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NATIONAL ASSEMBLY

THE HANSARD

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Wednesday, 6th August 2025

The House met at 2.30 p.m.

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

PRAYERS

Hon. Speaker: Serjeants-at-Arms, ring the quorum Bell.

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum.

PAPERS

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Speaker, I beg to lay the following paper on the Table:

The Report of the Auditor-General and Financial Statements on Eldama Ravine Technical and Vocational College for the Year ended 30th June 2023 and the certificates therein.

Hon. Speaker: Chairperson of the Departmental Committee on Administration and Internal Security, Hon. Tongoyo. Hon. Osoro, where is your Chair?

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Speaker, I have not spoken to him.

(Hon. Gabriel Tongoyo walked into the Chamber)

Hon. Speaker: Here he appears from the wrong direction. Go ahead, Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Sorry, Hon. Speaker. I beg to lay the following papers on the Table:

Reports of the Departmental Committee on Administration and Internal Security on its consideration of:

1. The Assumption of Office of the President and the Transition of Executive Authority Bill (National Assembly Bill No.1 of 2025).
2. Training and experiential learning visit, together with the Independent Policing Oversight Authority, to the Independent Police Investigative Directorate (IPID) in South Africa from 25th May 2025 to 1st June 2025.

Hon. Speaker: Chairperson of the Budget and Appropriations Committee. Where is Hon. Atandi?

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The Chairperson of the Committee on National Government Constituencies Development Fund.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, I beg to lay the following papers on the Table:

Reports of the Committee on National Government Constituencies Development Fund on:

1. The Nominees to the National Government Constituencies Development Fund Committees for Five Constituencies.
2. The Proposed Budget Ceiling for constituencies for the Financial Year 2025/2026.

Hon. Speaker: Thank you. The Chairman, Budget and Appropriations Committee. Where is he?

(Hon. Silvanus Osoro spoke off the record)

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. I beg to lay the following paper on the Table:

Report of the Budget and Appropriations Committee on its consideration of the County Allocation of Revenue Bill (Senate Bill No.9 of 2025).

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Before we go to the next Order, Clerk-at-the-Table, allow me to acknowledge in the Speaker's Gallery, Good Testimony School from Embakasi East Constituency, Nairobi City County; St. Claret School from Kisauni Constituency, Mombasa County and AHP Workshop Primary School in Belgut Constituency, Kericho County. In the Public Gallery we have: Kapchorwa Comprehensive School, Kipkelion East Constituency; Mother Kevin Primary School, Nakuru West Constituency, Nakuru County; St. John's Kaptomut, Marakwet West Constituency, Elgeyo Marakwet County; Kambi Nyasi Primary School, Baringo North Constituency, Baringo County; and Turbei Primary School, Baringo North Constituency, Baringo County.

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

(Applause)

NOTICES OF MOTIONS

Hon. Speaker: Hon. Musa Sirma, the Chairperson of the Committee on National Government Constituencies Development Fund.

APPROVAL OF NOMINEES FOR APPOINTMENT TO NG-CDF COMMITTEES

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, I beg to give notice of the following Motion:

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THAT, this House adopts the Report of the Committee on National Government Constituencies Development Fund, 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 Constituency Development Fund Act, Cap 414A and Paragraphs 5(2) and (10) of the National Government Constituency Development Fund Regulations 2016 approve that the list of nominees for appointment to the following five Constituencies Committees of the National Government Constituency Development Fund:

1. Isiolo South Constituency
2. Lungalunga Constituency
3. Kuria West Constituency
4. Homa Bay Constituency
5. Kitui South Constituency

Hon. Speaker: Go ahead on the second one.

BUDGET CEILING FOR CONSTITUENCIES
FOR FINANCIAL YEAR 2025/2026

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the National Government Constituency Development Fund on its consideration of the proposed budget ceilings for the National Government Constituency Development Fund for the Financial Year 2025/2026 laid on the Table of the House on Wednesday, 6th August 2025, and Pursuant to the provision of Section 6 (1) and 34 of the National Government Constituency Development Fund, Cap 414, approve the proposed budget ceilings for the National Government Constituency Development Fund for the Financial Year 2025/2026 contained in the Schedule to the Report.

Hon. Speaker: Thank you, Hon. Musa. Hon. Osoro.

Hon. Junet Mohamed (Suna East, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order Hon. Junet? Hon. Osoro, take your seat.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, thank you for your indulgence. It is worth taking note that in line with what the Chairman of the Committee on National Government Constituencies Development Fund has said, all the money that was due for the NG-CDF was disbursed by 30th June 2025. You need to share with Members here because we are our enemies. We are the people who create farce. When we speak here, we do not know we are speaking to the public. We say that money has been delayed; this has happened. That is what makes people hate NG-CDF. Tell Members that all the monies have been paid—there are no arrears.

Hon. Speaker: Hon. Musa Sirma.

Hon. Musa Sirma (Eldama Ravine, UDA): Hon. Speaker, I wish to confirm to the Leader of the Minority Party, who is the Member...

Hon. Speaker: And to the House and the Country.

Hon. Musa Sirma (Eldama Ravine, UDA): ...to the House and the country that all the money which was due for disbursement in the last Financial Year, by the 30th of June, has been released to the Board and disbursed. Some of the money has been disbursed to projects which have been approved by the Board to the various constituencies. Money is in your accounts. You need to conform to certain regulations in terms of E-procurement so that you can utilise that money. I am sure those of you...

Hon. Speaker: You have said too many words.

(Laughter)

What you are simply saying is that the National Government has discharged its honour in disbursing all NG-CDF funds.

Hon. Musa Sirma (Eldama Ravine, UDA): In short...

Hon. Speaker: And the rest is administrative.

Hon. Musa Sirma (Eldama Ravine, UDA): Yes.

Hon. Speaker: Excellent.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you.

Hon. Speaker: So, any Member who has any issue with their NG-CDF, should flog Musa Sirma and the Board. Go on Hon. Osoro.

ALTERATION OF THE CALENDAR OF THE HOUSE

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, notwithstanding the Resolution of the House of 13th February 2025 and 27th May 2025, and pursuant to the provisions of Standing Order 28(4) (Calendar of the Assembly), this House resolves to further alter its Calendar so as to:

1. Hold sittings on Tuesday, 19th August 2025, commencing at 10:00 a.m. in the case of a Morning Sitting and 2:30 p.m. in the case of an Afternoon Sitting
2. Commence its Long Recess on Wednesday, 20th August 2025
3. Resume its Regular Sittings for the Third Part of the Fourth Session on Tuesday, 16th September 2025, as per the published Calendar of the House.

Hon. Speaker: Thank you. Be on hand to move this Motion tomorrow afternoon. Next.

QUESTIONS AND STATEMENTS

STATEMENTS

Hon. Speaker: Chairperson of the Committee on Delegated Legislation. Where is Hon. Chepkonga? He seems not in. Hon. Gichimu, go ahead.

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THE STATUS OF STATUTORY INSTRUMENTS

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Speaker. I wish to give a Statement on the status of Statutory Instruments before the Committee on Delegated Legislation, pursuant to Standing Order 44(2)(d) and Standing Order 210 (5)(a).

I rise, pursuant to Standing Orders 44(2)(d) and 210 (5)(a), to report to the House the list of the Statutory Instruments approved under Paragraph 4A. The Committee on Delegated Legislation is constituted under Standing Order 210 of the National Assembly Standing Orders and it is mandated to consider and scrutinise statutory instruments submitted to Parliament to ensure conformity with the Constitution, the Statutory Instruments Act 2A, the Act of which it is made and other relevant written laws. I, therefore, wish to inform the House on the regulations that the Committee has considered and approved pursuant to Standing Order 210 (4)(a) of the National Assembly.

During the Third Session, which commenced from Tuesday, 13th February 2024 to 11th December 2024, the Committee received 107 Regulations and approved 71 of them pursuant to Standing Order 210 (4) (a).

In the Fourth Session, which commenced on Tuesday, February 2025, the Committee has so far received 55 Regulations and has approved 29 Regulations pursuant to Standing Order 210 (4) (a).

I beg to Table a detailed list of all the Regulations that the Committee has considered in the Third and Fourth Sessions as of 31st July, for the House to note.

I wish to appreciate the Hon. Speaker and the Office of the Clerk of the National Assembly for the facilitation that the Committee on Delegated Legislation has been accorded, which has enabled it to consider the Statutory Instruments referred to it within the timelines as provided in the Statutory Instruments Act, Cap 2A. I would also like to appreciate the Committee Members and the Secretariat for their diligence and timely consideration of the Business before the Committee.

I submit Hon. Speaker.

Hon. Speaker: Thank you, Hon. Gichimu.

Hon. Chairperson, Departmental Committee on Energy. Is Hon. Gikaria here? You are supposed to respond to a Statement requested by Hon. Naisula Lesuuda.

Hon. David Gikaria (Nakuru Town East, UDA): Yes, Hon. Speaker. I have the response.

Hon. Speaker: Order. She is not in the House. She has sought leave from the Hon. Speaker to be away this afternoon or for some part of this afternoon. So, we will stay the Statement to tomorrow afternoon.

(Statement to Hon. Naisula Lesuuda's request deferred)

Yes, Hon. Rai.

Hon. Gonzi Rai (Kinango, PAA): I was supposed to receive a preliminary Report regarding a Statement I requested about Charo Mae who was abducted on 16th July 2024.

Hon. Speaker: Hon. Tongoyo? Where is he? He has been here. Hon. Dido Raso, does your Committee have that preliminary response

Hon. Dido Raso (Saku, UDA): Thank you, Hon. Speaker. We do not have a response, but in any case, the Cabinet Secretary will be appearing before us this afternoon. Maybe, the Hon. Colleague will be in his place to put the same to the Cabinet Secretary.

Hon. Jerusha Momanyi (Nyamira County, JP): On a point of order, Hon. Speaker.

Hon. Speaker: Okay. Wait for the Cabinet Secretary, he is coming this afternoon. Yes, *Omong'ina*.

Hon. Jerusha Momanyi (Nyamira County, JP): Thank you, Hon. Speaker. I have stood on point of order which you referred to yesterday.

Hon. Jerusha Momanyi (Nyamira County, JP): It belonged to Hon. Dorice Donya *Toto* who has gone to the Embassy and she has requested me to ask you, whether you can accept, so that I can proceed and get the Statement given if it is there today.

Hon. Speaker: You cannot. The rules require that she writes to the Speaker to designate you to speak on her behalf.

Hon. Jerusha Momanyi (Nyamira County, JP): Thank you. Well guided.

Hon. Speaker: In the absence of any letter...

Hon. Jerusha Momanyi (Nyamira County, JP): No, she did not.

Hon. Speaker: Then we will stay it to tomorrow. Hon. Members, we had a request.

(Loud consultations)

Order, Members. Those holding a *Kamukunji*, the Mombasa Group.

Thank you.

Hon. Members, Hon. Omboko Milemba raised a Point of Order yesterday on school children who are in Meru on some national event, the payment of their accommodation and other related issues. I directed that the Cabinet Secretary for Education, Migos Ogamba, appears before the House this afternoon. He has written a letter to the Hon. Speaker indicating that at the time I gave direction, he was already in Mombasa, attending a function today with the Deputy President at some university. He has stated that he has prepared a Statement and forwarded to the Chair of the Committee on Education who will relay it to the House, and I have acceded to that request. So, Chairperson, Departmental Committee on Education, you can proceed now and deliver the Statement.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. I do not have a Statement from the Cabinet Secretary as you have said.

Hon. Speaker: The Cabinet Secretary's letter reads, "Hon. Melly, (in part) in view of the foregoing, after explaining where he is, we seek the forbearance of the Rt. Hon. Speaker to excuse the undersigned (that is him) from attendance and to permit the Chairperson of the Departmental Committee on Education to present our preliminary responses to the questions asked."

I give you five minutes to step out and organise yourself. Hon. Mayaka.

EXEMPLARY PERFORMANCE BY HARAMBEE STARS

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker. I stand to give a General Statement regarding the performance of Harambee Stars in the African Nations Championship (CHAN).

Hon. Speaker, pursuant to the Provisions of Standing Order 25 (9) (d) 2(b), I rise to extend warm congratulations to the Kenya National Football Team, the Harambee Stars, for their exemplary performance and hard fought 1-0 victory against the Democratic Republic of Congo, the DRC, in the opening match of the African Nations Championship 2024, played at the Moi International Sports Centre, Kasarani.

Hon. Speaker, we express profound appreciation to His Excellency, (Dr) William Ruto, the President of the Republic of Kenya for his unwavering support to the team, including ensuring the timely completion of the stadium, facilitating logistics and attending the match in person. This commitment has greatly contributed to the team's morale and success.

Hon. Speaker, our mighty Harambee Stars deserve our collective hearty congratulations as a House for their well-earned victory over the DRC.

(Applause)

This achievement represents a significant source of national pride and exemplifies the power of unity, resilience and the determination of our people. The historic win secured by midfielder Austin Ochiambo's decisive goal just before half-time, marks a significant milestone for Kenyan football as it is the first time Kenya has achieved victory over the DRC, a two-time champion.

(Applause)

The team demonstrated exceptional skill, discipline and resilience, overcoming early pressure and holding firmly against a strong opponent in front of a passionate home crowd. Special recognition is due to Austin Odhiambo, also known as *Rolls-Royce*.

Hon. Speaker, we also commend the leadership of the Coach, Benni McCarthy and the dedication of the entire technical support staff for their crucial role in preparing Harambee Stars for this important triumph. The commitment of every player and staff member has inspired millions of Kenyans, uniting the nation in pride and hope for the progress of our football. I salute the fans who rallied the team to its resounding victory and encourage them to keep up the spirit. As Harambee Stars gears up for subsequent match in the competition, we re-affirm our full support for their campaign. Their performance reflects the potential that can be achieved through hard work and dedication. We trust this victory will inspire further excellence.

Hon. Speaker, I urge all Members and the entire nation to stand in full support and rally behind Harambee Stars as they strive for their success, including attending the matches. We say *hongera* to Harambee Stars. May they continue to make us proud. We confirm that all players and members of the technical team, each got Ksh1 million from His Excellency, the President. May they continue to keep Kenya proud. God bless Kenya and God bless Harambee Stars.

I, thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. We wish them well. They will be on parade again tomorrow and on Sunday. Hon. Chege Njuguna, Member for Kandara.

REQUEST FOR STATEMENT

CONSTRUCTION OF A ROAD IN KANDARA

Hon. Njuguna Chege (Kandara, UDA): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding completion of the Mackenzie-Muruka-Kamurugu Road. M/s Notchmark Suppliers Limited was awarded a contract to construct the JCT.A2 Mackenzie-Muruka and JCT.B23 Kamurugu Road. The sum allocation for the construction was Ksh119,169,363.60 and the works were set to commence on 20th August 2021. Regrettably, only a stretch of 850 metres out of 13 kilometres has been completed to date. Additionally, a sum of Ksh24,002,981.76 has already been paid to the contractors yet they have not been on site for the last 28 months since the commencement of the project. The completed section of the said road appears to have been poorly constructed with potholes already forming, and the construction having been abandoned.

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. Reasons for stalling of construction of the Mackenzie-Muruka-Kamurugu Road from 2022 to date, despite the contractor having been paid part of the contract sum by the Government in fulfilment of its obligation.
2. A detailed report accounting for the sum of Ksh24,002,981 paid to the contractor against the proportion of works undertaken.
3. The estimated timeline for the resumption and completion of the road as per the contract awarded in 2021.
4. Interim measures, if any, put in place to alleviate the transportation challenges in the area during the construction period.

I, thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Chege.

Chairperson of the Departmental Committee on Transport and Infrastructure or any Member of that Committee. Hon. Osoro, can you communicate that a response be brought within two weeks?

Hon. Silvanus Osoro (South Mugirango, UDA): I will get hold of the Chair and the Committee. In the first week after recess, we will be able to have the answer.

Hon. Speaker: Excellent. Hon. Melly, have you engaged the Cabinet Secretary? Do you have a response to the Statement?

Hon. Julius Melly (Tinderet, UDA): Yes, I have a Statement.

Hon. Speaker: Is Hon. Milemba in the House?

Hon. Julius Melly (Tinderet, UDA): Yes, Hon. Milemba is in the House.

Hon. Speaker: And it was not just Hon. Milemba; several other Members did weigh in. Go ahead.

STATEMENT

FUNDING FOR CO-CURRICULAR ACTIVITIES IN PUBLIC PRIMARY AND SECONDARY SCHOOLS

Hon. Julius Melly (Tinderet, UDA): Hon. Speaker, as you directed, the Cabinet Secretary provided information. Hon. Omboko Milemba asked that the Cabinet Secretary for Education should provide details on the funds allocated by the Ministry of Education to public primary and secondary schools for co-curricular activities, specifically for participation in national ball games and music festivals.

It is important to point out that this is a perennial problem that has affected schools over the years, where the Ministry of Education fails to provide enough funds. It would have been good that the Cabinet Secretary and the relevant State officers be here to answer the questions appropriately. However, he has indicated as follows:

The Ministry allocates funds for co-curricular activities as part of the annual capitation for primary, junior and secondary schools. Primary schools co-curricular funding is embedded within the free primary education vote head, with a portion dedicated to sports, games and performing arts, drama and music festivals. The sum of Ksh76 per learner per year is earmarked for sports, games and performing arts activities, music, drama and festivals. Under the Free Day Secondary Education programme, Ksh1,500 per learner per year is allocated for co-curricular activities. This allocation covers a wide range of school games, sports and performing arts. These funds are intended to support school co-curricular activities at the sub-county, county, regional and national level. The support is in the areas of transport, accommodation of participants and officials, water provision, medical services and other championship and festival costs. The funds per learner are not assigned per discipline. The schools themselves prepare budgets and obligations per the activity that they participate in.

It is also important to note that except for transportation of learners, national games and music festivals are funded by the Sports, Arts and Social Development Fund (SASDeF) and thus, do not depend on capitation.

The second part of the Question is how much money is retained by the Ministry from the capitation funds allocated for students' co-curricular activities and why schools fundraise for co-curricular activities yet they receive capitation. The Ministry retains part of the capitation earmarked for co-curricular activities as follows:

Ksh40 per learner per year for primary schools and Ksh500 per learner per year for secondary schools. These funds are consolidated and sent to the regional, county and sub-county offices to run co-curricular activities at those levels. The balance of the amount is sent directly to schools. However, it is important to note the following challenges that impact resources:

1. The cost of national representation.

2. Delayed disbursement of funds by the National Treasury affects timely facilitation, leading schools to bridge funding gaps.
3. Specialised events: Some competitions like music festival and performing arts require costumes and instruments and require specialised resources beyond learner allocation.

The other Question was to outline the facilitation provided by the Ministry to learners and teachers participating in regional and national competitions such as the Kenya Music Festival. The Cabinet Secretary wishes to note the following. Learners and teachers participating in regional and national curricular activities do the following—

1. Transportation grants: Partial funding to support school learners traveling to competition venues.
2. On uniforms and costumes, they are necessary especially when competitions move beyond schools. Extra funding becomes necessary to cater for these items.
3. Accommodation and meals: Through collaboration with host institutions, the Ministry subsidises boarding and meal costs.
4. Coordination and logistics: The Ministry deploys officials to coordinate scheduling, judging, and venue presentation for national events, training and workshops
5. Awards and recognition: The Ministry provides trophies, certificates, and other recognition incentives to obtain outstanding performance to promote talent development

This facilitation, however, is dependent on budgetary availability and prioritisation with education sector funding.

Members need to know that for co-curricular activities, sub-counties receive Ksh155,000 for second-term activities, counties receive Ksh505,000 and regions receive Ksh1.2 million. This is grossly inadequate to run all disciplines: primary, ball games, S&E junior secondary schools (JSS), S&E secondary school games, and Kenya music festivals.

The Cabinet Secretary was asked to explain why sub-county education officials require headteachers or principals of schools to remit part of capitation to their offices which are then channeled to the Ministry of Education for co-curricular activities even though the funds are intended to directly facilitate students' participation in such activities. The Cabinet Secretary responded that the Ministry field officers are not authorised to demand remittances from schools capitation funds for any purpose whatsoever. Capitation funds are intended to be managed at the school level for learner-centered activities including co-curricular participation. If there are any cases of schools being compelled to remit such funds, the Ministry would appreciate reports to inform appropriate and immediate action.

The Ministry field offices may only be involved if schools on their own volition seek support in coordinating and pooling resources to centralise logistics for cluster-based activities. Where this is done, the field officers are required to do so in a transparent and accountable manner.

The Statement is signed by Julius Migos Ogamba, Cabinet Secretary. Thank you, Hon. Speaker.

Hon. Speaker: Hon. Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Speaker. The questions that were asked by Members and myself, have not been adequately answered. In fact, the main question that was supposed to be dealt with, was why schools are on the road going to Meru without funding and that the public and Members of Parliament are raising funds through a form of *Harambee*. Hon. Speaker, you indicated that you fundraised for the same.

The Cabinet Secretary has not attempted in any way, to give an iota of how much he has sent to schools, when he is sending the money or how the schools will travel to Meru. I can confirm that as of today noon schools were still trying to raise funds to enable them travel to Meru. The question has not been answered and the Cabinet Secretary has not given the way forward. The festivals started from 4th to 14th August and, therefore, the Cabinet Secretary should have given or attempted to give an answer on when he will send funds to schools which he has also not indicated.

On the issue of the monies that are deducted by sub-county and county directors, the Cabinet Secretary has said no such deductions are done, but the truth on the ground and Hon. Members know, is that anytime funds go to schools, principals and head teachers are asked to take part of the money back to the Ministry. The Cabinet Secretary is lying to the House using the Chairman of the Departmental Committee on Education. That should be noted because the truth is that monies are taken from schools to the Ministry.

Hon. Julius Melly (Tinderet, UDA): On a point of order, Hon. Speaker.

Hon. Omboko Milemba (Emuhaya, ANC): We had also asked him to give the account number...

Hon. Speaker: Hon. Melly is on a point of order.

Hon. Julius Melly (Tinderet, UDA): Hon. Speaker, I put the record straight that I read what the Cabinet Secretary brought to the House through your direction. My part was to transmit. If the Cabinet Secretary lied, then I am not part of it. I want the Member to note that.

Hon. Speaker: Hon. Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): I am happy that the Chairman has said that he cannot carry the Cabinet Secretary's cross. That is why it is important that the Cabinet Secretary comes and deals with these questions.

On the question that dealt with the facilitation for the teachers and students when they are out, the Cabinet Secretary has indicated that he provides transport. I can confirm to you that no money has been given for transport. I can also confirm that the teachers who are there, have not been given their per diems, and therefore, the situation is dire. Yesterday, Hon. Speaker, you asked how many students are in Meru. I was able to find out that there are over 3,000.

Finally, this House must stand to correct the situation. Unless this House stands strongly, we shall lose our education. This is a Cabinet Secretary who has not answered our questions, has sent money to schools that do not exist and is quiet, and has also reduced capitation which was given by this House, of Ksh22,200 per student to Ksh16,900 without any explanation. How I wish that the Cabinet Secretary is invited to deal with issues that are bedeviling the Ministry of Education. Otherwise, we shall lose the stakes we already gained of free primary and subsidised day secondary schools.

Thank you.

Hon. Speaker: Hon. Oundo. Hon. Melly, note the comments.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Speaker, I sympathise with my good friend, Hon. Melly, and I must sincerely, thank him for disowning the Statement.

Thank you.

Hon. Speaker: Order, Hon. Oundo. Hon. Melly cannot read a Statement from the Cabinet Secretary and then disown it. You cannot stretch your hand to touch a dirty stick and remain clean. You have to take responsibility and take the preliminaries being raised by the joy riders and respond. Go on, Hon. Oundo.

(Hon. Julius Melly spoke off the record)

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Speaker, I want Hon. Melly to listen carefully, intently and intensively, so that I can remit and commit this complaint.

Hon. Speaker: For those intervening, you have a minute each.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Speaker, as I said yesterday, schools are bleeding. Whenever any money comes to the schools, the education office literally calls for the money to be taken back to their offices. This year alone, I hope the Chairman is listening, they were forced to pay, I do not know for training of the outgoing board members; they were forced to pay for induction of the new board members; and they were forced to pay for some other spurious expenses. The Departmental Committee on Education has to take up this matter and do a thorough investigation to ascertain how much of the capitation money that goes to schools ends up in the hands of the education office. This is a very weighty matter that requires the Cabinet Secretary to come and respond to.

Thank you.

Hon. Speaker: Hon. Maungu, a minute each.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you, Hon. Speaker for giving me this opportunity.

Unfortunately, the Statement read by my Chairman misled this House. I sit in the Departmental Committee on Education and I can confirm that we have serious issues with that Ministry. Until this morning, my students of Ebubayi Comprehensive School, who are meant to go to Meru to represent the entire Western Region have not gone because of the confusion we have at the Ministry.

Can the Cabinet Secretary tell us clearly how we are going to ensure that the children of Ebubayi Primary who are supposed to be in Meru, but are still in Luanda, and have slept in the cold for two nightsg are taken to Meru? The challenge we have is with the Ministry, and this must be put to order.

Thank you.

Hon. Speaker: Hon. Bowen.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Speaker. The Cabinet Secretary needs to appear before us and answer our questions. If the students or pupils who are in the galleries here in Parliament had opportunity to speak, they would tell you...

Hon. Speaker: They are guests in the House. There is no way they can have an opportunity to speak here.

Hon. Kangogo Bowen (Marakwet East, UDA): Well guided, Hon. Speaker. There are monies allocated for extra curriculum activities and sports. All Members here, have been contributing in our constituencies. We have been paying for their trips when they are going for games and music festivals. As a House, we therefore, need to have the Cabinet Secretary answer all our questions here, and also...

Hon. Speaker: Your minute is over. Hon. Dorothy Ikiara, you have a minute.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Speaker. This is a weighty matter. Based on the Questions that Hon. Omboko Milemba brought before the Floor of this House, if he were a serious Cabinet Secretary in this Ministry, he would have dropped everything else and appeared in this House to answer them. Our children and teachers are being left to fate. Teachers are roaming in Meru Town wondering what to do with the students they have, because there is no money that has been given to them. We do not want situations where our children look like orphans in the streets of Meru. It is high time we called upon the Cabinet Secretary to go to Meru and witness what is happening there right now...

Hon. Speaker: Hon. Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker. I think the Cabinet Secretary was very sly in avoiding to come to the House. Because he realised that ...

Hon. Speaker: Chairman, I hope you are listening to your colleagues.

Hon. Robert Mbui (Kathiani, WDM): That is why it is very irregular when a Chairman of the Committee is the one responding on behalf of the Executive. The report we have received is not true. They do not support transport, buying of uniforms, accommodation, or meals.

Additionally, every time money is sent to schools, they are compelled to send part of that money to the sub-county education office. Everything that has been read here from the Cabinet Secretary is not true. He must come to the House and respond to these questions himself.

Hon. Speaker: Yes, Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Speaker for this opportunity.

I join my colleagues in saying that the answers given by the Chairman of the Departmental Committee on Education are insufficient. They may have been given to him by the Cabinet Secretary himself, but it is our view that the Cabinet Secretary should appear in this House, since the matters we are raising are weighty. Much as these matters relate to co-curricular activities, they are still weighty to the Ministry of Education. We need ample time to get the Cabinet Secretary here to answer the questions. This will enable us to ask him directly, and look in his eyes to see if he will tell the nation what does not appertain out there.

Thank you.

Hon. Speaker: Hon. Melly.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Speaker. I agree with...

Hon. Speaker: The issue before the House is...

Hon. Julius Melly (Tinderet, UDA): Yes, the issue before the House is very weighty...

Hon. Speaker: Hold your horses and take your seat. The issue raised by Hon. Milemba and supported by... You were not here yesterday. The issue was two-fold. Number one, the children have gone to Meru for some activities; have they been supported financially by the Ministry? If not, why? Number two, when the capitation money goes to the schools, is it true that education officials in the headquarters of the various counties call schools to bring a portion of that money to their offices for purposes that members have described here? If no money is taken to the offices of education officers, and all these Members who I have no doubt, are all honourable, are saying that such money is paid, then, it is up to you to make an inquiry. The inquiry should be as to why this money is paid, to who, and for what purpose. If the payment is an irregularity, whom to hold accountable and the regress therefrom.

Go ahead.

Hon. Julius Melly (Tinderet, UDA): Thank you very much, Hon. Speaker. It is true that students as has been said, are having problems. Last year Hon. Mbui raised a question and we took it all the way and made an inquiry. We found that even teachers who attended regional games in Nakuru and other parts of the country were not paid their dues. We took it to the Cabinet Secretary then and the Principal Secretary. Hon. Members of the Departmental Committee on Education who are here are well aware that we had invited the Cabinet Secretary and the Principal Secretary to appear before the Committee a few days ago, and he failed to attend. He gave apologies.

As a Committee we will do an inquiry into it, but at the same time, it is also good that the Cabinet Secretary himself appears before the House. This is because he is the principal administrative officer of the sector. I cannot respond to issues that are administrative to the sub-county level. It will, therefore, be proper if he appears here. He will tell us which officers and regions. If there are no officers with these problems, he is the one supposed to explain. However, this is a very weighty matter, and we shall do an inquiry as the Committee on Education, and invite the Cabinet Secretary, Principal Secretary and all the relevant officers.

Thank you.

Hon. Anthony Oluoch (Mathare, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: Hon. Oluoch, what was your point?

Hon. Anthony Oluoch (Mathare, ODM): Thank you, Hon. Speaker. While my daughter is not stranded there, as a parent, I was asked to pay Ksh23,000 for my child to participate in the Kenya Music Festivals. This is a confirmation that there is something seriously wrong. We need to audit what is happening between the money going to schools for capitation and money going back.

Hon. Speaker: Hon. Wario

Hon. Ali Wario (Garsen, ODM): Thank you very much, Hon. Speaker. I confirm that the headteacher of Goro-Rukesa Primary School in Sagante, Jaldesa Ward in my Constituency, called me to say that unless he is supported, they are unlikely to attend the music festivals in Meru. We, therefore, had to chip in to fuel the vehicle that was taking the youngsters to that venue. For that reason, there is no point of trying to beat a dead horse. This is a weighty matter and the Committee must be charged to provide answers to this House. If there is not enough funding, then certain activities should not be taken up in vain.

Thank you.

Hon. Speaker: Is that Hon. Lochakapong' or Hon. Feisal? Who is the Member at the back raising his hand? Yes, Hon. Lekumontare.

Hon. Jackson Lekumontare (Samburu East, KANU): Thank you, Hon. Speaker.

This issue of extra-curricular activities in schools is a very big problem for the parents, teachers and students. Even the education officials sometimes refuse for the children to participate unless the school contributes to that kitty. It is, therefore, an issue which the Ministry has to address. Otherwise, if Members of Parliament do not support the children to go and participate, they will not go. There is no money. It is the parents who contribute for them at every stage. From the sub-county, county and the region including what they are doing in Meru. It is, therefore, an issue.

Thank you.

Hon. Speaker: Hon. Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): Hon. Speaker, I have run a very quick calculation in terms of the monies that we have been talking about. Ksh76 per child in a school of about 500 pupils is Ksh38,000. The Ksh38,000 is supposed to run the schools from the inter-school level at the zonal level, from the zone to the sub-county, and then from the sub-county to the county; all through these levels. It is basically impossible. This House does not want to preside over a Ministry or a sector that is collapsing. We have to find ways of how to address this.

Hon. Speaker: Hon. Pkosing?

Hon. David Pkosing (Pokot South, KUP): Thank you, Hon. Speaker. The truth is that there is a problem in education, particularly regarding this money for extracurricular activities. The Cabinet Secretary must present himself here. There is nobody else who carries the responsibility of the Cabinet Secretary. I am sure my good friend is suffering, and the Cabinet Secretary, while watching from Mombasa, knows that I had raised this issue with him as my responsibility as a Member of Parliament for Pokot South. There is a notorious Education Director in Kapenguria who is collecting this money. It is true there is a problem with this money, and unless this House takes this responsibility and acts, there will be a problem.

Therefore, I am proposing that the Cabinet Secretary must stop whatever he is doing in Mombasa and appear before the House next week on Tuesday. Please, order that he appears before the House next week on Tuesday, then we deal with him. We cannot allow him to enjoy himself in Mombasa while our children are suffering in Meru. It cannot work.

Hon. Speaker, you have the power, in accordance with Standing Order No.1. Order that the Cabinet Secretary appear on Tuesday so that we deal with him here properly.

Thank you.

Hon. Speaker: There is no evidence that he is enjoying himself in Mombasa.

(Laughter)

Yes, Hon. Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Well, I wish to indicate that one Member seems to calculate the money going to school from a point of BODMAS. You must know that

not all students participate in the games. The bigger lump sum is what is used to benefit all the students.

I would like to say that the Cabinet Secretary, and I think the Hon. Speaker should have listened to this because it may inform his decision-making... The Departmental Committee on Education and its Chairperson are actually glossing over this matter. The Departmental Committee on Education, though I am not a Member, has been seeking to get the Cabinet Secretary for the last several weeks. They have invited him even more than four times. He is not appearing before them. He has been invited to this House by yourself but he has not come.

We are dealing with a matter that is just beyond what we think it is. The Chairperson should be frank enough to indicate that so that it is only you possibly who can save this country by inviting that Cabinet Secretary to this Floor.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Members, Chairperson of the Committee knows his/her authority. You invite, if the invite is not honoured, you summon. If the summon is not honoured, there are consequences. So, you do not need to cry on this Floor that the Cabinet Secretary is not attending to you. You have the instruments of authority in the Standing Orders unless you do not know what powers you have.

Hon. Osoro and Hon. Melly, you can see very clearly that you need the Cabinet Secretary to come here and explain to the House, more particularly his assertion in the statement that no cent is paid by any school to any education office and the continuing assertions by Members that they know that money is paid to schools and paid back to education offices, a portion of it, for whatever reason. So I direct you to get the Cabinet Secretary here on Wednesday to respond to these questions.

As we go to the next Order, allow me to acknowledge St. Teresa's Girls School from Samburu, East Samburu, and St. Patrick's Simwoto School from Pokot South Constituency, West Pokot. On my behalf and on behalf of the House, we welcome the students, their teachers, and those accompanying them to the House. Now to Questions and Statements, Leader of the Majority Party, can you bring in the Cabinet Secretary for Interior and National Administration?

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Speaker. The Cabinet Secretary for Interior and National Administration is not in today. I have just received a letter signed by Dr Raymond Omollo, who is the Principal Secretary. If you allow me to quote it says that he acknowledges receipt of the letter after inviting the Cabinet Secretary to appear before this House on 6th August 2025 at 2.30 p.m. Then it says that, regrettably, the date and the time set for the session coincides with a previously arranged high-level full-day security meeting which the Cabinet Secretary will be attending alongside senior security officials.

The Principal Secretary writes to respectfully request a deferment of the scheduled appearance to respond to the parliamentary questions. The letter is signed and written by the Principal Secretary. It is becoming a new norm that this House summons the Cabinet Secretary because they are supposed to appear before this entire Plenary, but the response is from the Principal Secretary. I leave it to you, Hon. Speaker, from your position to give further guidelines. If the Cabinet Secretary is invited, then it should be the Cabinet Secretary

responding to this House the reasons as to why he should not be appearing and not the Principal Secretary.

In any case, the Cabinet Secretary has an obligation to this House and the Principal Secretary has an obligation to the specific committees. This is not a Committee. This is a Plenary. It is a full House. I, therefore, wish to submit that we do not have the Cabinet Secretary present today going by this letter.

Hon. Speaker: Hon. Osoro, as you are sitting in the Leader of the Majority Party's seat, the letter you have read to the House came to the Speaker's Chamber yesterday. The Speaker declined to excuse the Cabinet Secretary from coming to the House today.

(Applause)

Last week, on Wednesday, the same Cabinet Secretary was supposed to be here. He did not show up. His Principal Secretary wrote to Parliament. You are right that the invitations go to the Cabinet Secretary, and not to the Principal Secretary. The Principal Secretary is a stranger to the matter. I direct you to ensure that on Wednesday at 2.30 p.m. the Cabinet Secretary for Interior is here to respond to questions raised by Members, failing which summons will be issued.

Hon. Silvanus Osoro (South Mugirango, UDA): Much obliged, Hon. Speaker.

Hon. Speaker: Next Order. Mama Zamzam, what is it? Clerk-at-the-Table, hold it.

Hon. Zamzam Mohammed (Mombasa County, ODM): Mhe. Spika, mimi ninasikitika sana. Toka mwezi jana, kuna shughuli ambayo nimekuwa nayo. Nimekuwa na jambo ambalo ni zito sana ambalo hata pengine maisha ya mtu yako hatarini na ilikuwa namuuliza Waziri. Lakini kama yeye atakuwa hawezi kulichukulia kwa makini hili Jumba, itakuwa anatudharau sisi sote. *We are representatives of the people.* Na kama tunakuja hapa na maswali kumuuliza, na yeye anatumia *Principal Secretary* wake ambaye pia ukimpigia simu, hashiki, ukimuandikia ujumbe, hajibu, sisi tunawauliza tumewaweka kwenye hizo ofisi kufanya kitu gani?

Maisha ya kijana yako hatarini, ameenda kuchukua kitambulisho, anaambiwa kitambulisho chake kilitoka kitambo na kimefanya *robbery* mahali. Mtoto anaozea kule ndani ya seli huko Nyamira. Yeye kama ni mtoto wake angesikiaje? Mimi nasikia uchungu. Lazima Waziri aje hapa anielezee mimi mama wa Mombasa hatima ya yule mtoto. Sio mambo ya upuuzi kutuma hapa barua na *Principal Secretary* wao. Hii Serikali lazima isonge mbele wasiweze kumrudisha Rais nyuma.

Asante sana, Mhe. Spika.

Hon. Speaker: Yes, Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Speaker, I want to take note of the two directions that you have given. You earlier gave the direction of inviting the Cabinet Secretary for Education next week, on Wednesday, at 2.30 p.m.

Hon. Speaker: The Cabinet Secretary for Education is on a very narrow single issue. It concerns the children in Meru and the money going to schools and to officers. It is the only issue. There are no other questions.

Hon. Silvanus Osoro (South Mugirango, UDA): So, both of them should appear on Wednesday at 2.30 p.m.?

Hon. Speaker: 2.30 p.m.

Hon. Silvanus Osoro (South Mugirango, UDA): Much obliged.

Hon. Speaker: Yes, Hon. Robert Mbui. Is it on the same issue?

Hon. Robert Mbui (Kathiani, WDM): Yes, Hon. Speaker. I would just like to confirm something. I have a question that was also to be responded to.

Hon. Speaker: Yes.

Hon. Robert Mbui (Kathiani, WDM): I have seen that there are almost ten questions to the same Cabinet Secretary from Members across the political divide, and they are very serious. Several times, you have said that it is one of the Ministries with the most questions asked in this House. I want the Cabinet Secretary to know that, even though there is separation of powers, there is also interdependence and independence. We must work together to ensure that people get services they deserve. It is unacceptable for him to ignore coming to this House two times in a row. He must remember that this House has the power to remove him from office, because it is this House that gave him that office. Let him be warned not to continue ignoring the power of the House.

Hon. Speaker: Yes, Ken Chonga.

Hon. Ken Chonga (Kilifi South, ODM): Thank you, Hon. Speaker. I had a serious issue that I wanted to raise with the Cabinet Secretary for Education. Apart from the matter concerning the kids in Meru, we also have kids in Kakamega participating in rugby and other games. One of the schools from Kilifi South, St Paul Harris Girls, is in Kakamega defending their rugby championship title. After that, they will be required to travel to South Africa. I am currently footing the bill for them in Kakamega. What will happen if these girls qualify to go to South Africa, yet the Ministry, while they are still in Kenya, is doing nothing to support them? The question that should be asked to the Cabinet Secretary is not only about the games in Meru, but also about what is happening in Kakamega, especially concerning the international games the children are expected to participate in.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. John Kiarie, what is your point of order?

Hon. John Kiarie (Dagoretti South, UDA): Hon. Ken Chonga is raising an issue that is very emotive, as is evident from his presentation. I was seeking guidance from you. Being a man who understands language, our reference to our children as "kids", while we know very well that kids are little ones of goats, has become colloquial and is now an established reference to our children. I wanted you to find Hon. Ken Chonga out of order. In my view, he is using a word that is not appropriate for children who are in school. He can refer to them as pupils, learners or students, but "kids" refer to the offspring of a goat or sheep. Our children are not kids.

Thank you very much.

Hon. Speaker: I am sure the reason you are challenging him is because you understood what he said. Yes, Hon. Martha Wangari.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Speaker. I think you have put it to rest. Our children have not really complained. Mine is on the Cabinet Secretary in charge of security. Two times is too many not to appear, and it has been a while. You queue questions, then it takes too long for him to come to the House. Security matters are emerging

issues. For instance, I am already queuing to ask a question on the pimping of girls in Mai Mahiu. Children being pimped out as sex slaves.

Hon. Speaker: It was on BBC last evening.

Hon. Martha Wangari (Gilgil, UDA): It was on BBC. Some of these issues may not wait that long. The women were on camera and they should be arrested in good time. So, maybe as we queue the questions, that matter can also be included among the issues that the CS should respond to.

Thank you, Hon. Speaker.

Hon. Speaker: Have the pimps been arrested?

Hon. Martha Wangari (Gilgil, UDA): Not yet. That is what we need to get from the Cabinet Secretary.

Hon. Speaker: Yes. There was an elaborate programme about it on BBC. Yes, Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Hon. Speaker, we need to interrogate this matter further by focusing on the leadership of the House. That is where the problem lies, or perhaps it is in our Standing Orders. I have observed that it takes too long for questions addressed to Cabinet Secretaries to be answered in this House. In other jurisdictions, such as the House of Commons, and in Australia and Canada, questions are answered within two or three days. Here we tend to imagine that summoning a Cabinet Secretary requires some form of ceremony, where we must wait for three weeks or even two months. That does not serve Parliament well. I believe this is a failure of leadership.

If it is the responsibility of the Majority side to schedule ministerial appearances, then we need to re-examine the Standing Orders. We cannot ask questions, queue for two months, the gist evaporates, the subject matter is no longer relevant, and then the Cabinet Secretary appears to respond. There is a fundamental problem with this.

Hon. Speaker: You have made your point.

Hon. Silvanus Osoro, you have heard what I have directed. There are many questions from your colleagues to the Ministry of Interior and National Administration, Ministry of Education, Ministry of Health and the Ministry of Roads, Transport and Public Works. These are the Ministries that take the bulk of the questions.

When His Excellency the President wrote to the House through the Speaker, requesting us to amend our Standing Orders to allow Cabinet Secretaries to appear before us, it was on the clear understanding that Chairpersons of Committees have limitations in responding to supplementary questions. Cabinet Secretaries, as those in charge of policy in their Ministries, must come here and speak for and on behalf of the Government and the people of Kenya. So, inform the Cabinet Secretaries who have failed us today.

At least, Hon. Ogamba sent a note and an inadequate message through the Chairperson. The Cabinet Secretary for Interior and National Administration has failed to appear for the second time in a row. They are just flying around letters instead of coming to Parliament. As you rightly said, you cannot invite a Cabinet Secretary and the PS responds to indicate that the Cabinet Secretary is not coming. That is an insult to the dignity of this House. Please ensure that on Wednesday next week, the two Cabinet Secretaries are here by 2.30 p.m.

Yes, Hon. John Kiarie.

Hon. John Kiarie (Dagoretti South, UDA): This is the direction we have been seeking. Hon. Speaker, I ask whether the direction you have given could also be extended to appearances before committees. The same situation we are witnessing in plenary is happening in committees. Departmental Committees are inviting Cabinet Secretaries and Principal Secretaries, who are offering numerous excuses for not appearing before committees empowered by the Constitution, our laws and the Standing Orders to conduct periodic reviews of the Ministries, Departments and agencies under their oversight. My request is that the direction you have given should also apply to appearances before committees.

Thank you very much, Hon. Speaker.

Hon. Speaker: It will be so.

Hon. Members, allow me to acknowledge the following schools seated in the Public Gallery: the Prince Model School from Kilgoris Constituency, Narok County; Laboso Vision Academy from Kipkelion Constituency, Kericho County; World of Life School from Msambweni Constituency, Kwale County; Kabel Comprehensive School from Baringo South Constituency, Baringo County; and, Kyukuni School from Kitui West Constituency, Kitui County.

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

Next Order.

BILLS

First Readings

THE PLANT PROTECTION BILL
(National Assembly Bill No 28 of 2025)

THE CAPITAL MARKETS (AMENDMENT) BILL
(National Assembly Bill No.30 of 2025)

THE EQUALISATION FUND APPROPRIATION BILL
(Senate Bill No.7 of 2025)

*(The Bills were read a First Time
and referred to relevant Committees)*

Hon. Speaker: Next Order. Is the Chairperson of the Budget and Appropriations Committee in?

(Loud consultations)

Order, Hon. Members.

(Hon. Julius Melly consulted with

Hon. Rebecca Tonkei along the gangway)

Hon. Melly, take your seat. Hon. Members, due to time requirement and the need for counties to get these resources and operate, we must go to Order No.11, finish with it and move to Committee of the Whole House on the same. This is to ensure that we finish up with County Allocation of Revenue Bill, 2025 today. Hon. Osoro, you are aware that the House Business Committee directed so. Hon. Millie and Hon. Mbui, you should also be aware of this. We must deal with the Business at Order Nos.11 and 12 today. Hon. Atandi, move the Bill and when we finish, you will be at hand to go into Committee of the Whole House. This is a Senate Bill. It is straight forward on the horizontal division of revenue between counties. Go on, Hon. Atandi.

Second Reading

THE COUNTY ALLOCATION OF REVENUE BILL
(Senate Bill No.9 of 2025)

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Speaker, thank you very much for making that clarification. I beg to move that this House adopts the Report of the Budget and Appropriations Committee on its consideration of the County Allocation of Revenue Bill (Senate Bill No.9 of 2025), laid on the Table of the House on Wednesday, 6th August 2025.

Hon. Speaker: You are not right, Hon. Atandi. You are now moving the Bill for Second Reading. Start with “I beg to move that the County Allocation of Revenue Bill (Senate Bill No.9 of 2025) be now read a Second Time”, then you move on to make your presentation.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you, Hon. Speaker. I beg to move that the County Allocation of Revenue Bill (Senate Bill No.9 of 2025) be now read a Second Time.

Hon. Speaker, as you have rightfully said, this is a very simple Bill which basically deals with the horizontal sharing of county allocation to the 47 counties. The Bill is very important because it supports the devolved system of governance. It is prepared in accordance with Article 218(1)(b) of the Constitution. It outlines the equitable share of nationally raised revenue among the 47 counties. Beyond the revenue allocation, the Bill establishes the legal framework for fund transfers from the national Government to county revenue funds. It also ensures predictability and legality in disbursements while also setting recurrent ceilings for both the county executives and the county assemblies.

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

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

Hon. Deputy Speaker, the basis for sharing revenue among counties is guided by Article 217 of the Constitution which provides that Parliament must determine revenue sharing formula every five years. On 24th June 2025, Parliament approved the Fourth Basis

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for Revenue Sharing which will guide revenue distribution among the 47 counties from this Financial Year, 2025/2026, to 2029/2030 Financial year.

Following the successful mediation of the Division of Revenue Bill, 2025, the County Allocation of Revenue Bill, 2025 was published in June 2025. The Bill proposes an equitable share of Ksh415 billion for the 2025/2026 Financial Year among the 47 counties. This represents an increase of about Ksh27.6 billion from the Ksh287.4 billion shared in 2024/2025 Financial Year. The horizontal allocation is based on the Fourth Basis which includes the following parameters.

The first one is baseline allocation which is basically the allocation that was provided for in the 2024/2025 Financial Year which is Ksh387.425 billion. The second parameter, is the affirmative allocation to 12 counties amounting to Ksh4.46 billion. Just to explain that there are 12 counties that were identified by this formula. The counties are either too small in terms of population or geographical size. There are very few people in those counties. In terms of poverty index, those counties are not poor. So, there was a formula which was used to determine those 12 counties, which include Elgeyo Marakwet, Embu, Isiolo, Kirinyaga, Laikipia, Lamu, Nyamira, Nyandarua, Samburu, Taita Taveta, Tharaka Nithi and Vihiga. The affirmative allocation was used to allocate Ksh4.46 billion to be shared equally among the 12 counties to help them reserve money for development purposes. The third formula is equitable share which is Ksh23.115 billion. This money is distributed according to the following parameters: Population, which takes 45 per cent of this allocation; poverty index 12 per cent; geographical size 8 per cent; and basic share 35 per cent.

Basically, this is what we are doing here today. If you have the Report of the Committee, there is a Schedule on how this money has been shared among the 47 counties. In the First Schedule, Baringo, for example, will receive a total of Ksh7,083,683,384. And if you go up to the last county, that is, West Pokot, will receive about Ksh7,002,426,080.

This Bill also sets ceilings for a recurrent expenditure for both county assemblies and the county executives. To note this is that the Bill has proposed a reduction for recurrent expenditure for county executives from an allocation of Ksh33.76 billion in the 2024/2025 Financial Year to Ksh23.4 one billion in this Financial Year. County governments have been spending too much money in recurrent expenditure at the expense of development. It is the decision of the Senate and the Commission on Revenue Allocation (CRA) that this money be reduced.

On the other hand, the County Allocation of Revenue Bill, 2025 has proposed an increase in the county assemblies' ceilings. There is need for county assemblies to be more active in overseeing county governments so they have been given additional resources to help them do that. In effect, there is an increase of about Ksh3.57 billion to county assemblies to allow them to effectively discharge their mandate over certain county executives.

Hon. Deputy Speaker, with those many remarks, I would like to move and ask the Whip of the Majority Party to second.

Hon. Deputy Speaker: Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you very much, Hon. Deputy Speaker. This House passed the Division of Revenue Bill, which of course was in concurrence with what the Senate had proposed.

The same was assented to. Today, we are simply affirming what we passed here previously in the name of the County Allocation of Revenue Bill. The Chairman of the Budget and Appropriations Committee has clearly put it as it should be with regard to the formula that has been used in terms of sharing, which includes the baseline factor, affirmative allocation and also the additional equitable share. We continue urging, even as we second, the county governments to make good use of these amounts and to be accountable. This is because we really send huge amounts of money to the county governments all over, but you hardly see what they do.

The Chairman has singled out one county called Baringo. He said the ceiling for the county assembly in this Financial Year 2025/2026, will be about Ksh847 million. For the Executive, it will be about Ksh496 million. So, if you add those figures, you will realise that this amount is huge and is too much. We are talking about billions of money going to the counties. We have all traversed the country and we really struggle to see what these county governments do even with these allocations. We continue urging them that even as we continue sending these monies to the counties, that they make good use of it. Our hospitals are still struggling in terms of medicines, the rural roads are not passable, especially when it rains. But what we see is a lot of branding and moving around with groups of people everywhere and having a group that is paid to cheer in funerals, in churches, in functions, all over. They continue to challenge the existence of NG-CDF through courts and everything, when NG-CDF can visibly be seen on what it does. You can see classrooms built, students going to school, and everything else being done by NG-CDF. You will also see what NGAAF is doing. A very little amount, Hon. Deputy Speaker. You will see what our gracious ladies are doing with NGAAF. They are doing a lot with it. You will think it is in billions, when you compare with what the governors or the county governments get. So, we continue challenging them on that.

Finally, we want to challenge the county assemblies to do their work in terms of oversight. The problem is that county assemblies, because of lack of autonomy, tend to be an extended arm of governors. But for them, it is worse. They have to kneel before a governor. If they do not do that, roads will not be built in their wards. Sometimes they are even denied salaries if they do not kneel before governors or even worship them. That is why you see them moving around, following governors everywhere, so that they can at least get something not only for the welfare of their people, but also Ksh5,000 for their pockets.

Hon. Deputy Speaker, I beg to close it at that. I second. Thank you.

(Question proposed)

Hon. Robert Mbui (Kathiani,WDM): Thank you, Hon. Deputy Speaker. I rise to support the County Allocation of Revenue Bill (Senate Bill No.9 of 2025). As has been said, after this House passed the Division of Revenue Bill, which determines the amount that will be given out to the counties, then naturally the next phase is to deal with this County Allocation of Revenue Bill which basically now shares money amongst the counties. This is a Senate Bill that comes to us every year.

Hon. Deputy Speaker, I have noted in this Bill, and that is why I decided to make this contribution, that there is a proposal for a budget ceiling for recurrent expenditure. That

basically means that for the monies that are going to the counties, the Senate has made a determination that they must put a ceiling on the amount that counties will use for their Executive and the county assemblies. This basically means that the amount of money that is available for the Executive to spend on tea, *mandazi*, coffee and travel is limited. I looked at this and at the beginning I had thought that it is a full recurrent expenditure that is being controlled, only to realise it is only a part of it. I propose that going into the future, we may need to limit the amount of money that actually goes to recurrent expenditure, including salaries, and every expenditure that is recurrent so that we can have more money for development. There are many counties that spend most of their money on recurrent and very little is left for development. So, it is important that the Senate tries to see how it can limit the amount of money that goes into the total recurrent budget of the county assemblies.

Going into the future, it is important that once we have established how much money remains for development, we need to find a way of ensuring that it is used for development. The Senate can borrow from the NG-CDF Act, to find a way of controlling the funds that are meant for development, so that by the time they are being released, we know which project it is going to fund and how it is going to be carried out. Hon. Deputy Speaker, many times when you look at the funds allocated to counties and compare them with the relatively small amounts given to constituencies, you see visible projects that impact on the lives of people at the constituency level. Despite the counties receiving billions, you hardly see anything that is positive. We must find a way of making the money that goes to the counties visible for the sake of Kenyan people.

Otherwise, I support.

Hon. Deputy Speaker: Hon. Zamzam and then Hon. Millie Odhiambo.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana. Nami naunga mkono pesa ambazo zimeongezewa serikali za kaunti za kufanya maendeleo. Nataka niambia magavana waache vita vya kupiga Wabunge, kuzuia NG-CDF na NGAAF, wakati ambapo Bunge hili inawapa pesa za kuendeleza kaunti. Nataka kusema kwa ujasiri, najua siku nyingi nikizungumza, huwa natumiwa watu kunitupia mawe, lakini mimi ni mwakilishi wa wananchi wa Mombasa na lazima nizungumze. Kwa mfano, jana niliangalia *Community Health Promoters (CHPs)*. Tulipitisha wapewe Ksh2,500, serikali za kaunti pia Ksh2,500, lakini katika Kaunti ya Mombasa, wanalia. Tangu hizi pesa zitoke, hawajawahi kupata chochote *and yet they are active members*. Wanazunguka wakitibu na kubeba wagonjwa, hata wanaweza kuambukizwa maradhi wakati wowote, lakini zile pesa hawapati.

Ndio mimi nataka kueleza serikali za kaunti kwamba hizi pesa tunawapa kwa sababu tunaheshimu ugatuzi. Tunataka ugatuzi ufanye kazi vile Baba Raila Amollo Odinga amesema. Amewatetea sana ili muweze kuongezewa na mpate nafasi ya kufanya kazi. Msimuaibishe Baba kwa sababu sisi hatuoni kazi kubwa mnayoifanya hapo kwa kaunti. Wawakilishi wa Wodi wanalia. Hakuna kitu, kama alivyosema ndugu yangu Osoro, watu wanawafuata wakitaka hili na lile. Sisi tunataka tuone *value* ya hii pesa ambayo tunawapa.

Tunataka kuona huduma bora katika hospitali zetu na pia shule za chekechea (ECD). Haiwezekani kwamba pesa ambazo sisi tunawapa ni nyingi sana, lakini ukitembea *ground* kila mtu analia. Hatuoni uzito wa hizo pesa. Nilizungumza kuhusu hospitali. Katika hospitali zote za umma, huduma ni mbaya. Juzi, dada yetu Mhesh. Chege alileta Mswada wa *Universal Healthcare* ili watu wote wapate huduma bora ya afya hospitalini. Laki sasa hata

hii ambayo tunawapa, unapata hakuna dawa na mashini. Mtu anatumwa katika hospitali ya kibinafsi akapimwe ugonjwa, wakati ambapo pesa nyingi zinaenda kwa serikali za kaunti ziweze kufanya kazi. Nitarudia kusema kwamba wasishushe ruwaza ya Rais, kwa sababu watu wote watakaa wakisema “Kenya iko mbaya, maisha ni magumu, hospitali hazina dawa, sijui tumetumwa hii na hii.” Watamlamu Rais wakati ambapo Bunge limepitisha bajeti na pesa zimeenda kwa serikali za kaunti.

Mhe. Naibu wa Speaker, tunataka tuone hizo pesa zikifanya kazi. Hatusemi kwa ubaya na kuwachukia, lakini tunasema kwa sababu sisi ni Wabunge. Tumetumwa katika Bunge hili na hao wananchi ambao wanahitaji huduma. Maafisa wa serikali za kaunti wawache vita vya kupiga *Women Representatives* na Wabunge. Waangalie kazi zao. Wabunge pia waangalie kazi zao. La sivyo, Bunge hili linatoa pesa na litachukua. Wakianza vita na sisi, pia tuna uwezo wa kuwapokonya. Kama ni mbaya ni mbaya, kwani iko nini? Watuheshimu na pia sisi tuwaheshimu ili Kenya iende mbele.

Tunataka watoto wakisoma, wawe katika mazingara mazuri. Mtoto akienda hospitali, apate matibabu. Mama mjamzito akienda hospitali na amelipa Social Health Authority (SHA), akijifungua asiambiwe tena mtoto analipishwa na yeye analipishwa *portion* fulani. Hatujui hiyo pesa inaenda wapi. Rais amesema SHA lazima ifanye kazi na wao wanamregesha nyuma. Waache utapeli na wizi katika kaunti zetu. Wachape kazi ili Kenya iendelee mbele.

Asante sana, Mhe. Naibu wa Spika.

Hon. Deputy Speaker: Hon. Millie Odhiambo.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute. I wish to support the Bill, but I will not *lima* like Hon. Zamzam.

(Laughter)

When the father of devolution promoted devolution, the idea was to devolve resources and services. Unfortunately, what we see increasingly is devolution of power, nepotism and corruption. It does not affect all counties. I encourage our counties that this is a very rare opportunity, especially for counties that have been marginalised for years. It is time to transform our counties. Nobody will do it for us.

We have just come from a requiem Mass for Hon. Phoebe Asiyo. We have seen a legacy of a life well lived. When you will die, nobody will bury you with the storey buildings and cars that you have bought. It is what you have done to transform people's lives. I encourage our governors to do work that will transform lives. Years after you are gone, people can talk about it the way people talk about Tom Mboya's Airlift Programme that resulted in the first African American President. That is something we can talk about to date, but nobody cares about what you can build. If you build a mansion, somebody will build another one next year with a better design. Let us live like birds.

My father was an elected politician, and people called him a bird. I used to wonder why. He was called Odhiambo Winyo. Over time, I have understood the reason. He never amassed wealth, even though he had the opportunity to do so. His concern was building a

legacy. Unfortunately, he died too young. So, he did not build his legacy. However, I am working on building his legacy, plus mine.

There is another thing I want to encourage our governors on. I can guarantee them that even if NG-CDF were to be stopped, the money that goes there is national Government's portion. It can never go to the counties. I would like to inform the governors. I am glad because we have Devolution Conference next week. God willing, I will get an opportunity to speak there. I have a legacy that I can talk about. I am the one who moved the 15 per cent of the revenue that goes to the counties. It goes there, courtesy of me. I sat in the Select Committee on the Constitution. Our Party wanted 40 per cent, but we did not manage to get it. It would have been left open. I moved an amendment to devolve not less than 15 per cent of the national revenue. If you compare it with what we oversee under NG-CDF, it is 0.4 per cent. There is so much that can be done with the resources that go to the counties. They can transform a small shopping centre to a city. But our focus and priorities are just lopsided. Therefore, I encourage our governors to stop focusing on the wrong thing, which is fighting NG-CDF that helps a lot of poor Kenyans.

I represent a rural constituency. I can attest to the fact that, for the longest time, all I knew is that structures in rural constituencies were mud-walled or the improved ones were *mabati* structures. However, go to virtually every constituency, even where it is not yet completed or done, and you will see people singling out 1 or 2 that are not yet done. But out of that, maybe 100 of them will be permanent structures that have been constructed by NG-CDF.

Finally, NG-CDF is something good that has come out of Africa. It is a development model that must be emulated in every single part of Africa. Every time Africa does something good, we try to put a reverse gear, so that we can always wallow in poverty and go to the West with bowls to beg. Where we have reached as a continent, we have no excuse complaining about colonisation. By the time I was born, colonialism had ended. Why are we crying many years later? Even if we are poor and we were colonised, can we change our story? Can we be crying all our lives? NG-CDF as a model enables us to change that story. We have no reason to attack NG-CDF.

I am not telling off our advocate. I know Hon. Kaluma, my neighbour in Homa Bay, wants me to tell him off but, it is his right to take the matter to court. It is also our right and duty to let him know that in constituencies like mine that have been marginalised for years and never seen structures for years have been transformed because of the structures that have been built. Go to Waondo Technical Training Institute (TTI) in my constituency. It was a small centre where my brother's, Hon. TJ Kajwang's, home is. It is a rural area. It has become a commercial centre within one year because of a TTI. We are hopefully opening a Kenya Medical Training College (KMTC) which is funded 100 per cent by NG-CDF in a small town. It will be a game changer. I know it is a little bit of a misunderstanding about NG-CDF, but I hope we can talk and persuade each other, and move together.

I support the Bill.

Hon. Deputy Speaker: Lastly, it is Hon. Wangari, Member for Gilgil.

Hon. Martha Wangari (Gilgil, UDA): Thank you, Hon. Deputy Speaker, for giving me the opportunity to contribute. I will just start from where the Whip of the Minority Party has stopped. I do not think it is a misunderstanding, but a deliberate effort to curtail the few

projects that are actually visible on the ground and in the grassroots that are sponsored through NG-CDF and NGAAF which has very little money. It is less than Ksh6 million per constituency, but when you go to my constituency, you will find a tent and social things that help women.

I support this Bill, but remember to send this message very clearly that there are few roles the county governments should focus on, number one being health function. Even as we do SHA and Social Health Insurance Fund (SHIF) registration and discuss Universal Health Coverage (UHC), without the synergy from the county governments, it becomes an exercise in futility. Primary healthcare is under the county governments. Therefore, the county government should endeavour to ensure that there is a dispensary or a health centre in each county, so that we deal with cases of diarrhoea, provision of anti-retrovirals (ARVs), and immunisation of children. We can then take referral cases to the bigger referral hospitals. All Members of this House receive complaints about health centres every day. In my constituency, I often hear that patients in Gilgil Hospital and other small hospitals are suffering. We would have gone a long way if governors dealt with that matter.

The other issue is rural roads. We have experienced a lot of push and pull on this, but the Kenya Roads Board (KRB) recently disbursed funds to counties. Nakuru County received the highest amount of Ksh183 billion, but the county roads are impassable. You do not need to ask which road belongs to the Kenya Rural Roads Authority (KeRRA). You can just tell by looking at it. We even have problems maintaining roads in towns.

Governors must stick to their primary mandate. Members of Parliament have the responsibility of allocating bursaries. The Fourth Schedule of the Constitution indicates that the Early Childhood Development Education (ECDE) centres and polytechnics have been devolved to counties. All ECDEs should be free by now. Have you tried to enroll a child in an ECDE? It is not cheap. It is not free even in Government institutions. So, before the governors can deal with the allocation of bursaries in secondary schools and duplicate what the National Government Constituencies Development Fund (NG-CDF) and other funds are doing, they should first deal with ECDEs. They should ensure that ECDE centres are free of charge and that there is free porridge or food, because that is our children's foundation.

The amount of funds allocated to the 290 constituencies under the NG-CDF is about Ksh50 billion. It is a drop in the ocean compared with the Ksh400 billion allocation to county governments. I wish there was more accountability. As Hon. Mbui said, there is reluctance to come up with a piece of legislation governing the NG-CDF. Governors enjoy the mess. They benefit from the lack of legislation that would indicate how much money goes to bursaries or healthcare because it is easier to siphon funds through corruption. The lack of legislation is deliberate. I hope we can deal with that.

The other issue we must deal with is the Senate's obsession with calling the Cabinet Secretaries to answer questions, yet they know that the Constitution does not allow them to even table censure Motion. I wish they could oversee the use of these funds, so that we get value for money, and ensure that funds allocated to counties are put to good use.

As I wind up, we also need to deal with the issue of governors running for Senate seats to subvert accountability and oversight. We are also dealing with the reverse scenario where Senators want to be governors. That is the problem. Those are political problems which need political solutions.

I support the Bill and I hope that we can see more from county governments.

Hon. Deputy Speaker: Member for Bondo, do you want to contribute to the Bill?

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Deputy Speaker. I will be very fast.

The first issue I want to raise is the parameters we are using to allocate these revenues. The Senate has not done one critical thing in terms of costing of these functions. We have not done it since the beginning. It is a critical thing that ought to be done so that we allocate resources to functions. We do not want to allocate resources to a county which has not properly cost its functions. For example, a constituency may have 15 health facilities. However, if you take time to look at what happens in those 15 health facilities, you will find that nothing is ongoing. On the other hand, many constituencies have a number of schools, which do not receive adequate capitation compared to health facilities. Therefore, costing of functions is very critical.

Clause 6 of the Bill talks about county governments transferring functions back to the national Government. That should be based on a costing mechanism. I do not know if the Senate can give us information on how many counties have transferred some of their functions back to the national Government, and how many were able to transfer back the funds that were initially allocated to them before the transfer of functions back to the national Government. We need to critically look at that aspect. The Senate needs to come out very clearly on the costing of functions. The Constitution reposit the functions clearly, but their costing is a totally different matter that should be practical. We should allocate funds to properly cost functions.

Hon. Deputy Speaker: Hon. Caroli Omondi. Members, please press the intervention button if you want to contribute.

Hon. Caroli Omondi (Suba South, ODM): Sorry, I thought I did.

Hon. Deputy Speaker: No. You may proceed. I was informing the other Members to press the intervention button.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Deputy Speaker. I rise to build on what Hon. Mbui said. This should be the last time we have a revenue-sharing Bill that does not contain a clear demarcation on the limits that county governments can spend on recurrent expenditure. It is irresponsible of this House and the Senate to just send money to counties, and yet the public does not feel the effect of resources that have so far been disbursed to counties, that now run into trillions of shillings. We need to develop a new model as a House. I will be proposing amendments to the Public Finance Management (PFM) Act, so that all the funds, whether the Equalisation Fund or the shareable revenue that we disburse to counties, have limits on what can be spent on recurrent expenditure. We will propose a maximum of 30 per cent, including the emergency funding. A further 70 per cent will be disbursed on the basis of advanced budgets with clearly indicated codes, projects, wards, locations and sub-locations, so that we can save devolution from the greed and incompetence in our county governments. If we do not do that, devolution will cease to exist within the next 10 years.

It is also time that we called out the Senate. Counties spend a lot of money on illegalities. Why are the counties financing bursaries, yet education is not a devolved

function, except for ECDE? Do counties give bursaries to children in ECDE? It is not clear to me why any county government should be spending money on bursaries.

To my horror, I have also come to learn that county governments are spending a lot of money on funerals. I do not know what expenditure line in the estimates empowers governors to spend money on private funerals. I am also aware that counties are spending a lot of money maintaining cheering squads under the guise of public participation. We cannot support the mismanagement of public resources year in, year out. I encourage this House to amend the Public Finance Management Act next year and save devolution.

Some well-known lawyers who are fighting the NG-CDF are just busybodies. Everything they touch normally fails. I hear Members are reluctant to mention some of them. Somebody has gone to court to challenge the proposed Constitution of Kenya (Amendment) Bill, 2025. The only comfort I can give this House is that everything he touches fails. His name is Paul Mwangi. He happens to have been my year mate at the university. He was part of the Building Bridges Initiative (BBI), which failed. He was part of a number of petitions presented by the Orange Democratic Movement (ODM), which failed. I can assure you that even this challenge will fail. I know him very well. I even have a matter against him in court, but he has refused to show up because he knows it will fail. Let us not spend too much time worrying about Paul Mwangi.

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

[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]

He will go very far but in the wrong direction as he always does.

Thank you, Hon. Temporary Speaker.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, we can have debate even in the Committee. We can shorten the time for comments and reduce contributions so that we proceed with the Committee of the whole House. We will still have the opportunity to make our contributions.

Hon. Dido Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support the Bill.

At the outset and as Hon. Millie Odhiambo has explained very heavily, devolution is about devolving resources and services to the people. Today, the only devolved resources in this country that Kenyans can put their finger on are the NG-CDF and the National Government Affirmative Action Fund (NGAAF). Those meagre resources are in the purview of the Members who sit in this House.

However, there is no story to tell about the billions that go to our counties. The only projects that can be commissioned when the President or Cabinet Secretaries visit our counties or constituencies are those that belong to the national Government or those done by the NG-CDF. I come from Marsabit County. Looking through this list, with all these

resources, I am saddened that workers in Marsabit County sometimes go for two to four months without receiving their salaries. It begs the question: Are counties not receiving their full remit of allocation?

Then there are things like hospitals. You will find most ailing people from Marsabit in Meru, Embu, or even in Kenyatta National Hospital (KNH). You will ask yourself about what is happening to medical support money allocated for our people. They are supposed to have a level six hospital in Marsabit County. At the national level, we need to interrogate wastage and corruption through the Controller of Budget or the Auditor-General. People must be put on notice so that cases of corruption in counties are not entertained. People should have their day in court.

I am happy to note that poverty index is part of the criteria for allocation of what we must get on a yearly basis. I want to direct it to the Chairman of the Budget and Appropriations Committee that we must get a report. We should know the yearly improvement in Homa Bay County, Marsabit County, or Lamu County. People cannot be permanently poor when they are being given resources. Are the resources helping people to improve their lives?

Finally is on grants. Monies from the World Bank, the African Development Bank, and several development partners go to our counties. We are slowly discovering that the main resources the national Government allocates from the centre appear not to be visible. Governors are hanging on to the other resources development partners give. The question we must be asking is: Who oversees funds disbursed directly from the National Treasury to counties to support agriculture, education and all different sectors without the full purview of this House?

I go to Kenyatta National Hospital occasionally. I ask myself why the hospital is too congested. You do not have a chance to use the lift because there are too many people. Sometimes it is scary even if you are using staircases. The answer is that many referrals coming from our counties are because most of the counties' medical infrastructure collapsed. The KNH has suddenly become the first hospital of choice. We must depart from that. Are we giving the KNH enough money to accommodate all Kenyans when they need medical assistance?

Then there is recurrent expenditure. What I learned in economics has to apply to our counties. We did not devolve employment, expenditure, or to use money in thrift ways; just for entertainment. The national budget system from this House and the National Treasury must push to ensure that the 30:70 principle begins to apply. If we are not going in that direction, counties will just be a place of employment and entertainment for governors and their systems of cartels.

When I look at this breakdown, we must ask ourselves real questions going forward. We must ask the hard questions when we have a President who moves around the world asking for all kinds of support yet devolved resources do not reach the people. Are we working in vain?

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

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Dido Raso. Next will be Hon. (Dr) Makali Mulu.

Hon. Members, since we are dealing with the County Allocation of Revenue Bill, it would be good that you also read to the public what each county is getting. Read what each got last year so that the people know how much money we are sending to our counties. They can also help in oversight.

Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you very much. I will not take long. I just want to say that I support the County Allocation of Revenue Bill.

I will start by saying something on what you have said. Kitui County where I come from will be getting Ksh11.5 billion this financial year. Those are substantial resources. I agree with my colleagues who are saying the resources improve the lives of our people if used well.

There are two issues on this Bill. First, it is important that we try to agree on how much to use on recurrent expenditure. This Bill attempts it. It indicates how much should go to county assemblies and how much should go to county executives.

Hon. Temporary Speaker, on this basis, you will realise that county assemblies have a higher figure in terms of recurrent expenditure compared to county executives. This is because most of the work they do is like what we do here. Most of the expenditure of the National Assembly is recurrent in nature. It is then expected that they have the same.

Secondly, I agree with my colleagues who say that the Senate has much more to do. We did the costing of county functions through the then Transition Authority around 2011 to 2013. Since then, there is no updated costing of county functions that has been done. To date, some functions have not been cost at all. It means that even as we budget for the counties, it is still not clear how much is required for a county to offer the services we expect from it. I agree with my colleagues that there is a bit of misdirection. In addition to that, if we want to help the counties through devolution, it is important that we get an updated costing of county functions. This is the only way we can help the counties.

The 4th Generation Revenue-Sharing Formula has once more pushed population to 45 per cent. The allocating factor gives a lot of weight to population. What this does to our country is take us back to Sessional Paper No.1 of 1965. There is going to be serious marginalisation of some counties. I wish it was possible to have some affirmative funds to take care of these soon-to-be marginalised counties just as we have the Equalisation Fund.

With those remarks, I support.

Hon. Temporary Speaker (Hon. Peter Kaluma): Let us have Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Hon. Temporary Speaker, listening to the top economists in this country speaking, like Hon. Makali Mulu and supporting this Bill is refreshing. I rise on Standing Order 95, seeking that we quickly allocate counties the money they deserve. This is especially Kakamega County which is going to get about Ksh13.6 billion. Let Kakamega County get these funds fast enough so that we move into the next cycle.

Hon. Temporary Speaker, I call upon the Mover to reply on that basis.

Hon. Temporary Speaker (Hon. Peter Kaluma): Hon. Wangwe, you have no powers to call the Mover to reply.

(Laughter)

As per procedure, I want to put the Question that the Mover be called to reply.

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

Hon. Temporary Speaker (Hon. Peter Kaluma): Mover.

Hon. Samuel Atandi (Alego Usonga, ODM): Thank you very much, Hon. Temporary Speaker. Before I reply, let me take this opportunity to thank Members for engaging in this debate vigorously. I have listened to your submissions, especially those asking for county governments to give the people of Kenya value for their money. I agree with them that there is so much counties can do that they are not doing.

With those remarks, I beg to reply and ask that you put the Question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to the Committee of the whole House)

Hon. Temporary Speaker (Hon. Peter Kaluma): Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[The Temporary Speaker (Hon. Peter Kaluma) left the Chair]

IN THE COMMITTEE

[The Temporary Chairlady (Hon. Martha Wangari) in the Chair]

THE COUNTY ALLOCATION OF REVENUE BILL (Senate Bill No.9 of 2025)

The Temporary Chairlady (Hon. Martha Wangari): Order, Hon. Members.

(Several Hon. Members stood in their places)

Hon. Members on your feet, take your seats. We are in the Committee of the whole House to consider the County Allocation of Revenue Bill (Senate Bill No.9 of 2025).

(Clauses 3, 4, 5, 6, 7, 8, 9 and 10 agreed to)

(First Schedule agreed to)

(Second Schedule agreed to)

(Clause 2 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. Martha Wangari): We have concluded the consideration of the Bill. Let us have the Mover to move reporting.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Chairlady, I beg to move that the House reports its consideration of the County Allocation of Revenue Bill (Senate Bill No.9 of 2025) and its approval thereof without amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

[The Temporary Speaker (Hon. Peter Kaluma) in the Chair]

MOTION

CONSIDERATION OF REPORT ON THE COUNTY ALLOCATION OF REVENUE BILL

Hon. Temporary Speaker (Hon. Peter Kaluma): The Chairlady to report to the House.

Hon. Martha Wangari (Gilgil, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the County Allocation of Revenue Bill (Senate Bill No.9 of 2025) and approves the same without amendments.

Hon. Temporary Speaker (Hon. Peter Kaluma): The Mover, move agreement with the Report.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said Report. I request Hon. Muchira to second the Motion.

Hon. Michael Muchira (Ol Jorok, UDA): Hon. Temporary Speaker, I second.

(Question proposed)

Hon. Members: Put the Question.

The Temporary Speaker (Hon. Peter Kaluma): Is that the mood of the House?

Hon. Members: Yes.

(Question put and agreed to)

BILLS

Third Reading

COUNTY ALLOCATION OF REVENUE BILL (Senate Bill No.5 of 2025)

The Temporary Speaker (Hon. Peter Kaluma): Mover.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I beg to move that the County Allocation of Revenue Bill (Senate Bill No.5 of 2025) be now read a Third Time. I request Hon. Makali Mulu to second.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): I second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): There is no interest. Is it the mood of the House that I put the Question?

Hon. Members: Yes.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, I have confirmed that we have quorum in the House for purposes of making a decision.

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

Second Reading

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS (No. 2) BILL (Senate Bill No.8 of 2025)

The Temporary Speaker (Hon. Peter Kaluma): Chairperson, Budget and Appropriations Committee, proceed.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, I would like to request that this Bill be deferred to another date.

The Temporary Speaker (Hon. Peter Kaluma): I am waiting for you to justify your request that we defer transacting this business listed in the Order Paper to a future date.

Hon. Samuel Atandi (Alego Usonga, ODM): Hon. Temporary Speaker, the Committee on Budget and Appropriations has not yet considered this Bill. Therefore, we request that it be deferred to a later date.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kangogo Bowen, what is out of order?

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I seek your indulgence on whether it is procedurally right that the Chairman of the Budget and Appropriations Committee can rise and defer a Bill which is already in the Order Paper without prior writing to the Speaker, for the Speaker to inform the House that the business is not going to be transacted.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kangogo Bowen, the request has been made to the Speaker. We cannot replace the Speaker in deciding it. The Speaker will accede to your request, hoping that the next time this particular matter is listed, it will be transacted, due to the seriousness of the issue it deals with. We understand that the Committee has been engaged in other important national duties in the recent past and even currently. Because you have transacted the previous matter, we will accede to your request now, hoping it does not prejudice the resourcing of important activities in the counties.

(Bill deferred)

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

MOTION

ADOPTION OF FOURTH REPORT ON AUDITED ACCOUNTS FOR SELECTED STATE CORPORATIONS

THAT, this House adopts the Fourth Report of the Public Investments Committee on Social Services, Administration and Agriculture on its consideration of the Report of the Auditor-General on the Financial Statements of the following State Corporations, laid on the Table of the House on Thursday, 17th October 2024—

- (a) National Social Security Fund, FY 2019/2020;
- (b) Communication Authority, FY 2017/2018 and 2018/2019;
- (c) Child Welfare Society of Kenya, FY 2014/2015;
- (d) Sacco Societies Regulatory Authority, FY 2017/2018, 2018/2019, and 2019/2020; and,
- (e) Kenya Institute for Public Policy Research and Analysis, FY 2014/2015, 2015/2016, 2016/2017 and 2017/2018.

(Moved by Hon. Emmanuel Wangwe on 5.8.2025)

(Resumption of debate interrupted on 5.8.2025)

The Temporary Speaker (Hon. Peter Kaluma): The Mover, Hon. Wangwe, I am informed you have up to 55 minutes, so proceed.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you Hon. Temporary Speaker. Allow me to appreciate you. From yesterday, you have been on top of this Motion. I appreciate that you gave me time to commence moving it yesterday to today. I want to begin from where I left yesterday. I had just made a proposal to the House, on the generalities that apply across the five State corporations. For the interest of my colleagues who were not here yesterday, the Report talks about five State agencies, being the National Social Security Fund (NSSF), the Communications Authority of Kenya (CA), the Child Welfare Society of Kenya (CWSK), Sacco Societies Regulatory Authority (SASRA) and the Kenya Institute for Public Policy Research and Analysis (KIPPRA).

I want to inform the House that the generalities the Committee observed cut across the five agencies. One of the issues that cuts across is the lack of possession and ownership of land and building documents. There are institutions in possession of documents but cannot access the land. KIPPRA has a title deed, but it cannot access the land because the Department of Veterinary Services, under the Ministry of Agriculture, has blocked access. There are also agencies that have land without documents. For example, CWSK has 16 parcels of land but do not have title deeds. That challenge cuts across all the five agencies. The Committee considered how best this House can assist these agencies. When I go into the specifics, I will elaborate on what the Committee recommended.

There is also the issue of providing documentation. It is unfortunate that during the audit, which is never an event but a process... It begins with an entry, the work is done and books are reviewed. There is always a management letter which stipulates what needs clarification. A draft report is prepared before the Auditor-General signs the certificate. It perturbs the Committee that when these agencies appeared before us, they came with all the documentation as per the audit queries. It sounds very ambiguous and funny. It is not acceptable. The provision in the Public Audit Act is clear, and there is a cost one has to bear. Even Article 226 of the Constitution does not allow an agency to hide information from the Auditor-General. But it happens across various agencies. They misrepresent themselves before the Auditor-General. When the audit report comes out with queries, the agencies rush with many files to appear before Public Investments Committees or the Public Accounts Committee, to pretend that they have the answers. My take, and that of the Committee, is that we must reprimand these people within the provisions of Section 68(2) of the Public Finance Management Act, 2012, so that they carry the burden and responsibility of informing the Auditor-General, as required by law. This issue is a reality. The Auditor-General should not be compelled to push for compliance because the law already grants them authority to access information during an audit.

Another issue that arises is that of poor governance and weak internal controls. What do I mean by this? One example is the delay in the appointment of the Boards of Directors. You will find an agency operating for two years without a chairperson of the Board, or without a quorum in terms of appointees, not seconded directors, but substantive members appointed by the line ministry or peers in finance. It takes too long for this to happen.

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The Committee observed that certain agencies had operated without properly constituted Boards. For instance, the Sacco Societies Regulatory Authority did not have a substantive chairperson from 6th February 2017 to 20th September 2018. This is a very long period. If you read the audit for 2018, you will see what happened to this agency in terms of governance. It has been a matter of public knowledge that the agency faced serious challenges.

Another example is the Communication Authority of Kenya. The National Social Security Fund also had senior management positions filled by individuals in acting capacities. An agency as significant as the NSSF did not have substantive senior staff at the time. Not now, but during the 2018/2019 audit period. You will agree with me that an agency should operate with a management structure that resembles a triangle, with strong leadership at the top. If the head is missing, the base cannot function effectively. The Communication Authority of Kenya is one such agency that lacked substantive officers in senior management during that period. This goes against the provisions of the Public Service Commission Act, Cap.185, which indicates that a properly constituted Board is necessary to approve recruitment. The Board is responsible for appointing senior managers. Without substantive officers, it becomes very difficult to align management with proper governance standards.

Therefore, we made several recommendations. As a Committee, we recommended that within three months of the adoption of this Report, the Inspector-General, Inspectorate of State Corporations, with the help of the National Assembly, should initiate amendments to the State Corporations Act to make it clear that no entity should be allowed to make any financial commitment without a properly constituted Board of Directors. While the PFM Act already covers this area, the State Corporations Act, which regulates these agencies on a day-to-day basis, does not make this provision. We want it explicitly anchored in the State Corporations Act to strengthen governance and align with the provisions of the PFM Act, 2012.

We also reprimand the appointing authorities for delaying or failing to fill existing Board vacancies in State corporations. In this case, the responsible persons are the line Cabinet Secretaries who failed to act quickly to replace much-needed Board members. This has led to poor governance and weak internal controls.

Another cross-cutting issue across various agencies during the period under review is the matter of court cases. These are beyond us and this House. The doctrine of separation of powers does not allow the National Assembly to interfere with the Judiciary. Once a matter is in court, the judicial process must take its course. However, this becomes an impediment for many agencies, particularly on matters of land. Most land disputes involving agencies end up in court, and courts cannot be rushed. We ask that courts prioritise cases affecting Government agencies, so that such matters are resolved as quickly as possible. Issues raised in various PIC reports calling for the expeditious conclusion of such cases are yet to be resolved. Some of them date as far back as 2008. For example, the NSSF case involving land in Embakasi remains unresolved.

We recommended that within three months of the adoption of this Report, the Inspector-General, Inspectorate of State Corporations, should review all entities with pending court cases, prepare a comprehensive status report, and submit it to the National Assembly with a copy to the Attorney-General, who should initiate a process to fast-track the

conclusion of those cases within a reasonable timeframe. It is only through the Attorney-General that engagement with the Judiciary can occur, so that these land disputes and legal challenges affecting public agencies can be resolved. We also advised that accounting officers should embrace alternative dispute resolution mechanisms before resorting to litigation. Some of the cases currently in court could have been resolved outside the courts. Indeed, some of the cases we saw were eventually resolved through alternative dispute resolution, but only after years in court. We recommended that accounting officers consider this route rather than rushing to court, where proceedings drag on and delay resolution.

Another challenge that cuts across is underfunding and low disbursement of budgetary allocations. The Committee noted with concern that several State corporations reliant on Exchequer appropriations were underfunded, despite their budgets having been approved. One concerning case is the Child Welfare Society. Although it was allocated funds, midway through the financial year, all the funds were withdrawn by the National Treasury and redirected elsewhere. The Society, being an obedient agency, could not act and had to survive on minimal resources. It has no other income source besides the Exchequer. All its development plans had to be shelved. We want the National Treasury not to deplete entire budgets but, where necessary, to cut only a portion of the budget and allow projects to continue into the next financial year. Depleting the entire budget leaves agencies vulnerable and unable to function.

We recommended that the Cabinet Secretary for the National Treasury and Economic Planning endeavour to allocate and disburse adequate funds to State corporations funded by the national Government. As I have explained, this issue must be reviewed carefully. Depleting entire budgets defies the logic of budgeting. It also undermines the role of this House, which approves those budgets. What is the purpose of bringing budgets to Parliament if disbursements will not follow? For instance, the Child Welfare Society was established to support Kenyan children living under difficult circumstances. If you cut their budget and prevent them from building children's homes, where do you expect these children to go?

Hon. Temporary Speaker, allow me to walk the House through the five agencies as I have discussed. This will enable us to see what happened with the individual agencies in various financial years.

Allow me to take the House through the issues that came up at the National Social Security Fund in the years 2019/2020 and 2018/2019. There were issues relating to cash and cash equivalents which made the Committee refer this matter to the Auditor-General for further investigation. The Committee noted that within the cash and cash equivalent transactions, a whopping Ksh100 million was moved from the bank but was not represented in the books of the NSSF. This meant that it was impossible for the Committee to establish whether that was a genuine transaction or where these funds went. But the managing trustee and his team managed to explain to the Committee that it was a system error occasioned by moving from one system to another. That error led to Ksh100 million not being transferred.

Hon. Temporary Speaker, we could not listen to such so we referred the matter to the Auditor-General for further investigation. She agreed that during this year's audit, she would give us the audit report for the year together with the findings of how the system misbehaved or behaved failing to capture a transaction of Ksh100 million.

Further, there was an amount of Ksh134,335,975 on payments in the bank statements, which were not also captured in the cash book, whose anomaly arose mainly from two bank accounts, the main expenditure account at KCB and the contribution account at the Bank of Kenya. The Committee felt the transaction was suspicious and we could not approve as it appeared. The Accounting Officer explained that in 2012, the same amount of Ksh100 million... Arising from the above observations, the Committee requested that the Auditor-General combines the two figures, Ksh135 million and Ksh100 million, to appear in this year's annual audit.

Hon. Temporary Speaker, the Public Finance Management (PFM) (National Government) Regulation, 2015 envisages that the Accounting Officer shall ensure any discrepancies noted during a bank reconciliation exercise are investigated immediately and appropriate action taken, including updating the relevant cash books. We felt that there was laxity on the side of the Accounting Officer, particularly on the issue this time being the director of finance irresponsibly handling the issues. The reason that arose was the issue of acting senior management. Acting does not give anyone the strength and ambition to work towards resolving various issues immediately.

What did we recommend on the foregoing? We recommended that within the current audit cycle, as stipulated in Article 229(4) of the Constitution of Kenya, the Auditor-General should submit the forensic audit report as requested by the Committee. It is provided for in the Constitution and within the mandate of the Auditor-General, and we expect her to give us the report when time comes in this year's audit. The Committee reprimanded the Accounting Officer and any other officers responsible for preparing bank reconciliation for breach of Regulation 90(3) of the PFM (National Government) Regulations 2015.

Hon. Temporary Speaker, there were issues to do with rent debtors. The fund management had not instituted strong internal controls to safeguard the fund assets against loss. There is a tenant who presented fake banking slips amounting to Ksh9,327,627 as rent by the proprietors of Kenya College of Medicine for space occupied in Hazina and View Park Towers. It really perturbed the Committee that a tenant could present figures of up to Ksh9,327,627 in rent payments and it goes unnoticed for too long that to date that money is still not with NSSF.

Hon. Temporary Speaker, the loss of Ksh9.3 million is attributed to nothing but weak controls set out in Regulation 90 of the PFM (National Government) Regulations 2015 on preparation of bank reconciliations. If the head of finance is competent enough in his reconciliations, he would have picked the missing figures at the end of the month. It would not have taken the managing trustee that long to realise that some money was missing and necessary actions would have been taken. The loss of rent on income totalling to Ksh30,681,000 which was collected by Milligan and Company Limited from the fund's tenants in Nairobi at Bruce House, Hazina Trade Centre, View Park Towers and Nyayo Estate might be attributable to poor drawn agreements whose loopholes were exploited by agents.

Hon. Temporary Speaker, it so finds that these tenants also enjoyed the loophole in the tenancy agreement which would not tie them down, especially Milligan and Company Limited, as an agent. He would collect money which ended up in his account rather than depositing the money he collected into the NSSF account. He would deposit into Milligan

and Company Limited's account, who would then write a cheque to NSSF. That kind of agreement is outdated. Of course, this is not the current situation. This was in the financial years 2018/2019 and 2019/2020. That procedure for engagement in contracting was wrong. The management produced a decree before the Committee issued in Nairobi High Court case number HCCC 859 of 1997, which was NSSF versus Milligan and Company Limited, dated 6th November 1997, arising from a consent judgment where judgment was entered in favour of NSSF against Milligan Company Limited for a sum of Ksh15 million. The amount was to be paid in three equal monthly instalments of Ksh5 million each.

Hon. Temporary Speaker, this remains a story in theatre. It has not been actualised. This money is still outstanding despite the time various managing trustees have existed. No money has been received from Milligan Company Limited making it a total loss in the books.

What did we recommend? Hon. Temporary Speaker, three months upon adoption of this Report, let the Ethics and Anti-Corruption Commission (EACC) carry out investigations into the two matters on Kenya College of Medicine and Milligan and Company Limited, with a view to establish whether there was any breach of the law or regulation on the part of the concerned NSSF officers who occasioned and aided in occasioning the loss of Ksh40,008,627. They should further establish whether the amounts would be recovered from the estates of the proprietors of Kenya College of Medicine and Milligan and Company Limited. Kenyans should not lose any money. The money held by NSSF is not for Kenyans. It is for workers who have toiled and sweat to save. Nobody should just go to NSSF and ask to take away money that belongs to Kenyan workers. Let us go a notch higher and look for the directors of these companies. They should not drive good cars in town whilst Kenyan workers are languishing in poverty.

Hon. Temporary Speaker, the Authority did not avail supporting documentation for audit on adjustments of the Ksh2,638,140 and Ksh3,417,716 under freehold land and buildings and civil works. They were able to avail the details during the Committee meeting, but these documents were not availed to the auditors at the time of audit, despite the process being elaborate, including a management letter and an entry, and all audit processes having taken place. The issue is, why did they not give the documents on time? The Authority failed to submit to the Auditor-General the ownership documents of its freehold land, totalling to about Ksh41,788,000. We are asking why they should appear before the Committee and give us the documents. The Committee should not be dealing with documents. The documents were supposed to be with the auditors. When auditors went to their offices, they should have given them the documents. They should not wait to give the documents to the Committee.

The Committee concluded that the then Accounting Officer failed to provide the required information for auditing pursuant to Section 62(1) of the Public Audit Act, 2015. The Director of Public Prosecutions (DPP) should prosecute the responsible officer in accordance with Section 62(2) of the Public Audit Act Cap.412(B). The penalties are in writing in those two sections. If you fail to provide the documents, that section has prescribed the necessary steps on what you are supposed to do. The Committee, therefore, instructed the officers to go and explain why they gave those documents then.

On the issue of employee costs, salaries and wages, we observed that the Authority did not avail to the Auditor-General the approvals and the reasons for paying bonuses to staff amounting to Ksh9.5 million. The Authority was in breach of Section 62(1) (C) of the Public

Audit Act, which says that a person shall not, without justification, fail to provide information within reasonable time that is required under the Act.

On the human resource of the Communication Authority of Kenya (CAK), Clause 4.7.2 of the Human Resource and Capital Policy Manual, referred to in the management submission on merit increments states that, employees who have reached the maximum limit of their salary scales with positive appraisal ratings may be awarded a lump-sum performance bonus equivalent to one or more annual increment, but not more than three per year, which was invalid under the prevailing circumstances. In the Constitution of Kenya, 2010, where do salaries lie? They lie with the Salaries and Remuneration Commission and not a human resource manual that is prepared by a corporation. The Communication Authority of Kenya rewarded employees' bonuses without referring to the Salaries and Remuneration Commission. The Committee recommended that, within three months upon adoption of this report, the Inspector-General, State Corporation should recover the over-payment of Ksh4 million from the board members and the Accounting Officer who authorised the payment and the paying officers who paid the amount irregularly in accordance with the law.

State corporations are managed by their boards. It is the duty of its board of directors to know what is being paid out. The CEOs and various senior management officers should know what they are paying out. If they are paying out unlawfully, it is not the duty of the employee to ask for the money, but the board directors that sanctioned the payment and the person who paid it. The policy that they showed the Committee was approved by the board members in a board meeting. That means it was binding to them. As far as the law is concerned, they should recover that money.

On the issue of Child Welfare Society of Kenya, it does not possess ownership documents for 16 parcels of land located across the country. It is amazing that the society has vast land across the country in Nairobi, Laikipia and Nakuru. However, the agency does not have titles for those pieces of land. Several parcels of land that belong to the society have been grabbed while the ownership of others are court dispute cases. Because there is absence of ownership, it is not a must for the society to build houses. Kenyans develop appetite for land when they walk and see idle land that is not fenced and housed, and they eventually move in and occupy it. This behaviour is with some rich people. Some pieces of land are occupied by squatters.

The Committee recommended that within three months upon adoption of this Report, the Accounting Officer of the Child Welfare Society should liaise with the Ministry of Lands and the National Land Commission to ensure that he secures ownership documents for all the society's land and report back to the National Assembly. It is the mandate of the Ministry of Lands, particularly the National Land Commission to identify and secure Government land, and to ensure that the Government agency has the necessary documents. The Committee also said that, within three months upon adoption of this Report, the accounting officer should expedite the conclusion of the court cases, fast-track the acquisition of title deeds and submit a status report to the Committee.

The Committee recommended that what is important be expedited because the CEO of Child Welfare Society indicated to the Committee that, on some of the matters that were pending in court, there were people who are keen on resolving them out of court but her

hands were tied in terms of resolution. Therefore, the Committee felt that it is important she scales that up and negotiates out of court so that they resolve arising disputes.

On fencing, some people have encroached into the Child Welfare Society's land. The CEO is not able to access it. That is not an issue to wait for Parliament to resolve. She should get police officers and quickly move in. She has the land title deed. The land belongs to the Child Welfare Society.

On budget and budgetary controls, particularly on revenue that I earlier on alluded to, I want to repeat that, the child Welfare Society reported a shortfall for failing to receive Ksh2, 611, 269, 087, which was 76 per cent of their budget revenue. How do you run a corporation with a 76 per cent budget cut from your budget? The shortfall affected the planned activities and impacted negatively on service delivery to the public. The Committee recommended that, at all times, the Accounting Officer should ensure that the budget is realistic, achievable and always adheres to their annual work plans, procurement plans and revenue collection schedules in compliance with Regulation 44(2) of the Public Finance Management (national Government) Regulations of 2015. The Committee also recommended that the National Treasury should endeavour to always provide adequate funds to enable the society to achieve its mandate. The CEO explained that the entire 76 per cent was funded by the National Treasury, which one morning woke up and took away the entire budget.

I want to move the House to a specific society, the SASRA. In the Financial Year 2017/2018, SASRA had an issue of governance. It lacked a board chairperson. It operated without a substantive chairperson contrary to Section 1 of the Mwongozo Code of Governance and Section 6(1) (a) of the State Corporations Act, CAP. 446. Running an organisation without a chairperson is a serious breach. The Committee recommended that, it reprimands the then Cabinet Secretary for Cooperatives and Micro Small and Medium Enterprises Development for the delay in constituting the existing vacancies in the Sacco Societies Regulatory Authority's Board. This is purely the mandate of the Cabinet Secretary in charge, who we are calling to order that he should not allow such an agency to run for too long without a chairperson and expect budgets to be undertaken. This is not only provided for by the Mwongozo Code, but the PFM Act also provides that you can only take money where the agency is properly constituted and the taxpayers' money is properly safeguarded. Therefore, that was an offence and we call the Cabinet Secretary responsible to order.

In the Financial Year 2018/2019, there was an observation on SASRA's financial performance. The Authority's total expenditure was higher than its total revenue, occasioning a deficit amounting to Ksh45,539,596. This affects the planned activities and negatively impacts service delivery to the public. This is a unique scenario where an agency spends more than what it has budgeted for. What does this mean? It means that the money spent has not been approved within the statutes of the budgeting process, and that the agency generated some income but spent it without the approval of the National Treasury and Parliament. This is against the law. This poor financial performance, if not addressed through an effective strategy, may lead to severe financial and operational difficulties in the near future.

The issue with SASRA began in the financial years 2017/2018 and 2019/2020. Had we adequately safeguarded against this, the situation would not have deteriorated as it has in the last year and early this year, as reflected in the newspaper reports and the audited accounts for the Financial Year 2023/2024.

We recommend that within three months of the adoption of this report, the Accounting Officer should document and submit a report to the respective departmental committee on the cost-effective strategies devised to enhance revenue generation in order to effectively fulfil its supervisory and regulatory mandate as per the amended *Mwongozo* Code of 2011. We referred this to the departmental committee because it involves day-to-day operations, and we want to engage the committee in charge of the SASRA to oversee the budgets. The law requires every agency to submit budgets and expenditures to this House every quarter. Therefore, we refer it back to the departmental committee so that they can closely monitor this agency to ensure that by the time we review the annual accounts, we clearly understand the position of the SASRA.

Finally, I wish to inform the House about our observations concerning the KIPPRA. In the Financial Year 2014/2015, there were significant issues regarding property, plant, and equipment. The Accounting Officer was found to be in breach of Regulation 139 of the PFM (national Government) Regulation 2015, which requires accounting officers of the national Government to take full responsibility and ensure proper control systems are in place to safeguard assets. The International Accounting Standard No.16 requires entities to disclose adequate, relevant, representative and faithful information about property, plant and equipment to enable users of these financial statements to understand and evaluate the impact of these assets on the financial position and cash flow of the entity.

Furthermore, Section 21 of the KIPPRA Act requires the institute to maintain proper records of accounts, including incomes, expenditures, assets, and liabilities. In summary, the accounts were inconsistent. The auditor raised concerns that they were unable to identify specific transactions as required.

The second observation is that the committee noted with concern that while KIPPRA holds the title to the land, it does not have physical access to it as the Department of Veterinary Services has fenced off and blocked KIPPRA from accessing the land. This situation calls for the Head of Public Service to engage both agencies and determine who should access the land. The Kenya Institute for Public Policy Research and Analysis possesses the title deed, yet the Department of Veterinary Services has obstructed access. However, the Government institutions cannot fight each other. We call upon the Head of Public Service to streamline the agencies so that each has distinct mandates and can operate effectively without being hindered by another.

In addition, the Committee noted that by the time of this audit, the revaluation of the land had been completed. However, the institute failed to disclose the value of the land in its financial statements. It is only possible to value the land when you possess the title. Since KIPPRA holds the title to the land, it was able to establish its value. Nevertheless, they did not disclose this value in the financial statements, contrary to the PFM regulations and international accounting standards. From the Financial Year 2016/2017 onwards, the value of the land has been incorporated in the financial statements. This indicates that it was only after we raised the issue that they were compelled to disclose the land value in subsequent financial statements, which is wrong. This constitutes a non-disclosure, which carries legal penalties.

We recommend that the Accounting Officer ensures that the provisions of Regulation 139 of the PFM (national Government) 2015 are strictly adhered to at all times for proper

asset management. Within three months upon adoption of this report, the Cabinet Secretary in charge of National Treasury and Economic Planning, together with the Cabinet Secretary in charge of Agriculture and Livestock Development, and in conjunction with the National Land Commission, should fast-track and resolve the issue of the KIPPRA land.

The issue of board expenses was also raised whereby KIPPRA management disclosed board expenses under general expenses, which contravenes the guidelines issued by the Public Sector Accounting Standards Board. The guidelines require each public entity to report board expenses as a distinct expenditure. This is a means of financial engineering that obscures expenses, thereby making financial statements appear smarter, yet the board expenses have exceeded what is allowed in terms of expenditure and the number of sittings the board is allowed to hold. As a result, the auditors flagged this as a significant issue.

During the financial year 2015/2016, the board expenses increased to Ksh10,305,000 from Ksh5,839, 000 for the preceding year, representing an increase of approximately 77 per cent. This increase was largely due to the board holding numerous meetings concerning operational functions rather than focusing on strategic functions. It is important to note that a board has limitations on the number of meetings it can hold, and these limits cannot be exceeded by the board creating its own activities merely to facilitate remuneration for the directors. We deemed this approach to be against the law, and therefore, we have made the following recommendation.

The Accounting Officer should always adhere to the provisions of Section 81, particularly subsection 3 of the PFM Act Cap.412A, with regard to the guidance issued by the Public Sector Accounting Standards Board. This stipulates that one must report transactions accurately where they belong. It is unacceptable to conceal information by misclassifying entries into a major account to evade the proper declaration of entries. Claims of transposition errors or errors of omission are often used by accounting officers as excuses to manipulate their financial statements.

In conclusion, allow me to thank the Members of my committee, particularly the Vice-Chairman, Hon. Caleb Amisi. I appreciate the presence of other Members, including the distinguished Member for Kwanza and the Member for Othaya alongside the great Member for Kaiti, who is waiting to speak. I extend my gratitude to all my colleagues who supported me in compiling this report. This report has been fully approved by the entire membership. I also wish to acknowledge the Secretariat, especially the Clerk of the National Assembly and the Director of Committee Services, for their tireless efforts in ensuring that this Report is comprehensive and informative for both the House and the citizens of Kenya.

With those remarks, I beg to move and ask the great Member for Kwanza, the Hon. Ferdinand Wanyonyi, to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ferdinand Wanyonyi.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Speaker, I am grateful to the Chairman for providing such detailed information. We have thoroughly reviewed all of this, and the only action we have taken is to establish a timeframe within which the necessary corrections must be diligently implemented. Agencies may even appear before this House so that we can be able to effectively do what we are supposed to. There are five parastatals, and you can see that some of them are minor. Some of them are a source of corruption in this country. The Chairman has detailed all the items that we have gone through.

I want to take this opportunity on behalf of the other Members of this Committee to thank him for bringing this detailed Report to the House. I do believe that what has come out and is more serious is that a parastatal or a decent organisation has a title deed, but they cannot access the land, while others have land but have no title deeds. The sum total of all these is corruption. Those who feel that maybe the Committee may not be as effective will be called in this House to give answers that are clear.

Additionally, the Chairman has pointed out that sometimes it takes almost three years for the managers of these parastatals to get a Chairman for the Board. As a Kenyan, I know what this means. There is more to it. How do they operate without a Chairman?

Also, there are pending cases in court. We want to give them a deadline that the court cases should be taken seriously and solved within three months. I have heard you agree.

They also have a budget. They are given money, but on paper, you find the funding is too low; hence, disbursement becomes an issue. How do they operate? They are not encouraging people to do what is supposed to be done. For example, we want the NSSF to be investigated thoroughly on the Ksh100 million issue that our Chairman has mentioned.

I do not want to repeat what the Chairman has said since he has been clear. Some of these parastatals are banking fake slips because the people handling cash are trying to balance the books. We have noted all those issues, and we will deal with them.

I take this opportunity to thank my Chairman for coming up with this detailed Report. I second the Report.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): I will give Members who would like to contribute to this Motion the opportunity to do so. I would first like to commend the Chairperson of the Public Investments Committee on Social Services, Administration and Agriculture. Never, while presiding, I have seen a Motion so well moved in detail and with the requisite effectiveness. I hope all Chairpersons of Committees were watching the proceedings as you moved, and as you were ably seconded by Hon. Ferdinand Wanyonyi. That is how we want Motions to be moved, particularly when they concern such reports. You moved so well that any Member contributing has a lot ease knowing what this bulky Report is about. In fact, I dare say that in a number of jurisdictions a decision would be made straight way. That really helps not just the House but also informs Kenyans watching the proceedings of what it is engaged in.

Let me, first, recognise Hon. Njeri Maina, who is referred to outside the House as *itungati*. She has, of course, refused to tell the House what that fond name means.

Hon. Njeri Maina, proceed.

Hon. Njeri Maina (Kirinyaga County, UDA): Thank you, Hon. Temporary Speaker. The name *itungati* means true servant of the people. It is my honour to carry out that sacred duty. Allow me to thank the Chairperson and the Committee for a very well-detailed document that espouses the issues bedevilling our parastatals and state agencies. The very good Member of Parliament, Hon. Wanyonyi, talked about corruption. Recently, the Auditor-General flagged a loss of over Ksh9 billion from the e-Citizen platform, a one-stop shop for all Government services. I wonder how long we will continue to speak about corruption in

this country without measures being put in place and action taken against the perpetrators of economic violence. Our young people are languishing in poverty. They do not have employment opportunities because of those who seek to drain this country of its resources to the very end of it.

Allow me to highlight the issues of the Child Welfare Society of Kenya, a very important Semi-Autonomous Government Agency (SAGA) that is mandated with protection, welfare and care of our children. In light of the British Broadcasting Corporation (BBC) exposé, it is very disheartening to watch such news in this day and age. As a country, we have failed to protect our children, who are as young as 10 years, from sexual exploitation.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Njeri Maina, permit me to intervene in your contribution and welcome a visiting institution, seated in the Public Gallery. Hon. Members, in the Public Gallery, we have students of Chemalal Sunshine Academy Primary School from Konoin Constituency in the great Bomet County. On my own behalf and that of the National Assembly, the students, their teachers and the entire institution is welcome to this House to observe proceedings.

Thank you very much. Hon. Njeri, you can now proceed.

Hon. Njeri Maina (Kirinyaga County, UDA): Hon. Temporary Speaker, the Child Welfare Society of Kenya is a very integral part of the very foundations of the future that we seek to be better for our children. You just need to take a walk in Nairobi's CBD, where you will find as young as six year or seven year-old, who should be in school. However, even on school days, they are out on the streets begging. If you take a keener look into the issue, you will find out that there is someone always at the end of the street who seems to be running the show and getting the proceeds that the children raise. Why are we allowing this? When children should be in school, or participating in extra-curricular activities like their age-mates, they are being subjected to such inhumane acts and exploitation whereby they are being recorded for sex trafficking to entertain adults.

As a nation, we must ask ourselves questions. The able Chair told us that funds that had been allocated to Child Welfare Society of Kenya were reallocated to another Vote Head by the National Treasury. How then is a welfare society which is mandated to protect our children supposed to operate? Even as we raise the issue of governance, we must fully equip necessary parastatals like Child Welfare Society of Kenya to ensure that they execute their mandate and do so as per the requirement and the current needs of our nations.

My attention is also drawn to the NSSF. Recently, we saw an audit report where the Auditor-General indicated that over Ksh16 billion had been lost and unaccounted for by NSSF. Retirees worked for many years saving their meagre earnings so that they could have an easier life after retiring — to access healthcare services and to put a meal on the table. However, we have an institution that is so diabolically corrupt, and hell-bent on impoverishing retirees. You will be shocked to learn that over Ksh900 million was apparently wrongfully paid to KRA as tax revenue even after they were tax exempt. Who is responsible for such negligence? Someone must be held to account. The NSSF and KRA are both Government agencies. Therefore, to say that they were unaware that they should not be remitting any tax means that they have failed in their job of protecting the meagre savings of retirees.

Further, they invested Ksh115 million on a parcel of land whose title deed has since been revoked. Even a first-year law student will tell you that you have to do due diligence before you purchase any property. It is incumbent upon the buyer to execute the duty of due diligence. The Auditor-General further flagged out investment into Government bonds that has derogated the Fund further and taken away from the bonuses that retirees should be receiving. As a House, we have been informed, through this Report, and we cannot be blind to this. Someone must be held to account. If it is a veil, it must be taken off. The person who made those investments or is culpable of negligence that cost the Kenyan retirees must refund those monies. Both you and I will be old at some point. We should afford a kilogramme of rice, because I do not think we will have teeth at certain age. We should also have an easier life, access healthcare and other social amenities.

Once again, I commend or applaud this esteemed Committee. Other committees should learn from them.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, *Mutungati*. Hon. Rindikiri Mugambi, who is the Member for Buuri, will now speak.

Hon. Muchangi Karemba (Runyenjes, UDA): On a point of order, Hon. Temporary Speaker.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I do not know if the point of order that my colleague wants to raise relates to the contributor who has just sat down.

Hon. Muchangi Karemba (Runyenjes, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Eric Muchangi, my silence means that I have not recognised you. You will remain quiet until I do so. If you continue, the consequences are also in the Standing Orders.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Karemba and I have something in common. However, mine is natural while his was fixed. He is most likely wondering why this man with grey hair is speaking about in front of him, yet he is a dignified Member.

The Temporary Speaker (Hon. Peter Kaluma): May Hon. Eric Muchangi approach Hon. Temporary Speaker?

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, I take this opportunity to congratulate the Chairman and Committee for presenting a very well detailed Report.

Firstly, it has brought out clearly the governance failure by various organisations which are stated here. Governance is essential in the running of government and private sector businesses. It sets the correct systems under which these organisations are governed and operated. When we have a mechanism that does not achieve the desired goals, it shows that organisation is on the path of death.

The principles of corporate governance apply to these institutions. The NSSF, the Communication Authority of Kenya, the Child Welfare Society of Kenya, the SASRA, and the KIPPRA are very important institutions. The NSSF is the organisation charged with the responsibility of investing our savings. I did not expect that this organisation would be in this group of non-performing entities but it is not performing. It has been brought out as an

organisation that is not compliant to corporate governance. This tells me that there is a problem with the people charged with running this organisation. It is not an issue of delayed appointments. There is CEO who is in-charge of the operations of the institution. The board is an advisory board but technically, the staff headed by the CEO are the ones in-charge of day-to-day mechanisms of running the organisation. All these institutions are governed by law; the State Corporations Act. The NSSF, the CA and all the others are running under Acts and so they cannot run away. The most unfortunate thing is that these are delayed reports. They are coming five years later. We do not know what has happened between 2020 and 2025, which means we have a deeper problem and we cannot pretend.

Hon. Temporary Speaker, the NSSF should be investing my money for my retirement yet we are hearing that money is coming out. They do not even know what they should pay, when they should pay and how they should pay. Surely? His Excellency the President is trying to bring about a policy on enhancement of savings but these people are misusing the little they are given. Hon. Chairman, excuse me if you brought this out but what I did not hear from the Committee is the action that needs to be taken against the people handling these kinds of activities. It should come out clearly. You need to tell Kenyans that you have recommended that these people be prosecuted and not to be reprimanded. These are people who need to exit the institutions.

The CA is the organisation charged with the responsibility of the entire communication networks yet it is now being cited as among the inefficient entities. I think something is not right. This is not an issue of the Government. It is specific people charged with these responsibilities but they are not executing them effectively.

What about the Children Welfare Society? Excuse me! Our children. We should not even be discussing this. These are things that I call “automatic.” They need to be funded automatically. Any sane accounting officer, Principal Secretary or Cabinet Secretary knows that matters of our children should be given first priority. Truly, do we understand our moral responsibilities for our children if an institution that is charged with taking care of our children is not properly funded? We have a problem and we need to speak up. I am shocked by SASRA, where we put our savings. Something is wrong. Some of the principles of good governance are accountability and transparency. We need functional and effective institutions. These organisations are flouted and should be moved from the first category of institutions to the third category. They should be downgraded and action taken.

The Kenya Institute of Policy is in charge of making policies and advising the government. Right now, they cannot operate or advise on who owns the land. That is serious. We cannot have the Government fighting itself. We cannot have an institution charged with policy and research, recommending how we operate, being denied access to land where they need to build their headquarters. What are we talking about? Why can we not have whoever is denying them entry arrested? They need to be arrested or summoned. We have the Head of Public Service. What is his responsibility if he cannot intervene in something like this?

That is why we are saying the Government is performing but some people charged with responsibilities are not taking the job seriously. Time has come. As we forge ahead to prove that the Government is working, we need to deal with the things that are bringing it down...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Rindikiri, I had not made a decision on your request. You will have two minutes because you are making a critical contribution.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, we blame the Government but it is not President William Ruto or the Deputy President. It is the specific people charged with some responsibilities who are letting him down. Every day, we talk about the NSSF encouraging people to save but now, even as we contribute more to this Fund, we are not sure about what the organisation is doing. I believe some of these people have committed economic crimes, particularly the CEOs. They should save their faces by exiting, if they cannot manage. They are letting down the Government, and we should call them out openly. We cannot encourage people to save and then have someone misuse the money. We cannot account for money while they provide ineffective services. Our children are suffering, but they are not feeling it. We are not even sure about our money in SACCOs. We, in Government, are saying that these people need to be in the gallows in the morning.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Joshua Kimilu is now recognised to make his contributions.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker, for giving me the opportunity. I thank my Chairman and the Members of the Committee. I am also a Member of this Committee. I thank everyone for the tireless work they did to come up with this Report. I remember when we started this Committee with some of my colleagues like Hon. Wanyonyi. By then Hon. Wanyonyi was as brown as Hon. Njeri but you can now see that he is turning black because of the heavy work we have been doing to make sure that we give Kenyans the best. When we are in the Committee, we are always very serious. We would make sure that we got everything right. The good work you have seen in this Report is because of our devotion.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ferdinand Wanyonyi, what is out of order?

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Speaker, is my colleague in order to tell me that I am turning dark because of working in that Committee? Can he explain how I am getting dark? He says I was brown but now I am getting dark. Can he explain? It is a bit embarrassing. I am black. I am an African.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ferdinand Wanyonyi, you know in law there is a doctrine called *res ipsa loquitur*. Hon. Njeri Maina will tell you what it means but the last time I remembered, we were told it means that facts speak for themselves. Hon. Joshua Kimilu has said you are black and from this Chair I do not see you different from that in terms of complexion. So, unless there is some falsehood, I will not require Hon. Joshua Kimilu to substantiate the obvious.

Hon. Kimilu, proceed.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker. I confirm that Hon. Wanyonyi is black, so that he can be satisfied.

On the Report, we have highlighted some recommendations. An organisation like the CWSK is a very serious institution. Some years back, when I joined Parliament, I had a case in my constituency where a child had been defiled by the father for several years. The case was taken up by the CWSK. They intervened and the girl is now in high school and doing very well. Some of these institutions need to be protected and given the necessary attention. We found that some of these institutions, like the CWSK, have pieces of land without title deeds. It looks funny because we have a government. This is something which needs to be done within seven days. I know it is possible because we have a running Government. We have recommended that the Ministry of Lands, Public Works, Housing and Urban Development needs to move with speed and give these organisations their title deeds because it is their right. Some people take advantage of the situation and grab the land. There are too many land grabbers in this country. Some of the grabbers are staff of the institutions. And some of the cases are not brought out in daylight like we have done in our Committee. The Committee on Implementation should take our Committee's recommendations seriously. Once the Report is implemented, you will see change in this country.

The SASRA operated for two good years without a chairman. It is funny when a board can go for two good years without a chairman. As a Committee, we want to seal some of these loopholes. This country needs people to work hard. Once we seal the loopholes, we will save money for Kenya. When a board runs without a chairman and full membership, messy things can be done in the process. The NSSF takes care of retirees' pension funds. That is why we recommended further investigation into the missing Ksh100 million. The matter should be taken seriously so that the truth is uncovered. The organisation takes care of our elderly who have invested their money there. We do not want cases whereby we do not know how the organisation lost funds or how the funds were spent.

As my colleague mentioned, the problem with our country is corruption. We proposed this recommendation because we want to clean up our institutions. It sometimes takes many years before the truth comes out. The Committee Report recommended that action be taken immediately. We set a time limit of six months in the Report. One problem we face is that after the staff of those organisations make a mess, some of them retire, others die, while others move to other organisations before the mess is uncovered. However, we want to get it right this time so that we help Kenyans and save resources.

[The Temporary Speaker (Hon. Peter Kaluma) left the Chair]

[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]

The CA carries very sensitive information for our country. Any loophole risks jeopardising important information for our country. Some of those organisations need to be investigated so that everything comes out. Proper implementation of this Report will serve as an example to other reports tabled in this House.

As I conclude, I want to thank the Members of my Committee, led by the Chairman and the secretariat, for the unity we enjoyed during the report-writing exercise. We spent almost three days writing this Report because we wanted to give our best. Our Committee has

done a good job. I support the Report. I want the other Committees to follow suit by giving Kenyans good, truthful and timely reports so that we can help our country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well, Hon. Member. Let us make progress. Hon. Jackson Kosgei.

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Thank you, Hon. Temporary Speaker. I am also a Member of this Committee. At the outset, I want to congratulate our Chairman for ably presenting the Committee Report on various State corporations and agencies. As we know, Kenya has numerous State agencies created by law that play various roles in service delivery, regulation, and development. Their purpose is to serve Kenyans.

Because Members have exhaustively contributed about the NSSF, I want to draw the attention of the House to the Child Welfare Society of Kenya. Children are our heritage. The attention we pay to this institution... This institution will demonstrate how we, as parents, leaders and a country, care about the future. Our children need protection and an organisation clearly defined by law. When we were interacting with the reports on child welfare, we discovered the need to relook at the status in terms of its definition and position in law. At one time, it was declared a trust with very strong legal backing, meaning it could not be tampered with or changed by anyone. If you look at it closely, it appears to be a private entity. At another time, it was made a corporation, and later that status was repealed. There is something wrong with the status of this entity.

Secondly, I want to draw the attention of the House to our observation that, among others, State agencies show laxity in availing land which hosts development. Some of these institutions enjoy donor funding, and one of the conditions is that the entity must have land owned and registered under its name. I wish to remind the House, because we know that the Constitution of Kenya, in Article 53 read together with the Children Act and the African Charter on the Rights and Welfare of the child, which is another important instrument, affirms the importance of our children. As we debate this Report, it is important to pay attention to some details. Children must enjoy our protection as a nation and families. They are entitled to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, and hazardous and exploitative labour.

As we consider this Report, there are two important things we would like Members of this House and the nation to note. The first is funding. I do not understand why those responsible for fiscal planning of this country, particularly the Ministry of National Treasury and Economic Planning, would consider giving a better budget to our children as a burden to the economy. This is an institution that requires priority because it is about our future. It is about the inheritance of this country.

Secondly, there is the recent merger of some entities. The reason given by the task force was that some of these entities were a liability to the country. They said that the Child Welfare Society was going to be merged with others. They also included some institutions that protect our children, like the Kenya Film Classification Board. This is a regulator that controls content and ensures that what we watch in our houses is regulated and that our children are protected from harmful films.

The recommendation before this House is that these institutions should be dissolved, the Act protecting them repealed and the functions transferred as a department in a small

corner in one of the ministries. In the interest of our children, we must value institutions that take care of them. Britain, South Africa and Canada have these institutions and have enhanced them. America has it. India has it, and so do several other countries, including Australia. As the Report comes to the House for discussion, in the interest of our children, let us not only protect these institutions but also finance them and enhance their capacity in protecting our children.

With those remarks, I support the Report.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Hon. Eric Muchangi, before we listen to Hon. Adan Keynan.

Hon. Eric Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker, for the opportunity. From the outset, I support this Report by Hon. Wangwe. It is a very good job done by his Committee. One of the things that I have observed in this Report is that in so many instances, the Committee observed that there was violation of the Public Finance Management Act, the Public Audit Act, and the Income Tax Act by the accounting officers. It is important that we do not leave it at us observing that they have violated the provisions of the law. Their continued violation of the laws is why we continue losing resources as a country. I believe this country has a lot of resources, especially those contributed in form of taxes. If this money is not wasted, there is so much we can do.

The Ethics and Anti-Corruption Commission (EACC) should move with speed, now that it has been granted prosecutorial powers, to ensure that there is compliance with the laws, so that we do not continue having our resources wasted or stolen.

We also must look into the issue of allocating more funds to the Office of the Auditor-General. If this Office is adequately resourced, it is possible for them to help us understand how our resources are being utilised by the parastatals and many other entities where public resources are expended.

Hon. Temporary Speaker, I stop there and support this Report.

The Temporary Speaker (Hon. Omboko Milemba): I was keen when one of the Members spoke about one of the entities, which looks like a private institution. You have been the Chairman of the Departmental Committee on Labour and when we interacted with the institution concerning child welfare, at one time it looked like a private institution. Hon. Chairman, deal with that matter more seriously.

Let us listen to Hon. Adan Keynan.

Hon. Adan Keynan (Eldas, JP): Hon. Temporary Speaker, from the outset, allow me to congratulate the Committee for bringing this great Report. Having once chaired this former giant committee called the PIC and having gone through this Report, I now realise why it was important to split the Committee into sector-based committees. During my tenure as a Chairman, it never dawned on us to go through the accounts of the Child Welfare Society of Kenya.

Having said that, there are a number of things that we need to look at. We have invoked the Public Finance Management Act, the Public Audit Act, the State Corporations Act, the Public Procurement and Asset Disposal Act, which has a new name, the National Assembly Standing Orders, the National Assembly (Powers and Privileges) Act, which was my Bill, and the Constitution.

Hon. Temporary Speaker, what comes to mind is the relevance of Parliament as a true representative of the people, and, second, the reason the framers of the Constitution 2010 allowed the Office of the Auditor-General to be completely independent. If we combine the roles of these two constitutional entities, Parliament as a true representative of the people, and the Office of the Auditor-General, then we will be in a position to look critically at the financial performance of some of these entities on compliance with the financial management and regulation system, their governance structure, and their operational efficiency. Why do I say this? I am sure you are aware that NSSF has been in existence for many years.

You are a veteran trade unionist. The NSSF of yesteryears and the current one are completely different. I commend the Government, in particular the President, for taking bold steps. The NSSF of yesteryears used to be a cashcow and mechanism for the politically correct. It used to be a haven for land grabbers and the epicentre of corruption to the extent that the retirees used to wonder whether they would get their pension and benefits. I was told that NSSF collects a whopping over Ksh8 billion monthly.

The countries that have joined the league of developed nations like Malaysia and our neighbour, Tanzania, borrow from their social security funds to manage critical national infrastructure projects. If you go to Malaysia, you will see that the management of its social security fund is like a quasi-government. Our brothers in Tanzania have done the same. Is it not time that we did the same and used NSSF resources properly to undertake critical national infrastructure? This will reduce the cost of our external debt and the depletion of our Foreign exchange (Forex). I commend the Chairman and team and urge them to further look into the financial management of NSSF critically, so that we have a reformed and efficiently managed entity.

This is what this country, the current generation, and the next one need. This is what we needed yesterday, but it did not happen. This is the NSSF that I look forward to see. I commend its management led by Mr Koross for this bold and decisive step. This is not the end. We want them to move further and ensure that it becomes the best quasi-government agency, not only in Kenya but also in the entire East Africa. They have the capacity to do so.

If you also look at this Report, another critical agency that has been mentioned is the CA. We are in the era of social media dominance, Artificial Intelligence (AI), and lobbying. I urge the CA to up its game and ensure that every Kenyan abides by the law, so that there is fairness in the dissemination of information, criticism, and how some of the activities are carried out. That does not mean that they should apply draconian rules. Allow people the freedom to utilise their social media space. However, it must be done with civility and adherence to the rule of law. I thank the Chairperson and his team for also looking into the accounts of the CA.

The other one is the KIPPRA. Any country that does not invest in research, public policy and analysis is hellbent on not developing. Those of us who have gone to school understand the eminence and preponderance of research. Research is the basis, not only for academic excellence, but also for technological innovation, business opportunities, economic expansion, and getting the right information. That institution is not just for professors and academic giants, but it is also supposed to provide the bulwark of some of the finest research in the country. Kenya must benefit from the research generated and disseminated by these key agencies, so that we can move to the next stage and join the league of highly

sophisticated and technologically oriented nations in the world. That is where Kenya should be.

The other critical institution is the Child Welfare Society of Kenya. We need to look into it so that it remains alive to its core mandate.

Next is the SASRA. SACCOS in the country need to be regulated. Hon. Temporary Speaker, you are a product of that entity. Regulation cannot exist unless we have an effective, efficient, and highly managed SASRA. I am told that there is a delay in the appointment of the Chairperson of the Authority. That should not happen! It needs to be addressed.

A number of issues have come to the fore in the Report. First, is the need to uphold public accountability. The framers of the current Constitution stipulated that Members of Parliament shall exercise the sovereign power of the people, which is critical to any nation. The Committee's oversight role provides for the continuation and performance of Members of Parliament. I thank the Members of the Committee for taking time to analyse and prepare this Report.

We are a country that believes in the rule of law. Therefore, we must be ready to catalyse our governance and financial reforms. No clear framework existed in the past. Considering that this is the fourth Report tabled by the Committee since its formation, it is only fair that we look at some of the inefficiencies that require institutional restructuring, stronger audit measures, and tighter risk management. This Committee, led by my former able Whip is up to the task.

We need to restore public confidence, which has been waning recently. Therefore, part of this Committee's critical role is to restore public confidence. Perception is very important. Kenyans must have faith in their institutions. This is a timely Report because it will restore public confidence. Once again, I thank the Chairperson and the members of the Committee for taking time to restore public trust and transparency in how some of these organisations are managed.

The shaping of budget and policy decisions is a critical component...

The Temporary Speaker (Hon. Omboko Milemba): Give him two more minutes.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. We need to solve certain challenges either through legislative means or regulatory frameworks. Which one will we use? We are still using outdated audit timelines, which must be addressed so that Kenyans can benefit from some of the best, modern-day financial management systems.

Recurring irregularities across institutions must be addressed. We have seen unsupported expenditures, unreconciled bank accounts, and violation of procurement regulations, which must come to an end. That is why we have a well-funded independent audit office. I urge managements of some of these institutions to ensure they qualify for clean audit accounts that boost credibility of institutions.

Poor implementation of the recommendations we pass is the other problem. You were in Parliament when we deliberately formed the Committee on Implementation. We need to see the activities and works of that Committee. It is only fair that the Committee brings a Report and somebody outside checks implementation of parliamentary recommendations. I think the Committee has done that, but we need to see more.

The other bit concerns limited institutional coverage. The Report reviews only a subset of State corporations. Therefore, we need to look at a number of other issues. Is

Kenya's public aware of its critical role in public engagements? The public needs to understand, be part of audit, and be informed so that institutions are not managed in a very opaque manner. Institutions must be open to public scrutiny and allow every Kenyan, as a stakeholder, to understand how they work. Times are changing.

You have seen the much unemployment in Kenya today. There is the Gen Z effect. These realities can only be addressed if all of us remain alive to the expectations of the Kenyan public. That is why I commend the Committee and urge managements of institutions to go back to the drawing board and provide avenues that will enable Kenyan youth to get opportunities to expand their talents, get into business, and grow professionally.

As I conclude, it is one thing to bring a Report and another to live by it. We, as representatives of the people, particularly as Members of the 13th Parliament, represent the people at a time when there is serious global phenomena such as the Middle East war, the crisis in America, and our regional challenges. May Kenya be the haven of not only the East African Community and the south of Sahara but also of the entire continent.

Kenya must provide leadership at not only the political level but also at the economic level. This cannot be achieved if our institutions are not managed to the best of the expectations of the Kenyan public. That is why we have many communities and people from all over the world coming to Kenya to benchmark. I thank the Committee and the entire House. This Report is good. Chairman, as you go back, make sure to bring annual audit Reports for the House to consider.

I support. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well, veteran legislator, Adan Keynan. I think you were at one time the Chair of that Committee.

I cannot see any more interest on this from Members who just walked in. There being no further interest, I ask the Mover to reply.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you. Allow me to thank my colleagues for going through the Report and giving their input. I also thank my senior, Hon. Adan Keynan, for looking at the issues critically. As my predecessor, he knows the volume of work that my Committee undertook to produce this Report.

Allow me to mention just one thing that he really touched on: the NSSF. This Report is looking at NSSF's 2016/2017, 2017/2018, and 2018/2019 financial years. We are going to file the 7th Report that is currently under quality control. It is really a good Report. The House will look at it and see the transformation of NSSF today. It covers two financial years, 2021/2022 and 2022/2023. That means the Report really envisages what Hon. Adan has mentioned. It is a good thing. Him being an elder and having seen what happens elsewhere, it is worth noting that he has put it very clearly. I thank my colleagues who contributed. I also thank you, Hon. Temporary Speaker, for taking your time to go through the Report. You sat, watched, and listened keenly to what we produced in the Committee and now in the plenary.

I beg to reply.

The Temporary Speaker (Hon. Omboko Milemba): Thank you, Hon. Members.

(Putting of the Question deferred)

Next Order.

MOTION

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 to 2021/2022, laid on the Table of the House on Tuesday, 29th July 2025.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, the Chairperson of the Special Funds Accounts Committee had sought to recuse herself because she is attending another important Government and parliamentary function. Therefore, this item should be deferred to the next time it is scheduled on the Order Paper.

(Motion deferred)

Next Order.

BILL

Second Reading

THE KENYAN SIGN LANGUAGE BILL (Senate Bill No.9 of 2023)

The Temporary Speaker (Hon. Omboko Milemba): Hon. Umulkher Harun.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Speaker. I beg to move that the Kenya Sign Language Bill (Senate Bill No.9 of 2023) be now read a Second Time.

The Bill is co-sponsored by Senator Crystal Asige and I. This is because there are many challenges affecting the deaf community, particularly regarding the Kenyan Sign Language as a language. Breaking down the contents of this Bill, the Kenyan Constitution recognises three official languages: English, Kiswahili, and Sign Language. However, if you look at the curriculum and what our children are taught from the foundational level, Sign Language is mostly treated as an optional subject. This Bill includes a component that advocates for Kenya Sign Language to be taught officially in our schools. This ensures that young people, as they grow and go through different levels of education, can communicate with the deaf community. For deaf people, interpretation is their main form of communication.

Kenya is one of the most progressive countries in the world, with a Constitution that recognises Sign Language as an official language. South Africa was the second country to follow our lead. This is very encouraging, and we must continue supporting the deaf community. The Bill also addresses early assessment, so that children who are deaf can be

identified at an early stage. In many developed countries or countries that prioritise support for the deaf, early assessment and testing are standard procedures immediately after birth. In our hospitals, when a child is born, they are given vaccinations such as the *Bacillus Calmette-Guérin* (BCG). However, tests to determine if a child is deaf or blind are often not done, yet some of these conditions can be addressed if detected early. The Bill seeks to incorporate that component, so we can better support this community.

According to data from the World Health Organisation (WHO), Kenya has 2.5 million deaf people at any given time. The Bill is crucial for supporting them not only as a matter of access, but also as a human rights issue. Kenya is well known for upholding such values.

The Bill also proposes the establishment of a council. This matter will be introduced as an amendment. I sponsored a similar Bill in the National Assembly, and one also came from the Senate. At the amendment stage, I will propose the inclusion of the Kenya Sign Language Council.

Hon. Temporary Speaker, the argument of this Bill is not to look at Sign Language and the Kenya Sign Language Bill as a disability issue, but as a language issue, just as the Constitution recognises. There is, therefore, need for us to have the Kenya Sign Language Council. Some interpreters go to school for two weeks and get interpretation certificates while some attend university up to four years to be able to learn Sign Language. All of them end up with a certificate that allows them to practice, but this needs to be regulated. Some time back, there was a funeral activity that was happening in South Africa and the interpreter was misleading everybody on national television. It is because there was no regulation. This Bill is proposing to have the Kenya Sign Language Council, which will regulate interpreters across the country. This will enable us support deaf people so that they get interpreters at all levels.

If you look at our education system, we have gone to school with deaf children at primary and secondary level but most deaf children are not able to transition to tertiary and university levels, like the University of Nairobi or Kenyatta University. Most of them end up in colleges and they drop out. This Bill will also curb and support the transition rates of deaf children because most of them end up taking short courses at the Kenya Institute of Special Education (KISE) and their education ends there. We rarely see medical doctors or teachers who are deaf, and it is not because they are disabled. They are abled differently. This Bill proposes that each student, university, hospital, or police station has interpreters. For instance, with the rising cases of Gender Based Violence (GBV), when a deaf person goes to the police station to file a report, nobody can communicate with them. This Bill is providing the creation of the Council so that it can regulate interpreters and thereafter, we can deploy them across every public institution.

The Bill also proposes to have Telco providers supporting the deaf community. Telco providers like Safaricom and Airtel have different kinds of promotions, but they forget to include the deaf who use video conferencing as their main mode of communication. This proves to be very expensive because they spend on data bundles each and every time. The Bill will challenge Telco providers to have inclusive programmes and support that will directly support the deaf community. I am very passionate about this Bill because I drafted it myself, alongside the Kenya National Association of the Deaf way before I even joined this House as a Member of Parliament. Before I became a Member of Parliament, I sent several

petitions through the deaf association to pick up this Bill but we are very grateful today because I have the opportunity to stand here and sponsor it proudly. I, therefore, ask the House to support this Bill because we have deaf people in all constituencies across the country. At any given time, we have 300,000 to 400,000 deaf learners in our country. Many parents to deaf children are very concerned and are not able to send their children outside their constituencies. This Bill also proposes to have schools for the deaf and institutions at county level to eliminate all barriers that are limiting the deaf and the blind in our society.

Hon. Temporary Speaker, I recently saw a documentary by BBC regarding sexual violence and gender-based violence perpetrated on young children. I often think: what happens to the deaf children who also suffer in such hands? Such data and all kinds of information provided rarely capture the deaf community yet they live amongst us. This Bill will provide accurate research data collection to ensure that we support the deaf community on all platforms. I also thank KISE for the good work they have been doing, especially because they have stood with the deaf community. We often forget that these people live among us. We are their parents and siblings; we live with them. However, we rarely see them in all our social spaces. The county governments have tried to bridge the gap but we are not yet there. Most deaf students only transition to college level and end up doing ECD courses. There is still no equality in employment. However, we recognise that we have Commissioner Sati as one of the commissioners that we have in the county and one professor in the University of Nairobi who supported the drafting of this Bill. I beg to move and request Hon. Erick to second the Bill.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Erick Muchangi.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. I wish to start by thanking Hon. Umulkher and Senator Asige for this very progressive Bill. I congratulate Hon. Umulkher because she is one of the youngest Members of Parliament and her getting to a point of sponsoring a Bill is not a mean achievement. So, I wish to congratulate her and urge her to continue coming up with similar Bills for posterity.

The Kenyan Sign Language Bill is very important. It is a Bill that will ensure the 2.5 million population of blind persons in this country are not left behind in the growth and development of this country. The Constitution of Kenya recognises the Kenyan sign Language. Article 7(3)(b) gives a lot of emphasis on the Kenyan Sign language. It will be very important to have the Kenyan sign language taught in all our schools. When we have a community of about 2.5 million Kenyans that use sign language and we do not have a standard way of ensuring that sign language is taught in schools, that means that we will be disadvantaging so many of them not only in schools, but also in hospitals. What will happen when they fall ill? The blind will have challenges in accessing medical services. Their growth will be limited in spaces like health care and many other platforms that they are supposed to benefit from.

The Bill proposes that we have the Kenyan Sign Language Council. I believe the Council will be very important in ensuring that there are regulations in the spaces of the usage of the Kenyan sign language. There is limited public awareness and understanding of sign language. The Bill will ensure that the people of Kenya have a better understanding of the Kenyan Sign Language. People will get support through this legislation. Having said that, I second.

(Question proposed)

The Temporary Speaker (Hon. Omboko Milemba): The first Member to have a bite is Hon. Timothy Rotich, the Member of Parliament for Marakwet West who has walked into the Chamber to specifically speak on this Bill. Proceed.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker for giving me an opportunity to contribute to this very important Bill. From the outset, I wish to congratulate Hon. Umulkher Harun for co-sponsoring this Bill, which is important for the implementation of our Constitution. Therefore, I support the letter, intent, and spirit of this Bill.

Hon. Temporary Speaker, Kenya has one of the most progressive Constitutions in the world. We celebrate it because it has given us access to certain fundamental rights and freedoms that we enjoy in Kenya, against many countries in Africa and beyond. In essence, this Bill seeks to breathe life into Article 7 (3) (b) of the Constitution, which mandates the State to promote the development and use of indigenous languages, Kenyan Sign Language (KSL), Braille, and other forms of communication. This is anchored in the Constitution. To give this Article meaning, this legislation must be passed to support a section of the population that has been marginalised for far too long.

What does it mean to give life to the Constitution? If you examine the Chapter on rights and fundamental freedoms, Article 27 provides for equality and freedom from discrimination. This Bill addresses that critical issue. Additionally, Article 28 emphasises human dignity and the freedom of conscience, belief, and opinion. These individuals must be heard, and they can only be adequately heard if this Bill is passed. Article 33 of the Constitution talks about freedom of expression. Those who cannot conventionally express themselves will only actualise this freedom if the Bill is enacted. Article 35 ensures access to information, while Article 36 guarantees freedom of association. Article 38 addresses political rights, consumer rights, and access to justice.

As a legal practitioner, I have observed that when an accused person appears in court and the charges are read out, they are normally asked which language they prefer for communication—Kiswahili or English. Currently, there is no provision for the use of KSL in our courts. Clauses 6 and 7 of the Bill are clear that a judicial officer in legal proceedings must ensure that a competent and recognised interpreter is available for a person who is entitled to use KSL. Further, Clause 6 (1) states that a person whose first and preferred language is the KSL is entitled to use it if they are a court member, a party or witness in legal proceedings, an advocate of the High Court representing a party, or granted leave by a judicial officer to use KSL. If this provision is not complied with fully, any court decision that violates this Bill—if passed—would render those proceedings null and void *ab initio*, that is, from the beginning.

This will be significant legislation, if the House passes it. We are not merely adopting it; we are breathing life into it. We are ensuring that individuals who cannot communicate in Kiswahili or English can access justice as guaranteed by Article 48 of the Constitution, which states that the State shall ensure access to justice for all persons. Further, Hon. Temporary Speaker, Article 50 of our Constitution talks about fair hearing. Marrying Article 48 on

access to justice, and Article 50 on access to fair hearing, means, therefore, that if this Bill is passed, then those who want to use Sign Language to access justice and get a fair hearing in our judicial processes, those fundamental rights are guaranteed in the Constitution.

This is a good Bill. I call upon the Hon. Members to adopt it. There are a few amendments that we shall be proposing at the Committee of the whole House. I rise to second and associate myself with this Bill. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): You support. It was already seconded. Thank you, and well spoken. Let us have Hon. Jackson Kosgei.

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Thank you, Hon. Temporary Speaker. From the outset, I take this opportunity to support this Bill. By appreciating this Bill, this august House is facilitating a tool that will enable communication between the deaf and hearing individuals of our society. This is guaranteed in the Constitution.

It is going to primarily help break down some barriers that have hindered individuals and some citizens in this country from accessing their rights as provided for by our great Constitution. It will eliminate what is considered in administration for those who are working on the rights of the underprivileged, the issue of bureaucratic discrimination. This is where some people have been denied opportunities because those managing certain institutions consider them to be cumbersome in terms of their services to their own country. This Bill will remove that barrier.

Second, it is going to protect them against what is considered social isolation. It is so silent that we do not notice, but having been a consumer of disability challenges in my years, over the last 65 years when I caught polio, I have seen that if the law cannot speak clearly to certain rights that affect individuals in the country, people lose their rights.

Finally, the reason why I support this Bill is that it gives individuals the right to tell their own story. One of the worst things in life is when people define you by the way they know you. It is until you tell your story that society will understand you and people will appreciate what you have and what you can contribute to society. Therefore, this Bill will facilitate and build a capacity in our learning institutions, workplaces, and even the Public Service.

I was interacting with an individual who could not explain himself in as far as his age is concerned. He could not tell why he was retired earlier than 65 years, which is a policy in Government for those people who are differently abled. He could not speak up or tell his own story. His rights were trampled on. We need to enable citizens of this country to stand up for themselves.

Finally, situations such as this are not limited to certain people. There are people who have lost their hearing ability at a later age in life. They were vibrant in their lives but lost their capacity to hear. In fact, all other functionalities of their bodies are working and they are still productive. Let us provide an environment where everyone, regardless of their hearing ability, can thrive and be productive and enjoy living in this great country. I appeal to Members of this august House to consider this Bill notwithstanding, as my colleague mentioned, amendments to some parts. The amendments should contextualise provisions that appear generic and do not reflect the realities of where we are. We should look at such provisions. I appeal to this august House to consider this Bill.

With that, I support, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Emmanuel Wangwe, Member for Navakholo.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. Allow me to, first and foremost, congratulate the mover of the Bill, Hon. Umi and say that nomination to this House does not make you any lesser. In any case, it energises you. I wish her well. Her nomination is adding a lot of value to the group she represents. Hon. Umi, I wish you well. It is important that you speak to what affects the society. At your level, you have more energy to speak to all generations.

I want to start by asking: is lack of hearing a disability? The answer is yes. Is it inability? The answer is no. It should energise the person to do what is necessary. What is it that the Member wants to achieve? It is to safeguard the two million plus people with this condition and make them part of the society. They need to lead a good life and communicate effectively. Whenever we attend a function or watch television, there is always someone interpreting through Sign Language. We invite the two million plus people to join the rest of the population in Kenya. This is a noble cause. Article 43 of the Constitution on the right to education does not allow any exemption. If you are a Kenyan, you are entitled to education. This is a great move the Member has taken so that all of us can learn the same thing and communicate to one another. Communication is very key.

Using the NG-CDF, we have established special schools. You being a teacher prior to being a Member of Parliament, you understand the need for special schools. Immediately you put up a special school, a lot of people come to join. You may think you do not have a need for a special school in your constituency, but when you set a special school, the school is full the following day. You are left wondering where the people come from. Hon. Umi, whatever you have done is not only for you but for the entire country. The moment this Bill passes, the Ministry of Education embraces it, and budgets roll in, we will see that the population is more than the 2.5 million we are talking about now. Most of them are hidden at home by parents who do not want to admit that they have children with special needs. Therefore, I thank the Member who moved the Bill. She spoke on behalf of many people who are not able to speak. We support the Member and the Bill and encourage the Government.

In the 11th Parliament when I brought a Bill to amend the Kenya National Examinations Council (KNEC) Act, it was not easy for the Government to adopt it. There is the passing of a Bill and Government embracing it. We ask the Government to embrace this Bill so that immediately it becomes law, budgets should be rolled out to embrace the outcome of this Bill for the sake of the population that is not visible, that is hidden and is not able to access education in terms of Sign Language. Those of us who can hear, including children should learn the KSL so that we are able to talk to them and make all of us equal. Hon. Temporary Speaker, you normally say that education makes us equal. No matter where one comes from, no matter the background and no matter how educated, we are all equal. It has no measure to say who is more educated than the other.

I thank Hon. Umulkher for this wonderful Bill. I support.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, a great Bill, a great mover, a great seconder, and great contributions. There being no further interests in this particular Bill, I ask the Mover to reply.

Hon. Umulkher Harun (Nominated, ODM): Thank you, Hon. Temporary Speaker. I wish to thank every Member who contributed on this Bill. I appreciate them on behalf of every deaf member of our society who is watching debate on this Bill keenly. This is because the Bill was drafted with the support and commitment of the Kenya National Association of the Deaf who have always wanted their voices to be represented in this House. Every constituency and every Member in this House have a representative from the deaf community. I especially thank Members who have come out strongly to support this Bill.

As I reply, I encourage political parties to take cue from the great Orange Democratic Movement (ODM) Party that nominated me to this House. It is one of the few political parties that recognise deaf people by having the disability league. Such leagues and wings within major political parties allow deaf people to have representatives in the National Assembly, Senate, and county assemblies. There is a county assembly, in 2022 election, that was among the first to have a deaf representative. I think it is Kiambu County. During the swearing-in of that Member of the County Assembly (MCA), it was very dramatic because they had never had a member who was deaf. They were quick to look for interpreters. Such is what representation does. We are able to push for change slowly.

Hon. Temporary Speaker, I really hope that you, Hon. Emmanuel, Hon. Jackson, and I will grow in a society in the next 10 to 15 years where our children and grandchildren will be able to sign and speak Sign Language comfortably without needing interpreters. That is very much the vision of this Bill. The same way we are taught English and Kiswahili in primary schools we will also have children who can speak Sign Language fluently. That way, when they meet with a deaf person in the streets, they do not run away or look at them with a lot of pity because they are not very much different from us.

Hon. Temporary Speaker, I beg to reply. I also request that we defer putting of the Question.

The Temporary Speaker (Hon. Omboko Milemba): We defer putting of the Question to the next sitting.

(Putting of the Question deferred)

Hon. Members, you may be upstanding.

ADJOURNMENT

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, the time being 7.19 p.m. the House stands adjourned until Thursday, 7th August 2025, at 2.30 p.m.

The House rose at 7.19 p.m.

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