



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

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## THE HANSARD

Friday, 29<sup>th</sup> November 2024

The House met at 9.30 a.m.

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

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Hon. Members, there is no quorum in the House. Serjeant-at-Arms ring the Quorum Bell.

*(The Quorum Bell was rung)*

**Hon. Deputy Speaker:** Hon. Members, let us proceed.

*(Hon. Lillian Siyoi and several Members stood in the isle)*

I will give you a minute to take your seats. Hon. Siyoi break up that committee. First Order.

### PAPERS

**Hon. Deputy Speaker:** Hon. Naomi Waqo on behalf of the Leader of the Majority Party.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2024 and the certificates therein in respect of —

1. Transforming Health Systems for Universal Care (THS-UC) Project Grant Ida Credit No. 5836-KE, TFOA2561, TFOA2792 and CR. P152394 – Ministry of Health;
2. Dandia Primary Healthcare (PHC) Support Programme – Ministry of Health;
3. Technical Assistant to Enhance the Capacity of the President’s Delivery Unit (ABD Grant No. 5500155012902) project – State Department for Internal Security and National Administration;
4. Kenya Electricity Modernisation Project (KEMP) (IDA CR.NO. 5587 KE) – State Department for Energy;
5. Nairobi Inclusive Sanitation Improvement Project Grant No. 5600155005153 – Athi River Works Development Agency;
6. East Africa Skills for Transformation and Regional Integration Project (Credit Number 6334 KE) – Kenya Coast National Polytechnic;
7. Nairobi Water and Sanitation Project (Credit No. CKE113501H) – Athi Water Works Development Agency;

8. Green Zones Development Support Project Phase II (Credit No.P.KE-AAD-005) – Kenya Forest Service;
9. NEMA-GCF readiness and preparatory support: “NEMA capacity strengthening programme towards accessing climate finance from Green Climate Fund” – (Credit No: KEN-RS-003) – National Environment Management Authority;
10. Early Action Support Project (EASP) – Grant No. 2015-39790 – State Department for Environment and Climate Change;
11. Petroleum Development Levy Fund – State Department for Energy; and
12. Horn of Africa Gateway Development Project Grant/Credit Number 6768-KE – Kenya National Highways Authority.

Thank you, Hon. Deputy Speaker. I beg to lay.

**Hon Deputy Speaker:** Next Order. Hon. Members, allow me to reorder the Order Paper. Yesterday, it was raised that there are some Bills which have been pending the entire year. I reorder as follows: We now move to Order No.13 and then come back to Order No.7 on Questions and Statements, then the rest will follow. Order No.13.

*(Hon. Deputy Speaker consulted with Clerks-at-the-Table)*

**Hon. Deputy Speaker:** Next Order.  
Clerk, read out Order No. 13

## BILL

### *Second Reading*

#### THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL (National Assembly Bill No.5 of 2023)

**Hon. Deputy Speaker:** Hon. Makali Mulu

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you, Hon. Deputy Speaker. I beg to move that the Parliamentary Pensions (Amendment) Bill (National Assembly Bill No. 5 of 2023) be now read a Second Time.

I want to start by appreciating the opportunity granted to me to move this important Bill. Members need to note that this Bill touches on a Member of Parliament. We have an Act of Parliament that takes care of our pension, the Pensions Act (Cap.189). The Act was enacted before the new Constitution, 2010. Even though Parliament took time to harmonise Acts of Parliament with the new Constitution, unfortunately it is when we are harmonising our own Act, the Pensions Act (Cap.189) 13 years after the promulgation of the new Constitution. That shows how unfair we have been to ourselves.

This Bill was initiated by the current Governor of Taita Taveta County, Hon. Mwadime when he was a Member of Parliament. However, it never saw the light of day. We worked very closely with him then. In fact, we had agreed that I would second the Bill then. God was so gracious to him; he is now the Governor of Taita Taveta County. After the 13<sup>th</sup> Parliament was elected and sworn in, I took over this Bill so that we pass it into law.

The essence of this Bill is to harmonise the Pensions Act (Cap.189) with the new Constitution. The new Constitution created a number of new institutions. One of them was the Senate, which was not there when the Pensions Act (Cap.189) was enacted and the Salaries and Remuneration Commission (SRC). The other institution that was also created and has become a constitutional commission is the Parliamentary Service Commission. Before the new

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Constitution we also used to have what was called “The Office of the Controller and Auditor General (CAG).” We now have the Controller of Budget and the Office of the Auditor (OAG) General as a result of the new Constitution. The office of the Controller and Auditor General was separated into two offices. It is against this background that we have to amend the Pensions Act (Cap.189) so that we get it right in terms of the current Constitution.

The Bill has a number of clauses that are straightforward. It is just a matter of including the new institutions. For example, if you look at the current Act, there is no mention of the Senate. “Parliament” means the National Assembly, which means that the Senate is left out. So, one of the things we have done is that we have made sure that where it is written “National Assembly” we write “Parliament” and “Parliament” means both the National Assembly and the Senate. It is in light of that that we have proposed amendments to clauses 2, 3, 6, 7, 9, 11, 13, and 14. We are just replacing “National Assembly” with “Parliament” and “Parliament” is defined to mean the Senate and the National Assembly.

Clause 3 of the Bill defines who a child is. The current Act defines a child as anybody below 16 years. We know that we now have a new definition of a child as anybody who is below 18 years. Therefore, we are now changing the age from 16 to 18 years so that it is aligned with the new Constitution. Still on the definition of a child, the Pensions Act (Cap.189) defines the girl-child differently. It says, in case a girl-child gets pregnant before the age of 18 ... There are a number of things mentioned that are irrelevant in the current Constitution. What we have done with this Bill is just to clean up the Pensions Act (Cap.189). A child will be anybody below 18 years. So, as long as one is 18 years and he is a child of a Member of Parliament, he will benefit like anybody else as per the pension rules.

In Clause 4, when a Member of Parliament joins Parliament as a new Member and serves for only one term, he will be entitled to gratuity at a rate of 31 per cent. If he serves for more than one term, he will be entitled to pension. What has been happening is that – this is very common – some Members have been elected to this House, they serve their first term and they lose elections. When they are out there, they go to try again and sometimes, by God's grace, they come back again for their second term. Now, when you lose after the first term, you are always paid your gratuity. However, to be pensionable if you come back for a second term, you are required to pay back the gratuity. You can imagine the inconvenience. When Members come back from an election, they do not have money but they want to join another pension scheme because they are second-termers. They are expected to pay back the gratuity so that they earn their pension. This has been a major challenge to the Members.

This Bill is proposing that immediately a Member is elected and joins Parliament, he will be given an option to choose either to be paid gratuity or pension. If a Member joins for the first time, in year one, he will wait because before the election he did not qualify for pension. So, after year one, he will automatically earn gratuity. However, in case a Member is elected for a second term, this Bill opens a door for them to choose whether they will want to go the gratuity way or the pension way. If they choose to go the gratuity way, then there will be no need for them to pay back the gratuity they were paid after their first term. They will serve their second term and get their gratuity again. They will, therefore, get gratuity for the second time. Currently, it is automatic. When a Member is elected for a second term, he has no choice but to pay back the gratuity to become pensionable. The Bill opens the door for a Member to make a choice. That will be good so that when a Member comes back, they will not be forced to pay back the gratuity money.

Clause 5 says that once a Member determines that they will be paid pension, that will pave way for the necessary deductions in line with the pension rules or the SRC recommendations. Pension is a contributory scheme. A Member will be contributing and then the Government will contribute the other share. So, according to Clause 5, once you choose to be pensionable, the necessary deductions will be done.

The other important clause is Clause 8. It talks about we, the Members. Once we decide on a gratuity, then we will get it at 31 per cent. Our current Act states that you can only access your pension once you are above 45 years of age. So, if you serve for two terms and you are voted out before you turn 45 years old, you will not be paid your pension even though you would have qualified for it. You will have to wait until you are 45 years old.

Clause 10 states that in case you retire on medical grounds where a medical board has confirmed that you cannot continue with your work and you are pensionable, you can be paid your dues even if you are below 45 years of age. There are situations where one might get sick, you are pensionable, and you require that money to go to hospital, but you are not yet 45 years old. With this amendment, you will be able to access some of your benefits, which can also help you to take care of your family.

Clause 11 is also important. There are some Members who die before they even serve in Parliament for one year. Once you die, you cannot pay the general insurance. This clause proposes that if you die before the end of your first year in Parliament, your family should be paid an equivalent of your one year's salary. You would not have served for one year, but your family should be paid an equivalent of your one year's salary, bearing in mind that you would have come from an election where you spent your resources. Now that you, as the breadwinner, have gone to be with the Lord, your family will be paid the equivalent of your one year's salary to help them settle. That is important.

The other important matter is that the current Act presumes that only men are elected to Parliament. That is why it only talks about widows but not widowers. The assumption was that there would be no women Members of Parliament. I have seen many women Members of Parliament like the Hon. Deputy Speaker, who is now pensionable. The current Act is structured in such a way that in case anything happens to a woman Member of Parliament, her spouse will not receive anything. We are amending the Act to appreciate the fact that we now have women Members of Parliament who are our sisters. In case anything happens to them, their spouses, who will now be widowers, will be treated in the same way that we treat widows. That is an important amendment because the reality is that we will always have women Members of Parliament and we cannot discriminate on matters of pension. In case anything happens, that door will be open. The amendment Bill addresses that matter.

Clause 14 talks about the management committee. We initially had the Pension Management Committee as a sub-committee of the Parliamentary Service Commission (PSC), which dealt with pension matters. It was then chaired by my colleague, Hon. Mwadime. The Committee is currently only made up of membership from the National Assembly because the Senate is not recognised by the current Act. This clause seeks to include the Senate in the membership of the Committee, so that both Senators and Members of the National Assembly sit on the Committee. The Committee will then reflect the true image of Parliament, which is made up of both the Senate and the National Assembly. Clause 14 also defines the quorum of that Committee to settle and conduct business.

Clause 15 talks about a tribunal which deals with pension issues or appeals by Members. The tribunal already exists but its membership is only made up of Members of the National Assembly. We are opening up the membership to include Senators. The current Act also states that the tribunal draws money from the Consolidated Fund Services to take care of their expenses. They have been drawing funds from the National Treasury. We are amending the Act so that their expenses will be funded by the PSC to make it easier for them to operate. Currently, any time they want to sit, they must write to the National Treasury to give them authorisation and financing. If they are under the PSC, they will be facilitated any time that they want to sit just like any other Committee of the PSC. That will make it easier for Members to get justice.

Clause 16 addresses audit issues. Pension funds are normally audited. The current Act talks about the Office of the Controller and Auditor-General. However, we know that the Office of the Controller and Auditor-General is no longer in place. It was repealed and replaced by the Office of the Auditor-General. Therefore, audit matters will be handled by the Office of the Auditor-General. Members will be able to get their dues on time without any problem.

In summary, those are the issues that we sought to amend in the Bill. It is worth noting that there was another Bill by Hon. Dawood, the Member for North Imenti, which was a replica of this one. We agreed to push this one forward because once it is passed, it will address all those issues.

Hon. Members, I am sure that most of you have interacted with our colleagues who left this House many years ago. Some left 10 years ago, and others 15 years ago. Any time you meet them, I am sure you would not want to experience what they are going through 20 years from now. Some of our former colleagues are going through a very hard time.

There was a Commission which proposed that, if possible, the Government should provide US\$1,000 per month to support them. That Bill was championed by my friend, Hon. Waluke, but we were not able to pass it because of the budget implications. Since all of us are potential former Members of Parliament, I urge you to take this matter very seriously and come up with an arrangement so that our former colleagues who served in Parliament when there was no pension, when there were low salaries, when being a Member was about service to humanity and not salaries, and when there were no allowances or facilitation in terms of staff, are appreciated for the service they delivered to this country. We should revisit that matter. We can support them, especially in terms of medical support. The other thing I want to say, which relates to Members of Parliament, our former colleagues who are out there, some of them are...

**Hon. Kangogo Bowen** (Marakwet East, UDA): on a point of order, Hon. Deputy Speaker.

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

**Hon. Kangogo Bowen** (Marakwet East, UDA): Thank you, Hon. Deputy Speaker.

I did not want to interrupt my good friend, Hon. (Dr) Makali. Maybe, a point of information to my good friend because he mentioned a tribunal, that in his proposal and the amendment he is working on, he is also looking at establishing a tribunal. I just want to inform him, and maybe if he can elaborate, Article 159 of our Constitution of Kenya 2010 places all tribunals under the Judiciary. I just want to understand from his amendment how is that going to work? Is it not going to be unconstitutional or conflicting?

**Hon. Deputy Speaker:** Yes, I think that was a point of information. But we will have an opportunity at the time when we are debating, because currently, the Member is just moving...

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Yes, I was just moving, Hon. Deputy Speaker, but maybe...

**Hon. Deputy Speaker:** For your information, all tribunals, even though members come from the parent institution, are managed under the Judiciary.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Yes. Thank you so much.

**Hon. Deputy Speaker:** You proceed, but we will have an opportunity...

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): It is good you informed me because you used to be the Chief Registrar of the Judiciary, and I think you are well guided. This tribunal would just be our own tribunal for purposes of pension. But as the Hon. Deputy Speaker says, membership will come from here, and it would be from both the National Assembly and the Senate.

Hon. Members, we are all potential former Members of Parliament, and very soon, we will be out there as former Members. One challenge our colleagues face is the issue of medical cover once you are no longer a Member. And even as we legislate matters pension, it would

also be very important that the Parliamentary Service Commission comes to the aid of former Members of Parliament on matters medical cover so that we have an arrangement where, even though we are out there, there is a mechanism where you, as a former Member of Parliament, can pay to a fund from your resources. But the fund is centralised for former Members of Parliament so that it becomes easier for purposes of management. That will help.

With those many remarks, I want to urge Members to support these amendments because they are long overdue. This is so that we can have it become an Act of Parliament so that it can enable Members to enjoy some things that are being proposed in this Bill.

I, therefore, beg to move, and request Hon. (Dr) Oundo to second this Bill. Sorry, Professor.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Deputy Speaker.

You know, we come from different parts of the country and therefore, it is struggles pronouncing some names. My name is Hon. (Dr) Ojiambo Oundo, from Funyula Constituency; the land where, when you throw a stone, you are likely to hit somebody who at least has got a degree.

*(Laughter)*

Before I became a Member of Parliament, I used to look at Members of Parliament with a lot of admiration, and I still do. Many of us must appreciate that we become Members of Parliament primarily to serve the people of Kenya, and to serve humanity. As we serve the people, many a time, we commit all our resources towards serving the people of Kenya, and at the end of your term, you go home with nothing; or you have depleted all your assets, resources and the income that you had before you joined Parliament. And therefore, like any worker, you are entitled to a peaceful life upon retirement.

There have been so many studies that have been released in this country that seem to suggest that Kenyan workers are the most underpaid or Kenyan retirees live the most deplorable life compared to other parts of the world. They do so because the pension available is so meagre that they are unable to meet the basics they require in life. This should never happen to a Member of Parliament having put in many years to serve this country, pass very important laws, and preside over budgets. And that is why I totally agree with Hon. (Dr) Makali Mulu that it is important that we continuously make changes to the Pensions Act to ensure that Members of Parliament get the necessary resources to enable them live a dignified life. I remember in the last term, Hon. Mwadime, the now Governor for Taita Taveta, had a similar Bill but somehow, it never went through because there were objections from the National Treasury.

The amendments proposed by our colleagues are very progressive to the extent that they seem to address many pertinent issues that normally affect Members of Parliament. I do not want to go through the issues, but allow me to address two or three issues as I second this Bill.

The first issue is on Clause 13, which relates to medical cover post retirement. Many Members of Parliament would probably serve and live for many years to come, and as for medical expenses, you will never know when they will come. And when they come, they might find you are unable to meet those medical expenses. It will be a humiliation or an indictment to the National Assembly or Parliamentary Service Commission that their former Members of Parliament are unable to meet medical expenses.

I do not know how we can coach amendments to Clause 13(a) in a way that runs in tandem with pension contribution. What Hon. (Dr) Makali Mulu is proposing is that the Commission may establish voluntary post-retirement medical scheme for Members of Parliament, yet when a Member of Parliament has left Parliament and is at home doing their

own things is unable to meet medical bills. If that happens, who will they go to? They will go back to the serving Members of Parliament who would in turn organise colleagues to contribute. We need to structure it in such a way that the pension that we pay, if the Retirement Benefits Authority (RBA) can agree, comes as a complete package. It is a pension as well as some arrangement for post-retirement medical scheme so that we ensure our Members are taken care of.

Second is on the issue of widows and widowers. The other day, I was in Public Accounts Committee and raised an issue with the National Treasury. I asked them why it is always the case that in pension matters widowers are never considered as beneficiaries. All they said was that they never contemplated that a wife would die and leave a husband. And that is why it is a common practice all over this country...

**Hon. Martha Wangari** (Gilgil, UDA): On a point of information.

**Hon. Deputy Speaker**: Hon. Wangari, what is your point of information?

**Hon. Martha Wangari** (Gilgil, UDA): Hon. Deputy Speaker, allow me to inform Hon. (Dr) Oundo that they did not consider that a woman would die. Probably, the law never considered that a woman would be the Member of Parliament and leave a widower. That is what they had never considered. It is just a point of information. Things have changed.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): I completely agree that things have changed. Men are an endangered species. We live knowing that.

We need to be very realistic. Naturally, if you ask the ladies here... Ninety per cent of ladies in this country list their children or mothers when they fill their next of kin forms; not their husbands. It is a common practice. Therefore, this is a progressive Bill. The honourable ladies who are here, please, declare your husbands so that they become recognised even as widowers. In the event God takes your life and you are still serving or you have served, allow your man or husband to enjoy the pension. Whether you like it or not, that man has supported you in your political journey. That man supported you in one way or another. It is none of your business even if he remarries many other wives. Let them enjoy the pension.

Hon. Deputy Speaker, the other progressive part we also need to look at is children. Yes, the Constitution provides that a child is anybody below the age of 18 regardless of whether they are boys or girls, but we must make some accommodations. The legal minds can assist us on how that is going to be done. Nowadays children stay in our homesteads up to their 20s because of going to college and university. Some stay with parents even beyond the age of 23 years. We really make life difficult for them when we exclude them from any benefits of this nature.

As I conclude, to be honest, former Members of Parliament go through a lot. That is a fact, especially about those who do not have any profession to fall back on once they leave. They live a miserable life. When you walk around, you will find them hovering around here looking for a cup of tea or something. A Member of Parliament is an honourable member of society. We must treat them with some respect and take care of them at the end of their service. We should ask members of the society to stop the habit of bashing Members of Parliament and taking them to be the easiest punching bag.

Why establish Parliament if you do not want Members of Parliament? Why do you want them to pass laws? Why do you elect them if you do not want them? Abolish Parliament instead of bashing them every day. You say, "*Sasa yeye anakula pesa yetu ya CDF.*" You say that even when you see a Member of Parliament buying a good shoe. We need to get this mentality away from Kenyans. Members of Parliament are their sons and daughters, husbands and wives, girlfriends and boyfriends, and *mipango ya kando* or whatever you call it. Members of Parliament support quite a lot, especially the men. They support quite a lot in society. We must continuously support Members of Parliament to deliver service even when their term ends.



**Hon. Samwel Chepkonga** (Ainabkoi, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Chepkonga, what is your point of order?

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): I rise pursuant to Standing Order 91 on accuracy of statements.

Is it in order for the Hon. (Dr) Oundo to claim that Members of Parliament have *mipango ya kando*? He has, in fact, contradicted himself. He has said Members of Parliament are very honourable people. Members of Parliament cannot have *mpango wa kando*. The Marriage Act we passed in this House allows one to get married to more than one wife, like Akuku Danger who had 97 of them. You do not need to have a *mpango wa kando* when the law allows you to marry as many wives as you want. We cannot have *mipango ya kando* because we are an honourable House. It is not possible. These Members cannot even fathom that such a situation can occur.

Hon. Deputy Speaker, Hon. Oundo is out of order.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you. *Mpango wa kando* is not even English.

**Hon. Deputy Speaker:** You are properly informed.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Yes, I am properly informed. However, we must allow society to progress. The society lives in very many ways. With those many remarks, I second the Bill by our honourable colleague.

Thank you.

*(Question proposed)*

**Hon. Deputy Speaker:** Leader of the Majority Party, do you want to contribute?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Yes, Hon. Deputy Speaker. Thank you for this opportunity.

Allow me to first thank Hon. Makali Mulu for moving this Bill. I also thank Hon. Mwadime who is the Governor of Taita Taveta. He was the original sponsor of this Bill in the last Parliament. It is good that Hon. Makali Mulu has taken it up. Hon. Deputy Speaker, I thank you for your indulgence for allowing us to move to Order No. 13 so that we do not lose this Bill again. It is a very important Bill.

I do not want to belabour what has already been said. I will just point out a few things. I was worried when I heard Hon. Makali Mulu talk about Government contributing for a year to take care of medical expenses of former Members of Parliament. I was wondering where he found that in the Bill. He just informed me that it was something he was just saying that we should add. I thought I should start from there.

Without anticipating debate, Hon. Deputy Speaker, and with your indulgence, I just want to inform the House that the Tax Procedures Bill is part of the laws that are before this House and due for Second Reading. It has a provision making tax-deductible post-retirement medical contributions of up to Ksh20,000, down from Ksh10,000.

Members of Parliament and Kenyans who are in employment today can contribute to a post-retirement medical scheme. One is allowed to contribute up to Ksh20,000 per month, that is, a total of Ksh240,000 a year before taxation. It becomes a tax-deductible expense. That is to encourage us to contribute to post-retirement medical schemes when we are in active service because it will come in handy. We do not need to ever go back to public coffers to pay for people who are in retirement.

I know Hon. Makali Mulu, who is in the same profession as me, is getting it from the private sector, although he worked in the public sector. In the private sector, many companies pay medical cover for their staff post-retirement for at least a year as one is naturalised to the

world out there. It is different for us public officers because the taxpayer will have to pay the money. Therefore, I would not have agreed to that if it were in the Bill. I discovered it is not there when I perused the Bill. It is good to make that clear so that people out there do not misconstrue the intentions of this Bill. When the public hears anything parliamentary, it imagines contributing more money or Members of Parliament are getting more money, especially now when you talk about the Parliamentary Pension Scheme.

I was checking my last pay slip. I discovered I contribute Ksh59,328.50 to the Parliamentary Pension Scheme every single month. The money is deducted from my salary over and above National Social Security Fund (NSSF) contributions. The misconception is that we pass laws that do not affect us here. However, we pass laws that also affect us because we know better. We know you will need to be taken care of beyond the term of active service.

Today, millions of our elderly people above the age of 65 are under cash transfer programmes, including former Members of Parliament. Hon. Oundo has said there are those that we see around here. There are many others who are benefiting from the Ksh2,500 of the cash transfer programme. They would not need to go back to public coffers to get cash transfers if they had a good pension scheme. That is even the essence of NSSF enhancing contributions. We have a society where everybody is dependent on public coffers because people worked for 30 years contributing Ksh200 a month. You will save only Ksh144,000 at the end of your 30 years of service. If you are given the Ksh144,000 at the end of your active service at the age of 60 or 55, you will wipe it out within a few months yet you are getting a pension of about Ksh2,000 or Ksh3,000 only. That amount of money cannot even take care of your medical expenses. Therefore, just for the record, this Bill is coming at a very good time.

Secondly, the members of the Fourth Estate will misreport tomorrow in the newspapers. We will see headlines like, 'Members of Parliament Increase their Pension' or 'Members of Parliament Increase their Pay', yet this is money we contribute from what we are already being paid.

As the Mover said, this Bill aligns with the 2010 Constitution, especially in roping in the issues of widows and widowers that were discussed in the Senate. I do not know whether it is the law that did not envisage that there will be widowers, or female Members of Parliament. I do not know whether it also never envisaged there will be Members of Parliament who are single ladies, divorced, or separated from their husbands. It is good to encourage such men and women who are divorced or separated from their spouses to designate somebody. I am not naming Members, but I am sure somebody is listening to me. You can designate even a colleague to take care of your children when you are not there. I encourage all of us to continue contributing.

*(Laughter)*

The Mover also touched on the question of making our pension scheme elective, after you serve your first term. It is good for those of us who are serving their first term to know that they will get their gratuity at the end of five years. If you do not make it back for a second term, that is all you get and you do not benefit from a pension. As the Mover said, if you come back, you can elect to contribute the gratuity that you are paid back and continue saving for your pension, so that after your second term, you continue to benefit from pension. This gratuity is very enticing. However, those who have left this House will tell you that within a few months, the money is over because you choose to continue living the way you were living as a Member of Parliament.

*(Laughter)*

These Members are left very desolate. We have an opportunity now. I encourage even those who lose elections not to take up their gratuity, if they intend to come back. Keep it in the pension scheme. I like what Hon. Chepkonga shared with me here. We need to move an amendment in the Parliamentary Pensions (Amendment) Bill to keep it in Parliament, so that Parliamentary Pensions Scheme is administered in Parliament by the Parliamentary Service Commission. Hon. Chepkonga is a former Commissioner of the Parliamentary Service Commission. He can guide us. I encourage him to bring amendments to make sure that this pension scheme is administered by the Parliamentary Service Commission. They will relate better to the struggles and needs of Members of Parliament than those in the National Treasury.

When you leave office and you are old or elderly, you will find your children in the National Treasury. They will not care who you are, Hon. Kwenya. Some will be your grandchildren who will see you as an old man. They will not know how much you struggled to improve lives of the people of Kinangop and Kenyans at large, including them. Members of Parliament who will be in this House, serving in the Parliamentary Service Commission, will relate better with the struggles of a Member of Parliament. Therefore, I encourage Hon. Chepkonga to liaise with Hon. (Dr) Makali Mulu for this pension scheme to be administered by the Parliamentary Service Commission, but not the Executive in the National Treasury. You will see the kind of distaste that those in the Executive have for former Members of Parliament. Those who pursue their pensions with the National Treasury will bear me witness.

Lastly, young parliamentarians are increasingly being elected both in this House and the Senate. Hon. Toto was elected when she was 24 years old. This means that even if she serves for three terms, she will still be below 45 years. She will be eligible to pension. After serving three terms, she will wait for another six years to access her pension. We are now creating a provision where Hon. Toto, after serving her three terms, can still access her pension below the age of 45 which is a good thing. As Hon. (Dr) Makali Mulu said, you may fall ill or something may happen. You may even be involved in an accident that incapacitates you, and you are unable to work. However, you have pension that is being kept somewhere by an administrator of a pension's scheme, and you cannot access it until you are 45 years old. You may even die before you are 45 years old, and you leave your money being enjoyed by others.

In conclusion, it is good to remind all of us. I know many Members of Parliament are usually threatened by losing elections, especially around this time. You are told, and allow me to say it in Kiswahili, *Utatupata 2027. Utaenda nyumbani 2027*". You go home every day. I do not know if there is a Member of Parliament who does not go home every day. You go home every day. Nobody should threaten you that you will go home because you go to your home. The question you should ask yourself when you are here is: the day you are not serving as a Member of Parliament, how shall things be for you, so that you do not feel threatened by anybody threatening you that you will go home? You will go home and continue living your life as you lived when you were a Member of Parliament. Take care of yourselves and pension. Contribute more to the National Social Security Fund (NSSF), if you can. You can elect to contribute more because that is what will take care of you when you are at home and not working. Inevitably, you are growing old. A time will come when you will choose to retire. You do not have to go home because somebody threatened you or decided you are no longer useful. You can also choose to retire. When you do it, it is what you contributed to your pension that will take care of you beyond your active life.

With those many remarks, Hon. Deputy Speaker, I beg to support this Bill. I would like to point out, for purposes of the media and those who propagate lies against this House, that the Parliamentary Pensions Scheme is contributory. Members of Parliament contribute their money from their salaries, like every other employee who is in a contributory pension scheme. Nobody should peddle rumours and propaganda out there that we are giving ourselves more money. There is not a single shilling from public coffers that is in this Bill. Hon. (Dr) Makali

Mulu sits in the Budget and Appropriations Committee. He can tell you that when this Bill was scrutinised for money bill effect, there is not a penny, cent or shilling that will come from the public coffers to support this scheme. That is why I support the idea of having its administration in Parliament, but not in the Executive. It is so that we take care of ourselves in old age and beyond our life in active service to the nation.

Thank you, Hon. Deputy Speaker. I beg to support the Bill.

**Hon. Deputy Speaker:** Hon. (Dr) Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute. Let me start by congratulating Hon. (Dr) Makali Mulu and the current Governor of Taita-Taveta County. When we talk of pension, perhaps, I understand it better than most of you because of my age and past experience in Government.

I want to repeat that this Bill does not give more money to Members of Parliament. It does two things. It harmonises the existing pension scheme with the Constitution. That is the basic function. It also links it with the social protection policies of this Government. That is all. There is no more money that will come from anywhere in this Bill. As I have said, it is about the current Constitution which has the Bill of Rights. Its big part is social protection. No country can grow and develop if it does not have a strong social protection programme. It is not only Members of Parliament, all vulnerable people need social protection. And all people who retire need social protection. Members of Parliament are actually a particular group. Hon. Deputy Speaker, I have taken time to look at the lives of Members of Parliament and politicians in general, at the time when they get in and at the time when they get out. Over 90 per cent of them are socio-economically worse off when they have left Parliament than when they came in. The process of getting in Parliament itself is expensive. But even more expensive is the process of maintaining that seat. The social responsibilities that go with it, we all know them. The harambees, the funerals and all other the social responsibilities. There is no person who is wealthy enough as they go into Parliament who cannot, at the end of it, be poor.

Extremely rich and wealthy people have been in politics and when they exit, they are poor. We look at our colleagues who have been there and have retired and most of them, over 90 per cent, are not doing well. And these are people who are either professionals, very serious and successful business people or they were people in academia or in government who were doing well. What is it that makes them unable to manage themselves after they leave this House? It is the process of leadership as it is in the country today. So, this Bill aligns our pension scheme with the Constitution so that Members of Parliament can get the protection that is required.

On social protection, I was in the ministry dealing with social protection... I have just been informed that when we decided on Ksh2,500, actually it was Ksh2,000. Hon. Mbadi, when he was still here, actually made amendments to push it up to Ksh2,500. We complained because we did not have money, but today I am told even Members of Parliament are benefiting, which means I am likely to benefit. So, that social protection in our Chapter 4 of the Bill of Rights, is key in what is happening here.

The other element is actually in our Constitution where we have created a bi-cameral system which has two Houses of Parliament, the Senate and the National Assembly. What this Bill does is take care of that. One in definitions and two in nomenclature, so, that when we say Parliament, it must be sure you mean both the National Assembly and the Senate, which was not there before. The old Act did not take care of that and therefore that is important. And when we go into all the structures, in terms of membership of all the structures, the old Act did not also take care of the fact that there are two Houses of Parliament. So, what this Bill does is to take that into consideration so that membership can then include both Houses of Parliament. Those are the basic issues in this Bill.

Therefore, the definitions are now important. When we say Parliament, now we know we mean two. When we say child, that I think has been talked about. When we talk of loss of gratuity for pension, for victory after the first term, when you come to age or when you come to gender all these are now just definitions that arise from that. When we come to gender, I think it was definitely a discrimination, actually not just against men, but also against women as well. Because if the spouses of men are benefiting, why should the spouses of women not benefit? I had the opportunity to work at a time when my wife was a district head and I was just a paediatrician and so I was known as the husband. Now I also decided every time I must benefit. If spouses are going somewhere, I must go. So that was discriminatory. And then if we look at the issue of widows and widowers, again, that is discrimination. Why would it be that the spouses of Members of Parliament who are ladies, if they die, their spouses are not supported? Unfortunately, the truth is men tend to die earlier than women in many cases. Even if we look at the Bible, there is a lot of support for widows. We do not read much about widowers in the Bible. But I think we now know better and we should take care of that.

The clauses actually take care of that. Death gratuity takes care of the family and all members, whether male or female. When we look at structures in Clauses 14 to 16 on the Pension Committee, the membership must, therefore, change because now we have two Houses of Parliament. So, if there is a Speaker on one side, the other Speaker of the other House must also be there. So, again, it is just structure. If we look at the tribunal, again, it must take into consideration that there are two Houses of Parliament so that the membership is also the same. I thank you.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is the point of order, Hon. Chepkonga?

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): I thank you, Hon. Deputy Speaker. You know I have a lot of respect. I rise pursuant to Standing Order No. 97, as read together with Standing Order No. 87. I respect Hon. Nyikal, but seeing the interest in this Bill, it affects all of us. If you notice, everybody has logged in. If we were to take 10 minutes each, we would not finish. The reason why we have all come here is so that we can contribute and say something. Would I be in order to request you to reduce our contribution time from 10 minutes to five minutes so that each one of us can have an opportunity to say something with regard to this Bill that affects all of us?

I thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** In fact, I will be proposing probably three minutes. Okay, five minutes. I think the House is in concurrence.

**Hon. (Dr) James Nyikal** (Seme, ODM): Well, I will also finish a few minutes earlier in recognition of what my colleagues are saying. I was just saying that it is just structures. Even if we look at the audit, it is the issue of structures.

The last thing I would like to talk about is the medical insurance scheme. We must take this post-retirement process very seriously because beyond 65 years of age, one cannot get into a new medical scheme. So, if we now start at this point, by particularly linking the current insurance with the contribution for the post-retirement insurance for Members of Parliament, it may go a long way in helping us after we retire.

With that, Hon. Deputy Speaker, I support.

**Hon. Deputy Speaker:** Thank you. The Member for Gilgil, Hon. Martha Wangari.

**Hon. Martha Wangari** (Gilgil, UDA): Thank you Hon. Deputy Speaker for giving me this opportunity. I also want to support the Bill and note that it is a surprise that we did not do this sooner because after the promulgation of the Constitution, we should have already aligned it with the Constitution. But it has come at the right time. Allow me to pick just a few issues because the issues have been canvassed.

Number one to the Mover, there is an issue he spoke about retirement on medical grounds. I would like to confirm that it also includes People Living With Disabilities, those who join with disabilities, and also those who get disabled when they are serving. I say that because if you remember Hon. Dennitah Ghati, the former Migori County Woman Representative, we joined with her in the 11<sup>th</sup> Parliament. She was well, but in the 12<sup>th</sup> Parliament, she was a Person with Disability (PWD). So, this provision on Clause 9 should also include PWDs, so that if you want to retire on medical grounds, the PWD aspect is also considered a medical ground, so that if you get a disability when you are serving, or even when you join when you are serving, you have that leeway to be considered at that point.

I also want to agree that the issue of widows and widowers has been discriminatory, and I have said it is because, first of all, it was not envisioned that women could serve as Members of Parliament, but it is very important that both spouses are included. It is also true, as Hon. Nyikal said, that statistically, men live shorter lives. Generally, men have a shorter lifespan than women. It is also because men usually have a back-up plan and not many stay as widowers. In fact, they are very few who stay as widowers. The moment their wives die, it does not take long—within a year. If you look around, even bishops or any kind of men in this country will not complete one year before they have another wife. However, we have so many widows who are left to look after their children until they are adults. I think that was the relationship.

Times have changed and we are now here. Widowers should be included just like widows and given the same rights. It has also helped reduce conflicts within families because when you officially recognise that person in your paperwork... The rest has been canvassed by Hon. Chepkonga who clearly stated that Members of Parliament have no *mipango ya kando*. If such situations arise, it becomes easier to handle the case. This way, there would be a person on record as your spouse and you will save your family and children from embarrassment and avoidable issues.

Hon. Deputy Speaker, there is the issue of post-retirement medical scheme. We all agree that after leaving Parliament... During elections, even when it is clear you are going to lose, supporters often encourage you to take a loan to finish things, despite knowing that you are going nowhere. When you lose, you are left with a loan and auctioneers at your door, which sometimes drives Members to go for their gratuity out of desperation.

Getting this option of post-retirement medical scheme is very important because you have a choice to contribute, and what the Leader of the Majority Party said is also very important. When you are able, it is not so much to contribute Ksh10,000 or Ksh20,000. The statistics show that the turnover of parliamentarians is 70 per cent. You will be very lucky to come back to this House. In fact, when you join this House, your chance of going home is about 70 per cent. All of us are actually queued to go home. Only a few of us have been lucky to do two consecutive terms.

It is important that instead of begging your colleagues when you are out, trying to raise some small monies for small procedures in hospital, it is good to contribute when you can. This will help us a big deal when we are out there having issues of medical care. We will not have to call harambees, because not many people will contribute to a Member of Parliament. You cannot call a harambee in your backyard. It is not possible. You have to come to this House to beg people who understand what you are going through to contribute.

It is the same thing that when you lose, even the traffic to your house just cuts off. This will help us cushion ourselves in getting medical care and it will go a long way to ensure that we are taken care of, and rightfully so, from our own contributions that we make from our salaries, not public coffers.

I support.

**Hon. Deputy Speaker:** Hon. Keynan.

**Hon. Adan Keynan** (Eldas, JP): Thank you, Hon. Deputy Speaker. This is a very important Bill, especially for the young, first-time Members of Parliament. Once upon a time, a one-time Member of Parliament used to be pensionable, but in the year 2000, through an omnibus Bill, the then Attorney-General brought a Bill in the wee hours of the night. I can assure you by the time we passed it, the following morning we all got our refunds, and the Member of Parliament who was pensionable was reduced to a Member without pension.

We promulgated the current Constitution in August 2010. This Bill should have been among the first Bills to be passed and aligned with the Constitution. What has happened in 13 to 14 years? It is because of the fear of the unknown. When you become a Member of Parliament, whether you have become one by design or as a product of this test-tube process, you become a leader. Outside there, just like what we were debating yesterday, you are bashed, criticised, lose your professional ethics or everything that you have earned over the years as a professional before you joined politics. Ask yourself why a Member of Parliament, who is a state officer, is treated differently by the Salaries and Remuneration Commission (SRC), National Treasury and everybody else. It is simply because Members of Parliament fear the world outside there.

When you were first elected, the assumption was that you were the most powerful, most popular, most handsome, most beautiful or everything else. When you come here, you lose all those identities. You leave here minus your husband, your wife, your health, your wealth and popularity. I can tell you by the time you exit here, you will be nobody. You will be regretting outside there and saying, “I wish I did this or that”. You have an opportunity, so do not fear. You are a State officer with the same constitutional entitlement like any other State officer pursuant to the current Constitution.

Why have we not passed this? I am a member of the Departmental Committee on Finance and National Planning that will be bringing amendments and I assure you, we have put in place the best brains. However, I do not want to prejudice. We will give you the best product out of this. We are consulting the Parliamentary Service Commission (PSC), Pensions Department and the best brains within the parliamentary legal system so that we refine this Bill in the next stage, including giving the Member of Parliament treatment that befits not only other State officers but as an elected leader who has served one of the best institutions called the august House.

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

*[The Temporary Speaker (Hon. Martha Wangari) took the Chair]*

When those amendments come in your sheer numbers and support it because that will secure your life after this august House. I always say, if you come to this place with the assumption that you are a potential former Member of Parliament, you will do well, but if you come here with the assumption that you have arrived at your destination and you are everything, I can tell you that your term will only be five years. All of us are potential former Members. My definition as a serving Member of Parliament is that I am a potential former Member of Parliament because the electorate can ask you to exit tomorrow. What is there for you in the outside world?

We are solving some of the definitional problems because the current Act is the National Assembly Pensions Act, but we now have a bicameral House. It has taken us 13 years to harmonise this. Is this not a shame Members that we have taken 13 years to domesticate a Bill that touches on none other than one of the three arms of Government? It is. Why have we not done it? Because we fear, but time has come today.

Hon. Temporary Speaker, I ask for some few more minutes.

The bit on voluntary post-retirement benefits is critical and I am glad that you alluded to this. I do not want to mention names, but my brother here, I think he has left... Some of the best brains...

**The Temporary Speaker** (Hon. Martha Wangari): Give Hon. Keynan one minute.

**Hon. Adan Keynan** (Eldas, JP): Thank you. By the time they left, the academic world outside there was not willing to accept them. They had lost their flair and popularity as Members of Parliament. What has happened? A number of them are living in abject poverty in Kibera and many other places. We need to cure that so that a Member of Parliament does not only enjoy respect when serving as a Member, but continues to receive the same respect after exiting Parliament. That is why this voluntary post-retirement benefit is so critical to both your life and well-being. I like the way you put it in your contribution, that it benefits not just the Members, but also their families. That is a critical component in this Bill.

Another issue that we aim to cure is this: you have served one term, and by the grace of God, your constituents have asked you to exit, but then you come back. What happens? That bit must be cured.

The other bit that will be cured by this Bill is where you have served two terms, you then exit and go with your pension, but then you come back for a third term. What happens? That lacuna will also be cured so that there is either continuity or the benefit is defined.

In conclusion, this Bill will also be aligned with Article 127 of the Constitution which establishes the Parliamentary Service Commission. This is because PSC is our trade union. In conclusion, I support and assure Members that we will join the league of other State officers.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Endebess.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Bill by Hon. Makali Mulu. I want to thank a former Member and current Governor of Taita Taveta County for having been the initiator of this Bill. I also want to thank Hon. Makali for making sure that we do not lose it.

As you are aware, this House also passed the Parliamentary Service Commission (Amendment) Bill. One of the recommendations was that Members of Parliament should have a post-retirement medical cover. This can only be actualised by ensuring that when Members retire, they join the Group Medical Cover. Each Member does individual contributions so as to access the medical cover after retirement. In the same breath, I want to inform Members that we have a gym facility in Bunge Tower, 24<sup>th</sup> Floor. Please utilise it so as to keep physically fit and avoid going to hospital. The offer various facilities... Yes, this is a doctor's advice. You can access reflexology, massage, steam room and other services. These are all health benefits you can enjoy.

Looking at the Bill on pension management, it is stating that we shall contribute to the Consolidated Fund. When we go to the Committee of the whole House we will bring amendments so that we can contribute to the PSC Pension Scheme managed within Parliament. This is because the Consolidated Fund is managed at the National Treasury. We will be tossed from one office to another which will be very sad and disheartening. Retirees are always following up on their pension. Many of them come to us seeking for assistance because they are frustrated. It takes a long time for people to access their pension. Now that all the ministries are being digitised, this will be an automatic transition.

So that when Members of Parliament retire or do not get another term in Parliament, they are qualified to automatically access their pension. You have no business following it from one office to another. Where you are told that your file is in another office, missing or disappeared, you have to 'cough' some money so that it can be found. This is shameful and embarrassing. This kind of fraud and corruption should be done away with. There are 'little'



corrupt activities like a traffic policeman stopping a *matatu* and asking for a kickback. The corruption at the National Treasury has to stop. They should make it easy for retirees to access their pension. Parliamentary Staff Pension is managed by PSC so why should the one for Hon. Members go to the National Treasury? We will bring amendments during the Committee of the whole House.

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

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Kangogo.

**Hon. Kangogo Bowen** (Marakwet East): Thank you, Hon. Temporary Speaker for giving me an opportunity to support this Bill. I also want to congratulate my good friend Hon. (Dr) Makali for bringing it.

Many of our former colleagues are languishing out there and cannot afford medical services. I want to thank Hon. Makali Mulu and the former Member for Mwatate who is the Governor of Taita Taveta County for initiating this Bill. It will help Members of Parliament. Former Members of Parliament are always asking us to help them seek medical services. I am happy this Bill is amending the current Pension Act and aligning it with the Constitution.

When we have such a Bill the media always reports negatively. You will find the headline tomorrow is that Members want to increase billions to their pension. We want to make it very clear that this amendment Bill is about voluntary contributions from our salaries. So, this scheme should be administered by PSC because currently it goes to the Consolidated Fund. So, the National Treasury will not give us additional money.

Members of Parliament's work is completely different and unique from that of civil servants. You will find a Member serving for one or two terms. So, those who are 20 or 30 years old may serve for two terms and retire when they are 30 or 40 years old. So, this Bill is addressing a situation where a Member serves for two terms and retires at the age of 35 or 40 years and is forced to wait until 60 years old yet they served very well in this House. When you retire at the age of 40 years, you should access your pension and move one with life. I support this Bill and ask my colleagues to do so.

As I wind up, some Members of Parliament have served three, four or five terms. The PSC should look into this issue because a Member who has served five terms and is in the sixth one is paid the same as Members who are in their first term. According to the international labour laws, salaries are always in an upward trajectory. For Members who came to Parliament in 2013, their salaries should be higher by a certain percentage than those serving their first terms. If you look at civil servants, every year they get a salary increment. Members who have served for five terms should have a higher salary than those serving their first or second terms.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Dagoretti North.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to support this Bill. I thank Hon. Makali for this Bill. After I left the Senate in 2013, I saw how some of my colleagues struggled. Sometimes, a Member is given a gratuity. If we had this scheme back then Members may have been asked if they want to join so that they continue contributing once they are out of Parliament, especially for medical matters.

Our former colleagues created a team to support each other to ensure that they pay for National Health Insurance Fund (NHIF) medical cover. Now that the NHIF is gone, I know they will struggle on matters of health. While I support the Parliamentary Pensions (Amendment) Bill, one critical thing that we need to ask ourselves...

**The Temporary Speaker** (Hon. Martha Wangari): What is out of order, Hon. Makau?

**Hon. Patrick Makau** (Mavoko, WDM): Hon. Temporary Speaker, I have just heard the Member say that former Members of Parliament were enjoying the NHIF, which no longer exists. I believe that the Member is a sympathiser of the Kenya Kwanza Government. Is she

trying to insinuate that the Social Health Authority (SHA) or the Social Health Insurance Fund (SHIF) are not working?

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Elachi.

**Hon. Beatrice Elachi** (Dagoretti North, ODM): Hon. Makau, you are a Commissioner in the Parliamentary Service Commission. You are a bigger Government sympathiser than I am. Parliament is an arm of Government, so no Member of Parliament is a sympathiser of another arm of Government. You should understand that.

The Commissioner did not understand, so I will rephrase my statement. After our colleagues left, they formed a group and went to the NHIF to negotiate for a private medical cover for their families. They were all former Members of Parliament. Even if SHA exists, they will have to go through a process before they can enjoy the same cover that they had. If we had this provision 13 years ago, they would not have gone through all that to get a medical cover.

The Bill will assist each Member of Parliament. First, you will get your pension, but the most important pension you need is health. We perform a job where everyone hates us. Sometimes I look at the young Members of Parliament feel for them. Hon. Temporary Speaker, this is your third term. If our young Members of Parliament do not get pensions, it will be very difficult for them. Getting employment after they leave Parliament is very difficult.

We have been very harsh to ourselves in Parliament because we create jobs for everyone, but we forget about ourselves. In many cases, we include a clause in our laws that stipulates that if one has ever been a Member of Parliament, they cannot get a particular job. What will happen to our young Members of Parliament after they leave? I heard the Leader of the Majority Party giving an example of Hon. Toto. She has now started a family. What will happen to her after she leaves?

I congratulate the Commission and thank them for this scheme. I want us to go further to ensure that the medical cover works even better than the pension cover. It is critical for those who will leave the House. Members may say that they will come back to the House, but it is up to God. Only a few people will come back.

We must also look at our staff. They have their own medical cover, but it is important for us to also look at it. It is very wrong for staff of the PSC to experience challenges. We are an arm of Government like any other. The Judiciary and the Executive take good care of themselves. We have reached a point in this 13<sup>th</sup> Parliament where we have refused to take care of ourselves. We should appreciate that we are working in a job that we looked for. It may be politics, but it is a five-year job, after which you will be evaluated to determine whether you will come back. Can we take care of ourselves starting with the food from the catering department? Can we eat good food so that we stop diseases like diabetes and high blood pressure? Let us be honest and take care of ourselves.

With those few remarks, I support the Bill.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Saku, Hon. Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support this ground breaking Bill. Yesterday, the Leader of the Minority Party raised something very important about Members of Parliament in this House and the Senate. The Bill on pensions is about the welfare of Members. That includes current Members, those who preceded us, and those who are likely to succeed us. Being a Member of Parliament is considered a prime job. You become unemployable immediately you lose your seat. Even if you do not lose your seat and you leave Parliament, you become unemployable. You are considered to be very wealthy. In Kenyan parlance, you are said to be on the “super scale”. For those reasons, you are not an ordinary citizen. That is what all Members who pass through this House must understand, whether you are a freshman or freshwoman, or whether you are a three-term or a four-term Member.

If you retire or you lose your seat, your income reduces as well as the number of your friends. We usually have very many friends while still in the House. Our phones are always jammed with calls. However, as soon as you lose your seat, nobody even bothers to greet you on the street. People think that you have a bank loan and you want to ask for assistance. I can give an example of the law firms or lawyers who normally assist us as Members. If you call or approach them after you leave Parliament, they are reluctant to even take your call leave alone to assist you, *pro bono*, just because you are a former Member.

Hon. Temporary Speaker, they say that health is wealth. The Four Bills that we have passed in this House touching on Universal Health Care, the Social Health Authority (SHA) and Social Health Insurance Fund (SHIF) are important. As a House, we must stand on our feet to ensure that Kenya has a good health system that will not just serve this generation, but for posterity. What is making the life of Kenyans good is not food but health. People will complain about a lot of things but the most expensive thing that they talk about is healthcare. If you scroll your phone as a Member, the first messages you will encounter are likely to be about burials and hospital bills. That is how important or significant it is. No one will raise funds for a former Member of Parliament. That is what we must understand, and that is why the Parliamentary Pensions (Amendment) Bill is very important.

Finally, and the most important issue, is the issue of housing of the pension scheme under the Parliamentary Service Commission. They say east or west, home is best. If a Member leaves this House or is not re-elected, PSC should be their first house of call if they are in trouble and in need of help from Parliament or from their colleagues.

With those remarks, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Well said, Member for Moyale. Hon. Sigei, kindly have the Floor.

**Hon. Francis Sigei** (Sotik, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to also contribute to this very important Parliamentary Pensions (Amendment) Bill.

At the outset, I would like to thank the sponsor of the Parliamentary Pensions (Amendment) Bill, Dr Makali Muli, and those who were eagerly in support of this Bill. I particularly support the idea of aligning this Bill with the Constitution. For a long time, the Act has almost been obsolete. I call it 'Bill of life and death' because it is a serious Bill. If you meet former Members, be it in your area of representation or anywhere, you will sympathize with them. That is why we support this Bill. I also support the suggestion that our insurance scheme should be domiciled within the Parliamentary Service Commission. I support.

One of the areas where we have a problem is the medical cover. I have had an experience. At one time, I retired and I had a very difficult time. However, we had the National Health Insurance Fund (NHIF) to support us. If we succeed with the new system of healthcare that is being championed, we will be supporting this nation for posterity.

Hon. Temporary Speaker, as we support ourselves, as Members, I also want to highlight the plight of retired teachers. Many times, we do not give our teachers the support they need at the right time. Delay in processing of their pensions causes many problems to them. I have about 20 cases of teachers who have come to Nairobi to personally follow up their retirement benefits. It takes eternity for them to be assisted. I would also like to appeal to the National Treasury to reform the way they process teachers' pension. Retired teachers are suffering. Most of them died before they got their pension dues because it took longer than it should for their benefits to be processed.

I, therefore, support the Parliamentary Pensions (Amendment) Bill and urge the Members of this House to support itself. I emphasize that we are also entitled to pension as Members of Parliament, and nobody should intimidate us. People out there ought to change their attitude towards sitting Members, or perhaps towards the ones who have left. This is

because they always talk negatively about Members of Parliament, and we urge them to change. We are making this country a better place to live in, and we are very happy that we are moving in this direction.

I support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you, Member for Kinangop.

**Hon. Kwenya Thuku** (Kinangop, JP): Thank you, Hon. Speaker for giving me the opportunity to contribute to this very important Bill brought by my colleague, the Member for Kitui Central.

From the word 'go', I want to support the Bill for the simple reason that we are 14 years late into aligning this Act with the realities contained in our Constitution. When it comes to matters to do with Parliament, it becomes very difficult for us to actually debate or even legislate because we are perceived by the public out there as if we are legislating for our own benefit.

As a cardinal rule, even as you serve food at home, being the mother of the house, you do not serve everybody else and forget yourself so that you are not perceived to be selfish. I think it is right for Parliament to act right despite the noise. People will always make noise, whether we do the right thing or not. Whatever it is that we do, there will be some level of resistance from voters because we run offices that are very competitive. I have taken a keen interest in looking at how other arms of the government deal with themselves. I can tell you for sure that one of the arms of the government that we sit in, the Legislature, does not seem to be there. It is not perceived by the public out there as if there is anything good that can come out of this House.

We have Members of Parliament who served their constituents for many years in this House but after they left, they started to live in a desolate state. They cannot take care of themselves. By the time you leave this House, three things will have happened. You will have lost your wealth, health and friends. That being the case, we must not lose ourselves. We may lose everything else but not ourselves. There must be a way in which Members who have served in this House can be taken care of.

Without making any disclosures, I have interacted closely with Members of Parliament who have served in this House before. I meet them on the streets or within the confines of Parliament. They have been reduced to beggars. It is a pity. It is a shame that an arm of government like Parliament cannot take care of its retired Members. I am the Chairman of the Parliamentary SACCO. I can tell you that we have been trying to look for a way of encouraging Members to save for a post-retirement health insurance cover because we realized that health is one of the issues that come up after Members have retired.

I am happy that there is a proposition in this Bill to contribute to post-retirement schemes even as we actively serve in this House. I am also happy with this Bill because it has captured gender. Before, the drafters of the Act had not envisioned a situation where Members of Parliament with spouses would have their benefits transferred to their widows after retirement, in the sad event that they pass on.

We are taking cue from what the President said the other day. He said he will populate this House with gender balance. That means we will have many female Members of Parliament. Therefore, their husbands, who will be widowers at that time, will be their dependents or the people who are supposed to enjoy their benefits after they have passed on. Those were not captured in the Act. They are captured today. Hon. Makali Mulu has brought a visionary amendment.

I do not want to belabour the point in supporting this Bill. As Members of Parliament, we must know that we will exit at one point. Therefore, we must put our House in order. Let us make sure that we put in law anything that is of benefit to a Member of Parliament who has served his or her people diligently so that nothing is lost once we exit this House.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Marsabit County.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you for allowing me to contribute to this important Bill that concerns the lives of many people, especially former, current and future Members of Parliament. I congratulate Hon. Makali Mulu for coming up with this Bill. From experience, and as many Members have already said, Members of Parliament are darlings to many before they get elected to this position. Many of them are financially and intellectually stable and relevant too.

You become another person and receive much bashing from the country once you get to this House. Even your closest friends can just attack you and leave you alone. The higher you go, the cooler it becomes. Many of us have now seen that. I was a darling to many people when I was a nominated Senator. I am still in good relations with many people but the graph goes down as you go up. That is why anything that protects any Member of Parliament is to be taken seriously with a lot of passion. We are here to speak on behalf of those who cannot speak for, or defend, themselves.

I support this Bill because of many of its clauses. In particular, Clause 4 of the Bill proposes insertion of New Section 3A to the Act to enable Members of Parliament to elect to be either paid pension or gratuity at the end of their term. This is very important because you are given freedom to choose what you want. That which you choose will help you and benefit your family.

I advise Members of Parliament to be wise enough, especially our male colleagues. Many are the times when an accident occurs. At the time an honourable Member dies and leaves the family, many women who claim to be the hidden wives of the deceased bring children. That is what they call *mpango wa kando*. Because you have associated with that woman, you have the freedom to declare them as your loved ones or best women. You can put them in your list of beneficiaries instead of making them struggle to know their status and pushing the children to go for DNA tests. That is not right. You had the freedom to associate with that woman. Therefore, feel free to bring her to the family so that everybody and all other women know each other and share the benefits. This is a relevant Bill that we all need to support.

Clause 12 of the Bill seeks to amend Section 13 of the principle Act to provide payment to widows and widowers of Members of Parliament. Previously, the assumption was that only women would be left behind. Now that women are coming to power, we encourage them to be there to fight for their rights, positions and space. In the next election, we are very optimistic that many women Members of Parliament will be here. Therefore, it is good to have the widowers considered.

I can see that my time is about to lapse. As honourable Members, we need to implement this as soon as possible. The President also needs to assent to it so that it can be implemented as soon as possible. Our health is paramount. The Members who have exited Parliament need our support.

I support and pray that many Members will contribute to this so that all of us can benefit. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. (Dr) John Mutunga.

**Hon. (Dr) John Mutunga Kanyuithia** (Tigania West, UDA): Thank you, Hon. Temporary Speaker. I salute Hon. (Dr) Makali Mulu not only for coming up with the amendment of this Act but also for taking time to educate Members on its content. He spoke very strongly about the proposed changes. They are for the good of retired Members of Parliament.

Several issues come into mind when you look at a retired Member of Parliament. First of all, being a Member of Parliament strips you the opportunity of being in other professions.

You could have been anything before. You are not valued as such when you go out there as a former Member of Parliament. If you were a professional, you end up becoming a politician. You will not fit in any other profession. I do not want to say that you become useless even though that is not very far from the truth.

The second issue is that communities always recognise you as an honourable Member wherever you go; be it at a funeral preparation function, church function or wedding function. You will always be on the list of honourable Members. In fact, you will be the chairperson of those events most of the time. If you decide to live in town and not in the village, you will be expected to be a member of Club 'X' and associate with a certain development group 'Y' and other significant people. It is still a costly process.

Let me go back to how one becomes a Member of Parliament. Politics is very expensive in Kenya. It does not become expensive just during the electioneering period or the political competition process. It continues to be expensive even when you are a Member of Parliament. It remains expensive whether you have the National Government Constituencies Development Fund (NG-CDF) or not. Some people imagine that the NG-CDF supports us to do what we do. Any Kenyan out there thinks that a Member of Parliament has to have extra resources from wherever place. You may be responding to needs you never planned for. You can have a sound strategic plan. However, you never implement it to the letter because there will be other pressing issues.

Therefore, a retired Member of Parliament is an endangered species. It is not good not to have proper mechanisms to care for them. We are living under the Constitution of Kenya, 2010. The old law was not updated to take cognisance of the Constitution. That is why this Bill came at this particular time. The other reason, and to the naysayers who really hate Members of Parliament, it is not a money Bill. It has not come in during the budget-making process. It is not recognised by the budget-making process of this country. Even if it is being discussed in the National Assembly, it does not have any implications on public coffers. This is money that is paid to Members of Parliament. They contribute to the pension fund.

Hon. Temporary Speaker, there are several aspects of the amendments that are laudable. There is the aspect of bringing in widows and widowers. We laud the girl-child a lot in this country. I am a supporter of girls and boys. I have them in my house. The boy-child is largely discriminated against in this country. Even when men grow old, they are also discriminated against. So, it is good for the widower to benefit.

The other issue that is important is post-retirement medical cover. This is the age at which an individual becomes extremely vulnerable. You need a better medical cover and medical attention. You have challenges because you are dying faster than growing. Scientifically, the neurons that sustain life are created at a lower rate when you are degenerating than when you are growing up. After the age of 25, you keep on dying until you die.

**The Temporary Speaker** (Hon. Martha Wangari): Your time is up. Let us have the Member for Kaiti, Hon. Kimilu.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this important Bill.

I thank Hon. Makali Mulu for coming up with it. The people of Kitui Central are excited to see him shining in Parliament and coming up with very good amendments to this law. I support the amendments because they are very important for Members of Parliament who retire. There is the saying that goes 'Once a chief, you die a chief.' Once a Member of Parliament, you die a Member of Parliament.

This scheme is very important to all our colleagues who are out there. We know that at one time, we will also grow old and retire from politics. When a Member of Parliament is out there, he or she cannot run away from illnesses. In most cases, most Members of Parliament retire at an old age. We say old is gold but the more we grow old, the more we get some health

issues. The medical insurance is very important for the Members of Parliament because they will contribute and get the medical cover, which will assist them out there.

We come across and shake hands with some of the colleagues who were here in the last Parliaments. It is not good to see them crossing from one office to another, trying to look for assistance from the National Treasury to access their pensions. The amendments contained in this Bill will assist many Members of Parliament to access health coverage without struggling. They do a lot of work of making laws and serving this country while in this House. Once you become a former Member of Parliament, no one can employ you because you are a politician. They look at you as a politician.

As a Member of Parliament, when I go to the village, people from my constituency visit me for assistance. They come with issues like school fees, health and medication. Once I retire, the same people will be looking at me as a Member of Parliament. So, we cannot run away. We have responsibilities to serve our country. This is a very important Bill we need to support. Once a Member of Parliament gets out of this House, there are also other obligations because we have families and communities to take care of. It is also important to remember the work we do for this nation. We have a lot to deliver in this country. We need to think about the welfare of Members of Parliament out there. Giving them opportunity to give their contribution is very important.

I can see my time is up. It is time to give a chance to other Members to contribute. I support this Bill. I thank Hon. (Dr) Makali for bringing it. I also ask the other colleagues to join hands so that we support it.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, for good order of business, allow me to tell the Clerk-at-the-Table to call Order No.7 before I call the next Member to contribute to this Bill.

## QUESTIONS AND STATEMENTS

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, Hon. Speaker had said that we would come back to this Order after we are done with Order No.13 and Order No.9 but I would like to officially stand it down and defer it to the next Sitting. We will prosecute Questions and Statements in the next Sitting, as will be listed on the Order Paper.

*(Questions and Statements deferred)*

*(Debate on the Bill resumed)*

Next is the Member for Ainabkoi, Hon. Samwel Chepkonga.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Temporary Speaker, I thank you very much for giving me this opportunity to contribute to this very important Bill.

At the outset, I thank Hon. Makali Mulu, my very good friend, for ensuring that this Bill neither died nor went away with the Governor for Taita-Taveta County, Hon. Mwadime, who took a very important step in ensuring that it was published in the last Parliament. Unfortunately, due to the accident that he suffered in the course of that term, he was unable to move it. I thank Hon. Makali Mulu for doing a very important job for the Members of Parliament.

At the outset, I would like to make it very clear that this Bill is not intended to give any additional benefits to Members of Parliament. Those who want to write a story on it should read the Memorandum of Objects and Reasons. This Bill seeks to align the Parliamentary Pensions Act (Cap.196) with The Constitution of Kenya, 2010. It only refers to the National

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Assembly. It does not refer to the Senate yet we know that we are a bicameral legislature. Hon. Makali Mulu seeks to align this Bill with the Constitution.

I want to speak about two very important things with regard to this Bill. It sets out, in clear terms, what the pension scheme would entail. As we align it with the Constitution, we seek to remove those areas which cause discrimination and contract Article 27 (4) of the Constitution, which says that no person should be discriminated against on the basis of anything. The Parliamentary Service Commission, which is our employer, runs a pension scheme for members of staff, which is domiciled within it. With regard to the Members of Parliament, the other half of its employees, it is run in the Executive arm of the Government. We must sort out that anomaly. I would like to request Hon. Makali Mulu to come up with an amendment to domicile the Members' pension scheme within the PSC so that we do not have to go to the Executive to sort out our matters. All our matters should be resolved in-house.

When I retired in 2017, I went to look for my gratuity, and I was tossed from one floor to the other. At one point, I was told to go to the seventh floor in the National Treasury Buildings and after getting there, I was told to go to look for somebody on the 12<sup>th</sup> Floor. When I got there, I was again told to go to the ninth floor. At that time, we are totally frustrated. You have been thrown out of your elective seat and you do not have money and all your hopes to get money are frustrated. If this scheme was domiciled in the PSC, I would just walk to their offices and get my gratuity processed. Why should we be sent to a place we have not worked? I am not a member of the Executive.

Secondly, we must ensure that this Bill answers the question of the post-retirement medical scheme. We have very many schemes here: the mortgage scheme and the loan scheme. Why can we not also have this scheme which will benefit Members? We are not asking anyone to give us money. We will contribute towards the scheme. We just want to be provided with a platform where we can contribute this money so that when we retire, we enjoy medical facilities as we were doing before. We know of many other institutions which do the same.

Hon. Temporary Speaker, I request a minute to finish on this issue. The establishment of our pension scheme...

**The Temporary Speaker** (Hon. Martha Wangari): I will give you one minute because you are a former Commissioner. You have one minute.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): The reason I am passionate about having the pension scheme established within the PSC is that when I was the CEO of the Communications Authority of Kenya (CAK), at that time CCK, we had our pension scheme despite being very few. We were only 130 members and we had our pension scheme and we would invest it in various earning securities.

As I speak, this money is paid to the Consolidated Fund and it is not invested. The money remains the way it is. We want it to be moved to the PSC so that we have an enhanced pension scheme as a result of good investment policies which will invest our money where it can earn some interest, for instance, the Treasury Bills. If it remains as it is, we will continue to get very little because our money is tied in the Consolidated Fund.

I support the Bill.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Sirma.

**Hon. Musa Sirma** (Eldama Ravine, UDA): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute. I was taken in circles when claiming my pension after I retired before I was re-elected.

I want to pay tribute to Hon. Makali Mulu for doing a good job. I also want to remember the first person who brought independence to his Parliament. Many of us do not know how much a Member of Parliament was earning in those times. In 1997, when I was first elected to Parliament, I was earning Ksh10,000. The late Hon. Oloo Aringo brought independence to



Parliament. We all joined hands and created the PSC. Despite being on the then Government side, I voted for it since it was affecting my life.

It is time Members stood up and fought for what is ours no matter the party interests or individual fears that hold back bettering their lives. I was here for 15 years and was out for some time. I have seen it all. We can be happy when we are still here, but once we are out there, it is a problem.

I also want to talk about the people who have made the former Members out there a bit comfortable. One of them is Dr Njuguna, the former Member for Gatanga, who with other Members, created the Former Members of Parliament Association (FOPA) Kenya. I also became a member and I am still a Member. The FOPA membership consists of former, prospective, and current Members. It is time to make that decision. It is either we do it now or wait and see how the vagaries of this will treat us.

The PSC has people of integrity. I wish one day I will serve as a commissioner so that I can also become part of the people who make history in this House. If we can get our money, keep it and invest as other pension schemes do, this Government would not be going out of the country to borrow. They would be borrowing from pension schemes in Kenya to run the Government. It is time Members of Parliament stood up for themselves, look ourselves in the eye and say it is our time. Nobody is interested in us after we leave the gate of this House.

When I retired, I decided not to come to this House even to visit a friend. I decided to respect the people's will that I should not be in Parliament. For 10 years, I did not come to Parliament, but finally, I am back. I had no business being here since pension was not in Parliament. If our pension is moved to the PSC, I will be coming to look for my pension here if there is any issue.

Members of Parliament, let us think about ourselves and also think about those we leave behind and those who have retired. I have not read the whole Bill, but through Hon. Makali Mulu's Bill, former Members of Parliament, who are languishing in poverty, will be taken care of. They should even be given a send-off package. They went with nothing. I know a person who served here for 15 years, but he has nothing. He does not even have a car.

Hon. Temporary Speaker, I support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Makueni.

**Hon. Suzanne Kiamba** (Makueni, WDM): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute to this very important Bill. I wish to thank the Member of Parliament for Kitui Central, Dr Makali, for bringing this. I feel privileged because this is my first term and this is being introduced. It is my first time to talk about our welfare and I am very happy. For the two years I have been here, I have never heard any point or Bill that touched on our welfare. I thank Dr Makali very much. I appreciate it.

The major thing that this Bill seeks to do is to sustainably manage our resources until we go to the next world. That is a very wise idea. I sincerely congratulate him and I hope we support this Bill.

In particular, I am impressed by the fact that we will move our pension to be managed by the PSC. That way, we will have independence beyond this Parliament. Also, it will ensure a smooth exit when we are out there and need our pension. I applaud the Member of Parliament.

This also brings us to another issue that I think we should discuss. I have heard a Member mention about a post-retirement medical scheme. One of the biggest issues Members face when they retire is their health. I like the advice of going to the gym and being healthy. That is a very good point. Another stress we face and should also be considered as we reflect on this Bill is our dues. Nowadays even claiming your mileage is a headache. It comes when it wants to come. Is that not stressing our Members as well? Our welfare at retirement depends on the welfare while we are still at work. Those with responsibilities of taking care of our welfare here need to prioritise it. I am a Member of Parliament with seven wards that want

services. The constituency money is held for a long time before being released until my constituents start giving me a headache. How do you expect me to have a good retirement? Those working on our welfare here should not just concentrate on welfare when we are out of Parliament. They should make sure our welfare is taken care of because it will determine at what state we will exit this House.

As we talk about the issue of pension for ourselves, which is very important, we realise we have a big problem with our pension system. We should investigate and find out what to do with this issue of pensions. It is becoming a thorn in the flesh. Very many other Kenyans are dying without seeing their pension. I wonder what kind of punishment this is. One time, I watched something Hon. Ndindi Nyoro shared which was of concern to me. I also thought when we contribute, the money is kept separate. I heard that Government money just goes in circles. I realised your money can get stuck there and you end up dying without anything. This is tragic. We should also explore and see how this pension is managed for the rest of Kenyans. It should be managed in a manner that people benefit from it. That was the intended purpose of the pension.

With those few remarks, I support the Bill.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Member for Samburu East, Hon. Lekumontare.

**Hon. Jackson Lekumontare** (Samburu East, KANU): Thank you, Hon. Temporary Speaker. I support this Bill. The retirement of Members of Parliament is not natural. In fact, when somebody leaves Parliament, it is not just because of age; one is forced to retire. It is important that our tomorrow is prepared today. It is good to have this plan so that when you are not in a position to do what you usually do, you have something to support yourself and the people who still depend on you.

I do not know what I should say about leaving Parliament. You will find young people leaving Parliament having served for two or three terms. It still means you have duties to perform. You have your loved ones to look after. This Bill is very important to Members of Parliament. The purpose of a pension is to protect and serve you after you have left service. That is the whole essence of the pension scheme. This is your money. You only have to plan so that all your needs are attended to after leaving Parliament. It is a very good idea to bring the pension of Members of Parliament to the Parliamentary Service Commission. People who have retired suffer from this thing called *bima*. It is equally important for us to think about retired teachers who taught our children for many years and Government officers. They suffer while they wait for their pension. This House should relook at the pensions Acts. People leave service and suffer for many years. I want to challenge the Ethics and Anti-Corruption Commission (EACC) to investigate what happens in the pension department. We interact with retirees and sometimes they ask for money to facilitate the processing of their pension. This is wrong. Let us pass this Bill because it is good.

We need to help retirees to get their pension without struggling. I do not know why documentation takes time. They are told to take their documents and payslips for filing, yet they have all the records. I support this Bill. It is very important to have such a scheme, so that after leaving Parliament, we do not struggle. This is the time to prepare for our tomorrow.

I support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Dick Maungu.

**Hon. Dick Oyugi** (Luanda, DAP-K): Thank you very much, Hon. Temporary Speaker for giving me this opportunity to support and comment on this very progressive Bill. Let me start by appreciating Hon. (Dr) Makali Mulu for bringing this amendment Bill. Retirement is a must. At one point in time, we must exit. In public service, people exit at the age of 60 years. This is a unique House and Members exit early even when they are 20 or 30 years old. This depends on how long they have served or when the people find it fit.

This Bill is important because it is taking care of the Members' welfare. There is negative mentality that Members of Parliament are very rich, greedy and self-seeking. We cannot think of others and fail to think about ourselves. It is important to note that Members of Parliament are mortal just like other people. Therefore, what affects members of the public equally affects Members of Parliament. I have been here for two years and at times, I meet former colleagues in the corridors and it is very discouraging. Some Members served in this House five, 10 or 15 years ago. However, the kind of life they live is like they never served in this House. The pain and anguish they go through is quite horrible. We stand at a time in history where we need to rectify this anomaly.

These Members served the people and nation diligently. It is wrong for them to continue suffering and languishing in pain and poverty. Sometimes even affording basic medical attention is a challenge. It is important for us to think about the former and future Members of this House. Unless we do so, no one will ever think about them. The public out there thinks that we are selfish. Who else can legislate if not the Members of this House? Going forward, Members of Parliament should resolve that matters which affect them should equally be legislated like matters affecting the entire republic. For example, the issue of health. You will find that a Member cannot access basic medical facilities. A Member will need to ask for donations or do harambees. Having such Members considered will be a great thing that will happen to them and the future Members of Parliament.

Another thing that I want to talk about is having this scheme housed within the Parliamentary Service Commission. It is unfortunate that the pension department and the Treasury have been a nightmare to many people. It has not only affected the Members of Parliament, but also our teachers and other public servants. Members are tossed from one office to another when seeking their pension and taken in circles. Sometimes they are told to bring a payslip of 30 years ago. Therefore, having this scheme moved to the Parliamentary Service Commission will be good. It will be easier for Members to access their benefits. It will be easier for Members to come and access what is due to them. Therefore, having the scheme housed in the Parliamentary Service Commission will be a great thing.

We should not forget that many times after a Member leaves this House, they become unemployable. People look at them as people who cannot be employed. I do not know why employers fear former Members of Parliament. Maybe it is because Members talk a lot. But it is important that Members' welfare is secured by having a scheme that protects current, and former Members of Parliament. I support.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Member for Matuga.

**Hon. Kassim Tandaza** (Matuga, ANC) : Asante sana, Mhe. Spika wa Muda kwa kunipatia hii fursa. Langu kwanza ni kumpongeza Mhe. Mwadime, aliyekuwa Mbunge wa Mwatate, kwa kuanzisha Mswada huu. Wajua sasa hivi anaitwa His Excellency Governor wa Taita Taveta. Kwa hivyo, nampatia pongezi. Pili, nampongeza Mhe. Daktari Makali Mulu kwa kuuregesha Mswada huu muhimu. Nahuzunika na wale ambao walitoa nguvu na maarifa yao, na uaminifu wao kwa hii Serikali bila kuiba. Mswada huu siuangelii tu kama utakaoboresha maisha, bali pia kama utakaosaidia kupunguza jinamizi la wizi katika Serikali. Wafanyikazi wengi si Wabunge tu bali hata wale walio kule nje, wakati wajuapo kuwa wanaenda kustaafu, huwa na wasiwasi wataishi vipi. Si ajabu kuwa baadhi ya Wabunge huwa na hilo shaka kwamba, wasiporudi na wana mishahara na bima ya kulazwa hospitalini, kutibiwa macho na meno itakuwaje. Kwa hivyo, huu Mswada ninauangalia kwa kipimo cha kuweza kupunguza wizi na matumizi mabaya ya pesa za umma. Endapo Mbunge atajua kuwa hata akistaafu na hatakuwa Bungeni ataishi maisha ya heshima na pesa atakayopata itamwezesha kukimu maisha yake, hatakuwa na haja ya kuanza kufikiria ni vipi atachukua mali ya umma aiweke kando kwa minajili ya wakati atakapostaafu au hatakuwa Bungeni.

Jambo ambalo pia ni muhimu katika huu Mswada ni suala la kuwa kwa mara ya kwanza, itatambulika kwamba kuna uwezekano wa mwanamke kuwa Mbunge. Akiwa hai, ni wazi kuwa mama huyo ataishi raha mustarehe na anajua anavyofanya. Endapo mama huyo atatuacha – na hilo ni jambo la kawaida kwa sababu kama kuna uhakika wowote maishani ni kuuacha ulimwengu huu – basi yule bwana aliyekuwa anaishi naye pia anufaike na yale marupurupu ambayo kama ingekuwa ni mume ameaga dunia na kumuacha mkewe, angeweza kunufaika nayo.

Kwa hivyo, Mswada huu ni muhimu na ninauunga mkono kwa dhati. Ahsante, Mheshimiwa Spika wa Muda kwa kunipatia fursa hii.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Engineer Muriuki.

**Hon. (Eng.) Nebart Muriuki** (Mbeere South, Independent): Thank you, Hon. Temporary Speaker. I have been here since 9.00 a.m. I want to thank Hon. (Dr) Makali Mulu for bringing this very important Bill about the welfare of parliamentarians. As has been mentioned by my other colleagues, this Bill was long overdue. It has taken 10 years for it to be brought to the House to align our pension scheme with the Constitution of Kenya, 2010.

Apart from the Bill aligning the pension scheme with the Constitution, it is also aligning it with the times we live. Anybody can be a parliamentarian today. Some of our parliamentarians join Parliament after leaving college, which means that that is their career. They are career parliamentarians. When the Act was initially passed, it appears as though most Members of Parliament were elderly men. That is why the Act only talks about widows and not widowers. We need to recognise that we have single Members of Parliament. If something happens to them, they also need to be catered for by the pension scheme. Instead of talking about widows or widowers, we also need to bring in the next of kin as beneficiaries of the pensions of Members of Parliament.

I also want to single out the dependents, that is, the children. The cut-off age of 18 is not very applicable today because most of our children leave Form Four at the age of 18 and proceed to colleges or universities. By the time they leave those institutions, some of them are even over 25 years of age. So, we need to amend the Act to ensure that our children in colleges are catered for.

We also need to recognise the fact that parliamentarians face a lot of pressure due to their work in Parliament and from their constituents. When they leave Parliament at whatever level, they usually have health issues. Including health insurance for parliamentarians will help them because most of them develop health issues, yet they have no insurance. Once a Member of Parliament has been elected and is called Hon. Member that becomes your title in the community. You carry that title with you even after you leave Parliament. The Member of Parliament is always recognised as a senior and opinion leader of the community, even after leaving Parliament. So, at any function like the harambees done in the community, they are expected to participate. Unless they are enabled in one way or another, they would face a lot of stress. They also want to maintain those standards. They become fathers and mothers in the community who are looked upon by the whole community, and this goes on even after they have left Parliament. This is why the pension scheme for parliamentarians is important. With the scheme, it would support them, and probably, the entire community through their support by way of contribution.

I support.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Moses Kirima, Member for Central Imenti.

**Hon. Moses Kirima** (Central Imenti, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity to thank you for giving me this opportunity to contribute to this important Bill.

This is a very important Bill and especially to the Members of Parliament, considering that it is not a money Bill. There is no extra coin which would be deducted from the taxpayers' money to cater for the Bill we are discussing today. It is just about streamlining the pension scheme so that it can match with the Kenyan Constitution, 2010. What exists now was there before the introduction of the Constitution of Kenya, 2010.

We should not forget that Members of Parliament who get elected at their early age or just when they leave college, are not viable to be employed in any other place. They cannot be trusted, appointed or employed anywhere because they are not viable in the job market. After they leave Parliament, other than political appointment, they do not secure jobs anywhere else apart from a small percentage who are lucky. They are exposed to vagaries of all sorts and nature because they cannot access their pension to start life again.

It is good that the Parliamentary Service Commission conforms with this Bill, so that whoever gets out of Parliament in whichever form, either by being voted out or by way of resignation, can access good medical facilities as it is provided for sitting Members of Parliament. Let them find a way to assist the Members so that they are enabled to access their pension in advance, and enable them to start life again.

We have experience from the Members of Parliament who have been there before us. Some of them have been exposed to different challenges in life. You will sympathise with people who have served in the Government in different capacities when you meet them outside there. When you are here as a Member, you are a darling to many, including people you represent in your constituency. But when it is your time to leave this Parliament, you become a pariah. Nobody would even like to associate with you other than your immediate family members. If you have no investment, assets or any other form of development that you would give you cash in times of need, you will suffer alone. You will have nobody to assist you unless you take your own insurance medical cover, leave alone the pension scheme, because you are not covered by Parliament in terms of insurance. Even the old Members of Parliament who served for one term or two are not exempted. Therefore, that exposure to the vulnerabilities of nature outside, leave you exposed. It is therefore, good if you can have access to a pension so that you can set up the way you are going to live if you are not going to be extravagant the moment you leave Parliament. There are people who get elected when they are still young, and as per the pension scheme of the Republic of Kenya, to access a pension, one is supposed to have reached retirement age. That should not be the case with Members of Parliament because some leave this Parliament in their 30s, 40s and 50s. They wait to be 60 years old to access a pension. It may be too late because they may have died out of challenges outside Parliament.

For that, I support this Bill. It has come at the right time when Members of Parliament needed it. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you.

Member for Narok North, Hon. Pareyio.

**Hon. Agnes Mantaine** (Narok North, JP): Thank you for giving me the opportunity to join other Members who have spoken in support of the debate on the Bill brought by Hon. Makali.

This is about Members of Parliament. I do not think it has to do with anybody because we are not asking for additional money. We are using our money to ensure we lead a comfortable life after our stay in Parliament. I do not see where we are going wrong. I also appreciate that the Parliamentary Service Commission will run the money. That will give more respect to Members of Parliament.

This will assure us that we have a place to call on when we are in need after leaving here. You will sympathise with other Members of Parliament who have come to this House and are now at home, especially with what is happening today. We see people that have no

respect. It is like we are asking for more money for ourselves. Everybody talks dirty about us. We do not care because we will fight out the way we fought when we came in.

I support the Bill by saying it is important. It is time we agreed to look at and care for ourselves. We will have a hard time if we do not do that before we leave this House. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Member for Wajir North, Hon. Saney.

**Hon. Ibrahim Saney** (Wajir North, UDA): Thank you. It is as if this entire Bill is speaking to me. I was in the 11<sup>th</sup> Parliament, voted out, and returned in the 13<sup>th</sup> Parliament. Indeed, I served with Dr Makali on the same Committee during the 11<sup>th</sup> Parliament. I appreciate the thinking he has put into this Bill.

You are seen to be wealthy as a serving Member of Parliament. You are called all manner of derogatory names—*Mpig* and many others. It is as if the society we serve does not appreciate leadership. They may be right or wrong. It requires some civic education. Parliament needs to explain itself to those it represents. Stigma follows you if you fail. There is unemployability and the fact that you have it all. Therefore, you do not need any support. That is why you find former Members of Parliament languishing in poverty.

The Bill redeems the image and welfare of former Members of Parliament or retirees. I do not know if Dr Makali is listening. Of concern to me is that Section 7 attempts to repeal the principal Act. It is a simple thing. Hon. Makali attempts to amend the "National Assembly" and replace it with "Parliament" in consonance with our Constitution.

Nevertheless, there is a slip of the same in Part VIII of the Bill. That is where the Senate and the National Assembly are discussed. I prefer that there be continuity. "Parliament" should be the word used.

Hon. Temporary Speaker, I refer you to Clauses 7 and 8 of the Bill. Clause 7 of the Bill proposes amending Section 6 of the principal Act by deleting the words "the National Assembly" and substituting them with "Parliament." Clause 8 of the Bill seeks to amend the principal Act by deleting Section 7 and substituting it with a new Section 7. The new Section 7(7) introduces the Senate and National Assembly. I am of the view that the word "Parliament" should be used throughout.

That aside, I appreciate that one can either go for gratuity or pension. Ordinarily, most people prefer pensions because they do not know what they will face going forward. For Muslims, most of the things are not *Sharia* compliant. To avoid interest, there is a likelihood of going for a gratuity than a pension. I believe it has accommodated the Muslim folk in this House.

A medical scheme is a very serious and important thing for Members of Parliament, both elected and not re-elected. I believe it is welcome. I support it. It is great thinking. I also support the payment of widows of former Members of Parliament, just like other benefits. They are entitled to get the benefits of their spouses.

I am concerned about something, but it may be out of the context of the law. Clause 3 of the Bill defines a child which calls for questions to Hon. (Dr) Makali. I am sorry, Hon. Temporary Speaker. Allow me a little time. Some people are above 18, yet depend on their parents. Even in the law of succession, those above 18 benefit from succession. They inherit property from their parents because they have no other dependents except them.

When I was re-elected, I was asked to pay 15 per cent of all the gratuity paid to me, which was prohibitive. I welcome this Bill. Up to now, I am not a pensioner, despite being in office for a second term. This has been reduced to three per cent. I request you to make it *Sharia*-compliant. We agree with the three per cent...

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Saney, we are pressed for time. I will give the Member for Nakuru County, Hon. Chelule, the next chance.

**Hon. Liza Chelule** (Nakuru County, UDA): Asante sana, Mhe. Spika wa Muda, kwa kunipatia nafasi pia nichangie Mswada ulioletwa Bunge la Taifa na Mhe. Makali Mulu. Nampongeza. Mswada huu unaongea kuhusu masuala ya Wabunge. Naunga mkono Mswada huu kwa sababu unashughulikia masuala ya Wabunge.

Tunaelewa tunapochaguliwa kufika hapa Bunge, tunatekeleza kazi ya wananchi. Tunatunga sheria kwa niaba ya wananchi wa Kenya. Kwa hivyo, mara nyingi, hatuna nafasi kubwa sana ya kujijenga kiuchumi ama kufanya Biashara. Tulifika Bunge hili baada ya uchaguzi na wito wa Mungu kuongoza watu. Kwa hivyo, tusipoongea mambo ambayo yanatuhusu kama waheshimiwa, ikifika wakati hatutarudi katika Bunge hili ama tumestaafu, ni vizuri sana tuangalie maslahi yetu tukiwa nyumbani. Naunga mkono Mswada huu kwa sababu unaongea kuhusu bima ya matibabu. Hakuna kitu kibaya kama kuchaguliwa, na unaingia katika kiwango kingine cha maisha. Baadaye ukienda nyumbani, unakosa kulipa bili za hospitali. Kwa hivyo, Mswada huu unagusa kitu cha maana katika maisha ya Wabunge na wale watafaidika.

Kitu cha pili ambacho kimefanya niunge mkono Mswada huu ni kwamba pesa ambazo zitakuwa zikitwa zitatoka kwa mishahara yetu, na zitaenda kwa Parliamentary Service Commission. Tume ya Bunge itaiwa na kuiangalia, ama waipeleke *direct* kwa *National Treasury*. Ninasema hivi kwa sababu mara nyingi watu ambao wanaulizia *pension* yao wanakua na shida sana. Kupata hiyo *pension* inachukua muda, na ni kwa sababu hatujui ni utaratibu gani Wizara ya *National Treasury and Economic Planning* inatumia, ili wanachelewesha pesa ama wanaiweka sana hiyo pesa ambayo wananchi wa Kenya wanataka kujisaidia nayo. Kwa hivyo, *pension* ya Wajumbe ikiwekwa, iwekwe chini ya Tume ya Bunge kwa sababu utaratibu wao utakuwa rahisi sana.

Naunga mkono Waheshimiwa wenzangu ambao wamesema kweli, ya kuwa Wajumbe hawana nafasi ya kujifanyia kazi zao. Itakuwa vibaya sana wakati umekuwa Mbunge, halafu ukirudi nyumbani, hata hakuna mtu anakupigia simu wala kusikia shida zako. Hata ukiita mkutano wa harambee ya hospitali, hakuna mtu atakuja kukusaidia. Kwa hivyo, naunga mkono kwa sababu huu ni Mswada utakaotuweka katika kiwango kizuri kama Mjumbe. Jambo hili litahakikisha kwamba hautakuwa ukizunguka kule nyumbani kuomba omba pesa za kujisaidia kwa mambo ya hospitali na mambo mengine.

Kwa hayo machache, Mhe. Spika wa Muda, naunga mkono. Asante sana.

**Hon. Dorothy Muthoni** (Nominated, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Dorothy.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I support this Bill. I stand under Standing Order No.95.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Dorothy, you cannot do that. If you say you support, you contribute. If you call Standing Order 95, you do not support or oppose the Bill.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I stand guided. I stand under Standing Order No.95. I wish to say we have canvassed this enough. I ask that the Mover be now called to reply.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Members, I will put it to a vote, that the Mover be called to reply.

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

Mover.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you so much, Hon. Temporary Speaker.

*(Several Hon. Members raised their hands)*

I do not know whether I am allowed by the Standing Orders to donate a minute.

*(Hon. Robert Mbuï spoke off the record)*

**The Temporary Speaker** (Hon. Martha Wangari): You are not allowed to donate.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Because this is under Standing Order No. 95, I cannot donate a minute. So, I am sorry, colleagues.

First of all, I appreciate the interest shown in this Bill. I appreciate the serious input in terms of thoughts towards it. I have picked four critical things that I will be taking forward in terms of amendments.

One of them is the issue of the age of a child, 18 years. It has come out clearly that even though we talk about 18 years in the Constitution, most of our children now, even at the age of 24 or 25 years, are still in college and under our care. It is important that we make an exception, just as we do with the insurance, to that fact.

The other point that has come out strongly and that I agree with is that the Parliamentary Service Commission should administer the pension fund. We will be factoring that. The other matter that has come out strongly is the issue of retiring on medical grounds, which you are proposing we consider Persons Living with Disabilities (PWDs). We are saying that as long as a medical doctor or a board of medical doctors have confirmed that you are retiring on medical grounds, you can easily access your benefits.

And the last one is the medical scheme. We want to make it very clear that this will be a contributory post-election medical scheme so that we can start contributing when we are in office, and when you retire, your medical issues are taken care of through this.

As I conclude, I assure Kenyans that this has always been a contributory pension scheme and will remain so. It has nothing to do with additional taxes or expenses from the National Treasury. We are only streamlining the process so that when Members of Parliament retire, we are within the law as stipulated in our current Constitution, just like the Salaries and Remuneration Commission proposes, so we are not outside the law. We assure Kenyans that we will ensure we work as per the law.

With those many remarks, I beg to reply.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you. Hon. Members, we will defer putting of the Question to this Bill under Order No. 13.

*(Putting of the Question deferred)*

As guided by the Deputy Speaker, we reordered the Order Paper to go to Order No. 13, then Order No. 9.

Hon. Tandaza to move.



**BILL***Second Reading*THE CROPS (AMENDMENT) BILL  
(National Assembly Bill No.8 of 2023)

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Temporary Speaker, for giving me an opportunity for this Bill to be read a Second Time, and I beg to move.

The principal object of this Bill is to include a crop, Achiote, to the first schedule of the Crops Act No....

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Tandaza, kindly move as it is on the Order Paper. What Bill are you moving? Call it out. Say, "I beg to move that the Crops..."

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you. I beg to move that the Crops (Amendment) Bill (National Assembly Bill No. 8 of 2023) be now read a Second Time.

The principal object of this Bill is to include Achiote, commonly known as Bixa or *Mrangi*, in the first schedule of the Crops Act, 2013 (No. 16 of 2013). This crop is widely grown along the coastal areas. It is number three in terms of cash crops grown in the counties of Lamu, Kilifi and Kwale. It is a crop mainly used for its seeds, which contain bixin used for food colouring, including cheese, fish, salad oil, and margarine. It is also used in the cosmetic industry for lipsticks, nail colouring, and other beauty products.

This crop was introduced in the coastal region in the 70s, and the beauty of this crop is that it is disease-free. It does not need pesticides at all, and it is drought-resistant, meaning that with its scheduling, it can be introduced to many other parts of this country.

There is a human-wildlife conflict due to the enormous elephant population in my constituency, which is home to the Shimba Hills National Reserve. However, this particular crop is a barrier that helps prevent elephants from entering and destroying our crops.

Since its introduction in Kenya, Bixa farmers have been left on their own since this crop is not scheduled. We have one factory called Kenya Bixa Limited, which is privately owned. If this crop is scheduled, it will benefit the people in terms of marketing, distribution, and provision of efficient and regular transportation like other scheduled crops in Kenya. Different Government agencies will research this crop, and the market price will stabilise. Currently, it is selling at Ksh70 per kilo. Considering this crop is mainly for export, it sells at US\$100 per kilogramme. If it is scheduled, farmers will significantly benefit.

It also has other uses; it is known to be medicinal and can be used to make mats and ropes. Therefore, it will promote local talent and handicrafts. This will go a long way in improving the economic standards of our farmers. Currently, this crop generates over US\$300,000 in the world market. Despite all the potential we have, we are generating less than US\$100,000.

For this reason, I move this Bill so that this crop can be scheduled and our farmers can reap numerous benefits. Given that it is mainly grown for export, we know it will earn this country foreign exchange. This crop can significantly enhance our foreign exchange reserves and stabilise our economy.

Thank you, Hon. Temporary Speaker. With those few remarks, I call upon Hon. Dorothy to second.

**The Temporary Speaker** (Hon. Martha Wangari): Hon. Ikiara.

**Hon. Dorothy Muthoni** (Nominated, UDA): Thank you, Hon. Temporary Speaker. I rise to second the Crops (Amendment) Bill (National Assembly Bill No.8 of 2023). Bixa is predominantly grown in the coastal region areas mentioned by the Mover. This crop has intense

benefits if properly utilised. If scheduled, it will significantly benefit this country in terms of economic growth and enhance the livelihood of the people in the coastal region. This crop will benefit from research, which will inform other areas where it can be grown. It is important to underline the benefits mentioned in the Bill. One, the seeds are exclusively used for food colouring and making natural beauty products like lipstick, which the women of Kenya apply. We do not know the ingredients used to make other lipsticks.

This crop is medicinal, so if it is scheduled, it will be subjected to research, and this will benefit our country. It is a naturally grown crop that is not subjected to pesticides. So, it will go a long way in securing the lives of our people.

Hon. Temporary Speaker, I wish to second and state that this is a very important Bill.

*(Question proposed)*

**The Temporary Speaker** (Hon. Martha Wangari): Member for Jomvu.

**Hon. Bady Twalib** (Jomvu, ODM): Asante sana, Mhe. Spika wa Muda, kwa kunipatia nafasi hii ili niunge mkono Hoja ya Mheshimiwa wa Matuga, rafiki yangu, Mhe. Tandaza, kuhusu mti wa *Bixa*. Tunauita mti huo mrangi katika lugha ya Kiswahili. Ameeleza vizuri kuwa mti wa *Bixa* uwe *commercialised* ama ufanywe kuwa *cash crop*, kwa sababu unaleta manufaa mengi kwa jamii. Mti huo unakuzwa pande za Mombasa, Kilifi, Kwale, Lamu na Pwani kwa ujumla.

Mhe. Tandaza amesema vizuri sana kuwa mti huo unaweza kutumika katika upande wa vipodozi, kutengeneza nyuzi zinazotumika kusuka, na katika mambo ya utamaduni. Mhe. Tandaza amefanya jambo la maana sana kuileta Hoja hii. Ameeleza kuwa kuna kiwanda cha kibinafsi kinachounda vitu kutokana na mti huo. Serikali inapaswa iingilie kati kuona ni jinsi gani ambayo kiwanda hicho kinaweza kufanywa *large scale* ili wananchi wanaounda vitu kutokana na mti huo wainuke.

Mheshimiwa wa Matuga amezungumzia hayo kwa sababu tumewaona viongozi wenzetu kutoka kule Meru na sehemu nyingine wakijaribu ku-*schedule* miti iliyo katika sehemu zao ili watu wao wafaidike. Sisi pia tunaunga mkono mambo hayo, kwa sababu tunataka biashara ya mrangi ikolee vizuri. Sikupata nafasi ya kuchangia Mswada tuliozungumzia kuhusu pensheni ya Wabunge waliostaafu, lakini wengine wanaweza kuingia katika biashara hiyo ya mrangi, na ndio maana tunaunga mkono mambo hayo. Wanaweza kujisaidia katika maisha yao na ya watoto wao. Biashara ndiyo kitu peke yake kinachoweza kuwalinda Wabunge waliostaafu. Ni muhimu watu waweze kujikimu wenyewe kibiashara.

Mswada uliopita ulizungumzia jinsi Mbunge anapokuwa Bungeni anathaminika, lakini akiacha kuwa Mbunge, tunamwona hapa mlangoni akizunguka katika njia za kutamausha. Wengine wanastaafu na wako na watoto wakorofi wanaowafanya wafe mapema kwa kuwasumbua, kwa sababu hawana kitu na hawawezi kuwasaidia.

Mhe. Spika wa Muda, hivi karibuni, wewe na watu wengine wengi mtakuwa kule Mombasa kwa Michezo ya Bunge ya Afrika Mashariki. Wengi wa kutoka huku bara wakija kule Mombasa, huuliza biryani iko wapi. Rangi ya biryani inatokana na mti huu wa mrangi. Usiwe na shida sana, Mhe. Spika wa Muda. Tutawakaribisha watu wote watakaokuja Mombasa. Watakula biryani ya mbuzi au ya ng'ombe iliyochanganywa na mti huo wa *Bixa* au mrangi, na vile vile biryani ya jodari. Mkija, tutawaonyesha utaalamu wetu wa kuutumia mti wa mrangi. Mti huo usitumike tu kupika biryani za mitaani, lakini utumike kwa *export* ama kutumwa nje ili biashara ipanuke. Tuko na *Port*. Kina mama, vijana na wazee wetu wajiunge pamoja katika vikundi, na Serikali iwapatie pesa ili wafanye biashara kama wafanyibiashara wengine. Mwishowe, itabidi nizungumze kwa njia ambayo italeta utata kidogo.

Katika kila sehemu au *region*, watu wananufaika kwa miti inayotokamana na sehemu zao, kwa mfano, mti wa kahawa. Serikali inafanya juhudi kuangalia vile itawasimamia watu

hao ili waweze kuendelea. Katika sehemu zingine, watu wanaendelea kunufaika na parachichi pia. Serikali ya Kauti ya Narok inanufaika kutokana na mbuga za wanyama zilizoko Maasai Mara na sehemu zingine. Mti wetu sisi watu wa Kilindini ni Bandari, lakini haijatumufaisha inavyohitajika. Tunahitaji Serikali iingilie kati ili nasi tupate manufaa kutokana na Bandari yetu kama *natural resource* au mti unaomea kwa nguvu za Mwenyezi Mungu, ambaye ndiye amelea na kutupatia maji.

Vilevile, tunataka mti huu wa mrangi utuinue kama vile watu wa majani chai, kahawa na parachichi wanavyoinuliwa na miti yao, ili tuone makundi ya watu wa Pwani wakijikusanya pamoja kusafirisha mti wa mrangi kwa kupitia vyombo, ili nao pia wawe matajiri.

Tunataka watu wawe matajiri, ndio sababu Mswada uliopita kabla ya huu umezungumzia maneno ya pensheni. Hii ni kwa sababu tunataka kuhepa ufukara. Kuhepa ufukara ni kupata utajiri. Isiwe ni Wabunge tu ndio wanautafuta utajiri huu. Ni lazima wananchi tunaowaongoza wafanye biashara, nao pia waweze kuishi maisha mazuri.

Tumeona mabwana wakidharauliwa na mabibi zao kwa sababu hawana kitu. Leo wakifanya biashara kisawasawa, hata akiingia nyumbani anapata heshima kisawasawa kwa sababu analeta mahitaji na pia kuwasomesha watoto, na kadhalika.

Kwa ajili ya muda, nitawapatia wenzangu nafasi ili waendeleo kuchangia. Naunga mkono Mswada huu. Asante.

**The Temporary Speaker** (Hon. Martha Wangari): Thank you.

Hon. Member for Ndhiwa, are you on this one?

**Hon. Martin Owino** (Ndhiwa, ODM): Thank you, Hon. Temporary Speaker. I support The Crops (Amendment) Bill (National Assembly Bill No.8 of 2023). Kudos to my friend, Hon. Tangaza. When it was...

**The Temporary Speaker** (Hon. Martha Wangari): It is Hon. Tandaza.

**Hon. Martin Owino** (Ndhiwa, ODM): What did I say?

**The Temporary Speaker** (Hon. Martha Wangari): *Umesea* Hon. Tangaza.

**Hon. Martin Owino** (Ndhiwa, ODM): My apologies, Hon. Tandaza.

When people started growing this crop in the 1970s, they had intelligence that was never captured in the Academy Books, though they knew what they were doing. It is relevant to bring this up, and for sure, it will have a lot of benefits, as you have put it in this Bill.

Colouring food appeals to people. If food is colourless, the appetite is not there. We are using a lot of imported colourisation agents to make our food, which we should not do in this case. This is, therefore, a timely Bill.

For cosmetic items like lipsticks - and I know ladies will jump on this very fast - instead of importing those we do not know where they came from, we can use our crops and build our own factories to ensure we know where the colouration comes from.

I am amazed by the properties of prevention. If elephants cannot pass because of that crop, which does not need pesticides, farming input is reduced. That means farmers will put less and reap more when they plant this crop.

The most important thing here, and as a person with a medical background, is that so many people suffer from drug resistance nowadays. And if it has medicinal properties, we can extract antibiotics which can attack indigenous diseases. That is a huge benefit from this big crop.

Bixa will also give us pride as Kenyans if we commercialise and export it. We will become an exporting agent from this end, which in itself will create jobs for our people. It will also reduce the aligned items we import from other countries to Kenya. Hon. Tandaza, I support this Bill with those few remarks. Thank you.

**The Temporary Speaker** (Hon. Martha Wangari): Debate on this Bill will continue at the next appointed time.

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Martha Wangari): Order, Members. The time being 1.00 p.m., this House stands adjourned until Monday, 2<sup>nd</sup> December 2024, at 2.30 p.m.

The House rose at 1.00 p.m.

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