

PARLIAMENT OF KENYA**THE NATIONAL ASSEMBLY****THE HANSARD****Tuesday, 12th April 2022**

The House met at 2.30 p.m.

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

PRAYERS

QUORUM

Hon. Speaker: How many are they? What are the numbers?*(Loud consultations)*

Ring the Quorum Bell.

*(The Quorum Bell was rung)***Hon. Speaker:** Order, Members! We have quorum. The Member for Msambweni, Hon. Feisal Bader. Where is the Member for Msambweni?**Hon. Members:** He is here.**Hon. Speaker:** Where? Sorry, Hon. Feisal.**PETITION**DELAYED ISSUANCE OF ALLOTMENT LETTERS TO
RESIDENTS OF TUMBE VILLAGE IN MSAMBWENI**Hon. Feisal Bader** (Msambweni, Independent): Thank you, Hon. Speaker. I, on behalf of the undersigned residents of Msambweni Constituency, draw the attention of the House to the following:

THAT, despite adjudication of land having been conducted by the Government in Tumbe Village of Vingujini Location in Msambweni Constituency in 2007, the requisite allotment letters have not been issued delaying the issuance of title deeds for over 1,000 families that inherited the approximately 1,250 acres from their forefathers;

THAT, in 1994, the then Member of Parliament for Msambweni Constituency, Hon. Kassim Bakari Mwamzandi, was tasked by former President His Excellency Daniel Toroitich arap Moi to oversee adjudication of land in Tumbe Village;

THAT, in collaboration with the Kwale Lands Office, Hon. Mwamzandi oversaw the subdivision of the land but without the requisite physical verification of the actual situation on the ground and further, without involving the residents in the process;

THAT, as a result of this irregularity, virtually all persons who were allocated land were neither residents of Msambweni Constituency nor the original residents of Tumbe village but personal and political friends of the then Member of Parliament;

THAT, approximately 100 households that had been allocated parcels of land each measuring one hectare were issued with title deeds in unclear circumstances;

THAT, in 1997, residents of Tumbe Village challenged the adjudication in court, and in 2007, during the tenure of the then Minister of Lands Hon. Kivutha Kibwana, re-adjudication was undertaken that saw each occupant maintaining their original parcel of land;

THAT, following the issuance of land identification numbers pending allotment letters and title deeds, the residents did not follow up on the matter in court because they were assured of timely processing of allotment letters;

THAT, to-date the allotment letters have not been issued, which has led several persons who were irregularly issued with title deeds arising out of the first adjudication to harass and attempt to forcefully evict some of the residents, but have so far been unable to do so because what is indicated on the title deeds is different from what is on the ground;

THAT, efforts by the petitioners to have the matter addressed by the relevant authorities have been futile,

AND THAT, the issues in respect of which this Petition is made are not pending before any court, or before any constitutional or legal body.

Now, therefore, your humble Petitioners pray that the National Assembly, through the Departmental Committee on Lands:

- (i) Urges both the Ministry of Lands and the National Land Commission to recognise the second adjudication exercise conducted in 2007 and to fast track the issuance of allotment letters and title deeds to the residents of Tumbe Village; and,
- (ii) Makes any other recommendations it deems appropriate in the circumstances of the Petition.

And your Petitioners will ever pray. Thank you.

Hon. Speaker: I will allow a few comments. Member for Tharaka.

Hon. George Gitonga (Tharaka, DP): Thank you very much, Hon. Speaker. First and foremost, congratulations. You are now a principal in one the biggest coalitions in Kenya which we are proud of and for this, we congratulate you.

Second, I support the Petition by the Member for Msambweni. We have always said that land is very emotive. The Government should move with speed and title all lands, including solving disputes which go as far as the National Land Commission (NLC) is concerned and the issue in Msambweni touches on this. Also, I have severally raised issues about land in Tharaka; Mukothima and Turima divisions of Tharaka South Sub-County and even Gakurungu Location of Chiakaringa Sub-County. All these areas need attention and the citizens are worried that the life of this Government has come to an end, with a promise that land problems will be solved. Yet, nothing has been done. Let the Government move with speed and solve land issues in this country.

Thank you, Hon. Speaker.

Hon. Speaker: Member for Yatta.

Hon. Charles Kilonzo (Yatta, Independent): Thank you, Hon. Speaker. Before I make a comment on this Petition, I will not take the route my good friend, the lawyer has taken. On my

side, we are mourning and were looking forward to you joining us in *Azimio*. Though, there is still time for you to change your mind.

Hon. Speaker, as I support this Petition. Where I come from, we have a similar matter as has been addressed by Members of Parliament. In Yatta, ever since I was in school and during the last three terms I have served, there has been the issue of the Ministry of Lands trying to get justice for the poor people who have occupied land in various parts of this country.

There is no justification why people who have occupied land for over 40 years cannot get titles for their land. So, as I support this Petition, I want to inform the Ministry of Lands that this problem is not only in Msambweni, but in other areas like Ndalani-Haraka Settlement Schemes and other parts of this country. We need justice for the poor people and this way we will not have issues of land clashes.

Hon. Speaker, I support.

Hon. Speaker: Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you, Hon. Speaker. I congratulate you for joining the best ‘collusion’ that is not deficient of trust and has all Kenyans.

Hon. Members: Not collusion but coalition.

Hon. David ole Sankok (Nominated, JP): Yes. Thank you, very much, Hon. Speaker. As I support what Feisal from Msambweni has said on this Petition...

Hon. Olago Aluoch (Kisumu West, FORD-K): On a point of order, Hon. Speaker.

Hon. Speaker: There is a point of order from Hon. John Olago Aluoch.

Hon. Olago Aluoch (Kisumu West, FORD- K): Hon. Speaker it is not for me to correct my friend in Parliament. But there is a requirement that before you become a Member of Parliament, you must be proficient in both English and Swahili.

(Laughter)

I heard Hon. Sankok say that you are a member of a collusion. Coalition and collusion are completely different. Collusion is negative, you better know that if you have to speak about it.

Hon. David ole Sankok (Nominated, JP): Of course, what you are thinking about is what I meant. It depends on where you were born, brought up and who your English teacher was. You are not here to teach me English pronunciations.

Anyway, thank you very much, Hon. Speaker, for joining the Kenya Kwanza Alliance. You are now in the correct coalition party.

(Laughter)

I know you are not a man who can be intimidated. Neither am I. I know there are forces out there and one of them is the Member who has just spoken. They have tried to intimidate you in media houses and on social media that they will bring an impeachment Motion. Why not try and bring that impeachment Motion so that we see it? In fact, I saw the Secretary-General of one of the smallest political parties, a village party called Jubilee Party, namely, Kioni, saying that he will bring that Motion of impeachment. There is nobody who can dare you. You have led us with a lot of diligence. You are a mobile encyclopaedia when it comes to the Constitution and all the Members here support you. So, if they want to try, let them do so. They are interjecting me because they know that they had some other issues, but they saw that we are ready and prepared. When

you see Didmus Barasa here with that cap, when you see Osoro is also present, know that you have defence forces with you.

I support this Petition. We should look into all land issues. We have the Truth, Justice and Reconciliation Commission (TJRC) Report. There is a lot of land, especially in our region, like the Kedong Ranch which should also be looked into because we were lied to that it was bought from *Wazungu*. How can you buy land from a *Mzungu*? Is there a *Mzungu* that was a Maasai? The issue of land is very emotive.

Because they fear to bring that impeachment Motion today, we shall revisit. In any case, the Speaker is part of the Kenya Kwanza Alliance. The Deputy Speaker is part of the Kenya Kwanza Alliance.

(Loud consultations)

Hon. Speaker: Let us have Hon. Pukose.

Hon. (Dr.) Robert Pukose (Endebess, JP): Thank you, Hon. Speaker for allowing me to contribute to this Petition by Hon. Feisal. From the onset, I congratulate you as the party leader of the Democratic Party - the oldest party in this country which is associated with good economic progress and with our former President, Hon. Mwai Kibaki. I congratulate you for joining the Kenya Kwanza Alliance and making sure that we form the next government.

On this Petition, it is important that we have had several reports. We had the Ndung'u Land Report which looked into issues of irregular land allocations within the country. This House has done a disservice to the nation. We needed to have looked at the Ndung'u Report. We needed to look at historical land injustices that were tackled by the Committee led by Ambassador Kiplagat.

Issues of land, especially in the Coast region and the Rift Valley, are very emotive. There are also issues about title deeds. We recently passed the Supplementary Budget which had title deeds' issues in it. It is important that the Committee is just and deals with all the areas where people need title deeds all over the country, but not for political expedience.

Thank you, Hon. Speaker. I support the Petition.

Hon. Speaker: Let us have the Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD – K): Thank you very much, Hon. Speaker. I take this opportunity to weigh in on this Petition. It is very timely and the Departmental Committee on Lands in this House should move fast.

I want to correct my brother. Hon. Pukose should also listen. We have a problem in Trans Nzoia. When the Whites came from South Africa, they ended up in Trans Nzoia. We have many issues of title deeds and land-grabbing. The Departmental Committee on Lands should move fast. The Ministry should also move fast to sort out this problem once and for all.

It is not only at the Coast. We have a lot of problems even in Trans Nzoia. Every day, the first thing I get is a call from somebody complaining about title deeds or whose land has been grabbed or taken. We should ask the Ministry, through the Departmental Committee on Lands, to move fast and sort out this problem once and for all. It is very emotive and can even cause civil disobedience.

Hon. Speaker, thank you for this opportunity.

Hon. Speaker: Let us have the Member for North Imenti.

Hon. Rahim Dawood (North Imenti, JP): Thank you, Hon. Speaker. First, I agree with Hon. Bader from Msambweni. I join him in supporting this Petition as well.

As my colleague from Tharaka has said, we have an issue. Our boundaries were done in the 1960s and 1970s by the *Njuri-Ncheke*. We have had meetings. I am surprised that even after asking Questions four times regarding the boundaries, up to date, the Government has not seen the need to give us those boundaries. We have had meetings at the Office of the President. We have waited. We were called for a meeting in Embu together with the Regional Commissioner and the governors of Meru and Tharaka counties. *Mheshimiwa* Murugara knows about it, but still the Government does not want to touch on matters regarding boundaries. We need to know whether we will let people fight over boundaries or whether the Government will deal with it.

I agree with the Petitioner and hope that we can sort this boundary issue once and for all.

Hon. Speaker: Let us have the Member for Lamu.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): Asante, *Mheshimiwa* Spika. Naunga wenzangu mkono, lakini sitakupa pongezi. Tuna masikitiko. *Mheshimiwa* Spika ni muungwana. Alikuwa Lamu kutufungulia *maternity shelter*, lakini mtu yeyote aliye mbali na Rais Uhuru Kenyatta atanisamehea. Uhuru ni Rais. Uhuru ni Rais. Uhuru ni President. Mumpe heshima yake. Mumpe heshima yake. Msiniletee. Ni Rais wenu na mtamtambua. Akitoka mtajua kama alifanya au hakufanya.

(Loud consultations)

Hon. Speaker: Order, Members! Allow the Member for Lamu to contribute.

Hon. (Ms.) Ruweida Obo (Lamu CWR, JP): *Uhuru is in Kenya to stay*. Aende wapi? Wafisadi waende. Msituletee. *We will not be intimidated*. Aende wapi, Uhuru? Atabaki hapa hapa na mtamtambua. Mtamtambua kazi nzuri ambayo amefanya akimaliza muda wake. Aende wapi?

(Loud consultations)

Hon. Speaker: Order, Members! Please. Let there be decorum. Allow every Member to say their bit. Even if you do not agree, please, just allow people to freely express themselves. Let us have the Member for Emuhaya.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker, for giving me this chance to comment on this Petition that talks about land, specifically about land at the Coast. The truth is that people at the Coast, and in particular Msambweni, have really suffered on the issue of land. Most of them do not have title deeds. It is true that they live as squatters on their own land, which is not right.

Land ownership in this country is founded on the First Occupancy Theory by a man called Samuel Pufendorf who stated that those who first settled in a place became the owners of that land. That is possibly why many communities are where they are. However, when you go to the Coast, you find that the Pufendorf Theory is not applicable because the original members and people at the Coast do not have their land. This will never die. Many people imagine that it will end, but it will not because history is clear. They have their own traditions and know that that is their land. The faster the Government can tackle the issue of land, specifically in Msambweni and at the Coast, the better because the truth is that their land was taken away.

Thank you, Hon. Speaker. I support the Petition.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. As I support this Petition, land is a very emotive issue and more so, in the Coast Province. I want to speak to the people of the Coast. It is not about petitioning, but how you vote on 9th August. If you want the

issue of land to be resolved and never to come back as a Petition, elect a Kenya-Kwanza Government. We are not philanthropies and will resolve this. I want to talk to my brothers, the Muslim leaders in Msambweni and other Kenyans in the Coast. On 9th August stand behind Governor Mvurya and the leadership of the Coast in Kwale. I am telling you never again will you find a Petition on the floor of this House asking about land redistribution. You know those who stole your land even in darkness.

Let us not allow them. I support.

Hon. Speaker: Member for Wajir North. Hon. Abdisalan.

Hon. Ibrahim Ahmed (Wajir North, ODM): Thank you, Hon. Speaker. I have no doubt you are a friend to both divides of this House and a close friend. But having said that, of course, you are entitled to your political choice. I have no doubt impartiality will definitely be observed in this House. Those making a lot of noise on the other side should also respect that once the Speaker is here, he has nothing to do with Kenya-Kwanza and the funny things you are mentioning; he is a neutral body.

The issue of land as mentioned by Members is very emotive. I was in Isiolo some few days ago and five people who are my close relatives have lost their lives. I can assure you that the county is under siege from all sides. For us to save lives and livelihoods of the population of this country, the Government must move very fast to settle issues of boundaries and anything related to title deeds.

In the event, we carryout research to understand the number of lives we have lost with regards to boundary related issues; in my own constituency, I have lost more than 300 lives. I do not know why this Government is so slow in relation to issues of boundaries. It is the right time we moved with speed. I have no iota of doubt in my mind and I want to repeat strongly that, I have no iota of doubt in my mind, that should Raila Amollo Odinga be the next President of this country, land related issues will be an issue of the past.

Hon. Speaker: Member for Kikuyu.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I rise to support this Petition by Hon. Feisal on behalf of the people of Tumbe village. If you listen to the Petition carefully, you will realise this is a matter that started in the 1990s. The reason why these people are yet to be given title deeds, even after the community has gone to court and the land adjudicated baffles everybody.

As many Members have said, the question of land is a very emotive issue. A few weeks ago, I was in Kwale particularly Msambweni Constituency. It is shocking that a whole 3,000 acres in Gazi village is owned by one family and almost half of Shimba Hills in Kwale is also owned by one family. If you read through this Petition, you will see the problems of land in this country emanate from political patronage and state capture of our Republic since we became an Independent State.

In this Petition, the Petitioners are telling us that many people who were allocated this land on paper, were campaigners of the then Member of Parliament who is named in the Petition.

Therefore, as a House, we must take this issue of land more seriously than it has been by successive regimes, more so in the Coast Province and particularly, the counties of Kwale, Taita Taveta and Kilifi. If from the early 1990s the people of Kwale...

Hon. Speaker: Let us have Hon. Fatuma Gedi. Sorry. Before you start, Hon. Fatuma, I will restore your time. Remember we established standards that comments on Petitions should only be for two minutes. So, it is good to time yourself well so that you do not spend time on matters that may not be in the Petition.

Hon. Fatuma Gedi, you have your two minutes

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Thank you, Hon. Speaker. I will contribute. The issue of land is complex and very sensitive. As leaders, we need to advise or bring solutions where we can instead of hurling abuses, pointing fingers and inciting Kenyans against leaders. I agree with the Petitioner that there is a problem, but it is not only at the Coast, it is everywhere in this country. Everybody has the same problem.

When we talk about land-grabbing, we know those who do so including land that belonged to students of Lang'ata Primary School. We know the person who grabbed that land. If it is about grabbing land, we know who owns land in Taita Taveta. We know who grabbed land in Laikipia. It is the same person - the presidential candidate of the Kenya Kwanza Alliance. He is the father of land grabbers, *Arap Mashamba*. We know the person who has a heart for uniting this country and who wants to end land-grabbing. It is none other than Hon. Raila Odinga.

Hon. Speaker: What is your point of order? There is a point of order.

Hon. Kimani Ichung'wah (Kikuyu, JP): On point of order, Hon. Speaker. I am on a point of order.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Hon. Speaker, I beg you for one thing. As you sit in that Chair, remember where you have come from!

Hon. Speaker: Sorry, Hon. Fatuma. Do not get worked up. You still have 34 seconds so, do not worry. They cannot get lost. You know me. They will not get lost, therefore, do not get worked up.

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker. I rise on a point of order. You realise that in my contribution, I avoided politicising the issue of land because it is very emotive and has caused problems in this country.

My point of order is that Hon. Fatuma Gedi has said that the person who grabbed land I do not know where is a candidate in the Kenya Kwanza Alliance. In line with our procedures, when one mentions candidates of particular coalitions who are known and are not here to defend themselves, Hon. Fatuma Gedi is obliged to either substantiate and provide evidence that that particular candidate has grabbed land.

(Hon. (Ms.) Shamalla Jennifer consulted loudly)

I can hear shouting and a lot of loud consultations from Hon. Shamalla. She must also be aware that when I mentioned a family that owns 3,000 acres of land in Kwale, I did not in any way insinuate which family. But if challenged, I can offer evidence on which family it is, what land they own and where. It is only right that Hon. Fatuma Gedi either substantiates or withdraws and apologises, especially for naming the leader of the biggest and leading coalition that will form the Government after the 2022 Elections.

Hon. Speaker: Let us have Hon. Fatuma Gedi.

Hon. (Ms.) Fatuma Gedi (Wajir CWR, PDR): Thank you, Hon. Speaker. It is in the public domain including in court orders that one, William Samoei Ruto, grabbed land including Lang'ata Primary School land. I have no apologies to make on that. I can provide the details. Weston Hotel is one. Taita Taveta is one. Muteshi is another. There is also Laikipia. I can give you the records. You have a corrupt presidential candidate!

(Loud consultations)

Hon. Speaker: Very well.

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Kwendeni huko.

Hon. (Dr.) Robert Pukose (Endebess, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order?

Hon. (Dr.) Robert Pukose (Endebess, JP): Hon. Speaker, with all due respect Hon. Fatuma Gedi is on record, and the *Hansard*, claiming that William Ruto grabbed land. Can she provide evidence or substantiate in this House? She must provide evidence or withdraw.

Hon. Speaker: Hon. Fatuma Gedi are you able to provide the evidence by way of substantiation?

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Hon. Speaker, give me two days and I will bring details on how William Ruto has grabbed land in this country.

Hon. Speaker: Very well. Hon. Fatuma you are the one who has undertaken to provide evidence. Do not listen to those giving you stories out there, but to what I am saying. Ordinarily, we do not allow people to say they will provide evidence after two days. When you say something here, you are expected to have materials, but given the gravity of what you have just said, I will allow you. Therefore, on Thursday, 14th April 2022, at 2.30 p.m., we expect Hon. Fatuma Gedi to... It is only fair we allow her time to provide the material she has alluded to.

Hon. Members: All the parcels of land that she has mentioned.

Hon. Speaker: Hon. Fatuma you said that you will provide evidence. You talked about Taita Taveta, Laikipia and even Wajir? Can you go on record?

(Loud consultations)

Please do not put words into her mouth. Hon. Fatuma.

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Hon. Speaker, I will provide on the following; Lang'ata primary, Taita Taveta, Laikipia and Muteshi.

Hon. Speaker: What is Muteshi?

(Loud consultations)

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Hon. Speaker, it is a 100-acre piece of land.

Hon. Speaker: Where?

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Muteshi.

Hon. Speaker: There is no place called Muteshi in Kenya. Hon. Members, Hon. Fatuma is serious about what she is saying. It is only that I do not know...I know the geography of this country but I do not know of any part called Muteshi.

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Let me clarify.

Hon. Speaker: Yes, please.

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Hon. Speaker, you already ruled that on Thursday I should bring evidence. Muteshi is land which belonged to the late Muteshi and is in Trans Nzoia.

Hon. Speaker: In Trans Nzoia?

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Yes.

Hon. Speaker: Very well.

Hon. (Ms.) Fatuma Gedi (Wajir (CWR), PDR): Hon. Speaker, if you allow me, I will bring the details on Thursday at 2.30 p.m.

I thank you.

Hon. Speaker: Very well, Hon. Fatuma Gedi. Hon. Members, that concludes the 30 minutes allocated on comments on Petitions. The Petition stands committed to the Departmental Committee on Lands.

Let us move to the next order.

PAPERS LAID

Hon. Speaker: Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to lay the following papers on the Table of the House:

2022/2023 Annex of Estimates of Revenue and Expenditure for State Corporations of the Government of Kenya for the Financial year ending 30th June 2023 from the National Treasury.

Legal Notice No.20 of 2022 relating to the Engineers (Scale of Fees for Professional Engineering Services) Rules, 2022 and the Explanatory Memorandum from the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works.

Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 31st December 2021 and the certificates therein:

- a) Kenya Reinsurance Corporation Limited;
- b) Development Bank of Kenya Limited; and,
- c) Consolidated Bank of Kenya.

Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2021 and the certificates therein:

- a) The Coffee Cherry Advance Revolving Fund; and,
- b) The Commodities Fund.

Reports of the Auditor-General and Financial Statements in respect of the following Institutions for the year ended 30th June 2020 and the certificates therein:

- a) Veterinary Medicines Directorate;
- b) Railway Development Levy Fund (Operations Account); and,
- c) The Coffee Cherry Advance Revolving Fund.

Reports of the Auditor-General and Financial Statements in respect of the following Constituencies for the year ended 30th June 2020 and the certificates therein:

- a) Bomachoge Chache; and,
- b) Homa-Bay Town.

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Lands.

Hon. (Ms.) Rachel Nyamai (Kitui South, JP): Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House:

Report of the Departmental Committee on Lands on its consideration of a Public Petition No.063 of 2021 by residents of Mwananguvuze village in Timbwani Ward of Likoni Constituency regarding securing land ownership rights of Mwananguvuze residents.

Thank you, Hon. Speaker.

Hon. Speaker: The Chairperson of the Departmental Committee on Finance and National Planning or a Member thereof. Member for Kitui Rural, you have become a permanent agent of necessity?

Hon. David Mboni (Kitui Rural, CCU): Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House:

Reports of the Departmental Committee on Finance and National Planning on its consideration of:

- (i) Public Petition No. 09 of 2021 by aggrieved pensioners across the country regarding devolution of pension services; and,
- (ii) Public Petition No. 051 of 2021 by concerned teachers within the Republic of Kenya regarding financial support of the Central Bank of Kenya in the matter of Spire Bank Limited under Sections 34 and 36 of the Central Bank of Kenya Act.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. Next Order!

ORDINARY QUESTION

Hon. Speaker: On the first segment on Questions, the only Question available is by the Member for Msambweni, Hon. Feisal.

Question No. 106/2022

STATUS OF INVESTIGATIONS INTO ABDUCTION OF MR. AMANI MOHAMMED MWAFUJO

Hon. Feisal Bader (Msambweni, Independent): Thank you, Hon. Speaker. I rise to ask Question No.106/2022 directed to the Cabinet Secretary for Interior and Coordination of National Government:

- (i) What steps has the Ministry taken to ensure that Mr. Amani Mohammed Mwafujo of ID No. 26006118, who was allegedly abducted by security officers on 21st March 2022 at Shanzu Bus Stage, Mombasa County, after being released from Shimo la Tewa GK Prison, has been located and re-united with his family?
- (ii) What is the status of investigations into the said abduction as reported at the Bamburi Police Station on 22nd March 2022 vide Occurrence Book No. 13/22/03/2-22?
- (iii) What measures has the Ministry put in place to address increased cases of mysterious disappearances of persons across the Country?

Thank you, Hon. Speaker.

Hon Speaker: The Question will be replied to before the Departmental Committee on Administration and National Security.

The next segment is Request for Statements. Member for Isiolo North, Hon. Hassan Oda Hulufu, you have a request.

REQUEST FOR STATEMENT

INSECURITY IN ISIOLO COUNTY

Hon. Hassan Hulufu (Isiolo North, KPP): Thank you, Hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security, regarding the recent insecurity in Isiolo County for the last three months.

There has been an influx of armed herders from Samburu County and Laisamis Sub-County of Marsabit County into Isiolo Central Sub-County and Kom Division of Merti Sub-County. This is of great concern in that there have been persistent raids by immigrant herders leading to loss of lives, injuries, loss of property and livestock such as cattle, camel, sheep and goats, invasion of wildlife-protected areas posing risks to endangered wildlife species and loss of revenue from tourist hotels.

Further, there have been attacks on road users and travelers on Isiolo-Kom Road and Merti-Gotu-Isiolo Road, leading to killings, injuries and mass displacement of Isiolo pastoralist communities from parts of Isiolo Central, Kom Division and part of Kinna Division.

Further, there has also been interruption of public transport from Merti Sub-County to Isiolo County headquarters, displacement of people, and disruptions of livelihood at an unprecedented level.

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

- (i) Could the Chairperson explain measures that the Government has put in place to enhance security in the region, and in particular consideration of restoring public sector transport between Merti Sub-County and Isiolo County headquarters?
- (ii) Could the Chairperson explain action taken by the Government to flush out bandits, raiders and invaders across Isiolo County, including those in the game parks and when will this commence?
- (iii) Could the Chairperson explain whether investigations have been undertaken, if any, to determine who is arming and providing logistical support and what measures are in place to bring them to book?
- (iv) What plans has the Ministry put in place to take stock of National Police Reservists in Samburu County and Laisamis Sub-County and Conservancy Rangers and state whether there is any possible involvement in the mayhem?

Thank you, Hon. Speaker.

Hon. Speaker: Let us have the Chairperson of the Departmental Committee on Administration and National Security, Hon. Mwathi.

Hon. Peter Mwathi (Limuru, JP): Thank you Hon. Speaker. Indeed, just about a week ago, the Committee on its own motion engaged the Cabinet Secretary of Interior and Coordination of National Government regarding that matter. He only gave us a brief on what is happening and we asked him to bring details. Going by the fact that there is now a request for a Statement, I believe that within two weeks, we will be able to deliver.

Hon. Speaker: Let us have Hon. Hulufu.

Hon. Hassan Hulufu (Isiolo North, KPP): Hon. Speaker, what is happening in Isiolo is unprecedented. The magnitude is similar to what has been happening in Laikipia. Two weeks is a long time. We are losing lives. Part of the County is completely cut off. The entire Merti Sub-

County is literally under siege. I wish the Chairperson could respond to my request in the shortest time possible. Last weekend alone, we lost nine people just on the edge of Isiolo Town.

Hon. Speaker: Yes, Hon. Mwathi.

Hon. Peter Mwathi (Limuru, JP): Thank you, Hon. Speaker. I can share with the Hon. Member the report that was tabled by the Cabinet Secretary as we wait for the details. There are some measures that he is taking which are enumerated in that report and which I can share immediately with him.

Hon. Speaker: I imagine that everybody is aware of the Calendar of the House. Hon. Hulufu, maybe you could get in touch with Hon. Mwathi, discuss the matter and see whether there are other interventions that the Committee could take even after discussing with him.

Very well; that concludes Order No.7. Next Order.

Hon. Kimani Ichung'wah (Kikuyu, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Yes?

Hon. Kimani Ichung'wah (Kikuyu, JP): On a point of order, Hon. Speaker. On 25th January 2022, the Political Parties (Membership) Regulations 2021 were tabled before the House and committed to the relevant Committee. It is now almost three months after the tabling of those Regulations. I am aware that the Office of the Registrar of Political Parties has been using those Regulations without either the approval or annulment of this House. The Committee has never come back to the House to advise us on whether to approve or annul those Regulations. I wanted to get your guidance, because I have a feeling that it could be a deliberate attempt to have those Regulations take effect through the attrition of time. It is only fair that we get an opportunity to interrogate what is contained in the Regulations as plenary.

Second is the issue that has just been raised on the matter of Isiolo. I wish the Chairperson of the Departmental Committee on Administration and National Security and the Vice-Chairperson, Hon. Gedi, would listen. Hon. Abdisalan had also raised the issue of insecurity in Isiolo.

Hon. Speaker: Which one do I listen to?

Hon. Kimani Ichung'wah (Kikuyu, JP): Thank you, Hon. Speaker.

(Hon. Amos Kimunya consulted loudly)

If you can also protect me from the Member for Kipipiri, who is the Leader of the Minority within the formerly Majority Party, to stop shouting at me from his seat and be patient, because I cannot be intimidated by the shouting of a man from Kipipiri. He knows himself. Hon. Kimunya, you either allow me time or act in a manner befitting the office you hold as the leader of the minority within the formerly Majority Party.

I am happy that Hon. Gedi and Hon. Mwathi can now listen. Hon. Abdisalan had also raised that issue of insecurity in Isiolo. I want it to be on record that it is not just Isiolo. It started in Laikipia, as the Member for Isiolo said, then it went to Baringo, in Garissa, and is now in Isiolo.

I want to report something that maybe the Chairperson of the Committee needs to get into and address, together with the Cabinet Secretary. In the run-up to elections before, we have seen these things happen and it is not a matter that we should take lightly. Beyond the regions of Baringo, Laikipia, Isiolo, Garissa and elsewhere, there is a deliberate resurgence of the *Mungiki* menace in the Mt. Kenya region. There is an incident where the Member for Thika Town, Hon. Wainaina Jungle, was stopped by elements of the *Mungiki* from accessing a shopping centre until he paid to address members of the public. I, therefore, ask the Chairperson of the Departmental

Committee on Administration and National Security to please address himself to the issues of insecurity, more so, to what seems to be politically-instigated violence, be it in Isiolo, Baringo, Laikipia or in the Mt. Kenya region, where the *Mungiki* seems to be regaining its foothold. This is happening under the full view and glare of the public and the Cabinet Secretary in-charge of Interior and Coordination of National Government, Hon. Fred Matiang'i, and his Principal Secretary.

The Inspector-General of Police must listen to the alarm bells being raised by the Member for Isiolo and Hon. Abdisalan. These are issues that go beyond the normal politicking. We have allowed elements of the former *Mungiki* gang and other vigilante groups in this country to start taking charge of security, and be the ones that allow politicians to either address or not address rallies in particular areas. This is prevalent in sections of the Mt Kenya region. We have seen Kenyans dying in other sections like Isiolo and Laikipia, and the Government is just sitting and doing nothing. Is it not normal that every other week in a democratic and civilised society like ours, bodies are being recovered from River Yala, and we sit in this House to be told that we wait for two weeks for a report to be brought? If you can remember, Hon. Otiende Amollo raised the issue of the KWS officer who comes from his constituency. The officer, a member of the Armed Forces of Kenya, disappeared in the hands of people who are said to have been policemen, and the Chair said that they will get to the Cabinet Secretary and give us a report within two to three weeks. Unfortunately, after three weeks, the body of that gentleman from Rarieda was recovered from River Yala. So, it is not just extra judicial killings, but also politically instigated violence and the re-emergence of vigilante groups.

We must seriously look into this violence, as a House, to establish if they are State sponsored or they are being entertained by the State with ulterior motives. It is only this House that can rise to the occasion. I Hope my good neighbour, Hon. Mwathi, will have the courage and determination to get to the root cause of all this seemingly politically instigated violence. We will take our country down the drain if we do not look into it.

Hon. Speaker: Hon. Abdisalan, you made your point. This cannot be debate. It a request for a Statement. If you also wanted to make your request, you could have done the same thing that the Member for Isiolo North has done. Hon. Abdisalan, is that the reason why you came to whisper to me here?

Hon. Ibrahim Ahmed (Wajir North, ODM): Hon. Speaker, I returned from Isiolo yesterday and five of the nine deceased persons are my close relatives. For those who have gone to Isiolo, I can assure you that what is currently happening there is not something that can wait for the next two weeks; so many lives will be lost. I have no iota of doubt in my mind that if drastic action is not taken now, many lives will be lost. We have had a very difficult time trying to cool those people not to carry out revenge attacks. It is simple. There are only two options available here. One is carry out disarmament in communities that have continuously carried out killings of innocent people. The second one is to deploy the Kenya Police Reservists (KPR), who are under the National Police Service. That will only require the Cabinet Secretary and the Principal Secretary to check the records and take action. I want to plead with my good friend, the Chair of the Departmental Committee on Administration and National Security, not to take long. We need to save lives and livelihoods of that population. This should be seen as something unique; a lifesaving action. I plead that something be done about it in the next six days. If not, we should expect more killings.

Hon. Speaker: Hon. Members, there is something that we have talked about, day in day out, year in year out since 2013, about the inadequacy of this system. We still have to live with it.

Hon. Mwathi can only undertake to take this Statement. In fact, it is not him; it is Parliament that is supposed to take this Statement to the Cabinet Secretary, and the Cabinet Secretary is supposed to send Hon. Mwathi, as his agent, to read his response Statement here. If the Statement will say that they are now combing the whole place, that is what Hon. Mwathi will come and say here, and then Hon. Abdisalan will say they are not combing the area because he was there yesterday. If the Cabinet Secretary was in the House... Those of you who were in the 11th Parliament know that we had proposed something we called the “General Oversight Committee.” Those cabinet secretaries would be here. We will continue with this.

Hon. Mwathi?

Hon. Peter Mwathi (Limuru, JP): Hon. Speaker, because this is a House of rules, there is procedure on how we conduct business. I have heard the Statement request from Hon. Hulufu. I do not know where to place the debate of Hon. Ichung'wah. He spoke about River Yala, *Mungiki*, political instigated violence and State capture. I do not know how that will be captured in the records so that it can be responded to. Could it be that it was just a wild statement that did not follow procedure? I am seeking your guidance on that.

Hon. Speaker: Hon. Ichung'wah rose in his place claiming for a point of order. So, you will place it there. It was a point of order and he addressed all the issues you have captured very well.

Hon. Aden Duale (Garissa Township, JP): On a point of order, Hon. Speaker.

Hon. Speaker: What is it, Hon. Duale's point of order?

(Hon. Kimani Ichung'wah spoke off record)

Hon. Aden Duale (Garissa Township, JP): No, he is not distracting me. He is discussing a serious matter with me.

Hon. Speaker, I am seeking your guidance. The Minister for Finance read the budget highlights and revenue raising measures. However, Chapter 12 of the Constitution deals with matters of public finance management. The Public Finance Management (PFM) Act of 2012 anchors the National Assembly as the budget-making House. Article 95(4)(a) and (b) also anchors the National Assembly in the budget-making role. Further, Sections 35 and 40 of the PFM Act 2012 stipulate the procedure. Finally, our own Standing Orders Nos.235 and 244 stipulate the budget-making process. I want to be on record that the budget making process is not an event. It is a process. The Minister came here - although I did not have the opportunity to attend that sitting - and he kept on saying: “I propose” and “I allocate.” Just before the budget reading, the Leader of the Majority Party tabled the budget estimates expenditure and revenue. I am sure you have referred that to the relevant departmental committee. From where you sit, tell us how we deal with these budget estimates that were read.

Finally, on a different matter, last week, I sought a Statement on the fuel crisis in the country, and the Vice-Chair of Departmental Committee on Energy, the Member for Baringo, who will very soon be called former...

(Laughter)

Hon. Speaker, the Member for Baringo said she will be here on Tuesday to answer, but she is not here. From where I am standing, some of these Members will walk to their homes today because there is no fuel. As I drove from Karen, there were long queues at petrol stations. This is

a national crisis. This House, under Standing Order No.95(4) and your leadership, Hon. Speaker, cannot sit and decide not to deal with the Petroleum Taxes and Levies (Amendment) Bill, which is supposed to be at the Third Reading, where we can reduce taxes.

Secondly, the same Cabinet Secretary who read the budget here is sitting on over Kshs30 billion subsidy money, which he is supposed to pay to oil marketers, who have not been paid even after the President assented to the Supplementary Budget last week.

This is not a banana republic. The Vice-Chair, who took an undertaking, must come and give us the answer from the Energy and Petroleum Ministry. Even if elections are around the corner, we all took an oath to protect and talk about issues. This is not about being partisan, but Kenyan issues. Kenyans are queuing for petrol and gas. They are being told to queue for sim cards, which after I tweeted, they have now rescinded their earlier decision; and they are queuing for jobs, food and milk.

(Hon. (Dr.) Robert Pukose spoke off-record)

Hon. Speaker, I wanted you to give us direction on how to deal with the matter of the budget, because the estimates are with us. Our chairs of committees are here. Secondly, I need an answer, which I was assured of, and you directed it, and the Vice-Chair said it will be given on Tuesday, but she is now nowhere to be found. We should, in fact, suspend everything else and discuss the fuel crisis in our country.

(Hon. Charles Kilonzo spoke off-record)

Hon. Speaker: He was on a point of order. Hon. Charles Kilonzo, let me first of all deal with the issue at hand.

On the first point, and as we all know provisions of Article 95(4)(b), it is this House that appropriates the national revenue to all the national State organs, including Parliament, the Judiciary, the National Executive and all other independent institutions and offices.

The people sitting in the National Treasury are caught up in some historical web. The language seems to be giving them a lot of problems because they were used to coming here, saying that they were going to do this and that. They have completely ignored that it is not their function to purport to allocate or appropriate. That is the function of this House, and Kenyans, and adopting the Constitution made it very clear. So, they can propose to the House. In fact, all they need to do is just look at what happens in other jurisdictions. You propose to a House with similar constitutional mandate like ours, and it will then deal with your proposals. Hon. Duale, we, however, forgive them for they know not what they say. We try to tell them that it is okay for them to propose.

Hon. Duale, several Members here and I would recall that we went through a rigorous process after the new Constitution was adopted in 2010. The 10th Parliament was then grappling with the issue of presentation of the budget. Even as the 10th Parliament was enacting the PFM Act in 2012, they were unable to come up with how, as a House, they would receive those highlights. The 10th Parliament then, Hon. Charles Kilonzo, you were there unless you have forgotten, provided that the budget highlights would be presented before a committee. Because of the provisions of Article 121 on quorum in the House, you provided that that committee, being the Budget and Appropriations Committee, would comprise of 51 Members so that the House will quorate or the Committee will act like a House. However, when we came in, in 2013, we found

that proposal quite unworkable because for the rest of East Africa, the Ministers responsible for Finance would be presenting budgets before the people's representatives in their Parliaments. It is you, Members, who then reorganised the Standing Orders quickly. I must thank the Members of the House for coming up with that proposal, and for the House to have accepted. You then provided and requested that every year, I make provision for the Cabinet Secretary, because he cannot step on the hallowed Floor of the House being an unelected official. Hon. Shamalla, he cannot purport to step where you are stepping on because you said that they are going to adulterate the hallowed Floor of the House. You directed that I prepare some space up here; some corner where he will come and patch himself with the staff, but then we give him an opportunity to be heard. That was the improvement that we had to do. Therefore, he can only come and make some proposals and then hand over the documents to the Office of the Clerk for distribution to the various departmental committees, which has already been done.

The committees are, therefore, at liberty to go and comb through the various proposals so that when you sit with the Budget and Appropriations Committee, you should agree or disagree. You are not bound by those proposals; no one is. As it is, they would still be proposals from a stranger. You are then at liberty, because the proposals act as guides. So, when you sit at the various departmental committees and you interrogate those proposals alongside other functions in the various ministries and departments, you can then present something that is well thought out before the Budget and Appropriations Committee, you can also agree on what it is that should go to each ministry, program and activity through the various Votes, items and sub items, as the case maybe.

On the first point, it was okay for the Cabinet Secretary to come and make the proposals. It may be inappropriate for them to purport to allocate or appropriate, but we forgive them for using those words. You have seen, in the recent past, people purporting and arrogating at themselves the power to make provisions having the force of law, in clear violation of Article 94. Hon. Members, so we just read that with one of those things that people get excited about.

On the second point, Hon. Kimunya and as the Leader of the Majority Party, Hon. Gladwell Cheruiyot Tung'o made a commitment on the Floor that she would be ready today, Tuesday 12th April, 2022. In fact, nobody coerced her, but she is the one who offered that she would avail herself, and that is the problem. Hon. Members, I keep saying that when you make a commitment, is only fair that you honour it.

Maybe Hon. Kimunya could respond to that.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Speaker. Indeed, Hon. Duale requested for a Statement and the Vice-Chairlady of the Departmental Committee on Energy undertook to bring all the information required by today. I had a discussion with the Chairman of the Committee just before we got into the House, because I was following up on the same matter. He indicated that they are still waiting for information from the Ministry regarding the comprehensive matters that were raised. He said he would receive the information by tomorrow, and they would then need to process it, as a Committee, before he can bring a report on Thursday. So, he is asking for extra time because of the veracity of the information that was requested for. Obviously, they are conscious of the fact that there is a fuel shortage not just in Kenya, but it is a global phenomenon. The issues that were raised require a comprehensive answer. The Vice-Chairlady may have underestimated the magnitude of the issues. I have been assured that the Committee will receive a response by tomorrow, process the same and bring it to the House on Thursday.

(Several Hon. Members stood on their places)

Hon. Speaker: Hon. Members, we cannot turn the matter into a debate because that would violate the rules of the House. But Hon. Duale can react.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, you are an old Member of Parliament. I served with Hon. Kimunya in the 10th Parliament when he was the Deputy Leader of Government Business and a Minister. There is a difference in parliamentary procedure between an Ordinary Question and a Question by Private Notice. A Question by Private Notice used to be on a matter of great emergency. I asked for a Statement because the matter was an emergency. That was last Wednesday. It is a serious matter. The country is watching us. We cannot keep quiet. I had to go out of my way to seek that Statement. It is not a luxury for the Principal Secretary or the Cabinet Secretary... I am told the Cabinet Secretary is vying for governorship in Turkana, I do not know who has replaced him. This is a government that cannot even replace cabinet secretaries. It is as incompetent as it is. Two weeks on and the Government cannot replace the Cabinet Secretary for Petroleum and Mining. It cannot even replace principal secretaries. We do not know what is happening.

You heard the Leader of the Majority Party saying that there is shortage of fuel, but the Cabinet Secretary for Energy, Amb. Monica Juma, said that there were over one million litres of petrol and over two million litres of diesel. The Kenya Pipeline Corporation (KPC) said we have 62 million litres of fuel.

Hon. David ole Sankok (Nominated, JP): They said we are wet!

Hon. Aden Duale (Garissa Township, JP): I cannot use that phrase. That is a different thing.

Hon. Speaker, can you ask Hon. Sankok to use parliamentary language? He is saying they said they are wet. That is not parliamentary language. In fuel terminology, they are right to say that they are wet, but many people will understand that in a different way. As a ranking Member, I do not want to use that phrase. Can we have the Statement tomorrow?

(Hon. T.J. Kajwang' spoke off record)

Hon. Speaker, I want to correct Hon. T.J., because he referred to the number of votes I got in the last election. I won by over 24,000 votes. I did not win by 3,000 votes. Unless you are referring to other people here, I want to go on record that I won by over 24,000 votes. I need to correct on the *Hansard* because this is a serious matter.

The Leader of the Majority Party can fast-track the matter and bring a response tomorrow afternoon, so that we can speak for the people of Kenya.

(Hon. T.J. Kajwang' spoke off record)

Hon. Speaker: Just a minute. That was directed at the Leader of the Majority Party. Hon. Kimunya, Hon. Duale has made a request. Is it possible?

(Hon. (Ms.) Odhiambo-Mabona spoke off record)

Hon. Millie Odhiambo, we need to hear the commitment by the Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I will try to prevail upon the Chairman of the Departmental Committee on Energy to fast-track the matter and bring a response tomorrow afternoon, if it is possible. But I am also aware that part of the problem we have is because of speculative hoarding of fuel by traders expecting a price change on Thursday, when new prices will be announced. Without speculating, I can tell those who are hoarding fuel that they will get a big surprise. They better release the fuel.

Hon. Speaker: There is a point of order from the Member for Yatta.

Hon. Charles Kilonzo (Yatta, Independent): Hon. Speaker, one advantage of having been in this House for many years is to remember history. In as far as I can remember, in most occasions, the Speaker does not allow Members to speak from both sides of their mouths. I want to give you the example of Hon. Duale. Today, he says he is fighting for the cost of fuel to be brought down, while he is the same one who lobbied for increase in VAT on fuel. Members should learn to live with their sins.

(Applause)

Another Member who has the habit of talking from both sides of the mouth is none other than the former Chairman of the Budget and Appropriations Committee, namely, Hon. Kimani Ichung'wah, and he is running away. Only last week, on the matter of security, Hon. Kimani Ichung'wah said money for security should be diverted to buy fertiliser.

(Applause)

I reminded him that Members who come from the eastern and central parts of the country do not understand what it means to live in areas with insecurity. Today, he is busy talking about insecurity. The problems we have now are as a result of the former Chairman of the Budget and Appropriations Committee reducing the budget of the Ministry of Interior and Coordination of National Government. Police officers are struggling in hardship, no armoured vehicles, no protective gears, and he comes here to lecture us about insecurity.

Hon. Speaker, my appeal to you is that you do not allow those two Members who caused these problems, when they used to be sycophants of the system, to lecture us. Now that they have seen the light, they should not be given all that airtime. They are already a nuisance in this House.

(Loud consultations)

Hon. Speaker: You know, Hon. Kilonzo, the danger of mentioning a Member's name is that they would want to respond.

Hon. Aden Duale (Garissa Township, JP): Hon. Speaker, the problem with Hon. Charles Kilonzo, with whom I served in the 10th Parliament, is that he wants to live in history. I was the Leader of the Majority Party. I do not deny that. Now I am a ranking Member and the Member for Garissa Township, but he expects me to live in the history of the Leader of the Majority Party. If it is about speaking from both sides of the mouth on matters security, the same Charles Kilonzo has a history. His father was the Commissioner of Police when Hon. Robert Ouko was killed. He is being haunted by insecurity. Shame on you! What are you talking about? His father was a culprit. If it is about speaking from both sides of the mouth, your family needs to give us answers on how Ouko died, who was involved and everything. Shame on you!

(Loud consultations)

Hon. Speaker: Now, Hon. Members, I know these are exciting times. We need to be careful. The Leader of the Majority Party has made an undertaking on the fuel issue. The matter has already been concluded.

(Loud consultations)

(Hon. David ole Sankok spoke off record)

Hon. Sankok, do not raise it.

First of all, the person who undertook to give the answer is not in the House. The Leader of the Majority Party has given an undertaking. Let it rest there. Even if you rise up to say that this is not correct, you have no facts. Let him bring the Statement or response, and then we can debate it.

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Kajwang', what is your point of order?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Speaker, something is troubling me. Is the Member for Suba North in order to say that the grandmother of the Member for Garissa Township was a colonial chief. Is this in order?

(Laughter)

Hon. Speaker: Hon. T.J., the Member for Suba North has not talked about anybody's grandmother.

(Several Hon. Members spoke off record)

Hon. Members, there is one point...

(Hon. (Ms.) Shamalla Jennifer and Hon. Kimani Ichung'wah spoke off record)

Order, Hon. Shamalla and Hon. Ichung'wah! Hon. Ichung'wah raised a very fundamental point of order which you will unfortunately lose because of these exchanges, on the issue of the Regulations which were submitted here. They were referred to the Committee on Delegated Legislation, whose Chairman is Hon. Kamket and the Vice-Chairman is Hon. Njagagua. From experience and practice, I know that the Committee is literally run by the Member for Tharaka. He should tell us where those Regulations are. Under the Statutory Instruments Act, once the Regulations are tabled, they continue having the force of law until when they are annulled.

Hon. Kimani Ichung'wah (Kikuyu, JP): We want them here, so that we can annul them.

Hon. Speaker: Hon. Murugara runs that Committee. The others are your agents.

(Laughter)

Hon. George Gitonga (Tharaka, DP): Thank you, Hon. Speaker for those accolades. It is true that I participate actively in that Committee. We had a discussion regarding those Regulations last week in a retreat, but we have not yet made a decision on them. So, they are lying somewhere. Unfortunately, Hon. Kamket is not here, and Hon. Njagagua travelled. We need to move with speed.

An. Hon. Member: Where is Hon. Kamket?

Hon. George Gitonga (Tharaka, DP): He must be in Tiaty Constituency or complaining because they are being short-changed in Azimio la Umoja. They had very high expectations which dwindle every day. That is where he is.

(Applause)

When he comes, he will say where the Regulations are, and what we are supposed to do with them. We need to take a decision and bring it to the House. As you agreed, the Committee will consider the Regulations and make a report and bring it to the House. We will not do it in the normal way. If the Committee approves the Regulations, then they move straight to operation. They have to come to the House. That was the agreement. I hope the Chairman will do it that way.

Hon. Speaker: The House is set to go on recess on Thursday in the evening this week and report back on 9th May, 2022.

Hon. George Gitonga (Tharaka, DP): That is a long time from now. The net effect is that we should table that report, possibly by tomorrow. I will get in touch with the clerk of the Committee to say that it is required here, so that we can table and debate it before the House goes on recess.

Hon. Speaker: Very well. It is important for that to happen. That concludes the various points that have been raised.

Let us move to the next Order.

Hon. T.J. Kajwang' (Ruaraka, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Kajwang'.

POINT OF ORDER

REDUCTION OF MEMBERS' EMOLUMENTS

Hon. T.J. Kajwang' (Ruaraka, ODM): I thank you for allowing me to rise on a point of order. You have been our bulwark in taking care of Members' welfare. As the Chair of the Parliamentary Service Commission, you do a fantastic job. You have mentored many of us to where we are.

A few things that are worrisome happened in the recent past, especially for Members from Nairobi City County and its environs like Kikuyu and Kiambaa constituencies. Some people who believe they have a constitutional mandate have drastically reduced Members' compensation to the chagrin of those Members. We are very keen. We follow the decisions of the Parliamentary Service Commission. We know that they have looked very hard at their compensations and emoluments. They have improved quite a lot in one place or the other. When it comes to the question of compensations and emoluments concerning Members, especially those from Nairobi City County and the environs, we almost have what other people refer to as running battles. You

stand out very clearly. Even when our principals elsewhere speak against it, you maintain your resolution that Members should be in a place they can offer service to this country.

I do not want to request for a *kamukunji*, because it is not within the Standing Orders. However, this is an issue that concerns us. Is it possible for you to resolve it by bringing us together, so that we can ventilate on it in some more details? When you retire to the Parliamentary Service Commission, you will give some guidance on the subject. As far as we are concerned, it is absolutely a big problem.

Hon. Speaker: Hon. Kajwang', where do you want it to be ventilated?

Hon. Kimani Ichung'wah (Kikuyu, JP): *Kamukunji* is the best after recess.

Hon. T.J. Kajwang' (Ruaraka, ODM): An informal meeting will be better because we will discuss matters which are not necessarily in the chamber, but which concern the welfare of these Members. I invite you to implore your wisdom and bring us together. I am sure it will not be in your chamber because you do other things which are more useful to the plenary. For example, you can call us to a *kamukunji* where we will ventilate much more on this.

Hon. Speaker: The most recent representations to that body contain our position on the Members from Nairobi and its environs. They are still very active there. Hon. Kajwang', maybe we can discuss this outside the plenary. I know you ably represent what the other Members would want. It is the same thing. I am sure we can discuss it.

Member for Suba North.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Speaker. I am not rising on the issue of whether Hon. Duale's grandfather was a colonial chief who was harassing Kenyans or not. However, in tandem with what Hon. Kajwang' is saying, there are certain things we need to discuss as a House which perhaps may not be put formally. So, I was requesting that perhaps we have a *Kamukunji* when we return. One of the issues of concern to me is that of the parliamentary calendar. You can see that most of the parties are conducting their primaries this week. I am supposed to be going for primaries on Thursday. You will find that most Members will not be here. I think most of the people in UDA were having their primaries on Thursday. The case is the same with other parties. What then happens and the official calendar says that we are going on until Thursday? Since we already know how the other parties are likely to operate going forward, can we stagger the parliamentary calendar to take that into consideration and also to take into cognizance the fact that as we go to elections in August, when you think in hindsight, it is actually miscalculated.

Talking of the National Government Constituencies Development Fund (NG-CDF), people are already asking for bursaries, especially post COVID-19 pandemic. Children are going to get stuck and parliamentarians are not going to be here. So, we are going to have a very serious crisis. There are also other issues, some of which are not so important but which, going forward, if you are looking at the traditions of Parliament... I heard Hon. Duale referring to himself as a ranking Member. He is the only person who we officially recognise as a ranking Member. We need to do an official recognition of ranking Members, the American way. Sometimes we abuse ourselves as Members of the House. I was one of the drafters of the Constitution and we intended that Chairpersons of Committee rank *pari passu* to Cabinet Secretaries. However, we are treating ourselves as second-class citizens. Those are things we need to sort out even as we come back in the next Parliament. We need to give back the House the dignity it deserves by the way we treat ourselves and by the way we treat our own systems. Those are issues we may not discuss here but in a *Kamukunji*.

Hon. Speaker: Well spoken, Hon. Millie Odhiambo. I expect Hon. T.J. Kajwang' to be giving us an update of where we are with the review of the Standing Orders for the next House. I noticed that Hon. T.J. and Hon. Millie Odhiambo are desirous of being back in the House. So, make good recommendations in the review so that before we adjourn *sine die* on 9th June, we will have adopted some revised Standing Orders.

The Procedure and House Rules Committee has been working. Just like Hon. Millie Odhiambo has said, I think it will be good if you have some ideas on what things to improve. You have seen the way Standing Orders are. At the end of every five-year term, we review the Standing Orders. We sit here. In fact, it is one of the worst days for whoever is Speaker – because Hon. Millie Odhiambo, Hon. Duale, Hon. Kimunya and others who were in the 10th Parliament made some rule – the Speaker has to sit throughout and go through every section of the proposed Standing Orders. I hope Hon. T.J does not come with too many proposals because it will be a terrible day for me. It is very long. Nevertheless, the points made by Hon. T.J and Hon. Millie are good. Hon. T.J, if you will be here on Thursday, you can give an update of where you are in the process of reviewing the Standing Orders.

Thank you. Next Order.

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD FOR SPECIFIED BILL

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Procedural Motion:

THAT, notwithstanding the provisions of Standing Order 120, this House resolves to reduce the publication period of the Finance Bill (National Assembly Bill No.22 of 2022) from 14 days to four days.

The essence of this reduction is to facilitate the First Reading of the Finance Bill so that it can be committed to the Departmental Committee on Finance and National Planning, so that they can start the work of considering it while we are on recess.

We have done this before. We started this tradition of having a publication period of 14 days, which in the old days was meant to facilitate public participation before the Bill is read the First Time. We have since introduced public participation as an integral part of the review of the Bill in the Constitution of Kenya 2010, which is also taking 14 days after the First Reading. The first 14 day-period that had been foreseen in the old days is redundant. I am hoping that that is one of the things we will be changing as we review the Standing Orders, so that a Bill is published and read immediately and then the 14 days start running, during which time it is advertised for public participation. We are now losing 14 days pre-First Reading and taking another 14 days after the First Reading to do the same thing and achieve the same objective.

This is an appeal to the House because time is not on our side. We will go for a break on Thursday. We have three to four weeks to come back and by the time we consider and finalise the appropriation, we also provide for the financing of those appropriations through the Finance Bill before we break on 9th June. Because of all that, it is important that we fast-track as much as possible any Bill to do with the Finance Bill.

I beg to move and request Hon. Duale to second.

Hon. Aden Duale (Garissa Township, JP): Thank you, Hon. Speaker. I support that the publication period be reduced because this is a very dangerous Bill. The earlier it goes to the people

of Kenya for public participation, the better. We are leaving on Thursday so that the Departmental Committee on Finance and Planning can consult as many stakeholders as possible. I have scanned through this Bill. It touches on the basic lives of our ordinary citizens in terms of taxation from *unga* to wheat to bread, water and others. I think it is good that we reduce the time so that we do not keep it. The Committee should conduct serious and conclusive public participation so that by the time we come back, it will have finished with the Budget issue and then we can pass the Finance Bill.

I beg to second.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: It is the desire of the House that I put the Question.

(Question put and agreed to)

MOTION

EXTENSION OF PERIOD FOR CONSIDERATION OF NOMINEES TO ETHICS AND ANTI-CORRUPTION COMMISSION

Hon. Speaker: Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Section 13 of the Public Appointments (Parliamentary Approval) Act, 2011 relating to extension of period for consideration of nominees for appointment to a public office, this House resolves to extend the period for consideration of the nominees submitted by His Excellency the President for appointment as members of the Ethics and Anti-Corruption Commission by a period of fourteen (14) days from 3rd May 2022.

Again, Hon. Speaker, from the time we received the names in the House, if we calculate, the time will be expiring by next week when we will be away and there will be nobody to report; hence, we will lose the opportunity to receive that Report from the Committee and debate it. In keeping with our previous practice whenever we have this situation of a recess coming in between the deadline of production of a Report and discussion of that Report usually, I urge that we provide for that extension so that the whole process of consideration and reporting can be done not later than 17th May 2022 when the House will be in session, within a week of the House coming back. This is just to recognise the reality of the recess we are getting into and the statutory limitations placed by the law, which we are also allowed to change through this extension with the approval of the House.

This is a straightforward matter and I ask the House to approve it.

I beg to move and ask the Vice-Chair of the Departmental Committee on Justice and Legal Affairs, Hon. T.J. Kajwang' to second.

Hon. Speaker: Hon. Kajwang'.

Hon. T.J. Kajwang' (Ruaraka, JP): Hon. T.J. Kajwang' seconded.

(Question proposed)

Hon. Members: Put the Question!

Hon. Speaker: It is the desire of the House that I put the Question.

(Question put and agreed to)

BILL

First Reading

THE FINANCE BILL

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Speaker (Hon. Justin Muturi) left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya) took the Chair]

THE ELECTIONS (AMENDMENT) BILL

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Members, we are now in the Committee of the whole House to consider a number of Bills. We are going to start with the Elections (Amendment) Bill (National Assembly Bill No.3 of 2022). We are on Clause 3. Vice-Chair of the Departmental Committee on Justice and Legal Affairs.

Clause 3

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I beg to move: THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

Amendment of
section 5 of No.24 of
2011

3. Section 5 of the principal Act is amended—
- (a) in subsection (1)(b) by inserting the words “within the affected electoral area” immediately after the words “such by-election”;
 - (b) in subsection (1)(ba) by inserting the words “of the referendum question” immediately after the word “publication”;
 - (c) in subsection (3) by inserting the word “valid” immediately before the words “Kenyan passport”;

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(d) by inserting the following new subsection immediately after subsection 3—
“(3A) A person who registers as a voter during the period when registration of voters is suspended for the purposes of a by-election as contemplated under subsection (1)(b) shall not be eligible to contest in the electoral area affected by the by-election”.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Speak to it a little bit for Members to follow.

Hon. T.J. Kajwang’ (Ruaraka, ODM): I realise that I have to explain many of these things because when we sat the other time many Members sought for explanation. So, I will be as brief as I can and try to capture the mood of the House.

Clause 3 has to do with what we saw in Kibra, in the Mariga case, in which although he was not a registered voter in the affected electoral area, he contested in the Kibra by-election. It was a very untidy way of doing things. We also have to have a way through which to standardise the process. If, for example, in the unlikely event that there is a by-election in Kipipiri, voters from Ruaraka should not stop registering just because there is a by-election in Kipipiri. So, when we add those words, they are supposed to insulate that kind of issue. This relates to parts (a), (b) and (d). Part (c) is as in the Order Paper. It is not a big issue. Of course, there is no valid passport, a passport is a passport. It has to be genuine and valid for it to be a passport. However, we are for abundance of caution that it should be a valid passport. This is on behalf of the people in the diaspora, whose passports have expired for one reason or the other. These people vote at the embassies and we need to be clear that they need to have renewed their passports for them to vote. This is the justification for clause 3.

(Question of the amendment proposed)

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

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

(Clause 3 as amended agreed to)

Clause 4

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair.

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I beg to move

—
THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new clause —

Amendment
of section 6
of No. 24 of 2011.

4. Section 6 of the principal Act is amended—

(a) by deleting subsection (1) and substituting therefor the following new subsections—

“(1) The Commission shall cause the Register of Voters to be opened for inspection by members of the public at all times.

(1A) The Commission shall rectify the particulars of

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voters at all times except—

- (a) in the case of a general election or an election under Article 138 (5) of the Constitution, during the sixty-day period before the date of the election;
- (b) in the case of a by-election, between the date of the declaration of the vacancy of the seat concerned and the date of such by-election; or
- (c) in the case of a referendum, between the date of the publication of the referendum question and the date of the referendum”.

(b) by deleting subsection (2).

This is on the register of voters. There are two things here; inspection of the register and verification. Inspection is a continuous activity that should go on every time. However, just a few days to an election, voters should have an opportunity to verify that their details are properly captured in the voters register. We needed to break these two components so that one refers to inspection and the other to verification. This now shows that voter registration is continuous but rectification is limited to the period before a by-election or an election.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairlady. Even though I agree with Hon. T.J, I wish that the Committee would also take cognizance of an emerging issue that we are not only dealing with the Independent Electoral and Boundaries Commission’s (IEBC) register but parties now have registers which need to go through the same process. It does not matter if you are dealing with two political parties or wherever because we have brought new amendments affecting elections. We brought a more recent amendment that people can only vote through parties. How then do we verify the party register for public use? This is something that the Committee should pick up as well.

Otherwise, I support.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair, do you want to say something about what Hon. Millie has raised?

Hon. T.J. Kajwang’ (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, the Member for Suba North is absolutely right. The concept of political parties is something we are strengthening. It is now emerging that membership registers are becoming an important component of it. Last month, the Members of this House were not worried. However, in the last two weeks, Members have been experiencing diarrhoea having realised that as they have been doing work in this House, people who had money in their pockets were busy registering people out there. The question of registers is important. We will take it up within the Political Parties Act instead of the Elections Act.

I thank you.

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

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

(Clause 4 as amended agreed to)

Clause 5

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): We have two amendments. Hon. Chairman, move yours first.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I beg to move – THAT, the Bill be amended by deleting Clause 5.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Why?

Hon. T.J. Kajwang' (Ruaraka, ODM): This is where we are currently. Members are not in possession of the principal Bill. There is currently mass movement of voters, especially in towns. When people hear that I am issuing bursaries in my constituency today, they change their voting stations to my constituency so that they can benefit. The next day, when Hon. Oluoch, who is my neighbour is issuing bursaries, they all migrate there. There is a problem with this mass movement.

Hon. Oluoch and I, who sit in the same Committee, agreed that this is an issue that must be dealt with. However, first, we are lawyers, then we are legislators who have sworn to protect the Constitution. The manner in which IEBC presented their proposals was unconstitutional and we could not support it. Why? This is because they are asking voters to prove that they are residents in a constituency or that they are employed there. To us, that is being rude to Kenyans. If you ask the people I represent if they reside in a building or in the constituency, they might not have the documentation to show the lease, which the Member for Kiminini – the incoming Governor – would have. Even asking for proof of employment in an area is wrong since we know that no one is employed in Kenya. The majority of Kenyans that we work for are unemployed. Asking them for proof of employment is an insult. That is a limitation of Article 38 of the Constitution. We understand where they are coming from but we have asked them to find better legislative proposal that answers this issue for the next elections in 2027. That is why we are deleting it. It was a part of the Bill but we are deleting it.

In short, Kenyans do not need to show the documentation that was proposed under the Bill when changing their voting stations.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Why?

Hon. T.J. Kajwang' (Ruaraka, ODM): It has been overtaken by events.

(Hon. (Ms.) Odhiambo-Mabona spoke off record)

Member for Suba North, what we are saying is that the Government and those of us who are going to form the next Government should upgrade Article 43. We need to give people decent houses. If we do not address that issue, it becomes an abuse to ordinary citizens.

(Question of the amendment proposed)

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

(Clause 5 deleted)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): The amendment by Hon. Duale is similar and so it automatically falls.

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(Proposed amendment by Hon. Aden Duale dropped)

(Clauses 6, 7, 8, 9, 10, 11 and 12 agreed to)

Clause 13

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): On Class 12, again, we have two amendments. The Chairman can move his first.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Deputy Chairlady, I beg to move: THAT, Clause 13 of the Bill be amended by deleting paragraph (b) (ii).

This is the reverse of Clause 3. The Mariga case we were talking about was trying to fix that kind of situation. We looked at it and said it was unconstitutional because you cannot put a fetter or add a liability on legislation which is not given by the Constitution. Therefore, we are deleting it because it is a violation of Article 38 (3) of the Constitution.

Having carried the one in Clause 3, it fits very well and there is no ambiguity in law, it is certain.

I move.

(Question of the amendment proposed)

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

(Clause 13 as amended agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Duale's amendment being similar to this one falls.

(Proposed amendment by Hon. Aden Duale dropped)

Clause 14

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Deputy Chairlady, I beg to move: THAT, Clause 14 of the Bill be amended by deleting paragraph (b) (ii).

This is just the same as what we have dealt with in Clause 13.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): There is a similar amendment by Hon. Duale. We will, therefore, finish with yours first.

(Question of the amendment proposed)

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

(Clause 14 as amended agreed to)

Hon. Duale's amendment being similar to this one falls.

(Proposed amendment by Hon. Aden Duale dropped)

Clause 15

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Deputy Chairlady, I beg to move: THAT, Clause 15 of the Bill be amended by deleting paragraph (a).

We have taken this as a consequential amendment to the Political Parties Act. So, this is *otiose*.

(Question of the amendment proposed)

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

(Clause 15 as amended agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): There is a similar amendment by Hon. Duale, which consequently falls.

(Proposed amendment by Hon. Aden Duale dropped)

Clause 16

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I beg to move: THAT, the Bill be amended by deleting Clause 16.

This is the sweetener of it all, the proverbial 10-day window. I am sure Hon. Sankok does not need this but you then can move from the party in which you have been to be an independent Member. So, I know the Member for Kisumu East is very excited because he is already there. He is an independent mind. Anybody who wants to go there should consult him first.

The second justification is that we have carried on paragraph (a) in the amendments to the Political Parties Act. So, this is just to clean up this part. We have dropped that clause, which would have tightened that window. So, this window is relaxed. I know that the Hon. Member for Suba North is not going to use this window because she likes using doors and not windows. I am sure she will use the doors that she always uses to come into this House.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Wamalwa.

Hon. (Dr.) Chris Wamalwa (Kimini (FORD-K): Thank you, Hon. Temporary Deputy Chairlady. I support the amendment. In life there must be checks and balances. People who are in one way or the other disadvantaged should be given that opportunity. This will put parties in check so that you do not apply anything that might not be applicable as far as democracy is concerned. So, people can participate in party primaries, also knowing that in case of anything that is contrary to the law, the provision of the 10 days will be maintained.

I thank you and support.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Let us have Hon. Millie Odhiambo.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Deputy Chairlady. If I were not a democrat, I would not be supporting this because the first time I

vied, when I defeated one of my opponents in the party primaries, he went on to contest as an independent candidate. He came back and I defeated him. The second time I vied, again, the person I defeated contested as an independent candidate and I beat him by a bigger margin.

I know this is also likely to play out again. However, so that people do not consider you a selected candidate, if people complain, let them come and go independent and let us face each other off. So, I am okay with that window often days so that people do not feel that they are being oppressed when they are not. So, let them have that opportunity.

I support.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Let us have Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, I support and urge Members to support the amendment. During party primaries, when it is considered final, you cannot party-hop. You must remain in that party. We may go back to the Kenya African National Union (KANU) days. We will have dictatorial parties. You can see what is happening now. The political party that was very huge called Jubilee is now in bed with the opposition and because of that, we are missing milk, fuel and water. The only available thing in Kenya is alcohol. However, other products are missing. We have no milk in shelves, no fuel and drinking water.

So, people have that window to go and be independent candidates. We will have many Members as independents who do not belong to political parties. Contestants will not be intimidated within political parties. Remember how we have been intimidated for almost four years in the Jubilee party. It is when we have got a leeway to get out of it because elections are around the corner. I support so that members can have that window. In fact, I wish it was a window of 20 days.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Osotsi.

Hon. Godfrey Osotsi (Nominated, ANC): Hon. Temporary Deputy Chairlady, I support this proposal. It is good to give individuals who lose in the primaries an option to become independent candidates. This scenario calls for an opportunity for us to create the relevant law that will reengineer the political party system in this country. If we allow things to go the way they are going, we may end up having a House full of independents and political parties will die. So, a lot of focus needs to be put in the management of political parties to make them democratic and well run instead of having mushrooming briefcase parties that want to sit on high tables demanding for things and yet they do not have numbers. A lot of effort has to be put in making parties democratic and legal entities that are functional and not parties that spring up during elections. I support this proposal and encourage that we invest in political parties' management.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Whip, do you want to speak on this amendment?

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Chairlady. Mine is to support the amendment. I would wish that we open it up once elections are done so that we look at it further and see if it is good to go the independent way. We have the Political Parties Fund, which is supposed to take care of the political wing. This is a proposal we are supporting now but it cannot be sustained in the long run. We need to digest it and see what to propose in future.

In conclusion, in light of what Hon. Sankok has said about not having milk and everything else because of Jubilee Party, I want to wish him well although I do not want to go to the politics of it. You do not need to cut the hand that fed you when it is due.

Thank you.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Chair, do you want to speak to it?

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I thank Hon. Osotsi and the Majority Whip for the remarks they have made. For the *Hansard*, we need to be clear. Kenya is a multiparty democracy. All efforts should be made to make sure that political parties work. Being an independent candidate is an exception rather than the rule. So, the exception cannot be the rule. However, we have said that it is not laws that make things. The IEBC should not be looking at legislation to be making things. There are a lot of non-legislative interventions that need to be put in place that can cure those mischiefs instead of a legislation like this which looks draconian and wants to bar people from moving elsewhere. For example, let them give more money to political parties, allow political parties to be trained, let people enjoy what it is in a political party and allow those people who Sankok is referring to, to be made to understand that a political party is a place where we exercise our rights. When that is done, people would want to participate in political parties without a law such as the one we are making. We cannot say that we are going that direction because we want to have everybody coming in as an independent Member. Independent, that is not what the Constitution demands of us.

Thank you, Mr. Chair.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): It is Madam Chair. I do not know when you turned me to a Mr.

Hon. T.J. Kajwang' (Ruaraka, ODM): I saw the Clerk beside you and it confused me but you are always my Madam Chair.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): So, can I proceed to put the Question?

Hon. Members: Put the Question!

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

(Clause 16 deleted)

(Clauses 17, 18 and 19 agreed to)

Clause 20

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Members, on this one, we have a number of amendments. We have proposed amendments by Hon. Kaluma and Hon. Duale, which will have a consequence to the ones proposed by the Leader of the Majority Party and the Departmental Committee Chair. However, I do not see those Members here.

Leader of the Majority Party, I will allow you to go first but let me propose the Question first.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairlady. I beg to move:

THAT, the Bill be amended by deleting Clause 20 and substituting therefor the following new Clause—

Repeal and replacement of section 39 of No.24 of 2011 20. The principal Act is amended by repealing section 39 and substituting therefor the following new section—

Determination and
declaration of results.

39. (1) The Commission shall determine, declare and publish the results of an election immediately after close of polling.
- (2) The Commission shall appoint constituency returning officers to be responsible for—
- (d) tallying, announcement and declaration, in the prescribed form, of the final results from each polling station in a constituency for the election of a member of the National Assembly and members of the county assembly;
 - (e) collating and announcing the results from each polling station in the constituency for the election of the President, county Governor, Senator and county women representative to the National Assembly; and
 - (f) submitting, in the prescribed form, the collated results for the election of the President to the national tallying centre and the collated results for the election of the county Governor, Senator and county women representative to the National Assembly to the respective county returning officer.
- (3) The Commission shall appoint county returning officers to be responsible for tallying, announcement and declaration, in the prescribed form, of final results from constituencies in the county for purposes of the election of the county Governor, Senator and county women representative to the National Assembly.
- (4) For purposes of a presidential election, the Commission shall—
- (d) electronically transmit and physically deliver the tabulated results of the election, in the prescribed form, from a polling station to the constituency tallying centre and to the national tallying centre;
 - (e) tally and verify the results received at the constituency tallying centre and the national tallying centre; and
 - (f) publish the polling result forms on an online public portal maintained by the Commission.
- (5) The Commission shall verify that the results transmitted under this section are an accurate record of the results tallied, verified and declared at the respective polling stations.

(6) The chairperson of the Commission shall declare the results of the election of the President in accordance with Article 138(10) of the Constitution.

(7) The Chairperson may declare a candidate elected as the President before all the constituencies have transmitted their results if the Commission is satisfied the results that have not been received will not affect the result of the election.

(8) The Commission shall announce the final results in the order in which the tallying of the results is completed.

Hon. Temporary Deputy Chairlady, this is basically a reformulation of the contents of the Bill in the same way the Committee had provided except for one thing. If Members can look at the amendment proposed by the Committee, it has nine issues. Our point of departure is No.6 on the Committee's proposal on page 49. The Committee proposed that the Commission shall establish a mechanism for livestreaming of results as announced at a polling station. This was a subject matter of a court ruling and the court ruled that we do not have to provide in law livestreaming of results just for information only because it is not binding to anyone, it declared it unconstitutional. What the Committee tried to do was to reintroduce it. We discussed with the Committee and we were in agreement that the IEBC has no business in regulating what television stations do. It is somebody else to regulate. Once they announce their results and put them in their portal, other broadcasters can use that information without having to be regulated by the IEBC or have the IEBC determining how livestreaming will take place. That is a domain of a totally different regulator. The IEBC does not have its own television station.

The Bill had left out the issue of having a portal managed by the IEBC for publishing of polling forms on an online public portal. Since this has been reinstated, then the IEBC will have done their bit by transmitting results and giving the images of the forms of those transmitted results in their public portal. From there, other broadcasters can do their bit without forcing the IEBC to do the same. This was our point of departure.

This amendment to Section 39 of the Act is to harmonise the Act with the rulings that were made at different times, the latest being the ruling of the disputed 2017 General Elections. Mostly, they dealt with presidential elections although it also covers what happens at the constituency, polling centre, county and the national tallying centre. So, it is now an inter-formulation which again, we have agreed with the Committee except for that bit and on that one and, for the record, the Vice-Chair might want to put the concurrence on the record that we are happy to leave out IEBC from the live transmission of results.

I beg to move.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): So, we will have him put his word. I am a bit mixed up here. At this point, we will have the Hon. Vice-Chair.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I concur. At the end of the day, what I am excited about is that this section of the law has gone through tremendous bashing by litigants. Every section has been looked into with a spotlight. The Committee had this onerous duty of trying to harmonise the body of law which controls transmission, which is everything. If elections have been done properly at the polling station, we should not have a problem with elections because we cannot take it to the people to see what the polling stations had done. There must be a legal framework for doing that transmission. Transmission was an issue of post-election violence and not the way Kenyans went to vote. So, to

say that we can have an election without transmission is being idle. But, again, the Constitution talks about variability, transparency – and many lofty words that an election must conform to. The amendment that you see is the clearest text that I have seen that cleans up the issue around transmission.

The Leader of the Majority Party has even made it clearer on the issue of live streaming because IEBC is not a communication authority which would regulate or create a mechanism for live transmission. That must be done elsewhere and it is not IEBC's job. So, we are not saying that by not legislating on it is something that we have impeded on. No! There are some other people with equal legislative powers who can then come in and the players' livestream whatever it is.

Sometime before, I saw members of the Fourth Estate bashing this and saying that Members want to curtail the media from announcing the results; which is not the case. The case is that you have the freedom to do it and nobody stops you. Do as much as you can, but make sure that you stream the polling stations as they come if you have the strength to do it. However, do not make IEBC be the one to create that mechanism because it does not have the mandate under the law.

Thank you, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Nguna, do you want to say something?

Hon. Charles Nguna (Mwingi West, WDM-K): Hon. Temporary Deputy Chairlady, I am very happy with this amendment and I support it.

This is because of late, we have been seeing the media manipulate results, and even go ahead to give us the final results before we get it from the Commission.

I, therefore, support.

(Question of the amendment proposed)

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

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

(Proposed amendment by Hon. T.J. Kajwang' dropped)

(Proposed amendment by Hon. Peter Kaluma dropped)

(Proposed amendment by Hon. Amos Kimunya dropped)

(Clause 20 as amended agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Vice-Chair, Hon. Kaluma and Hon. Duale, your amendments then fall with the passage of that of the Leader of the Majority Party.

(Hon. T.J. Kajwang' spoke off-record)

The Leader of the Majority Party, you had indicated that you had agreed. So, we are good to go.

Clause 21

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 21 and substituting therefor the following new clause—

Repeal and replacement of section 44A of No. 24 of 2011. 21. The principal Act is amended by repealing section 44A and substituting therefor the following new section —

Complementary mechanism for identification of voters and transmission of election results.

44A. (1) Notwithstanding the provisions of sections 39 and 44, the Commission shall put in place a complementary mechanism for identification of voters and transmission of election results that is simple, accurate, verifiable, secure, accountable and transparent to ensure that the Commission complies with the provisions of Article 38 of the Constitution.

(2) The Commission shall make Regulations for the better carrying into effect the provisions of this section which shall be submitted to Parliament not later than thirty days from the date of the commencement of this section.

(3) Regulations made under subsection (2) shall be tabled and approved by Parliament before they take effect.

We have had discussions with the Leader of the Majority Party on this. Let me collect myself on this complementary mechanism for identification. I think I have seen the text. Leader of the Majority Party, which page is it?

(Hon. Amos Kimunya spoke off-record)

What the Leader of the Majority Party is proposing in Page 495 is a substitute to what we proposed, and I concur.

So, yes, I withdraw.

(Proposed amendment by Hon. T.J. Kajwang' withdrawn)

(Question of the amendment proposed)

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

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

(Clause 21 as amended agreed to)

Clause 22

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Chair.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, Clause 22 has something to do with electoral disputes. I beg to move:

THAT, Clause 22 of the Bill be amended by deleting the proposed new subsection (1A) and substituting therefor the following new subsection—

“(1A) An electoral dispute under subsection (1) shall be lodged with the Commission within seventy-two hours after the close of registration of all candidates in that election”.

It has something to do with electoral disputes after registration of all candidates which we are now calling it registration. When you go to the IEBC or to your returning officer to present the documents that the Member for Suba North is owning what is called a direct ticket; when you place it there, and all the people have now been registered, just before that decision is made to be accepted by IEBC, there should be a window through which Members of the public can raise complaints to IEBC. For example, to say that the Member for Suba North did not go to school, and I happen to know that she did, and I have the register of the schools that she went to, however, somebody can complain. That window should be around 72 hours because from Suba to Nairobi takes about 48 hours and to exercise your rights properly, another 48 hours thus making it 72 hours.

I propose.

(Question of the amendment proposed)

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

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

(Clause 22 as amended agreed to)

Clause 23

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Where is the Mover? Hon. Duale is missing. We will therefore, go on to have this Clause be part of the Bill.

THAT, the Bill be amended by deleting Clause 23.

(Question of the amendment proposed)

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

(Clause 23 deleted)

New Clause 19A

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 19—

Insertion of new section
33A in No. 24 of 2011.

19A. The principal Act is amended by inserting the following new sections immediately after section 33—

Publication of
registered
candidates.

33A. The Commission shall publish in the Gazette the names of political party candidates and independent candidates registered to contest in an election.

(Question of the new clause proposed)

(New clause read the First Time)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I call upon the Mover to move Second Reading of the new clause.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that new clause 19A be read a Second Time. The amendment is simple and makes common sense. When the Commission has received the names of all contestants, then it will have to publish the names in the *Gazette*. It is simple but important. It is about the official decision of the Commission on those who are going to contest in an election. Election petitions begin here. The *Gazette* notice itself can form the basis of an election petition. For example, one may say that Hon. Sankok, who was on the list, should not have been on the list. Of course, it will be the other way. I move.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): As we agree on this amendment, because it is very straightforward, I wonder: Suppose, we have 300 independent candidates for Parliament and 1,000 independent candidates for county assemblies, and all of them have to have symbols, do you not think that all the symbols that are available in the world will be finished? I am just wondering. I support the amendment because it is straightforward, but I am just wondering so that Hon. Kimunya can advise me in private.

The Temporary Deputy Chairlady (Hon. Soipan Tuya): I wonder where we will situate your wonder. Maybe, the Chairman can help you.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, Hon. Sankok should not worry. Even his flamboyant tie can be a symbol. It is actually beautiful and colourful. It can be a symbol.

(Question, that the new clause be read a Second Time, put and agreed to)

(The new clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 19B

THAT, the Bill be amended by inserting the following new Clauses immediately after Clause 19—

Amendment of section
34 of No. 24 of 2011.

19B. The principal Act is amended in section 34 by inserting the following new subsections immediately after subsection (8)—

(8A) A person shall not be nominated by a political party under subsection (4) unless the person is, on the date of submission of the party list by the political party, a registered voter in any of the wards in the county in which the person is to be nominated.

(8B) The nomination under subsection (4) by a political party shall, ensure equitable representation from all wards comprising the respective County.

(Question of the new clause proposed)

(New clause read the First Time)

The Temporary Deputy Chairlady (Hon. Soipan Tuya): I now call upon the Mover to move for Second Reading of the New Clause 19B.

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I beg to move that the New Clause 19B be read a Second Time. This is now not the Mariga case; this is akin to the Kethi Kilonzo case. You need to be registered in a ward in the county where you should be nominated. Previously, you could be registered in Nairobi and then you contest for a vacancy in Ikolomani or Turkana County. This is what we are trying to regulate so that the nominees must be registered in the electoral area in question. I beg to move.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Hon. Millie.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairlady, my understanding is that what the Committee seeks to address relates to nominating MCAs to meet the two-thirds gender rule, so that no party nominates people from outside the county in question. That would mean that no person registered in Turkana is nominated to serve in the Homa Bay County Assembly. As much as we may be trying to deal with provisions in the National Integration and Cohesion Act, it would be important that a person nominated to a county assembly has some links to the county so that their nomination does not create a lot of frictions. I know of two live cases that created a lot of frictions in the respective counties. One, unfortunately, concerned a friend of mine.

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Hon. Millie, I do not think the Chairman needs to clarify anything. The proposal does not only apply to the two-thirds gender rule, but persons with disabilities and the youth are also nominated. You need to be clear on that.

Hon. (Ms.) Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Deputy Chairlady, thank you for the clarification. I am mentioning the two cases as examples, even if the nomination has to do with PWDs and other categories. There are enough PWDs in every county. I do not think

we should disenfranchise them. This will also help parties to reward those who have worked very hard for the parties in certain areas. When you nominate a person who has not worked for the party in the said county, it discourages people. So, I support.

Thank you.

The Temporary Deputy Chairlady (Hon. Soipan Tuya): Leader of the Majority Party.

Hon. Amos Kimunya (Kipipiri, JP): Thank you, Hon. Temporary Deputy Chairlady. For purposes of the record, I was supposed to move this amendment, but we pushed it to the Committee. Members should know that there are two Elections (Amendment) Bills at the Committee of the whole House today. The one we are considering now is National Assembly Bill No. 3 of 2022. The other one is National Assembly Bill No. 41 of 2021. The latter is concerned with only this single provision. When we discussed the matters in the House Business Committee, we concluded that rather than passing two Amendment Bills to the same Act, we consolidate them into one. When this amendment is passed, then we do not have to consider the second Bill. The issue will have been considered in this Bill. Basically, this is a fast-tracking exercise. I am glad we had passed the Bill at Second Reading anyway.

There was no amendment to it in the Committee of the whole House. So, we lifted it to now consolidate the Elections (Amendment) Bill No. 41 into No. 3.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): That is a good clarification. Hon. Sankok.

Hon. David ole Sankok (Nominated, JP): Thank you very much, Hon. Temporary Deputy Chairlady. I support this amendment fully because it is very good. Thank you very much, Leader of the Majority Party, although you pushed it to the Vice-Chairman, Hon. T. J. Kajwang'. This is an affirmative action top up which needs to be for affirmative action groups. It should be a breeding ground for future leaders. If you are in Homa Bay County and you are nominated in Lamu County, how will we breed you up, so that you can contest a Member of the County Assembly (MCA) seat in one of those wards after you have graduated? That is because it gives you an opportunity to profile yourself?

It is like the affirmative action seats of the women representatives which you benefitted from, Hon. Temporary Deputy Chairlady. After two terms, you are so honourable. You said that you would retire and then leave this affirmative action slot that was given to you, so that another woman from Narok County can benefit from the same and profile herself. You profiled yourself to the level of the Chairperson's Panel. You almost became the Governor of Narok County because you are so honourable enough to leave the woman representative position for another woman in Narok County. This amendment is the same. It is a breeding ground. If you nominate a MCA with disability, a woman or the minority tribes from Turkana County in Mombasa County, you do not assist them. You give them a salary.

Thank you very much, Hon. Temporary Deputy Chairlady. I support the amendment a 100 per cent.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Hon. Shamalla.

Hon. (Ms.) Shamalla Jennifer (Nominated, JP): Thank you very much, Hon. Temporary Deputy Chairlady. I also rise to support this amendment, especially against the backdrop of strengthening of political parties. In as much as we would like independent Members to run, we want a situation in this country where we can run on ideological basis but not for the convenience of just winning or at the whims of certain politicians.

Where we are deliberating and stating that the nominees for the MCAs must come from a particular area, it strengthens the political party. It locks out abuses that can be meted out by the

leadership of the party by picking people from anywhere, when they have people on the ground in that particular area who have not necessarily run on an election ticket, but work extremely hard for the party.

With those few remarks, Hon. Temporary Deputy Chairlady, I support the amendment.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Majority Whip.

Hon. Emmanuel Wangwe (Navakholo, JP): Thank you, Hon. Temporary Deputy Chairlady. I support the amendment. The background of this amendment is on the basis that everything is local. When we nominate that group of persons, they represent the best local interests. We are curing a situation. We do not want to nominate somebody from outside a region or jurisdiction, which is in this case the ward, so that we cushion political parties, especially from the headquarters or the county regions, so that they do not just bring anybody to represent the interests which are not there.

Therefore, this is a good amendment. I support my Vice-Chairman. Thank you.

*(Question, that the new Clause be read
a Second Time, put and agreed to)*

(The new Clause was read a Second Time)

*(Question, that the new Clause be added to
the Bill, put and agreed to)*

Clause 2

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Vice-Chairman.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c)—

“(ca) inserting the word “valid” immediately before the words “Kenyan passport” in the definition of “identification document”.

This amendment fortifies the decision that we have taken in Clause 3 to bring in the word “valid”. That valid passport has been defined in Clause 2. This brings more certainty and cleans up the process.

(Question of the amendment proposed)

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

(Clause 2 as amended agreed to)

(Title agreed to)

Clause 1

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Vice-Chairman.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 1 and substituting therefor the following new Clause—

Short title and

commencement. 1. This Act may be cited as the Elections (Amendment) Act, 2022 and shall come into force upon publication in the Gazette.

This amendment fast tracks the operation of this Bill. As soon as it is assented to and gazetted, it will take effect immediately.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Majority Whip.

Hon. Emmanuel Wangwe (Navakholo, JP): Hon. Temporary Deputy Chairlady, I want a further clarification from my Vice-Chairman. He mentioned that once the Bill is assented to and gazetted, it will take effect immediately. However, the Order Paper does not insist on assent. Must it be assented to?

Hon. Amos Kimunya (Kipipiri, JP): The Bill will not be gazetted without being assented to.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Vice-Chairman.

Hon. T.J. Kajwang' (Ruaraka, ODM): Hon. Temporary Deputy Chairlady, in modern legislative practice, we do not put that. Assent is the signature of His Excellency the President. However, you can postpone commencement of an Act and everything else, if you do not specify how it will happen. For example, if the Senate passes this Bill by May, the Act should be operationalised in the manner it is amended.

Thank you.

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

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

(Clause 1 as amended agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): I now call upon the Mover to report.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Elections (Amendment) Bill, (National Assembly Bill No. 3 of 2022), and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuyu): Hon. Members, as explained by the Leader of the Majority Party, having passed the amendment on Clause 19(b) of the Elections (Amendment) Bill (National Assembly Bill No. 3 of 2022), automatically, the

Elections (Amendment) Bill (No. 41 of 2021) falls. It was well explained by the Leader of the Majority Party.

So, we move to the next Bill. We continue with Committee of the whole House. Now Members, we are in Committee of the whole House, on the Elections Campaign Financing (Amendment) Bill (National Assembly Bill No. 37 of 2021).

THE ELECTIONS CAMPAIGN FINANCING (AMENDMENT) BILL

(Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 agreed to)

Clause 2

THAT, the Bill be amended by deleting Clause 2 and substituting therefor the following new clause—

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): There is a proposed amendment by Hon. Oundo. He is not here. So, we shall move on to have Clause 2 as part of the Bill.

(Proposed amendment by Hon. (Dr.) Wilberforce Oundo dropped)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): I now call upon the Mover to move reporting.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Chairlady, I beg to move that the Committee doth report to the House its consideration of the Election Campaign Financing (Amendment) Bill, (National Assembly Bill No. 37 of 2021), and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): We now proceed to the Coffee Bill (Senate Bill No. 22 of 2020). We shall continue from where we left. We stopped at Clause 45.

Hon. David ole Sankok (Nominated, JP): On a point of order, Hon. Temporary Deputy Chairlady.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Yes, Hon. Sankok.

QUORUM

Hon. David ole Sankok (Nominated, JP): Hon. Temporary Deputy Chairlady, Hon. Members of Parliament from the coffee growing areas like Hon. Jude Njomo are just somewhere

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around. There is the issue of quorum. Let us just call them to come in. Standing Order No. 35 is on the issue of quorum. You can order the Bell to be rung so that they can come in. I know Hon. Jude Njomo and Hon. Lydia Wakago are somewhere taking tea. We need to move with them. We cannot propose amendments to the Coffee Bill with the likes of Hon. T.J. Kajwang' from Kisumu being present. This is not an issue of fish.

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Okay, Hon. Sankok, you have made your point. I now order that the Quorum Bell be rung for ten minutes.

(The Quorum Bell was rung)

The Temporary Deputy Chairlady (Hon. (Ms.) Soipan Tuya): Order Members. I now order the Quorum Bell to be stopped.

(The Quorum Bell was stopped)

We have clearly not raised the requisite quorum. We will have to move to report to the House the fact of the situation.

(The House resumed)

*[The Temporary Deputy Speaker
(Hon. (Ms.) Soipan Tuya) in the Chair]*

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): I now call upon the Chairperson to report.

Hon. Amos Kimunya (Kipipiri, JP): Hon. Temporary Deputy Speaker, I beg to report the fact that pursuant to Standing Order No.35(2)(b), and upon the ringing of the Quorum Bell for ten minutes, quorum was not realised.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Soipan Tuya): Hon. Members, the time being 5.43 p.m., this House stands adjourned until Wednesday, 13th April 2022 at 9.30 a.m.

The House rose at 5.43 p.m.