



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. IV NO. 73**

## THE HANSARD

Tuesday, 12<sup>th</sup> August 2025

The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

### PRAYERS

### QUORUM

**Hon. Speaker:** Serjeant-at-Arms, you may ring the Quorum Bell.

*(The Quorum Bell was rung)*

Hon. Members, we now have a quorum to transact business. Clerk-at-the-Table, we may start.

*(Several Members stood up in their places)*

Members on your feet, take your seats. Take the nearest seat, Hon. Wamuratha. Thank you.

### MESSAGE

#### APPROVAL OF A NOMINEE FOR APPOINTMENT TO THE BOARD OF CBK

**Hon. Speaker:** Pursuant to the provisions of Standing Order No.41(4) relating to Messages from the Senate, I wish to report to the House that I have received a Message from the Senate on the approval of the appointment of a member of the Board of the Central Bank of Kenya.

The Message conveys that by a resolution passed on Thursday, 7<sup>th</sup> August 2025, Joint Report of the National Assembly's Departmental Committee of Finance and National Planning and the Senate's Standing Committee on Finance and Budget and approved the appointment of Mr. Pius Ang'asa as a Member of the Board of Central Bank of Kenya.

You will recall that the approval hearing for the nominee to the position of a member of the Board of Central Bank of Kenya was jointly conducted by the relevant committees of the Houses of Parliament. I call upon the Departmental Committee on Finance and National Planning to table its Report soonest to enable the House to consider the matter within the statutory timelines.

The House is accordingly guided.

### PAPERS

**Hon. Speaker:** Leader of the Majority Party.

*(Hon. Kimani Ichungw'ah spoke off the record)*

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

1. The following Legal Notices and the Explanatory Memorandum from the Office of the Attorney-General -
  - (a) Legal Notice 131 of 2025 relating to the Extradition (Contiguous and Foreign Countries) (United Arab Emirates) Order, 2025.
  - (b) Legal Notice 132 of 2025 relating to the Extradition (Contiguous and Foreign Countries) (People's Republic of China) Order, 2025.
  - (c) Legal Notice 133 of 2025 relating to the Extradition (Contiguous and Foreign Countries) (Republic of Italy) Order, 2025.
2. Eighth Annual report on treaties ratified by Kenya for the Financial Year 2023/2024 from the Ministry of Foreign and Diaspora Affairs.
3. Report of the Auditor-General and Financial Statements on Eldama Ravine Technical and Vocational College for the year ended 30th June 2024 and the certificate therein.
4. Report of the Auditor-General and Financial Statements on Public Sector Accounting Standards Board for the year ended 30<sup>th</sup> June 2025 and the certificate therein.

Thank you.

**Hon. Speaker:** Thank you. Chairman of the Committee on Delegated Legislation.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

The Report of the Committee on Delegated Legislation on its consideration of the Affordable Housing Regulations, 2025 (Legal Notice No. 114 of 2025).

Thank you.

**Hon. Speaker:** Thank you. Next Order; Order No. 6.

### NOTICES OF MOTIONS

**Hon. Speaker:** Leader of the Majority Party.

#### RESOLUTION TO HOLD A MORNING SITTING

**Hon. Kimani Ichungw'ah** (Kikuyu, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, pursuant to the provisions of Standing Order 30(3)(b) on Hours of Meeting, this House resolves to hold a morning sitting on Thursday, 14<sup>th</sup> August 2025, commencing at 10:00 a.m.

**Hon. Speaker:** Thank you. You will move the Motion tomorrow morning. If you were ready, I would have given you an opportunity this afternoon. Chairperson of the Committee on Delegated Legislation.

*(Hon. Samwel Chepkonga consulted with Hon. Kimani Ichungw'ah)*

Hon. Samwel Chepkonga.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Sorry, Hon. Speaker. I was concentrating on the Leader of Majority who was doing some consultation.

*(Hon. Kimani Ichungw'ah spoke off the record)*

*(Laughter)*

ADOPTION OF REPORT ON THE AFFORDABLE HOUSING REGULATIONS 2025

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Affordable Housing Regulations, 2025, laid on the Table of the House on Tuesday, 12<sup>th</sup> August 2025, and pursuant to the provisions of section 59(4) of the Affordable Housing Act No. 2 of 2024, this House approves the Affordable Housing Regulations published as Legal Notice No. 114 of 2025.

Thank you.

**Hon. Speaker:** Thank you. Hon. Members, allow me to recognise a delegation from the Parliament of Uganda. The delegation comprises of six members of staff from the Parliament of Uganda who are seated in the Speaker's Gallery. They are in the country to undertake a benchmarking visit, and to engage with the Whip of the Majority Party of the National Assembly on the various mandates of the office.

On my behalf and that of the National Assembly, I welcome the delegation to Parliament and wish them fruitful engagements during their stay in the country. I also congratulate them for their victory in the African Nations Championship (CHAN) tournament yesterday.

*(Applause)*

They are very closely following Kenyas's example in our performance.

*(Laughter)*

Thank you. You may take your seats.

I also recognise students from Starehe Boys' Centre and Alliance Boys' High School. There are six students from Starehe Boys' Centre and three from Alliance Boys' High School, who are seated in the Speaker's Gallery. The students are in Parliament for a period of two weeks on a Voluntary Service Scheme. This gives the young men an opportunity to give back to the community, by providing voluntary service to various organisations during the school holidays.

On my behalf and that of the whole House, I welcome the students to Parliament and wish them a positive experience in their service to the Nation.

While at that, allow me to recognise the following schools in the Speaker's Gallery: Great Joy Academy from Kesses in Uasin Gishu; and Mberia Toileltany School from Emgwen in Nandi. Have I pronounced it properly? In the Public Gallery we have Corine Fountain Academy from Karachuonyo in Homa Bay; Tinderet Educational Centre from Tinderet in Nandi; Kamagambo Adventist Comprehensive School from Rongo in Migori; and Blair Serem School from Keiyo North in Elgeyo Marakwet.

I have been asked by Hon. Oron, on behalf of Hon. Okuome, to welcome the school from Karachuonyo. I will give you one minute.

**Hon. Joshua Oron** (Kisumu Central, ODM): Thank you, Hon. Speaker for this opportunity to welcome the Corine Fountain Comprehensive School from Karachuonyo and all other schools here today. On behalf of Hon. Adipo Okuome, Member for Karachuonyo, I

welcome all the students. All your dreams are valid. Education is an equaliser, so make good use of it.

Thank you.

**Hon. Speaker:** Member for Kesses, take one minute.

**Hon. Julius Rutto** (Kesses, UDA): Thank you so much, Hon. Speaker for this opportunity. I stand to welcome two schools from Kesses. One is Great Joy Academy from Kesses, and Hill School Eldoret who are scheduled to be here. This opportunity you are according our schools will help create and develop their learning in class. They get to understand how the legislative Arm of the Government works which will ensure that we foster support and growth of their development. Thank you so much. To the students, feel welcome. I know out of those that are here, one day some will rise and take over from me.

Thank you.

**Hon. Speaker:** Hon. Julius Melly.

**Hon. Julius Melly** (Tinderet, UDA): Thank you, Hon. Speaker. First of all, I thank the House and its leadership for allowing students to come to Parliament. In this session, I have seen the largest number of students come to Parliament in recent times. This is a demonstration that Parliament is very responsive and welcoming. A number of students came last week and the other week. Tinderet Educational Centre, amongst many schools from Nandi and across the country, have found out that they can learn a lot about government and Parliament and how Parliament systems work. I welcome them as the Chairperson of the Departmental Committee on Education. We want them to always come and learn better.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Kassim Tandaza, I did not hear of any school from your constituency.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Speaker. I take this opportunity to welcome my fellow students from Alliance High School.

**Hon. Speaker:** You are not a student, so they are not your fellow students.

**Hon. Kassim Tandaza** (Matuga, ANC): I used to be a student there. Once a student, always a student.

**Hon. Speaker:** Say you are an alumnus of Alliance High School.

**Hon. Kassim Tandaza** (Matuga, ANC): I also take this opportunity to welcome Starehe Boys Centre, where I got an admission for Forms 5 and 6. I opted to go to Alliance High School for Maths, Physics and Chemistry instead of Starehe that had offered me Maths, Economics and Geography. Voluntary service was started at Starehe Boys Centre by the late Griffin when he was the principal. I would request all the other schools to embrace the idea of voluntary service during holidays.

Thank you.

**Hon. Speaker:** Member for Keiyo North, have one minute.

**Hon. Adams Korir** (Keiyo North, UDA): Thank you very much, Hon. Speaker. I join my colleagues in welcoming all the students to this House of Parliament. In a special way, I welcome students from Blair Serem, a school which is performing well in my constituency. Work hard in school. Maybe one of you will be here one day to represent this country. I also thank the parents because they spend a lot of resources to ensure that the children learn in school.

Thank you for this opportunity.

**Hon. Speaker:** Leader of the Majority Party, whenever you hear Alliance, you must spring to say something.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Yes, Hon. Speaker. Allow me to welcome all the students who are here, with special recognition to those from Starehe and Alliance. I wish to tell Hon. Tandaza that I am his fellow student. I was behind him by a few years. I

encourage the students on voluntary service to the nation. Those who served the nation through the National Youth Service are the best living examples of what voluntary service does to a nation. In many nations around the world, people volunteer to serve in the military or police service.

What the students from Starehe and Alliance are doing is to live true especially to the Alliance motto that says that we are strong to serve. I remember, and Hon. Tandaza will tell you, we prayed every day that God would give us the strength to be men who are strong in body, mind and character to serve fellow men faithfully. I want to believe that is what these students from Alliance and Starehe are doing. They are being strong to serve and they offer their service to the nation by volunteering to serve in the National Assembly.

I encourage all students across the country to offer voluntary service during their school holidays to their communities, wherever they are. I also encourage them to foster discipline in the society they live in.

Hon. Speaker, you congratulated Uganda for exemplary performance. How I pray that the young people, and Kenyans at large, would learn from our neighbouring countries hosting the CHAN games, and exercise discipline in our stadiums. We are on the verge of being banned from the stadium because of people breaking gates and storming in and general indiscipline. We can cheer our team from anywhere - on the roads, in the streets and from our homes. Those who have an opportunity to get a ticket to Kasarani should attend the games with immense decorum so that we encourage our team. They are doing a great, great job, on the field.

The greater thing we can do for them is to exercise our cheering in a disciplined manner. I am sure we will get there. We will win. I can see the CHAN trophy coming home. And it is coming home with a disciplined team. Let us encourage Kenyans, especially those who patronise the stadium, to carry the same discipline that we see on the pitch as we cheer our team. Congratulations to our brothers from Uganda for their exemplary performance. As you said, Hon. Speaker, we lead, others follow. Harambee Stars is leading as others will follow.

**Hon. Speaker:** Hon. Owen.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Speaker. I wish to welcome the students. I do not know when my school will be mentioned in such glowing terms. I hope one day it will.

**Hon. Speaker:** Which school?

**Hon. Owen Baya** (Kilifi North, UDA): St. George's High School. I have seen the growing interest of students in this Chamber. It also shows confidence in your leadership. I also want to challenge you. Probably we need to start an education centre in Parliament where students can pass through and learn a lot of things. Parliament needs to take the bold step and build that centres. There is a lot of history to learn.

Apart from observing the proceedings, they would learn about Members who have been here, laws that have been passed and many other things. They do not need to just learn about Parliament but also Nairobi. We can actually house the education centre for Nairobi. They would learn about Kenyatta International Convention Centre, Uhuru Gardens and all other things in one centre. I challenge you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Members. For the record, we need to congratulate ourselves, the Office of the Clerk and the leadership. For the last one month, we have recorded over 100,000 students visiting the House of Parliament. And the visits have been incident-free. The students have been well received. Our dedicated staff have shown them around Parliament. Members from whose jurisdiction the students have come from have been at hand to welcome them. That is the spirit we must keep as a House of Parliament to mentor young Kenyans and mould them into future leadership.

Members of Parliament from Nairobi, we encourage you to speak to your constituents not to come to Kasarani in a rowdy manner. They are endangering our flying team that is

performing so well with the risk of being sanctioned by CAF because of rowdy fans walking into the stadium with the gates in their hands. That is not acceptable. Hon. Mwafrika, Hon. T.J. Kajwang' and Hon. Anthony Oluoch, I think it is in your area. Please, tell our brothers, sisters and children who come to boost the morale of the players that they can do so without being rowdy.

Next Order.

Members, let us dispose of Order Nos. 8 and 9 and then come back to Questions and Statements.

## MOTIONS

### APPROVAL OF NOMINEES FOR APPOINTMENT TO NG-CDF COMMITTEES

THAT, this House adopts the Report of the National Government Constituencies Development Fund Committee laid on the Table of the House on Wednesday, 6th August 2025 and, pursuant to the provision of Section 43(4) of the National Government Constituencies Development Fund Act (Cap. 414A) and paragraphs 5(2) and (10) of the National Government Constituencies Development Fund Regulations, 2016, approves the list of nominees for appointment to the following five constituencies committees of the National Government Constituencies Development Fund—

#### 1. ISIOLO SOUTH

No.	Name	Category	Statutory Provision Under NG-CDF Act
1.	Kadar Osman Ibrahim	Male Adult Representative	Appointment, pursuant to Sec. 43(2)(b).
2.	Muktar Hassan Ali	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b).
3.	Mariam Huka Sama	Female Adult Representative	Appointment, pursuant to Sec. 43(2)(c).
4.	Biftu Hassan Bure	Female Youth Representative	Appointment, pursuant to Sec. 43(2)(c).
5.	Halkano Huka Hache	Representative of Persons with Disabilities	Appointment, pursuant to Sec. 43(2)(d).

#### 2. LUNGALUNGA

Name	Category	Statutory Provision Under NG-CDF Act
Salimu Bakari Boi	Representative of Persons with Disabilities	Appointment, pursuant to Sec. 43(2)(d).

#### 3. KURIA WEST

No.	Name	Category	Statutory Provision
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			<b>Under NG-CDF Act</b>
1.	Chacha Mwita	Male Adult Representative	Appointment, pursuant to Sec. 43(2)(b).
2.	James Robi Wambura	Male Adult Representative	Appointment, pursuant to Sec. 43(2)(b).
3.	Gichere Pius Mwikwabe	Male Youth Representative	Appointment, pursuant to Sec. 43(2)(b).
4.	Bhoke Christine Nchamah	Female Adult Representative	Appointment, pursuant to Sec. 43(2)(c).
5.	Maurine Akata Maroa	Female Adult Representative	Appointment, pursuant to Sec. 43(2)(c).
6.	Maroa Sophia Robi	Female Youth Representative	Appointment, pursuant to Sec. 43(2)(c).
7.	Susan Robi Mwita	Representative of Persons Living with Disabilities	Appointment, pursuant to Sec. 43(2)(d).

#### 4. HOMA BAY TOWN

<b>No.</b>	<b>Name</b>	<b>Category</b>	<b>Statutory Provision Under NG-CDF Act</b>
1.	Silas Odero Muta	Representative of Persons Living with Disabilities	Appointment, pursuant to Sec. 43(2)(d).

#### 5. KITUI SOUTH

<b>Name</b>	<b>Category</b>	<b>Statutory Provision Under NG-CDF Act</b>
Timothy Kamwila Muasya	Male Adult Representative	Appointment, pursuant to Sec. 43(2)(b).

*(Moved by Hon. Clive Gisairo on 7.8.2025)*

*(Debate concluded on 7.8.2025)*

**Hon. Speaker:** Members on their feet, take your seats. Hon. Members, I will now put the question.

*(Question put and agreed to)*

Next Order.

#### ADOPTION OF REPORT ON AUDITED ACCOUNTS FOR THE NATIONAL HUMANITARIAN FUND

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the audited accounts for the National Humanitarian Fund for the Financial Years 2020/2021 and 2021/2022, laid on the Table of the House on Tuesday, 29<sup>th</sup> July 2025.



*(Moved by Hon. Fatuma Mohammed on 7.8.2025)*

*(Debate concluded on 7.8.2025)*

**Hon. Speaker:** I will now put the question.

*(Question put and agreed to)*

We will now go back to Order No. 7.

## QUESTIONS AND STATEMENTS

### REQUESTS FOR STATEMENTS

**Hon. Speaker:** Hon. Karemba Eric, Member for Runyenjes.

#### NON-PAYMENT OF BENEFICIARIES UNDER THE OLDER PERSONS CASH TRANSFER PROGRAMME

**Hon. Muchangi Karemba** (Runyenjes, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 42(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Social Protection regarding non-payment of 67 beneficiaries under the Older Persons Cash Transfer Programme (OPCTP) in Runyenjes Constituency.

The primary objective of the OPCTP is to improve livelihoods of poor households with persons aged 65 years and above. However, 67 beneficiaries registered under the programme in Runyenjes have not received their monthly stipend for June and July 2025. The failure to disburse the funds has exacerbated the financial constraints faced by these individuals and placed a disproportionate burden on their families.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Social Protection on the following:

1. A status report from the Ministry of Labour and Social Protection detailing registered beneficiaries in Runyenjes who have not received their payments.
2. Reasons for the delay in processing payment to the beneficiaries and the timelines for payment.

I thank you.

**Hon. Speaker:** That request goes to the Departmental Committee on Social Protection. Is Hon. Alice Ng'ang'a here? The Leader of the Majority Party will inform her to bring a response within the first week after recess.

Nominated Member, Hon. Abubakar Talib.

### MOUNTING OF ROADBLOCKS ACROSS THE COUNTRY

**Hon. Abubakar Talib** (Nominated, WDM): Thank you, Hon. Speaker. Pursuant to Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and National Security regarding the mounting of roadblocks along public roads in the country.

Section 69A of Traffic Act (Cap. 403) empowers the Inspector-General of Police, by notice in the *Kenya Gazette*, to designate a place along a public road on which a police roadblock may be mounted. The Act further provides that roadblocks may be mounted in a

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non-designated place only in exceptional circumstances certified by the Inspector-General or his authorised officer.

Whereas roadblocks are intended to enable security agencies to regulate the flow of traffic to enable response to security issues and enforcement of traffic rules, there have been complaints that police officers across the country take inordinately long to clear vehicles at roadblocks. It is further claimed that some officers extort motorists at roadblocks, instead of undertaking security checks or enforcing traffic rules. The long time taken to clear vehicles at roadblocks causes stretched traffic queues that delay travellers and transporters.

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

1. A comprehensive report on all areas gazetted and designated for mounting roadblocks along public roads, particularly major highways in the country, and their current status.
2. The justification for mounting numerous roadblocks at undesignated places, both during the day and at night, including confirmation as to whether such roadblocks are authorised by the Inspector-General as required under the Traffic Act (Cap. 403).
3. Measures put in place by the Ministry to ensure that inspections at roadblocks are seamless so as to avoid the long traffic queues and delays on the roads.

I thank you.

**Hon. Speaker:** Chairperson, Departmental Committee on Administration and National Security. Yes, Hon. Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Speaker. We will respond to the request within the first week after recess.

**Hon. Speaker:** Hon. Mumina Bonaya, Member for Isiolo County.

#### INSECURITY IN ISIOLO COUNTY

**Hon. Mumina Bonaya** (Isiolo County, JP): Hon. Speaker, pursuant to Standing Order 44 (2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding insecurity in Isiolo Town.

Hon. Speaker, Isiolo Town is on the brink of descending into chaos and the streets are flooded with seemingly unregistered firearms, while the Central Business District (CBD) is currently encountering a lot of unrest, fear, and open hostility. The tension is palpable, with residents living under constant threats of violence and disorder.

This wave of insecurity in Isiolo Town is not accidental. It is being aggravated by the political class, particularly those associated with the recent attempt to impeach the Governor of Isiolo County. The charged political atmosphere has emboldened armed elements, leading to more brazen and violent incidents whose consequences are becoming grave.

Among the most disturbing cases of this insecurity is the recent shooting and severe injury of the Secretary-General of the Somali Council of Elders, Mr. Idle Hassan Ibrahim, who was allegedly targeted while carrying out his duties. Such attacks send a chilling message and further erode public confidence in the ability of the security agencies to protect citizens.

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

1. Immediate measures on the disarmament of individuals in Isiolo Town who are seemingly in possession of illegal firearms.
2. Specific actions on addressing the surge of insecurity in Isiolo County, including the link between security and the recent political activities in the County.

3. Any progress made in the investigation into the recent shooting and severe injury of the Secretary General of the Somali Council of Elders, Mr. Idle Hassan Ibrahim, and steps taken to prosecute those responsible.

I thank you.

**Hon. Speaker:** Thank you. Hon. Raso, when can you bring a response?

**Hon. Ali Raso (Saku, UDA):** Hon. Speaker, considering the gravity of this matter, we will speak to the Ministry to give us a response as soon as possible. We will then call the Hon. Member so that within two weeks, we get a response to her request.

**Hon. Speaker:** Within the Committee?

**Hon. Ali Raso (Saku, UDA):** Yes.

**Hon. Speaker:** Okay. Hon. Mumina, in two weeks you can appear before the Committee to get your preliminary response.

Hon. Sabina Chege, Nominated Member of Parliament.

#### PROPOSED MODE OF PAYMENT FOR COFFEE FARMERS IN THE COUNTRY

**Hon. Sabina Chege (Nominated, JP):** Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives regarding a proposed mode of payment for coffee farmers in the country.

Hon. Speaker, in August 2023, the Government implemented the Direct Settlement System (DSS), mandating that payments be routed directly to the accounts of cooperatives with the objective of safeguarding farmers' income and ensuring financial order within the sector.

However, proposals to make payments directly to individual farmers' bank accounts or via M-PESA was introduced without comprehensive consultation with key stakeholders particularly coffee farmers and their cooperatives, generating widespread concern among the coffee farmers. Notably, the proposals are viewed as undermining the fundamental principles of cooperatives, which offer collective bargaining strength, equitable profit distribution, and financial accountability.

The current payment model of directing funds from the Nairobi Coffee Exchange (NCE) through cooperatives has demonstrated transparency and efficacy. In contrast, the DSS centralises payment control within financial institutions and government bodies, consequently eroding the autonomy of cooperatives in managing members' proceeds. This shift prompts serious questions regarding the capacity of the reforms to genuinely stabilise and enhance the agricultural sector.

The disbursement of payments to individual accounts therefore threatens this revenue model by restricting cooperatives' ability to deduct loan repayments, levy service charges and invest in communal infrastructure, thus jeopardising their sustainability. Stakeholders within the coffee value chain have expressed legitimate apprehensions; that bypassing cooperatives will undermine their viability, thereby placing farmers' financial security and the overall coffee economy at risk.

It is, therefore, imperative that payments continue to be disbursed securely and promptly through cooperatives to safeguard the livelihood of thousands of farmers and ensure the sector's long-term sustainability.

Hon. Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Trade, Industry and Cooperatives on the following:

1. Provide a report on public participation undertaken, if any, prior to the implementation of the proposed DSS and if not, the justification for bypassing farmers and stakeholders.
2. The rationale underpinning the proposal to implement payments directly to farmers' individual accounts rather than through cooperative societies, as per established practice.
3. Strategies in place to uphold the payment system through the cooperative framework that channels funds from the Nairobi Coffee Exchange to cooperatives.

I thank you.

**Hon. Speaker:** Thank you, Hon. Chege. Hon. Chairman of the Departmental Committee on Trade, Industry and Cooperatives. Who is the Chairman of the Committee? Hon. Shinali.

Yes, Hon. Gichimu. Are you a Member of the Committee?

**Hon Gichimu Githinji** (Gichugu, UDA): Yes, I am a member of the Committee. Hon. Speaker, owing to the urgency of the matter, I will pass the message to the Hon. Chairman so that he may be able to present the Statement once we resume from the short recess.

**Hon. Speaker:** First week upon resumption. Hon. Onesmus Ngogoyo, Member for Kajiado North Constituency.

#### DELAYED COMPENSATION FOR LAND ACQUIRED FOR CONSTRUCTION OF THE NAIROBI-SUSWA SGR LINE

**Hon. Onesmus Ngogoyo** (Kajiado North, UDA): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding delayed compensation by Kenya Railways for landowners affected by construction of the Standard Gauge Railway (SGR) line from Nairobi to Suswa.

Hon. Speaker, the extension of the Standard Gauge Railway (SGR) from Nairobi to Suswa was a welcome move by the Government, through Kenya Railways, as it would further ease movement of persons and goods to and from the interior of the country. The project necessitated the acquisition of land in various areas. Parcels of land around the K-33 Overpass Bridge, along Kangawa Road, located in Bulbul Sub-Location, Embulbul Location in Kajiado North Constituency were compulsorily acquired to pave way for the railway.

However, eight years down the line, affected residents are either still awaiting gazettement of their parcels of land for award of compensation or are yet to receive compensation for their land.

Owners of land Parcel Nos. Ngong/Ngong 103271, 103272, 103273 and 103274 are yet to have their parcels gazetted for compensation; Parcel Nos. Ngong/Ngong 105603 and 105604 are undergoing gazettement; Parcel Nos. Ngong/Ngong 41953, 41954 and 14515 have been gazetted and are awaiting award; while Parcel Nos. Ngong/Ngong 346, 5441, 11935, 11936, 11937, 11938, 12638 and 86199 have been gazetted and awarded funds but are yet to receive their compensation. To date, residents also do not have access to power or water in the area due to interruptions occasioned by the project.

It is against this background that I seek a Statement from the Hon. Chairman of the Departmental Committee on Transport and Infrastructure on the following:

1. Reasons for the delay in processing the requisite compensation for affected residents of Embulbul Location, Kajiado North Constituency by KR.
2. Confirmation of whether budgetary allocation has been provided for the delayed compensation for SGR land in the current financial year.

3. Measures the Ministry is taking to ensure those affected by compulsory acquisition of land for similar projects in future are compensated in time.

I thank you.

**Hon. Speaker:** Thank you. The Chairperson of the Departmental Committee on Transport and Infrastructure, Hon. GK. Give him the microphone.

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Speaker. We will avail the response one week after the recess.

**Hon. Speaker:** Very well. Hon. Wanjiku Muhia, Member for Kipipiri.

#### NON-COMPLETION OF THE GILGIL- MACHINERY ROAD

**Hon. Wanjiku Muhia** (Kipipiri, UDA): Hon. Speaker, pursuant to the provisions of Standing Order No.44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the non-completion of the Gilgil Machinery Road in Kipipiri Constituency.

Hon. Speaker, while the residents of Kipipiri appreciate the long-awaited progress on the Gilgil-Machinery Road initiated in 2017 and which is currently nearing completion, it is deeply regrettable that several critical access roads connected to it remain unconstructed. These include the roads leading to Lereshua Secondary School, the National Cereals and Produce Board (NCPB) Depot, the Lereshua Chief's Office, Kahiga Centre and the surrounding community institutions.

During the public participation and planning phases, the local community was assured that these access roads were part of the original Bill of Quantities (BQs). However, there are reports, allegedly from the resident engineer, that these sections may not be constructed. It is of major concern that the contractor is now preparing to demobilise from the site, leaving behind approximately two kilometres of essential access roads undone. This will undermine the functionality and utility of the main road, particularly for institutions like Lereshua Secondary School. It will also affect the delivery of essential supplies and services and expose students and staff to avoidable hardship.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. A report on the scope of works for construction of the Gilgil-Machinery Road in Kipipiri Constituency, including a confirmation of the inclusion of the adjoining access roads to Lereshua Secondary School, NCPB Depot, Lereshua's Chief's office, Kahiga Centre and the surrounding constituencies.
2. Justification for the deviation from the original scope of works and the exclusion of these access roads despite earlier commitments to incorporate them in the scope of works.
3. A concrete plan and timelines by the Ministry to ensure that the unconstructed access roads, originally committed to be done, are fully constructed.
4. Steps being taken by the Ministry to ensure that all constituencies receive equal treatment in infrastructural development.

Thank you.

**Hon. Speaker:** Hon. GK.

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Speaker. I will give the answer one week after the recess.

**Hon. Speaker:** So be it. Let us now move to responses. Is the Chairperson of the Departmental Committee on Education in the House? Hon. Melly was here; where is he? This is on a response to a request by Hon. Joseph Gitari. Is he in the House? Hon. Mary Emaase, do you have the response to Hon. Joseph Gitari's request? Go ahead. Who is responding?

*(Loud consultations)*

Hon. Oron is saying that he is responding, and so is Hon. Emaase.

*(Loud consultations)*

We are dealing with the response to the statement listed as No. 1 by Hon. Joseph Gitari. He has a second one at No.3. So, Hon. Oron, which one are you responding to? Career Progression for Teachers?

**Hon. Peter Orero** (Kibra, ODM): Yes.

**Hon. Speaker:** So, Hon. Emaase will give a response on the promotion of curriculum support?

**Hon. Mary Emaase** (Teso South, UDA): Yes.

**Hon. Speaker:** Start with Hon. Oron.

## STATEMENTS

### CAREER PROGRESSION GUIDELINES FOR TEACHERS

**Hon. Peter Orero** (Kibra, ODM): Hon. Speaker, I am *Mwalimu* Orero. Hon. Oron is this man from Kisumu Central.

*(Laughter)*

**Hon. Speaker:** Hon. Oron is the Member for Kisumu Central.

*(Laughter)*

Hon. Orero, I know you very well.

**Hon. Peter Orero** (Kibra, ODM): Thank you, Hon. Speaker.

**Hon. Speaker:** I went with you to West Pokot.

**Hon. Peter Orero** (Kibra, ODM): Very right.

Hon. Speaker, I will give the background information regarding this response.

The Teachers Service Commission was established under Article 237(1) of the Constitution with overall mandate of teacher management and regulation of the teaching service as provided under Article 237(2) and (3) of the Constitution. As a public organ, the Commission is bound by the national values and principles of governance set out under Article 10 of the Constitution as well as the values and principles of public service set out under Article 232 of the Constitution. To operationalise the mandate of the Commission, Parliament enacted the Teachers Service Commission Act and the Code of Regulations for Teachers referred to as (CORT).

The two legislations provide for powers and procedures within the functions of the Commission. Notably, Section 11 of the Act requires the Commission to among the others, formulate policies to achieve its mandate.

Regarding career progression guidelines, in 2015 and 2016, the Commission in consultation with the Salaries and Remuneration Commission (SRC) conducted a job evaluation for the teaching service. Based on the findings of the job evaluation report, the SRC rendered a formal advisory proposing a new grading and remuneration structure of teachers in

the public service. Subsequent to the job evaluation, the Commission signed the 2017-2021 Collective Beginning Agreement (CBA), with the teacher unions.

This transition necessitated the development and implementation of the teachers' Career Progression Guidelines (CPG) in 2017 to align the new grading structure with the career progression of teachers. The CPG outlines the skills and competencies necessary for advancement in the profession by providing for minimum requirements for selection, appointment and promotion of teachers at different grades.

I will now give a response on the report on the implementation of the career progression guidelines, specifically on how academic qualifications have been considered in the promotion of teachers. The promotion of teachers in public service is premised on the values and principles of public service set out under Article 232 of the Constitution, the provisions of the Code of Regulation of Teachers, Career Progression for Teachers and the Policy on Selection and Appointment of Institutional Administrators.

Specifically, Regulation 73 of the Code of Regulation of Teachers provides for general guidelines in promotion of teachers, including merit and ability as reflected in the teacher's work, performance and results, seniority and experience as set out in the scheme of service, existence of a vacancy, and academic and professional qualifications. While the Career Progression Guidelines and the Policy on Selection and Appointment of Institutional Administrators provide for minimum requirements for selection, appointment and promotion of teachers at different grades, Regulation 73 of CORT provides for general guidelines in the promotion of teachers, including:

1. Merit and ability as reflected in the teacher's work.
2. Performance and results.
3. Seniority and experience as set out in the scheme of service.
4. Existence of a vacancy.
5. Academic and professional qualifications.

In implementing the provisions of the Career Progression Guidelines and Code of Regulation of Teachers in promotion of teachers, the Commission has developed a scoring criterion designed to guide the scoring process during promotion interviews. The scoring criterion prioritises among others, the following modalities to merit teachers:

Academic qualifications

**Hon. Speaker:** Hon. Orero, it is too long. Could you paraphrase?

**Hon. Peter Orero** (Kibra, ODM): Accordingly, academic qualifications are considered as one of the modalities in promotion of teachers.

The table below shows how teachers have been promoted from 2017 to 2023 and the measures that the TSC has put in place noting the current the shortage of Junior Secondary School teachers. During promotion, teachers who have stagnated longer are prioritised by awarding them higher scores among other listed below.

**Table 1: No. of teachers and headteachers promoted since 2017**

Financial Year	No. of promoted Teachers	No. of Head of Institutions Promoted	Total No. of Teachers Promoted
2017/2018	All teachers	All serving HOIs	328,953
2018/2019	16	0	16
2019/2020	390	821	1,211
2020/2021	1,3921	2,111	16,032
2021/2022	2,396	338	2,734

2022/2023	11,913	2,817	14,730
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Accordingly, the TSC has recruited over 76,000 teachers as of now. The strategies which the TSC have put in place include assigning higher scores to teachers with advanced academic records and noting the qualification of the promotion system.

Hon. Speaker, TSC remains committed to a transparent and merit-based promotion system that motivates teachers and enhances service delivery, annual budgeting for promotion and recognition of academic qualifications. These are key steps towards ensuring career progression of all teachers.

That is the end of the reply. Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Gitari before you seek clarification, allow me to acknowledge the presence of the following schools in the Speaker's Gallery:

1. MM Shah Academy, Mvita Constituency, Mombasa County;
2. Muringa Primary School, Bahati Constituency, Nakuru County;
3. Bethel Junior Academy, Kesses Constituency, Uasin Gishu County;
4. Hill School Primary School, Eldoret, Kesses Constituency, Uasin Gishu County, in the Public Gallery.

On my own behalf and that of the House, we welcome the students, their teachers and those accompanying them to the House of Parliament.

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Temporary Speaker.

*(Hon. Raphael Wanjala clapped)*

**Hon. Speaker:** Hon. Wanjala and your neighbour, why are you shaking your hands? You are out of order. When we mention schools, you thump.

*(Hon. Members thumped their feet)*

Like that. That is how to welcome students. This is not a bus park. Hon. Gitari.

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Speaker, for that response. I need to take time and look at the response because he has not gone the entire hog. I have not seen the table that was alluded to. If I have other issues, I can follow up with the Committee for any clarification. For now, I wish that the matter rests there.

**Hon. Speaker:** Hon. Orero, did you hear what he said?

**Hon. Peter Orero** (Kibra, ODM): Let him repeat.

**Hon. Speaker:** Hon. Gitari, Hon. Orero did not hear you.

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Hon. Speaker, I have said that I am happy with the response, but I need to interrogate it further because I do not have the full response. There is a table---

**Hon. Speaker:** Have a look at it. Then you can prosecute further before the Committee.

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): I can follow up with the Committee in case I need any other clarification.

**Hon. Speaker:** Thank you. Response to Hon. Abdul Haro by the Departmental Committee on Education. Is it Hon. Orero or Emaase? Hon. Mary Emaase? Do you have a response to Hon. Haro?

**Hon. Mary Emaase** (Teso South, UDA): Hon. Speaker, what I have is for Hon. Gitari again on promotions.

**Hon. Speaker:** The response to Hon. Gitari will come after Hon. Abdul Haro. Hon. Orero, do you have the answer? Hon. Bartoo? Departmental Committee on Education, I am not going to allow you to sit out there and share out responses when you have leadership. I will



allow you to respond, but tell your Chairman to write to the Speaker and indicate who should respond to any statements when he is not here. He has a Vice-Chairperson. You cannot just sit out there and share out slots then come to the House. Hon. Emaase says, it is her and Hon. Orero is saying, it is him. That is not how to run the House. Hon. Phylis Bartoo, respond, but put your house in order.

#### RECOGNITION OF THE MADRASA EDUCATION SYSTEM

**Hon. Phylis Bartoo** (Moiben, UDA): We stand guided, Hon. Speaker. I am giving a response to a Statement regarding the recognition of Madrasa Education System within the Kenya National Qualifications Framework sought by Hon. Abdul Haro, Member for Mandera South.

Section 95(2) of the Basic Education Act 2013 provides for the making of regulations for the integration of the Madrasa, Duksi and Pastoral programmes of instruction into the formal education system, as appropriate, to improve access and retention.

As a Ministry, we recognise the critical role that Duksi and Madrasa learning programmes play in the education of young learners of the Islamic faith. The integration of Duksi and Madrasa programmes is not only a constitutional and statutory obligation, but it is also a necessary requirement towards achieving equity, inclusion, and cultural respect in the delivery of education.

In this regard, we are actively taking steps to ensure the integration of Duksi and Madrasa into our formal education system. The first key step was anchoring this in the Ministry's Strategic Plan. The National Education Sector Strategic Plan 2023–2027 provides for the development of a Duksi and Madrasa policy and guidelines to ensure seamless implementation of this learning process.

The Kenya Institute of Curriculum Development (KICD) is currently finalising a framework that aligns these programmes with the national Competency-Based Education while ensuring that spiritual needs of all learners are respected. The Ministry has held constructive consultations with Muslim religious leaders, education experts, county education boards, and civil society actors to ensure cultural and religious relevance in the design of this integration process. The involvement of this broad range of stakeholders is intended to ensure that integration is relevant from a religious and cultural standpoint and that it receives acceptance.

However, there have been challenges in implementing the Duksi and Madrasa learning programmes. These challenges include the absence of a standardised curriculum, since religious learning curricula in Duksi and Madrasa schools vary widely in content, methodology, and language. This complicates efforts to harmonise them with the national curriculum.

Hon. Speaker, many Duksi and Madrasa instructors have not undergone formal teachers training recognized by the Teachers Service Commission (TSC). This limits their eligibility for deployment in public schools due to lack of certified religious educators.

Most Duksi and Madrasa institutions operate informally and lack adequate facilities for the integration within formal school settings, particularly in Arid and Semi-Arid Lands (ASALs) counties like Mandera, Wajir and Garissa. However, the Ministry is working with the stakeholders to address these challenges and to set the stage for the integration of these learning programs in the context of the ongoing reform process.

I conclude the response.

**Hon. Speaker:** Thank you, Hon. Phylis Bartoo. Hon. Abdul Haro, are you satisfied with the response? Let us know so we go to the next Statement.

Give him the microphone.

**Hon. Abdul Haro** (Mandera South, UDM): Thank you, Hon. Speaker. I am satisfied with the response.

**Hon. Speaker:** Thank you. Next, is the response to the statement for Hon. Joseph Gitari. This will be done by Hon. Mary Emaase, the Hon. Member for Teso South.

PROMOTION OF CURRICULUM SUPPORT  
OFFICERS IN THE COUNTRY

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Speaker. This is a response to request for Statement by Hon. Joseph Gitari on the promotion of curriculum support officers in the country.

In 1963, the Government established the Teachers Advisory Centers (TACs) with the mandate to provide in-service courses to among others offer aid in developing curriculum and using new instructional materials. The centers were manned by TAC tutors who were teachers by profession.

Hon. Speaker, pursuant to the shift in the structure and management of the Teachers Service Commission (TSC) in general, the Commission in 2015 changed the designation of TAC tutors to Curriculum Support Officers (CSOs) and deployed them to zones with an expanded mandate. Consequently, the post of TAC tutors, District Center for Early Childhood Education (DICECE) lecturers and special education assessors were declared obsolete. The Commission adopted CSOs as the new designation to the cadre of staff whose critical mandate is to support curriculum implementation in schools.

Hon. Speaker, noting the unique designation of the CSOs in that they are neither teachers nor secretariat staff, the Commission in 2019 developed Career Progression Guidelines (CPGs) for CSOs. The CPG outlines the academic and professional criteria for CSOs career advancement. The guidelines link an officer's career progression to his or her performance and professional conduct. The career progression guidelines for the CSOs provide for four grades or scales for career growth:

1. Curriculum Support Officer
2. Curriculum Support Officer I
3. Senior Curriculum Support Officer and
4. Chief Curriculum Support Officer.

I now move to the specific issues. A report on the steps being taken by the Government to promote CSOs due for promotions to the position of Principal Teacher Management Officers (PTMOs). This is the response from the Ministry.

As discussed above, CSOs have a distinct career path from teachers and secretariat staff. Their career growth is governed by the career progression guidelines for CSOs. A copy is attached herein as an appendix to the response. On the other hand, sub-county officers, also known as Principal Management Officers (PTMOs) are secretariat staff of the Commission. Their career path is guided by the career progression guidelines for secretariat staff.

Noting the two different career paths for PTMOs and the CSOs, it is irregular for CSOs to be promoted to PTMOs. However, CSOs qualify to be recruited as PTMOs upon advertisement of the vacancies. To this end, during the Financial Year 2023/2024, the Commission competitively recruited 150 CSOs as PTMOs.

Hon. Speaker, the next question was to report on the status of the implementation of the career progression, guidelines issued by the TSC. The following is the response.

Further, promotion at the Commission is done in consideration of the provisions of the CPG, availability of budget and existence of the vacancy. Accordingly, the Commission progressively promotes teachers and CSOs in line with the CPG. For instance, the Commission

promoted 804 curriculum support officers in the Financial Year 2023/2024 and during the Financial Year 2024/2025 has promoted 25,252 teachers.

Hon. Speaker, to ensure that that stagnation is addressed, the Commission continuously engages the National Assembly for budget allocation, for promotion to ensure full implementation of the career progression guidelines in the teaching service.

The next question was on measures the Government is putting in place to ensure fair career progression in all cadres under the TSC.

As a constitutional Commission, in discharging its mandate to promote teachers, the Commission observes the values and principles of Public Service under Article 232 of the Constitution. To this end, the Commission has endeavoured to apply the principle of fair competition and merit, integrity, transparency and accountability, equity, fairness and impartiality, inclusiveness and non-discrimination and gender equity in the selection and appointment process. To this end, the Commission has developed a scoring criterion designed to guide the scoring process during promotion interviews, to ensure fairness. The scoring criterion prioritizes the following modalities to merit applicants:

1. Acting institutional administrators - Special marks are allocated to teachers who took on acting roles or performed administrative duties, such as a principal, headteacher, a deputy principal, a deputy headteacher positions among others. However, the duration of time spent in these acting roles significantly influenced the allocation of marks. Teachers who acted for a longer period received more marks compared to those who served for a shorter duration. This aims at acknowledging the level of responsibility handled by teachers during their acting tenure.
2. Stagnation - Applicants who have stayed in one grade for a longer duration earn higher scores compared to those who have a shorter period in the current grade.
3. Performance Appraisal - Applicants who have higher performance appraisal---

**Hon. Speaker:** Hon. Mary Emaase, how much more do you have to go?

**Hon. Mary Emaase** (Teso South, UDA): Half a page, Hon. Speaker.

**Hon. Speaker:** Okay.

**Hon. Mary Emaase** (Teso South, UDA): Applicants who have higher performance appraisal scores receive higher overall scores in the promotion evaluation. This criterion aims to ensure that applicants who consistently excel, receive appropriate recognition and rewards for their efforts.

Next is the level of experience. Applicants aged 55 years and above scored higher compared to those in the younger age brackets. A tiered approach is employed to differentiate scores based on age ranges. For instance, applicants between the ages of 50 to 54 years received lower scores compared to those aged 55 years and above, but higher scores compared to those in the 45 to 49 years age group. This approach acknowledges the value of experience and maturity in teaching, recognising the contributions of senior applicants.

Finally, in addition to the criteria mentioned above, the assessment also factors in:

1. Knowledge of financial management for heads of institutions and deputy heads.
2. Familiarity with the Teachers Service Commission (TSC) policies and procedures.
3. Competence in managing learner discipline.

Thank you.

**Hon. Speaker:** Hon. Gitari.

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Thank you, Hon. Speaker. As per the response, the TSC is keen on career progression for Civil Society Organisations (CSOs). Could we be informed why the TSC excluded CSOs from the Senior School Career Progression

Guidelines and CBE Literacy, and whether it has put in place any remedy on career progression?

**Hon. Speaker:** Hon. Mary Emaase, do you have the competence to answer those questions?

**Hon. Mary Emaase** (Teso South, UDA): Hon. Speaker, I will not answer those questions now. I will take the questions to the Committee, and then we will seek further clarifications.

**Hon. Speaker:** Hon. Gitari, you can prosecute your supplementary questions before the Committee, so that they can give you satisfactory responses.

**Hon. Joseph Gitari** (Kirinyaga Central, UDA): Well guided, Hon. Speaker.

**Hon. Speaker:** The Departmental Committee on Transport and Infrastructure is expected to respond to a request for a Statement by Hon. Patrick Munene. Is he in the House? He is not. Hon. GK, we will skip that response for now. Hon. John Kaguchia.

*(Several Members consulted loudly)*

Order! That *kamukunji* should be disbanded. Hon. GK, since Hon. Patrick Munene is not here, we will defer that response to the request for a Statement. I will give you an opportunity to respond to the request for a Statement on Thursday morning. The indication is that we will have a Morning Sitting on Thursday.

You will now respond to Hon. John Kaguchia's request for a Statement on road safety at Montezuma Monalisa Funeral Home.

#### ROAD SAFETY AT MONTEZUMA MONALISA FUNERAL HOME

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Speaker. On Thursday, 10<sup>th</sup> April 2025, the Member for Mukurweini Constituency, Hon. John Kaguchia, requested for a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding road safety at Montezuma Monalisa Funeral Home along Thika Road.

Hon. Kaguchia indicated that the absence of a designated crossing point in this area has resulted in a worrying surge in accidents and fatalities. Therefore, he sought to establish, among other things:

1. A detailed report on the number and nature of road accidents that have occurred in the Kabati area near Montezuma Monalisa Funeral Home along Thika Road over the last six months, including contributing factors.
2. The specific measures being put in place by the Ministry to address road safety concerns near Montezuma Monalisa Funeral Home, including the construction of a footbridge at the location to reduce pedestrian-related accidents, and the expected timelines for completion of those solutions.

The Committee received a written response from the Ministry of Roads and Transport, which I now wish to read.

Regarding the number and nature of road accidents that have occurred in the Kabati area, the Ministry submitted that there have been 13 crashes at the Kabati area along Thika Road in the last six months. Around 30.8 per cent of the accidents occurred between 6.00 p.m. and 9.00 p.m. while 23 per cent occurred between 9.00 p.m. and midnight.

The highest number of fatalities was of pedestrians at 57.1 per cent, followed by riders at 28.6 per cent. Passengers sustained the highest number of injuries at 82.4 per cent, followed by riders at 11.8 per cent.

The Ministry further submitted that personal cars were involved in 35 per cent of the crashes, followed by motorcycles at 25 per cent and Public Service Vehicles (PSVs) or *matatus*

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at 15 per cent. Those crashes were primarily caused by driver negligence, including failure to yield, speeding, and loss of control, as well as pedestrian misjudgement when crossing the busy road. Additionally, mechanical failures, particularly in PSVs, contributed to some severe collisions.

The specific measures being put in place by the Ministry to address road safety concerns near Montezuma Monalisa Funeral Home along Thika Road include construction of a footbridge at the location to reduce pedestrian-related accidents.

On the expected timelines for implementing those solutions, the Ministry of Roads and Transport, through the Kenya National Highways Authority (KeNHA) and the National Transport and Safety Authority (NTSA), has put in place the following measures to enhance road safety near the Montezuma Monalisa Funeral Home:

1. With a need for pedestrian safety and safety enhancement in the area albeit as short-term measures, designation---

*(Hon. Hilary Kosgei and Hon. Justice Kemei consulted loudly)*

Hon. Speaker, you may need to protect me as the two Members in front of me are consulting loudly. They are not giving me peace.

**Hon. Speaker:** Order, Hon. Hilary and Hon. Justice.

**Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Speaker.

2. Implementation of appropriate speed limits and usage of infrastructure, raised crossing, speed bumps, and rumble strips to encourage compliance.
3. Continuous awareness through educational campaigns on usage of helmets by riders and pedestrian passengers, and reflective protective gear, especially at night and during low visibility periods, to enhance visibility. Awareness drives for drivers to slow down and pay attention to pedestrians, particularly in busy areas.
4. Continuous awareness educational campaigns for pedestrians to cross at the designated crossing points and use reflective protective gear to enhance visibility, especially at night and during low visibility periods.
5. Continuous awareness on the importance of drivers slowing down and paying attention to pedestrians, particularly in areas with many activities.
6. Vehicle owners to continuously maintain their vehicles pursuant to the legal requirements of Cap. 403 of the Traffic Act.
7. Introduction of vehicle automation systems under the draft Commercial Vehicle Operational Regulations, 2025 as real-time monitoring can be used to alert drivers of unsafe driving conditions and behaviour, ultimately reducing accidents and promoting safer driving practices.
8. Continuously liaise with the county governments to install street lighting at the appropriate locations, especially in areas where visibility is limited.

Thank you. I submit.

**Hon. Speaker:** Hon. Kaguchia.

**Hon. Kaguchia John** (Mukurweini, UDA): Thank you, Hon. Speaker. I appreciate the response even though it has come rather late. I raised the matter back in April. You will notice that none of the steps KeNHA proposes provide any meaningful solution to the problem we have. For us to be able to solve this problem, we require a footbridge, but KeNHA and the Ministry are proposing to enhance awareness of pedestrians to observe pedestrian crossing points.

Where Mona Lisa Morgue is does not have any designated pedestrian crossing lane. So, when KeNHA proposes to create awareness to pedestrians to observe crossing points, I am

at a loss. I do not understand which crossing point KeNHA is referring to, unless they are responding to the request without having gone to the ground to check.

Hon. Speaker, I urge you to give direct instructions to the Ministry to, first; create that pedestrian crossing point, which they are saying they are going to create awareness about. On 17<sup>th</sup> July, three months after I had raised this matter in the House, two blood sisters were knocked down at the same crossing point. They were crushed and one of them died. The other one has to do without both of her limbs. This is a demonstration of how our roads have become unsafe. Having gone through a very tragic week last week, where this country lost 80 people through road accidents on the Kakamega-Kisumu Road and on Namanga Road---

**Hon. Speaker:** Hon. Kaguchia, you are supposed to seek a clarification. You are now raising a whole new structure of questions.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Speaker, I was doing this to get your attention, because I realised that you are quite distracted by an hon. Member.

**Hon. Speaker:** How did I know that you are raising a whole new set of issues if I was distracted?

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Speaker, I would like the Chair to clarify whether there is a pedestrian crossing point between the Shell petrol station and Mona Lisa Morgue on that road? There is none. I frequently use that road. It is the road I use when going to Mukurweini. The section has become a black spot. The morgue serves the whole of that region and, indeed, the whole country. When you pass through that section in the morning, it is heavily congested. Unfortunately, some family members coming to collect their loved ones to bury are left in the same morgue dead after being crushed.

**Hon. Speaker:** Point made. Hon. G.K.

**Hon. Hon. George Kariuki** (Ndia, UDA): Thank you, Hon. Speaker. Hon. Kaguchia has raised a very important issue. We need to push the Ministry to put up a footbridge. We will do our best to ensure that it is done. I am also a regular user of the same road. I have seen rumble strips erected on that road, especially on that section. I believe that the Ministry will do much more to make sure that our people are safe on that particular spot.

Thank you.

**Hon. Speaker:** Hon. Owen.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Speaker, I want to inform Hon. Kaguchia. Hon. Kaguchia, you know that appropriation is done in this House. As a very active Member, when the supplementary budget is presented, please, let us hear your voice on the same matter so that we can appropriate money to put up the bridge. Other than taking the backseat of trying to criticise, be more proactive. Bring a Motion to amend the budget so that your people can see that you are doing something.

*(Hon. Kaguchia John raised his hand)*

**Hon Speaker:** He is on a point of order. Let him finish.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Kaguchia, please, use the power of the vote to change the budget. Allocate money so that the work is done, so that you are seen to be doing something. Otherwise, your people will know that you are just here to ask questions, criticise the Government but do nothing.

**Hon. Speaker:** Hon. Kaguchia, what is your issue?

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Speaker, Hon. Baya is a senior Member of this House. I am surprised by his ignorance and how he displays arrogance while trying to raise issues that do not exist. How does asking for a footbridge to be put up between Shell and Montezuma Morgue become criticism? Does Hon. Baya understand what criticism is? Is he trying to say that I do not raise budget issues in this House? When we were considering

the supplementary budget, Hon. Mbaya tried to gag me when I raised these issues. I ask him, in all fairness; you need to allow Members to raise issues without having to defend the Executive.

**Hon. Speaker:** Order, Hon. Kaguchia. The fact that he raised something about what you said does not mean he was gagging you. He has no capacity to gag you at all. I gave you space to speak and you spoke.

Hon. Tandaza.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Speaker. Is Hon. Kaguchia in order to refer to Hon. Baya as “Mbaya”? “Mbaya” means bad yet we know that Hon. Baya is not bad at all. Is he in order to refer to him as “Mbaya”, which means bad?

**Hon. Speaker:** He is not. He is out of order. We leave it there. Hon. Members, I acknowledge in the Public Gallery, Kaptein Comprehensive School from Konoin, Bomet County; Mukushune Primary School from South Imenti, Meru County; Al-Irshad Integrated Academy from Garissa Township, Garissa County; and Kapsitet Junior Primary from Sigowet/Soin, Kericho County.

On my behalf and on behalf of the House, we welcome the students, teachers and those accompanying them to this House of Parliament.

Hon. Kemei, take one minute.

**Hon. Justice Kemei** (Sigowet/Soin, UDA): Thank you, Hon. Speaker, for giving me an opportunity to welcome the students from Kapsitet Comprehensive School and all the other students who have visited Parliament this afternoon. Kapsitet Primary is one of the best-performing primary schools in my constituency.

They hosted the last edition of the Kericho County Cross Country Championships. World beaters took part in the championships. They include Ferguson Rotich and Faith Cherotich, who is the fourth-best in the world in 3,000 metres steeplechase. I encourage the students. As they work hard, they should also venture into sports.

Thank you.

**Hon. Speaker:** Thank you, Hon. Members. Next Order.

## MOTION

### ADOPTION OF REPORT ON AUDITED ACCOUNTS OF THE WATER SECTOR TRUST FUND

THAT, this House adopts the Report of the Special Funds Accounts Committee on its consideration of the audited accounts of the Water Sector Trust Fund for the financial years 2018/2019 to 2022/2023, laid on the Table of the House on Tuesday, 29<sup>th</sup> July 2025.

**Hon. Speaker:** Hon. Members, I was requested by Hon. Dawood of North Imenti, on behalf of the Committee, that we step down this Order as they are not ready. We can put it up for Tuesday morning.

*(Motion deferred)*

Next Order.

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[The Speaker (Hon. Moses Wetang'ula) left the Chair]*

IN THE COMMITTEE

*[The Temporary Chairman (Hon. David Ochieng') in the Chair]*

PRESIDENT'S RESERVATIONS ON THE NATIONAL  
LAND COMMISSION (AMENDMENT) BILL

**The Temporary Chairman** (Hon. David Ochieng'): Hon. Members, this is a very short Committee of the whole House. It regards the President's reservations to the National Land Commission (Amendment) Bill (National Assembly Bill No.43 of 2023).

*(Several Hon. Members stood in the gangways)*

Order. Shall we then take our seats so that we do it quickly? As you may be aware, the procedure for handling the President's reservations requires that, for you to overturn or disagree with them, you have to raise a two-thirds majority of the Members of this House, pursuant to Articles 115 (2) (a) and (3), and Article 122 of the Constitution. In this instance, to pass these reservations requires a simple majority. Shall we proceed quickly?

*Clause 2*

**The Temporary Chairman** (Hon. David Ochieng'): Chairperson of Departmental Committee on Lands, go ahead.

**Hon. Joash Nyamoko** (North Mugirango, UDA): Thank you, Hon. Temporary Chairman.

I beg to move:

THAT, Clause 2 of the Bill be amended by: -

- (a) deleting the proposed section 14 (1) and substituting therefor the following new subsection-
  - (1) Subject to Article 68 (c) (v) of the Constitution, the Commission shall, within five years of the coming into force of this section, on its own motion or upon a complaint by the national or a county government, a community or an individual, review all grants or dispositions of public land issued before 27<sup>th</sup> August 2010 to establish their propriety or legality, upon hearing all parties affected.
- (b) deleting the proposed section 14 (9) and substituting therefor the following new subsection-
  - (9) A person may register a determination made under subsection (4) in the High Court;
- (c) deleting the proposed section 14 (10).
- (d) deleting the proposed section 14 (12) and substituting therefor the following new subsection-
  - (12) The Commission shall publish in the *Gazette* all determinations made under subsection (4); and,
- (e) inserting a new subsection immediately after the proposed section 14 (13) -



(13) The Commission may, where it considers it necessary, petition Parliament to extend the period for undertaking the review specified in subsection (1).

When Temporary Chairman, when the Committee considered the reservations presented by His Excellency the President, it adopted all the reservations, which is why we are proposing that this Clause be amended as proposed.

*(Question of the further amendment proposed)*

**The Temporary Chairman** (Hon. David Ochieng’): Hon. Oluoch, go ahead.

**Hon. Antony Oluoch** (Mathare, ODM): Hon. Temporary Chairman, even though I am fully aware that the proposed reservations by the President would carry the day by a simple majority, it is important to note the implications to the right to property under Article 40 of the Constitution and the potential abuse this could have for people who already enjoy proprietary rights, especially those with freehold titles. This would also impact the economy, particularly the banking industry, where titles are held as security and collateral.

Therefore, even though this amendment will be carried, because we cannot raise two-thirds, the House must be very cognisant of its implications.

I oppose it.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. Member for Loima, do you want to speak to this matter?

*(Hon. Protus Akujah spoke off the record)*

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

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

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

*(Clause 2 as further amended agreed to)*

It, therefore, goes without saying that the President’s reservations and recommendations to Clause 2 are carried.

*Clause 3*

**The Temporary Chairman** (Hon. David Ochieng’): Chairman of the Departmental Committee on Lands, proceed.

**Hon. Joash Nyamoko** (North Mugirango, UDA): Thank you, Hon. Temporary Chairman.

I beg to move:

THAT, Clause 3 of the Bill be amended by-

(a) deleting the proposed section 15 (1) and substituting therefor the following new subsection-

(1) Pursuant to Article 67 (2) (e) of the Constitution, the Commission shall initiate, receive, admit and investigate any

historical land injustice complaint and recommend an appropriate redress.

- (b) deleting the proposed section 15 (3);
- (c) deleting the proposed section 15 (12) and substituting therefor the following new subsection-
  - (12) The Commission shall publish in the *Gazette* all determinations made under this section.;
- (d) deleting the proposed section 15 (15) and substituting therefor the following new subsection-
  - (15) The Commission shall make regulations to operationalise this section within six months from the coming into force of this section.;
- (e) inserting the following new subsection immediately after the proposed section 15 (15)-
  - (16) The provisions of this section shall stand repealed within five years from the coming into force of this section.

This is mainly about clarity and aligning the clause to the Constitution. The Committee adopted it because it was essentially cleaning up the clause. There was nothing major, including in Clause 2, which talks about the five-year limit and does not have significant implications.

We were even proposing that, once we are done with these amendments, we revisit the matter to see whether we can extend it. There is a provision that if the National Land Commission feels that it needs an extension, it can be granted.

*(Question of the further amendment proposed)*

**The Temporary Chairman** (Hon. David Ochieng'): There is no contribution to this one.

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

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

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

*(Clause 3 as further amended agreed to)*

The President's recommendation for the amendment of Clause 3 is carried.

*(Hon. Owen Baya spoke off the record)*

We have already put the Question. You will get the chance later. Hon. Nyamoko, please, move for reporting to the House.

**Hon. Joash Nyamoko** (North Mugirango, UDA): Hon. Temporary Chairman, I beg to move that the Committee do report to the House its consideration---

**The Temporary Chairman** (Hon. David Ochieng'): Order! Hon. Baya, are you not the Mover of this Bill? Hon. Nyamoko is just the Chairman of the Departmental Committee on Lands. This Bill was moved by you, was it not?

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**Hon. Owen Baya** (Kilifi North, UDA): Yes, it was.

**The Temporary Chairman** (Hon. David Ochieng’): This is your opportunity to move for reporting.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Chairman. I beg to move that the Committee do report to the House its consideration of the President’s reservations to the National Land Commission (Amendment) Bill (National Assembly Bill No. 43 of 2023), and its approval thereof without amendments.

Hon. Temporary Chairman, while we know our limitations as Parliament when dealing with presidential reservations, we respect that because it is constitutional. However, some of the amendments, just like Hon. Oluoch said, have implications in law and constitutionality. As a country, we may run into trouble in the future. Some amendments provide clarity and are beneficial.

For example, those on publishing in the Gazette Notice or allowing a person to register a determination because the National Land Commission has had issues where determinations are made and no action is taken, because they will say they need a court order on the same. We are now providing clarity on this matter. I thank the team that worked on this. When a determination is made by the NLC, the beneficiary of that determination can now go to court and register it. This is an improvement, as NLC determinations are often ignored. Registering the determination gives it the force of law, which is very important.

**The Temporary Chairman** (Hon. David Ochieng’): Thank you. You know very well that this is not the stage to do that.

**Hon. Owen Baya** (Kilifi North, UDA): Please, grant me some latitude. Okay, I beg to move that the House reports its consideration of the President’s Reservations to the National Land Commission (Amendment) Bill and its approval thereof without amendment.

*(The House resumed)*

## IN THE HOUSE

*[The Temporary Speaker (Hon. Farah Maalim) in the Chair]*

## MOTION

### CONSIDERATION OF REPORT ON THE PRESIDENT’S RESERVATIONS TO THE NATIONAL LAND COMMISSION (AMENDMENT) BILL

**The Temporary Speaker** (Hon. Farah Maalim): I call upon the Chairperson to report to the House.

**Hon. David Ochieng’** (Ugenya, MDG): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the President’s Reservations to the National Land Commission (Amendment) Bill, (National Assembly Bill No. 43 of 2023), and approved the same without amendments.

**The Temporary Speaker** (Hon. Farah Maalim): Mover.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report. I ask the Chairperson of the Departmental Committee on Lands to second.

If I may, I wish to express a few thoughts regarding the Bill. This is a good Bill. The NLC has been incapacitated due to the absence of a proper statute for its operation. These amendments are long overdue. The people of the coastal region...

**The Temporary Speaker** (Hon. Farah Maalim): Order, Deputy Leader of the Majority Party. I have to propose the question before you make your comments. The previous statement is merely a ritual, and you should present everything verbatim.

**Hon. Owen Baya** (Kilifi North, UDA): I ask the Chairperson of the Departmental Committee on Lands to second.

**The Temporary Speaker** (Hon. Farah Maalim): You should have just done that. You do not agree, and then second.

**Hon. Joash Nyamongo** (North Mugirango, UDA): I second.

*(Question proposed)*

**The Temporary Speaker** (Hon. Farah Maalim): Yes, Hon. Baya. You can now make your comments.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, as I mentioned, this is a very important legislation that will give power to the NLC to commence the review of grants that have been halted due to the expiry of the five-year period. We are also granting the NLC the authority to address historical land injustices. We have had cold feet in bestowing power upon the NLC because, at times, they may override authority and perpetuate injustices while addressing issues. As they begin their work, let the people of Coast, Western, Nyanza, and Nairobi - who have suffered historical land injustices - now receive justice. They will have both the law and the power to achieve this.

As the Mover of this Bill and initiator of this process, I will feel bad if they sit on the powers granted to them until the time lapses again. We want them to move with speed. I urge the Chairperson of the Departmental Committee on Lands – a very good man who deserves another term in this Parliament - to allocate more resources to the NLC. Hon. Nyamoko has served his people well. He has also served the Departmental Committee on Lands very well. I encourage the people of North Mugirango to ensure his re-election due to his exceptional work in addressing historical land injustices.

As we do this, we would like the Committee to allocate more resources to the NLC. They now have the power, law and the statute on their side, but without adequate funding, they cannot do anything. The NLC is currently underfunded.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Baya. There is a member who is on a point of order. What is your point of order?

**Hon. Bidu Mohamed** (Isiolo South, JP): Thank you, Hon. Temporary Speaker. The Deputy Leader of the Majority Party mentioned the Coast region and various other affected areas concerning historical injustices. It is important to note that these injustices also encompass the northern part of the country, including Isiolo. He should also acknowledge Isiolo.

**Hon. Owen Baya** (Kilifi North, UDA): Very well. I also ask your people to listen to you because you are a good representative. The Member for Isiolo South will be re-elected. He is very concerned about his people. The people from the North Eastern region have also suffered historical injustices.

**The Temporary Speaker** (Hon. Farah Maalim): It is the people from Northern Kenya.

**Hon. Owen Baya** (Kilifi North, UDA): Indeed, the people from Northern Kenya have suffered historical land injustices for many years. They have lived without title deeds. They have lived on land that other people claim as theirs. They deserve justice. It is for that reason that the Constitution of Kenya included two critical elements: First, the review of historical land injustices and, second; the Equalisation Fund. This was established to ensure that the people from Northern Kenya are at par with other regions.

If we do not address the issue of land injustices, then the Equalisation Fund will be ineffective in achieving equity. We need a land ownership and tenure system to advance our communities. The people from Coast, including those in Kilifi and Kwale Counties, as well as those in Northern Kenya, can never take off and economic giants unless they get their land back. We fought for the independence of this country for three key objectives: economic independence, political independence, and to get back our land. However, some regions only obtained one aspect - political Independence – but were denied economic independence and their rightful land.

I am very passionate about this Bill as it is a big step towards ensuring that the reasons behind our fight for independence are realised. I am happy that the 13<sup>th</sup> Parliament is midwifing this law. We support the presidential reservations because of the constitutional threshold. While I agree with this in principle, the Supreme Court has ruled that a right cannot be limited by the passage of time. A right is a right. If it is denied this year and you claim it in 2050, it remains your right.

The Presidential Memorandum has reintroduced a time factor, capping it at five years. If something was done to me and I realise ten years later that it was an injustice, what should I do? The Supreme Court has adjudicated on this matter, and we cannot deny someone's right simply because time has elapsed from the time the complaint was lodged. Due to the constitutional threshold, it seems we may not be able to overturn this particular aspect. I also like what they have done. They have said Parliament can review and give more time, although it is not something that I wanted.

**The Temporary Speaker** (Hon. Farah Maalim): Deputy Leader of Majority Party---

**Hon. Owen Baya** (Kilifi North, UDA): I want to thank this House. I also thank you, Hon. Temporary Speaker, for allowing me the time to speak. I know when I talk about North Eastern, it touches your heart. I want your heart to continue to be touched by such things. Otherwise, I rest my case.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Order. Are you on a point of order?

*(Hon. Caroli Omondi spoke off the record)*

At this stage?

*(Hon. Caroli Omondi spoke off the record)*

Yes, it is allowed but there is only a small leeway. I know that you want to be watched by your constituents back at home. If you insist, I will allow the Member for Narok and Hon. Caroli Omondi.

*(Hon. Caroli Omondi spoke off the record)*

Are you asking on your behalf or for someone else? Proceed, Hon. Oluoch. Hon. Caroli will follow and, finally, the Member for Narok will close.

*(A Member spoke off the record)*

Order. Hon. Members, please, just take a minute. I know it is a very touchy issue and that is why I am willing to give a certain leeway. Land is a very emotive issue in this country, and it rightfully is; but let us take one minute each, so that we can conclude this matter.

**Hon. Anthony Oluoch** (Mathare, ODM): Hon. Temporary Speaker, I want to thank you....

**The Temporary Speaker** (Hon. Farah Maalim): Is that Hon. Tandaza at that end? Hon. Tandaza?

**Hon. Member:** Hon. Katana.

**The Temporary Speaker** (Hon. Farah Maalim): It is Hon. Katana, okay. Proceed, honourable.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you, Hon. Temporary Speaker, for allowing us the latitude to speak on this very emotive matter. While I have absolutely no problem with Hon. Baya, and why we need to extend the time to deal with historical injustice--

**The Temporary Speaker** (Hon. Farah Maalim): Land injustices.

**Hon. Anthony Oluoch** (Mathare, ODM): Yes, historical land injustices. My problem would be the expansionist nature in which the Presidential Memorandum has been crafted. If we allow this the way it is, to review all grants or dispositions of public land, I have a particular case that would be affected by this, some of which is ancestral land - land that is under freehold.

I am speaking in respect of my biological father, an eight-year-old guy, whom the Kisumu County Government has been trying to use through the craft of interpretation to try and review the leasehold that Kanyakwar people, and I think the Hon. Nyikal, own land in the place I am talking about. Land that has been ancestral, freehold but which, under the craft of interpretation and the expansionist way of looking at this, may not be classified as dealing with historical injustices. It would be taking away proprietary rights that had already been accrued, which must not have been the intention of the Constitution and its drafters when they said they wanted to deal with historical cases in North Eastern, the Coast region and even in Mathare, where we have not been titled since independence.

I have a problem with how the National Land Commission (NLC)---

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough, conclude.

**Hon. Anthony Oluoch** (Mathare, ODM): I thank you. This is my very last point. We must also look at the constitutionality of this in respect of what you call the retrospective or retroactive application of the law. How do you pass a law today to take back the rights that have been accrued 20 to 30 years ago?

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Hon. Caroli.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you, Hon. Temporary Speaker. This is not a new clause. It was there before. The reason it was there was to deal with the illegal disposition of public land that had occurred before the promulgation of the Constitution of Kenya, 2010. What we are trying to do is to give it another five years to exist. The problem is that the sunset clause was introduced so that there can be certainty of legal titles as a function of the general economy. By extending the sunset clause, we are creating uncertainty.

We need to be very sure what this is. There must be something that somebody forgot to bring to the attention of the Commission for review. It is something to do with public land, but it has been misinterpreted to even lay claims on certain parcels of land owned by various other bodies. Even though the Deputy Leader of the Majority Party was talking of a 'right' that should not be limited by a function of time, surely, equity only assists the vigilant and not the indolent. You must assert your rights within a certain period for that certainty to be there. Even though we are passing it---

**The Temporary Speaker** (Hon. Farah Maalim): Conclude, Hon. Caroli.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Speaker, we need to be very clear that it cannot go *ad infinitum*. At some point, this provision has to be exited so that there is certainty. If you have not claimed that your rights were violated for a hundred years, surely, what have you been doing? Sleeping on your rights? That is what I wanted to correct.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Maybe this window of correcting was not there before. It is only there now. Anyway, let us listen to the Member for Emurua Dikirr. You only enjoy a right when you get the window.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker. I also want to weigh in on this matter. As legislators, the law allows this House to do all the legislation. Whenever there is a memorandum sent by the President to this House, it means it was a failure on our part to ensure that we pass a law that is compatible with almost everybody.

I urge the Chairman of the Departmental Committee on Lands to allow us to implement the law as it has been returned. Let us ensure that all land-related issues are resolved. It is unfortunate that in this day and age, we still have squatters in this country- people living on land without title deeds. We also have individuals whose cases have been pending in court and have never been reviewed.

I believe this is an opportunity for the Chairman and this House to make sure that all landless people in the country are settled. Unresolved land cases must be addressed, and everyone living on land without title deeds must be granted titles so that people can live peacefully. Most of the---

**The Temporary Speaker** (Hon. Farah Maalim): Conclude.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Hon. Temporary Speaker, most of the issues that we have been having, like clashes and conflicts, are because of land. Let us sit as a House and clear those matters so that we are above them.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Katana.

**Hon. Paul Katana** (Kaloleni, ODM): Asante, Mhe. Spika wa Muda. Hiki Kipengele ambacho tunarekibisha kilikuwepo, lakini twataka kukipatia nguvu zaidi. Kumekuwa na dhuluma za kistoria za mashamba, hususan kaatika eneo la Pwani. Mashamba ya watu wengi yamekuwa yakichukuliwa bila wao kujua. Sasa, Tume hii ya kitaifa ya mashamba, imepatiwa nguvu tena ya miaka mitano kuchunguzu zile dhuluma za mashamba ambazo zimefanyika miaka mingi iliyopita. Wachukuwe muda huu kuhakikisha kwamba Wakenya ambao wamedhulumiwa na kunyang'anywa mashamba yao wametendewa haki ndani ya muda huu wa miaka mtano. Wasisubiri mpaka miaka mitano iishe alafu ndio waje Bungeni kuomba waongezewe miaka mitano mingine yakufanya kazi hio moja.

Asante.

**The Temporary Speaker** (Hon. Farah Maalim): Let us listen to Mhe. (Dr.) Nyikal. We will then have the very last one; the Member for Isiolo South.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Temporary Speaker. This is not in reference to what Hon. Oluoch said, which is also a fact. This is a double-edged sword in the hands of the NLC. Whereas it is quite acceptable, and I agree that where there were historical injustices, there should be an opportunity to review, this also presents an opportunity for abuse. Where land has been owned and the proprietary rights have been held for years can now be claimed back.

For the record, my concerns are public institutions, particularly schools and police stations, where community members gave land a long time ago for schools, police stations and other institutions to be built. We have had cases where great-grandchildren are coming to claim they were not consulted about the land yet it was the only land they had, and they are now landless yet it was given to the public to be used as such. These are cases that can be very deleterious and cause a lot of problems for public institutions.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. Conclude.

**Hon. (Dr) James Nyikal** (Seme, ODM): The NLC should look into such matters very carefully and protect the rights of both institutions and individuals.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Isiolo South Constituency.

**Hon. Bidu Mohamed** (Isiolo South, JP): Thank you, Hon. Temporary Speaker. I had tried to interject through a point of order when the Leader of Majority Party was talking. He spoke about how other counties have had problems of historical land injustices. The reason why I jumped up is simply because we, in Northern Kenya, would be faced by the same problems and it has started with Isiolo being next to what I can call “developed world” as we are getting that problem now.

Our land already underwent historical injustices immediately after independence, when the first commission was formed, and we went to court. In 2015, the High Court of Kenya pronounced itself, through Justice Lenaola, and said that there was historical injustice, vide Case Number 511 in 2015, and that that matter be referred to the National Assembly to form a commission, which would get that matter corrected. To date, nothing has been done and we were told that time had lapsed. That is why I am saying we are now getting some relief.

We request that the National Land Commission pushes for inquiry into the land matter in Isiolo County. The Commission should sort out the problem between Isiolo County and Meru County. That is where we have a problem. It is a pending case and the judge has already pronounced himself. We, therefore, could not go anywhere to get our matters pursued further than to ensure that the historical injustice we suffered after 1963 is properly addressed.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. The very last one is *Mheshimiwa Sarah Korere*.

**Hon. Sarah Korere** (Laikipia North, JP): Thank you, Hon. Temporary Speaker. This amendment, if I am not wrong, speaks specifically to public land. You know, when it comes to matters of land, they are very emotive. What the Member for Isiolo South has said – that the National Land Commission has, at least in our knowledge, failed to address the historical land injustices.

Having said that, there is public land especially in Northern Kenya, where we all come from, where the government had allocated it to public institutions regardless of the need of the locals of those areas. For example, the Leparua land. The Kenya Defence Forces has been given so much land as the local communities in that area kill each other because of land scarcity.

Currently, there is so much land where the KDF can conduct training. An example is the Suguta Valley. Why should that be a no-go zone for the KDF? They have everything it takes to flush out the bandits and conduct training activities in Suguta Valley. They can also train in Mukogodo Forest, which the bandits have taken over. So, this amendment is very important for the local communities.

Hon. Temporary Speaker, if you look at Rumuruti today, there is so much public land, which county government officials are dishing out to their friends in Nairobi yet the local communities who are there are still landless. I think this amendment has come in at the right time and the in-coming National Land Commission must do better than its predecessor.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Jematiah, you came late. What happened? Seriously! One minute.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you so much, Hon. Temporary Speaker. I also want to comment on this amendment. Pastoralist land is always equated to public land. Many times, it is under-utilised but if you look at the recommendation of the Commission, most people who live in those lands suffer a lot.

We have people, mainly foreigners, who have lived on that land. In Baringo, for instance, and in Laikipia, there is a large tract of land owned by one Kuki Gallmann. Sometimes it is historical but the effects it has on the community is so much. I think the Commission



should do better in considering the realities of the day rather than simply rewarding individuals with land or adjusting their recommendations and laws that might many times affect the people who are in that land they refer to as public land. It is not public. It is always people's land. You call it public because, probably, it is not owned privately.

Thank you.

*(Question put and agreed to)*

Next Order.

**Hon. Bidu Mohamed** (Isiolo South, JP): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Who is on a point of order? Is it the Member for Isiolo South?

**Hon. Bidu Mohamed** (Isiolo South, JP): Mine is something different. I think almost a month ago, before we went on recess, I raised a question about insecurity in Isiolo and the substantive Speaker directed that the answer should be brought one week after the recess. We are in the second week after that recess. I want to bring to your attention---

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Tubi, whereas I do understand and appreciate the gravity of insecurity anywhere in this country, and whereas I do understand that challenges are many in Isiolo, this was supposed to have been raised at Order No.7.

**Hon Bidu Mohamed** (Isiolo South, JP): No, I am just trying to point out that that matter should be brought up because it has delayed.

**The Temporary Speaker** (Hon. Farah Maalim): You should have raised it at that time.

**Hon. Bidu Mohamed** (Isiolo South, JP): It has---

**The Temporary Speaker** (Hon. Farah Maalim): Order. Nonetheless, I have heard you. Is the Chairperson of the Committee in the House? He is not in the House. Is there any Member of the Departmental Committee on Administration and Internal Affairs? Is any of the leadership of the House here?

Deputy Leader of Majority Party, when can we get that statement?

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, let me promise you--

**The Temporary Speaker** (Hon. Farah Maalim): Could you say as early as tomorrow?

**Hon. Owen Baya** (Kilifi North, UDA): I may not vouch for tomorrow but before we go on recess, you will have your statement delivered to the House.

**The Temporary Speaker** (Hon. Farah Maalim): Order. Hon. Baya Owen, people who are dying cannot sit back and wait for recess. When is recess?

**Hon. Owen Baya** (Kilifi North, UDA): Recess is Thursday.

**The Temporary Speaker** (Hon. Farah Maalim): This Thursday?

**Hon. Owen Baya** (Kilifi North, UDA): So, we only have tomorrow and Thursday.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Baya, I direct that you look for the Chairman of the Committee and let us have this Statement request responded to tomorrow, the very latest in the afternoon. If you can get it in the morning, it will be much better.

**Hon. Owen Baya** (Kilifi North, UDA): I am much obliged, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Thank you. Next Order.

## MOTION

### ADOPTION OF FIFTH REPORT ON AUDITED ACCOUNTS FOR SELECTED STATE CORPORATIONS

THAT, this House adopts the Fifth Report of the Public Investments Committee on Social Services, Administration and Agriculture on its examination of Financial Statements of the following State Corporations, laid on the Table of the House on Tuesday, 5th August 2025-

- (a) National Social Security Fund for FY 2020/2021.
- (b) Kenya Marine and Fisheries Research Institute for FY 2019/2020 to 2020/2021.
- (c) National Hospital Insurance Fund for FY 2018/2019 to 2020/2021.
- (d) (iv) Kenya Broadcasting Corporation for FY 2013/2014 to 2018/2019.

**The Temporary Speaker** (Hon. Farah Maalim): I understand that the Chairperson of the Public Investment Committee on Social Services, Administration and Agriculture has communicated to the Clerks-at-the Table that this matter be deferred to an appropriate date in the future, when he will be in a position to prosecute it.

*(Motion deferred)*

Next Order.

## BILL

### *Second Reading*

#### THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL (National Assembly Bill No.41 of 2024)

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Aden Mohamed. Has it been moved? The information I have is that it has not been moved for Second Reading. The Bill has to be deferred to an appropriate date when Hon. Aden Mohammed will be in a position to move Second Reading.

*(Bill deferred)*

Hon. Members, before we go to Order No.14, I want to recognise the presence of very important guests seated in the Public Gallery. They are students of Ucwani Primary School from Tharaka Constituency, Tharaka Nithi County. Where is the Member for Tharaka? I thought I saw Hon. Murugara here just a few minutes ago. In the absence of Hon. Murugara, I call upon the Deputy Leader of the Majority Party, Hon. Owen Baya, to say a word of encouragement to the children from Ucwani Primary School in Tharaka Nithi County, which is an arid and semi-arid land (ASAL). They need all the encouragement.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. On my behalf and that of the leadership, I welcome the students from Tharaka Nithi to the Chamber of the National Assembly, these hallowed grounds and the august House.

**The Temporary Speaker** (Hon. Farah Maalim): They are seated in the Public Gallery. Face this side.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, Tharaka Nithi reminds us of interesting things. It has given us the Deputy President of the Republic of Kenya. I encourage the children, just like our Deputy President, Prof. Kithure Kindiki, who sat in this House, to look forward to coming to this Chamber one day. Work hard in your studies, play

smart and become very successful people after high school. The beauty of Tharaka Nithi is that it always gives us the last election results, which help us win the elections and eventually form the Government. Therefore, the people of Tharaka Nithi people are special. You are most welcome to this House.

**The Temporary Speaker** (Hon. Farah Maalim): I also recognise the presence of students of Gaciongo Junior Secondary School from Tharaka Constituency, Tharaka Nithi County. Today is a day for Tharaka Nithi. Also recognised are students of Michegethiu Primary Junior Secondary School from Mbeere North Constituency, Embu County; and, Cengalo-Chereber School from Kesses Constituency, Uasin Gishu County.

I am looking for a lady to give a word of encouragement to the students. Proceed, Hon. Jematiah. Give her the microphone. The school in the Speaker's Gallery will be welcomed by the Member for Emurua Dikirr.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you very much, Hon. Temporary Speaker. I take this opportunity to welcome all the students in the Speaker's and Public Galleries to this august House. Everything is possible. Work hard. Success is very intentional. Everything you do today in school and at home is going to reflect the future of your life. As you go back to school, make sure that you always give it your best. Welcome and enjoy your time in Parliament. Ask questions if you get the opportunity and learn more.

**The Temporary Speaker** (Hon. Farah Maalim): Finally, in the Speaker's Gallery - hopefully, one of the Speakers in the future will come from the students who are seated there - are students of Eldoret Achievers School from Kapseret Constituency in Uasin Gishu County. Can you applaud them? Do you know how to applaud in Parliament?

*(Applause)*

*(The students stood up in their places)*

Thank you. You may now sit. I call upon the Member for Emurua Dikirr to give a word of encouragement to the students, on behalf of colleagues from Uasin Gishu County.

**Hon. Johana Kipyegon** (Emurua Dikirr, UDA): Thank you, Hon. Temporary Speaker. On behalf of my colleagues, I congratulate the students who are in the Speaker's and the Public Galleries from different schools in different counties. Welcome to the National Assembly. This is where laws are made, among other key functions. Welcome and feel great because you are the future, and that future is now. You can always follow these proceedings and learn from here. The most important thing is that they have found this House very disciplined. It is also important for them to be disciplined in their schools so that they can make it to this National Assembly.

*Karibuni.*

**The Temporary Speaker** (Hon. Farah Maalim): Fair enough. We wish you a safe trip back. I congratulate you, on behalf of the House.

Next Order.

## BILL

### *Second Reading*

#### THE COUNTY GOVERNMENTS (AMENDMENT) BILL (Senate Bill No.25 of 2023)

**The Temporary Speaker** (Hon. Farah Maalim): The Second Reading has not been moved. Is that in order? Where is Hon. Timothy Toroitich, the co-sponsor of the Bill? Do you wish to move the Second Reading now?

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, I beg to move that the County Governments (Amendment) Bill (Senate Bill No.25 of 2023) be now read a Second Time.

This is my first Bill as a first-time elected Member of Parliament. Therefore, it is an honour and privilege to move the Bill. I am a co-sponsor of this Bill, having been sponsored by my friend, the Senator for Nandi, Hon. Samson Cherarkey.

The Bill was read for the First Time on Wednesday, 5<sup>th</sup> June 2024 and committed to the Departmental Committee on Administration and Internal Security for consideration and reporting pursuant to the provision of Standing Order 127. Article 174 of the Constitution recognises devolution not only as a means of promoting accountable exercise of power, but also its importance in enhancing checks and balances and the separation of powers. In this regard, the Constitution, under Article 183, grants critical mandates to the County Executive Committees and, consequently, members of those committees. These include:

1. To implement county legislation.
2. To implement national legislation within county.
3. Manage and coordinate functions of the county administration and its departments.
4. Any other functions conferred by the Constitution or legislation.

With the promulgation of the 2010 Constitution, Kenya adopted a presidential system of government in which county governors are sometimes elected from the party with a minority membership in the county assembly. The members of the County Executive Committee are appointed by the governor. Where a county assembly consists of members from the majority party and a governor from the party with a minority membership, the County Executive Committee members are often forced into acceding to the demands of the county assembly, thus hampering service delivery by the county executive.

This Bill seeks to increase the threshold to remove a member of the County Executive Committee at all three stages by:

1. Increasing the threshold of the members required to propose a Motion for removal from one-third of all members to two-thirds.
2. Increasing the threshold of members required to support a Motion for removal from one-third of the members of the assembly to two-thirds, and therefore, set in motion the appointment of a select committee to investigate the matter.
3. Increasing the threshold of members required to support a finding of substantiated allegations by the select committee from a simple majority of the members of the county assembly to at least two-thirds of the Members.

This higher threshold is justified to ensure that the County Executive Committee (CEC) members perform their functions as set out under Article 183 of the Constitution effectively, and without fear of being removed by the Members of the County Assembly (MCAs). This amendment seeks to bolster governance, stability and accountability by ensuring that removal Motions are based on substantial grounds and supported by a significant majority of MCAs.

Article 10 of our Constitution establishes national values including good governance, integrity, transparency and accountability. Article 185 grants legislative authority to County Assemblies allowing them to oversee CECs. Article 174 emphasises accountable public power at the county level, supporting democratic governance and protecting marginalised groups.

Further, Section 40 of the County Governments Act which we are now proposing to amend, details the removal process for CEC members. Currently, only one-third is needed to

initiate and advance removal Motions. The Bill proposes to increase this to two-thirds. I will explain the reason as to why later.

We shall ensure there is accountability and prevent frivolous and vexatious Motions. In what manner? One, raising the threshold from one-third to two-thirds ensures that removal Motions are grounded on serious substantiated reasons, preventing frivolous or politically motivated actions. This also aligns to Article 47, which guarantees fair administrative action that is lawful, reasonable and procedurally fair.

The current lower threshold of a third undermines due process as outlined in Article 47 of the Constitution, by allowing Motions with insufficient backing. This leads to potential unjust removals driven by personal or political motives. Article 236 of our Constitution protects public officers from dismissal without due process. A higher threshold mitigates political pressures, and upholds the right to fair administrative action aligning with constitutional principles.

If you compare what we are proposing with what we currently have in the national standards, the Bill's proposed threshold is consistent with the removal process of Cabinet Secretaries under Article 152, which requires one-quarter of Members of the National Assembly to initiate, and a majority to remove. This consistency ensures regular standards for both national and county governments. However, given the localized and politically charged nature of county assemblies, a higher threshold is justified to prevent manipulation.

I will cite a case example from one of the county assemblies in this country. Elgeyo Marakwet County Assembly has 30 MCAs. Under the current law of a third, only 10 members out of the 30 are needed to propose a Motion, and a simple majority of 16 is needed to pass it. With the proposed amendment of two-thirds, it will mean that for that county assembly to remove a governor or initiate the process of removal, 20 MCAs would be required to propose and pass the Motion. This ensures broader consensus and reduces the risk of politically motivated removals. I have given an example of county X, which has 30 MCAs.

What the current law says is that you only need a third of MCAs to initiate the process. A third of 30 is 10. So that we avoid manipulation of governors, I propose that we increase this threshold to two-thirds, which in that county X would be 20 MCAs instead of 10. A Member has argued that the Constitution provides for a quarter of Members of the National Assembly in the case of initiating removal of a Cabinet Secretary. The argument is that the National Assembly has 349 Members and therefore it requires a larger support base for similar Motions, mitigating local political pressures.

County assemblies with fewer members are more susceptible to political manoeuvring, thus necessitating a higher threshold for fairness and stability. To initiate the removal of a Cabinet Secretary, you require a quarter of Members, which is 88. The National Assembly has a broad political base and political affiliation in terms of parties compared to fewer numbers in county assemblies.

What is the justification of the amendment on local politics? The justification is based on localised politics to prevent local political manipulation. County assemblies operate in localised political environments where personal rivalries can influence decision making.

A higher threshold, therefore, reduces the risk of removals based on local politics rather than genuine governance issues. It also enhances stability and governance in the following manner: A higher threshold ensures removal Motions are supported by a significant majority, fostering stability within county governments. This stability is essential for effective governance and successful implementation of development projects.

From a judicial perspective, the Court of Appeal has opined on this matter. The Court of Appeal has emphasised the need for procedural fairness and substantial grounds in the removal of public officers. In the case of the County Government of Nyeri *versus* Cecilia Wangechi Ndung'u (2015 e-KLR), the Court underscored the importance of protecting public

officers, county executive committee members in this case, from arbitrary removal, hence the rationale for a higher standard.

In conclusion, the Bill is a critical measure to strengthen county governance by raising the threshold for removing county executive committee members. This amendment ensures actions are well supported and aligned with constitutional principles, enhancing the integrity and stability of county administrators while protecting them from undue political pressures. In a nutshell, this Bill seeks to increase the threshold of initiating impeachment of a county executive committee member from the current one-third to two-thirds of MCAs. This stems from the fact that there is a lot of manipulation of county executives by MCAs because of the low threshold required to initiate the removal of a county executive committee member.

Where a county governor is elected on a minority party or as an independent candidate, with the majority of MCAs belonging to another political party, the governor will be susceptible to intimidations from the MCAs because of the low threshold required to initiate his impeachment or of a county executive committee member. Therefore, to protect devolution and ensure impeachment Motions are grounded on substantial grounds, there is need for this honourable House to consider raising the threshold required to initiate impeachment of a county executive committee member.

Having explained the intention of this Motion, I beg to move and request Hon. Caroli Omondi, the powerful and ranking Member from Suba South Constituency to second.

**Hon. Owen Baya** (Kilifi North, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order, Hon. Owen Baya.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I have high regard for Hon. Caroli Omondi. He is a good legislator who makes good laws and sits in the Chamber. His people made a good choice. However, he does not qualify for the title of ranking Member. Many titles may befit him, but that of ranking Member does not in any way, any instance at any time in this 13<sup>th</sup> Parliament. I would like Hon. Toroitich to withdraw that reference.

**Temporary Speaker** (Hon. Farah Maalim): I understand that he wishes that he had that title. Therefore, do not withdraw his wish and prayer.

**Hon. Danson Mwashako** (Wundanyi, WDM): On a point of information, Hon. Temporary Speaker.

**Temporary Speaker** (Hon. Farah Maalim): What is your point of information? Does Hon. Owen Baya wish to be informed?

**Hon. Danson Mwashako** (Wundanyi, WDM): Please, accept to be informed. I need to bring this information to the attention of the Deputy Leader of the Majority Party. Hon. Caroli Omondi is a potential ranking Member. He is among the few Members working diligently in their constituencies. So, Hon. Owen Baya knows for sure that Hon. Caroli Omondi is going to be a ranking Member in less than two years' time. Therefore, the title is okay.

*(Laughter)*

**Temporary Speaker** (Hon. Farah Maalim): Order. The title 'Ranking Member' is based on experience in Parliament, and not in one's ability.

Anyway, Hon. Caroli, proceed and second the Bill.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you, Hon. Temporary Speaker. I thank Hon. Toroitich and Hon. Owen Baya for wishing me well. I hope I will get there.

Hon. Temporary Speaker, I rise to second and support the proposed amendment. The sponsor has very eloquently and elaborately explained the background of and reasons for the Bill. So, I will not go into a lot of details.

We have two systems of holding public office: as an elected or appointed officer. The systems come with different processes for removal. Even for elected officials, grounds for removal follow different processes, and there are reasons for this. One of the reasons is that the will of the people must be respected at all times. If you impeach a president or governor, you are basically overturning the will of the people and that would, in itself, require a very high threshold, because they have been elected directly by the people. However, if it is an appointed person, like a Cabinet Secretary, the threshold is lower.

**Temporary Speaker** (Hon. Farah Maalim): Hon. Kipchumba, I hope you are listening to your seconder. I would be taking notes, if I were you. He is mentioning very serious issues on your own Bill. So, please, listen.

Proceed, Hon. Caroli.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you, Hon. Temporary Speaker. Secondly, under our Constitution, one can be elected on a political party or as an independent candidate. If you get into office as an independent candidate or if your party is the minority party in a county assembly, you are most likely exposed to extortion and manipulation, from what we have seen. It is important we provide some protection to governors who, by the will of the people, are elected to office either as independent candidates or members of minority parties, to avoid abuse of power by those in charge.

Under our Constitution, the President can be impeached on two reasons. One is incapacity, which has its own set of rules. The Motion to remove the President for incapacity needs to be supported by just one-quarter of all the Members of the National Assembly. That Motion will be supported by a simple majority and it will pass. Yet, when it is impeachment, the Motion should be supported by one third of the Members at the initiation stage for its approval, and two thirds of Members in both the Senate and the National Assembly have to approve it. So, it is a higher threshold. Yet, this protection is not extended to the county governors.

I think we should also give the county governors protection so that at the moment of impeachment, at least two-thirds of Members of County Assembly (MCAs) should approve their impeachment, just like it happens with the President. This is because both the county governor and the President enjoy universal suffrage. They have been elected directly by the people to their offices. So, for that, I fully support.

According to our Constitution, on removing a Cabinet Secretary, to initiate a Motion against them, because they are appointed and not elected, is just one-quarter of the Members and it is by a simple majority. Yet, we are also applying the same standard to elected county governors. It would be a very low threshold to allow a simple majority of MCAs to impeach a county governor. We should give the same protection to county governors as we give the President, so that those who happen to have been elected either as independents Members or as Members of a Minority party enjoy the same protection under the Constitution.

I support.

**Hon. Temporary Speaker** (Hon. Farrah Malim): You support with amendments?

**Hon. Caroli Omondi** (Suba South, ODM): Yes.

**Hon. Temporary Speaker** (Hon. Farah Malaim): You seconded with amendments?

**Hon. Caroli Omondi**: I second, with amendments.

**Hon. Temporary Speaker** (Hon. Farrah Malim): Absolutely.

*(Question proposed)*

Yes, Hon. Owen Baya

**Hon. Owen Baya** (Kilifi North, UDA): Thank you for giving me this opportunity to support my friend, Hon. Toroitich. I think this is one of those firsts where I actually stand to

support him. You know, he is a very nice Member of Parliament. Even though sometimes he is very controversial, on this one I support him. For devolution to be properly anchored in this country, we must bring stability in the offices. Counties have been very unstable. They have been destabilized because of certain things. Certain political undertones are trying to ruin the devolution that we set up in the Constitution.

A case in mind is when Prof Kivutha Kibwana was the Governor of Makueni County. We had the first attempt to dissolve a County Assembly because of infighting, which was baseless. This was just because of some interest of particular people. However, because the threshold to move such a Motion was low, the people of Makueni County almost lost the good professor as governor.

However, when he was given the opportunity to serve his full term, we saw what Prof Kivutha Kibwana did in Makueni. Imagine, if Prof Kivutha Kibwana had not taken the bold step to request for the dissolution of the County Assembly, we would have lost him to just mandarins of impunity who are running around wanting him to bend to their side. However, he stood by his principle.

Right now, we have a case in Kericho, where MCAs are hell-bent on removing the governor, whether he has issues or not. Because the threshold as provided in the statute is low, it is actually possible for them to remove the Governor of Kericho County. We have seen Members of the County Executive Committee (CECs) being removed in counties not because of mistakes, incompetence or broken laws, but just because they have not been able to speak well to MCAs. We have also seen this with Deputy Governors. We saw the case of Siaya County, where a very able and good man, the Deputy Governor, threatened just because he differed on personal issues with the Governor. He almost got removed because the threshold is low.

Therefore, I support that the threshold be increased. When moving the Motion and seeking leave from the House to initiate an impeachment, the threshold should be higher. It should be two-thirds and not one-third. We should not have a situation where a County Executive Committee Member sits in his chair to please MCAs and if he does not please them, including by breaking the law, he is removed from office.

We want stability and devolution to work. We want Members of County Executive to work without fear of being removed from office not by virtue of mistakes, incompetence, breaking the law or abuse of office but just because they do not agree with MCAs, and just because MCAs asked for a favour but was denied. As a result, a County Executive Committee Member is threatened with impeachment for no reason but because he has differed with MCAs. I support we move the threshold from one-third to two-thirds for Members of the County Executive.

On issues of governance, a county assembly with 20 Members, for example, may say they do not want their governor who could have been elected by 100,000 people. Just seven or ten people conspire and say that they do not want the governor and because the threshold for removal is low, the motion sails through in the county assembly and a select committee is formed to investigate the governor. When the investigation is done, probably, only four Members in that committee will determine the governor's fate. When the motion is brought to the county assembly the governor, who was elected, is removed.

We saw the Kiambu County example in the case of the former Governor, Hon. Waititu. Kiambu County has over 1.5 million people, but just a few Members of the County Assembly kicked the governor out of office. We must review that threshold. While I agree there must be accountability, there also has to be accountability in the exercise of power. We cannot just give power.

Members of the County Executive Committee must be accountable, exercise their authority with accountability and observe the Constitution. They must not abuse office. There



must also be accountability on the Members of County Assemblies who do checks and balances and Members of the National Assembly and any other body that has the mandate to impeach. We cannot just wake up one day and say we do not like a particular person and desire to have him removed from office. We would make a strong case to increase the threshold. We should agree to increase the threshold in the three stages: initiation, select committee and voting, to remove Member of the County Executive.

A governor campaigns, spends resources and people's time to come to power. Just a few people should not decide their removal from office. In northern Kenya, I think in Isiolo, we witnessed a circus. The County Assembly Speaker went into hiding and eventually the governor was impeached. The matter was then brought to the Senate. The Senate has other issues to deal with, not discussing impeachment every time. We must allow the Senate to do their job.

I support this Motion. It is high time we brought stability. I would like to tell Hon. Members of this august House that one day they may become governors. For instance, Hon. Mwashako, may God bless him because he is a good man. Probably, the people of Taita Taveta would want him to be their governor. If he becomes the Governor of Taita Taveta and the following day only ten people decide they do not want him and throw him out, how will that look like? We cannot afford that kind of shenanigan. What I vouch for is the stability of county governments which will ensure governors and County Executive Committee Members (CECMs) work without being distracted. That way, we will see better fruits of devolution.

I support this Motion. We should pass it as fast as possible for consensus and stability.

**The Temporary Speaker** (Hon. Farah Maalim): Next is Hon. Jematiah.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you, Hon. Temporary Speaker. for giving me this opportunity to add my voice to this important Bill. I thank my colleague, Hon. Toroitich, for sponsoring the Bill. When Hon. Baya thinks he is a bit controversial, I believe he is one of the most liberal minds we have in this House.

Going through this County Governments (Amendment) Bill (Senate Bill No. 25 of 2023), I notice that there is a gap left by the Constitution, specifically in regard to county governments. We are almost marking 20 years of the 2010 Constitution. Sadly, we have lost most of the gains and progress in most of our counties.

For instance, in Baringo County, which is my county, if people were to be given another opportunity to vote, they would probably want to vote out the entire county government, not only Members of the County Assembly (MCAs). The 2010 Constitution gave Kenyans fragmented county governments that mirror the national Government. This means that we have taken all the resources and spread them so thin that we are not able to make things work. Now, this has bred a lot of contentious issues. We are not able to fully enact proper laws that seeks to promote good governance and integrity.

As it is usually said, you cannot legislate integrity. Governors are human beings. This Amendment Bill is going to give us an opportunity to correct most of the injustices present in our counties today. The biggest problem we have is the voters' integrity. The voters end up voting for governors or MCAs who have integrity issues! Women are mostly the victims when it comes to removal from office. It is because most of them are in nominated positions. This Bill is going to help us move forward and make counties functional.

I fear that if we do not put in place proper checks and balances, as much we seek to amend the threshold to two-thirds for any removal from office or any impeachment to be done in the county assemblies, this Bill will not help. We need to enact proper laws that will help Kenyans at the counties get the services that they deserve.

In terms of resource utilization, governors should work properly with the MCAs without creating unnecessary chaos. We have created these problems within our counties because they are local units of government. If you go to Turkana County, most of the people

are Turkana and the same can be said of Kiambu where everyone would possibly be a Kikuyu. Such an arrangement creates personal issues because everyone is related and personal interests end up at work.

Hon. Temporary Speaker, the Constitution of Kenya needed to have solved the re-allocation of resources. As resources are devolved, there is also devolution of vices like corruption and nepotism. It becomes easy for MCAs to raise issues when, say, the Governor is not from their family or clan. All those factors should also be considered. I would like to ask my colleague to include more reasons explaining why there is a lot of instability in county assemblies and county governments.

This process will give us an opportunity to grow as a country. This amendment Bill will give us more reasons to better embrace our county governments. I fully support my colleague so that we all have a better Kenya.

**The Temporary Speaker** (Hon. Farah Maalim): Member for Wundanyi.

**Hon. Danson Mwashako** (Wundanyi, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice to this important County Governments (Amendment) Bill (Senate Bill No.25 of 2023). I commend the Mover of this Senate Bill for boldly outlining the contents of the Bill. It is quite straightforward.

Devolution is a very important aspect of our democracy. Therefore, we must revere and protect it at all costs. The threshold for impeaching any officeholder differs from one office to another. The impeachment of a President in the National Assembly requires a two-thirds majority. To initiate such an impeachment, one-third of us have to sign the petition. Impeaching a Governor in a county assembly requires a simple majority, after which the case is referred to the Senate. Impeaching a Member of the County Executive Committee (CEC) as provided in law requires only one-third of the Members of a County Assembly.

The Bill seeks to increase the threshold for impeaching a Member of the CEC. A Member of the CEC has a standing similar to that of a Cabinet Secretary in the national Government. Therefore, since the impeachment of a Cabinet Secretary requires a higher threshold, we want the same to apply at the county assemblies. It is so that the reasons and justifications are consistent.

This country has witnessed many impeachment motions for governors, Members of the CEC, and deputy governors initiated without due process or justification. There are many cases of witch-hunt in this country. One may differ with a strong Governor who has a large political following. You may choose to rock the boat by trying to impeach a Member of his or her CEC. Many Members of the CECs are under a lot of threat. If a Member of the CEC crosses the line or has a conflict with a Member of a County Assembly (MCA), he or she may be summoned to appear before a county assembly.

When an MCA does not get a particular response from a CECM, the CECM is threatened with impeachment. Because the threshold for impeachment is too low, one MCA can marshal a few of his or her colleagues and a CECM could easily be sent home just because of witch-hunt and unjustifiable reasons.

I support this Bill because it creates an environment where for one to start off an impeachment discussion in a county assembly, they must have reasons beyond doubt that a CECM, Governor, or Deputy Governor has violated the fundamentals of the Constitution or has committed crimes. Let us protect devolution, and give strength to institutions. A county assembly and a county executive are formal institutions. For us to build public trust in our institutions, we need to do all that it takes. This is a Bill that we needed to pass as early as yesterday.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kirima.

**Hon. Moses Kirima** (Central Imenti, UDA): Thank you, Hon. Temporary Speaker, for this opportunity to contribute to this important Bill. The threshold for impeachment is very low. I will propose an amendment so that the threshold is one-half instead of two-thirds of Members. If the threshold is two-thirds at both the initial stage and during impeachment, then it means the moment the process began one was already impeached! The drafters provided for one-third so that if there are issues to be addressed, one can address them and stop the impeachment.

Devolved units have done marvellous work; let us be sincere about it. Things were different before the Constitution of 2010. All resources were centralised. It depended on one's relationship with the central Government for one's region to have development. By decentralising resources, even though it has its own weaknesses, sincerely a lot of things have been done.

In Meru County, there is a lot of development. The development may not be institutional; it could be development at individual level. Buildings are coming up. A lot of resources are being spread in rural areas. People have big cars. People have developed personally. Indeed, there is a lot of development. There is a lot of growth compared to how it used to be. The only problem is that, as we devolved development to the rural areas, we also devolved corruption. This is what we should focus on now, rather than push things in general. We should find a way to check corruption. You will find a governor, or whoever is in a big position in the county government, using either family members or other conduits to siphon public money through tenders, contracts, and many other ways.

For example, if you go to Kitengela, Nairobi, parts of Meru, Nyeri, or any other place, you will find very large development projects rumoured to be associated with governors. If not the governors, then the county secretaries. If you check the salaries they earn and follow up on their finances, you will find they have no loans in any bank. Their salaries cannot match the kind of development they are undertaking. This means there must be other ways they are getting this money to fund the big projects and, hence, devolved corruption.

We should strengthen the institutions that check how governors are carrying out their mandate. How are they using our resources? They ought to use resources to benefit the common man and not individuals, as is the case nowadays. Even during the current Devolution Conference in Homa Bay, you will not hear any of them coming up with a topic on how to tame corruption. They will speak about other issues, but when it comes to corruption, only the Ethics and Anti-Corruption Commission (EACC) will mention it, and it all ends at the Nairobi office.

The EACC has a few branches here and there in the country. They are not adequate. They are unable to tackle the problem of corruption, which is so rampant. We must find a solution to corruption. Unless we do that, we may not assist the common man in the village as was intended.

Thank you for giving me this opportunity.

**The Temporary Speaker** (Hon. Farah Maalim): I do not see any more interest in this matter, so I call upon the Mover to reply.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, in reply, I wish to thank all Members who have supported this Motion. I wish to thank Hon. Caroli Omondi, the Deputy Leader of the Majority Party, Hon. Owen Baya, Hon. Jematiah, Hon. Mwashako, and Hon. Kirima for their support.

Hon. Owen Baya alluded to the fact that I am sometimes controversial. I wish to inform him that recently I encountered a Damascus moment and, therefore, he should expunge any controversy from yours truly.

I appreciate the sentiments that have given more weight to this proposed legislation. There is room to further amend and review it. Hon. Kirima has given an important proposal

that at the initial stage, the threshold can be a simple majority, and finally, at the passing of the Bill, it can be two-thirds. Currently, it is a simple majority to pass the Motion to impeach a CEC Member; he talked of one-half.

**The Temporary Speaker** (Hon. Farah Maalim): He said 50 per cent of the total.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Yes, 50 per cent. I agree.

**The Temporary Speaker** (Hon. Farah Maalim): For him, you cannot have two-thirds and then two-thirds again. He also emphasised that due to rampant corruption, there must be accountability. Anyway, proceed.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Well guided, Hon. Temporary Speaker. This is food for thought. At the initial stage, we can have half the Members, and at the very end, to put the impeachment into effect, increase it to two-thirds, which is half plus one. The proper interpretation is a simple majority, which should be one-half plus one. For example, if there are 30 members, having a tie at 15-15 would present a challenge. The Deputy Leader of the Majority Party has suggested that it might not be safe to have just one-half as the threshold. Therefore, the correct way to draft this is to define a simple majority.

I beg to reply.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Owen Baya, it looks like you did not do your job well.

*(Putting of the question deferred)*

Next Order.

**The Temporary Speaker** (Hon. Farah Maalim): Are you on a point order, Hon. Owen Baya?

**Hon. Aden Mohammed** (Wajir East, JP): On a point of order.

**The Temporary Speaker** (Hon. Farah Maalim): What is your point of order?

**Hon. Aden Mohammed** (Wajir East, JP): Hon. Temporary Speaker, I have noticed that the House is not properly constituted.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Member. Please, approach the Chair.

*(Hon. Aden Mohammed consulted with the Speaker)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Aden Daudi should be moving the Bill at Order No. 13. Hon. Aden Mohammed, where were you? You were supposed to move your Bill. I assume you must have been engaged in important parliamentary business which caused your delay.

Given the circumstances, the Chair will look upon you favourably. I will rearrange the Order Paper, and instead of moving to Order No. 15, we will first handle Order No. 13. Hon. Aden Mohammed, can you, please, move your Amendment Bill?

## BILL

*(Second Reading)*

THE COMPUTER MISUSE AND CYBERCRIMES (AMENDMENT) BILL  
(National Assembly Bill No. 41 of 2024)

**The Temporary Speaker** (Hon. Farah Maalim): Proceed, Hon. Aden Daudi. Move the Bill. You must be well-versed with your Bill. Being a learned friend, I assume you are well-prepared and knowledgeable about your Bill.

**Hon. Aden Mohammed** (Wajir East, JP): Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): First, apologise for coming late.

**Hon. Aden Mohammed** (Wajir East, JP): I apologise.

**The Temporary Speaker** (Hon. Farah Maalim): Proceed.

**Hon. Aden Mohammed** (Wajir East, JP): Hon. Temporary Speaker, I beg to move that the Computer Misuse and Cybercrimes (Amendment) Bill (National Assembly Bill No. 41 of 2024) be now read a Second Time.

The Computer Misuse and Cybercrime (Amendment) Bill 2024 seeks to prohibit the use of electronic media to promote terrorism, and extreme religious and cultural practices. The Bill in particular proposes the following amendments.

Clause 1 of the Bill provides for the Short Title of the Bill. The title is the one I have read, which is the Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024).

Clause 2 seeks to amend Section 2 of the Act to provide for a clear definition of the term ‘access’ and ‘access to a computer system that is unauthorised’. The Bill also introduces new definitions to align with the provisions of this Act; it is just a definition of the term ‘access’.

Clause 3 seeks to amend Section 6 of the Act to give the National Computer and Cybercrime Coordination Committee (NCCC) an additional function of issuing directives on websites and applications that may be rendered inaccessible within the country, and where the website or application promotes illegal activities like child pornography, terrorism, and extreme religious and cultic practices, like those in Shakahola.

Clause 4 seeks to amend Section 27 of the Act to expand the scope of the offence of cyber harassment. Given the prevalent use of social media, cyber harassment has become a thing that a lot of young Kenyans are subjected to.

Clause 5 seeks to amend Section 30 of the Act to expand the scope of the offence of phishing.

Clause 6 seeks to introduce a new Section 42A for the offence of unauthorised SIM swap. SIM swap has become very prevalent in Kenya. It is used to steal from a lot of unsuspecting public. The Bill does not delegate legislative powers, nor does it limit fundamental rights or freedoms.

Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Who is your seconder?

**Hon. Aden Mohammed** (Wajir East, JP): I ask Hon. Baya to second the Bill.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, it is my pleasure to second the Hon. Aden Mohammed in the Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024). I thank Hon. Mohammed Aden for taking his time to bring a Bill to the House of Parliament. Not very many Members have done this, both in the 12<sup>th</sup> and the 13<sup>th</sup> Parliament. Most of them bring Motions. Drafting a Bill shows us the prowess that Hon. Aden Mohammed has in terms of legislation. This also casts him out as a good lawyer and a good advocate. We can see him using his skill well. The principal object of the Bill is to amend the Computer Misuse and Cybercrime Act, Cap 79C. It seeks to prohibit the use of electronic media to promote terrorism and extreme religious and cultic practices. That is the essence of this Bill.

Terrorism and religious extremism and cultic matters have devastated this country in many ways. The cultic issues of Shakahola come to mind when you think about that. When we do not control social media in propagating cultic innuendos, we lose a country. We lose lives.

People die because of religious inclinations that are dangerous. This Bill as drafted by Hon. Aden seeks to prohibit the use of electronic media to promote extreme religious practices. It is very fundamental. What goes into social media can either strengthen the stability of a country or destroy it, and that is why this Bill is very important.

Hon. Temporary Speaker, Clause 3 of this Bill seeks to amend Section 6 of the Act to give the National Computer and Cybercrimes Co-ordination Committee an additional function of issuing directives on websites and applications that may be rendered inaccessible within the country, where the website or applications promote illegal activities, child pornography, terrorism, and extreme religious and cultic practices.

Google is here with us, but Google is a foreign body. How do we stop Google from propagating such? Facebook is here, and it is foreign. TikTok is here, and it is foreign too. We may not be able to control what happens there, but by virtue of this Bill giving to the National Computer and Cybercrime Co-ordination Committee an additional function of issuing directives on websites and applications, we get back the power to control what happens on social media. Therefore, it is my greatest pleasure to second this Bill, which will ensure that as we go forward, we do not allow social media---

Hon. Temporary Speaker, as we move towards the General Election, social media becomes a boiling pot for chaos if we allow it to go unchecked. We need to get back our country by ensuring that we have certain leverages to control. We are not infringing on the right to communication, the right to expression, and those rights enshrined in the Constitution. All rights and freedoms as enshrined in the Constitution come with certain responsibilities, and it is those responsibilities that we are legislating on. Use social media, express yourself the way you want, enjoy your constitutional rights to free information and all that, but do it responsibly. If you cannot do it responsibly, then we are saying do it within the purview of the law, which we are actually enacting today.

So, Hon. Aden, I want to thank you for thinking about the country, the future generation, and the stability of the country by bringing this piece of legislation.

Hon. Temporary Speaker, with those many remarks, I second and urge Members of this House, including the Leader of the Minority Party, who has been away, and whose voice I have not heard in this House for many days now, to support this piece of legislation. His voice is very important in helping to stabilise the country. I thank you, Hon. Temporary Speaker.

*(Question proposed)*

## COMMUNICATION FROM THE CHAIR

### WITHDRAWAL OF DR DUNCAN OBURU OJWANG' FROM APPOINTMENT AS CHAIRPERSON OF NCHR

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, before we proceed with this Bill, I have a Communication to make.

Hon. Members, the National Assembly is in receipt of a communication from one Dr. Duncan Oburu Ojwang', who went through an elaborate process and was selected as the Chairperson to the Kenya National Human Rights Commission (KNHRC) by His Excellency the President — the appointing authority in this case. I am in receipt of a letter from the same Duncan. It states that because of personal reasons and a perception of conflict of interest and other matters that he is unable to cease doing in his present life, he is unable to take up this position.

Under the circumstances, I want to direct the Departmental Committee on Justice and Legal Affairs to cease any further processing of this matter. I also want to direct the Clerk of

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the National Assembly to communicate the same to the appointing authority, in this case, His Excellency the President of the Republic of Kenya.

Thank you.

Leader of the Minority Party, do you wish to contribute to the Motion before us, or do you have something else to say?

**Hon. Junet Mohamed** (Suna East, ODM): No, Hon. Temporary Speaker. I have nothing to say. In relation to your Communication, I want to state that I am very sad that we will not have the services of Prof. Duncan Ojwang' as the Chairman of the Kenya National Human Rights Commission (KNHRC). Prof. Ojwang' is a scholar of high standing in this country. He is known to me, having been my professor at the university, and I thought he would do justice to this country.

However, for obvious reasons, which he claimed to be personal, I agree that taking up jobs of that nature comes with personal responsibility. We respect his decision, but he should be given another opportunity to serve this country. He loves this country and will serve it diligently. I know him well.

Having said that, if I may contribute to the Bill before the House, the Computer---

**The Temporary Speaker** (Hon. Farah Maalim): The honourable Professor equally appreciates all that has been placed on him, but because of personal reasons, he is respectfully unwilling to take up this position. You have been in this Broad-Based Government. I respect his decision. As you have put it, he is a researcher, a scholar, and a teacher of human rights. I am sure he thought this position was going to be in direct conflict with his passion for all these years. He can get a job that is not in conflict as he perceives it.

Proceed.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, I agree. There are very many professors from his home area. I know his home. The first professor from Dadaab might be you. I am sorry to say this, but I know it is coming. You are studying hard to become a professor, and you will become one.

*(Hon. Ibrahim Saney consulted loudly)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Saney. You will allow Hon. Junet to speak.

**Hon. Junet Mohamed** (Suna East, ODM): What is the issue?

**The Temporary Speaker** (Hon. Farah Maalim): Proceed, Hon. Junet. The Communication was done and we will not entertain any further debate on it. You are now contributing to the matter before us, which is the Computer Misuse and Cybercrimes (Amendment) Bill (National Assembly Bill No. 41 of 2024) by Hon. Aden Mohammed. He has clearly explained why he wants this amendment to be done.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, the Computer Misuse and Cybercrimes (Amendment) Bill (National Assembly Bill No. 41 of 2024) is overdue in this House. There is a lot of madness going on in the streets of social media. Social media is a phenomenon that we must live with because it has overtaken the mainstream media. However, every freedom must come with responsibility, as the Deputy Leader of the Majority Party has alluded to. Every freedom has its limitations because my freedom begins where yours ends.

In a world moving to global digitisation, where people communicate digitally from one village to another in the farthest part of the world, there must be law and order. The misuse of computers in this country is so rampant that people nowadays fear joining any social media platform. People have been abused---

*(Hon. Moses Kirima spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Order! There is someone communicating in a high tone. Is somebody talking on the telephone? Order, Hon. Members. Hon. Junet will be heard in silence.

Proceed.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, the Member is still going on with his call. I think he is selling *miraa*.

*(Hon. Moses Kirima spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Kirima. I know where we both come from. People are occasionally loud, but we are now in the National Assembly. So, tone it down.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, this is the time *miraa* arrives. Perhaps the goods have arrived and he is asking what the prices are, in the market, today.

*(Laughter)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Member. That was light humour. Proceed.

**Hon. Junet Mohamed** (Suna East, ODM): The issues of computer misuse are rampant. I am sure Hon. Temporary Speaker you have been affected in one way or the other. As I said earlier, social media has now overtaken the mainstream media.

**The Temporary Speaker** (Hon. Farah Maalim): Absolutely.

**Hon. Junet Mohamed** (Suna East, ODM): Kenyans and all kinds of people now rely on social media to know what is happening in the country. Anything I post today on social media will be taken as gospel truth; even if I am lying. Therefore, if these freedoms do not come with limitations and responsibility, we will have a society that is easy to destroy.

Look at what is happening in the spheres of social media in relation to pornography. We have young boys and girls who get access to pornography and all kinds of things. What kind of society shall we raise in this country? Will they be people that we can be proud of in the next few years if we expose them to these kinds of things?

I know some people think that this Bill's intention is to gag people and prevent them from expressing themselves. That is far from the truth. Every freedom that we enjoy in this country has limitations and responsibilities that one must carry to enjoy it. Social media has both been misused and used well. If you want to use social media for the good of society, it will serve that purpose, but, also, if you want to use it for the bad of the society, it will serve that purpose.

Countries have collapsed, societies have fought, and civil wars have happened, all because of social media. Yet, somebody will tell you: "I have the freedom to say anything I want or to abuse. It is my phone. It is my internet bundles. I have nothing to---" No, it cannot be like that. If you want to say something that is not true, spread false information, incite people, or malign people, you must be equally ready to take responsibility for it. Somebody will tell you that this is a simple matter and they wonder why they should be taken on a criminal case or libel. Some of the things that happen on the social media sphere have even broken families because some of them are false.

Take the case of some developed societies; the other day I was watching in the news that the USA, a country that enjoys 200 years of democracy, wants to bring regulations,



including 48 hours pull down. This means that if you publish false information through social media, you should pull it down within 48 hours or else you face the consequences.

Europe is now regulating what is happening on social media. The European Union is coming up with laws and regulations to regulate what is happening on social media in their countries. This is because everything that is good also has a harmful side. We are a fragile country; one that is still maturing democratically. We have a Constitution that is just 12 years old. We are still in the baby stages. People enjoy freedoms but they forget that the same freedoms must also be enjoyed by others. When you infringe on other people's freedoms, you have to take responsibility.

We are becoming a digital global village. Artificial Intelligence (AI) is coming. Look at the kind of fake videos that are being propagated. There is a lot of fake information being propagated in the world. You may think that it is the gospel truth. I remember one time seeing on social media that a certain governor had passed on. I do not want to mention names. People were even sending messages of condolences. I was out of the country and believed it was true. I called home to ask if the man had passed on, but was told he is alive and had even addressed people somewhere. That is what social media can do, at least, AI can do that.

Tomorrow, I do not want to write on my social media accounts that Hon. Ndindi Nyoro is dead when I know very well that he is farming some cassavas in Kiharu. We should take this issue seriously. We should not be carried by the wave that we want to have freedom to speak the way we want. Say whatever you want to say, but do it within the law. Do not infringe on my right. Do not abuse me. Do not malign me. Do not say anything against me which is not true. Say anything you want to say, but within the law.

This Bill is timely because in a modern society, we must have laws and regulations that govern our way of life. Otherwise, we will behave like animals in the streets. What differentiates people from animals, for us Muslims, is religion, but for other societies it is the law and the Constitution. If we did not have the Constitution or laws, people would have killed each other for nothing.

Hon. Temporary Speaker, first, we must accept that this world has entered into a new regime of AI, digitisation, and all manner of things. There are all forms of religious extremism as well as religious and political fundamentalism, like what is happening in the country today. We have been in opposition all our lives until recently when we got into the Broad-Based Government. Currently, the kind of opposition that exists in this country is political fundamentalism and extremism. We never used to talk the way people are talking now. People used to respect each other. We used to speak as Kenyans. This obsession with certain parts of the country - 'this part and that part' was never there.

There is a leader in this country who has condemned a whole community in the society as Al-Shabaab. It is on record. He thinks anybody who looks like you, Hon. Temporary Speaker, is Al-Shabaab. I do not know whether it is because of your moustache or curly hair or nose that is protruding like a European man's.

As a country, we must address these issues being propagated on social media. Someone on social media just refers to me as an Al-Shabaab and there is nothing I can do about it; I just keep quiet. When I ask him why he calls me that, he says that I look like one.

**The Temporary Speaker** (Hon. Farah Maalim): How does an Al-Shabaab look like?

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, maybe, I need to do plastic surgery to broaden my nose. This way, my nose and mouth will be equal and people will stop calling me an Al-Shabaab. These are the issues that this country is grappling with. When you try to introduce such laws, be sure that there are people who will oppose them. It will be fought like hell. They will tell you that you want to gag people's freedom.

In the last Parliament, we passed the Computer Misuse and Cybercrimes Act, 2018. The first group of people who declared certain clauses of that Bill as unconstitutional were

from the Judiciary, but, the people who have also felt the biggest brunt of cyber bullying are from the Judiciary, again. We met in a meeting where some people from the Judiciary were complaining about cyber bullying and misuse of computer. We told them; 'As Parliament, we passed the law and you said it was unconstitutional. So, just live with that. When you are abused, you also abuse back. Open X, Facebook and TikTok accounts so that you also abuse back.' That is what our country has been reduced to - you are abused on social media and the only alternative you have is to abuse back; you are maligned, you malign back; you are attacked, you attack back.

That is not the kind of society we would like to live in. We would like to live in a society that is democratic and governed by the Constitution and the rule of law. A society that respects everyone, that you cannot say anything that is unsubstantiated against another human being - that is the society we want; those are the children that we want to bring up, as Kenyans. Nobody should lie to our young people that social media is about abusing other people or misusing computers.

Hon. Temporary Speaker, with those few remarks, I support the Bill. This is something that must be supported by all and sundry. All Hon. Members, the whole society, religious organisations, and civil societies must support this matter so that we can have a country that is governed by the rule of law.

The people who developed these social media systems in the world...

**The Temporary Speaker** (Hon. Farah Maalim): Although I had requested you to continue, I will give you an additional three minutes to conclude.

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Temporary Speaker, Europe and America, where these things have originated from, have made regulations for their countries. I do not know why when an African country wants to regulate itself, it becomes a bad thing. The people who brought this advanced technology to the world are regulating it.

In Europe today, as I said earlier, they have put in place, under the European Parliament, regulations on how to deal with Facebook. In fact, if you read the news, you will find that Meta, the owners of Facebook have said they may withdraw their operations in Europe because they have been told there are boundaries that they must operate within. They have to be accountable. They must operate within those boundaries and perimeters. You know that the President of the USA, Donald Trump, has his own social media. He opened his own after realising that the existing ones were not working in his favour. Hon. Temporary Speaker, that is the way we want to associate and operate among ourselves.

It is the responsibility of Parliament to make laws that help the country move forward. One of those laws is this one.

With those few remarks, I support.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you very much, Hon. Temporary Speaker, for allowing me to add my voice to this important amendment. I also thank Hon. Aden for coming up with the amendment Bill. At the outset, I confirm that I support this Computer Misuse and Cybercrimes (Amendment) Bill, (National Bill No.41 of 2024).

Kenya is a fast-growing country, especially because of our young people who are so much into computer and cyber use. Lately, we have experienced big misuse of the space because criminals hack computers and take advantage by interfering with our peace. Again, a lot of rumours spread and conflicts emerge as a result of that. This has also brought a lot of problems in families because many of them have ended up splitting, including husbands and wives. The earlier we take control of this, the better.

I support the Bill because it seeks to prohibit the use of electronic media to promote terrorism, and extreme religious and cultic practices. We know very well that terrorism has affected this country negatively. Through terrorism attacks, we have lost many lives, including

soldiers and young people due to radicalisation. All this has happened through computer misuse. Once we make this amendment, we will have some control in place for us to have a better society.

Hon. Temporary Speaker, Clause 3 seeks to amend Section 6 of the Bill to give the National Computer and Crimes Coordination Committee an additional function of issuing directives on websites and applications that may be rendered inaccessible within the country where the website or application promotes illegal activities. This is where the website or application promotes illegal activities which have been mentioned. It is the reason I support this Bill.

Before that, we have said the issue of terrorism, extreme religious and cultic practices-- Of late, there have arisen a lot of extreme religious and cultic practices and that is why we have lost lots of lives. Even this weekend, I think they have registered about 26 people who have lost their lives in Kilifi County, if I am not wrong. Now, this is very common everywhere. People are cheated and they lose their lives.

Once we pass Clause 3 and amend Section 6 of the law, child pornography, terrorism and all these other things will be controlled. Parents are busy these days and most of them get home very late given traffic jam busy days. People are hustling from morning to evening looking for businesses and money. By the time you get home, you do not know what your child has gone through or what your child has interacted with through the computer. Many parents are losing their children because even the issue of Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) is being introduced through computers and our children have the freedom to watch everything and anything they want, even on their phones.

For any parent, it is not easy to go through what a child has been watching and you cannot have full control even in your home. That is why today many parents have lost their children. Others get into pornography; others get into LGBTQ and are unable to stop the habit. So, they need to be taken to rehabilitation centres. Many have been radicalized and have joined terrorism and that is why so many crimes are happening in our nation today. As I said, this has damaged our families. Today, I am so happy with this amendment and pray that very soon we will overcome some of the challenges.

The Fourth Schedule of the Constitution provides that the control of pornography is a function of the county governments. It is important for the county governments to know their roles. Once every sector of this nation takes good control of the young people, we will have a better society. As I said, I support the Bill. It is my prayer that, soon, all of us will support and pass it.

As I finish, I want to look at Section 27 of the Computer Misuse and Cybercrime Act. We know very well that Members of this honourable House have been harassed in many different ways. Some have been intimidated while others have received so many funny photos. Members do not even know how to respond to that. Once we enact this law, we will overcome all that. Criminals who violate the law will be dealt with by the Government. That way, we will have a healthy and better society.

With those few remarks, I support. Thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Ndindi Nyoro.

**Hon. Ndindi Nyoro** (Kiharu, UDA): Thank you very much, for giving me this chance. I just want to give some brief remarks in view of the Bill sponsored by my brother. One, it is a pity that we are still discussing these kinds of soft things, especially in IT, when the whole world is now discussing Artificial intelligence (AI). We should be talking about AI, data analytics, and other progressive technologies, which are helping the economy. We are talking about regulating whatever is posted on whichever platform on the internet, whether a website or even on social media.

I listened to some of my colleagues who gave their views earlier. Laws must always be made, and discussions like this should always be held devoid of emotions. Comforts change. They are a revolving door. We should be objective as we make laws, so that they not only serve the current purpose and situation, but they also be far-reaching in terms of what is right.

Across the world, it has become very tricky to limit people's freedoms, especially when it comes to usage of the internet. No country is an island. The world is interconnected, and the distances between countries have been made shorter by the internet. Therefore, even as we legislate internally, it is important to remember that Kenya is part of the globe. The laws we make, especially regarding the internet, should encompass other jurisdictions, so that we do not legislate in futility.

Broadly speaking, countries should not limit debates that happen within and without their borders. Interactions without limitations result in the best alternatives in terms of debates, which always suffice. No Member of this House should limit Kenyans' freedoms, which are well enshrined in our Constitution.

I call upon all of us in leadership to develop a thick skin. We should not change how Kenyans interact with the internet. We must change how leaders view those interactions. Our discussions on social media usage are directed to public servants and figures, like Members of Parliament. We must remember that we are not here by invitation. We chose to serve Kenyans in the public eye of our own volition. Therefore, anyone who is not willing to take the heat that comes with the job is in the wrong job. They should look for something else that is in line with the 'thickness' of their 'skin'.

We must continue to affirm the Constitution, which stipulates that Kenyans should be able to express themselves. If we do not limit debate, we will get better ideas and solutions for our problems.

I submit.

**The Temporary Speaker** (Hon. Farah Maalim): Are you rising on a point of order?

**Hon. Owen Baya** (Kilifi North, UDA): Yes, Hon. Temporary Speaker. I have listened to Hon. Ndindi Nyoro, who is an eloquent and good speaker. There is something called relevance in debate. This Bill is not about cybercrime and computers. It speaks to certain important fundamentals of a nation.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Deputy Leader of the Majority Party. You only interject on a point of order when the Member who you perceive to be out of order is still contributing; not after he has concluded. Have you contributed to this debate? Are you the one who seconded?

*(Hon. Owen Baya spoke off the record)*

Well, if you had another chance, you would contribute. For now, whatever good ideas you may have, it would be better to give them to someone else to present.

*(Hon. Owen Baya spoke off the record)*

What right? To stand on a point of order?

**Hon. Owen Baya** (Kilifi North, UDA): I have the right to stand on a point of order.

**The Temporary Speaker** (Hon. Farah Maalim): What is out of order?

*(Hon. Owen Baya spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): No. He is not on his feet.

**Hon. Owen Baya** (Kilifi North, UDA): I have a point of order to the Temporary Speaker. I have the right.

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Members. I respect all your rights. Do not get worked up. I would be the last person to limit your rights, but rules are rules. If you have to stand on a point of order and fault the contribution of a Member, you should do so when the Member is on his feet.

**Hon. Owen Baya** (Kilifi North, UDA): I am not faulting the Member.

**The Temporary Speaker** (Hon. Farah Maalim): So, what is your point of order? You mentioned Hon. Ndindi Nyoro.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, I want to make some clarification on the Bill not on the contribution of the Member.

**The Temporary Speaker** (Hon. Farah Maalim): That is okay. Proceed but limit yourself to the content of the Bill.

**Hon. Owen Baya** (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. This particular Bill is very clear on what it intends to do, that is, to limit freedoms on pertinent issues like terrorism.

**The Temporary Speaker** (Hon. Farah Maalim): Defined issues.

**Hon. Owen Baya** (Kilifi North, UDA): Yes. Issues such as terrorism, cultism, child pornography, and extreme religious practices on social media. It is not about leaders, personalities or Government. These are fundamental issues covered in the Constitution.

**The Temporary Speaker** (Hon. Farah Maalim): You are informing the House.

**Hon. Owen Baya** (Kilifi North, UDA): It is unconstitutional for anyone to publish pornography or to engage in terrorism.

**The Temporary Speaker** (Hon. Farah Maalim): That is perfectly in order, but you are informing the House.

**Hon. Owen Baya** (Kilifi North, UDA): Hon. Temporary Speaker, as we debate, let us do so within the confines of the Bill. That includes Hon. Ndindi Nyoro. I have made my point.

**The Temporary Speaker** (Hon. Farah Maalim): Much as I appreciate the zeal and energy with which you prosecute your ideas, next time just say: "Hon. Temporary Speaker, I rise on a point of information to the House." When you mention another Member who has just sat down, it becomes an issue for another ruling. Anyway, your point is well taken and allowed.

Member for Kangundo, Hon. Fabian Muli.

**Hon. Fabian Muli** (Kangundo, GDDP): Thank you very much, Hon. Temporary Speaker, for giving me the chance to participate in this Bill. Law is like a chestnut. When we are in this House, we all come in good faith and make laws for the society. When you deal with a chestnut, it may hit your target or come back to hit your hand. Mr Charles Babbage invented computers in 1830. Computers have benefitted human beings. In 1981 IBM was criticised for its inventions, which now work as analytical engines.

Presently, we are in an era where people have lost their direction. Many people have benefitted through the use of computers, but others are desperately looking for other things in the computer to benefit them. We have to make laws to control what is happening. We are not saying that society is bad; we are saying there must be a measure or a limiter to say that if you do B, we do C to you.

I congratulate the drafter of this Bill, but I am saying that it is too minimal considering what is happening today. It is high time we put more pain and value in compensation for the damage being done through computers. People are losing their businesses because of computer crime. Somebody might wake up today and decide he does not like you, creates a proxy identity online, and messes your business. That is why I am saying that we require proper laws to manage what is happening today. Defamation is happening online. You can wake up tomorrow

and find that somebody has created something using Artificial Intelligence (AI) with your portal and is trading with it everywhere to make money.

This Bill is very important and we should proceed in making more laws. No Hon. Member should think that when a law is made in this House, it is targeting a certain group. If you feel a law is targeting a certain group, there is a way to amend it. As Members, we have freedom in this House. You can amend it at the Third Reading. There is no law that this House can make to target certain groups. All Members have that right to amend law.

Cybercrime is being taken lightly by people, yet it has become a threat to national security. If somebody is bored with what is happening in Government, in the evening, they can post anything online. Our young people are very educated. They are important to us, but look at what is happening. Somebody takes propaganda online and sends it anywhere without caring who receives it.

My daughter in Grade 8 has a phone. She can access my phone and is able to see what is happening, but she does not have the capacity to authenticate between what is real and what is not. It is high time we addressed proxy accounts. There are too many proxies operating online. This was a good invention, a mission created for development, but criminals, including some politicians, have sneaked in to run their businesses. We cannot lose our country's identity. People post anything online without caring about the damage they cause to the country.

I was speaking to a Member of County Assembly (MCA) in my area who was being defamed by a young boy in Form 2 - a young boy who does not understand anything but had been given material to post. I told him that is critical because the person sending the material has no value. If you say you want compensation for defamation, what value does he have to compensate you? He has nothing.

This Bill has come at the right time, but I think it is not enough. One stone at hand is better than a million you are waiting for. So, let us move forward with this Bill but we need to do more. We need to do better and save the people who are genuinely benefiting from online content. You see young people dancing online and some are doing very good. There are very good characters online. If you have watched some Gen Zs online, they are doing very good, but there are people of 60 years of age who have opened accounts calling themselves Gen Z and trying to poison the young generation. We are losing the young generation because of a wasted generation of people who have no idea and no future.

Thank you very much. I support the Bill.

**The Temporary Speaker** (Hon. Farah Maalim): The Member for Wajir North, you are next, followed by Hon. Kimuli.

*(Hon. Joshua Kimilu spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Order! I said the Member for Wajir North, followed by---

**Hon. Joshua Kimilu** (Kaiti, WDM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Not now. You can raise your point of order later. Order, Hon. Kimuli.

**Hon. Joshua Kimilu** (Kaiti, WDM): Point of order!

**The Temporary Speaker** (Hon. Farah Maalim): There is nothing out of order because nobody has contributed. Unless you want to give...

*(Hon. Joshua Kimilu spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Is it a point of information or a point of order?

*(Hon. Joshua Kimilu spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Kimuli!

*(Hon. Joshua Kimilu spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kimuli, please. What is your point of order? He did not even contribute.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Speaker. In our culture and in our Kamba language, when you say 'Kimuli', it is a serious insult. I am not 'Kimuli'; I am Kimilu.

**The Temporary Speaker** (Hon. Farah Maalim): I am sorry. I am not an expert in your language. So, Kimilu it is. The point is taken.

*(Laughter)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): On a point of information, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Leader of the Majority Party, what is your information? Can you give the Leader of the Majority Party a microphone?

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Temporary Speaker, just to inform the House that 'Kimuli' is actually the devil. So, Hon. Kimilu is right that he cannot be referred to as 'Kimuli'. If anything, Hon. Kimilu Joshua is a very good Christian.

**The Temporary Speaker** (Hon. Farah Maalim): Order. That matter has been disposed of. I do not know the kind of mileage you intend to get from this. He has already put it very well. Hon. Kimilu, sorry if I said 'Kimuli'. It was just a slip of the tongue, and I do not know the language. Many times, instead of calling me Farah, people call me Fala, but I do not take offence because that is their nature. They pronounce 'l' as 'r' and 'r' as 'l'.

Proceed, Hon. Saney.

**Hon. Ibrahim Saney** (Wajir North, UDA): Hon. Temporary Speaker, we all love to belong to a society which enjoys freedoms and liberties in the Constitution and universally practised, but there are limits. These freedoms come with responsibility. If there were no crimes or offences, we would not be in this august House legislating and making laws. The Government would not have police to enforce laws if crimes were not committed.

It would be idealistic for somebody to say that we should not legislate to limit some rights. If these rights and freedoms are not well guarded and checked, we will have a world full of vices, criminality, chaos, and anarchy. It is, therefore, in order to ensure there are laws regulating how we exercise our rights and freedoms. They do not just fall from heaven. These things have to be regulated. Many times, rights and freedoms are abused.

Cybercrime has become a serious challenge. Although the cyberspace, virtual space, and the digital world contribution to the economy and society cannot be gainsaid, it is real to say that they also come with immeasurable and innumerable demerits that must be managed. The use of computers and cyberspace must be managed for the well-being of society. What is happening in the social space today is akin to highway and violent robbery.

Initially, it used to be merely some kind of defamation and misinformation, but now criminal offences and felonies, serious ones, are being committed. The social fabric is torn. We have lost our culture and identity because of this new thing. I am not saying it is not useful; it is good, but it has its own demerits. That is why the Bill by my colleague, Hon. Aden, on

Computer Misuse and Cybercrimes, comes in handy. It regulates the excesses of those freedoms and liberties.

Social media has scammers all over trying to steal from innocent citizens. There is identity theft. Somebody can try to appear as the Temporary Speaker himself, Hon. Farah Maalim, assume his identity and personal usernames, and steal. They will impersonate and do all that could have been done physically by Hon. Farah. There is an identity crisis in social media. We are at a time when Artificial Intelligence is being used to produce the photos of people who died 100 years ago. You only need to input some attributes into the system, and you get somebody who looks like your grandfather. We are in an alarming era of misinformation, which you cannot copyright and cannot take as true information.

We are at a level never seen in the history of this Republic, where His Excellency the President is abused. His family is also abused, and no action can be taken simply because one thing is cited: rights and freedoms. We cannot use these rights and freedoms to malign or spoil the reputation of other Kenyans. People have dignity, life, and family to protect. Social media has become a vehicle to abuse innocent Kenyans and leaders, starting with the President to Members of Parliament and other respected citizens.

There are many malware attacks. If that is not controlled, systems are being crushed, viruses are being introduced, and worms are being used to make sure systems do not work. Banking systems are affected. Military systems are affected. All virtual systems are being affected. One cannot say we are limiting rights and freedoms. No. Those freedoms and rights should be exercised, but there must be checks. We should protect those rights and freedoms from being abused.

There is cyberstalking, which is an offence, involving threatening individuals online. Many Kenyans have been followed, stalked, abused, and threatened. There is child exploitation. Pornography is easily available on social platforms. Our children are exposed to these things, and parental care is not sufficient to cushion them from this dangerous behaviour on social media. Does that mean a certain right is being limited? No. There is a dangerous social threat from which we must protect our children.

Phishing, as mentioned by the Mover of the Motion, involves the fraudulent use of passwords, private identities, and keywords. They are easily obtained, and your bank accounts can be emptied, and your information stolen. Hacking is a modern way of stealing. Cybercrime and computer misuse have brought significant financial losses to Kenyans. They have caused serious breaches of privacy to individuals and families. They have damaged the reputations of Kenyans. They have affected us morally. There is a moral decadence being fuelled by this new social media.

Economically, many have been brought down. Contraband goods are being sold on social platforms, including medicine. Many drugs available online are not genuine. They are fake, and affect the health of Kenyans. If that is not controlled, we will be left with an even more expensive healthcare system. Tribal clashes are common due to the type of language used on social media. Child abduction is also common.

Finally, where do we stand academically? We have relied on social media to copy and paste, steal, and impersonate each other in academics. Our thoughts are not entirely our own because we often mimic those of others. Do we have the capacity to regulate this law if passed? Is our Directorate of Criminal Investigations (DCI) able to enforce this? We have moved our procurement processes online. During the National Youth Service (NYS) scandal, one officer from the Integrated Financial Management Information System (IFMIS) claimed that his password was stolen.

**The Temporary Speaker** (Hon. Farah Maalim): Add him one minute.

**Hon. Ibrahim Saney** (Wajir North, UDA): Now that all our procurement processes are online, are we safe? Is IFMIS safe? It would be great if we had the capacity. However, if we



do not, we must implement checks and balances for these digital aspects that accompany this new digital age. It is a positive development, but it must be balanced with tough and serious regulations.

I support.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Speaker, for the opportunity. In the last Parliament, the Departmental Committee on Information, Communication and Technology (ICT) proposed a law addressing cybercrime. Therefore, I take pride in witnessing some of these amendments and changes being introduced because we cannot establish a law in a single day; it is a process.

Cybercrime is a serious issue. The entire world faces challenges in this area, and no country has fully mastered it because it evolves day after day. Kenyans, including myself, have been conned through cybercrime. Early this year, around February, someone hacked my WhatsApp and used my name to con people. It took considerable time for me to recover my account, and many of my contacts were conned. I was unhappy to see a caricature of Hon. Osoro with an exaggerated tail while he was conducting an empowerment initiative. It is unacceptable to depict a senior person like Hon. Osoro in such a manner. We need to address and regulate these matters.

The Government must provide jobs for the youth. As a nation, we need to invest more in creating jobs for young people. This will also help mitigate the misuse of digital platforms.

Hon. Temporary Speaker, we have witnessed the misuse of social media, where individuals insult one another daily, largely due to a lack of regulation on social media platforms. As a leader, I must take the initiative to engage our youth and explore how we can address this issue. Young people make up a big percentage of social media users. They misuse these platforms not because of incompetence but due to challenges such as unemployment and other issues.

It is important to control these platforms. The rights and freedoms associated with cyberspace should be regulated. However, we must ensure that we do not enact laws simply because we are in power. We must make laws for posterity.

*(Hon. Silvanus Osoro consulted loudly)*

Hon. Temporary Speaker, Hon. Osoro is interrupting me. I need ample time.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Osoro, Hon. Kimilu will be heard in silence. I hope I got it right this time.

**Hon. Joshua Kimilu** (Kaiti, WDM): Thank you, Hon. Temporary Speaker. This is an important Bill, but there are some areas that I think we need to amend further. When the time comes, I will present my amendment. Since I want to give others a chance, like Hon. Osoro, to contribute, I submit, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Osoro.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Thank you very much, Hon. Temporary Speaker. I was actually not disturbing Hon. Kimilu; I was applauding him for making an awesome contribution to this Bill.

I start by congratulating the Mover of this Bill, Hon. Aden Daudi Mohammed. This Bill is timely, though I wish it had come earlier. Listening to the submissions of Hon. Kimilu, Hon. Temporary Speaker, you will agree with me that technology is fast-moving and evolving, faster than we thought. A while back, people used to move around with very big and heavy cellphones that needed one to climb a tree to access the network, which is not the case anymore. Similarly, anything to do with technology in any sector has evolved very fast.

The important object of the Computer Misuse and Cybercrime (Amendment) Bill (National Assembly Bill No. 41 of 2024) is that it focuses on issues pertaining to security. If a person wilfully

decides to use a lost Identity Card (ID), either dropped by the owner unintentionally or snatched by thieves while walking home, and decides to register a SIM card to transact, if they engage in a criminal activity and they are found culpable, they will serve two years in prison. These are some of the amendments we seek to move when we go to the next step, so that it is made more retributive; we move it from two years to even 10 years.

We are living in a very funny world. As we speak today, my constituency is mourning the death of three young men who were allegedly lynched by a mob in Western. They left their homes in Gusii, went to Western Kenya. Allegedly, they were moving from one shop to another, engaging people that they were Safaricom agents and that if the people did certain things, they would get a loan. Such is part of cybercrime; if, indeed, it is true they did that. Although we do not support mob justice, this Bill will curb such. Imagine what one would face if the three young men were using their SIM cards and they were not caught in the act. That is what comes to my mind when I read this Bill. This is very emotive to me because they are still in the cold room.

Additionally, there is the question of cyber harassment. We have all faced that in this House. We face it daily. You wake up one morning and you find that you are a cow, or if you are a man, someone decides to make you a woman and put a dress on you, while others decide to place a dog's head on you because they do not like your opinion. We are too intolerant as a country, and it is extremely bad. This Bill seeks to stop all that.

When we had the Gen Z's protest across the country, a particular person took a photo of my house, and it must be my neighbour, who was sharing it all over. They were telling people that I live in a certain place, and they can give them directions they go over there and do certain things. This Bill seeks to stop that. It criminalises such an act. One should not just wake up one morning and decide that because they dislike a person because of divergent opinions, then they can troll the person on social media. We cannot think the same.

It is quite unfortunate that we have reached a level whereby a person trolls another because they do not like their opinion, face, political persuasion or side of politics. They create pseudo accounts and draft a lot of insults day in, day out. They make false claims, threatening to kill among other things. This Bill seeks to curtail such kind of unnecessary freedoms. This is because where one person's rights end, mine starts. It cannot be that one's opinion is better than another's. I do not know why---

**The Temporary Speaker** (Hon. Farah Maalim): Order, Hon. Osoro. When we resume this debate, you will have five minutes.

## ADJOURNMENT

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Members, the time being 7.00 p.m., the House stands adjourned until Wednesday, 13<sup>th</sup> August 2025, at 9.30 a.m.

The House rose at 7.00 p.m.

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