

**PARLIAMENT OF KENYA****THE NATIONAL ASSEMBLY****THE HANSARD****Wednesday, 11<sup>th</sup> May 2022**

The House met at 9.30 a.m.

*[The Deputy Speaker (Hon. Moses Cheboi) in the Chair]***PRAYERS****QUORUM**

**Hon. Deputy Speaker:** Order, Hon. Members. We are in need of more Members coming in so that we have sufficient numbers. I, therefore, order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

**Hon. Deputy Speaker:** Hon. Members, we are still quite short of the numbers. So, I order that the Bell be rung for an extra five minutes.

*(The Quorum Bell was rung)*

**Hon. Deputy Speaker:** Order, Members. We can now start.

**QUESTIONS AND STATEMENTS****ORDINARY QUESTIONS**

**Hon. Deputy Speaker:** On this particular Order, we have two Members who would like to ask the Ordinary Questions. We will start with the Member for Kibra, Hon. Benard Okoth. Is he in? Yes, he is. Kindly, proceed.

*Question No.104/2022***STATUS OF UPGRADING ROADS IN KIBRA**

**Hon. Benard Okoth** (Kibra, ODM): Thank you, Hon. Deputy Speaker. I rise to ask the Cabinet Secretary for Transport, Infrastructure, Housing, Urban Development and Public Works:

- (i) Could the Cabinet Secretary provide an update on the progress made in the upgrading to bitumen standards of the roads under the Informal Settlement Roads Programme in

Kibra Constituency, particularly in Sarang'ombe, Lindi, Laini Saba and Makina Wards?

- (ii) Could the Cabinet Secretary also provide the measures that the Ministry has put in place to ensure speedy completion of the said roads to the said specifications and standards?
- (iii) Could the Cabinet Secretary further provide the expected completion and commissioning dates of the said roads?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Very well. That Question will be replied to before the Departmental Committee on Transport, Infrastructure, Housing, Urban Development and Public Works.

We now go to the Member for Ndhiwa, Hon. Martin Peter Owino.

*Question No.117/2022*

ELECTRICITY CONNECTIVITY TO SCHOOLS  
AND TRADING CENTRES IN NDHIWA

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Deputy Speaker. I rise to ask the Cabinet Secretary for Energy:

- (i) Could the Cabinet Secretary state the measures that the Ministry has put in place to ensure that all schools in Ndhiwa Constituency are connected to electricity power?
- (ii) Could the Cabinet Secretary also state the measures that the Ministry has put in place to ensure installation of street lights in the following major trading centers in Ndhiwa Constituency: Migori, Ratang'a, Riat, Kobodo, Malela, Ongen'g, Sikwadhi, Magina, Nguku, Kodiera, Lwala, Pap Kamenya Kalamindi, Got Kojowi, Kipingi, Kamata, Goyo, Gaena, Kwoyo, Kodumba and Mbero in order to enhance security and facilitate trading activities?

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** That is well, Hon. Member. You have asked the Question and pronounced many of these stations with an English accent.

*(Laughter)*

I, however, hope that the people who will be attending to it will be able to translate them back to the original language.

**Hon. Martin Owino** (Ndhiwa, ODM): I hope so too, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** That Question will be replied to before the Departmental Committee on Energy.

**Hon. David Gikaria** (Nakuru Town East, JP): On a point of order, Hon. Deputy Speaker, Sir.

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

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Deputy Speaker, I asked a Question sometimes back on matters regarding education and fees charges; and teachers and principals sending away day school students, but I have never gotten feedback up to date. Even as we are

talking – and I hope the Cabinet Secretary for Education is listening – principals are sending students home when they are doing mopping up of the Form I students.

Hon. Deputy Speaker, the Chairperson for the Departmental Committee on Education and Research...

**Hon. Deputy Speaker:** First of all, and so that we do not go to the next Question before we finish up with this – because it would be asking a different Question – I would like to address this. When did you ask that particular Question so that we can make a follow up?

**Hon. David Gikaria** (Nakuru Town East, JP): I know it was in the last Session, but I do not remember the actual date. But I asked on this matter; and I even went ahead and named some four notorious schools, Hillcrest Secondary School being one of them, which are still sending students home as the Ministry is mapping out schools. The Cabinet Secretary has pronounced himself that no child should be sent home.

**Hon. Deputy Speaker:** Okay, Hon. Gikaria. That is fair, but I want to confirm. I will consult just to make sure that the Question did not lapse. If the Question has not lapsed, you will be given priority of some sort, so that you can address that particular issue. So, allow us to consult and you will probably get a response.

**Hon. David Gikaria** (Nakuru Town East, JP): Yes, Hon. Deputy Speaker. Prof. Magoha should take action against these people.

**Hon. Deputy Speaker:** To make it easy for you, Hon. Gikaria, after this, walk to the Table Office and then we will have made sure that we have given good instructions so that we are able to see the status. If at all it lapsed, you will have to ask the Question again.

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker.

**Hon. Elisha Odhiambo** (Gem, ODM): On a point of information, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Who do you want to inform, Hon. Elisha? Hon. Gikaria, do you need the information from the Member for Gem? The Cabinet Secretary could probably be coming from there. Do you want any information? You know the principle about information is that you must require that information. Do you require it or not?

**Hon. David Gikaria** (Nakuru Town East, JP): I do.

**Hon. Deputy Speaker:** What is your information, Member for Gem?

**Hon. Elisha Odhiambo** (Gem, ODM): Thank you, Hon. Deputy Speaker. I think my brother, Hon. David Gikaria, who is our former Chair of the Departmental Committee on Energy, knows very well that unless the Chairman of the Departmental Committee on Education and Research follows up this Question, Prof. Magoha would never know that you have asked a Question here, unless the Chairman of that specific Committee retraces your concern. Having said that, Hon. Gikaria, I will address it with the Cabinet Secretary himself.

Thank you.

**Hon. Deputy Speaker:** Well, I do not know under what capacity, Member for Gem. We want the normal channel. We do not want other channels. By the way, what you have just stated is obvious. It is actually not about follow up by the Chair of the Committee. Once a Question has been addressed to a particular cabinet secretary or a particular ministry, that matter must be responded to whether the Chair follows it or not. So, you are probably not right. What you needed to do is to confirm that the Cabinet Secretary is from your backyard. That is okay, but it is probably irrelevant as far as this Question is concerned. So, we will use the normal channels. Hon. Gikaria, march to the Table Office. Ignore Hon. Elisha for the time being. I think he is just a Member who had goodwill to make sure that this matter, which is serious, is responded to. We can leave it there. I see there are interests from other Members. Let us start with Hon. Murungi.

**Hon. Kathuri Murungi** (South Imenti, Independent): Thank you, Hon. Deputy Speaker. I am also concerned about the issue raised by my friend, Hon. Gikaria. Matters education are so weighty, especially now that Form Ones are joining secondary schools. At the moment, there is a lot of hue and cry, especially from Form One parents, that they are charged for school uniforms directly with school fees at about Kshs20,000

**Hon. Deputy Speaker:** Hon. Murungi.

**Hon. Kathuri Murungi** (South Imenti, Independent): Hon. Deputy Speaker, maybe you have not understood me. Before you disconnect me, it is a concern that I also want to know.

**Hon. Deputy Speaker:** I did not want to disconnect you. All I wanted to say is that there is an easier way of sorting out any issue. Yours is completely different. Give Hon. Murungi the microphone.

**Hon. Kathuri Murungi** (South Imenti, Independent): Thank you very much, Hon. Deputy Speaker. I was saying that parents are really suffering not only in my constituency, but across the country because of the fees levied on school uniforms. When I was in high school, we used to be given the colour of the uniform and we would buy cheaply from the local shops and tailors, but now parents of pupils and students are being forced to pay exorbitantly to some shops.

**Hon. Deputy Speaker:** Okay, Hon. Murungi. You are now extending your luck too much. You have made your point. I have heard you. The only thing I request you to do is to ask a substantive Question. In any case, people have already read the good intentions that you have about secondary school students. So, I think you can address it in the normal manner. I know there is very little time remaining and that is why Members are quick to try and come through different doors to ask Questions, but let us follow the right channels. So, let us proceed to the next Order. What is it, Hon. Pukose? Is it on the same thing?

**Hon (Dr) Robert Pukose** (Endebess, JP): No, Hon. Deputy Speaker. I asked a Question to the Ministry of Environment and Natural resources. The Cabinet Secretary and the CEO of Kenya Forest Service appeared before the Departmental Committee on Environment and Natural Resources. This particular Question was about CFS growing maize within the forest area and the Cabinet Secretary, Hon. Keriako Tobiko, admitted that in the studies they have done, there is no effect of maize on the trees in the forest. Apparently, he said there is going to be a status quo, meaning that farmers will continue to grow maize within those areas. Apparently, this was before the Departmental Committee on Environment and Natural Resources and they have sought to follow it up with the Director, Kenya Forest Service, and he has not given instructions to his officers.

**Hon. Deputy Speaker:** You do not have to make a request. I want you to have that matter taken to the Committee on Implementation for it to be addressed from there. Of course, you will appear before the Committee on Implementation, but the Chair is asked to pursue that matter. It is a valid one. So, that is a fairly straightforward one.

Next Order.

**Hon. Jude Njomo** (Kiambu, JP): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order, Hon. Jude Jomo?

**Hon. Jude Njomo** (Kiambu, JP): Thank you, Hon. Deputy Speaker. There is a crowd of old people who have been picketing outside Parliament from yesterday and they have spent the night in the cold. As the National Assembly, we should not be blind or deaf to the cries of the people who come to picket outside Parliament. Time has come when this House has to develop a procedure to address people who come to picket outside Parliament. Otherwise, they will remain

there and we will be seen as people who are not sensitive to the needs of our people. I think we should develop a system of addressing people who come to fight for their rights within Parliament.

**Hon. Deputy Speaker:** Okay, Hon. Jude Jomo, Member for Kiambu, that is a valid one. What you need to do is to send your proposals to the Procedure and House Rules Committee, which I can inform you will be meeting to tidy up the Standing Orders for purposes of use in the 13<sup>th</sup> Parliament. You will give the proposals on how you think some of the members of public who picket outside Parliament will be handled both in terms of their safety and that of the National Assembly, its Members and staff. If you could do that, it could be something that can be addressed and that is the easiest way of doing it. Any other way, I am not so sure we are able to assist at the moment. We obviously imagine that members of the public should probably be having their Member representing them here. These are the people who will pick their petitions and bring them to the National Assembly on their behalf. I think this is something that can be handled in the meantime using that avenue, but in the long term, create a way of handling them using the procedures that we have in the House.

Thank you, next Order.

## BILLS

### *First Readings*

#### THE LAND CONTROL BILL

#### THE PUBLIC FINANCE MANAGEMENT (AMENDMENT) BILL

#### THE VALUERS BILL

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

### *Second Reading*

#### THE HEALTH (AMENDMENT) BILL

*(Hon. Mwambu Mabongah on 6.6.2022 - Morning Sitting)*

*(Resumption of Debate interrupted on 6.6.2022 - Morning Sitting)*

**Hon. Deputy Speaker:** Hon. Members, eight Members had contributed. So, we are resuming debate. I am trying to see if there is a Member who had a balance of time. It does not seem so. Who wants to speak to this Bill? Hon. Oundo, do you want to speak to this Bill? Because it has been a long time, let me just make sure that you know who had spoken to the Bill. Hon. Mbui, Hon. Haji, Hon. Raheem Dawood, Hon. Waluke, Hon. Sankok and Hon. Kevin Wanyonyi had all contributed.

**Hon. (Dr.) Wilberforce Oundo** (Funyula, ODM): Hon. Deputy Speaker, I request not to speak to this particular Bill. Thank you.

**Hon. Deputy Speaker:** Okay. Let us have Amin Kassim. Do you want to speak, Hon. Amin?

**Hon. Rashid Kassim** (Wajir West, WDM-K): Yes. I had earlier raised an intervention regarding the issue of schools and the pronouncement that had earlier been made by the Cabinet Secretary, Prof. Magoha. He said that no headmaster or principal should chase students away on issues of school fees yet principals continue to deliberately do so.

**Hon. Deputy Speaker:** Hon. Members, why not seek an Adjournment Motion so that you can have all the time to speak? You know the procedures. We were responding to Hon. Gikaria and we have sorted it out. If we do it in any other way, it will be unprocedural. There are many things that you can do to raise your sentiments, but for now, I want people who will speak to this particular debate on the Health (Amendment) Bill.

**Hon. Rashid Kassim** (Wajir West, WDM-K): *(Spoke off-record)*

**Hon. Deputy Speaker:** Well, we ruled him out of order. Do not worry. He was volunteering information that was obviously not within his reach.

**An Hon. Member:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** There will be no points of order. You are out of order! Let us have Hon. Majimbo Kalasinga. Do you want to speak to this one?

**Hon. Majimbo Kalasinga** (Kabuchai, FORD-K): Thank you, Hon. Deputy Speaker. I would not like to speak to this Bill.

**Hon. Deputy Speaker:** Let us have Hon. Mabongah Mwambu. Hon. Majimbo Kalasinga does not want to. Hon. Oundo does not want to. Hon. Gikaria, do you want to speak to it? To this one, not any other.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Deputy Speaker, I rise under Standing Order No.95 to ask that the Mover be called upon to reply because there are other issues which are coming up. I wish the Mover could reply.

**Hon. Deputy Speaker:** Hon. Gikaria has made a request that the Mover be called upon to reply.

**Hon. David Gikaria** (Nakuru Town East, JP): Correct.

**Hon. Deputy Speaker:** That is a fair one. There seems not to be so much interest.

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

Mover, kindly reply. It is Hon. Mabongah, is it not?

**Hon. Mwambu Mabongah** (Bumula, Independent): Yes, you are right, Hon. Deputy Speaker. Thank you, Hon. Deputy Speaker. I take this opportunity to just make a few comments and observations that Members had raised. Maybe, most of the Members were not here last time when I moved debate on the Bill. The issues that were raised by Members have been captured here very well. The Member for North Imenti contributed to this Bill and raised something very important. I hope we will capture it in our final draft.

If you go to all our public hospitals, you will agree with me that there are so many people suffering today because they are unable to access the medical covers that the Government is issuing. We discussed last time and realised that most of the cards being issued have no funds yet people in the villages are struggling.

We also talked about emergency treatment. Three Members, namely, the Member for Sirisia and two Nominated Members were of the opinion that it is not very good that you can walk

into a public hospital where the Government has the responsibility to take care of its citizens and fail to get treatment because you do not have money. I proposed in this Bill that any public facility that does not provide treatment at the first call should be penalised because it is the responsibility of every Government to ensure that its people get treatment.

Something else that was raised in the discussion last week is that I proposed to amend Section 31 of the Health Act No.21 of 2017 such that the council reviews the policies. You realise that when you go to some public hospitals, because of the devolved health function, you find that one treatment centre has a number of medical officers, but in others, you cannot even get a clinical officer. You will only get nurses. If we can have a council that will review the posting of medical officers within and across counties, there will be a balance of medical officers. In our villages, people are dying from sicknesses that could be treated if we had medical officers on standby.

Many of our patients who go to India are like tourists there. Some of them sleep on the floor. I had an opportunity to visit India and I visited some of the public hospitals where people go for treatment for cancer and I was surprised. One funny thing is that when this disease is discovered early enough, it can be treated. There are medical officers who confirmed that cancer can be treated if it is diagnosed at a very early stage. I proposed in this Bill, and Members are in agreement, that even if we do not have a cancer medical centre in every county, we can begin by, at least, having one in every region. I proposed around eight regions in this country.

Something else that was observed by the Members for Kwanza and Endebess, which I tend to agree with, was that most public hospitals hide some medicines and refer patients to some clinics and stores. When you go to one chemist, you will find that there is a high variation in the price of medicine or drugs that you are buying. We propose to have a realistic variation; something that can run between 10 per cent and 20 per cent. There is no way a chemist can sell medicine at Kshs100 and in the same neighbourhood, another one sells the same medicine at almost Kshs500.

Those are some of the observations that we made. Another thing is that there is a Member who proposed that there be a way for the Government to cushion all cancer patients in the country so that they get subsidised treatment across all cancer centres in the country. Most of them end up selling all their properties and using all their savings because of the treatment they need. If there is a way in which this House can establish a fund to assist cancer patients, then it will save them a lot of pain.

Lastly, something else that was observed is that there is a problem in our public hospitals. There are many dead bodies which are not being collected. The Government has a leeway of disposing them. We realised that dead bodies are being kept long in mortuaries because relatives are trying to sell property so as to get money to pay medical bills. A dead body cannot be of any value even if it is kept for years. The proposal made on the Floor is that we should find a mechanism of settling bills after a poor family loses a loved one. They should be given an opportunity to do a decent burial and make arrangements on how to settle the medical bills. This has been a problem, especially in the villages where if the sole provider of a family passes on, the whole family struggles to collect the body for burial. I attended a funeral where people were struggling to sell their small piece of land and just leave a portion for the grave. The Government should find a way of relieving the pain of mourners because this will solve a lot of their problems.

This is a very important Bill which resonates with the masses who are suffering down there. They do not have access to treatment and if they lose loved ones, the Government seems to care less. Apparently, those punishing our people are the ones employed by Government to do the right things. All doctors should ensure they provide the highest standards of treatment and consider the people they serve.

Hon. Deputy Speaker, with those few remarks, I beg to reply.

**Hon. Deputy Speaker:** Very well. That having been sorted and looking at the numbers, I think we will not put the Question. So, we will go to the next Order.

*(Putting of the Question deferred)*

## BILLS

### *Second Readings*

#### THE PUBLIC SERVICE INTERNSHIP BILL

**Hon. Deputy Speaker:** We do not seem to have the Mover. So, we will move on to the next Order.

*(Bill deferred)*

#### THE NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND (AMENDMENT) BILL

**Hon. Deputy Speaker:** Hon. Tindi Mwale.

**Hon. Members:** He is not in.

**Hon. Deputy Speaker:** He is absent. Next Order! Hon. Gikaria was in. Actually, this is by Hon. Nimrod Mbai. Order, Hon. Pukose! You are bringing unnecessary issues. Let us move on to the next Order.

*(Bill deferred)*

#### THE PENAL CODE (AMENDMENT) (NO.2) BILL

**Hon. Deputy Speaker:** Hon. Gikaria, are you prepared to move?

**Hon. David Gikaria** (Nakuru Town East, JP): Thank you, Hon. Deputy Speaker. Kenya got its independence in 1963.

**Hon. Deputy Speaker:** First move it. I got a bit worried about the issue of independence because it is fairly known when we got our independence. I want you to move the Penal Code (Amendment) (No.2) Bill which you brought here. Do you want an Order Paper to help you sort this out? Somebody should give him a hard copy because he is in the category of Members who happily use hard copies. We are now in the Penal Code (Amendment) (No.2) Bill (National Assembly Bill No.47 of 2021). So, move it.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Deputy Speaker, I beg to move that the Penal Code (Amendment) (No.2) Bill (National Assembly Bill No.47 of 2021) be now read a Second Time.

Hon. Deputy Speaker, Kenya got its independence in 1963. The laws made at that time are colonial, yet they are still applicable to date. Some of the offences in this Bill are loitering and disorderly conduct.

My constituency is an urban area and the police have been harassing my constituents because of these colonial laws. In the Constitution, freedom of movement is a fundamental human



right. A person is free to move anywhere within the country without being harassed by the police. If the police in my constituency and other urban areas arrest you and do not have offences to charge you with, they normally rush to Section 182 of the Penal Code. Nobody loiters these days and as I have said, the Constitution is very clear on this matter. The objective of this Bill is to amend the Penal Code and repeal Section 182 which prescribes the offences of idling and disorderly persons. The law enforcers use this section to harass innocent members of the public. They cite touting to harass matatu operators who are doing genuine business to earn a living. Touting is simply advertisement of a vehicle.

I have also been accused of bringing an amendment to allow prostitution, but this is not the case. Most women operating genuine businesses in towns are arrested and because the police do not have anything to charge them with, they use Section 182(a) which describes idle persons as every common prostitute behaving in a disorderly or indecent manner in any public place.

Hon. Deputy Speaker, not every woman is a prostitute. Others are just doing normal and ordinary business around town. Whenever they are arrested, police officers rush to charge them under Section 182A. When it comes to matters touting, these young men are employed by Savings and Credit Cooperative Society (SACCOs) to advertise their vehicles. Of course, we do not encourage situations whereby, say, they take a customer's bag on one side and a child on the other. Why should you arrest a young man who is just advertising a certain transport Sacco?

The other crime is felony. Whenever young people go out to look for jobs and get arrested in the process, the police charge them with intention to commit a felony. Those, therefore, are the sections that I want amended. Of course, it does not involve the county governments hence does not require to go to the Senate. It is also not a Money Bill and as such will not occasion any additional expenditure of public funds. It is a simple amendment that will help my Nakuru residents not to be arrested in the manner I have explained.

I want to ask Hon. (Dr.) Purkose, to second.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker.

I want to second the Bill by Hon. Gikaria, the Member for Nakuru Town East. This is a very good amendment. It is an amendment to help the hustlers. It is an amendment to help the lower class people.

Many people face challenges in their day-to-day activities. I was in the constituency last week and some *boda boda* guys came to me: they told me that as they ride their *boda bodas* from Endebess towards Kitale town, they meet a police road block. The police there demand Kshs50 from each of them. I asked myself why such a thing should be happening in the current state of affairs. Fuel prices are very high right now. *Boda boda* riders have taken their motorcycles on loan and have to meet their various expenses yet a policeman who is employed, earning a salary, and is supposed to maintain law and order, is asking them to give out Kshs50! It is a shame! The Inspector-General of Police and the County Commander of Police in charge of Trans Nzoia should look into this matter, especially on the notorious Endebess -Kitale Road. Even in the evening, at around 3 p.m. police officers go to Cholim Road to extort money from the *boda boda* guys. This habit has to come to an end. It is not only limited there and that is why Hon. Gikaria is bringing this important amendment to the Penal Code. The police look for any excuse to arrest people they think are idling. Once they have arrested you, they look for whatever it is that they can charge you with. Now, because our laws state that you are innocent until proven guilty, they will have to look for excuses to ensure that those who are arrested in town... They charge people who have gone for appointment in town with touting! It is not good. This House should to the occasion and support this very important Bill by Hon. David Gikaria.

With those few remarks, Hon. Deputy Speaker, I second this important Bill. I hope the House will support it. Thank you.

**Hon. Deputy Speaker:** Very well, Hon. Members

*(Question proposed)*

**Hon. Deputy Speaker:** Let me, specifically, ask if the Members whose cards are on want to speak to this Bill? Hon. Amin, you want to speak to this one?

*(Hon. Rashid Kassim spoke off-record)*

No. Hon K'Oyoo, do you want to speak to it?

*(Hon. Onyango Oyoo spoke off-record)*

No. Hon. Mbogo Menza, you want to speak to it?

*(Hon. Mbogo Menza spoke off-record)*

No. Hon. Rindikiri Murwithania?

*(Hon. Mugambi Rindikiri spoke off record)*

No. Hon. Njomo Kangethe is probably, on something else. Hon. Nyikal, I am sure you would want to speak to this one. I have known you for the last four years. You are the only one who wants to speak to it.

Hon. Members, let us put it this way: after the contribution by Hon. Nyikal, because of no interest by Members, we will give Hon. Gikaria a chance to reply. Thereafter, if there is something that Hon. Njomo wants to raise, he will do so because there are only two Members interested. I am sure Hon. Gikaria will... Sometimes it is good to have these things go as quickly as we have done because it helps. We are at the tail end of this Parliament.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Deputy Speaker for giving me the opportunity to comment on this matter.

I rise to support this Bill. The issues that Hon. Gikaria is addressing are real. The sections of the law that he is quoting are actually being abused. If you look at them keenly, you may find that they are against the Constitution. For example, you will find young people and women being accused of touting and hawking, yet we are supposed to be promoting a 24-hour economy. Whenever they are found late in the night trying to sell their things, they are arrested. The police resort to charging them with idling, loitering, and touting with the intention to commit a felony.

If you look at all these, it is very difficult to even get evidence to protect yourself. It is your word against the police! Some of the young men could just have been enjoying themselves in a dance, but they are picked up by police officers. So, all they are forced to do is to look for money to pay the police officers. We, therefore, cannot accept laws that are being abused in this manner.

Hon. Gikaria, I support this because if we look at it keenly, we may find that these things are restricting some rights in the Constitution, including freedom of movement, and freedom of association. If we, therefore, amend them, we shall be improving that part of the law to make it be in line with the Constitution as it is now.

I support.

**Hon. Deputy Speaker:** Very well, Hon. Nyikal. You have actually, saved the day because it would be terrible for a Bill to go through without contribution of Members who are representatives of the people. I see that the interest is a bit low. I will therefore ask the Mover to reply.

**Hon. David Gikaria** (Nakuru Town East, JP): Hon. Deputy Speaker, I want to thank Hon. Purkose and Dr. Nyikal for supporting this Bill.

As Dr. Nyikal puts it, those offences are colonial, and they go against the current Constitution. This is where you deny a person the fundamental right to movement, for example. This is what the police are doing. They have cartels for collecting money. They normally swing into action on Fridays and Saturdays. This amendment will go a long way to address the problem.

When you are in town, you will find people doing their small businesses. There are those who pull their small *mkokotenis*. Police appear from nowhere and arrest them! If you try to tell them that *mkokoteni* is your business, they do not want to listen. When you land in the police station, it is either you were loitering or touting. People have accused me of bringing a law that legalises prostitution. I am not legalising prostitution. Prostitution can never be done by a single person; it has to be two people. There must be a woman and a man. When you arrest a woman and you charge her of doing those kinds of things... Even if you go to court, they will eventually collect bribes and other things. I do not know what they call them these days, especially on Fridays and Saturdays.

I am saying this because one day, a lecturer of a university was arrested and taken to Central Police Station. You know, when you land in a police station they take all your items, including your phone. It was very unfortunate for a husband to see the wife on camera arrested for matters to do with prostitution. The husband went to court the following day to say that the wife does not do that kind of business. If this is amended, it will go a long way in addressing some of the small crimes that the police normally mischarge people with, particularly loitering and touting. These are some of the issues that they always place on our youths.

I wish to reply Hon. Speaker.

**Hon. Deputy Speaker:** Very well, and therefore we will not put the Question for obvious reasons. We will move to the next Order. Before we move to the next Order, let us hear from Hon. Jude Njomo. What is your issue, Hon. Njomo?

## MOTION

### ADJOURNMENT OF THE HOUSE FOR THE PURPOSES OF HOLDING A MEMBERS KAMUKUNJI

**Hon. Jude Njomo** (Kiambu, JP): Hon. Deputy Speaker, pursuant to Standing Order No. 31, I seek leave for adjournment of the House for the purposes of holding a Members *Kamukunji* today, 11<sup>th</sup> May 2022, at 11.00 am. This is to deliberate on matters relating to Members welfare during the 12<sup>th</sup> Parliament and in particular Members of the National Assembly. It is for this reason

that I seek leave for the adjournment of the House in order to deliberate on the said matters that I have indicated.

Thank you Hon. Speaker.

**Hon. Deputy Speaker:** Hon. Members, just to inform you that Hon. Njomo is moving under our Standing Order No. 31, a Standing Order that is used sparingly. I am not aware that in my stay in this Parliament, I have witnessed it. I have been here for quite some time Hon. Members. I have not heard of it. It used to be very frequent during the earlier Parliaments where some Ministers would move an Adjournment Motion here with interest of going to receive the President at the Airport. I am trying to say Hon. Njomo is a man of firsts, in many occasions. This is a first time. I have not heard of it myself. It is in our Standing Orders and we only need to confirm that it is not frivolous, vexatious and that it is not an abuse of proceedings. In all the three that I have mentioned none of them gets to the Motion by the Hon. Njomo.

Hon. Njomo, you are perfectly within your position to move this because the Members *Kamukunji* is an extremely important component of this House. It is that kind of a time that Members speak freely and informally to each other and exchange issues that are of concern to them and their constituents.

Having confirmed that, I have no other thing that I can do other than to put the Question, I will proceed.

*(Question put and agreed to)*

Hon. Members, just to inform you that you have passed that particular Motion. Therefore in the next 15 minutes you should be starting the *Kamukunji* here in the Chamber.

### ADJOURNMENT

Hon. Members, the time being 10.45 a.m., this House stands adjourned until Wednesday, 11<sup>th</sup> May 2022 at 2.30 p.m. for the formal sitting. For the informal sitting, the *Kamukunji*, will be in the next 15 minutes.,

Thank you very much.

The House rose at 10.45 a.m.