service.
3. The Committee observed that the exclusion of high-risk offenders from receiving total sentence remission was discriminatory, affirming that the ultimate discretionary power must lie with the President, as advised by POMAC.
4. The Committee firmly noted that executive remission under Article 133 of the Constitution is a distinct constitutional act separate from administrative prison remission and that both frameworks can peacefully co-exist.

Hon. Deputy Speaker, this Bill is not merely an administrative formality; it is a vital progressive pillar required to balance justice with human dignity and rehabilitation. Again, by establishing an independent secretariat and setting a clear and unyielding criterion for massive petition, we are building public confidence in our criminal justice system.

On behalf of the Leader of the Majority Party, I take this opportunity to thank the Chairperson and Members of the Departmental Committee on Justice and Legal Affairs for their dedication, long hours and expert output on this Bill as we have seen. I now urge Members of this House, on behalf of the Leader of the Majority Party, once again, to support and pass this amendment to secure a fairer and more accountable legal system for our country.

I beg to move and request our very able Leader of the Majority Party, Hon. Kimani Ichung'wah, to second.

Hon. Deputy Speaker: You can proceed, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. Allow me to first thank the Deputy Whip of the Majority Party, Hon. Naomi Waqo, for ably moving the Power of Mercy Bill (National Assembly Bill No. 56 of 2025). This Bill is actualising the provisions of Article 133 of the Constitution. Its primary objective is to bring into effect or operationalise the Power of Mercy as set out under Article 133 of the Constitution. If you look at Article 133 of our Constitution, it says that—

On the petition of any person, the President may exercise a power of mercy in accordance with the advice of the Advisory Committee established under Clause (2), by—

- (a) granting a free or conditional pardon to a person convicted of an offence; Someone who has already been found guilty or convicted, can either be given a conditional pardon or freed from that conviction.
- (b) postponing the carrying out of a punishment, either for a specified or indefinite period;

You could be imprisoned for ten years upon sentencing by a judge or magistrate, but under the power of mercy as provided for in the Constitution, the sentence can either be postponed for an indefinite or specified period. The President can postpone your conviction indefinitely meaning you will never be jailed. The Constitution obligates that there must be an Act of Parliament which will actualise these provisions so it will not depend on the President's whims on who to pardon.

- (c) substituting a less severe form of punishment; or
- (d) remitting all or part of a punishment.

The President could also substitute a less severe punishment under Article 133 of the Constitution. However, Article 133(2) of the Constitution says that there shall be an Advisory Committee on the Power of Mercy. The Committee will comprise the Attorney General, the Cabinet Secretary responsible for Correctional Services, in our case now, that would be the Cabinet Secretary for Interior and National Administration, and at least five other members as prescribed by an Act of Parliament, none of whom may be a State Officer or in public service. That is exactly what we are doing in actualising the provisions of Article 133 of the Constitution.

We are now setting out the conditions for the five members to be appointed, as was envisaged by the Constitution, through an Act of Parliament. That is what the Constitution says. Therefore, we must enact an Act of Parliament that prescribes who qualifies to be appointed as a member of this Advisory Committee.

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

*[The Temporary Speaker
(Hon. Omboko Milemba) in the Chair]*

As the Mover has ably said, if you read Clause 6 of the Bill, it tells you that a person is qualified for appointment as a member of the Advisory Committee under Article 133(2)(c) of the Constitution by first being a citizen of Kenya. Non-citizens do not qualify. We have neighbours and relatives across the border. I see the Member for Funyula smiling fishily because I know he has relatives across the border on the Ugandan side. We, however, cannot have any of Hon. Oundo's relatives who are Ugandans serving under this Advisory Committee.

Two, that person must hold a qualification as an advocate of the High Court of Kenya, of not less than 15 post-qualification experience. Again, it is important that we have people who are experienced and those who have even engaged in the criminal justice practice in our courts of law. This will ensure that as they advise the President as members of the Advisory Committee, they are aware of the nature of crimes and terms of convictions. You will all agree that there are many Kenyans languishing in prisons who do not deserve to be there. We are a country that sells justice. I know what goes on in this country. There are people who have been jailed who do not deserve to, but because they could not afford legal services, or they were

fighting with people who had more means than them, they ended up in jail. These people will now have an opportunity under the power of mercy. The Advisory Committee can look at particular cases, even of those already serving prison terms.

The other qualification to be member of the Advisory Committee is to be a medical professional specialising in mental health or psychiatry of not less than, again, 15 years of post-qualification experience. This is because there are many people who are jailed, but are not mentally fit. Like I experienced in my own constituency about three months ago, a young man of unsound mind picked up a cabro block from a car park in Kikuyu Town and hit somebody over a minor altercation. That gentleman later passed on. The aggressor is a known person of unstable mind, but he may end up in jail because he may never get proper representation in court. Therefore, mental health or psychiatry professionals will analyse and establish that the convict is of unsound mind and should not have been jailed. Probably they need treatment rather than being in jail as they can also become a danger to the other prisoners. If you kill somebody because you are of unsound mind and you end up being jailed without getting psychiatric help or treatment, you may end up killing more, end up in court again and the cycle continues. We have made particular provisions in this Bill that we must have professionals in mental health.

We also propose to have a professional with 15 years post-qualification experience in psychology and counselling, or correctional services. We should not take away the human dignity from convicted persons. Unfortunately, that is what has happened over the years in our correctional facilities and in our prisons. People are held in very inhumane conditions. You have all seen people who ended up in jail for minor offences such as pick-pocketing or snatching a bag in town. Because of the conditions they encounter in prison, they end up becoming hardened criminals. We must have a system that is both restitutive and rehabilitative.

Those we convict and send to prison must be rehabilitated. That is why, under this Advisory Committee, there must be professionals who can counsel, such as those who have studied psychology and counselling, and even those with experience in correctional services. Those who are jailed and can be corrected can be rehabilitated to become active and productive members of society and, if granted the power of mercy, re-integrated into the community. However, it is only professionals who can assess those convicts and establish that a person has gone through a corrective system, has been rehabilitated, and can be re-integrated into society.

There should also be a professional with at least 15 years' experience who has served in the disciplined forces, whether the police, national administration or defence forces. I do not need to emphasise the importance of having someone who has served in the disciplined forces. The training that many of our police officers and other members of the disciplined forces undergo is useful in analysis. Many of our police officers are now studying for degrees in criminology and can analyse patterns of crime and whether somebody is susceptible to repeating an offence if released back into the public. The Advisory Committee will have all those professionals and it will serve for only one term of five years. This is to ensure that we do not become accustomed to serving in a particular position, where everybody gets to know the people serving on the Advisory Committee and starts influencing them to release or grant the power of mercy to people who otherwise would not deserve it. You, therefore, serve for one term of five years. It is a part-time, not a full-time, job. You exit and allow other Kenyans the opportunity to serve on the Power of Mercy Advisory Committee. Since the Mover has laid out everything contained in the Bill, I need not repeat what has been said and provided for. The Mover has done that very well.

This Bill went through public participation spearheaded by members of the Departmental Committee on Justice and Legal Affairs. The mover captured some of the issues and feedback received during the public participation exercise. They were very diligent, and I must thank them because almost all the members of Hon. Sir George's Committee are lawyers.

They have, therefore, been able to interrogate this Bill and engage with stakeholders from the National Police Service (NPS), the Prisons Service, the Correctional Services, the Ministry of Interior and National Administration, specifically the State Department for Correctional Services, and members of the public who have to deal with criminals and criminal acts. All those issues were raised. I looked at the report that the Committee tabled. It captured many issues, including the National Intelligence Service (NIS). The Bill also provides for actuarial assessments so that every decision made is based on data and statistics that can be of help.

Let me thank the Members of the Committee for the great work they put into considering this Bill. As we consider this Bill, I know many Members will be proposing amendments. We have a very robust Constitution. The 2010 Constitution made every crime in this country bailable. I discovered the other day that you can murder somebody today and be out on bail tomorrow since it is a bailable offence. What do you do? You either go for the witness and kill them so that there are no witnesses in your eventual trial, or you reach out to the family of the person you have killed and enter into the alternative dispute resolution process. We need to re-look at this. We may not have the opportunity now to re-look at the Constitution, but we need to review the offences that can be subject to alternative dispute resolution. Should you kill somebody and enter into alternative dispute resolution mechanisms?

I dare say from this Floor that we have seen even Members of Parliament, in broad daylight, shooting Kenyans and killing them because we have the privilege of being armed. The very people who vote for us and look up to us to lead and protect them. They need to be assured of their safety, but simply because I have a gun in my holster, I pull it out in a bar and shoot somebody. I get to a rally...

Hon. Moses Kirima (Imenti Central, UDA): On a point of order, Hon. Temporary Speaker.

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

Hon. Moses Kirima (Imenti Central, UDA): The point I am raising is that Members neither kill nor shoot. We have not heard of anybody convicted for shooting. We have a court of law, which convicts somebody if they are found to have committed a crime. That is as per the Penal Code. Among our Members, none has been convicted. When we speak of shooting, it is only when one is convicted.

The Temporary Speaker (Hon. Farah Maalim): Order! Hon. Member. You are out of order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I did not see what was out of order. Member for Imenti Central needs to relax; he will have his opportunity to advance his argument if he wants to argue, but not with me. I was saying that we have seen incidents where even leaders, including Members of Parliament, have been accused of shooting people.

(Hon. Moses Kirima spoke off the record)

Hon. Temporary Speaker, please protect me from the Member.

The Temporary Speaker (Hon. Farah Maalim): Member of Parliament for Imenti Central, order!

Hon. Kimani Ichung'wah (Kikuyu, UDA): Just tell him to have some decorum. If he wants to shout, he can go and do it in some market in Imenti Central. Not here.

The Temporary Speaker (Hon. Farah Maalim): You have a problem because you choose to address somebody across. There is a procedure and systems here.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you. In fact, the Member for Homa Bay County is telling us there is no market here. Indeed, there is no market. This is a House of

debate. We debate, but you debate when you have an opportunity to debate, and everybody will have an opportunity to debate.

Hon. Temporary Speaker, before I was rudely interrupted, I had said that we have seen even Members of Parliament being accused of walking into bars and shooting people. You go to a rally and shoot the same voters and citizens we ought to be offering and assuring security. Then, when those issues go to court, we end up following those families, going for alternative dispute resolution, and getting away with crime. It is because we are people of means, and unfortunately the people who are shot and killed are not people of means. For me, it does not matter whether you are a Member of Parliament, a cabinet secretary, or a governor. Nobody has the right to take a life. Nobody has the right to take anybody's life. If, as a leader or a Member of Parliament, I shoot somebody, I should be treated like any other criminal who shoots another Kenyan and kills them.

We must begin to re-look at many of these laws. We have a Constitution that is very generous. As I said, you kill somebody, you are out on bail and you eliminate all the witnesses. That is the danger that we are living in. It is only us who can protect our nation and our citizens. In the United States, where we largely borrowed our Constitution from and many other jurisdictions in the Commonwealth, I hardly see bail being dished out to murder suspects the way we do it in our courts here. That is a fact. However, because we were led to enacting our Constitution after many years of activism, we probably became too generous. I am just saying that as food for thought. It is us and not any other person out there who will offer solutions to these issues.

Everybody now is speaking about goons. It is the most fashionable thing to say today. In fact, in the political circles, people are pointing fingers at each other with accusations of: "You are the one who has goons." It is the most fashionable thing. I saw a group of leaders from the opposition yesterday with Hon. Martha Karua as she read the statement asking the International Criminal Court (ICC) to come and investigate the goon phenomenon in the country. Unfortunately, some of the politicians who were standing behind Martha Karua were the people who moved around with goons carrying machetes in Nyanza. Were they now telling us that they are holier-than-thou when they stood behind Martha Karua as she read a statement talking about goons, yet they were the commanders-in-chief of goons with machetes in Nyanza?

Some Members have now decided which parties will have candidates and which parties will not have agents in their constituencies, which is against our election laws! Somebody stood in his village home and said that in Mathira Constituency there will be no single UDA agent. However, because he knew what he had done—breaching election laws—the following day he turned around to try and correct what he had said. He knew what he was doing because he did it in Ol Kalou. I said, in Ol Kalou, the Saturday before the voting, all UDA agents and mobilisers had their doors marked X with red paint. They also got leaflets warning them. That was to instil fear in voters, mobilisers and agents. That is the same business the person wants to take to Mathira.

A Member of Parliament in this House told his constituents that if they vote in a certain way, they will be got from under their beds. I dare ask, supposing it was, for example, Hon. Millie Odhiambo or Hon. Peter Kaluma who said that in Homa Bay... If Hon. Oscar Sudi said in Kapseret what the Member said in Nyeri that, if constituents vote for a particular political faction they will be got from under their beds... I have asked myself those questions.

All of us, without exception must be very careful with what we say. We have a nation to hold together. We have a nation that it is in our interest and our families' interest to protect, so that we have a peaceful nation and peaceful election. Next year general election will come and go whether we keep shouting four-term, six-term, no-term, or whatever else one wishes to shout. Those who have served for one term keep shouting, 'One-term'. They can go ahead; it is

within their rights to do so. You know, many of the people I see, some served as Vice-President for one term, others served as Deputy President for one term, others served as Members of Parliament for one term, and others are serving as Members of Parliament for one term, and they will actually serve for one term. That is why they shout it. Whether it is about those terms or not, let us hold our nation together. Let us enact pieces of legislation like this one that will clearly tell us what needs to be done as we offer power of mercy, pursuant to our Constitution.

I also want to speak to the Judiciary. As they dish out bail and pre-emptive court orders every day... Do they call it pre-emptive? I do not know what they call it, Hon. Murugara. The injunctions they give out to pre-empt arrest and investigations...

(Hon. Millie Odhiambo-Mabona spoke off the record)

Thank you, Hon. Millie. They are anticipatory bails. As the Judiciary dishes out anticipatory bails, the magistrates and judges should have at the back of their minds what the accused persons have been accused of. If somebody has been accused of murder... We saw the other day policemen colluding with criminals to murder other Kenyans. Will we have them taken to court and the following day a magistrate dishes out bail for them? What will they do to the witnesses if they still have connections within the same police service when they are given bail? I am saying that so that as we consider this law, we also think through the other pieces of legislation in our criminal justice system. Part of the reasons of enacting this piece of legislation is to bring on board members of our society into the criminal justice system so that they also become active participants of the criminal justice system.

I had a meeting this morning—allow me to conclude with that—with members of my Nyumba Kumi and village elders in Kikuyu Constituency and I was sharing some of these experiences with them. The problem that bedevils us in our neighbourhoods, especially in Central Kenya, is illicit brews. It is much easier for me, as a politician, to accuse the police and the provisional administration for bringing the illicit brews. Idiotic politicians will say it is the Government that is bringing illicit brews to neighbourhoods to finish people. I told my village elders and Nyumba Kumi members that, as parents we should also engage and speak to our children. There is nobody who is ever forced to consume alcohol. We must educate them. When a Chief does the education, a child may not take him as seriously as he would if it were his parents educating him not to consume illicit brew that is sold at a very cheap price because they are brewed at corners of shops and people's houses.

As we bring the Nyumba Kumi members and the village elders into the fold of the National Government Administration Officers (NGAO)... I must thank the Members of this House who supported the policy proposals that came. You remember it was Hon. Mwengi Mutuse's Motion that brought the realisation of what now the President and the Minister of Interior have actualised of paying stipends to our village elders. As we bring them into the fold of NGAO, we need to make sure that we also educate them on the provisions of these laws.

This is a very progressive Bill. As I said, it will actualise the actual implementation of Article 133 of our Constitution on the power of mercy so that we do it in an orderly, structured and organised way. If you go through the Report and the Bill, you will see that there are laid out steps through which the advisory committees will work and the kind of people who may not benefit from the power of mercy.

I beg to second the Bill and urge the House to support it.

(Question proposed)

The Temporary Speaker (Hon. Farah Maalim): The Chairman, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker. Allow me to laud the Deputy Whip of the Majority Party, who has ably moved the Bill, and also the Leader of the Majority Party, who has ably seconded the Bill. Today, we are here to debate a very important piece of legislation, the Power of Mercy Bill, which does several things for this country, all of which are very important.

Let me put on record, to correct or inform the Leader of the Majority Party, that on 28th February 2019, in the 12th Parliament, I brought a Motion on village elders, which was successful. Hon. Mutuse's Motion on village elders borrowed a leaf from what I had brought at that particular time, but all of this is commendable because our village elders are today drawing some stipends.

Allow me also to explain to those who are here what exactly this Power of Mercy Bill is because, in essence, we are repealing a law known as the Power of Mercy Act, Cap.94 of the Laws of Kenya. In our history, it is curious when we are told that sometime in 1975, after the elections of 1974, a gentleman by the name of Paul Ngei lost a petition against him on the basis that he had conducted some witchcraft on some voters and, therefore, he was guilty of an election offence. We read from the history books that one morning, he visited the President of the country, Mzee Jomo Kenyatta, and reminded him of many things, right from Kapenguria to where the country was at that time, and said he had to be forgiven. The word used is actually "forgiven".

We are told that that the House convened one afternoon and there was a "constitutional amendment" whereby the President was granted the power to pardon an election offence. That is not true because what was amended that afternoon was the Power of Mercy Act, which did not include mercy regarding an election offence. That is why it went through the First Reading, Second Reading and Third Reading and was assented to that afternoon, and Paul Ngei got the clemency he wanted.

This is a law that is derived from England and the exercise of the prerogative powers of the sovereign in the United Kingdom. The powers of the Sovereign are powers of the King or the Queen reigning at that particular time. This is how the Sovereign is given the power to forgive offenders through what is called Royal Clemency, what we now call the Power of Mercy, the Presidential Power of Mercy.

The Departmental Committee on Justice and Legal Affairs went through this Bill with a fine-tooth comb. It also listened to the various participants and stakeholders who came to make representations regarding the Bill. In our estimation, we have refined this Bill to make it one of the best laws in the country, especially on the exercise of the prerogative power of mercy by the President. I would urge every Member to obtain a copy of the Report so that, when we come to the Committee of the whole House and propose amendments, everyone would grasp what those amendments relate to, and how they apply to make this law good.

We have said in this Bill that the Power of Mercy Advisory Committee will sit in the Office of the President. This is exactly where it is supposed to be because its work is to act under Article 133 of the Constitution to advise the President on how to exercise the power of mercy granted by that provision. We must always respect our Constitution. There are many issues we worry about from day to day, including what the Leader of the Majority Party has gone through, that now all offences in the country are bailable, and this is derived from our Constitution. We know very well that it sends jitters to citizens. Constantly, you would hear that somebody has murdered or killed somebody else, but those facts can only be ascertained after the person is convicted.

The correct position is that every person brought before the court as a suspect is presumed innocent until proven guilty. It is on that basis that we say you cannot delineate the fundamental rights to freedom; such that a person is confined in prison or remand while undergoing a trial purely because we suspect that he has committed a grievous offence. So,

what the courts are supposed to do is weigh the magnitude of the offence and impose commensurate bail terms so that the person is deterred from absconding or trying to interfere with witnesses. In any event, we have security agencies that would take care of such persons when they are out on bail.

Most importantly, we must also talk about restorative justice. We are moving away from the old retributive justice whereby we would say, “An eye for an eye.” You kill somebody, we also kill you. You rob somebody, we kill you because you robbed. We must now move towards restoring convicted persons so that, once they show remorse and demonstrate that they are capable of being corrected, we can take care of them as human beings and not kill them purely because they killed somebody else.

There has been mention of Alternative Dispute Resolution (ADR). Again, this is being encouraged. We must move away from the old colonial laws that we have in the Penal Code. Those are laws which, from time to time, and I am happy to report to this House that we are amending through amendments to the Penal Code and the Criminal Procedure Code, to try and align them with the most recent court decisions on how we should go about punishing offenders when they are convicted.

One of them, and you hear about this, is that Kenya is abolishing the death penalty. It is not true. It is going to be one of the sentences that can be meted out to an offender for the capital offences set out in our Penal Code. We are saying you may be sentenced to death, or you may be imprisoned for a period of time so that you can serve whatever sentence the court imposes on you. However, we must move away from hanging people on the gallows. We must stop doing all these things because we feel they may not be in consonance with modernity today. This Bill is, therefore, going to be enriched. It is going to be a Bill...

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

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

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, and sorry for interrupting the Chairman's speech, but would the Chairman just be clear because he seems to be contradicting himself on the issue of the death penalty? On one hand, he is saying that we are doing away with the death penalty. On the other hand, he is saying that we are not doing away with it. I am very keen because I am a proponent of the abolition of the death penalty.

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. Thank you, Hon. Millie. This is what we are going to do soon, and we are bringing the report and the Bills are going to be read a Second Time. What we are doing, in essence, is to amend the Penal Code and provide for punishment for capital offences. Remember, the courts have ruled that the mandatory death penalty is unconstitutional because the court must always be given discretion. It cannot be told, “You must do this.” That is what the judges have said. So, the discretion is going to be this. We will remove the mandatory nature of the death penalty, but it will remain. However, you can get the death penalty for what you have done, depending on the degree of your offence.

Number two, you may get a prison sentence, a life sentence, which is going to be a maximum of 30 years, or whatever it is going to be. Just to explain to Hon. Millie, what we are saying is that we will have degrees of murder, robbery with violence and other capital offences. If yours is in the first degree, you may get a death sentence. The court has a discretion. If it is on the second degree, you may get a life sentence. The third degree would also be determined.

The last bit I need to explain, including to the Leader of the Majority, is plea bargains. That is what he referred to as an Alternative Dispute Resolution (ADR). It is allowed in law. You can get into a plea bargain where there are terms like restitution, which is trying to pay back to the people. Thereafter, you are charged with manslaughter instead of murder, meaning

you get a lesser sentence. Those are called plea bargains. We cannot dismiss them just because they appear to be lenient, but remember we are moving towards restorative and not retributive justice. This is what modernity is calling upon us to do.

I beg to support this Bill. Thank you very much.

The Temporary Speaker (Hon. Farah Maalim): Member for Wundanyi.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Temporary Speaker, for this opportunity to add my voice to this important Power of Mercy Bill that helped us effect Article 133 of our Constitution. I laud the Committee that looked at this Bill and brought a report to the House. Indeed, this Bill is of great importance. We know that it gives effect to the President's power of mercy to pardon anyone who has served a prison sentence, are remorseful, have been rehabilitated, have shown that they can be re-integrated into the community and are living a peaceful and harmonious life with the other Kenyans. As I stand here this evening, there are many Kenyans who have been in prison for very many years. We know of people who are serving life sentences and some who were to initially face a death penalty. But because of what has been described here, most people who served the death sentence are now serving life sentences. They have lived in prison to a point that they are fully rehabilitated and are extremely remorseful for what they did. They can be reintegrated into the community, engage in meaningful life and re-join their families.

We also know of people who are serving life sentences yet they did not commit the crimes they were convicted for. In that situation, someone is imprisoned for life yet we know the circumstances which they were charged still raise questions. My former classmate from Dr. Aggrey High School went through Form 1 to Form 4, but in the year 2005, he was found to have committed murder that up to date, he says he did not commit. Some of us still believe that he did not commit that crime. He has been serving a life sentence in prison. As we speak today, he is in Manyani Maximum Security Prison having served in all other maximum prisons in Kenya. His name is James Love Mwang'ong'o. This gentleman has risen to be a trustee or what we call a team leader or a prefect in Manyani. He has been appointed to teach others when they sit for exams and have been serving as an English and Literature teacher at Manyani Maximum Security Prison. The last time I visited him, I met the prison officers who sat me down and told me that, indeed, this young man has reformed. He has been pursuing power of mercy, but due to the challenges of getting a pardon, it has become extremely difficult for him to access this constitutional provision.

This Bill, therefore, comes at the right time as it will resolve the existing ambiguity. I laud the Mover of the Bill, the Deputy Chief Whip, for her initiative. She has indicated that the advisory committee to be established will consist of individuals of high calibre who will assess the attitude, reform, and mindset of the prisoners considered for pardon. When they recommend to the President that a particular individual has reformed, I trust that the President will not hesitate to exercise the power of mercy.

I truly support this Bill. We need to expedite its passage so that those suffering in prison can benefit and re-join their families. It is incredibly challenging for families with loved ones serving life sentences. Therefore, we must pass this Bill swiftly to enable many Kenyans to access the President's prerogative of mercy. I stand in support of this Bill and thank you.

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

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

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, at your discretion and considering the importance of this Bill, I rise under Standing Order 96. Colleagues, I respectfully request direction on how to proceed, taking into account both Standing Order 35 and the importance of this Bill, its far-reaching consequences for our penal system and for those who find themselves on the wrong side of the law, whether rightly or

wrongly. Please, provide guidance, either under Standing Order 35 or Standing Order 96. Thank you.

The Temporary Speaker (Hon. Farah Maalim): If you wish to adjourn the debate until a later time, you should rise under Standing Order 96. It states that the debate is now adjourned. You go full blast.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Very well. Hon. Temporary Speaker, in view of the importance of the Bill, I seek your indulgence to adjourn this debate in accordance with the provisions of Standing Order 96.

The Temporary Speaker (Hon. Farah Maalim): No. You should state, “I rise under Standing Order 96 that the debate be now adjourned.” Please, read it as it is.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): I rise under Standing Order 96 that the debate be now adjourned.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Temporary Speaker, I hear Hon. (Dr) Oundo. Indeed, this is a very important Bill. Many Members have queued to contribute to the debate. I do not understand why Hon. (Dr) Oundo would wish to curtail debate on such an important matter. Perhaps, he is in a hurry to go somewhere. I suggest allowing him the opportunity to speak following the current contributor so that he contributes and allows other Members to participate in the debate. Everyone here wishes to contribute to this. I, absolutely, see no reason to adjourn this discussion.

In any case, every Member of Parliament is paid by the Kenyan people to legislate on their behalf. If you believe this Bill is important for your constituents, you ought to be here. If you are not, you have no one to blame, but yourself. You cannot stop the House from fulfilling its responsibilities because one or two Members are absent. I urge you to allow the debate to continue.

The Temporary Speaker (Hon. Farah Maalim): Leader of the Majority Party, kindly approach the Chair.

*(Hon. Kimani Ichung’wah consulted
with the Temporary Speaker)*

Take the opportunity and consult among yourselves. This is the House of consultations.

Hon. Kimani Ichung’wah (Kikuyu, UDA): The beauty of dealing with mature legislators like Hon. Oundo is that we consult across the aisle. I have understood his concerns, and I have assured him that we are not going to close this debate today. We will continue with the debate and allow those who want to contribute, to do so. He has mentioned that there are other Members who have expressed interest in contributing. We will not close the debate today. I, therefore, will not be replying to this Bill today.

Hon. Temporary Speaker, I beg your indulgence that when the last person contributes, you adjourn debate until the next sitting of the House to allow any other Member, including those Hon. Oundo mentioned, to contribute.

The Temporary Speaker (Hon. Farah Maalim): The rules are clear.

(Loud consultations)

Order, Hon. Members. When a Member stands on Standing Order No. 96, unless the Speaker believes that this is frivolous, with bad intentions, or maybe intended to curtail the minority, the Chairman puts the question. If the question is agreed to, then we will continue with the debate. It is, therefore, up to you, at an appropriate moment, to raise the same issue. However, if you continue with debate, the Chairman has no option, but to put the question. I hope you understand exactly how this thing works.

Hon. Kimani Ichung'wah (Kikuyu, UDA): You put the question whether to adjourn or not.

The Temporary Speaker (Hon. Farah Maalim): I have no other recourse other than to put the question right now on whether debate should be adjourned. But if that is defeated, let us assume, for argument's sake, we will continue with the debate; but should you wish to adjourn again, somebody else has to rise again, under Standing Order 96. Otherwise, if you all contribute, or whoever is interested in the Bill contributes, then the Chairperson has no option, but to put the question again and conclude the debate. I hope you understand.

*(Question, that debate be now
adjourned, put and negatived)*

The next person is Hon. Joshua Kimilu, Member for Kaiti.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker. I take this opportunity to contribute to this important Motion. I brought a Bill in this House, and I thank the Members for supporting it, which was passed and assented to by the President. It is not easy to draft a Bill and witness it become a law. I support the Bill. However, when we get to the Committee of the whole House, I will bring amendments.

This Bill is very important. It will also modernise the system. The Bill clarifies Article 133 and replaces the outdated Cap 94. It removes us from arbitration pardons to a structured accountable framework which is very important to our country. When we make laws as Members of Parliament, we should try and modernise them because some were enacted many years ago and may have since been overtaken by events. When we modernise laws, we make progress for our country.

The Bill focusses on rehabilitation and not only punishment. The guiding principle is that it promotes rehabilitation, community involvement and social support for reformed offenders who show remorse. When people go to jail, we wish that they get reformed so that when they come back to the society, continue building the society together with other people.

The Bill will also reduce prison congestion and cost. When I was doing my research, I found that every inmate spends Ksh7,600 per year. Some of the offenders go to jail and change. For example, there is a guy from my Constituency who was sentenced to death but when he went to jail, he got reformed and became a great pastor. When he was released and came back to the community, he brought a big change to my community. Today, he is a pastor and he has mentored many youths. He has assisted many people to stop criminal activities. And therefore, when I talk about this Bill, I know it will help many people and reduce the congestion in our cells so as to create space for other offenders who are taken there to get reformed.

This is a very important Bill to the country. However, the amendments to this Bill should not encourage people to commit crimes knowing that they will be released when they change. Some prisoners can even pretend that they have changed. The main objective of the Bill is to release some of the prisoners so as to create space for the others. We all saw what happened over the weekend when we went to Homa Bay. Hon. Temporary Speaker, I was there and we were badly attacked. I have not yet healed from what I saw that day. Some inmates should be released to create room for Hon. Kaluma and Hon. Gladys Wanga because they need to be taken to the cells.

The Temporary Speaker (Hon. Farah Maalim): Order! Order! You are out of order. You cannot discuss a fellow Member of Parliament here, without a proper Motion. There are rules in the House. Hon. Sunkuli Julius.

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, I also want to support this Bill that seeks to give His Excellency, the President, an opportunity to exercise mercy on certain aspects. It is always good to understand the context under which we are

coming from. The first is what we used to call the prerogative of mercy, which we are now calling the power of mercy—a very well-entrenched Commonwealth principle.

Hon. Joshua Kimilu (Kaiti, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): On what Hon. Sunkuli is saying?

Hon. Joshua Kimilu (Kaiti, WDM): Hon. Temporary Speaker, this is unfair. I was on the Floor...

The Temporary Speaker (Hon. Farah Maalim): Order, you are out of order. Do not invite my wrath. You should learn the rules of the House. Proceed, Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, KANU): As I said, the Commonwealth derived its laws mainly from England. In the British system, where justice ends, mercy starts taking effect. The King or the Queen had the prerogative to look into the situation of a particular convict and see whether to exercise a power of mercy. This is based on a number of things: One of them being that the Judiciary has the responsibility of looking into the evidence. They only convict a person based on the evidence available. But this is also a human institution. The judges in the Judiciary are human. There is a chance that sometimes, somebody will get convicted through the process of the Judiciary and have no recourse, but to go to prison. But in reality, someone must look at it from another point of view. That is why it has always been the case—that we give the sovereign of a country the responsibility to look at that situation and say, where the law has not looked at it, justice can still have another opportunity.

This law has come to Kenya because we are part of the Commonwealth. We have had this prerogative of mercy, where His Excellency, the President, could pardon a number of crimes. But the reason why we want to effect Article 133 of the Constitution today is because for one reason, there is a thinking that we should not make this power arbitrary; that we must base it in law. That is a good thing. We have a lot of provisions in this Bill which say how the advisory committee will be appointed, how pardon officers will be appointed, and how everybody in that system of power of mercy is appointed. That is good, but there are a few things of caution. This is because when this Bill comes to Committee Stage, we have to amend a number of things to make it aligned to mercy.

I do not believe that the power of mercy should have too many rules. This is because in the first place, the President must exercise true mercy. The exercise of this power must be under exceptional circumstances. You cannot demand mercy because it is not part of the legal rights that you have. It is mercy. To exercise genuine mercy, we have to leave some sort of leverage in the hands of the President for him to exercise that mercy. In my opinion, when you tabulate too many reasons why the President should give mercy, you are actually legislating mercy. Mercy cannot be fully legislated. Let us just say, for instance, that under exceptional circumstances, the President may pardon these persons. Pardon has two arms: Either it is totally unconditional, for example the President says, you go home and that is it; or if you are on a very high capital offence, he might remit that offence to life imprisonment or imprisonment based on a number of well-evaluated reasons that the President does in his own discretion.

I say this because in a litigious country like Kenya, you will start having people going to court and saying that His Excellency, the President acted *ultra vires*. That he did not act in accordance with the Act. Although it is a very important act of the Executive, and most of the actions of the Executive should be included under judicial review, the prerogative of mercy should not be subjected to judicial review. That is why we should not put too many rules because unfortunately, under our laws, what is not in the law, is considered to be outside it.

We must always keep in mind that what we are doing here is meant to give the country sovereign power by looking at where the law has become harsh. I have practised criminal law in many courts. For instance, I know there are offences in this country that we have legislated out of emotion, saying that a certain offence must be punished with a certain punishment. This is where you introduce a minimum punishment, and then the judge cannot do anything in the

end. If he says you are to be in prison for not less than 14 years, it will be so. There is no jury where the judge or magistrate can bring it down to below 14 years once the judgement has been passed. In the end, the only way to do it is to let His Excellency the President go and look at it more keenly.

I say this especially with some offences in mind where young boys get imprisoned for longer than they are supposed to because of small offences like messing up with girls. I think the President can look at it and say that this is not a good thing. Of course, it is a good thing that the powers of mercy will be exercised on the advice of the Advisory Committee. However, we need to revisit how we formed the Advisory Committee so we can make it more realistic. We should ensure it can advise the President effectively.

Let me go a little bit off topic. Improving prison conditions is the biggest mercy we can have for our convicts in Kenya today. Going to prison in Kenya is a real punishment. In many countries, going to prison is not exactly that bad. However, I am not saying that we should enjoy going to prison. I visited our convicted persons in Hong Kong when I was an ambassador in China and they have very good prisons where people work, earn money, and can send something back home. They are not in a dungeon; they live with the dignity of a human being.

Of course, they still say we want to go to Kenya, but in reality, they dread coming back to Industrial Area Prison, which is not a habitable place. The food is horrible, and accommodation is bad. We should now look at ways to improve our prisons so that those who fail to get the prerogative of mercy exercised on them do not get inhuman punishment.

Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. I support the Bill with amendments. From the beginning, I want to say this is a good Bill anchored in the Constitution. However, I wish we had stuck to the issue of the prerogative of mercy, because whenever you talk about power, it tends to be misused. I wish we focused more on responsibilities than power. Before I make very brief comments on the Bill, in response to what the Leader of the Majority Party has said, I want to say that we are all presumed innocent until proven guilty.

Whenever you have a case where people are given bail, I know about this because we have been accustomed to a situation where people, even before they are charged with murder, presume that they will be kept in forever. However, that process was really abused in the past. Somebody would accuse another of murder or robbery with violence, which is not bailable. As a result, somebody stays in custody for a very long time. I know of a person who stayed in custody for 10 years, but was eventually found not to have committed the offence. That is why those of us who are founders of the Constitution said that we need to do away with it. I am very uncomfortable with ADR being used for serious crimes or felonies. I know it is practised in some communities, but I do not think we need ADR on issues of murder, unless we are talking about manslaughter, not murder, which is premeditated.

I just wanted to mention a few things in this Bill. First, I am very uncomfortable with the definition of a vulnerable offender. Maybe we need to relook at it because I do not understand how a person who is 60 years old is a vulnerable offender. What makes one a vulnerable offender? I will be 60 soon. What makes me vulnerable? If I come in here and shoot people, why am I vulnerable? I would understand if the person was older.

Another thing I see in the Bill is that a woman who has children under two years old is a vulnerable offender. If I am a mother with a two-year-old child, and I go and shoot my neighbour premeditatedly and kill him yet I do not have postpartum depression, what makes me vulnerable? We need to qualify that provision to stipulate that it must be proven that such a person also has postpartum depression.

I am also uncomfortable with the provision that the victim's views may be considered. I am an unapologetically stronger supporter of victims rather than offenders. That is why I sponsored the Victim Protection Act, 2014. Our justice system pays far more attention to offenders than to crime victims. It is almost very fanciful to become an offender, but what about the victims?

Look at the case in Homa Bay. I really felt sad for that family in Shauri Yako Estate. I grew up in Homa Bay and I know the Estate is a semi-slum. You could see that from the conditions highlighted. The woman, who was a widow, has left behind young children. She was Ugandan. Her husband's relatives have refused to bury her and are thinking of transporting the children to Uganda. What will happen to the children if they remain here? But who are we thinking of? The offender. Victims also have a right to a hearing. What will happen to those children who have been left without a mother? The system must also consider the victims. The views of the victims must be considered in such a case.

I want to disagree with my good brother, Senior Counsel Hon. Sunkuli, on the power of mercy. We need guidelines because we know ourselves as Kenyans. That provision will be politicised. We know the people who planned the violence in Homa Bay County and procured the goons. I come from Homa Bay County. That information is in the public domain. Tell me one person who has been arrested. If they were arrested, charged and jailed, we will exercise the Power of Mercy politically. That provision must be subject to rules and guidelines so the prerogative of mercy is also subject to judicial review and abuse can be prevented. Otherwise, everybody will be let go through bribery and talking to influential people. We should stop the culture of "let me talk to so-and-so". Let us follow the rules and stop talking to people. Let the people who talk, talk to God in churches and speak in tongues in churches or in mosques where people pray. The rest of us should follow the rules.

I did not want to interrupt Hon. Sunkuli, but there is a little issue with the Children Act, 2022, where children of similar ages who have sex with each other are punished. It would be good for us to amend the Sexual Offences Act, 2022. However, we should not fall for the sob stories that I sometimes see in social media groups or elsewhere, where everybody claims to be wrongfully imprisoned. Some psychotic people are very good at lying, yet they probably murdered someone. They can concoct stories. They may have murdered someone, but they concoct a very sad story. Since people look for viewership, they post the story. People who see the story do not question it and conclude that this poor person was wrongfully convicted.

If you are wrongfully convicted, the judicial system exists. There is a review system and an appeals system. We need to strengthen legal representation for such people so they are not wrongfully convicted. However, if we leave it open, everybody will claim they were wrongfully convicted. We should not exercise the power of mercy for very grievous offences such as murder, robbery with violence and rape, especially defilement of children. We should not allow such offences to be under the Power of Mercy Bill. I wanted to see whether there was an omission there.

In the definition, actuarial assessment may be used to inform persons who deserve mercy or to determine recidivism. Although I am a lawyer, I urge that we refrain from using such strong words in this Bill. This is because in Homa Bay, we have a challenge pronouncing tough words. Let us focus more on psychological assessment rather than statistical assessment.

In Clause 6(1) of the Bill on the qualifications for appointment as a member of the Advisory Committee under Article 133(2)(c) of the Constitution, a person is qualified if:

- (a) is a citizen of Kenya
- (b) holds a qualification either as—
 - (i) an advocate of the High Court of Kenya of not less than fifteen years post qualification experience;

- (ii) a medical professional in mental health or psychiatry of not less than fifteen years post qualification experience;
- (iii) a professional with fifteen years' post qualification experience in psychology and counselling or correctional service; or
- (iv) a professional with at least fifteen years' experience and has served in any of the disciplined services, police, national administration or the defence force.

Saying either an advocate or a medical professional is vague and not cast in stone. This means we could have an advocate or a medical professional alone and leave the others. We should also consider the face of Kenya when making such appointments. This process should not be politicised. We recently witnessed the violence meted out to our people in Homa Bay.

With those few remarks, I wish to support with amendments.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker, for the opportunity to contribute to this Bill. It could not have come at a better time. It is part of implementing the Constitution of Kenya. It has taken some time to come to the Floor. This Bill will give His Excellency, whoever the President will be, some leeway to apply certain acts of clemency, which are necessary for the Head of State.

Sometimes the Head of State must intervene in certain matters, and they have no flexibility. The Constitution and Kenyan law bind them. Nonetheless, the elaboration of this particular Article of the Constitution into law is progress in this country. I am happy that the 13th Parliament will be on record for enacting a law on the power of mercy. The most important issue to check in this law is the extent to which we have provided checks and balances so we do not allow corruption and other social evils to set in and take control. I have taken some time to review the provisions, and I noted that some issues were raised through public participation.

I want to start with issues raised during public participation. Some of them are very critical. For instance, the National Intelligence Service raised concerns about a lack of standardised procedures or a framework for actuarial reassessment. I look at actuarial reassessment and wonder if it is really sufficient. They are basically talking about noting risk profiles of offenders, which must be metric-based. I want to pick out what the Member who just finished speaking said. We need to look a lot more at the psychological concerns of a particular person. In the actuarial analysis, psychology may not be expounded as much.

Hon. Temporary Speaker, prisons are concerned about errors that may have mistakenly placed capital offenders. They looked at how we have aligned the Penal Code so that the power of mercy is not used to release dangerous people back into the community. On that, we have several stakeholders like the Law Society of Kenya and others.

I want to point out what came out of the Witness Protection Agency and the Media Council of Kenya. They requested clear mandates on data analysis and anonymisation for vulnerable victims, and structured frameworks for responsible public communication, and that these be taken very seriously. Legislation seems to focus much more on how we should release people who have been convicted, whether erroneously or correctly, and less on the effect it has on the victims of such offences. That is key and very important as far as we are concerned.

The provisions in Article 133 of the Constitution speak clearly to the President's possible actions upon personal application. I want to take a minute to look at personal application. Personal application has to do with the individual, an offender in this case, who is already a convict, requesting to be considered. Under the legislation, the process itself must be foolproof. I want to revisit Clauses 40 to 45 of the Bill, which introduce the framework for nationwide awareness creation, continuous public education, offender sensitisation, and guaranteed channels for the public to access crucial information.

I like the vetting of these particular individuals. The State secretariat has the prerogative to conduct the vetting. I like it because the Committee is supposed to propose who qualifies for

mercy. It basically acts on a report prepared after a thorough assessment. The teams with this responsibility are trained to conduct a risk assessment of the offender, or of someone who has already been convicted. They should assess the risks the offender is likely to pose and ensure the released convict maintains a clean record thereafter. So, they must be vetted and found to be genuinely reformed offenders. Rehabilitation cannot be done quickly. So, before the President can make a pronouncement, a lot of work must be done to qualify the individuals. The President has several options. He can delay punishment, and I believe this is when a case is going on for an indefinite period or a set time, say maybe for two years. He can also change the punishment to a less severe one. He can also reduce the punishment to be effected partially, rather than taken out completely.

When you are given so many options, my worry is how far the Advisory Committee will go in proposing some of these decrees. What would inform these particular decrees? The Presidential Advisory Committee must clearly consider the kind of person they are proposing to be granted mercy. It must also establish the extent to which these people fit within the various categories and how they qualify in each particular case.

The Attorney-General and the Cabinet Secretary responsible for correctional services are part of the Advisory Committee. However, the description of the five-member Committee clearly indicates that there should be no State officials. I hope the Committee has taken the time to identify these members clearly.

I remember some proposed members are retired uniformed officials, especially from the military. I have a lot of faith in the military in this country because they are not exposed to social evils. They have been conditioned to live a more or less pure life. We have seen a lot of progress when they are given responsibility. I can say this even in some areas outside the legal framework. For instance, we had the Kenya Meat Commission (KMC), which was not working. We voted to allocate Ksh600 million yearly to KMC, but it still did not work.

In one and a half years of military management in KMC, we zero-rated the national Exchequer requirement. Therefore, it is now a profit-making entity. This means that our military are properly trained to do the right thing. Of course, being in such a situation, they will not embarrass the country as much as they advise the President on who to release.

The Advisory Committee may or may not consider the victims' views. In this respect, we need a report from correctional services that clearly shows progress over time. We need to see how the provisions have been implemented and ensure the process is free of any form of influence. Finally, this legislation is intended to implement the Constitution and to guide our President in exercising the power of mercy. It has happened in the past and has sometimes led to reprisals, with criminality increasing rather than reducing. So, we need to be a lot more careful this time around as we look at this.

With those remarks, I support. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Kuria Kimani.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. From the outset, I would like to lend my voice to this. I am fully supportive of the Power of Mercy (Amendment) Bill (National Assembly Bill No.55 of 2025), sponsored by the Leader of the Majority Party and Member for the great people of Kikuyu, Hon. Kimani Ichung'wah.

This particular Bill gives full effect to Article 133 of the Constitution. It provides a clear, transparent, and accountable framework for exercising the presidential power of mercy. It will provide for free or conditional pardon, postponement of punishment, substitution of a less severe form of punishment, and remission of all or part of the sentence. The existing Power of Mercy Act of 2011, Cap.24, has served us very well, but it is now outdated.

This Bill, therefore, seeks to modernise the system and strengthen the Power of Mercy Advisory Committee. It also introduces clearer eligibility criteria, embeds victim participation,

and enhances reintegration and public safety protocols. This particular Bill is seeking to provide the following provisions. Article 133(1) of our Constitution sets out the conditions for what is currently called the power of mercy, in accordance with the advice of the Advisory Committee by:

- (a) granting a free or conditional pardon to a person convicted of an offence.
- (b) postponing the carrying out of a punishment, either for a specific or indefinite period.
- (c) substituting a less severe form of punishment, or
- (d) remitting all or part of the punishment.

In addition to operationalising Article 133(1) of the Constitution, the Bill provides for the Committee's composition, appointment and tenure, including a single five-year part-time term. It also sets out the Advisory Committee's qualifications, functions, and powers.

This Bill also establishes clear petition processes and lesbian, gay, bisexual and transgender (LGBT) thresholds. For example, it provides for at least one-third of the sentence for many determinate sentences. It also provides longer minimums for life-or-death sentences. It also provides an assessment criterion: age, nature of the offence, rehabilitation, post-conviction conduct, victim views and, most importantly, issues of public interest.

This Bill introduces structured mechanisms for conditional pardons, including supervision, record management, and revocation where conditions are breached. It will also strengthen the secretariat and provide funding, awareness, and reporting obligations, including oversight by Parliament.

This Bill is also seeking to promote rehabilitation, decongest our prisons, reduce the physical burden of incarceration and facilitate safe reintegration of reformed offenders. This is not an open door for arbitrary releases. It will be a structured, evidence-based system that balances mercy with justice, public safety, and victims' rights. What will be the benefits of this particular Bill if this House passes it into law? It will reduce overcrowding and lower the costs incurred in our prisons.

It is important to mention that it costs the taxpayer's money to keep every prisoner in custody. Taxpayers pay for their food, security, power, and all activities. Therefore, preventing this overcrowding will reduce the taxpayers' burden. This Bill will provide rehabilitation and second chances. Many offenders, especially those who have demonstrated genuine reform, deserve a structured pathway back into society. This will support family stability, reduce recidivism, and uphold the principle of restorative justice. It will lead to transparency and accountability.

The Bill reinforces the Advisory Committee's independence, which will require consideration of victims' views under Article 133(4) of the Constitution and it will introduce better reporting and procedural safeguards. You and I discussed earlier that the power of mercy rests solely with the President. Whereas we expect that the President would act rationally, there could also be a rogue President who could take that arbitrary power and release the worst of our criminals from prison. Parliament should therefore provide for the Advisory Committee through an Act, with clear safeguards and procedures governing its operations.

The Bill will also align with national priorities, including the Bottom-Up Economic Transformation Agenda (BETA). This will allow reformed prisoners to contribute to their communities' welfare and the wider economy. For example, under the Chinese model, prisoners are engaged in productive activities, including overseas projects, that generate income and contribute to economic development. It does not make economic sense for taxpayers to spend money to keep energetic men and women in prison. They can still benefit from what they are given, while also contributing positively to society by using their energy to build our roads and other infrastructure projects. This will enable them to be productive to our economy.

I took time to understand this Bill and compared it with other jurisdictions. How does Kenya's constitutional design compare with other jurisdictions? The first example that comes to mind is the United States of America (USA). The USA President has broad, unilateral clemency power under Section 2 of the Constitution. The Office of the Pardon Attorney in the Department of State provides advice, but the President is not bound by it. Most of the time, he acts independently or pre-emptively. Therefore, the process is highly discretionary and frequently criticised as being very political.

This Kenyan model will be more structured and less susceptible to unilateral discretion. The Constitution will require the President to act on the advice provided by the Multi-Member Advisory Committee, which includes non-state independent actors or members. In the United Kingdom (UK), the sovereign exercises the royal prerogative of mercy on the advice of the Secretary of State for Justice. It is used sparingly and typically for clear miscarriages of justice or highly exceptional cases. It is also not a routine tool for prison management. However, Kenya's system will now be broader in purpose and more institutionalised through a dedicated, constitutionally mandated Advisory Committee.

In South Africa, the President has power under Section 84(2)(j) of the Constitution to pardon, reprieve or remit. The Department of Justice and Constitutional Development processes applications and makes recommendations. South Africa, therefore, uses mass remissions to manage overcrowding. It has special processes, including the Truth and Reconciliation Commission (TRC). Compared with Kenya's approach in these other jurisdictions, it is more formalised. Constitutionally, it will have an independent multi-member Advisory Committee. Most importantly, it will have explicit victim participation requirements. Hon. Millie Odhiambo said the current law gives more power or preference to offenders than to victims. Therefore, this law emphasises the need for victim participation, not just attention to offenders.

Section 175 of the Nigerian Constitution gives the President the power of mercy, which is exercised after consultation with the Council of States. A Presidential Advisory Committee advises on the prerogative of mercy. Kenya's model, compared to South Africa's, is stronger and more independent because the Advisory Committee is more independent, as in Article 133 of our Constitution. Compared with other jurisdictions like Uganda, Ghana and Tanzania, our Bill will be a much better piece of legislation that ensures offenders are given second chances. They will be given a chance to contribute back to the economy. Most importantly, we will follow a constitutional process.

Hon (Dr) James Nyikal (Seme, ODM): On a point of order, Hon. Temporary Speaker.

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

Hon (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. I rise on Standing Order 96. Given the importance of this Bill, I request that the debate be adjourned to a later date.

The Temporary Speaker (Hon. Farah Maalim): Do you want the debate to be adjourned?

Hon (Dr) James Nyikal (Seme, ODM): Yes.

The Temporary Speaker (Hon. Farah Maalim): Okay. It is very simple.

*(Question, that debate be now
adjourned, put and agreed to)*

(Debate adjourned)

Next Order.

ADOPTION OF REPORT ON INSPECTION VISIT
TO KENYAN EMBASSY IN MOROCCO

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its inspection visit to the Kenyan Embassy in Rabat, Morocco from 22nd to 25th March 2026, laid on the Table of the House on Tuesday, 28th July 2026.

The Temporary Speaker (Hon. Farah Maalim): In the interest of the Committee that wants to be fully involved in this Report, I have directed that Order No. 12 be deferred to an appropriate date. Next week, it should be brought back as a priority.

(Motion deferred)

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

ADOPTION OF REPORT ON INSPECTION VISIT
TO KENYAN EMBASSY IN EGYPT

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its inspection visit to the Kenyan Embassy in Cairo, Egypt, held from 26th to 30th March 2026, laid on the Table of the House on Tuesday, 28th July 2026.

The Temporary Speaker (Hon. Farah Maalim): I also direct that Order No. 13 be deferred to an appropriate date when there is full capacity of the Committee or when many Members are in the House to deliberate on this.

(Motion deferred)

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

APPOINTMENT OF AN EXTERNAL AUDITOR
FOR THE OFFICE OF THE AUDITOR-GENERAL

THAT, this House adopts the Report of the Public Accounts Committee on Procurement of External Audit Services for the Office of the Auditor General for the Financial Years 2025/2026, 2026/2027 and 2027/2028, laid on the Table of the House on Thursday, 13th August 2026, and pursuant to the provisions of Article 226(4) of the Constitution and section 43 of the Public Audit Act (Cap. 412B), appoints M/s MGI Alekim LLP for purposes of auditing and reporting on the accounts of the Office of the Auditor-General (OAG) with respect to—

- (a) The Accounts of the Office of the Auditor General for the period 2025/2026, 2026/2027 and 2027/2028; and
- (b) The Financial Statements for the Staff Mortgage and Car Loan Scheme of the Office of the Auditor General for the Financial Years 2025/2026, 2026/2027 and 2027/2028.

The Temporary Speaker (Hon. Farah Maalim): I am informed that the Chairman of the Public Accounts Committee is not in the House and has requested that this business be deferred to an appropriate future date. Therefore, I direct that this business be deferred to an appropriate future date.

(Motion deferred)

Hon. Members, there does not seem to be any other business in the Order Paper for today.

ADJOURNMENT

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the time being 6.32 p.m., this House stands adjourned until Tuesday, 25th August 2026 at 2.30 p.m.

(The House rose at 6.32 p.m.)

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