



REPUBLIC OF KENYA

ELEVENTH PARLIAMENT – THIRD SESSION

NATIONAL ASSEMBLY

VOTES AND PROCEEDINGS

WEDNESDAY, FEBRUARY 11, 2015

1. The House assembled at thirty minutes past two O'clock.
2. The Proceedings were opened with Prayer.
3. **Presiding** – the Speaker
4. **PETITIONS**

Pursuant to Standing Order 219, the Member for Makueni (Hon. Daniel Maanzo) presented a Petition on behalf of Manooni Dam Displaced persons regarding delayed land and crop compensation.

Petition referred to the relevant Departmental Committee pursuant to Standing Order 227.

5. **PAPERS LAID**

The following papers were laid on the Table-

- (i) The Annual Report of the National Police Service Commission for the 2013/2014 Financial Year.
- (ii) The Commission on the Implementation of the Constitution Quarterly Report for the period October-December, 2013 *(in accordance with sections 4 (a), 5 (6), 15 (2) (d) of the Sixth Schedule of the Constitution and section 4 (d) of the Commission for the Implementation of the Constitution Act, 2010)*.
- (iii) The Annual Report and Financial Statements of the Kenya Dairy Board for the year ended 30th June, 2012 and the certificate of the Auditor-General therein.
- (iv) The Annual Report and Financial Statements of the Kibabii University College for the year ended 30th June, 2012 and the certificate of the Auditor-General therein.
- (v) The Annual Report and Financial Statements of the Kenya Literature Bureau for the year ended 30th June, 2012 and the certificate of the Auditor-General therein.

(The Leader of the Majority Party)

- (vi) The Report of the Departmental Committee on Justice and Legal Affairs on the Companies and Insolvency Bills, 2014.

(Chairperson, Departmental Committee on Justice and Legal Affairs)

6. NOTICES OF MOTIONS

(I) NOTICE OF MOTION - COMPENSATION OF MAU MAU VICTIMS BY THE BRITISH GOVERNMENT

THAT, aware that in 2013 the British Government agreed to pay Kenyans who were abused, tortured maimed and detained by British colonial forces during the *Mau Mau* uprising in 1952 and onwards compensation of Kshs. 2.5 billion as an out of court settlement; further aware that the compensation was only paid to a section of *Mau Mau* victims from Kiambu and Nyeri counties, leaving out victims from Meru, Kirinyanga, Murang'a, Embu, Kajiado and other parts of Kenya; cognizant of the fact that the leaders from the two counties initiated a court process claim for compensation to the victims who were eventually compensated; noting that the struggle for independence in this country involved various communities and individuals like the followers of *Dini ya Musambwa* movement who took part in the uprising against the colonial government, and were also killed, tortured and detained and therefore also deserve equal compensation from the British Government; also aware that the British Government has accepted to release further compensation money, on condition that only the victims who are still alive and can prove that they were tortured will be compensated from these monies, this House resolves that the Government ensures that compensation from the British Government goes to all affected homes and families of victims who are still alive all over the country.

(Hon. Patrick Wangamati)

(II) NOTICE OF MOTION - ABOLISHMENT OF THE RANKING SYSTEM IN NATIONAL EXAMINATIONS

THAT, aware that Article 35 (1) (a) of the Constitution provides for the right of access to information held by the state; further aware that the education sector has recently been marred by confusion and unnecessary anxiety due to the abolishment of the ranking system in national examinations; concerned that this action by the Ministry of Education was arrived at without due consultation with all relevant stakeholders including KUPPET, KNUT, the parent associations, investors in the sector among others, contrary to Article 118 of the Constitution; cognizant of the fact that the ranking system has been a long-held tradition in the sector both locally and internationally, and has been a source of positive competition, motivation, rewarding and an important guideline for resource allocation; this House **resolves** that the Government through the Ministry immediately reverts to the ranking system for national examination and specifically the Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE).

(Hon (Dr.) Chris Wamalwa)

(III) NOTICE OF MOTION - DECENTRALIZATION OF THE REGISTRATION OF NATIONAL IDENTIFICATION CARDS

THAT, aware that devolution was meant to devolve governance and public services across the country, including access to basic services like acquisition of identity cards, passports, birth certificates, voters cards, among others; further noting that currently all registration of national identity cards only happens at one centre in Nairobi; cognizant of the fact that this delays the acquisition of identity cards, thus denying Kenyans their right to employment, ability to vote, access to public funds like Uwezo Fund and other crucial services, this House resolves that the Government decentralizes the registration of national identification cards to the county level to expedite the process and allow Kenyans to access public services in a timely manner.

(Hon. (Dr.) Chris Wamalwa)

(IV) NOTICE OF MOTION - ESTABLISHMENT OF A SELECT COMMITTEE TO INVESTIGATE AND INQUIRE INTO THE CAUSES OF DEATH OF CERTAIN PERSONALITIES

THAT, aware that Article 26 of the Constitution guarantees the right of every person to life, and that no person shall be deprived of life intentionally; further aware that Article 35 provides for the right of access to all important information by all; cognizant of the fact that national leaders and their families form an integral part of national-being that builds and helps in forging unity; concerned that several national leaders and/or prominent personalities including the late Hon. Sen. Mutula Kilonzo, the late Hon. Sen. Otieno Kajwang' and the late Fidel Castro Odinga have lost their lives in unclear circumstances in the last two years; further concerned that the causes of death of these prominent national leaders have been shrouded in mystery creating unnecessary anxiety among different groups of people; this House **resolves** to establish a Select Committee to comprehensively investigate and inquire into the causes of death of the three personalities, consider and review all related findings on the deaths and table its report within ninety (90) days, and approves the following Members to constitute the Committee:-

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| 1. | Hon. Ken Obura, MP | - | Chairperson |
| 2. | Hon. SoipanTuya, MP | - | Vice Chairperson |
| 3. | Hon. Ababu Namwamba, EGH, MP | | |
| 4. | Hon. Adan Keynan, CBS, MP | | |
| 5. | Hon. Aisha Juma, MP | | |
| 6. | Hon. Bare Shill, MP | | |
| 7. | Hon. Charles Mongare Geni, MP | | |
| 8. | Hon. Florence Kajuju , MP | | |
| 9. | Hon. Jared Opiyo, MP | | |
| 10. | Hon. Dennis Waweru, MP | | |
| 11. | Hon. Mary Emaase, MP | | |
| 12. | Hon. Michael Kisoi, MP | | |
| 13. | Hon. Sabina Chege, MP | | |
| 14. | Hon. Samuel Chepkong'a, MP | | |
| 15. | Hon. (Dr.) Robert Pukose, MP | | |

(Hon. Ken Obura)

(V) NOTICE OF MOTION - TRANSLATION OF THE LAWS OF KENYA INTO KISWAHILI

THAT, aware that Kiswahili is the national as well as official language of the Republic as enshrined in the Constitution; further aware that equality and freedom from discrimination and access to information are fundamental rights; cognizant of the fact that democracy and public participation of the people is a national value and principle of governance as per Article 10 of the Constitution; deeply concerned that a section of Kenyans have a low level of knowledge of their legal rights and laws passed by this House as a result of the existing language barriers; convinced that unless we, as a nation, lay down mechanisms for translating laws passed by Parliament and county assemblies into Kiswahili, most Kenyans will continue being partially aware of the law, this House urges the National Council for Law Reporting to progressively translate the laws of Kenya into Kiswahili.

(Hon. Joyce Wanjalah Lay)

7. PROCEDURAL MOTION - LIMITATION OF DEBATE ON BILLS SPONSORED BY PARTIES OR COMMITTEES

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on **Bills sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of forty five (45) minutes for the Mover, in moving and fifteen minutes (15) in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee (if the Bill is not sponsored by the relevant Committee), and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each (if the Bill is not sponsored by either of them); and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

(The Leader of the Majority Party)

8. PROCEDURAL MOTION - LIMITATION OF DEBATE ON INDIVIDUAL MEMBERS' BILLS

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on **Bills NOT sponsored by a Committee, the Leader of the Majority Party or the Leader of the Minority Party** be limited as follows:- A maximum of three hours and thirty minutes, with not more than thirty (30) minutes for the Mover, in moving and ten (10) minutes in replying, a maximum of thirty (30) minutes for the Chairperson of the relevant Committee and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen Minutes (15) each; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

(The Leader of the Majority Party)

9. PROCEDURAL MOTION - LIMITATION OF DEBATE ON MOTIONS

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on any **Motion**, including a Special motion be limited in the following manner:- A maximum of three hours with not more than twenty (20) minutes for the Mover and ten (10) minutes for each other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each, and that ten (10) minutes before the expiry of the time, the Mover shall be called upon to reply; and that priority in speaking be accorded to the Leader of the Majority Party, the Leader of the Minority Party and the Chairperson of the relevant Departmental Committee, in that Order.

(The Leader of the Majority Party)

10. PROCEDURAL MOTION - LIMITATION OF DEBATE ON REPORT OF A COMMITTEE

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, each speech in a debate on a **Report of a Committee**, including a Report of a Joint Committee of the Houses of Parliament, a Sessional Paper or any other Report submitted to the House, be limited as follows: - A maximum of sixty (60) minutes for the Mover in moving and thirty (30) minutes in replying, and a maximum of ten (10) minutes for any other Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of fifteen (15) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that Order.

(The Leader of the Majority Party)

11. PROCEDURAL MOTION - LIMITATION OF DEBATE ON ADJOURNMENT

THAT, notwithstanding the provisions of Standing Order 97(4), this House orders that, the debate on any Motion for the **Adjournment** of the House to a day other than the next normal Sitting Day in accordance with the Calendar of the Assembly, be limited to a maximum of three (3) hours with not more than five (5) minutes for each Member speaking, except the Leader of the Majority Party and the Leader of the Minority Party, who shall be limited to a maximum of ten (10) minutes each; and that priority be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order. Provided that, when the period of Recess proposed by any such motion does not exceed ten (10) days, the debate shall be limited to a maximum of thirty minutes (30), and shall be strictly confined to the question of the adjournment.

(The Leader of the Majority Party)

12. THE CONSTITUTION OF KENYA (AMENDMENT) BILL (NATIONALASSEMBLY BILL NO. 01 OF 2015)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1).

13. THE CONSTITUTION OF KENYA (AMENDMENT)(NO.2) BILL (NATIONAL ASSEMBLY BILL NO. 02 OF 2015)

Order for First Reading read;

Bill read a First Time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

14. THE KENYA NATIONAL EXAMINATION COUNCIL (AMENDMENT) (NO.2) BILL(NATIONAL ASSEMBLY BILL NO. 03 OF 2015)

Order for First Reading read;

Bill read a First time and referred to the relevant Departmental Committee pursuant to Standing Order 127(1)

15. THE INSOLVENCY BILL (NATIONALASSEMBLY BILL NO. 15 OF 2014)

Motion made and Question proposed

THAT, the Insolvency Bill (National Assembly Bill No. 15 of 2014) be now read a Second Time.

(Leader of the Majority Party - 22/10/2014)

(Resumption of debate adjourned on Wednesday, October 22, 2014 – Afternoon Sitting)

Bill withdrawn pursuant to Standing Order 140

16. THE COMPANIES BILL (NATIONALASSEMBLY BILL NO. 16 OF 2014)

Motion made and Question proposed

THAT, the Companies Bill (National Assembly Bill No. 16 of 2014) be now read Second Time.

Question of the Second Reading withdrawn

17. THE PUBLIC AUDIT BILL (NATIONALASSEMBLY BILL NO. 38 OF 2014

Motion made and Question proposed

THAT, the Public Audit Bill (National Assembly Bill No. 38 of 2014) be now read a Second Time

Debate arising;

Rising in her place on a Point of Order, the Nominated Member (Hon.Sunjeev Birdi) drew the attention of the Deputy Speaker to the fact that there was no Quorum in the House

And the Deputy Speaker having counted the Honourable Members present and confirmed that there was no Quorum caused the Division Bell to be rung;

And there being no Quorum after expiry of ten minutes

And the time being twenty eight minutes past five O'clock, the Deputy Speaker interrupted the proceedings and adjourned the House without Question put pursuant to the Standing Orders.

18. HOUSE ROSE - at twenty eight minutes past Five O'clock.

M E M O R A N D U M

The Speaker will take the Chair on
Thursday, February 12, 2015 at 2.30 p.m.

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