

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th May, 2017

The House met at 9.30 a.m.

*[The Deputy Speaker
(Hon. (Dr.) Laboso) in the Chair]*

PRAYERS

Hon. Deputy Speaker: Can the Quorum Bell be rung?

(The Quorum Bell was rung)

Let us ring it for five more minutes.

(The Quorum Bell was rung)

Hon. Members, let us settle down. We want to start our session.

BILLS

First Readings

THE BREASTFEEDING MOTHERS BILL

THE EMPLOYMENT (AMENDMENT) BILL

THE NUTRITIONISTS AND DIETICIANS (AMENDMENT) BILL

*(Orders for First Readings read - Read the First Time and
ordered to be referred to the relevant Departmental Committees)*

Second Reading

THE NATIONAL POLICE SERVICE (AMENDMENT) BILL

(Hon. Nassir on 5.4.2017)

(Resumption of Debate interrupted on 5.4.2017 - Morning Sitting)

Hon. Deputy Speaker: The Question had already been proposed. So, any Member can contribute. We can start with Hon. Cyprian Iringo.

Hon. Kubai Iringo: Thank you, Hon. Deputy Speaker. I need some time to prepare for this.

Hon. Deputy Speaker: Is it a defect on my list or we do not have any Member wishing to contribute on the National Police Service (Amendment) Bill? Let us have Hon. Opiyo Wandayi.

Hon. Wandayi: Hon. Deputy Speaker, I rise to support this Bill as moved by my colleague, Hon. Abdullswamad Sheriff Nassir who is the Member for Mvita in principle. As I do so, I want to make a number of comments.

Hon. Deputy Speaker, you will recall that the new Constitution provided for a very clear mechanism, first, to insulate the National Police Service from Executive interference. That is why you will find that the Constitution provides for the formation of the National Police Service Commission (NPSC) as an independent commission. You will agree with me that this Commission was entrusted with the responsibility of looking at the welfare of police officers, address matters of discipline and undertake transfers among others.

This is because in the past, transfers, disciplinary measures and so forth in the Police Service were done arbitrarily and at the whims of those in power. This of course created an environment of anxiety and unpredictability that could not ensure that Kenyans received the services they needed to get from the Police Service.

As I support this amendment Bill, I want to confine myself to the welfare of police officers, which is very critical even as we proceed to the forthcoming and momentous general elections.

Kenya is one of those countries that are yet to achieve the internationally required ratio of police officers to the citizens. I am told of late there are attempts to achieve that threshold. As we attempt to do so, we are not taking into cognisance the fact that these officers are not just mere statistics. The police officers are human beings whose welfare needs to be taken into consideration for them to provide optimum services.

As we speak, majority of police officers particularly those in the lower cadres are living under deplorable conditions. Their conditions are deplorable to say the least. Therefore, even as we address issues to do with the Police Service, one of the critical things that this House or the next House needs to put emphasis on is the welfare of police officers. The idea that resources are not adequate to remunerate and take care of these officers can no longer hold water. This country loses a lot of money every single day through corruption. That is no longer news. We lose so much money that if we could seal those loopholes through which money is lost every day - money which is siphoned from the public coffers and ends up in individual pockets of well-connected persons - we would save money to remunerate the police officers adequately. We can never be safe in the hands of police officers whose conditions are deplorable. You cannot be safe if you are being guarded by police officers who have serious financial problems as a result of poor remuneration in addition to poor living conditions.

If you look at the shacks in which these officers live, you will sympathise. Let us therefore take it upon ourselves as a House and as a country that the officers whose duty is to provide security and to maintain law and order be remunerated appropriately.

There is the issue of transfers. This matter has been canvassed in the past. I was one of those people who voiced this concern when amendments were being proposed to the National Police Service Commission Act. This was happening when powers were being transferred from

the Commission to the Inspector-General of Police; powers which the Constitution had given the Commission - powers to transfer police officers.

I suggest that in future in this House that matter be looked into so that powers to transfer police officers of whatever rank be vested in the National Police Service Commission as was desired by the writers of our Constitution. My friend Hon. Millie Odhiambo is there and I am sure she was very instrumental in the writing of this Constitution. I am sure she will agree with me that it was the intention of the framers of this Constitution that police officers be protected from the whims of senior officers in the Service so that their welfare, transfer and disciplinary action be addressed and taken care of by the Commission which is a body under the Constitution and has a tenure of service.

Hon. Deputy Speaker, as I conclude, it is important that we continue to provide avenues for police officers who are in Service to progress academically. These officers need to be given opportunities to advance in their education for them to become useful people not only to themselves but also to the country. It has been a difficult situation for most of them who for one reason or another are unable to enrol or continue with their studies on account that the areas in which they are posted are far away from areas where they can get these facilities to advance academically.

As I conclude, I want to stress that the National Police Service must continue to remain apolitical in the sense that the service is meant to serve the whole nation and every citizen. We should not have a situation where the Executive starts behaving in a manner to suggest that the National Police Service is in place to serve its interests. The Police Service is in place to serve the interest of the citizenry regardless of who is in power.

We know many people get into power sometimes through dubious means. Once one gets into power through dubious means, he or she would like to control the instruments of power. That person starts misusing the Police Service as one of those instruments to cling to power. The National Police Service must continue to remain apolitical. We want to encourage the police as we proceed into the elections, they provide their services to every citizen and every political party - those in power and those who are not in power - so that the country can have stability. Any slightest indication that the National Police Service is leaning on one side can be a recipe for disaster especially at this critical moment in our history.

That is a plea I hope the Service will take seriously. Indeed, they have no option under the law. If you want to see signs of failed or failing states, you see the police service starting to behave like a political tool. This has happened in very many countries including our neighbours when a police service starts behaving like a vigilante group. I am happy it has never happened in this country.

Hon. Deputy Speaker, with those many remarks I wish to support. Thank you very much.

Hon. Deputy Speaker: Let us now have Hon. Gikaria.

Hon Gikaria: Thank you, Hon. Deputy Speaker for giving me this opportunity to give my view regarding the amendment which has been brought by Hon. Nassir on the Kenya Police Service Act. I am a member of the Departmental Committee on Administration and National Security and we were trying to look at these amendments.

At the Committee level, we had a small issue regarding some of the amendments. It is true that we need to look into the welfare of members of the National Police Service (NPS), how they will be treated when they get injured in the line of duty or get accidents when they are headed somewhere. Most of them suffer tremendously.

You remember in the recent past, some policemen died in the line of duty. Most of their families and dependants have been complaining that the Government does not assist after the breadwinner is gone. It is unfortunate that the immediate speaker looks at the Police Service and thinks about power and how to protect it. It is unfortunate.

This amendment is supposed to assist members of the NPS. If you look at the original Act and the definition of members of the Service, it says that members of the Service include civilian members of staff of the Service. We have policemen and civilians who work within the NPS under the original Act but the definition being proposed talks about training. Of course, civilians will not go for training. Civilians are accountants. They could also be procurement people or administrators within the NPS. That is where we had a problem.

Secondly, there is an intended amendment which talks about “a member of the Service who sustains a wound or injury or contracts an illness while on duty or undergoing training is under such conditions, for such a period as prescribed, notwithstanding the duration of such treatment, may extend beyond the member’s Service contract.” That is where we had a problem as a Committee. If the Government will pay, assuming 10 per cent of the members of the NPS, it cannot sustain it. It is not sustainable at all.

What we were proposing, and we may bring it in the Third Reading is up to the level of where your contract ends. Some of these injuries might require huge investments for treatment. If it has to go beyond the contract period then that would be a problem. We were looking at the proposed amendments by Hon. Nassir.

So, these are some of the issues. We were saying, yes, it is important for us to compensate any member of the NPS. At the same time, if you look at the NPS right now, as a Government, you will find that we are on the process of recruiting 10,000 officers. I think that will be done tomorrow. This is a very good indication by the Jubilee Government in trying to address the ratio between the common *mwana nchi* and the police. This will go a long way in addressing insecurity because the fundamental aspect of a country is security. Once a country is secure, that country can grow in terms of development because people will have confidence.

At the same time, it hurts for us to see some things. As much as the Independent Policing Oversight Authority (IPOA) has been doing a very good work in auditing the behaviour of the police, it hurts to see what happened the other day in Eastleigh. A harmless and innocent person or even if he was guilty was shot by a policeman. The guy did not have any arms. When the police officer exhausted his bullets, he asked from a colleague. To do that to a person who is lying down is what we have to speak and hope the Inspector-General of Police has taken action. We have just come back. We will pick up that issue in our Committee tomorrow. We cannot have such policemen. If you want to be treated and compensated, you must at the same time follow the due process of the law.

Hon. Deputy Speaker, it is bad that extrajudicial killings are happening in the country. Just yesterday, I got another case. I was told a young man was picked from a market place and two weeks after, the body was found in a mortuary. These are things we should never accept from the police although they do a good job in securing our country. So far, they have done a very good job in diffusing most of the terror threats. It is very good that we have the current Cabinet Secretary at the Ministry, but the police must at the same time behave well.

Most of the policemen did a good job to secure and have peaceful nominations in the just concluded party primaries.

The few recent acts we have seen from the police need to be checked. It is unfortunate that somebody would just be shot in Eastleigh; a policeman empties a gun and asks for another

gun and yet the suspect is harmless. He was just harmless and lying down. Pumping a few bullets into that person is not acceptable.

Yes, it is important for us to look at the compensation aspect but, we will also be looking at the intended definition of members of the Service. That will enable us come up with a proper definition of compensation; that is whether it is to the policemen or the civilians who are working there. We must also put a cap at a certain level. If your contract has expired, that is when the Government should give you that treatment and compensation.

With those few remarks, Hon. Deputy Speaker, I support the Bill with an intention of bringing a few amendments.

Hon. Deputy Speaker: Hon. Millie Odhiambo, you have the Floor.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Deputy Speaker for giving me this opportunity.

I want to congratulate Hon. Nassir for bringing this Bill. I want to say from the outset that it is a very good Bill. For those of us who have worked in the human rights sector, we have been accused of not taking into account interests of the police; that we tend to focus a lot on civilians, at the expense of the police. That is not necessarily true. We are concerned with the civilians as much as we are concerned with the police. It is because our concern is human rights. If the police are human, they have as much right as any other human. The only challenge is that, even as the Bible says: "To whom much is given, much is expected." The police are accorded the instruments of protecting life and property. Because of that, a lot is expected of them. Therefore, when they err, we tend to put a greater burden upon them.

I am speaking after we have come back from the party primaries. I think many of you saw that I lost one of my security details. He was not a police guard but it could easily have been my official police guard. It is unfortunate that within the circumstances, it was reported as an accident when it was not. It was actually a deliberate murder. The guys ran off the road and ran over the guy.

They were actually coming for me. My team turned and took off with me to Homa Bay because the Mbita police were not helping. In the process, they ran to the people they found on the ground and killed one. Even as we speak, nobody has been arrested for the murder. Those are the instances that, at times, make us blame the police. Assuming it was my official security that was injured, that would have been a police officer.

Therefore, we urge the police to ensure that they use the same energy they would use when one of their own is injured when dealing with an incident involving a civilian. I hope the police will take this matter seriously and pursue the people who killed the young man, who will be buried on Saturday. I was told that it is propaganda, and that nobody died. I do not know whether we will be burying air, but he will be buried on Saturday.

I once worked at the Office of the Attorney-General. One of my roles was defending the police, especially when they were injured or when they died in the course of duty. The law is not very clear in terms of compensation. I want to laud Hon. Nassir for taking into account that aspect.

The police work in the public interest in terms of protecting us and taking care of our property. When police officers are injured, it is only befitting that they are taken care of. When they lose their lives, their loved ones should also be taken care of. Many times, you would find widows visiting our offices for years after they have lost their loved ones in the course of duty. Some children would drop out of school as a consequence. Therefore, this law is timely because

it would help in such instances. We should provide timelines for compensation so that we do not have cases where people move back and forth trying to get compensation.

The only challenge I have with this Bill is where it provides that a member of the Service may designate a person who shall be a beneficiary, and who may change the name of such a person at any time. If you look at this on the face of it, you will find that it does not look like a problematic clause but in reality, it may clash with the law of succession.

The law of succession is very clear about who is to inherit. I want to assume, for instance, that you have a married member of the service who designates a girlfriend or boyfriend instead of the wife and children, or who designates the wife and in the process of quarrelling he replaces the name of the wife with that of a girlfriend. In that process, he will have disinherited the family. Therefore, I encourage Hon. Nassir – although I do not see him here – to bring an amendment to align the Bill with the law of succession so that we do not disinherit widows and orphans. We do not want instances where somebody is deceased and then people start fighting at the funeral. Many people do not know that dues of a deceased person are not inherited at the funeral. In order to ensure that we do not have cases like the ones we have witnessed in the past, I encourage Hon. Nassir to bring an amendment to make it clear that even when you designate a person, he or she should be a person as provided by law.

I know that this is a very good step towards compensation, but I wish he had brought a further amendment to address the issues of accommodation and living conditions of police officers. When I became the Member of Parliament for Mbita, I found the police living in extremely pathetic conditions. I want to single out two islands, namely; Remba and Ringiti. The police there provide very critical services to us.

Two days ago, 29 fishermen were arrested and taken to Uganda and yet the police officers they rely on are the ones in Ringiti and Remba islands, who lack a patrol boat and other facility. They were taken to Lolwe Island in Uganda and charged. This is a very big problem. We keep raising it in Parliament but the Government is not taking it seriously. I was talking about the pathetic living conditions of police officers in the context of the living conditions of the officers in those islands.

When I saw how pathetic the situation was, I decided to prioritise their living conditions through the NG-CDF. Over and above their living conditions, we must provide them with other equipment that will enable them to protect our fishermen in the waters, so that we do not have a situation where our fishermen are harassed all the time. I urge the Government to sort out the border issues once and for all and establish friendly relations with our Ugandan counterparts because even when we have our borders it is impossible for people to fish in the waters of the Kenyan side alone. Kenyan fishermen will always go to Uganda and vice versa.

Hon. Deputy Speaker, with those few remarks, I beg to support and urge the Government to take urgent action in relation to the fishermen of those islands.

Hon. Deputy Speaker: Let us now have Hon. Justice Kemei.

Hon. Kemei: Thank you, Hon. Deputy Speaker. I also wish to rise in support of the Bill and congratulate Hon. Nassir for bringing this amendment to Parliament. At the outset, I must thank the Government for its efforts to increase the number of police officers serving in our country so that the international ratios are achieved. You will realise that the work done by the police is so enormous that the fewer the number we have in society the more difficult it is for our police officers to give us the kind of service that we require.

I must thank the Government for its effort to make sure that police officers are mobile, well equipped and have the necessary morale to be able to handle the difficult situations they

face in the discharge of their responsibilities. As this is being done, we must also recognise that the police officers who serve us at the moment are more humane. They are better trained in terms of public relations as compared to previous years, when we regarded police officers to be enemies of the society. Much as we realise these improvements, we must still ask police officers to be more humane at any given time. The extrajudicial killings that are being reported in most parts of the country must stop. We must encourage the police to work within the constitutional framework that we have. They should work within the laws of the land and make sure that all those who break the law are prosecuted and punished for the offences they commit.

This year, the Government is recruiting another 10,000 police officers. Sometimes we wonder why the marginalised areas of our society are not considered when it comes to recruitment of police officers. For example, in my constituency, people from Tabaita and Simbi sub-locations have never been recruited into the National Police Service. I wonder why.

At least in those areas there must be people who have gone to school, and who meet the basic academic qualifications. There must also be people who are athletic and strong enough to serve in the NPS. I encourage the NPS, much as they enjoy independence in carrying out recruitments, to also consider areas from which they have never drawn police officers in the past.

While we intended to give due independence to the Inspector-General of Police and, indeed, other heads of the disciplined forces in our country, we need to relook at the wisdom that informed our decision to change the Constitution to give them independence.

The President is the Head of State and the Chief Executive Officer of this country. He must have been given a leeway to hold to account the heads of the institutions that we have given independence. As Members of Parliament, we must be given a chance to hold to account police officers in our respective areas of jurisdiction whenever they fail to carry out their responsibilities, whenever they breach the human rights of individuals, and whenever they do disservice to our people. We must be able to hold them to account for their actions or otherwise. Therefore, as much as we yearn that they are given independence to perform their duties without interference, that independence must be relative. We should give the people of Kenya a chance to hold police officers to account.

Hon. Deputy Speaker, Clause 2 describes the injuries that police officers may suffer as they discharge their responsibilities. It describes both minor and major injuries that may lead to disability. All this must be clearly defined. The compensation that should be given to police officers who become victims of such injuries should be sufficient to comfort them. It should be able to compensate them duly for the injuries that may be suffered when discharging their mandate.

I want to join Hon. Millie Odhiambo in saying that the laws of succession in this land are sufficient enough. If we make the mistake of giving the heads of these institutions a leeway to appoint people who may benefit in the event of loss of lives of police officers, we would be doing a disservice to the law of succession – which is very comprehensive. Therefore, this amendment needs to be looked at during the Committee of the whole House so that we can harmonise it with the requirements of the laws of succession. Since I also want my colleagues to give their views, I want to encourage police officers to try and improve their academic and professional credentials so that they can keep pace with the developments in the world of crime in our country and in the whole world. That way, they will address the particularly unique kind of crime that we are increasingly witnessing lately; cybercrime. The police must be trained sufficiently to enable them tackle cybercrime to enable our society benefit from technology without becoming victims of technology's negative effects.

With those remarks, I support.

Hon. Deputy Speaker: Hon. Timothy Wanyonyi, you have the Floor.

Hon. Wetangula: Thank you, Hon. Deputy Speaker. I also want to support this amendment Bill.

Hon. Deputy Speaker: Hon. Dawood, I have seen you. You were jumped but I will put you in the right place.

Hon. Wetangula: Many a times, police officers are injured in the line of duty. The Police Service Commission is at times unable to deal with the situation.

(Loud consultations)

Hon. Wetangula: Hon. Deputy Speaker, there is a *kamukunji* around here. I cannot even hear myself.

Hon. Deputy Speaker: Hon. Members, the Hon. Member who is on the Floor cannot even hear himself. Please, give him a chance.

Hon. Wetangula: Hon. Deputy Speaker, when police officers sustain injuries in the line of duty, sometimes the PSC finds it difficult to accept their conditions. Sometimes such officers are summarily dismissed. The argument is that the officers are employed for their physical fitness so that they can do physical work. When they are injured and rendered useless, the National Police Service will have no more use for such officers. There are many things that we can address in this Bill. We are living in an era where criminals are more sophisticated and the police dealing with them are at times not properly equipped to handle situations as they arise. Many times, police officers end up losing their lives or sustaining injuries. The families of such officers suffer a great deal. Therefore, it would be proper, even with this amendment Bill, that we address the issue of insurance.

The PSC should source the services of insurance companies to insure police officers because they deal with situations that are very dangerous. Some situations can easily cost them their lives. This is the case and yet the Government does not adequately compensate officers who have suffered fatal injuries. If police officers are covered under an insurance scheme, it would provide adequate compensation for officers who sustain injuries in the course of duty.

I have also seen situations where officers who are injured in the line of duty are taken to Government medical facilities like Moi Forces Memorial Hospital. Many a times we find officers left there, with nothing being done. Some officers have stayed there for many years without anything being done. Sometimes even the medical team that is constituted to look into their situation give reports which indicate that such officers have no benefit to the force. I believe, with the amendment Bill, we will address such issues. We can even go a step further to address the issue of insurance so that officers can be properly covered by insurance companies wherever they are. If they lose their lives or sustain injuries, they can be compensated.

Hon. Deputy Speaker, I believe this amendment will do a great service to police officers. The PSC should embrace this proposal so that they can improve the terms of service of police officers. That way, officers will feel secure and discharge their duties more effectively.

We have also had situations of police officers being trigger-happy, especially where they shoot and kill unarmed civilians. This is a very serious issue because officers are trained to disarm people. If a police officer is facing a dangerous situation, he or she can disarm the aggressor by shooting to disable him and not shooting to kill him. When they kill somebody, they lose useful information that can lead to proper investigation. That way, the police fail to get

useful information from culprits of crime. Therefore, police commanders should restrain themselves from giving shoot-to-kill orders to their juniors.

We have seen some people directing police officers to shoot to kill, which is very dangerous. Instructing an armed police officer to shoot a civilian because he was involved in something is dangerous. Most of the time, these are people who are involved in political activities, and the shoot-to-kill order is very dangerous. We should encourage people to follow the due process of the law. If people are arrested, they should face the law. They can be dealt with in accordance with the law.

I support the amendments. I believe we will go a long way if we embrace the idea of procuring insurance covers so that police officers are taken care of properly when they are injured. They should be taken for proper medication. The families of those who lose their lives in the line of duty should not be left to suffer.

For those who have lost their lives in the line of duty, their families should not suffer. They should be given adequate reparations. I support this amendment which is long overdue. I also thank Hon. Nassir for bringing it.

Deputy Hon. Speaker: Let us have Hon. (Dr.) Robert Pukose.

Hon. (Dr.) Pukose: Thank you, Hon. Deputy Speaker for allowing me to contribute to the National Police Service (Amendment) Bill, National Assembly Bill No. 43 of 2016.

I want to start by thanking Hon. Sherriff Nassir for this great amendment on compensation of police officers when they suffer injuries or are killed while on duty. This is in good faith and it is in line with Jubilee's manifesto which provides for insurance of police officers. We have both good and bad police officers. However, this has been proposed in good faith. It is important that the IPOA bites; it must play its role. It should not be the case that IPOA only comes to the limelight when it is giving prizes to police officers. We should also see IPOA in action when it is dealing with rotten police officers, say, those who extort money from *wananchi*.

In Kitalale, Khalwenge and Chepchoina in my constituency, people graze their animals in areas that border the Agricultural Development Corporation (ADC) farms. The police officers, especially the Kenya Police Reservists (KPRs) are fond of rounding up animals on Fridays and Saturdays. They round up the animals and put them in ADC yards where there is neither water nor grass. The animals suffer for days on end and the police extort money from *wananchi*.

Over the weekend, I called upon the IPOA to play its role on this matter. It is supposed to ensure that *wananchi* and their property are protected by police officers instead of them engaging in corrupt practices. This issue has been going on for a long time. The victims are Kenyans looking for money to pay school fees for their children, and yet their cattle from which they get milk to sell are held by the police. The same *mwanaanchi* is then forced to pay a fine of Kshs1,000 or Kshs500 per cow. This is unjust! We want police officers to play their rightful role.

I heard the Independent Electoral and Boundaries Commission (IEBC) Chairman and the Inspector-General, Mr. Boinet say that they were training police on their roles during the coming general elections.

During the recent nominations, the police supported certain candidates. This should not go on especially in counties like Trans-Nzioa where you have a County Commander who has been there for a period of five years. He works in a partisan way. This is unjust, uncalled for and unprofessional. Sometimes we wonder whether the Chairman of the National Police Service Commission, the IG and IPOA understand the implication of letting officers overstay in their work stations. Do such officers have godfathers who ensure that they remain there? It is high

time the IG and the Cabinet Secretary, Major-General Nkaissey looked at issues that affect counties like Trans-Nzoi, for example, a police commander serving in one station for more than five years. This is very unjust. Why should some officers be transferred while others remain untouched? So, these are the issues that we need to address. We want to have in place a police force that is professional in nature and one that respects human rights by upholding the Constitution of this country.

Finally, I thank the people of the great constituency of Endebess for having come out in large numbers to nominate me as their Jubilee candidate. I hope that on 8th August, 2017 they will do the same.

Hon. Deputy Speaker: Let us have Hon. Michael Onyura.

Hon. Onyura: Thank you, Hon. Deputy Speaker for this opportunity. I rise to support this Bill. It sets out improvements on the terms and conditions of service for our police officers. This is a good thing. We know the role of the police officer in internal security. Without proper security, even the ordinary activities of *mwana nchi* are frustrated.

(Loud consultations)

Hon. Deputy Speaker, there is too much consultation going on.

For us to ensure that we get the best from our police officers, we need to ensure that they also enjoy better conditions at the work place. They need to be motivated so that their work morale is kept high. This Bill will go a long way in ensuring that when our police officers are injured---

Hon. Deputy Speaker: Hon. Members, we need to reduce the level of consultations. I know some of you are excited while some are unhappy. Allow Hon. Onyura to contribute.

Hon. Onyura: Thank you, Hon. Deputy Speaker. We want to be sure that when our police officers are injured, be it temporary or permanent, or when they lose their lives, their kin are properly and speedily compensated. This is because our police officers work in fairly risky environments. They are often targeted by criminals, bandits, terrorists and other lawless elements. They have high risk of being injured because of the nature of their work. So, it is very important that this law provides for their compensation and medical attention. It is important that whenever such a situation occurs, those who process their compensation do so quickly.

As Members of Parliament, we have had very many cases from families of deceased security officers asking for our assistance in following up their compensation. This should not be the case. There should be systems in place to ensure that as soon as such an unfortunate incident occurs it is quickly followed up and payments done speedily.

It is also important that as we improve the terms and conditions of service of our police officers we attract and retain good officers, who are committed and can do a good job. As we talk generally about police officers, we should emphasize that on their part they should know *wana nchi* are their customers. Their slogan is "*Utumishi kwa wote*." This should be shown in how they reach out to the ordinary people and their customer. They should be good in public relations. The little resources they have should be focused on fighting serious crime.

At times we feel that the police officers focus is misplaced because instead of addressing serious crimes like muggings, stock theft and burglary you will find them using meagre resources to raid local brewers. In terms of the risk and danger involved, resources should not be spent that way.

We have had cases of police officers misusing their offices and arms. I had two very unfortunate cases towards the end of last year in my constituency. Innocent *wananchi*, one being a school girl was shot by a trigger-happy police officer. A *boda boda* rider was also killed under very unclear circumstances after a minor argument with a police officer who lost his temper and shot him at point blank. I think their training should be carried out in a way that enables them to use their arms well and not harass or kill innocent *wananchi*.

Hon. Deputy Speaker, in as much as we would like injured police officers to be compensated adequately and speedily, the victims of misuse of firearms should also be compensated. There should be equal concern for victims of police brutality through misuse of arms.

I am happy to see that this Bill includes trainees and not just serving police officers. For those undergoing training should any injury occur to them or they lose their life, they too will be compensated. The fact that it recognises trainees and includes them is a good thing. It also provides that where there is need for psychological therapy, it can be done even after retirement of a police officer. I know at times the nature of their work and their environment can be very traumatizing. Perhaps after retirement they may suffer some psychological trauma as well.

As part of improving police officers' terms and conditions of service, we should find a way of encouraging their career development and growth by providing opportunities for advancement and promotions. You will find many of them approaching us and complaining of overstaying in one grade for too long or about promotions not being given on merit but on other considerations. We have also been trying to use our little National Government Constituencies Development Fund (NG-CDF) to improve the Administration Police (AP) lines and we shall continue to do so.

Hon. Deputy Speaker, I support this Bill. Thank you.

Hon. Deputy Speaker: Hon. Ali Rasso, you have the Floor.

Hon. Dido: Thank you, Hon. Deputy Speaker. From the outset, I want to support this Amendment Bill. Institutions are as good as the welfare which sustains them. This Amendment Bill clearly indicates that the police have not been looking into the welfare of their rank and file. This is about workmen's compensation. It is about what happens when individuals are injured or killed in line of duty. For that reason, the die is cast and is squarely placed on the management of the National Police Service on the state of welfare of its manpower.

Recently, I meet a police officer from my constituency, who had a sick child and treatment could only be done in South Africa, the developed countries or India. He needed about Kshs4 million. He was told that he can only receive assistance to the tune of Kshs600,000. Therefore, he resorted to hold a fundraiser and he could only come for assistance from the political leaders in his area of origin. I thought that was seriously misplaced because he is working for this country and he is always on the beat and can be deployed to any part of this country with security issues. But when it comes to his family, nothing can be done. I think that was very careless on the part of the police force not being able to take care of one of its own.

The other thing I learnt recently is that the police are no longer covered by the National Hospital Insurance Fund (NHIF) which today is the major medical scheme that supports all public officers health insurance. They have paid money from the tune of Kshs10 million to Kshs20 million to take individuals for treatment abroad. But for reasons that are not well known to many of us, the police are no longer covered by the NHIF. If police officers do not have a good insurance scheme, they will be forced to go back to the population for their medical welfare. This is an area that needs to be looked into.

When I look at the police force and the military, I found that the difference between them is only in their roles as outlined in the Constitution, particularly in war. As far as being in harm's way is concerned, I do not see much difference between what the police do and what the military does. For that reason, in the military they have a Group Personnel Assurance Scheme commonly referred to as the GPA. The police must learn a lot from the military particularly in the area of welfare; how to look after their own and how to compensate the next of kin. It is in the police where I realised that those with mental health illnesses or depression are allowed to go back to their villages for recuperation. But as the condition of those individuals deteriorates, they are retired. This is not fair because those individuals succumb to those conditions while they are on active duty.

When I look at some of the things that happen in the police force, sometimes I sympathise with them and at times I am angered by what our police do. On 12th April this year, I lost five persons. They were murdered in cold blood by known assailants. To date, not a single individual has been brought before a court of law. This is the case and yet the individuals are known. Sometimes you ask yourself what is the benefit of having a police force that fails to respond to the call of duty. The common *mwanauchi* sometimes sees the police as a necessary evil. For this to be a good country of law and order, the police force must do its duty without necessarily being harassed and without complaints by politicians. When matters are clearly in the public domain, they must do their bit.

Hon. Members who have spoken before me have talked about police recruitment. It is an area of great concern. We really want to know whether in the current Constitution when there are complaints with regard to police recruitment, do you go to the Inspector-General of the Police? Do you go to the Cabinet Secretary for Interior and Coordination of National Government? Do you go to the IPOA? Do you go to the National Police Service? Where do you go? The centres of power are very fragmented. The individuals who will give you answers have varied opinions on issues of complaints, which are genuine. When we are told that the police are recruiting 10,000 and we have 290 constituencies, if they will recruit less than 20 or 30 police officers in any of our constituencies, then we are bound to ask questions and the police must give us answers.

This is a good Bill but it directly points at the management and leadership of the police force that must stand up and be counted.

With those remarks, I beg to support the Bill.

Hon. Deputy Speaker: Let us have Hon. Moitalele ole Kenta.

Hon. ole Kenta: Thank you, Hon. Deputy Speaker. I would also like to add my voice in support of the Amendment Bill.

We all know that the work of the police force is very crucial to the security of the country that we must maintain at all cost. Policemen and policewomen stay out in the cold at night and go to great lengths to ensure that our families and properties are protected. It is incumbent upon us to ensure that they also benefit from the job that they carry out.

The Amendment Bill is very clear. The most important thing about it is the protection of members while on duty. Many of them die when performing their official duties. They are killed, maimed and undergo stressful situations that create mental illnesses. I support the fact that this treatment should go beyond their working life. This is because most of these traumatic experiences affect them for the remainder of their lives. Their families are always left destitute. It is important that when members of the force die, their families should be supported in all ways possible especially in the education of their children and maintenance of their families. It is

important that they are adequately compensated because we have found that once a breadwinner dies, the family goes into oblivion.

We know that policemen are supposed to be neutral, especially during this season of political turmoil which is the normal election time. I would like to plead with them to ensure that they are neutral, that they are not misused and that they will not work at the behest of the powers that be. We know that they are sometimes misused. They should know one thing – that their families are also affected when there is turmoil in the country; that their children and relatives suffer; that the country suffers and they owe it to this country to ensure that peace prevails. Peace can only be there if there is justice in everything that they do.

I would like to also commend the Government for the recruitment that is coming up of 10,000 officers. I am pleading with the system that employs them to ensure that there is equity in the employment such that each community, section and county gets equal opportunities. There is no community that does not have qualified people. We have sometimes had this patronage issue where people are employed according to where they come from. I will plead with the recruiting authorities to ensure that there is adequate recruitment of all Kenyans.

I know in other jurisdictions, especially in the west, policemen are very important components of the country. They are not only adequately compensated but they are protected and given equipment. In fact, it is unfortunate that in Kenya, at the moment, crooks are armed with sophisticated weapons than police officers. To protect citizens, police must be given adequate and modern weaponry. If you just expose them to the risks that come with the job and you do not equip them accordingly then, of course, we will have fatalities that will affect everybody.

Hon. Deputy Speaker the other important thing is that the police should also know that their duty is to protect the citizens. As my colleagues have mentioned before me, extrajudicial killings must stop because these people are innocent until proven guilty. The only place they can be proven guilty or innocent is through the court process or courts of law. I believe this issue of killing people in cold blood, especially young children, should not happen. When a person is not armed and you kill him, it is actually destroying the fabric of society.

There is the issue of who should administer the estates of the deceased officers. My colleague, Hon. Millie Odhiambo, who spoke before me put it very clearly that this law should not collide with the Succession Law because sometimes these families are left without a breadwinner and somebody else actually benefits from their deaths. This should be done to protect the families and children.

When we talk about the civilian and the armed parts of officers, I believe, they should be compensated equally because they do the same job. Maybe some actually take up jobs that require them to use arms while some work in offices. But they suffer the same problems, illnesses and many similar vagaries of nature or other ways. So, I believe that it does not matter whether someone is an accountant or a police officer in the field. They should be equally compensated and taken care of because they are members of the force.

I really do not need to belabour this issue. It is a straightforward Amendment Bill and I believe we should support it for the sake of our officers.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Dawood.

Hon. Dawood: Thank you, Hon. Deputy Speaker. I want to join my colleagues in supporting this Bill by Hon. Abdullswamad. It is a very timely Bill. Although there is an insurance scheme in place by the Government, many of our police officer probably do not benefit because of the time it takes--- There has been a problem with the insurance scheme which

is run by AON Minet. It is high time the National Police Service looked at it as well. The services offered to the police officers through this insurance scheme are not very good. It would be better if they were transferred back to the National Hospital Insurance Fund (NHIF) because the service there is better than what it is in their scheme right now.

Regarding compensation for injuries and loss of life, there have been many times we have had to bring statements or present petitions from police officers who have been injured in the line of duty and it has been a real challenge in getting compensation from the Office of the President (OP) or wherever they have served. This Bill does not say whether it is the uniformed officers or it is the whole National Police Service as it was indicated earlier by Hon. Gikaria. The National Police Service covers people who work in the offices together with the uniformed officers. So, there should be a distinction that this compensation is for the uniformed officers.

*[The Deputy Speaker
(Hon. (Dr.) Laboso) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. Omulele) took the Chair]*

One of my colleagues has made a comment regarding extrajudicial killings. I believe we should not just demonise the police. Sometimes, they are in a situation where they are not sure whether the other person on the other side is carrying a real gun or a toy gun. They have to take care of themselves. We should not demonise our police force because they operate in extreme circumstances that are very hard and strenuous. We would not want to be in their position. It is completely wrong to wholly condemn the police officers. They work under very strenuous conditions.

We need to motivate our police force. In the rural areas - forget the towns where they may be living in stone houses - you see them in tin sheds and you wonder how they cope with the heat like how it was a couple of months back where temperatures reached 30 degrees Celsius. In the tin shed, it can even be 40 or 45 degrees Celsius. You wonder how they live in those conditions and we still expect them to perform their duties. We should improve their living standards by providing them good housing and better salaries or wages so that they can perform what they are meant to do.

Regarding compensation to the next of kin, we should make sure that when a police officer passes on or is injured and other family members who have never been with them come out of the woods and want part of the compensation---It needs to be put down very specifically that the people who have lived with the police officers all their lives should get compensation and it should not be any member of the family because most probably a widow may be harassed by family members because she has lost her husband. Family members come out of the wood and want the compensation and there is a family to bring up. At the end of the day the family of the serviceman or woman suffers because they cannot access the compensation. We need to get this sorted out in Committee of the whole House by Hon. Sheriff Nassir so that we can see how to sort it out a little bit on who would be the beneficiary of the funds.

With those remarks, the Police Service in Kenya is doing a great job. We wish them the best. We need to increase more servicemen. With elections on 8th August round the corner, I congratulate my fellow MPs who have been nominated. And for those who were not and were

thrown out at the nominations, I ask them to let it go and wait for 2022 and stop antagonising the people who have been nominated.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): We shall now have the Hon. Makali Mulu. He is not in. He is not desiring to contribute to this. Then, we shall have Senior Counsel, Hon. Olago Aluoch.

Hon. Aluoch: Thank you, Hon. Temporary Deputy Speaker. I stand to support this Amendment Bill by my good friend Abdullswamad Sherrif, MP Mvita, in the great Orange Democratic Movement (ODM) county of Mombasa. This Bill brings clarity in what an injury means within the law. For a long time, what an injury is within the police legal matters was unclear and was left to the whims of the senior officers. This Bill, if passed, will bring morale to the police force and will also make it possible for the police service to attract and retain some of the best brains in this country because they will be sure that the law protects them when on duty both those in the regular police force, the Administration Police (APs) and the civilian staff of these two services.

For a long time, the police service was not able to attract some of the best trained Kenyans. Why? Even graduates or professionals would join the police service at the lowest grade of constable. So, that made it impossible for bright Kenyans to join the police force. As a result, most of the police officers who are retiring were not very well educated. They were looking at educated Kenyans as their enemies in the force. So, if you are a graduate and you join the Police Force, they will look at you as somebody who has come in the wrong profession. That is why the police service did not have professionals like engineers, lawyers, doctors and document examiners for a long time, but now they can employ them because of the law this House has put in place.

Hon. Temporary Deputy Speaker, I am particularly happy because the National Police Service (Amendment) Bill defines and extends treatment beyond the period of service or contract of the officer who is affected. That is important because there are injuries that officers sustain in the course of duty which will go beyond the period of service. There are injuries that may be sustained by a traumatised police officer which are of mental nature. My friend, Hon. Nyikal, will tell you the types of diseases that may not be treated within the lifetime of the patient. You can contain the situation, but it remains with you until you die. So, when Hon. Gikaria said that, that is not a very good amendment, I was surprised. He should know that there are injuries that people can remain with for the rest of their lives and that should also be covered.

The NPS is recruiting now. They should conduct this exercise very fairly, without corruption and influence. As I sat here waiting to contribute, I received a very touching message from somebody whom I assume is my constituent, whose name I do not know. The message is:

“Good morning, Hon. I hope you are okay. I have a humble request, if you can be in a position to assist. There is a young man who is my neighbour and has an interest to join the police force. However, the mother is not able to raise the bribe of Kshs250,000 that he has been asked to raise. She is just a widow who washes clothes for people to feed her children. Please help, if you can.”

I am sure this predicament is applicable to anyone else in this House where your constituents come to you believing that you have the capacity to have their young men and women employed in the police service. That is coming up because of the corruption that we have had in recruitment process in the police service. It is important that as we debate this amendment, we make it clear to those officers who will be in charge of recruitment this week and next week

that the exercise should be done fairly and openly to all Kenyans. They should state the specific number of recruits who will be taken from each constituency. Those ones who are recruited should be taken openly at the sight of the recruitment, so that there is no *chini chini* business.

While we talk about this Bill and injuries to our police officers, it is very sad that only three weeks ago, the officer in charge of traffic at Maseno Police Station in my constituency, a lady, while on duty on patrol on Kisumu-Maseno Road, was knocked down by a malicious motorist deliberately off the road and he dumped the car there and ran away. Up to now, he has not been found, but the lady died while on duty. When this happens, even if this law is in place, we should have a mechanism where the process of compensation is done expeditiously, so that the beneficiaries do not have to wait for too long. Hon. Millie Odhiambo said that the provision where a police officer determines the beneficiaries is not right. It is right. You should decide who inherits what you have, unless you have not provided for the others. If there is adequate provision for the other members of your family and beneficiaries, then it is proper that an officer decides who inherits his property. It can be the wife, husband, son, daughter or even girlfriend or boyfriend, if that is what they like. That provision is quite in order.

What can we do as Members of Parliament to ensure that police officers enjoy human rights like humane housing? The NG-CDF Act that we passed provides that among the duties that NG-CDF may be funding is security which is the Police Force. How are we, as Members of Parliament, advising our respective Committees to channel funding to improve the lot of police officers who work in our respective constituencies? I am happy to say that the relationship between my office and the security apparatus in the constituency is cordial. I am then able to determine that police officers at Maseno, Bar Union, Holo, Kombewa and in other places live in conducive environment. Sorry, Kombewa is in Seme Constituency. We look at how they live and we advise our Committees to channel funding to improve their housing, offices and armouries. It is important. As we do that, I need to caution the national Government because lately, it appears to have left the responsibility of housing and building of stations solely to the NG-CDF. The NG-CDF can help, but it cannot be enough. The national Government must take its role seriously and improve the lot of police officers. The NG-CDF can only supplement. As it is now, the national Government seems to have left the responsibility solely to the NG-CDF with the meagre allocation that we have.

Lastly, as we debate this Bill, let us dedicate our time to those officers who die in the line of duty, but not just the ones who die because they have been hurt physically. What about the ones who lose their minds and suffer mental stress because of what they do? It might be difficult, but lawyers and doctors, particularly lawyers who have done matters pertaining to suicide, murder and manslaughter, will be able to tell us that an incident that results to such types of crimes may have everlasting mental effect on the police officer. So, as you look at the injury, you should also define injury in a wider way, so that we do not only look at physical injury, but also at mental injury that an officer may suffer.

Police officers have been shooting themselves, committing suicide, shooting their colleagues or other Kenyans in cold blood in the recent past. We need to look at their mental status. What makes an officer decide to shoot himself dead? What makes an officer decide to shoot his colleague dead? It must be something that is very deep rooted. So, in terms of treatment and injury, how do we stop police officers from this type of trauma that makes them kill themselves or their colleagues? Those are injuries in the nature of work that also needs to be addressed. That will need psychoanalysts and mental practitioners to look at the type of injuries that police officers can also suffer as they work.

With those few remarks, I wish to support the National Police Service (Amendment) Bill.

The Temporary Deputy Speaker (Hon. Omulele): That is a very rich contribution from the senior counsel. I hope you will have an opportunity to enrich this particular Bill when we come to the Third Reading, so that those valuable contributions that you have made can go along as the Bill finds its way to becoming law in this country. We are grateful for your contribution.

Let us have Hon. Alois Lentoimaga, Member for Samburu North.

Hon. Lentoimaga: Thank you so much, Hon. Temporary Deputy speaker, for giving me this opportunity to contribute. I rise to support the National Police Service (Amendment) Bill. It has come at the right time. Compensation for police officers is long overdue. We have a number of police officers who have served this country for a long time. In my own constituency, I have two of them. One has been an Officer Commanding Police Station (OCS) for over 20 years. He is in a very bad condition now because he is suffering from a kidney ailment which can only be treated in India. He is unable to raise money. His family has come to me several times. In fact, he is now at Aga Khan Hospital undergoing dialysis. The medical cover that he is given is not sufficient to pay for surgery in India. This particular Bill is very important to our police officers. They are our sons, daughters, friends, relatives and brothers. They work throughout night and day and all of us know it. When we are asleep, or seated comfortably in our houses, these young men and women are out there facing a lot of challenges. In the rain and in sunshine, they do not sleep. They protect our country at the control points around our borders. Some of them face huge challenges especially from our warring neighbouring countries like Sudan and Somalia. We know that there is infiltration of small arms in our country. Young men have a lot of firearms that are always targeted at the police. In North Rift, police are faced with serious challenges as they try to maintain law and order in communities that have a huge number of firearms. They even lose lives.

You remember the massacre that occurred in my constituency in 2012 where about 50 police officers were killed by merciless cattle rustlers. They killed people and even stripped them naked when they were already dead. This is an example of the challenges that police officers go through while on duty. Therefore, this is a very timely Amendment Bill. I am the Vice-Chairman of the Departmental Committee on Administration and National Security. We have gone through this Bill. We want to bring amendments to enrich the Bill. We will do that during the Third Reading.

Policemen have welfare problems. They live in deplorable housing conditions. Although we have allocated a lot of money for housing and even purchase of police equipment, the police are still living in bad conditions. A good example is the situation in my constituency, Samburu North. The police there live in tents. They are congested in small rooms. Married couples share rooms. Now, to have three or more couples living in a one-roomed house is unacceptable. We want to urge the police authorities to make good use of the money that is given for purposes of reforms and housing. The effect of that money should be felt at the locations. Through my National Government Constituencies Development Fund (NG-CDF) in Samburu North, I have built five units of police camps but that is not enough. We still need the Inspector-General of Police (IG) and his officers to ensure that policemen in remote areas and in areas that are faced by insecurity are given the best facilities so that they are motivated. When police are posted to work in dangerous places, they need to be assisted.

Allowances are part of welfare. Police are deployed in operation areas like West Pokot, Baringo, Samburu and North Eastern. However, junior officers have been heard complaining that they are not paid their allowances. When a policeman is deployed to the operation areas, he is

entitled to an operation allowance because then he is not serving in his station; he is considered to be working in a totally different environment and so he needs to be paid an allowance on top of his salary. I know of police officers who have been serving in those troubled areas for about six months now, but they say that they have not been paid their allowances. How come they have not been paid and yet this Parliament approves all the monies, including allowances to the police? The IG must ensure that the allowances due to the police in the remote areas are paid promptly so that they can work well with the knowledge that their welfare is taken well taken care of.

The Government has spent a lot of money on protective gear. This includes the Armoured Personnel Carriers (APCs) and other protective gears. We need to ensure that the police are supplied with the necessary protective gear, that is, bullet vests, helmets and communication gadgets. I wish to reiterate that compensation meant for police officers should be paid promptly to their respective families.

I heard Members saying that this Bill would interfere with another Bill. We should come up with better ways of compensating police officers. As my colleague, Hon. Rasso, said, we should learn from the Kenya Defence Forces (KDF). We need to go that route so that we can help the police get compensation the way it is done in the KDF. There is also another thing that is unique: the KDF has its own referral hospital, which is the Defence Forces Memorial Hospital in Nairobi. Police officers need to have their own hospital too. Money should be provided for this so that those who are injured, instead of going to private hospitals which are very expensive, get to be treated quickly and conveniently.

The other issue is about qualifications. It is important to have good qualifications in the police service because they do investigations. They carry out a lot of crime investigations. So, they need to have higher qualifications specifically aligned to their areas of work. After Form Four or after getting degrees, they could be taken for courses that are relevant to the work they do. For the last almost 10 years when we have been faced with high unemployment rates in Kenya, it is only the police service that has been employing people. It has been happening that young men join the police but soon they realise it was not meant to be their job and so they run away after being trained.

My time is running out, but I want to thank Samburu North residents for electing me during the primaries. I appeal to them to elect me in the forthcoming general election.

The Temporary Deputy Speaker (Hon. Omulele): We wish you the best on 8th August. We should now have Hon. James Nyikal, Member for Seme.

Hon. (Dr.) Nyikal: Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to contribute to this important Bill. May I start by thanking the honourable Member who has brought this Bill. The need for compensation for loss of life and injury for police officers is long overdue and must and should have been part of the general welfare of police officers such as the professional growth, level of education and remuneration, particularly allowances for those who work in extremely difficult areas and circumstances. We expect people who work in such areas to really have good equipment, particularly housing.

Let me say something about housing. I think many colleagues have talked about this. The issue of housing for the police is something that we really must look at as a nation. If you look at some circumstances where couples with their children are sharing single rooms--- My colleague was talking about this. This is extremely inhuman and it subjects the officers to social stresses that are absolutely unnecessary. I think two years ago there was a huge budget outlay for construction of police housing. We really do not know what happened to this project and the

money. There are areas that were already designated for construction of police lines and police houses. What happened to this? We should look at that. I know many of us are using the National Government Constituencies Development Fund (NG-CDF) to improve the housing for police officers but this is really not adequate and we should look at it.

For injury and loss of life, I am actually surprised that this was not included in the workmen compensation laws. This is because this is loss of life or injury that occurs in the course of duty of a working person. Now that it has come, we really must pass this as quickly as possible. The need is great. We know that police officers work in the most dangerous circumstances. They are exposed to extreme danger from gunfire and physical injury and really this is something that is greatly needed. It is an urgent matter for the police service.

Many of the officers that are involved in injuries are young and have young families. If there is no compensation for them and for their families when they lose their lives or if they lose the capacity to work after injuries, that is actually a great loss to the families and can be a source of calamity for many families.

I support this Bill because it does define injuries and particularly the recognition that psychosocial injury is part of the injuries that need to be compensated. It is true that a lot of police officers have what we call post-traumatic stress disorders. The exposure to dangerous, life threatening and fatal situations affect them mentally and psychologically long after. As one of the Hon. Members said, it may actually be responsible for the certain behaviour that we see police officers exhibiting like the high levels of suicide and the high levels of fatal use of firearms when it is not necessary. So, that must be recognised, compensated and treatment sought. It should not just be for physical injuries.

I think the extension of the contract is extremely important because some of the injuries that they receive may mean that they do not work for life. This is something we have to look at after that. I know we have a social protection policy and arrangement going on but that can actually be linked so that if it is long lasting, then it can be taken over by the social protection for people with disabilities. However, there must be a clear link between the injuries and the long term follow up for the police officers.

As of now, the police service has three main components. I think it hinders their work if there is no proper coordination. We have the Commission, the police service, the service itself and the Independent Policing Oversight Authority (IPOA). If you look at the service itself, again you have the general police and the administration police. Many times, you actually see that there is no very clear coordination among these components. As much as they are necessary, there is need for clear coordination and clear definition of functions. Members have talked of the issue of illegal conduct of police, extrajudicial killings and illegal detention of people. Again, you tend to wonder whose authority this falls under because if you have the IPOA, you have the service unit, which has its own regulations, and you have the commission, then things can fall in between the net. That is something we need to look at.

In general, we support this Bill. It has come a bit too late but we must look at it. If the definition of “beneficiary” is let very loosely that people can choose and change who the beneficiaries are, there is a possibility that families and children may lose out. Again, this must be linked to the succession laws.

With that, I do support this Bill and we should pass it as quickly as possible so that our officers can receive the requisite compensation and support when they get injured. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Members, before we move on, I would like to recognise the presence of students from Bahati Girls Primary School from Bahati Constituency, Nakuru County, who are in the Speaker's Gallery and also students from Saint Monica Munyaka Girls Secondary School from Kieni Constituency, Nyeri County. I would like to welcome them to the House to observe the proceedings of the House.

We shall now have contribution from Hon. Cecilia Ngetich, Member for Bomet.

Hon. (Ms.) Ngetich: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this very important amendment to the National Police Service Act to include medical care for police officers who are injured while on duty. Of course, we all know the work that the police officers do in protecting us and also in maintaining law and order. They need to be taken care of when they get injured while on duty. I think the emphasis here is not only while they are still in service but even after service because they got the injuries while serving this country.

As mentioned here, the conditions under which police officers work are very strenuous. They work in hardship areas without much compensation. The last time I enquired about the hardship allowance, it was just a mere Kshs1,900. It would really be good if this could be improved to even be like what the Teachers Service Commission (PSC) pays, which is 30 per cent of the basic teachers' basic salary.

I also want to talk about the deplorable conditions of housing. One thing I really want to say is that we have not heard many cases of family breakages in the disciplined force yet it is very disturbing that families are allowed to share single roomed houses. I even wonder whether they get any sought of privacy.

The SRC should really look into harmonising the terms and conditions of service for all the disciplined forces. I do not know why there should be unequal treatment or some sought of discrimination when it comes to the prisons officers, the national police and the military. I believe that they all sacrifice their lives a lot and there is need to look into a way of harmonising. Even if there is any small variation, then this should not be in matters of welfare, medical and housing. For example, there is the AON insurance cover. They also have the National Hospital Insurance Fund (NHIF) cover. This has not helped either when it comes to medical cover.

This goes beyond the police service because as we went round seeking for votes, there were issues that were continuously being mentioned one being NHIF, that despite the amount being raised to Kshs500 per month, it is unaffordable to many of the local people who are jobless and secondly, they still offer limited services for example, when you seek dental service or optical services, you are not able to get them through the improved Kshs500 monthly contribution. This should be relooked into. I had set myself to come up with a Bill to ensure that this amount is brought down to an amount which majority of people can afford. The AON insurance cover should be extended to the police service and improved in terms of the services it offers.

Secondly, as we talk about compensation of family members, in most of the cases male police officers are usually the breadwinners of their families. Once they are rendered invalid, they cannot perform their duties or earn a salary and the members of their family languish in poverty. I support this idea of compensating families. In line with that, they should ensure that family records are well maintained. I know that when one is employed, one is supposed to fill forms showing the next of kin and who the family members are. However, in the course of performing duty, dependants increase in number. Depending on the scheme of service--- I know most organisations recognise one wife and their children below 18 years. Sometimes some of

them are not updated. I support the regular updating of records so that in case of loss of lives of these police officers, it is clear right from his intentions who his family members are. We are aware of cases in Kenya where when one dies, several people come forward as wives and children and you cannot tell who are the right people to be compensated. This should not be the case with police officers only. Everyone including honourable Members of Parliament need to be aware of this and state their rightful next of kin and those who should be compensated.

I also want to talk about our disciplined forces as compared to what happens in the West. Our disciplined forces need to be highly respected and recognised for the real sacrifice and work that they do. I am aware that in the Western countries such as the US, military officers are highly respected such that even as you queue in the airport, they first allow the military officers before the first class passengers join them. I have a son who has not completed his training in the US Naval Academy. He tells me that when he goes to pay for his lunch, he is told: "Sorry, someone else has paid for you." The public are aware of the great service that they offer. I therefore want to thank the Independent Policing Oversight Authority (IPOA) for the recent rewards to police officers because it gives us the other side of the police service. While we have had the perception that police have always been labelled as people who are corrupt, inefficient and do not perform their work very well, it is not so for the entire service. It is time for us to think because the laxity in performance of duty is not only seen in a few of the police officers but generally across the public service. I want to congratulate those who won the awards and I am hoping this will challenge the rest of the police officers to continue improving their image by performing exemplary well in their duties and even in other services they offer.

Hon. Temporary Deputy Speaker, I also want to take this opportunity to say that we need to address the issue of inflation as soon as possible. It is becoming a problem to get common commodities that we require. This Parliament should take time and address food shortage in this country because our people are really suffering.

Otherwise, let me thank the people of Sotik for the votes they gave me, although I did not emerge the winner but we tried our best. I would like to congratulate all the nominees and wish them the best as they battle it out in August.

Thank you, Hon. Temporary Deputy Speaker for this opportunity.

The Temporary Deputy Speaker (Hon. Omulele): Thank you for that spirit of comradeship that you have extended to Members of this House and those who succeeded in their nominations. That is the spirit we need to engender in this country. Thank you very much.

Let us now have Hon. Maanzo.

Hon. Maanzo: Thank you, Hon. Temporary Deputy Speaker for giving an opportunity to contribute to this very important Bill on the National Police Service, particularly on compensation of officers injured while on duty or who lose their lives while serving Kenyans.

There has been an argument that all the disciplined forces should be treated the same and this has particularly been a very painful experience for an officer who gets injured while at work. What follows thereafter is really sad. Most of them either feel or get abandoned and the idea of medication becomes their own together with their families. As you may be aware, because of what they earn, it is really a sacrifice and service to the nation. If there is a place which should have been given priority, it is this particular area. This law will improve on how to deal with it. In normal circumstances, there is the Workmen's Compensation Act. Even though it is not compulsory, any employee who has employees that are likely to get injured have an insurance cover in the event they are injured or lose their lives. It is not exactly so with the police force or any of the associated forces including the prison department. All of them are exposed to danger.

A prison officer can easily be attacked by inmates. A police officer can be attacked even while walking home so long as they are in uniform or if they are walking alone and someone snatches their gun. Their lives in a way are in danger even by having a police car. There are occasions where there are confrontations with the law breakers and you find that a police officer has lost his leg or an arm but compensation becomes very difficult. It is even worse when they lose their lives. I have had many occasions to take widows to Government offices following up claims of their late husbands. They have children who are in school and they do not have school fees. Just a few days before officers lose their lives, their families were well but as soon as they are gone the Government officers in charge of them abandon them. This sort of law seems to be very good so that we can have a mechanism and a budget.

As much as this law is important, at the Committee of the whole House stage, we will have to amend it a little bit because it has not solved the problems. In fact, there should be a compulsory cover for these officers and the compensation should be implemented immediately after the injury or loss of life. It should not take years for such an officer to be compensated. It should not take years for families to be compensated. It should be a compulsory cover by a known insurance company in Kenya, where they are likely to be compensated immediately. Here in Parliament, we are served promptly. You know what happens in such situations. It is very efficient. It should be transferred to different sectors of the public service because we are public servants too. Any public servant should be accorded the same privilege, especially in the disciplined forces, where they sacrifice their lives to die for us in the line of duty and to protect our country. This sort of insurance would be very good. It would go a long way to make sure that families do not suffer in the event of occasions like that.

There would be further proposals, and I am going to bring some, at the Committee of the whole House stage, so that we can make this law even better. It is a good proposal that needs to be made better so that we can seal the loopholes and the payment of compensation to be effected immediately. If you still leave it within the police service, it is still not efficient. There has to be an outsourced professional or insurance body to act immediately after verifying the facts and upon presentation of documentation, whether the person has lost their life or upon assessment of the injury. In fact, there are known judgments or standards in terms of the likely compensations when, for instance, somebody has lost a leg. There are court decisions on that which can guide this process. There are also decisions in the event of death of such a person, loss of expectation of life, pain and suffering. Some can get injured and then they do not pass on immediately. Somebody lives in pain for a year. Surely that should be compensated. It happens in other scenarios where similar injuries occur to normal Kenyans and there are precedents which show how much such a situation should be compensated.

This is a good law. It works for our forces. It should be expanded to all forces. An insurance cover is sufficient, but it must be made compulsory. You should not just say that the commission shall compensate a member of the family or members of the service as the case may be, who lose their lives or suffer disability while exercising service or training. In fact, the idea of training has been mishandled in other departments. When they are still on training, there has been an argument whether they are validly employed or not. At what point are they employed by the service? Those questions have been raised before. A lot of times there is a form in the forces where you leave the name of your next of kin to be compensated. There are situations where when a young man joined the force, the next of kin was his mother or father. While in the process, they get married. They may change or not change. In a lot of situations, a lot of them do not change after getting married and the wives are not indicated as the next of kin. So, this

should be defined sufficiently in the forms. In fact, it should come up as a form which is statutory under delegated legislation, so that it is specific who should be compensated. Many times, the wrong people are compensated and the family is left out. In the case of the armed forces, it is even more complicated because they have their own system. If you try going through the normal court system, you are issued with court orders and you find that the claims have already been overtaken by events. A lot of times, this is by design.

So, it must be protected by the law. A lot of families have suffered quietly. As a lawyer, I had an occasion to present such situations. Such families ended up being abandoned. You find compensation has gone to the father or mother of the deceased and the official family, even in cases where the marriage is valid, are left out simply because they were not named in the next of kin papers. It could also happen where there was delay and the person who was doing it can no longer change their mind, is not able to communicate or respond and the family is left with a lot of problems. The moment you try to go to court, you find that such a judgment has already been overtaken by events. It is in vain and the Government takes no responsibility. They say the family has been compensated. So, we have had these issues.

It has to be tied with other laws as has been submitted before on this Floor, like the law on compensation and inheritance, so that any person associated or who was under the care of that person would still get the compensation without complications and without being left out, in a manner that is within the Constitution. All the laws that we make should be consistent with the Constitution and other laws, so we do not get into a situation of conflict of laws, so that we can serve Kenyans better. I believe it will happen.

I support.

The Temporary Deputy Speaker (Hon. Omulele): Hon. Joseph Manje, the Member for Kajiado North.

Hon. Manje: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to support this important amendment. Just as food is a basic need for human life, security is a basic need for a country to develop. It is such basic that if a country does not have good security, it will hardly develop because investors cannot invest in that country. Our police forces have the responsibility of enforcing security in our country. Therefore, it is paramount that they are properly compensated in case of injury or death in service. They should be paid good salaries and allowances for the good work they do.

We cannot forget that the enforcement of the law is basically in the hands of our police officers. They patrol our areas to make sure that they deter criminals or would-be robbers. They also document and give evidence in courts of law to make sure that criminals are apprehended. That is also basic to them. We cannot forget that they are supposed to arrest criminals, some of whom are armed. Therefore, they put their lives in danger and they should be compensated in case of injury or death in the line of duty.

Having said that, we should also look at how we recruit police officers. We are still in the basics of how we recruited police officers during the colonial times where we checked the height of the officers to be. We should modernise the system of recruitment. We should take the basics like whether one is intelligent enough to collect information. Times are changing from when police were associated with their physical attributes to being associated with knowledge and skills and we need to change how we recruit them. When recruiting police officers like is happening in the country, and you check things like the dental formula, it beats the purpose. There has been some information going on in the social media. If you recruit based on the dental formula as if the policemen will go to compete on how to crash maize or something close to that,

then we are still doing it the wrong way. We should change the method of recruiting. The current one is very discriminative. If you discriminate somebody because of height which is natural, then I think it is discriminative in nature.

Hon. Temporary Deputy Speaker, we cannot also forget that there are emerging issues in the country. This is where you see the society or Kenyans becoming hostile. This is indicative of lack of policy or proper method. There are many incidences of mob justice that are going on in our country. That means that law enforcers are not doing their duty and, maybe, Kenyans are becoming desperate. These are some of the areas that we need to tackle.

Another emerging issue is where you see the society or the civil society confronting the policemen. In the old days, you could not dare approach a policeman and start fighting him. However, it is happening today. That means that the society is changing and if we do not change the way we police, then we are going to lose the war.

There was a time I witnessed a *boda boda* rider being stopped by a policeman but he did not stop. Instead, he accelerated. That means there is no justice weighed between the two. If I stop and I do not have anything in the pocket to bribe the policeman, the best thing to do is to run away. At times, I might be forced to leave the *boda boda* behind.

(Consultations)

The Temporary Deputy Speaker (Hon. Omulele): Hon. Makali, let us keep it a little low so that we can hear what the Member is trying to articulate.

Hon. Manje: Hon. Temporary Deputy Speaker, we also have to restrain our policemen not to use the old method of apprehending criminals. Those old days, the policemen used to round up suspects, profile them and remove those who are not suspects. They assume everybody is a suspect until you are left out. We should change the approach. The policemen should get evidence before they go to arrest somebody. That was done in the old days and it is happening today. Every time and every weekend, you will hear police officers have gone and rounded up some people, put them in cells and start profiling. That is an old method which should be discarded. The approach is to get information first before apprehending the suspects.

Hon. Temporary Deputy Speaker, our Constitution is not very good for the police in this country. With the new Constitution that we are implementing, it has some huddles. It has a lot to do with human rights. Remember this is an activist Constitution where you consider a criminal who has committed a capital crime, robbery, murder and is given bail. It is becoming very difficult for policemen. Maybe, that is why there is a lot of mob justice. Somebody is caught stealing or committing robbery with violence and you are told to go and identify that person. But that person is given bail and is allowed to go home. After that, he will deal with witnesses to make sure that, at least, nobody will give evidence against him. I think that is something that we have to consider. If somebody is caught committing a capital crime, he or she should be remanded. If he or she is released, they are likely to work on the witnesses and make sure that they do not testify. Nobody will come to give evidence against them.

Another object of this Act is to compensate them properly. If you compensate policemen properly, they will not be tempted to get bribes. The corruption rate might go down because they might not want to lose their jobs. We should compensate them properly. Their families should be compensated if the officers die in the line of duty. We should also not forget our policemen who work under harsh conditions and who move away from their families. At times, a policeman or

woman puts a kid in school and within three years, he or she is transferred to another place. We should start thinking of how to compensate them so that they can also help their families.

Lastly, I would like to thank my people of Kajiado North and Kajiado County for coming out in large numbers to give me a chance to continue serving them. They have nominated me to contest for the seat through a Jubilee ticket. I hope in August they will do the same.

Thank you. I support the Bill.

The Temporary Deputy Speaker (Hon. Omulele): We wish you well too as we go towards 8th of August. We shall now have Hon. Ferdinand Wanyonyi, Member for Kwanza.

Hon. F.K. Wanyonyi: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I also want to add my voice to this amendment. The objective of this amendment is to amend the Act to provide for compensation. I will add something during the Third Reading. I will add “adequate and timely compensation”. The payment to those who have been hurt in line of duty takes a long time. We have had cases where a policeman has been coming here since I came to Bunge four years ago. He has been coming to check on his compensation to date. In fact, he called me this morning and I did not know I was going to contribute. I just want to tell him there is a problem and there must be some structure and timelines where compensation can take place. It is taking such a long time and, therefore, we should be able to amend this Bill during the Third Reading to read “adequate and timely”.

Secondly, the training of the Police Force should be looked into and be expanded. We have cases where even those who are in the service take too long in one particular region. That, again, becomes a problem. That is because the more he or she stays in a location, the more they become familiar with the environment. Sometimes, even criminals come to know who he or she is and, therefore, compromise them. We should have regular transfers of those officers so that they can offer better services. Overstaying in a station is not good in the forces.

The other thing is the protective gear. Many of our boys and girls are actually killed in the line of duty because they are poorly protected. The protective gear that is given is not very adequate. Most of the criminals are ex-policemen and they know exactly the kind of protective gear they have. Therefore, as we look at compensation, we should further ask the Government to provide modern equipment and protective gear to targeted policemen, especially those who work in very harsh conditions. I heard of a case in Marsabit where almost 42 policemen were killed by armed criminals because they knew the kind of weapons they had. So, as we look at compensation, we should also look at the protective gear that they have.

We should encourage more youths to join the forces. We are going to have recruitment tomorrow or the day after tomorrow. We should move away from the old way of just picking recruits because they have got a grade D. We should see policemen as professionals. We should give them basic salaries that are good, are compensated in terms of insurance cover. Remember those days where we had a Form Four graduate joining the forces. They were properly trained in advance courses in the United States of America (USA), Scotland Yard and United Kingdom (UK). Therefore, we should encourage those who have performed well to go for the recruitment. We should not just look at those who did not pass very well to go to the forces. That is because we will have people in the forces who are not knowledgeable and are not able to cope with the advancement in their careers. We can attract professionals and even university graduates. They can bring change to the Service and it can become the field of professionals other than a field of failures.

Therefore, we should encourage the recruitment of police officers. However, we should not concentrate on those who did not pass their exams. If we do that, we are likely to recruit

people who are not knowledgeable into the police service. We need people who can advance their careers while serving in the National Police Service. We need to attract university graduates to join the police service so that we can turn it into a field of professionals as opposed to that of academic failures.

We now have many cases of police officers killing themselves or killing others. We should provide for psychiatrists to be meeting police officers regularly, so that they can read their minds. There are a lot of frustrations in the Police Force. For example, there is the problem of housing. You will find families of police officers sharing a tent. I have no idea how they stay together given the poor remuneration, lack of a medical cover for their sick children and so on. I know of a case of a policeman who had to take his sick child to India for further treatment. He did not have the means. He normally comes to me for assistance and so, one is left to wonder whether he has a job or not. With that kind of demoralization among police officers, it is advisable that we provide for regular visits by psychiatrists or doctors at the police stations. The police officers who have suicidal tendencies have their own reasons for being like that. They are, perhaps, mental cases.

I agree with my colleague who has spoken about police housing. In Kwanza Constituency, I have gone out of my way to build houses using the NG-CDF money for the police and Administrative Police (AP). However, that is still not enough because I have almost 100 police officers in my sub-county and the little money I get from NG-CDF is not enough. So, there are many cases where policemen share houses. As we look at the problems facing police officers, we should also look at the motivation aspects and strive to provide them with better housing. They should not be sharing tents and those tiny old houses. A nation without police officers is not a good one.

Police officers should be covered adequately by the National Hospital Insurance Fund (NHIF). The notion of them having to look for money from elsewhere encourages corruption. If a police officer cannot provide for his family, what do you expect him to do? He will look for it elsewhere. That is why we have cases of people blaming police officers for being corrupt. What they do not know is that the cause is the State.

Finally, I commend the way our forces are being trained. It is encouraging to have some of them go overseas to get exposed to the workings in Europe and other continents. That will motivate our forces. Even if they are not compensated on time, they will still know that the State minds about them. I will bring amendments to this Bill during the Third Reading.

May I take this opportunity to thank the people of Kwanza Constituency for giving me an opportunity to serve them. I will do my best.

Thank you.

The Temporary Deputy Speaker (Hon. Omulele): Very well. We wish you well too. We will now have Hon. Samuel Moroto. The Member for Kapenguria

Hon. Chumel: Thank you, Hon. Temporary Deputy Speaker. First, I thank whoever came up with this Bill for supporting our security forces, especially when they encounter problems. I always consider some departments to be important in our daily lives, especially teachers and police officers. Teachers provide education and police officers provide us with security. We cannot move when there is insecurity. Also, very important in my classification are those who provide health services such as doctors, nurses and other medics. We can do without the remaining disciplines. Those that I have mentioned, and this House as well, are important.

Police officers in this country have suffered a lot. I do not want to repeat issues of family and welfare as has been mentioned by my colleagues. Those people work in very difficult

circumstances. They give us intelligence about our borders, but we do not care about what they do. At night as we are asleep, they are awake.

With the passage of this Bill, I know there will be light at the end of the tunnel. I ask those in authority such as the Inspector General (IG) to be of assistance. I do not know why officers who are looking for their dues are made to suffer. They are looking for what is rightfully theirs. The Member of Parliament for Kwanza has said that he knows of an officer who was injured while on duty, but his dues are yet to be paid to him. He is tossed up and down and yet, it was not his wish to be in the bad situation that he is in. He suffered injuries protecting Kenyans. Who is this who is denying him his rightful dues?

I know that when this Bill gets to the Third Reading, we will propose some improvements in certain areas. We always discuss and pass Bills here, but it is a big problem when it comes to implementation. Who is supposed to implement? We must put in place a desk that will deal with the implementation of this new law. If we leave it to the entire Police Force, the I-G or Mr. Kavuludi and his group, then things will never work and police officers will continue suffering. I know of one victim. He is a young man who served for two years in the Police Force. He was posted to work in North Eastern and he was faced with problems. He is still suffering, but he was asked to retire.

This is an educated man who holds a degree in Information and Communication Technology (ICT), and he could have been given a small job somewhere else. The cause of corruption in the Police Force is when somebody is injured and is left to suffer. Once police officers are employed, they know there are not many benefits and, instead, they find ways of self-sustenance. They should be informed that if something happens to them, they will still be in the Service and will be compensated to sustain themselves and their families. If we pass this Amendment Bill, I know it will give them hope for a better future because of the services they render to us.

I want to appeal to the Government and especially the departments concerned with security because I know there are some operations going on in Baringo and Laikipia. We said this should be done with a human face. Otherwise, we should not see a repeat of what used to happen before. The new Constitution has changed the way police should work. They should come closer to the people so that they can direct them to where the criminals are hiding. It should not be like before when they used force and it did not help. I come from an area where several operations have been done. During President Moi's time, we had one called "Nyundo Operation." It did not bear any fruits but, instead, it brought so much hatred and the people began resisting the Government and security forces. During President Kibaki's time, he brought one called "Dumisha Amani Operation." The forces deployed there worked with the people and provided them with water, drilled boreholes, provided medical services and brought together youth from various places through games and sports. We never heard anything bad until the recent one. We are asking ourselves how this came about when Government services are available all over and not like before. As I have said before, those in charge should be considerate.

There are some services that are provided to communities that are affected by cattle rustling. For example, they were given seedlings, and the Government ploughed about 2,500 acres for them. I believe this will not happen to one community, but should be provided to all affected communities. We want those people to become one and live together and see that when one community is affected, the other one is also affected. The Government hand and support should be felt all over. But, if it will benefit one community, nothing will be realised. This is

because one community cannot be favoured over another. They are all Kenyans who were neglected before but the Government is providing them with services through devolution. I was among those who were in the 'Yes Campaign' when we were making the new Constitution. There were others who did not want to join us, but we know the "Yes" side bore fruit. Let all of us be provided with equal services. It should not be like before when somebody would build a good road or bring electricity up to his or her constituency boundary. That should not happen today. Everybody should get equal services. I want to thank the people of Kapenguria for nominating me. I pray they elect me and together, we will be one.

Thank you, Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Omulele): Member for Kapenguria, I wish you the best. We shall now have, Hon. Christine Ombaka, Member for Siaya.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to this Amendment Bill on the National Police Service. It is true that the Police Service has a very bad image. When you talk about the Police Force in this country, you straightaway begin to look down upon them. That is because of the nature of their work. First, the police officers in this country are underpaid and their lifestyles are so low compared to what we expect of them. That is why many of them are seen as corrupt. The image one gets from the police officers is that they are destitutes, corrupt people and do a bad job. Not many young people would like to join the police service because they are underpaid and work under very difficult circumstances. Many of them work very far away from their families, live in small houses and have difficult lifestyles.

Therefore, one begins to think that they are neglected, frustrated and that the profession is not worthy joining. Being a police officer, you are supposed to provide security to the people. Their work involves being exposed to a risky lifestyle. They are the people who are sent to stop any riot for example, when university students are fighting and throwing stones. They are injured and sometimes they die. They are the people who are taken to war zones where there is cattle rustling and they are supposed to protect people from robberies. They are exposed to violent areas and their lives are at risk and yet, they are underpaid and nobody knows the trauma they undergo. Therefore, medically, they need to be salvaged and given proper medical attention because of the lifestyle they lead. They should be insured because they can lose their lives anytime or any part of their bodies, their limbs can be chopped off and they are, at all times, exposed to danger.

When a policeman goes to work in the morning, he does not know whether he will come back home because he is going to face a lot of violence out there. Many of them are in the streets manning motorists and so on. Sometimes, people are involved in accidents and bleed, but they do not have gloves to handle them. Therefore, their exposure to danger is extremely high. It is for this reason that this Amendment Bill has come at the right time with a big shock to me. Before, I read this, I assumed police officers are taken care of medically. When I read this Amendment Bill, it occurred to me that it is coming too late. The labour laws require that any employee must be given protection and a medical cover. It is surprising to see this today, many years after the civil servants were given medical compensation.

I support this because it is a right to the policemen and women and is part of the labour laws which must be followed. It is very necessary for the police officers to be given compensation whenever they are injured or fall ill like anybody else in the Civil Service. It is surprising that, that aspect of their lives has been neglected for a long time. As has been said before, the compensation needs to be given on time. There are a lot of delays when looking for compensation from the insurance or anywhere else. The salary and retirement benefits come very late in this country. But where one is ill during their time of work and still there is a delay; that is an abuse. We need to compensate on time those who are injured in the line of duty because that compensation goes a long way in improving the life of the victim.

Compensation may not necessarily be medical. Sometimes, it can also be in terms of the Government educating the child of a policeman who has been injured during his work, especially where there is disability. When a policeman is disabled due to an accident, he may be compensated financially. But even employing his son or his daughter or paying school fees for that policeman's child is also part of what we should accept as compensation. I support this very highly because compensation comes as a reward. It is a kind of "thank you" that you give to somebody because he has performed so well but has, unfortunately, succumbed to a particular disease; been disabled in one way or the other or is completely rendered unable to work and perform as he has done before.

Somebody raised an issue of who receives your compensation. Compensation can be received by your children, yourself or your wife. But when the bit of the wife came in, there was the issue of our men marrying more than one wife and, therefore, the person to compensate may bring in a problem. They may never know who to compensate. That reminds me about the Bill we passed here on the marriage law. The Marriage Bill that came through said that the African man, especially the Kenyan man, can marry as many wives as he wants. That Bill was passed here and is now a law. We allowed men to marry more than one wife.

Underneath that law was one statement that I will not forget: For every woman that you marry, that woman must have a certificate of marriage even if she is 10th or 100th wife. She must have a certificate of marriage. We need to highlight that certificate because that is what will help when compensation is undertaken. The wife - whatever number - will still benefit from that compensation that you give to the policeman simply because she is legally married within the laws of this country. Even if she is the 100th wife, she will still get that compensation on behalf of her husband. That is what we need to highlight. Policemen must declare who their next of kin is. Who will qualify for compensation? Who will benefit? How many wives are there? How many children are there that will benefit from the compensation that their father has received from the State? In the case of the woman, she will also need to decide who her husband is and if there is a marriage certificate. That will help us in areas where compensation becomes a challenge.

Otherwise, I do not wish to say much more. This Bill has come at the right time when many policemen have suffered greatly in the line of duty. They have been maimed, paralysed and are mentally sick. Many of them require medical attention. Many of them require psychological counselling. They are traumatised. Their medical care is certainly coming in at the right time just like any other person who works as a civil servant.

I vehemently support this Bill.

The Temporary Deputy Speaker (Hon. Omulele): Very well, Dr. Christine Ombaka. Those were very good submissions. Hon. Members, I would like to give this opportunity to Hon.

Cyprian Iringo, Member for Igembe Central. That is because he was the first one who was to speak to this particular Bill, but his opportunity was deferred and it had escaped my mind. It is proper that we now give him this opportunity.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker. I appreciate your correction despite the fact that I have waited for a while. All in all, let me take this opportunity to congratulate my colleague, Hon. Nassir, for tabling this Bill which will make a lot of changes in this big industry called the Police Force.

The Police Department is one of the services which employ most Kenyans. You can see many young people craving for the same because it is instant employment as far as the Kenyan economy today is concerned. Once you have been recruited, you are assured of a salary from the word go. Therefore, you find that most youths are running for that exercise. The exercise that will happen tomorrow will see over 10,000 Kenyans joining the Force. It is a big force to reckon with and it should not be neglected especially when we look at the job they do. It is a noble, tricky and risky job which requires a lot of energy and discipline.

Having said that, it is important to look critically into this sector of our productive force or human resource and put in place proper measures that will endear those young Kenyans to enjoy their work, despite the hardships that come with that job. We should make them feel comfortable at the same time. That is where we look at their remuneration. It has always been found that with regard to remuneration, the Police Force is paid very poorly given the work that they do. They do not even have a union to fight for them. Since they are called the “disciplined forces”, they take orders as they come. In the process, they do not even have a union to take care of their issues and cannot even be allowed to demonstrate or go on strike. Therefore, their issues should be looked into in a special way so that they can, at least, be comfortable. Sometimes, we say that policemen are rude, harsh and that they act in an inhuman way. But given the way they have been accepted in the society and the way they are regarded even by their seniors, some things are inevitable as far as human beings are concerned.

With regard to compensation, there are officers who get injured and others, unfortunately, who lose their lives. Many other calamities befall them. Despite the fact that they are compensated, the compensation is quite meagre. It is not forthcoming as you would say. For example, if a young person passes on in the line of duty and leaves young children in school, processing the small token which the family needs for its survival takes a year or two. What will happen to those children in school? We need a proper insurance cover for them which would be readily available. Once we lose an officer, the insurance comes in immediately to take care of the interests of that family at hand. We have had incidents where when a police officer passes on, what they do is come there with a casket and the crown is put on the casket. I do not know how many times they shoot in the air and then they go. There is nothing else which happens after that. They do not care what happens to that family. When that widow goes to Vigilance House to get that money or any assistance from the Force, they behave as if they have never seen that officer. That is inhuman and it should be taken up seriously.

On top of that, on the issue of compensation, as far as the Bill is concerned, it should tally with the succession law whereby whoever is to be compensated should be the legal *bona fide* beneficiary - the next of kin of the person who has passed on. Most of those officers join the Force when they are young and not even married: they do not have wives or husbands. Most of the time, they use their parents' names as their next of kin. I request that there should be an update of those records to say who is the next of kin because once you have been married, it is most practical that you put the name of the husband or wife to the succession list of the people

who should inherit you. That should be updated so that we do not get officers who pass on and when you go to the records, you find that the father or mother is the beneficiary and there is a family tussle if he had started a family.

Hon. Temporary Deputy Speaker, the living conditions of police officers - sometimes I feel - leads to the problem of corruption. We say policemen are corrupt, but many Kenyans are naturally corrupt. There are those who are more corrupt than the police. Police corruption is of Kshs50 or Kshs100, but there are those who are corrupt to the tune of millions and millions. Corruption can be perpetuated through the remuneration that those officers are given. If you go to our police stations, you will find somebody living in a small hut made of *mabati*. I am sorry to say that. When it rains, it is very cold and when it is hot, it is very hot. Then you live in a bungalow and you have that officer guarding you. When they see the house you live in and the way you live and compare with the small dungeon they live in, they feel inferior when they are out there and they tend to behave irrationally and solicit for bribes and other things. So, those conditions of living also bring problems.

During the time of recruitment, like it is going to happen tomorrow, everybody looks for money to give to those people. They want to get that job because it readily pays. Whoever is assigned the duty to go and recruit; that is the day to make a kill from parents who are desperate to bring their children. Why? It is because of that small remuneration they get. Therefore, recruitment also brings in corruption. If one has already paid his way through the recruitment---

One Hon. Member here has read a message which has been sent that so much money is being asked for so that candidates can be recruited tomorrow. When that candidate goes to Kiganjo for training, he will come back and try to repay that money. Maybe, the father sold a *shamba*, took a loan or borrowed money from a shylock and it has to be repaid. How do they repay it with their meagre earnings? They go out there and perpetuate corruption. This one has to be looked into seriously.

You have to buy your way even for promotions in the Police Force. We fight for them to be compensated when they are injured, to get proper insurances and to get proper housing. But unfortunately, they go out of their way--- You cannot be promoted if you have not given out some token. You cannot be promoted because you do not know "Mr or Mrs who is who". Nepotism is always perpetuated. The Police Force is full of it. You find somebody has stayed in one station for many years while another one is taken to lucrative offices where they can get more money. Therefore, nepotism is rampant.

Those vices culminate to the problem we have in the Police Force. Therefore, as we enact this Bill that will put proper measures to compensate officers in death or in life when they are maimed or not, to look into their families, look at proper housing, take care of their families when they are not there and better conditions of living, they should also get proper training so that it is commensurate with what we are giving them.

Another issue that I would like to mention here concerns deployment of policemen. The way they are deployed by their seniors is haphazard. You will find in one roadblock, 10 police officers standing there and in another corner of the country, some people are being molested by thugs, cows are being stolen and things are not happening. They should be posted where they can give proper services.

Finally, let me thank the great people of Igembe Central for nominating me back to go and vie in the August elections on a Jubilee ticket. I will not let them down.

Thank you.

The Temporary Deputy Speaker (Hon. Omulele): We wish you well. I shall now have Hon. Patrick Makau, Member for Mavoko.

Hon. King'ola: Thank you, Hon. Temporary Deputy Speaker. At the outset, I want to congratulate the drafter of this Amendment Bill. True, as many Members have alluded to, police officers live in dire conditions and are deprived economically and socially. When you look at how policemen and women are treated in this country, it is pathetic. When you look at the jobs they undertake, you would say, socially, they are actually discriminated against. I have visited a few residential houses that are set aside for policemen. Some of them live in tents and others live in *mabati* houses. You will find one cube or one hut housing about four officers. Yes, we know most police officers are young, but that is the time when utmost privacy is needed. That is the time those young men and women are looking for spouses. This Amendment Bill, as much as it addresses compensation when they are maimed or killed in their line of duty, should also address the social aspect of their lives.

During the Independent Policing Oversight Authority (IPOA) awards, Athi River Police Station was declared the cleanest police station. I kept on wondering how I rate it and how I see it, if it is number one in Kenya, I wondered how other police stations are. This should tell us that they must be working in very pathetic conditions. I have had a chance to clean toilets and cells of those police stations. Those are human beings and, as one Member has said, even when they go to rescue or carry criminals who have been shot or injured or people who have lost their lives in accidents, they are ill prepared in terms of gloves, how they handle the dead and even their vehicles are in very bad conditions. As we address the issue of compensation and insurance that we are proposing in this Amendment Bill, it must be inclusive of how, if someone acquires diseases during such activities, the matter should be addressed.

I also agree with Members when they say that when it comes to compensation, most young people put their mothers and fathers as the next of kin. I do not think that is a big issue so far. But what is interesting is when I look at the Kenya Defence Forces (KDF). They are better treated than the regular and Administration Police and prison officers.

Hon. Temporary Deputy Speaker, we should have across board treatment for every service man in this country. They should be treated equally in terms of medical care, living conditions and social standing. If you were to ask every young person whether he would like to work in the military or in the Police Service, most of them would want to go to the military because their terms are better than the regular policemen.

When you look at the Budget that we pass in this House, the money that goes to the Ministry of Interior and Coordination of National Government is so much. It perturbs when you realise the same Ministry cannot afford insurance and other bills. I know they are trying to build police quarters but, if we are serious, it is not enough. The President alluded the other day that we have met the international threshold of one policeman to 400 or 500 people. We cannot keep on employing police officers. I know we are even recruiting them now. We cannot keep on recruiting them without addressing where they will live and how they will be deployed. The Police Force is always ranked number one in corruption. We should address why they are susceptible to corruption. Sometimes, people are pushed to the wall. We are the people who corrupt the police because of their backgrounds and living conditions. They are human beings. Someone has said most of us are corrupt. Police officers end up being tempted and that is why, when you talk of a policeman, you think of corruption. It is high time we addressed this issue to finality and give the respect and attention that is required, if we want a real service department in

terms of security. It should start there. We should improve their remuneration and place them in a good place socially.

As we talk of compensation in the National Police Service (Amendment) Bill, how about those policemen who lose their wives in those camps and police lines? It is very easy for a young man to lose his wife because of the conditions they live in. We have seen families sharing one hut. It is not correct morally. We should say that if a policeman loses his wife or husband in such a condition, there must be some funds that are set aside, so that the guy can afford to pay dowry. We cannot just leave it like that. I have seen policemen dying.

I will give you an example of the prison warders. Sometimes back, about 10 years ago, prison warders lost their lives around the Utalii area on the Nairobi-Thika Superhighway. It took about 10 years for them to be compensated. When that money came out, we all know what happened. The lawyer who was involved took away that money. Most of the police officers come from humble backgrounds. Therefore, there was nobody to hire another lawyer to follow up on that compensation. There must be a clear way and structure. When a police officer loses his life in his line of duty, there should be a system whereby the family members do not hire lawyers. The Government, through the Attorney-General, must come up with a clear system of how the family will receive its compensation, without being introduced to another line of expenditure. This is a good Bill. If amended and implemented, it will go a long way to encourage our young men and women to join the Police Force.

Hon. Temporary Deputy Speaker, I support the Bill. I hope we will implement it accordingly.

The Temporary Deputy Speaker (Hon. Omulele): We shall now have Hon. Julius Melly, Member for Tinderet.

Hon. Melly: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. This Bill is very timely in the sense that the Police Service in this country is the cornerstone of our development and prosperity as a nation. The policemen that we have sacrifice their lives and the time of their families for the security and welfare of this nation. Any nation that is prospering in the world today has its cornerstone on the security services. Our policemen have done this and yet, they have a lot of difficulties and challenges.

I want to thank the former and current Inspector-General for introducing the current police insurance medical scheme. Earlier on, many policemen could not even go for hospitalisation because they did not have a medical cover. They were not attended to. But, right now, they are being assisted. A number of police officers have died in the line of duty. Apart from assisting families to take officers who have lost their lives to their homes and then shooting in the air and just leaving the family, there has been no other compensation. Heads of families have died. Children have no fees, medical cover and no assistance completely. You realise that a number of officers who have lost their lives, especially most recently during the West Gate and at the border attacks along Kenya-Somali border, leave very young families behind. When young children are left behind, there is no meaningful support they are given. This Bill seeks to ensure that the next of kin of such officers are compensated and their children are taken to school with enough money. I also want to note that even the next of kin who are left behind, for example wives and husbands will be compensated.

I also want to talk about police quarters. The police residences across the country are in a pathetic state. This is the time we need this House to move forward and ensure that there is enough money to build police quarters. A number of young men are crammed in small rooms made of *mabati* where there is no privacy. Most of those officers share rooms. Families divide a

room with a curtain. It is deplorable. It is high time we addressed such challenges. Some of the walls of houses in police quarters are made of mud or *mabati*. Officers can contract diseases. There are instances where officers have cold-related diseases, especially in cold areas like Nakuru, Timboroa and other areas. When such officers have health issues, they need to be taken to hospital for examination. That can be avoided if we construct better houses and give them good homes.

In conclusion, I want to thank the great people of Tinderet for nominating me through a Jubilee ticket to come to this Parliament again. I want to ask them most honourably that they also give me the votes so that I serve them after the August election. I thank them so much. *Ahsante sana*.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Omulele): I wish you well, Hon. Melly. Hon. Members, I would like to say that the contributions that have been made on the National Police Service (Amendment) Bill are very good. They will go towards improving the terms and conditions of our police officers.

We have used all the time that had been allocated for that purpose. When we get back to it, we shall have the Mover to reply. Therefore, Members, I call the House to order. The time being 1.00 p.m., this House stands adjourned until 2.30 p.m. in the afternoon.

The House rose at 1.00 p.m.