



# The SENATE

## Weekly

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# Injury in line of duty: Cops seek Senate help

**The petitioners want the lawmakers to direct the National Health Insurance Fund (NHIF) to compensate more than 400 affected police officers who were injured while on duty as they have been assessed and awarded benefits in accordance with the laid down procedures.**

Police officers have asked the Directorate of Occupational Safety and Health Services (DOSHS) to produce a list of all the officers injured in the line of duty in the last three years.

The list should contain the names of each officer, the nature of injury, time of the injury and the amount of compensation awarded, according to the officers.

In a petition presented to the House by Senator Okiya Omtatah, the officers complain of discrimination by the National Hospital Insurance Fund (NHIF) and plead with the Senate to ensure that injured police officers are given fair treatment in terms of benefits payment, just like all other civil servants.

“The Senate should direct the National Health Insurance Fund (NHIF) to compensate the affected officers without any further delay,” say the officers in the petition.

“The National Police Service Commission and the NHIF have not explained why no officer out of the more than 400 victims has ever been compensated.”

Speaker Amason Kingi committed the petition to the Committee on Labour and Social Welfare which must investigate the matter and report back to the House in 60 days.

The Work Injury Benefits Act (WIBA), provides for compensation of an employee by the employer in cases where the employee is involved in an accident or dies while in the line of duty.

The National Police Service Commission (NPSC) contracted NHIF to insure all police officers between the years 2021 and 2022.

Under the terms of the contract, an in-



*Senator Okiya Omtatah and Senator Mariam Omar during a meeting of the County Public Accounts Committee.*

jured police officer reports the incident to the station commander, due assessment is undertaken by both a personal doctor as well as doctors at the Directorate of Occupational Safety and Health Services (DOSHS).

After assessment of the injury, the Director of WIBA at DOSHS generates a demand for payment based on what the officer is awarded by the DOSHS doctors.

A demand form from WIBA form is sent to the police headquarters for the injured police officer to sign if he or she agrees with the benefits awarded. The signed demand form is then referred to the NHIF, which provides the WIBA cover for police officers for payment.

Payment ought to be done within 90

days from the date the demand form is generated and submitted for processing.

The petitioners say that more than 400 police officers have not been paid their injury benefits after being assessed and awarded benefits in accordance with the procedure since 2021.

“Some of the officers have been totally incapacitated due to injuries sustained in the line of duty. Others lost their arms and legs, which negatively impacted their lives and the lives of their families and dependants,” reads the petition.

Added to the low pay, say the officers, poor housing, erratic career progression and hostile public attitudes and other occupational hazards that the police officers endure daily, the disregard of the injuries sustained in the line of duty makes

it unbearable.

“Some injured police officers cannot access their files. Cases of corruption have been cited,” say the officers in the petition, adding that some officers were asked to be reassessed and others were asked to part with a percentage of their benefits before they could be paid.

The petition argues that some of the victims have tried and failed to get the National Police Service Commission, the WIBA Director, the DOSHS and NHIF CEO to intervene for the payments to be made

“Mr Dunston Kinyanjui, who was appointed as a representative of the police officers, has not given any coherent reasons why the benefits have not been paid.”

# Fire and Rescue Bill sails through Second Reading



*Senator Danson Mungatana at a past function.*



*Senator Abbas Sheikh, the sponsor of the Bill.*

Senators have welcomed the Fire and Rescue Services Professionals Bill, 2023, saying it will help create professionalism in the management of emergencies caused by fire.

The lawmakers said the enactment of the Bill, whose debate started last week, will help develop another category of professionals required in the country and a sign that Kenya is coming into another level.

“I know that in more developed communities and countries, this is a very serious profession, and many people are proud to belong to this profession,” said Senator Danson Mungatana, when he contributed to the debate on the Bill.

“It will be important for this law, because it is talking about professionals, to clearly state that for one to be a professional, he must have trained for six months, one year, two years or something, for him to be recognised as a professional.”

Senator Abbas Sheikh, who is the sponsor of the Bill, acknowledged there are no properly trained personnel in Kenya but made reference to the training institute for the Nairobi City County which is not fully functional.

He said the Bill will ensure Kenya has regulated services able to control emergencies on fire.

“Fire disasters we have witnessed in the past coupled with the recurring fire incidents in the secondary schools and markets, underscore the urgent need for improved fire safety measures in emergency response plans in Kenya,” he said.

He made reference to some of the ugliest incidents that have taken place in the past. The fire outbreak in Kyanguli Secondary School where 60 students lost their lives. The fire Bombolulu Girls in Kwale, where 25 students lost their lives. The massive fire at Mukuru-Sinai in 2011 caused by oil leakage from a Kenya Pipeline Company tanker resulted in over 100 deaths. The Nakumatt Downtown in 2009, there was an uncovered generator that led to a fire and loss of 25 lives.

The Bill establishes a Fire and Rescue Service Board, which will be charged with overseeing the regulation and setting of standards for fire and rescue services professionals.

The establishment of the board will ensure the highest standards of professional conduct, training, service deliveries in the fire and rescue service sector.

The board will be composed of representatives from key stakeholders, including relevant Government Ministries, the Council of Governors (COG) rep-

resentatives, as well as representatives from fire and rescue services professional associations and rescue associations.

“This diverse membership will ensure broad benefit from a well experienced expertise to save Kenyans from fire disasters,” said Senator Abbas.

One of the board’s primary functions will be to develop and enforce a Code of Conduct for fire rescue service professionals.

This code will set out clear standards of behaviour, ethics and professionalism that all personnel must adhere to in the course of their duties.

It will also provide a framework for the disciplinary action in cases where the standards are breached, and ensure that the integrity of the professionals is maintained and the public can have full confidence in the service provided.

The board will also play a crucial role in advising both the national Government and county governments on matters related to fire prevention and rescue services. This will promote greater collaboration between different agencies and stakeholders enabling effective and efficient agencies.

The Bill also contains provisions of discipline of professional misconduct, malpractice by fire and rescue service

professionals.

The board will also have the power to receive and investigate complaints against registered professionals and firms, and to take appropriate disciplinary action where necessary. This will include the ability to suspend or revoke registration, impose fines, and refer cases to relevant authorities for criminal prosecution.

However, Senator Ledama ole Kina expressed his reservations on the Bill, arguing that its enactment would render county governments ineffective.

“Each county, based on its own environment, should develop its own legislation on how they are going to manage fire services and disasters, just like the framers of the Constitution had in mind,” he said.

The Bill, he said, has issues that deal with intergovernmental agencies such as control by the national Government through the Executive and its operationalisation through county governments.

“What happens then to the existing pieces of legislation that have been passed by county governments? We know well that a national law supersedes that of a county government.”



# Speaker Kingi hosts Parliamentary Liaison head at Foreign Ministry



Speaker Amason Kingi stresses a point during the meeting with Ambassador Jackline Yonga, the Director of Parliamentary and County Liaison Directorate, Ministry of Foreign Affairs. Deputy Clerk Mohamed Ali, Mr Ben Furaha, the Director, Speaker's Office and Sylvia Nasambu, Clerk Assistant attached to the Speaker's Office follow the proceedings.

Speaker Amason Kingi last week hosted Ambassador Jackline Yonga, the Director of Parliamentary and County Liaison Directorate, Ministry of Foreign Affairs during a courtesy call in his office at Parliament Buildings.

This was the inaugural meeting between the two leaders, following Ambassador Yonga's appointment to the new portfolio, after a successful diplomatic stint in Italy.

The Speaker lauded the Director for her new appointment, observing that she had the experience to steer the directorate to new heights in its engagement with stakeholders, among them Parliament and the County Governments.

"You head a very significant and important docket that has the duty of enhancing synergy between Parliament and the Executive, especially with regard to facilitating the role of parliamentarians in their duty locally and abroad," said Speaker Kingi.

The role of the directorate is also pivotal in ensuring the Senate and the Executive work harmoniously particularly on the matter of effecting summons that the

Senate routinely issues to Cabinet Secretaries, Principal Secretaries and other heads of State Agencies, in line with its oversight mandate, the Speaker added.

"We look forward to your office acting proactively whenever the Senate invites Cabinet Secretaries to ensure they appear in time or the office of the Clerk is alerted in good time, if they cannot appear due to some unforeseen circumstances. This will save the Senate precious time."

Ambassador Yonga reiterated the commitment of her directorate in working diligently with the Senate by facilitating the work of legislators in their engagement with the national Executive on matters of lawmaking, Parliamentary Diplomacy, and other duties, locally and abroad.

The two leaders agreed on modalities of making the engagements between Parliament, Executive and the Counties better, more seamless and complementary, going forward.

Deputy Clerk Mohamed Ali and the Director in the Office of the Speaker, Mr Ben Furaha, were present.



Speaker Kingi listens keenly to Ambassador Yonga's submission.



Speaker Kingi and Ambassador Yonga exchange gifts after the meeting.

## Speaker directs Committee to reconsider UoN letter on SRC nominee

Speaker Amason Kingi has directed the Committee on Finance and Budget to consider the authenticity of two contentious letters issued by the University of Nairobi in respect to Mr Abdulrahman Ali Hassan.

Mr Hassan, who served as the Senator for Wajir between 2013 and 2017, and also served as Deputy Minority Leader, was among those who has applied to the counties in the Salaries and Remuneration Commission (SRC).

The former Senator emerged top during the interviews for the Senate nominee to represent counties in the SRC.

However, after the interviews, the committee received correspondence from the University of Nairobi (UoN), indicating that the certificate submitted for verification by Mr Hassan was not genuine and that it was not issued by the University.

Although ranked first, the committee dropped him from the recommended list of candidates.

After the Committee submitted its report, the Committee received yet another letter from the university clarifying that Mr Hassan was conferred with a Bachelor's Degree in Arts (Gender and

Development Studies) at the University in 2008.

The letter further noted that Mr Hassan was a student at the university between 2005 and 2008.

While presenting the report, Majority Whip Boni Khalwale, who sits on the Committee, sought the direction of the Speaker arguing that if Mr Hassan's certificate is genuine, "it means we have no grounds to knock him out from the list".

"His name should be before the House," said Senator Khalwale.

In his ruling, the Speaker directed the

to consider the matter afresh adding that the re-consideration will be limited to the two letters from the University in respect of the candidate and to establish the correct position.

"The Speaker is ill-equipped to determine the authenticity of the two letters. The organ of the Senate that has an intricate understanding of the matter at hand is the organ that undertook the interview process," said the Speaker.

He added: "The task before the committee will be limited to consideration of the two letters from the University of Nairobi in respect of the candidate."



# Make Kenya motor vehicle manufacturer, Trade Committee plea to Japan envoy

The Committee on Trade, Industrialisation, and Tourism has requested the Government of Japan to consider setting up automotive manufacturing factories in Kenya.

The request comes in the wake of President William Ruto's visit to Japan last February where he met with Prime Minister Fumio Kishida and agreed to promote local assembly of vehicles by installing new production equipment at the KBM factory in Ruiru, Kiambu County.

While meeting with the Japanese Ambassador to Kenya Ken Okinawa, the Committee lauded the proposal by the two governments saying it would be a perfect solution to the widespread unemployment among the youth.

However, the lawmakers requested Japan to consider setting up manufacturing factories in addition to the assembling factories and train Kenyan mechanical engineers to enable them to manufacture original motor vehicle parts locally.

"We need to make Kenya an original vehicle parts manufacturer. How can Japan help Kenya to become a manufacturing country?" asked Senator Okiya Omtatah.

Ambassador Okinawa agreed with the Senators that setting up automotive manufacturing and assembling factories in Kenya is long overdue but urged the

Senate to help the Government implement the National Automotive Policy, noting that the non-implementation status of the policy was a major hurdle to actualising the dream.

The Policy, the Japanese envoy explained, would go a long way in "incentivising Japanese automotive companies like Toyota, Hyundai, and Isuzu to set camp in the country" thus providing job opportunities for the youth.

"The National Automotive Policy was put in place to stop the importation of used cars in the country and its non-implementation is negatively affecting the local automotive industry. Cheaper and older cars are entering the market at the moment due to the non-implementation of the policy, making locally assembled automotive unattractive to Kenyans," Mr Okinawa said.

The Japan envoy added that Kenya would benefit from phasing out the old cars from the market since they are not energy efficient, cost-effective, and environmentally friendly.

The Committee resolved to follow up with the Ministry of Industry, Trade, and Investment on the implementation of the National Automotive Policy to improve the country's economic fortunes and create job opportunities in the manufacturing sector.

"We will work together so that we can



The Japanese delegation led by Ambassador Okinawa Ken (second right) during the meeting with the Committee on Trade at Parliament Buildings.



Senator Seki ole Lenku, the chair Trade Committee, stresses a point during the meeting with the Japanese delegation.

help our country have good legislation and policies that will make the economy grow," Senator Lenku Seki, who is the Chairperson of the Committee, remarked.

Ambassador Ken Okinawa was ap-

pearing before the Senate Trade Committee to deliberate on Japan's support for Kenya's trade and industrialisation and the Dongo Kundu Special Economic Zone.

# Security Committee to vet police chief



Senator William Cheptumo (standing), the chair of the Committee on Security and Senator Mohamed Chute.

The Committee on National Security, Defence and Foreign Relations is expected to start the process of vetting Mr Douglas Kanja Kirocho, who President William Ruto has picked as the next Inspector General of the National Police Service.

The exercise will be done jointly with the Committee on Administration and Internal Affairs of the National Assembly as provided for in the law.

Article 245(2) (a) of the constitution provides that the Inspector General is appointed by the President with approval of Parliament. Further, Section 12 (2) and 7 of the National Police Service Act gives Parliament 14 days to consider Mr Kirocho's suitability for the job and either approve or reject his nomination and the Speaker of the National Assembly shall notify the President of the decision of Parliament.

To assist the House in its consideration and approval processes, Speaker Kingi presented the Certificate of Presidential

Nomination together with the nominees' curriculum vitae and testimonials to the Committee, which is chaired by Senator William Cheptumo.

If approved Mr Kirocho will be the fifth inspector general since the promulgation of the 2010 constitution: Mr David Kimaiyo, Joseph Boinnet, Hillary Mutyambai and Japheth Koome.

Speaker Kingi directed that the chairpersons of the two Committees will co-chair the joint sittings. "The secretariat will comprise officers of the two Houses," he added when he delivered the communication to the House.

The quorum of the joint sittings will be the respective quorums of each of the committees as stipulated by the respective Standing Orders. "Unless a decision is reached by consensus, any vote to be taken in the Joint Sitting of the Committees shall be by separate Houses. This will ensure that the numerical difference of the individual Members representing the Houses in the Joint Sittings has no ef-

fect on the decisions of the Joint Sittings of the Committees," explained Speaker Kingi.

The Committees shall submit a joint report to the respective Houses for debate.

The Public Appointments Parliamentary Approval Act provides that unless otherwise provided in any law, a Committee shall consider a nomination and table its report in the relevant House for debate and decision within 28 days from the date on which the notification of nomination was given.

Section 9 of the Act says that if after the expiry of the period of consideration Parliament has neither approved nor rejected a nomination of a candidate, the candidate shall be deemed to have been approved.

The period on the matter started running upon the Speaker of the National Assembly committing the name of the nominee to the Committee on Administration and Internal Affairs.



# Reduction of county funds to follow DORA amendment, says Committee



Senator Ali Roba, chairman, Finance and Budget Committee.

The Committee on Finance and Budget says it will consider the Presidential Memorandum on the the County Allocation of Revenue Bill, 2024 after amendments to the Division of Revenue Act (DORA), 2024.

The Committee argues that an amendment to reduce the amount of equitable shareable revenue, as directed by President William Ruto, can only be done after amendment to the Act.

In a Statement, Senator Ali Roba, who chairs the Committee, told the House that if no such amendment is made to the Act, then the question of amending the County Allocation of Revenue Bill is mute as the two Bills are not mutually exclusive, but one forms the basis of the other.

“The committee reiterates that the processing of the reservation of the Pres-

ident on County Additional Allocation of Revenue Bill, 2024 can only be done after the proposed amendment to the Division of Revenue Act, 2024,” said the Senator.

The Committee’s statement is in response to President William Ruto’s refusal to Assent to the Bill and instead returned it to the Senate for amendments.

In his reservations, the President asked the lawmakers to amend the Bill and reduce the share due to counties from Sh400.1 billion to Sh380 billion for this financial year.

In the Bill passed by the House, the 47 County Governments were to share Sh400.117 billion for the 2024/25 financial year in equitable share as provided for in the Division of Revenue Act, 2024.

Speaker Amason Kingi had referred the Memorandum to the Committee and

directed it to table its report to the House by last Thursday, July 18, 2024.

However, at the time of the President submitting the Memorandum containing the reservations, the Division of Revenue Act, 2024 was already in force and provides for the county government share of nationally raised revenue of Sh400.1 billion.

The Committee noted that the President’s recommendation reflect a different sum of equitable share to counties from that which is contained in the Division of Revenue Act, 2024.

The First Schedule of the County Allocation of Revenue Bill 2024 as passed provides for each county government share of Sh400.1 billion arrived at by applying the Third Basis of Revenue Sharing to the County Equitable Shares contained in Division of Revenue Act.

“The committee observed that the constitutional in compliant procedure would be the reconsideration of the division of nationally raised revenue between the two levels of government for financial year 2024/25 by Parliament,” said Senator Roba.

The budget process is premised upon the two crucial legal instruments under Article 218 of the Constitution.

The process begins with the vertical allocation of nationally raised revenue between the two levels of government; a step facilitated by the passage of Division of Revenue Bill in accordance with

Article 218(1) (a) of the Constitution.

The second and consequential step in the process is the horizontal allocation of revenue among the 47 counties; facilitated by the enactment of the County Allocation of Revenue Bill, pursuant to Article 218 (1) (b) of the Constitution.

The second step is determined in accordance with the resolutions enforced under Article 217 - the revenue sharing formula as approved by the Senate.

President Ruto signed into law the Division of Revenue Act (DoRA), 2024, which divided nationally-raised revenue between the national Government and the county governments, giving counties an enhanced equitable share of Sh400.1 billion.

The figure was Sh14.6 billion above the previous year’s share, representing a 23.48 per cent increase from the constitutional minimum threshold of 15 per cent.

In the 2023/24 financial year, counties were allocated Sh385.4 billion an equivalent to 23.03 percent of the last audited accounts.

Additionally, the Act allocated counties Sh7.8 billion in equalisation fund as part of the measures to implement Article 204 of the Constitution.

The funds are meant to improve basic services in historically marginalised areas.

## Committee questions of donors’ role in health sector



Senator Hamida Kibwana and Senator Ledama ole Kina both sit on the Committee on Health of the Senate.

A joint sitting of Parliament Health Committee has raised concerns about attempts by donors in the health sector to economically disadvantage Kenya through practices that foster overdependence on their support for financing programmes related to HIV/AIDS, malaria, and vaccine procurement.

The National Assembly Health Committee and the Senate Committee on Health allege that these agencies have developed a habit of creating algorithms

designed to advance their interests at the expense of the Kenyan people.

The lawmakers mentioned the Global Fund and the Global Alliance for Vaccines and Immunisation (GAVI), describing them as the most notorious for advancing such practices, despite their support in financing critical programs in the health sector.

They spoke during the vetting of Dr Patrick Amoth, the nominee for the position of Director General of Health in the Ministry of Health.



“We faced many challenges with procurement, particularly concerning items like cancer medications and malaria mosquito nets. In your opinion, what steps should we take to become independent and ensure that our cooperation with these agencies does not lead to the development of an algorithm designed to advance their interests at the expense of our people? posed Narok Senator Ledama Ole Kina.

Dr Amoth stated that the Ministry of Health has begun developing a sustainability plan to give Kenya greater leverage in managing and running its programs.

He stated that, by assessing the fiscal space, available resources, human resources for health, and existing infrastructure, the country can finance all programs currently funded by donors through the national budget within the next five years.

“Sometimes it’s tough, especially when you’re in a situation where this type of support is only available from a specific partner. These are the conditions and the price you sometimes have to pay for being part of the underdeveloped world,” he said.

“But going forward to your support to this committee and the rest of the country. We need to plan for her as a country. That is when we can talk about independence,” he stated.

“Moving forward, your support is crucial not only to this Ministry but to the entire country. We need to plan strategically for health as a nation. Only then can we begin to discuss true independence,” he added.

The House has since approved Dr Amoth’s nomination, paving the way for his appointment.



# From healthcare to mineral exploration, lawmakers seek answers



*Senator Godfrey Osotsi.*

Senator Godfrey Osotsi wants the Committee on Education to submit to the House details concerning the state of vocational training centres in Vihiga County.

He wants the Committee to provide a breakdown of the County Government of Vihiga annual budgetary allocation vis-a-vis the actual expenditure for the education sector for five financial years: 2019/20, 2020/21, 2021/22, 2022/23 and 2023/24.

In a request for the Statement, the law says the details should include the specific allocation and expenditure for Early Childhood Development Education (ECDE), County bursaries, Governor's Scholarship Fund and Vocational Training Centres.

He also wants the statement to provide a report on the current state of vocational training centres and other related institutions in the county, a schedule of the capitation funds as well as training materials and equipment received by the respective institutions during the five years period.

Senator Osotsi further wants the Statement to provide a monthly breakdown of the salaries paid to employees of the Vocational Training Centres and other related institutions during the same period.

The breakdown should indicate the status of remittance of statutory deductions to the relevant institutions and explain any accumulation of salary arrears, a breakdown of all liabilities owned by the Vocational Training Centres and other related institutions.

"The Committee should outline any steps taken by the County Government of Vihiga to ensure improved funding and management of Vocational Training Centres for guaranteed quality and competency based education and training," Senator Osotsi to the Committee on Education.

In another request for a Statement, the



*Senator James Lomenen.*

Senator wants the Committee on Health to submit to the House the status of payment of stipend to Community Health Promoters (CHPs) following reports of non-payment of the same.

He wants details of the signed agreements between the national and county governments as per Article 187(2)(a) of the Constitution in relation to counterpart funding of the CHP Stipend Payment Plan.

"The Statement should give a breakdown of the payment of stipends to the CHPs in all the 47 counties from the commencement of the programme to date, indicating monthly payments and outstanding balances on a monthly basis and highlight the counterpart share," he said, when making the request on the floor of the House.

He further wants the Committee to explain the delay in payment of stipends in some counties despite the Senate's approval of the County Government's Additional Allocation Act and the cash disbursement schedules.

Senator James Lomenen wants the details of the rehabilitation and grading of murram roads in banditry-prone areas in Turkana County explained.

The Senator Lomenen wants the Committee on Roads, Transportation and Housing to submit to the House a comprehensive statement on the areas in Turkana East, Turkana South and Loima Constituencies in Turkana County.

He lamented that roads in the three constituencies have for a long time remained nearly impassable.

"This has stalled economic development in these areas and severely undermined efforts to combat banditry as the dilapidated nature of the roads hinders the mobility of security personnel," he said, adding that there is a critical need to rehabilitate and grade roads in the said areas to ensure the safety of residents and the enhancement of development initiatives.



*Senator Richard Onyonka.*

He cited nine key roads and requested the committee to outline any plans by the Government to rehabilitate and grade the murram roads. The roads include: Kamurio-Kapedo Road, Kamurio-Lomelo-Napeitom Road, Amaler-Kallosia-Lokwamosing Road, Napeitom-Lomelo-Tot Road, Juluk-Kalomwae-Nariwomoru-Kasei Road, Kainuk-Lotongot-Lochwaakula-Amaler Road, Kaakongu-Narimao-Locheresekon-Namambu-Kollosia-Amaler Road, Naipa-Lorengikipi-Lokwakipi Road and Kalemnyang-Lorengikipi-Lokwakipi Road.

The Senator wants the Committee to provide a timeline for completion of rehabilitation and grading works on the said roads.

Senator John Methu wants to know the status of insurance cover for Nyandarua County government vehicles.

Senator Methu wants the House to be informed on the total number of vehicles that belong to the county, indicating those that are insured under the third party motor vehicle insurance cover as well as those under the comprehensive motor vehicle insurance cover.

He wants the Committee on Roads, Transportation and Housing to disclose the details of insurance providers contracted by the County Government of Nyandarua to insure the said vehicles, including the agreement between the two parties and indicate the annual premiums payable by the devolved unit.

"The Committee should state the number of accidents involving the County Government's vehicles that have occurred since 2013 to date and clarify whether insurance providers repair the vehicles or pay compensation to the County Government," said Senator Methu.

The Senator further wants the Committee to explain the circumstances that led to the abandonment of several County Government vehicles that were



*Senator John Methu*

involved in accidents at various police stations across the county.

This, he added, should state whether the said vehicles were insured at the time of the accidents.

Senator Richard Onyonka is concerned about the exploration of minerals in Kenya.

The Senator wants the Committee on Lands, Environment and Natural Resources to provide to the House a status report of exploration of all discovered minerals.

The Committee should provide a comprehensive geological map showing the locations of the minerals, the mining sites in Kenya and approximately what their values are.

The Committee should provide a comprehensive list of all licensed companies in mineral exploration in the mining industry, indicating their respective contribution to the Government in terms of tax and local communities through taxes, royalties and corporate social responsibility activities.

The statement should outline any measures put into place to secure rare minerals which have been discovered in game reserves, private animal conservancies and on private land within our borders.

Senator Onyonka also wants the Committee to investigate claims of rare mineral deposits having been discovered in private animal conservancies and kept undeclared.

"If this is substantiated, the Committee should state any steps taken by the Government to curb illegal mining and smuggling of the same out of the country and to hold to account any individuals found culpable," he said when he rose to seek the statement.

"The Committee should give us a report on who is mining soap stone in Kisii County considering there was a Presidential declaration that a factory should be set up so as to employ our people."

# Kaunti ya Bungoma yamulikwa kwa kutumia shilingi milioni 148 kufadhili sherehe za Madaraka

Seneta Wafula Wakoli ameitaka Kamati ya Fedha na Bajeti kutoa taarifa kuhusu Bajeti ya Ziada ya Shilingi milioni 148 iliyopitishwa na Bunge la Kaunti ya Bungoma kwa mwaka wa kifedha wa 2023/24 kutenga fedha kutumika katika maandalizi ya Siku kuu ya Madaraka ambayo sherehe zake zili-fanyikia Kaunti ya Bungoma.

Katika taarifa hiyo, Kamati hiyo inayoongozwa na Seneta Ali Roba ina wajibu wa kueleza ni kiasi gani cha pesa kilitumika katika maandalizi ya sherehe za Madaraka zilizofanyika tarehe moja Juni mwaka huu katika Kaunti ya Bungoma, ikieleza pia mchango wa Serikali ya Kitaifa na Serikali ya Kaunti kwa ajili ya sherehe hizo.

Seneta Wakoli anataka kujua kwa nini Bunge la Kaunti lilipitisha Bajeti ya Ziada ya zaidi ya shilingi Milioni 148 kufadhili hafla ya Serikali ya Kitaifa na ni vipi pesa hizi zilitumika.

Zaidi, Kamati hiyo inatakiwa kueleza

jinsi utoaji zabuni kwa watoaji huduma na bidhaa mbalimbali ulivyofanywa na maelezo ya kampuni zilizokabidhiwa zabuni na thamani ya kila zabuni.

Huku hayo yakijiri Kamati ya Kilimo imetakiwa kueleza hali ya Kiwanda cha Kuchinja Kuku cha Chwele, Kaunti ya Bungoma.

Seneta Wakoli anaitaka Kamati hiyo kutoa ripoti kuhusu hali ya sasa ya kiwanda hicho, kinachojumuisha kichinjio cha kuku na kueleza ni mashine au vifaa vipi vinavyomilikiwa na Serikali ya Kaunti ya Bungoma vilivyopo kwenye kiwanda hicho.

Seneta Wakoli anataka maelezo kuhusiana na mapato kutoka kwa kiwanda hicho tangu kuanza kuhudumu na takwimu za kiwastani za idadi ya kuku wanaochinjwa kila siku.

Katika ombi hilo la taarifa lililowasilishwa kwenye Seneti juma lililopita, Seneta Wakoli anataka pia tathmini ya athari za kijamii na kiuchumi za kiwanda hicho



Seneta Wafula Wakoli

# Seneta Kavindu ataka majibu kuhusu miili iliyotupwa Kware, Kaunti ya Nairobi

Seneti inatakiwa kutoa ripoti kuhusu matukio ya miili kupatikana eneo la Kware, Embakasi Kusini, Kaunti ya Nairobi.

Katika ombi la taarifa kwa Kamati ya Seneti ya Usalama wa Kitaifa, Ulinzi na Uhusiano wa Kimataifa, Seneta Agnes Kavindu anaitaka Kamati hiyo kufanya uchunguzi wa kina kubaini chanzo cha vifo vya wanawake 42 ambao miili yao ilitupwa na kupatikana eneo hilo la Kware.

Seneta Kavindu anataka pia maelezo kuhusu utambulisho na eneo wanakotoka wanawake hao 42, ikiwemo ikiwa familia zao zilikuwa zimeripoti kupotea kwao, pia kueleza ni vipi matendo ya mauaji ya mshukiwa aliyekamatwa hayakuju-likana na kwa nini mshukiwa hajulikani kwa wakazi wa eneo la Kware, licha ya mauaji kufanywa tangu mwaka wa 2022.

Kamati hiyo inatakiwa pia kueleza kwa nini serikali ilisalia gizani kuhusiana na matukio hayo ya kinyama hadi yalipoangaziwa katika vyombo vya habari na kutoa taarifa kuhusu hali ya uchunguzi na ni vipi familia za waathiriwa zitapata haki.

Kwingineko, Serikali ya Kaunti ya



Seneta Agnes Muthama

Kisumu imeanikwa kufuatia kile kimetajwa kuwa kuwaajiri watu waliozidisha umri wa kustaafu.

Katika ombi la taarifa kwa Kamati ya Leba, Seneta Tom Ojienda analalamikia ukiukaji wa sera ya Serikali ya Kitaifa na mageuzi yaliyofanywa mnamo mwaka wa 2009 kubadilisha umri wa kustaafu hadi miaka 60 na 65, katika uajiri unao-fanywa na Serikali ya Kaunti ya Kisumu.

Ombi hilo la taarifa limerejelea pia mwongozo uliotolewa na Tume ya Utumishi Kwa Umma (PSC) ulioeleza bayana kuwa mtumishi wa umma an-

gelazimika kustaafu mara tu anapotimiza umri wa kustaafu.

Kamati hiyo inatakiwa kutoa ripoti kuhusu sera ya Kaunti hiyo kuwaajiri watu waliostaafu na idadi ya watu ambao wameajiriwa chini ya sera hiyo na maelezo bayana kuhusu mikataba yao, maelezo ya kikazi na mishahara au marupuru yao.

Seneta huyo pia anataka kuelezwa kwa nini Kaunti hiyo imeamulia watu walio-staafu badala ya kuwaajiri vijana wenye uwezo wa kuchapa kazi hizo, mchakato uliotumiwa kuwateua wafanyakazi hao

na mikakati iliyowekwa kuhakikisha uajiri wa watu waliostaafu hautaathiri na kulemaza fursa za wafanyakazi vijana kukua kitaaluma au kuhitilafiana na utendakazi na utoaji huduma kwa njia muafaka.

Vilevile Kamati hiyo inatakiwa kutoa ripoti inayotathmini ujuzi wa wafanyakazi waliokuwa wamestaafu, tajriba yao na umuafaka wao kuhudumu katika nyadhifa walioajiriwa kwa wakazi wa Bungoma. Vilevile anataka kuarifiwa kuhusu idadi ya wakazi walioajiriwa na idadi ya wakulima wanaouza kuku wao kwenye kichinjio hicho.

Aidha, Kamati hiyo inayoongozwa na Seneta James Murango inatakiwa kueleza iwapo mchakato wa ukodeshaji kiwanda hicho ulifanywa kwa njia wazi na inayokuza ushindani na kama sivyo, sababu zitolewe.

Kadhalika, Kamati ya Fedha kwenye ripoti yake itahitajika kujumuisha taarifa kuhusu kampuni iliyokodishwa kiwanda hicho, gharama ya ukodeshaji, mchakato wa kuipatia usukani kampuni husika na mkataba wa maelewano kati ya Serikali ya Kaunti na Kampuni husika.



# House rejects Succession Bill



Senator Veronica Maina sponsored the Law of Succession (Amendment) Bill, 2023.

**T**he Law of Succession (Amendment) Bill, 2023, has failed to sail through the critical second reading stage.

The Bill garnered the support of 23 votes, one vote short of the 24 required to move to the next stage.

The Bill, which is sponsored by Senator Veronica Maina, deals with succession matters which essentially touch on land and other movable and immovable property of a deceased person, making it a Bill touching on the functions of county governments.

Being a Bill concerning County Governments, it required the support of at least 24 county delegations. However, only 23 senators voted in support while 4 others voted against.

“The Bill fails to garner the requisite delegations and therefore it fails,” declared Speaker Amason Kingi, after the final vote was taken on Tuesday.

The Bill had proposed to amend seven clauses of the Succession Act with a view to aligning it with the current Marriage and the Matrimonial Property Act to accommodate the prevailing realities

within families.

Senator Maina had also proposed to safeguard gender equality in the succession matter so that widows and widowers have equal rights upon the demise of a spouse.

The Bill sought to amend the Law of Succession Act to ensure that property is distributed equally to all children of a deceased male parent. Senator Veronica argues that the current discriminates against children born out of wedlock who are not officially recognised by the father when he is alive.

A child belonging to a male parent is described in the current law as any child whom he has expressly recognised or in fact accepted as a child of his own or for whom he has voluntarily assumed permanent responsibility.

“The Kenyan Courts have found it discriminative against adopted children and children who have not been expressly recognised and accepted by their father,” Senator Maina said when she moved debate on the Bill.

In the amendment, Senator Maina had proposed that a child be recognised as, “an adopted child and a child who is conceived during the lifetime of a deceased person and is subsequently born after the death of the deceased person.”

The Senator sought to protect children of the deceased whose mother was not a wife of the deceased by ensuring that they are considered as additional units

and their share of the estate devolves to them at the time of succession.

“If you look at the legislative jurisprudence in Kenya, under the Marriage Act, you will find that we have a monogamous system of marriage that is prevailing. This monogamous system defines who a wife is and who a husband is,” she said during debate on the Bill.

The purpose of the amendment was to determine what should happen to children who are born out of wedlock and whether women who have given birth to such children are entitled to the estate of the deceased man.

The law defines a monogamous marriage as that of one man and one woman. However, Senator Maina argued that when it comes to current practice, even in situations where a man is married under the monogamous laws, there is a chance another wife under the traditional or polygamous system exists and there are children that may emanate from such relationships.

“The worst scenario would be a man who is married to one wife under monogamous laws of marriage but also has mistresses who have children or he has had children out of wedlock. What happens then is a sort of chaotic platform on how the determination of rights under the succession law happens. If that man departs from this world, even those children born out of wedlock cannot become inheritors of his estate,” she explained.

## MASHINANI PREPS

# Mashinani Planning Committee tours Busia County

**T**he Senate Mashinani Planning Committee has started a series of tours to in which it will inspect Busia County Assembly’s level of preparedness for the sitting of the House scheduled for the final weeks of September.

The team, which is led by Mr Zakayo Mogere, the Deputy Director, Legislative and Procedural Services, made the inspection tour of the County where it assessed facilities in the Assembly, including accommodation and health services in readiness for the event.

The Senate Mashinani is scheduled to be held from September 23 to 27, 2024.

The initiative, which is held annually, is part of continuous effort of enhancing the Senate’s working relationship with the counties and interaction with the public whilst also giving the legislators an opportunity to assess the state of devolution in the county.



Mr Zakayo Mogere, the chairman of the Senate Mashinani Planning Committee, with Busia Deputy Governor Arthur Odera after the team visited the County headquarters.

Previous sittings of The Senate outside Nairobi were held in Uasin Gishu, Kitui and Turkana counties in September 2018, 2019 and 2023 respectively.

The Planning Committee paid a courtesy visit to the County Governor where



The County Assembly of Busia Chamber which will host sittings of the Senate in September.

it was received by the Deputy Governor Arthur Odera who promised support in ensuring the success of the Mashinani sittings.

“On behalf of the Governor, we are really happy to have the privilege to host



Mr Mogere speaks during the meeting between the Committee and the County Assembly leadership on the preparations for Senate Mashinani.

the Senate sittings this year as this will provide us a unique opportunity to be on the radar of our Country” stated the Deputy Governor.



# Bunge FC win 2024 Justice Cup Tournament



Bunge FC players celebrate with the trophy after they won the Justice Cup Tournament 2024 sponsored by the Law Society of Kenya (LSK).

Bunge FC were crowned champions of the Soccer Justice Cup Tournament 2024, which was the highlight of the Law Society of Kenya (LSK) Justice Games.

The tournament was held on July 27 at the University of Embu, Embu County.

The event, themed 'Fair Play: Where Law Meets Sports,' brought together legal professionals and public service officials to foster camaraderie and promote physical fitness through sports. It was also a spectacular showcase of talent, skill, and sportsmanship.

The Parliamentary Service Commis-

sion, PSC acknowledged the importance of Parliament's participation in the games to serve as an outreach programme as it highlights the Commission's mandate of public trust and promoting ideals of parliamentary democracy as captured in Article 127(6)(d) of the Constitution.

The final match of the tournament saw the Parliamentary Joint Services face off against, Okil Kamaloka Welfare Association (OKWA) from Kisii County. The game was a one-sided affair, with the Parliamentary team thoroughly outplaying their opponents. The match ended with an overwhelming 4-2 victory in favor of the Parliamentarians with goals



Bunge FC with players drawn from the staff in the Parliamentary Joint Services (PJS) pose with the trophy after the tournament played in Embu County.

from Raban Ndege, Maxwell Okoth and Alfred Kitembe.

In their journey to the final, the legislature's team played LSK Nairobi and won by a goal to nil. In the second match, Parliament's team faced off Wamae and Allen Advocates which ended in a barren draw but went on to win 3-1 against MMC Asafo in the third round.

In the quarter finals, the parliament team beat Salim Omar and Co. 4-3 and won 3-2 against Kisii Teaching and Referral in the Semis.

This year's victory was particularly sweet for the Parliamentary Joint Services, who had finished as runners-up in the previous edition of the tournament. Their journey to the top was a testament to their determination and the strategic brilliance of their coach for this tournament, Naman Ageng'o.

Ms Faith Odhiambo, the chief guest, emphasised the importance of fair play and integrity both in the legal profession and in sports.

"The tournament embodies the spirit of sportsmanship and the values of justice, fairness, and respect, which are essential in both law and sports," she explained.

The LSK Justice Games continue to be a vital platform for members of the legal community and public service to engage in healthy competition and foster unity. This year's Soccer Justice Cup not only provided thrilling football action but also strengthened bonds among the participants.

## This Week in History



"This House passed the Mental Health (Amendment) Bill 2018, because we appreciated that mental illness is now a national disaster. That Bill did not canvass the matters of disciplined forces, because the Committee on Health felt that the matter should be handled in a different legislation. It is good that Sen. Khaniri is now asking the Ministry of Interior and Coordination of National Government to look into it. It is possible for us to have a legislative framework at the end of this Motion, to deal with the mental wellness of our disciplined forces."

Senator Sylvia Kasanga contributing to debate on the motion on the creation of support services for members of the disciplined forces and their families on August 7, 2019.



"It is clear that the Mover of the Motion has given a nice synthesis of the international laws that deals with persons with such challenges. She has cited Article 19, Convention on the Rights of Persons with Disabilities (CRPD) and our local position where we have domesticated the similar international law. In replica, Article 54(2) of the Constitution of Kenya has bequeathed a marginal percentage 5 per cent. However, when the opportunity to revisit the amendment of the Constitution knocks the door, we will need to double or triple it, so that persons who have that challenge can benefit."

Senator (Dr.) Boniface Kabaka contributing to debate on the motion on the retirement age for persons with disabilities in public service on August 8, 2019.



"This cadre of people is not only stigmatized because of their disability. Their morale to live and economic gains are derailed. It puts them in a corner where they need to start life afresh. Therefore, the society needs to recognize them. When most people get disabled, they have to change their normal environment that they lived in. If they are not well up, they are disappointed with life. I support my colleague in the proposal on extension of the retirement age from the previous one to 75 years."

Senator Naomi Shiyonga contributing to debate on the motion on the retirement age for persons with disabilities in public service on August 8, 2019.



"There are so many broken families whom we do not know of, because there is a lot of secrecy in the disciplined forces. For example, they get depressed and become violent. The disciplined forces usually employ professionals, for example, psychiatric and counselors, to offer psychosocial support. How are these professionals guided in the disciplined forces?"

Senator Petronila Were contributing to debate on the motion on the creation of support services for members of the disciplined forces and their families on August 7, 2019.





1. The Senate Mashinani Planning Committee pose for a group picture with staff of the County Executive of Busia led by Deputy Governor Arthur Odera when the Committee paid a courtesy call at the County Headquarters.
2. Students and teachers of Maranda High School pose for a picture during their tour of Parliament Buildings.
3. Students of AIC Missionary Cornerstone in a group picture at the end of their tour in the Parliament Buildings.

4. Staff of Parliament join students and teachers from Maranda High School for a picture during their tour of Parliament of Kenya.
5. Senator Samson Cherarkey speaks to students of AIC Missionary Cornerstone, Uasin Gishu County, who were on an education tour of Parliament Buildings.
6. Senator Seki ole Lenku, the chairman of the Committee on Trade speaks to Japan Ambassador to Kenya Okinawa Ken after a meeting between the Committee and the delegation from Japan in Parliament Buildings.





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