



**THIRTEENTH PARLIAMENT**  
**THE SENATE**  
**OFFICIAL REPORT**



**Fifth Session**

**Wednesday, 11<sup>th</sup> February, 2026 at 2.30 p.m.**

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Wednesday, 11<sup>th</sup> February, 2026

*The House met at the Senate Chamber,  
Parliament Buildings at 2.32 p.m.*

*[The Speaker (Hon. Kingi) in the Chair]*

#### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum?

*(The Clerk-at-the-Table consulted with the Speaker)*

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Serjeant-at-Arms, kindly ring the Quorum Bell for a further 10 minutes.

*(The Quorum Bell was rung)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. We now have quorum. We will proceed with the afternoon's business.

Clerk, kindly call the first Order.

*(Sen. Munyi Mundigi walked into the Chamber)*

Sen. Munyi Mundigi, kindly take your seat.

*(Sen. Munyi Mundigi sat in his place)*

**MESSAGES FROM THE NATIONAL ASSEMBLY****PASSAGE BY THE NATIONAL ASSEMBLY OF THE BASIC EDUCATION  
(AMENDMENT) BILL, (NATIONAL ASSEMBLY BILLS No.59 OF 2023)**

**The Speaker** (Hon. Kingi): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of The Basic Education (Amendment) Bill (National Assembly Bills No.59 of 2023).

The Message dated Friday, 19<sup>th</sup> December, 2025 was received in the Office of the Clerk of the Senate on Monday, 5<sup>th</sup> January, 2026. Pursuant to Standing Order No.46(4), I now report the Message-

PURSUANT to Article 110(4) of the Constitution and the provisions of Standing Order No.41(1) of the Senate and No.142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS The Basic Education (Amendment) Bill (National Assembly Bills No.59 of 2023) was published vide *Kenya Gazette* Supplement No.166 of 13<sup>th</sup> September, 2023, as a Bill seeking to provide for the establishment of sub-county education boards in every sub-county;

AND WHEREAS, the National Assembly considered and passed the Bill with amendments on Wednesday, 19<sup>th</sup> November, 2025 in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No.41(1) of the Senate and No.142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly and seek concurrence of the Senate on the said Bill.

Hon. Senators, Standing Order No.163(1) requires that a Bill which originates in the National Assembly be proceeded with in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144.

Accordingly, I direct that The Basic Education (Amendment) Bill (National Assembly Bills No.59 of 2023) be listed in the Order Paper for the First Reading at the appropriate time.

Thank you.

I have another Message to pass.

**PASSAGE BY THE NATIONAL ASSEMBLY OF THE PUBLIC SERVICE  
INTERNSHIP BILL, (NATIONAL ASSEMBLY BILLS No.63 OF 2022)**

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I received the following Message from the Speaker of the National Assembly regarding the passage, by the National Assembly, of The Public Service Internship Bill (National Assembly Bills No.63 of 2022).

The Message dated Tuesday, 6<sup>th</sup> January, 2026 was received in the Office of the Clerk of the Senate on Thursday, 22<sup>nd</sup> January, 2026, when the Senate was on recess. It

was subsequently circulated to all Hon. Senators via a letter dated 22<sup>nd</sup> January, 2026. Pursuant to Standing Order No.46(5), I now report the Message-

PURSUANT to the provisions of Standing Order No.41(1) and No.142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS The Public Service Internship Bill, (National Assembly Bills No.63 of 2022) was published vide *Kenya Gazette* Supplement No.203 of 16<sup>th</sup> December, 2022 as a Bill concerning county governments in terms of Article 110(4) of the Constitution to amongst other things make provision for the internship of college and university graduates in the public sector and provide for hands on training and acquisition of skills by graduates;

AND WHEREAS, the National Assembly considered and passed the said Bill on Wednesday, 3<sup>rd</sup> December, 2025 with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Orders No.41(1) and No.142 of the National Assembly Standing Orders, I hereby convey the said decision of the National Assembly to the Senate.

Hon. Senators, Standing Order No.163(1) requires that a Bill which originates in the National Assembly be processed in the same manner as the Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.144. Accordingly, I direct that the Public Service Internship Bill (National Assembly Bills No.63 of 2022) be listed in the Order Paper for First Reading at the next sitting of the Senate.

I thank you.

Next Order.

### PAPERS LAID

**The Speaker** (Hon. Kingi): The Senate Majority Whip.

**Sen. Wafula:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate, today, 11<sup>th</sup> February, 2026.

#### REPORTS OF THE AUDITOR-GENERAL ON THE FINANCIAL STATEMENTS OF VARIOUS ENTITIES

Report of the Office of the Controller of Budget (CoB) on the National Government Budget Implementation Review for the first three months of Financial Year 2025/2026.

Report of the Office of the Controller of Budget (CoB) on the County Governments' Budget Implementation Review for the first three months of Financial Year 2025/2026.

The Fourteenth Report of the Public Service Commission (PSC) on the status of compliance of the Public Service with Values and Principles in Articles 10 and 232 of the Constitution.

Annual Report of the Public Service Commission (PSC) for the year 2024/2025.

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The National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA), 22nd Edition of Biannual Report on the status of alcohol and drug abuse control in Kenya.

Report of the Auditor-General on financial statements of Likoni Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on financial statements of Port Reitz Sub-County Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on financial statements of Tudor Sub-County Level 4 Hospital, Mombasa County Government for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on financial statements of Coast General Teaching and Referral Hospital, County Government of Mombasa, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on financial statements of Habaswein Sub-County Level 4 Hospital - County Government of Wajir for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on financial statements of Likoni Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Port Reitz Sub-County Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Tudor Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Coast General Teaching and Referral Hospital, County Government of Mombasa, for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Habaswein Sub-County Level 4 Hospital - County Government of Wajir for the year ended 30<sup>th</sup> June, 2023.

Report of the Auditor-General on financial statements of Likoni Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of Port Reitz Sub-County Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of Tudor Sub-County Level 4 Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of Mrima Maternity Level 4 Hospital, Mombasa County Government, for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of Coast General Teaching and Referral Hospital, County Government of Mombasa for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements on Maralal Municipality, County Government of Samburu, for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of Municipality of Kehancha -County Government of Migori for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of Magutuni Sub-County Hospital - County Government of Tharaka Nithi for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of Habaswein Sub-County Level 4 Hospital, County Government of Wajir, for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of Kalawa Level 4 Hospital, County Government of Makueni, for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of Kakamega County Revenue Agency Fund for 24-months period, for the year ended 30<sup>th</sup> June, 2024.

Report of the Auditor-General on financial statements of the County Executive of Kwale for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Kwale for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on County Revenue Fund - County Government of Kwale for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements - County Government of Kwale for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of the County Executive of Wajir for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Wajir for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on County Revenue Fund - County Government of Wajir for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Receiver of Revenue - Revenue Statements - County Government of Wajir for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Baringo for the year ended 30<sup>th</sup> June 2025.

Report of the Auditor-General on financial statements on the Receiver of Revenue - Revenue Statements - County Government of Baringo for the year ended 30<sup>th</sup> June 2025.

Report of the Auditor-General on financial statements of the County Executive of Baringo for the year ended 30<sup>th</sup> June 2025.

Report of the Auditor-General on financial statements on County Revenue Fund - County Government of Baringo for the year ended 30<sup>th</sup> June 2025.

Report of the Auditor-General on financial statements on the Receiver of Revenue - Revenue Statements - County Government of Homa Bay for the year ended 30<sup>th</sup> June 2025.

Report of the Auditor-General on financial statements on County Revenue Fund - County Government of Homa Bay for the year ended 30<sup>th</sup> June 2025.

Report of the Auditor-General on financial statements of the County Assembly of Homa Bay for the year ended 30<sup>th</sup> June 2025.

Report of the Auditor-General on financial statements of the County Executive of Homa Bay, County Government of Homa Bay, for the year ended 30<sup>th</sup> June 2025.

Report of the Auditor-General on financial statements of the County Executive of Tharaka-Nithi for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on County Revenue Fund - County Government of Tharaka-Nithi for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Tharaka-Nithi for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on Receiver of Revenue- Revenue Statements - County Government of Tharaka-Nithi for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of the County Executive of Nakuru for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements of the County Assembly of Nakuru for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on County Revenue Fund, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.

Report of the Auditor-General on financial statements on the Receiver of Revenue - Revenue Statements, County Government of Nakuru, for the year ended 30<sup>th</sup> June, 2025.

*(Sen. Wafula laid the documents on the Table)*

### NOTICES OF MOTIONS

#### ADOPTION OF REPORT OF THE MEDIATION COMMITTEE ON THE COFFEE BILL (SENATE BILLS NO.10 OF 2023)

**The Speaker** (Hon. Kingi): Proceed, Vice-Chairperson, Mediation Committee on The Coffee Bill.

**Sen. Wafula:** Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Mediation Committee on the Coffee Bill (Senate Bills No.10 of 2023), laid on the table of the Senate on Thursday, 4<sup>th</sup> December, 2025, and that pursuant to Article 113(2) of the Constitution and Standing Order No.167(3) of the Senate, approves the mediated version of the Bill.

Thank you.

**The Speaker** (Hon. Kingi): The Chairperson, Standing Committee on Labour and Social Welfare. You have two Papers to lay.

#### ADOPTION OF REPORT ON PETITION ON OUTSTANDING BENEFITS AND MAZIWA SACCO DUES TO FORMER KCC LTD EMPLOYEES

**Sen. Murgor:** Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by employees of the former Kenya Cooperative Creameries Limited (KCC) concerning non-payment of outstanding terminal benefits and Maziwa Sacco dues to former employees of Kenya Cooperatives Creameries Ltd, laid on the Table of the Senate on Thursday, 27<sup>th</sup> November, 2025.

ADOPTION OF REPORT ON PETITION BY MR. TITUS NJOROGE ON HIS  
DISMISSAL BY AIC AND NON-PAYMENT OF ARREARS OWED TO HIM

**Sen. Murgor:** Mr. Speaker, Sir, I beg to give notice of the following Motion-  
THAT, the Senate adopts the Report of the Standing Committee on Labour and Social Welfare on a petition to the Senate by Mr. Titus Njoroge concerning his dismissal by the African Inland Church (AIC) of Kenya and non-payment of arrears owed to him, laid on the Table of the Senate on Thursday, 27<sup>th</sup> November, 2025.

ADOPTION OF REPORT ON OVERSIGHT AND NETWORKING  
ENGAGEMENTS TO MANDERA, WAJIR AND MARSABIT COUNTIES

**The Speaker** (Hon. Kingi): The Chairperson, Standing Committee on Health.

**Sen. Tabitha Mutinda:** Mr. Speaker, Sir, I beg to give notice of the following Motion-

THAT, the Senate adopts the Report of the Standing Committee on Health regarding the County Oversight and Networking engagements to Mandera, Wajir and Marsabit Counties, laid on the Table of the Senate on Thursday, 2<sup>nd</sup> October, 2025.

**The Speaker** (Hon. Kingi): Next Order.

### QUESTIONS AND STATEMENTS

**The Speaker** (Hon. Kingi): Statement pursuant to Standing Order No.52(1).  
Proceed, Sen. Essy Okenyuri.

THE 2025 SIXTEEN DAYS OF ACTIVISM CAMPAIGN  
AGAINST GENDER-BASED VIOLENCE

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.52 to make a Statement on a matter of general topical concern regarding the 16 days of activism campaign against Gender Based Violence (GBV), including femicide, which was observed in the country from 25<sup>th</sup> November, 2025 to 10<sup>th</sup> December, 2025 as a build up towards the International Human Rights Day commemorated annually on 10<sup>th</sup> December, 2025.

Mr. Speaker, Sir, the 16 Days of Activism is an international movement widely acknowledged as a means to raise awareness, strengthen advocacy and promote action to prevent all forms of gender-based violence. Last year's programme offered an opportunity to reflect on the forms of violence against women, girls, men and boys in Kenya.

While physical and sexual violence are the most visible forms of GBV in Kenya, other manifestations often remain overlooked and underreported and socially accepted. These include economic violence, psychological abuse, digital and cyber violence and harmful cultural practices such as forced and child marriage, Female Genital Mutilation (FGM) and widow disinheritance.

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The problem of the growing prevalence of online and technology-enabled gender-based violence, such as cyberstalking, online harassment, and non-consensual distribution of intimate images, digital surveillance, creation and spread of gender-deep fakes and hate speech targeting women and girls came out as an issue of utmost importance during last year's commemoration. These forms of violence are especially prevalent against women in public life, politicians, journalists and human rights defenders.

Further, the economic and emotional abuses commonly experienced in intimate relationships are rarely treated with the same seriousness as physical assaults, despite their long-term impact on mental health and autonomy.

Mr. Speaker, Sir, Kenya has enacted several laws to address GBV, including the Sexual Offences Act, which is Cap.363A, which criminalises various forms of sexual violence and sets out penalties and protective measures.

Then we have the Protection Against Domestic Violence Act, which is Cap.151, which provides for protective orders and redress for survivors of domestic violence and the Computer Misuse and Cybercrimes Act or Cap.79C, which has legislated against several forms of computer or technology-facilitated GBV, amongst others.

These efforts by the state demonstrate a clear intention to address GBV. Indeed, the Government's commitment to engage in policy, legal and institutional reforms to address GBV in both the offline and online environments was reiterated by the Government in the course of the campaign. This also includes the enforcement of the existing legal frameworks, digital safety, support services to survivors and inter-agency collaboration with enforcement agencies, among other measures.

Despite these efforts, there are notable gaps in harmonisation, implementation and enforcement of existing laws. Furthermore, there is a lack of comprehensive legal definition and recognition of femicide as a distinct offense.

Although campaigns are key, they should be coupled with the key actions such as budgetary provisions as well as accountability. Survivors still lack access to justice due to challenges such as fear of stigma, inadequate investigations, slow prosecution, as well as insufficient psychological or legal assistance services, especially at the county level.

The devolved system of government places responsibility on county governments to aid in the coordination, prevention and response to GBV. Despite the political will, the county government interventions have been plagued by systematic and resource challenges.

Mr. Speaker, Sir, I would like to emphasise that the struggle against GBV does not stop after the 16 days. It requires sustained commitment at the national level, and it should be centered around survivors, while looking towards the eradication of the root causes of such violence. These causative factors include harmful social norms as well as the misuse of technology.

Even though digital tools such as mobile apps, SMS-based hotlines and online portals like *Spot* have created safe and anonymous channels for survivors to seek help through offering timely reporting and referral to essential services and real-time data collection for policy planning, access disparities in rural areas and among low-income populations must be addressed to ensure equitable digital justice.

I, therefore, request the national Government through the relevant ministries and agencies to regularly inform this House of the progress being made in the implementation

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of the promised reforms regarding the protection of its citizens in the cyberspace, improvement of the GBV data compilation and ensuring the effective support of the counties in response to the cases.

I thank you, Mr. Speaker, Sir, for this opportunity.

**The Speaker** (Hon. Kingi): Statement pursuant to Standing Order No.53(1), the hon. Senator for Kisii County, Sen. Richard Onyonka.

That Statement is dropped.

EXTRAJUDICIAL KILLINGS, FORCED EVICTIONS,  
LAND DISPLACEMENT AND INTEREST IN RARE  
MINERALS IN GITWEMBE, KURIA  
EAST CONSTITUENCY

*(Statement dropped)*

Let us have the hon. Senator for Nandi County, Sen. Cherarkey.

**Sen. Cherarkey:** Thank you, Mr. Speaker. I have two statements and I request to read them consecutively.

SUSPENSION OF KENYA AIRWAYS FLIGHTS TO  
ELDORET INTERNATIONAL AIRPORT

Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Roads, Transportation and Housing on a matter of national concern regarding the recent suspension of flights, by Kenya Airways, to Eldoret International Airport and the measures being taken to safeguard regional connectivity and economic development in the North Rift.

The announcement by Kenya Airways to discontinue flights to Eldoret International Airport effective 30<sup>th</sup> March, 2026, has raised widespread concern among residents, business leaders and travellers in the North Rift region. Less than two years after relaunching the route, the withdrawal cited as part of operational efficiency and route optimisation has left Jambo Jet as the sole operator, thereby limiting travel options, reducing competition and undermining the strategic importance of Eldoret International Airport.

This decision carries a broader implication for investor confidence, tourism and regional and economic development.

In the Statement, the Committee should address the following-

(1) The specific factors that led to Kenya Airways' withdrawal from the Eldoret route, including the consultation undertaken with stakeholders in Uasin Gishu County and the wider North Rift region prior to the decision.

(2) Whether there was an assessment carried out on economic, social and connectivity on Kenya Airways' exit on business, travellers and the regional economy.

(3) The measures being taken by the Ministry of Roads, Transportation and Infrastructure to ensure that the Eldoret International Airport remains a viable hub for passenger and cargo traffic despite the withdrawal.

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(4) The long-term strategies in place to strengthen domestic air connectivity and prevent abrupt withdrawal of services by national carriers or national carrier in future.

(5) The immediate steps being taken to encourage other airlines to expand services to Eldoret International Airport.

(6) The steps being taken to address the inconvenience faced by passengers, including Kenya Airways tickets, affected by the withdrawal of the airline, including rebooking, refunds and communication with the affected travellers.

(7) The mechanisms in place to ensure that the future decisions by national carriers or national carrier on domestic routes are made transparently and with adequate notice to the public.

(8) Whether there are prospects of Kenya Airways resuming flights to Eldoret International Airport in the future and the conditions or policy interventions that would make such a return viable.

#### ASSAULT OF YOUTH BY POLICE OFFICERS IN NANDI HILLS TOWN

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on a matter of countrywide concern regarding the assault of youth by police officers in Nandi Town while playing a pool game, which is not illegal in this country, and the measures being taken to ensure accountability and justice for the victims.

On the night of 10<sup>th</sup> January, 2026, at around 10.00 p.m., police officers of the Rapid Deployment Unit (RDU) stormed an entertainment establishment in Nandi Town and assaulted several youths who were playing a game of pool, leaving some of the youth nursing injuries.

In the Statement the Committee should address the following-

(1) The status of investigations in the assault, including the agencies leading the inquiry, timelines and any other interim findings to date.

(2) The disciplinary, administrative or criminal actions taken against police officers involved, including any steps to ensure individual and command responsibility.

(3) The circumstances and the basis for entering the entertainment establishment and whether the actions taken complied with applicable laws, regulations and policing standards.

(4) The nature of injuries sustained by the youth, medical treatment received, the social psychological support provided and any compensation or victim support measures in place.

(5) The safeguards and oversight mechanisms currently in place to prevent police brutality and abuse of authority across the country, including how these mechanisms are being enforced, and any gaps being identified.

(6) The measures being taken to restore public confidence in law enforcement in Nandi's Hills Town in Nandi County and across the country, including the community engagement and proposed police reforms to address the professional misconduct by the police.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Senator for Tharaka-Nithi County, the Hon. Sen. Mwenda Gataya.

PLIGHT OF GRADE 10 LEARNERS ACROSS THE COUNTRY

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the standing Committee on Education on a matter of national concern regarding the plight of Grade 10 learners across Kenya.

Mr. Speaker, Sir, the transition of learners into Grade 10 has exposed significant challenges within the education sector, including financial barriers, preventing some students from reporting to school, inadequate capitation for senior secondary schools, shortage of teachers and strained infrastructure, particularly rural and semi-arid lands (ASALs) areas. The situation has raised widespread concern among parents, learners and stakeholders, as it directly affects equitable access to quality education and successful implementation of the Competency-Based Curriculum (CBC).

In the Statement, the Committee should address the following-

(1) The measures being taken to support learners who have not reported to school due to financial constraints, to access college education regardless of their background and/or socio-economic status.

(2) The budgetary allocation for senior secondary schools for the Financial Year 2025/2026 and indicate whether there are plans for an upward review of the senior secondary schools' capitation to address the shortage of learning materials, high admission costs and infrastructure development.

(3) The strategies and interventions being implemented to ensure a smooth transition from Grade 10 learners to senior secondary schools.

(4) The steps being taken to address the shortage of teachers in senior secondary schools and the expected timeline for resolving this challenge.

(5) The mechanisms in place to improve infrastructure in senior secondary schools, particularly in ASALs and rural areas.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Senator for Kisumu County, the Hon. Sen. (Prof.) Tom Ojienda, please proceed.

Is Sen. (Prof.) Tom Ojienda not in the Chamber?

He has three Statements. Those Statements are dropped.

ESTABLISHMENT AND OPERATION OF CHILD  
PROTECTION UNITS IN KISUMU COUNTY

*(Statement dropped)*

RIISING DRUG ABUSE AND EFFECTIVENESS OF PREVENTION  
AND REHABILITATION PROGRAMMES IN KISUMU COUNTY

*(Statement dropped)*

STAFFING GAPS IN CRITICAL HEALTHCARE  
FACILITIES IN KISUMU COUNTY

*(Statement dropped)*

Hon. Senators, pursuant to Standing Order No.53(3), I will allow comments for not more than 15 minutes.

Senator for Nairobi City County, please proceed.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. Allow me to make some comments on the statement that has been sought by the Senator for Nandi County, regarding the assault on young people who were playing pool in Nandi Hills.

The entire country was in shock when those videos came out. That young people would just be hanging out, not breaking any law, within the confines and protection of the law, seemingly, and then police officers would come in and without any explanation or provocation, start physically assaulting those young people. What is most heartbreaking, as far as I know, up to today, the National Police Service (NPS) has not told us whether those officers who were involved in that particular incident have been arrested.

Mr. Speaker, Sir, we have come to a place where we are having certain conversations in this country and we must remind ourselves of the sort of society that we wanted to be when we passed this Constitution. This Constitution guarantees certain things for all of us. We expected that we would be a country governed by rule of law, that we would have freedom, democracy, equality and social justice here, as stated in the preamble of our Constitution.

Mr. Speaker, Sir, this House, following the Gen Z uprising, passed a certain Motion, calling on the National Police Service to review their operating procedures. Up to today, nothing has been done to address the concerns that Kenyans have with the way the police conduct themselves. We cannot live in a country like this. Sen. Cherarkey, you have to agree with me that we have to build a society where people are free.

People think that the Memorandum of Understanding (MoU) that we signed was between the Orange Democratic Movement (ODM) and United Democratic Alliance (UDA). On the contrary, it was an MoU to actually resolve the challenges of this country. One of the things that we provided for was to solve the question of youth unemployment, sort out the question of officers who misbehave and to protect and promote the livelihoods of young people. We have programmes, for instance, that are going on to give young people seed capital to essentially do business. Some of the business these young people do is opening pool stations. So, you have a situation where the Government will give you money to start a business, but because all these things are not being done within a framework of democracy and freedom, the police can have the audacity to come to that business and do what they did in Nandi Hills. We must cure this.

Kenya has a software problem. It is not just about roads and beautiful stadia. By the way, everybody should know that President Moi built stadia also, but no one wants to go back to the life that we used to live under President Moi. That is just a fact, and because of the software, we have to go back to a country that is ruled by law, a democratic state where people are free to live their lives and to better themselves.

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I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Essy, please proceed and keep it under three minutes.

**Sen. Okenyuri:** Thank you, Mr. Speaker, Sir. I would like to support the statement by Sen. Cherarkey. If you watch those clips online, it is really sad. I pause to wonder whether we have a law which requires innocent members of the public to walk with identification cards, or is it a way the police are using to extort money from already poor young people who have nothing to put on the table? Sad enough, no arrests have been done yet. So, I really feel we do not need to put a blind eye to this matter, because when you keenly watch the video, the National Police Service should by now be informing members of the public what transpired and any actions which have been taken.

Finally, Mr. Speaker, Sir, I would like to support the Statement by the Senator for Tharaka-Nithi. It is not just on Grade 10 learners. Just the other day, on Monday, I was admitting a student, a young girl with disability, to a technical training institute in Keroka, Kisii County. I realized that these people still undergo several challenges. Why would a person living with disability have to pay total school and examination fees upon admission? I thought it needs to be easier for them than the other students who can do that without any trouble.

So, apart from the Grade 10 learners, the Ministry needs to give special consideration to students who want to learn, but are orphans and abled differently, so that they do not have to undergo the hustle that I witnessed just the other day when I was admitting that student. I was doing that as a Member of Parliament; imagine any other ordinary parent who is seeking to admit their students. So, let the Committee get down to the real issues, and the Ministry comes to recommend on how best we accommodate such cases.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Joe Nyutu, please, proceed

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir, for this opportunity. I also rise to support Sen. Cherarkey's Statement regarding police brutality against some young men who were playing pool game. This must be condemned by any Kenyan who values the freedoms we enjoy; the freedom to assemble and play whichever game at whichever hour, as long as it is within the licensed time of the facility. If anyone commits a crime, the police are trained to arrest and charge such individuals in accordance with the law. I do not think we have provision in our laws that allows the police to clobber people without a good reason.

Not long ago, police officers were reported to have accompanied goons who disrupted a service at Witima Anglican Church of Kenya (ACK) in Othaya, Nyeri County. This matter must be addressed. The Police Commissioner must be held accountable. From this statement, it seems that the perpetrators of this crime have not been arrested or charged. The same is true of those who attacked Witima ACK Church in Nyeri. To date, none has even been called to record a statement, despite their names and contacts having been provided. The police have taken no action against these lawbreakers.

Kenya cannot be allowed to slide into a police state. The Committee on National Security, Defence and Foreign Relations must deal with this matter decisively. They must

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summon both the Cabinet Secretary for Interior and National Administration and the Inspector-General (IG) of the National Police Service (NPS). We cannot afford to continue with this kind of impunity.

Kenya shall not be turned into a police state under the current IG. Given that the President often comments on topical issues, even those not directly related to him, it would be important for him to also speak on the attacks against youth in Nandi Hills and against citizens going to church---

**The Speaker** (Hon. Kingi): Sen. Karungo.

**Sen. Thang'wa:** Thank you very much, Mr. Speaker, Sir. I also support the statement by Sen. Cherarkey because nobody deserves police brutality. Police brutality against a citizen is police brutality; police brutality against a politician is still police brutality. We have spoken about this before.

I want to support it further by reminding the Senator for Nandi County that after World War II, a German pastor named Martin Niemöller spoke about the dangers of remaining silent when others are persecuted. He said-

"First, they came for the socialists, but I did not speak out because I was not a socialist. Then they came for the trade unionists, but I did not speak out because I was not a trade unionist."

Then they came for the Wamunyoro and his people, but I did not speak out because I was not among a Wamunyoro adherent. Now they have come to Nandi Hills, where the Senator comes from, to his people. I will not keep quiet because police brutality is unacceptable. I will speak together with him to call out rogue police officers and demand that the IG of NPS takes action.

I also remind the House that the Cabinet Secretary responsible for the police comes from that region. He should act because if citizens are being assaulted while simply playing a pool game and posing no threat to anyone, then both the Cabinet Secretary and the IG must be called to order. Nobody deserves to be assaulted by the police.

On the issue of education raised by Sen. Mwenda Gataya of Tharaka-Nithi County, I wish to assure him that he should not worry. The President, together with the Deputy President, have publicly stated that education is free. I do not understand why we are discussing statements suggesting that children cannot attend school without fees. The President and Deputy President have already announced that if you do not have school fees, you should still go to school. That is a declaration of free education. Many families do not have money, so this assurance is important. However, we are being vindicated because what is said on the podium is different from what is happening on the ground.

Therefore, Sen. Mwenda, just tell your people to go to school. Education is free.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Wakoli.

**Sen. Wafula:** Thank you, Hon. Speaker, for the opportunity to weigh in on the matter of police brutality and the arbitrary arrest of young people. We are enjoying the fruits of freedom fighters, the labour and sweat of serious leaders. Not long ago, we buried our enigma, Hon. Raila Amolo Odinga, Mhe. Wamalwa Kijana and my good friend, Lawrence Sifuna, from Bungoma. These are people who fought for freedom of speech, freedom of association and freedom of movement.

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What we witnessed recently in Nakuru and Nandi is unacceptable in the 21<sup>st</sup> Century. It demonstrates a problem in the training of our police officers. That a human being with a family can brutally assault young people enjoying the freedoms we fought for is intolerable. I request the IG of NPS to redeploy such officers to areas where their energies can be fruitful in the country, not against young people investing in talent, cohesion and integration, while enjoying the sweet drinks produced in the villages.

Hon. Speaker, I am reminded of another incident in Nyeri, where police officers openly shot at people, resulting in the death of one individual. What kind of country are we living in? We are supporting the President on the trajectory he has promised that we shall all reach the “promised land.” The destination is Singapore, yet the conduct of police officers suggests they want to take us to Sayuni. This is unacceptable. We want to work with the President heading to Singapore. I request the Inspector General and his foot soldiers to give us space to support the President in heading to Singapore, in order to make this country a very good place.

Finally, I wish to highlight an incident in Bungoma. We lost a Deputy Vice-Chancellor, Prof. Siamba. As comrades of the University and neighbours gathered to mourn and light candles, police officers raided them with tear gas, forcing mourners to scatter. What were they trying to cover up? Was it collusion between the administration and the police to curtail people from traditionally mourning their legend?

**The Speaker** (Hon. Kingi): Sen. Omogeni.

**Sen. Omogeni:** Mr. Speaker, Sir, I join my colleague Senators in condemning police brutality. We enacted a new Constitution in 2010 and the aspirations and spirit of Kenyans were to create a free and democratic society. That Constitution enshrines fundamental rights, including the protection of our youth from inhuman treatment. How can police officers, who should be civilians in uniform, harass youths simply for playing pool?

As a student of Constitutional Law, I note that Article 240 of the Constitution of Kenya, 2010 establishes the National Security Council (NSC). The NSC is chaired by none other than the President of the Republic of Kenya. The NSC has supervisory powers over the national security organs. Why can we not see internal disciplinary action against those police officers or investigations that lead to prosecution? *Kwani* in this country has our Constitution taken a tea break?

Anytime Kenyans see policemen, they have to become athletic. That is why they are even going to Nandi to see if those youths are athletic enough. We cannot live in such a society. That is why this afternoon we should all speak in one voice and tell our police officers that we want to live in a society that is more free. We do not want to be brutalized by our police officers.

The question I am asking is: Honestly, if a crime has been committed like what we saw, how long does it take before we see action? Is it after one, two or three years? By now, heads should have rolled. What can we explain to this country if the same police officer repeated the same crime tomorrow in Nairobi? Transferring is not disciplinary action.

Mr. Speaker, Sir, those who cannot live up with the freedoms that are guaranteed to Kenyans in our Constitution can quit. They can also go and sell *mandazi* elsewhere.

I support.

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**The Speaker** (Hon. Kingi): Sen. Onyonka, you have the Floor.

**Sen. Onyonka:** Mr. Speaker, Sir, I am happy to be back in this House. I am also happy to see you and my colleagues back in this House.

I would like to contribute to the Statement that my leader, Sen. Cherarkey, brought. I listened to Sen. Karungo and I wish he were still in the Chamber. Any time we are at an advantaged position, particularly in the Government, and see people being violated, we clap and laugh about it.

I remember before Sen. Karungo and “Wamunyoru” had disagreed with the President, that is the time we were talking about very painful things about our country and how our behaviour was. Any violation, minimum or otherwise, against an individual who is either next or very far from you, there is a possibility that that violation will come back to you.

The truth about the security situation in our country is that there should be reason, fairness, no bias and no weaponisation of security in the Republic of Kenya. Whether the young men were actually playing pool and they were from some place called Kebirigo in Kisii Region or Nandi, that was a sad picture because the optics of it was not good.

Because of this Statement, I hope that we will summon the Inspector General of Police soon and get an opportunity to interrogate the matter. If there is anything, maybe we should advise what he should and what he should not do.

Mr. Speaker, Sir, these issues are related. The event where we saw individuals with guns shooting bullets outside a church was because Hon. Gachagua was in that church. The truth is that Hon. Gachagua disagreed with the President and the Government.

As leadership, we should be magnanimous enough to agree that we in the opposition should be allowed to say whatever we say, so long as it is within the law and so long as I do not violate anybody's dignity and respect. So long as I am not petty, I should be allowed because---

*(Sen. Onyonka's microphone was switched off)*

**The Speaker** (Hon. Kingi): Next is Sen. Wamatinga.

**Sen. Wamatinga:** Mr. Speaker, Sir, let me also add my voice in supporting the Statement by the Senator for Nandi, Sen. Cherarkey. Indeed, it is very sad to see police brutality meted on young people. We are living at a time where we should have utmost tolerance.

I concur with Sen. Cherarkey that indeed with the kind of police force that we have, there are some who have become rogue. For that matter, they are spoiling the name of some good servicemen and women that we have in this country. Therefore, it is imperative that we, as a House, stand and condemn whichever form of brutality that comes from the police because that is the organ that we have entrusted with the security, and to safeguard our national interest.

Mr. Speaker, Sir, allow me also to weigh in on the matter of attacking worshippers. It is sad that it is happening in the 21<sup>st</sup> Century. It does not matter which side of the political divide you are. You should not subject members of our families

including children, women and old men to that kind of torture and torment because we are far from that kind of politics.

Having said that, Mr. Speaker, Sir, it is also important to look at the structural training that we give our police. We need to look at their training. Spending nine months in Kiganjo Police Training College with no other training is too little. We must, therefore, embark on retooling, like we are doing with the teachers.

We should retool them so that they know that they are not a police force, but a police service that is supposed to help the common *mwana nchi*. Like my colleague said here, on our journey to Singapore, we must do away with police brutality.

I support.

**The Speaker** (Hon. Kingi): Proceed, Sen. Mwinyihaji Faki.

**Sen. Faki:** Asante, Mhe. Spika, kwa kunipa fursa hii kuchangia Taarifa iliyoletwa Bungeni na Seneta wa Nandi, Sen. Cherarkey.

Ukatili wa polisi umekuwa ni jambo la kawaida katika nchi yetu. Mwaka huu kumekuwa na matukio mawili ambayo yanaonyesha kwamba ukatili unaendelea katika nchi yetu licha ya kwamba tuna Katiba mpya, taasisi huru ya kusimamia mambo ya polisi na kwamba nchi tayari ilikuwa imekemea suala hili hapo nyuma.

Mheshimiwa Spika, kitendo kilichotokea kule Nandi ambapo vijana waliokuwa wanacheza mchezo wa *pool* ni cha kinyama sana. Kutaka mtu atembe na kitambulisho ni jambo lililopitwa na wakati. Kabla ya Uhuru, watu walikuwa wanatembea na kibali ama kipande. Ukiulizwa na polisi, unaonyesha kipande chako.

Ipo haja ya Waziri mhusika kuja katika Bunge hili ili kueleza kwa nini unyama ama ukatili wa polisi unaendelea katika nchi yetu wakati tuna Katiba ambayo inatoa uhuru kwa wananchi na watu wengine humu nchini kufanya mambo yao bila matatizo yoyote. Masuala mengine kama yaliyotokea kule Nyeri ama Othaya ambapo vitoamachozi vilitupwa katika kanisa ni mambo ya kusikitisha kwa wakati huu.

Licha ya kwamba wana mtaala mpya wanafundishwa sheria mpya, bado polisi wetu wana fikira za kikoloni kwamba polisi lazima akufanyie unyama wewe kama raia. Mengi yanatendeka sehemu nyingi ambayo hayatolewi katika vyombo vya habari wala hayaelezwi katika *social media*.

Kwa hivyo, Mheshimiwa Spika, naunga mkono Taarifa hii. Kamati husika lazima ilivalie njuga jambo hili ili wahakikishe kwamba wanapata ukweli wa mambo haya. Wale ambao walidhulumiwa wanafaa kupewa ridhaa na polisi ambao walitenda kitendo hicho cha kinyama wachukuliwe hatua kisheria.

**The Speaker** (Hon. Kingi): Proceed, Sen. Abass.

**Sen. Abass:** Mr. Speaker, Sir, I would also like to join my colleagues in supporting the Statement by the Senator for Nandi.

Mr. Speaker, Sir, I am not surprised because I come from a "police state" and police harassment is the order of the day. However, it is good to hear that today, the same thing is happening in Nandi Hills. The behaviour of the Kenyan police officers is very unfortunate. They are supposed to be friendly, so that Kenyans with problems can run towards them and not run away from them.

I came from Wajir County and every time I travel to Nairobi, all vehicles travelling are stopped at every stage for inspection. The passengers are told to drop their

bags and you wonder where we are. Are we in a police state or an independent country like Kenya?

Mr. Speaker, Sir, I think our police officers need to be retrained and if need be, new police officers should be recruited because the current ones seem not to appreciate their work.

The other day, I was shocked to see young children being tear-gassed in the church. It is actually very unfortunate because those people are innocent. We may be targeting one individual, but in the process, we harass innocent people. I was also shocked when I saw people wearing hoods. I did not know whether they were bandits or police officers. They were damaging very expensive cars by shooting bullets to the engines. That kind of situation should not be allowed in this country. It is high time that this House invites the concerned Cabinet Secretary to, at least, explain why people, especially children and pregnant women in a church or a mosque are tear-gassed. It is time for the police officers to have a human face and be welcoming.

It is surprising to see 100 police and travel officers along the roads when you are travelling. It makes you wonder why all those officers cannot be taken to Turkana in the Northern Kenya where we have bandits, so that they can fight and save Kenyans.

Thank you so much, Mr. Speaker.

**The Speaker** (Hon. Kingi): Sen. Seki, proceed.

**Sen. Seki:** Thank you, Mr. Speaker, Sir. I also join my colleagues in commenting on this Statement from Sen. Cherarkey on police brutality and harassment of Kenyans. Just recently, there was an incident in my county where a police officer killed a citizen in Kajiado and put another young man in the Intensive Care Unit (ICU).

This is a big issue that has been a problem in the whole country. Therefore, I join my colleagues to condemn it and even see how Kenyans can be saved from this police brutality. I do not know how we can really bring this to an end because, it seems like the Kenya Police have directives. Their Inspector General (IG) seems not to be very cognisant of what is happening to Kenyans; we are losing young people in this Republic without anything happening.

Mr. Speaker, Sir, I do not know if it will be enough for the Committee to sit down with the IG, the Directorate of Criminal Investigations (DCI), the National Intelligence Service (NIS) and all the national security personnel because this is something that has been a big problem. I do not know if there is a directive from a higher office than that of the IG to kill Kenyans.

It is a problem and a nuisance that we cannot understand. There was another incident in Kitengela, Kajiado County, where police officers just started shooting young men in a restaurant during their leisure time without any provocation and up to now, none of them has been arrested. It is the same scenario we saw when Hon. Gachagua attended a church service.

There are a lot of problems and I think much will be done by the Committee.

**The Speaker** (Hon. Kingi): Sen. Omtatah, proceed.

**Sen. Okiya Omtatah:** Thank you, Mr. Speaker, Sir. I rise to support both Statements. On the first Statement by Sen. Cherarkey, I think we should look at the entire architecture of militarisation of the Kenyan police.

When you look at the origin of the Kenyan police, it began off as an occupation force to dominate, control and oppress the local population. That culture has not been removed and at Independence, the same culture remained and you will see that it has become worse.

When the Kenya Defence Forces (KDF) invaded Somalia, the Kenyan Police began acquiring a militaristic character. If you look at our police today, they are attired in jungle colours. Even when the IG of Police came to this House, he was wearing military jungle fatigues. That militarisation of the police needs to be addressed so that the police can go back to being a civilian force, not an occupation force. That is where the problem lies.

If you saw what happened in Nandi, it was an expression of oppression, domination and control. The police officers are not supposed to be controlling, oppressing and doing all those kinds of things. We need to go back and look at the systemic issues that make the police so militarised in their approach to issues instead of being civil.

Regarding education, there are so many children who are not going to school because there is no money in this country. That is not an act of God; it is an act of the Kenya Kwanza Government. This Government has made sure that people do not have disposable income by imposing unnecessary taxes, which when collected, the money is then repatriated to go and pay odious debts. We need to come down and address the question of taxation in this country, so that there can be disposable income for families to run around.

You will find so many children not going to school today because the middle class in Kenya subsidises the State. They send Mpesa to pay bills for hospitals, school fees and so forth. Now, when these people's payslips are stripped of disposable income, they then are not able to play the critical role that they have been playing of keeping the society going. It is the tax regime imposed by the Kenyan Government that is at the heart of lack of money in people's pockets thus the failure to take children to school.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Osotsi, proceed.

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir, for the opportunity to also raise my concern about the harassment of youth by police officers in Nandi Hills. It is so unfortunate that this police force that Kenyans have tried their best with all the investment through the Constitution of Kenya 2010 to make it a reformed service is getting worse and worse.

A situation where police officers can enter a private club and beat up the youth or do all manner of things is not something that should be happening in this country. These are things that happen in failed states, not in a democratic state like Kenya. Maybe, we need to go back and ask ourselves if this is the police force that we wanted and even, put it in the Constitution that the Police Service Commission should be independent.

We even put there the Independent Police Oversight Authority (IPOA), which is supposed to oversight the National Police Service Commission and nothing seems to be working. We must ask ourselves why? Why is the police not able to serve Kenyans well

and serve Kenyans as a service and not a force? That is a big question that we need to ask ourselves because we have cases like these ones, many of them across the country.

Mr. Speaker, Sir, the other day, we saw the police entering a church and throwing teargas. The other day, you saw police trying to stop meetings. However, this weekend, the Senator for Nairobi; Sen. Sifuna, and I applauded the police in Busia because the Governor of Busia tried to stop our meeting in Busia Town. The people said that we will have the meeting. The police were there to escort us very peacefully and give us protection. In the midst of all this, let me also thank the police for their conduct on Sunday when they welcomed us in Busia. They protected us and guided us to the venue of our meeting. That is the service that this country needs; not a police force or a police service that is there to harm us.

**The Speaker** (Hon. Kingi): Next Order, Clerk.

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON MOTIONS

**Sen. Wafula:** Hon. Speaker, I beg to move the following Motion-

THAT, pursuant to Standing Order No.111(1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party official responder, twenty minutes for the Minority Party official responder and fifteen minutes for each other Senator speaking; and further that fifteen minutes before the time expires, the Mover shall be called upon to reply.

I beg to move.

**Sen. Wakili Sigei:** Mr. Speaker, Sir, I second the Motion. While I second the Motion, I wish to appreciate the limitation of time to the extent of Members being allowed to take certain timeline because of the business that is existing in the House and for purposes of ensuring that we are also able to transact whatever businesses that are placed in the Order Paper or which are placed before the House within a reasonable timeline.

Mr. Speaker, Sir, I beg to second.

**The Speaker** (Hon. Kingi): I will now propose the question.

*(Question proposed)*

Now, hon. Senators, this is a Procedural Motion. With your concurrence, I may proceed to put the question, so that you can vote on the statement. Do I have your concurrence?

## QUORUM

**Hon. Senator:** We do not have a quorum in the House, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Clerk, do you have quorum? So, Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

*[The Speaker (Sen. Kingi) left the Chair]*

*[The Temporary Speaker (Sen. Wakili Sigei) in the Chair]*

**The Temporary Speaker** (Sen. Wakili Sigei): Clerk, please, continue ringing the Quorum Bell for another five minutes.

*(The Quorum Bell was rung)*

*(Several Senators stood in their places)*

**The Temporary Speaker** (Sen. Wakili Sigei): Order, Hon. Senators. Sen. Ledama Olekina, Sen. M. Kajwang' and Sen. Okenyuri, please, take your seat.

Now, Hon. Senators, having attained the quorum, I will proceed to put the Question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Wakili Sigei): Clerk, we may now move to the next Order.

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON ADJOURNMENT MOTION

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader, you may proceed.

*(Loud consultations)*

Order, Members!

**Sen. Wafula:** Thank you, Mr. Temporary Speaker, Sir. I beg to move the following Motion-

THAT, notwithstanding the provisions of Standing Order No.111(4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours, with not more than fifteen minutes for each Senator

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speaking after which the Senate shall adjourn without question put; provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes and shall be confined to the question of adjournment.

Mr. Temporary Speaker, Sir, I beg to move and request Sen. Cherarkey, now that he is on his feet, to second.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I second since this is a Procedural Motion and for colleagues to have time to vote on it, so that we can dispose of it and proceed to other matters on the Order Paper. I think that this is important and it is a procedural matter as per our Standing Orders.

With those few remarks, I beg to second. I thank you.

*(Sen. Cheruiyot and Sen. Olekina consulted while on their feet)*

**The Temporary Speaker** (Sen. Wakili Sigei): The Senate Majority Leader and Sen. Olekina, please, take your seats.

Hon. Senators, this being also a procedural Motion, I will proceed to propose the question.

*(Question proposed)*

As I have alluded, Hon. Senators, with your concurrence, I will proceed to put the question because this is another procedural motion just like the previous one we dealt with. I believe we are in concurrence.

*(Question put and agreed to)*

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON THE MOTION ON THE PRESIDENT'S ADDRESS TO PARLIAMENT

**Sen. Wafula:** Hon. Speaker, I beg to move the following Motion-

THAT, pursuant to Standing Order No.27(6), the Senate resolves that the debate on the motion on the President's address to Parliament shall be limited to a maximum of three sitting days with not more than 15 minutes for each Senator speaking, excluding the mover in moving and replying, who shall be limited to 30 minutes in either case and that the Senate Majority Leader and Senate Minority Leader shall be limited to 30 minutes each.

I beg to move and request Sen. Cherarkey to second.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, this is another straightforward Motion. As per our Standing Orders, this will increase efficiency and effectiveness of the House to be able to transact most of these motions in good time and in line with our Standing Orders, as anchored in Article 123 of the Constitution of Kenya.

I beg to second.

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*(Question proposed)*

*(Question put and agreed to)*

Clerk, proceed to call the next Order.

### PROCEDURAL MOTION

#### RESOLUTION ON REFERRAL OF STATUTORY INSTRUMENTS AND PAPERS SUBMITTED DURING RECESS

**Sen. Wafula:** Mr. Temporary Speaker Sir, I beg to move the following Motion-  
THAT, the Senate resolves that during the short and long recesses of the Fifth Session of the 13<sup>th</sup> Parliament, where any Statutory Instrument or Paper is transmitted for tabling in the Senate, and the Speaker determines that the Statutory Instrument or Paper is of priority, the Speaker shall forthwith refer the Statutory Instrument or Paper to the relevant Committee for consideration and the Statutory Instrument, or Paper, shall be deemed to have been tabled before the Senate and the Speaker shall report the Statutory Instrument or Paper to the Senate and cause the Statutory Instrument to be tabled in the Senate in accordance with the provisions of Section 11 of the Statutory Instruments Act (No. 3 of 2023) and the Paper to be tabled before the Senate at its next Sitting.

I request Sen. Cherarkey to second.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, as I second, I am impressed with the efficiency of the Senate Majority Whip. I saw even on the weekend when they were burying Prof. Siamba that although he was being intimidated, he stood his ground. We are proud of what you are doing.

Mr. Temporary Speaker, Sir, this is another Procedural Motion, especially on issues of the Statutory Instruments Act. I think, as a House, we have made a decision that is very clear, that all statutory instruments must come to the Floor of the Parliament and be approved.

We have seen Ministers and other people who have power to create instruments trying to bypass Parliament. This is a warning that they should not; they should follow the law.

Since this is a Procedural Motion and under Article 124 and powers of the committees and Standing Orders, I beg to second.

*(Question proposed)*

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members, similarly, this is also a statutory motion, a procedural motion, and with your concurrence, and having also determined that this matter does not affect counties, I will proceed to put the question.

*(Question put and agreed to)*

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Clerk, proceed to call the next Order.

## BILL

### *Second Reading*

#### THE KENYA NATIONAL COUNCIL FOR POPULATION AND DEVELOPMENT BILL (NATIONAL ASSEMBLY BILLS NO.72 OF 2023)

**The Temporary Speaker** (Sen. Wakili Sigei): The Senate Majority Leader, please proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): I thank you, Mr. Temporary Speaker, Sir.

I beg to move that The Kenya National Council for Population and Development Bill (National Assembly Bills No.72 of 2023), be now read a Second Time.

Mr. Temporary Speaker, Sir, this is a very important Bill. It is actually a National Assembly Bill No.72 of 2023, which our colleagues in the National Assembly have considered and duly now forwarded here to the Senate for consideration. This Bill, in a nutshell, seeks to establish properly this state corporation in statute.

As it is today, this Government agency is set up only under legal notice, Legal Notice No.120 of 2004. It is a very important Government agency. As you know, population is not a small matter in this country. There has been controversy. Even as we speak today, you know that the last census of 2019, certain sections of it were successfully challenged in court.

Today, even as we do division of revenue and government planning, many of those issues, in my opinion, are just being guided by guesswork. What do you do in the sense that a population census has been carried out and challenged in court? I am disappointed that there were no sanctions to the particular officers. If the court was convinced that either figures were inflated or the census was not carried out accordingly, then there should have been sanctions on the duty-bound officers or the people who undertook that exercise.

The problem in this country is that there are never sanctions for individuals who bungle public exercises. You will cancel an election, a title that was allotted, a certain transaction, but there has never been a decision. I wish that we had more bold judges in our judiciary who will look at civil servants who participate in such exercises that end up costing taxpayers money and send them to jail, so that people begin to appreciate that when you are charged with the responsibility of being a public officer, you take it seriously and do justice in the interest of the people.

Mr. Temporary Speaker, Sir, that was just a small deviation because I thought about the people that come specifically from those counties that are affected by the ruling on the population census of 2019, and the anxiety and injustice that they continue to suffer today, so long as the Government has never provided remedial measures on how to resolve that particular matter. The courts, in their wisdom or lack of it, as they say, never give direction on how that matter needs to be handled, or at least, none that I am aware

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of. Perhaps, it may have been spoken. It is not a matter that I have followed closely to the detail.

Mr. Temporary Speaker, Sir, this is a very important council, and the national Government needs to pay close attention to this. Each time, we, the Senate, discuss the annual division of revenue, and more particularly once every five years when we do the basis for revenue sharing across the county, we look at all these matrices, including population survey, poverty index, and all these matters. The information that we use is provided for us by credible government agencies like the Kenya National Bureau of Statistics (KNBS) and such like agencies. This will be one such agency, where on matters to do with population survey and development, they will have a say. However, it is my hope that their research, findings and studies will not just gather dust in government offices.

I am proud of the work that this House does. It is only that people do not follow the work of the Senate quite closely. It was this House that made a decision in 2016, for example. Previously, on conditional grants, Sen. Kajwang' may remember this; that, somebody will sit at the National Treasury and allocate projects haphazardly without basis or reference to any particular order. It took the decision of this Senate, through the Senate Standing Committee on Finance and Budget, to say no to the National Treasury and decide that there has to be a structured way in which conditional grants are sent equally and equitably to all the 47 counties. That is the kind of decision-making that we expect from bodies such as this, and that, their decisions will lead us, so that you have a fully prosperous country, without due consideration to any other political affiliation.

It is unfortunate that for the last 60 years, and this is a reality which nobody can challenge, there is a clear indication that regions that have produced either presidents or senior government officials have benefited unduly to the exclusion of certain regions of the country. It is because we have not mastered the art of looking at our country as an entire unit; that, we still consider that even matters of development are issues of political consideration. It is a difficult conversation which, unfortunately, the country must have.

Even as we speak today, there has been a very ugly spot of late, led by a very incompetent fellow that we kicked out by an impeachment Vote in this House, trying to besmirch the leadership from Northern Kenya. That debate cannot be heard in full without due consideration of where the entire 100 per cent of the budget has gone over the years. We can speak about the National Government- Constituencies Development Fund (NG-CDF) and the equitable share, which is barely 20 per cent. What about the other 80 per cent? We need to have that conversation as a country, looking at Kenya as an entire Republic, and knowing that there are regions that have been undermined by successive regimes. That is why we have all those details.

Mr. Temporary Speaker, Sir, as I mentioned, this Bill will anchor this Board in law, so that they do all the responsibilities that have been listed, asking this Board, for example, what are the objectives of the Council, which is to be the focal point of matters relating to population and development review and coordinate implementation of national population policy at regular intervals. I do not like the language that is used here. I have to be precise.

I hope the committee that looks into this matter - I do not know which committee will eventually look into this. I think it will be the Senate Committee on Labour and

Social Welfare. I saw Sen. Murgor earlier, but he is not here. They must get the submissions from the national Government, on which body will eventually carry out the national census, and what will then be the responsibility of this Board, complete with clarity, because the language that is used here does not provide specificity on this particular topic.

For instance, when you say you are a focal point, what do you mean? What is the relationship between this and KNBS? Will they do it jointly? Will one oversight the other? What is the relation? These are matters which I hope by the time we are doing the Committee Stage of this Bill, the Senate Committee on Labour and Social Welfare will have guided us, as a House, to properly understand the placing of this Council, complete with all the reasons that the members of this council requested.

Mr. Temporary Speaker, Sir, I want to spend a little bit of time on Clause 8. There must be a different way of doing things. Many times, when Bills come to this House, the national Government, true to its function--- The State Law Office is where the heart and the breath of this Constitution should be more alive than any other institution. However, matters devolution are dead at the State Law Office. This is something that I have raised with none other than the Attorney General on many occasions.

If you see how they have drafted this legislation, when you read the list of the members of this board, you can clearly see that this is not somebody who appreciates that there are two levels of government. I do not know what it will take for the drafters of such legislation, who sit at the National Drafting Desk at the State Law Office, to appreciate that there are two levels of government.

Our colleagues in the National Assembly must appreciate that there are two levels of government. There has been an erroneous interpretation that so long as a matter touches on devolution, it is of no concern to the National Assembly. This is unfortunate since all the Members of the National Assembly come from certain counties. They continuously undermine devolution by passing laws such as this.

This Bill has already gone through the 349 Members of the National Assembly and none has pointed out that such a board cannot be constituted in the 21st century, with the Constitution of Kenya, 2010. It shows that many of them do not exercise their minds appropriately to appreciate the important role devolved units carry on behalf of the people of Kenya.

Mr. Temporary Speaker, Sir, when the Committee on Labour and Social Welfare sits on this matter, I expect they will restructure the board properly and ensure good representation of county governments, including agencies and institutions that respect the Constitution of Kenya, 2010 and its workings. Otherwise, this continuous drafting shows that many of these Bills are lazily prepared, approved, edited, copied and pasted, without proper consideration.

Mr. Temporary Speaker, Sir, when I refer to the State Law Office, do not be worried. I know you have close relations in that office, but I am speaking of a different one. I have seen how you are looking at me when I mention the State Law Office.

At the next conference where we will bring together the National Assembly and the Senate, the Attorney-General needs to address us specifically on this matter and on the refusal by her officers to appreciate that the Constitution of Kenya, 2010 has radically changed institutions and their representation. That must be done.

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Part (h) is interesting. It states that three persons shall be nominated by the forum of religious organisations, consisting of the secretary generals of the Supreme Council of Kenyan Muslims (SUPKEM), the Kenya Conference of Catholic Bishops, the Hindu Council, the National Christians Churches of Kenya (NCCCK) and the Evangelical Alliance, provided that no more than one shall be appointed by the Cabinet Secretary from one organisation.

This is okay. At least, this is descriptive because it speaks to Muslims through SUPKEM and the major denominations of the Christian faith; the Catholics and the Evangelical Alliance and the Hindu Council. However, I do not think we have reached a point where we can define specific denominations. This country is diverse. I have nothing against Catholics such as Sen. Okiya Omtatah. I know he is a member of the Catholic faith and many others. When one denomination is singled out, others, such as the Anglicans, may protest. I do not know which church Sen. Kajwang' attends. He is an Adventist. For example, the Adventists are a major denomination with churches spread across the country. I do not know the total population of Adventists compared to Catholics or Anglicans.

Therefore, to mention a specific denomination may cause trouble unless there is a religious council to provide census data. I prefer the previous mode of drafting. We have done other laws such as the Independent Electoral and Boundaries Commission (IEBC) law, where it was left to the inter-religious council to make a determination. To pick a specific denomination, in this instance the Catholic Church, may cause conflict with the rest. Naming one is to exclude the others. We need to address that to bring better understanding. When Members of the Standing Committee on Labour and Social Welfare sit to consider that matter, they need to address this House on the response of other religious bodies to such inclusion.

Mr. Temporary Speaker, Sir, I do not want to belabour the point because, as I mentioned, the rest are statutory matters concerning the responsibilities of the Director-General, the Corporation Secretary and the usual requirements such as submitting statements to the Auditor-General and the Council within three months of the end of the financial year. These matters continue to form part of our legislative duties.

Therefore, it is a good Bill and important, but with areas of concern that I have raised. I hope that when the Standing Committee on Labour and Social Welfare considers it, they will furnish us with a good report. This is important given the issues surrounding the distribution of resources across the country. For example, as we sit here, much as we did for county governments on conditional grants, our colleagues in the National Assembly have never made a similar pronouncement on national issues, particularly where public officers have discretion to determine the placement of government projects.

What is the guiding factor in making such decisions? Many times, an officer sits in a government office and because they come from Kericho, decides to take a project there, including programmes unrelated to the region. This is done out of a desire to be popular. Many institutions and regions have suffered under such political patronage over the years. The Ministry of Health, the National Treasury and Economic Planning and others have been affected. This Council will address such matters. It is important to give it sufficient powers to ensure development is spread evenly across the country.

Mr. Temporary Speaker, Sir, with those remarks, I beg to move and ask the Senator for Nandi County, Sen. Samson Cherarkey, to second.

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader, as Sen. Cherarkey takes the microphone, I take comfort in the assurance you gave regarding those doing the drafting from the Office of the Attorney-General (AG) and their responsibility to ensure they do the right thing. I am sure the AG is listening and will take responsibility in future legislation that comes to this House.

Senator for Nandi, proceed.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, Sir. As I rise to second this critical Bill, I want to pick up from where the Senate Majority Leader has left. I will make a few observations because the rest of the Bill is more of a cleanup. What is happening in the State Law Office is simply resetting the old way of doing things into new recognition.

Senate Majority Leader, it is important to note that most Bills, over the years we have worked together, always exclude the role of devolution. I do not think this is the first Bill. I hope you can escalate it to the Committee on Devolution and Intergovernmental Relations and other engagements through the Senate Business Committee (SBC) and the leadership of the House. I confirm to you that this is the only engagement we will allow you to do. Any other engagement extended by the Council of Governors (CoG), who are a professional gossip club, should not be given similar courtesy. However, we are with you on this matter.

Mr. Temporary Speaker, Sir, population and development are very key. The biggest fight is the fight for resources. I am happy the President is in Northern Kenya for a few days. The reason that part of the country, especially Northern Kenya, has become the critical focus of topical discourse is because there is an agenda between population and area size.

There are people who feel that more resources should be taken to Vihiga as opposed to Mandera because of the population density. We also have people who believe that it does not make sense to do a road from Wajir passing through Mandera and Isiolo all the way to Nairobi, yet the traffic is not like the one experienced on Mau Summit-Rironi Road. The conversation surrounds population and development only.

Under Article 215, the role of the Commission on Revenue Allocation (CRA) has always been based on the population. The Fourth Basis for Revenue Sharing formula that we passed puts emphasis on population, land size and poverty index. That is why population is very important. It is the reason for anchoring the Kenya National Council for Population and Development (NCPD) Bill 2023 that was processed by the National Assembly is critical.

As the Senate Majority Leader put it, the population census was contested in court. According to the World Bank records, the population of Kenya is estimated to be between 50 to 56 million. The projection by the World Bank is that by 2050, Kenya will have a population of between 85 to 97 million. That indicates that 44 to 50 per cent of Kenyans will live in urban areas.

That is the foresight that President William Ruto had when he started doing affordable housing in major centres especially in our counties. However, many people are myopic in their thinking. According to the projection, almost a half of this country's

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population will live in urban centres. What will they need? Affordable housing, sewerage system, road network and other basics such as security in urban centres.

Therefore, the foresight by the President to do affordable housing is perfectly in order. The naysayers and Sanballats of this era of ours will not see the value until 2050 when 50 per cent of Kenya's population will be living in urban centres.

There is sad news about China. I was looking at the comparison. According to the World Bank, as of 2022, China had a population of 1.426 billion. Small cities similar to Mulot, Chepseon somewhere in Kericho or Oyugis have close to 400 million people, yet the total population is 1.426 billion.

What is happening in China is a sad story. People are no longer giving birth because of the policy of two children. Now the government has decided to tell people to do everything that needs to be done to increase the population. However, by 2050, the population would have declined to 1.3 billion.

In Kenya, the average family size is six. If you are a Senator with below six, then you are doing badly. That will undermine our growth in terms of resources, development and even voting because we are politicians.

I am happy to have met Sen. Danson Buya Mungatana somewhere in the City. I want to confirm to this House that he was walking with more than six children. We want people to follow the footsteps of Sen. Danson Mungatana, so that we increase our population. That will make planning for development easy.

*(Sen. M. Kajwang' spoke off record)*

**The Temporary Speaker** (Sen. Wakili Sigei): Wait, I have not given you the microphone. You have not caught the Speaker's eye. I am sure you have noted that the new system does not have a button for intervention. The only way you can catch the eye of the Speaker is probably by raising up your hand or by shouting.

Sen. M. Kajwang', I noted that you were not at ease when Sen. Cherarkey was contributing. What is your intervention?

**Sen. M. Kajwang'**: Mr. Temporary Speaker, Sir, I have sat in this Chamber for 10 years, but we seem to be regressing as far as technology is concerned.

My point of order is this. As Sen. Cherarkey seconds this particular Bill, is he in order to celebrate Sen. Danson Mungatana for having upwards of six? I think even my Deputy Party Leader Sen. Osotsi, when we went for his celebration, he introduced his children and put a rider that; "those are the ones I know for now."

Therefore, is he in order to celebrate people like Sen. Mungatana and Sen. Osotsi for having many children when Kenya's population policy aims at reducing the fertility to 2.6 births by 2030 and increase contraceptive usage to 70 per cent? How can Sen. Cherarkey celebrate a population policy of that nature? That population policy should be shredded!

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. M. Kajwang', please take your seat. Sen. Cherarkey's celebration was to the extent of the number of children that Sen. Mungatana had on that particular day they met in the streets. He did not speak to the policy.

*(Sen. M. Kajwang' spoke off record)*

Sen. M. Kajwang', I rule you out of order.

Sen. Cherarkey, proceed to second the Motion.

**Sen. Cherarkey:** You know my Chair has been in the storm this week and it is understandable.

Mr. Temporary Speaker, Sir, on a light note, you cannot disclose children of a Luhya man because they are never known. They are all over like the Abraham season. At least for Sen. Mungatana---

The Deputy Party Leader is my neighbour. When we went for his celebration, we saw quite a number.

Nigeria is doing well at 359 million. What I was referring to is the analysis by the Kenya National Bureau of Statistics (KNBS). They established that in the northern part of Kenya, a family has an average of six children. That population density should go hand in hand with development. For example, if you take a square kilometre for Marsabit and that of Ruiru, the population density is totally different. Within a square kilometre, you can get a population of up to 12 households. That is my argument. There is also the issue of human capital development. I am happy that the World Bank has recognised that human capital development is important.

To inform my Chair of the County Public Accounts Committee (CPAC), China is giving out incentives to encourage people to have more children, so that the population stops declining.

I met a French friend who told me that the more you give birth the more you get incentives. However, I would like to discourage the Government of Kenya to have people like Sen. Osotsi, Sen. Mungatana and Sen. Okiya Omtatah. If you give them incentives, they might get up to 100 children, which will strain our hard-earned resources in this country.

Finally, Mr. Temporary Speaker, Sir, since this is a straightforward matter--- Through the Chair, I do not know whether 'Akuku Danger' was a voter in Sen. M. Kajwang's county. You should see the value of 'Akuku Danger' because he had more than 100 children.

The issue of poverty index goes hand in hand with population. The council is critical because they will assist the CRA in terms of projections and mid-term plans both by the national and the county governments.

During the Third Reading, we will amend Clause 8 to ensure that counties are part and parcel of this board because we want them to have a fair share and not the Council of Governors (CoG).

Mr. Temporary Speaker, Sir, as lawyers, you and I know that the CoG is not anchored in law. It is basically a club of professional gossip members that need to transform. I think those are policy issues that we should sit down and discuss.

They should anchor the County Assemblies Forum (CAF), the Society of Clerks-at-the-Table (SOCATT), Association of Members of County Assemblies (AMCA) and also the Council of Governors (CoG).

Mr. Temporary Speaker, Sir, with the ongoing debate of population and development, I want to inform the Senate Majority Leader that some governors are

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enjoying themselves at a retreat somewhere in Kilifi, while most of the people they represent are languishing in poverty, including, Kericho County. Most of them are proposed an equitable shareable revenue of Kshs534 billion.

Mr. Temporary Speaker, Sir, through you, I appeal to the Senate Majority Leader and Members of this House that our Finance and Budget Committee should not meet the CoG to discuss anything in terms of resource allocation until they honour the constitutional obligations by appearing before the Senate Committees. That is the only decent way.

My question is; why are you afraid to account? Accountability is part of the Principles of Leadership and Integrity in Chapter 6 and the rule of law and good governance in Article 10. Good governance means that you are able to account for resources given to you. If you feel that accountability is too much, take a walk, resign and allow other Kenyans to occupy those offices. Even in our homes, growing up, I used to see my mother oversighting my father. When my father would go to Cheptiret - a place where they sell cows every Wednesday- I would hear my mother asking him about the proceeds of selling the cow. That is also part of oversight; that is what Sen. Osotsi is asking about, except now that we are escalating it to our level.

Mr. Temporary Speaker, Sir, since we are discussing the issue of population and development, I confirm to this House that as Committees of the Senate, we shall not be intimidated or blackmailed. You cannot buy a Christmas tree worth Kshs120,000 for Kshs3.6 million in December the way Bungoma County did and expect us to clap for you or give you a standing ovation.

You cannot do a house warming party for the Speaker's residence like it happened in Vihiga County where Sen. Osotsi comes from and expect the Committee to celebrate and clap for you. You cannot purchase Kshs55.6 million worth of seedlings in Mandera County, where drought is ravaging, and expect the Committee to celebrate you.

Mr. Temporary Speaker, Sir, what shocked me is Elgeyo Marakwet County. They have what we call seedlings and biological assets of Kshs274 million. Under the financial statements, we found out that the Kshs274 million includes semen, the one which is used to procreate. We were wondering how they can list semen as part of their assets and expect us to sit and clap for them. We cannot!

When you go to Nandi County, Chepterwet Hospital, Kobuchoi Sub County Hospital, Kapseng'ere Hospital - I know Sen. Osotsi knows it - and the Mother and Baby Hospital in Kapsabet Town have stalled. There are leakages of revenue in Kaimosi Agricultural Training College and Kiborgot Tea Estate.

It is very unfortunate that you want us to give a standing ovation to governors when they are mismanaging, running down our counties and not taking care of our values. Even in Kericho County, the area Governor, together with the Governor of Nandi County, opened substandard market stalls with pomp and colour. In fact, the mistake the Governor of Kericho County did was benchmark with the worst Governor in the history of this Republic by the name Governor Sang.

Mr. Temporary Speaker, Sir, I saw and I was embarrassed. That project was done by the World Bank but mismanaged by the County. In fact, I request the Committee on Trade, Industrialization and Tourism to visit Kericho County. I am told that it floods when it rains in Litein Town, where the Governor went to put cabros because there is no

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drainage. The whole Town is turned into Lake Nineveh or Lake Victoria. The stalls in Kericho Town do not even have ventilation, they are substandard. I request the Committee on Trade, Industrialization and Tourism to visit Kericho County and save our people from the Pharaoh.

So that I allow my colleagues to contribute, I say that the rest of the clauses just need some clean up. Population and development is very critical; that is what we support.

Mr. Temporary Speaker, Sir, as a lawyer, you know the projections we do as a country. You have seen Hon. John Mbadi, the Cabinet Secretary for National Treasury and Economic Planning talk about inflation rate and how pressure on population will continue.

If my memory serves me right, Nairobi City County is estimated to have a population of 4 million. What that means is that there is pressure on the sewerage, roads, water and infrastructure networks. All of us live in this City and know that when you go to Kilimani, the potholes are shocking. There are people destroying the roads; those building high rise buildings in Kilimani. We want to know who approves them.

Mr. Temporary Speaker, Sir, I thank President William Ruto because he has come to rescue Nairobi City County. The current Governor was running Nairobi into serious---

The transfer of functions has been done under Article 187 to ensure the national Government assists the Nairobi City County in garbage collection since Governor Sakaja's tenure has become a disaster. I hope the Members of County Assembly (MCAs) of Nairobi City County are watching this. We need a city that is functional; a City that has access to water. I thank the national Government for coming to rescue Nairobi City County from Sakaja's administration mismanagement.

Mr. Temporary Speaker, Sir, with those many remarks, allow me to end there and second this Bill.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, on a number of occasions, the Speaker was tempted to remind you of the provisions of Standing Order No.120. As you submitted, you made several detours under the rule of relevance, however, you managed to bring yourself back on track. It is important, though, to be reminded of that particular Standing Order.

*(Question proposed)*

Hon. Senators, this Bill is now available for debate. From my request list, Sen. Mungatana is up next.

**Sen. Mungatana, MGH:** Thank you, Mr. Temporary Speaker, for giving me the opportunity to debate the Kenya National Council for Population and Development Bill, (National Assembly Bills No. 72 of 2023). I rise to support that this Bill be read a Second Time.

When we say that through this Bill, we now want to anchor the gazetted institution - the Population Council - in law, some people think that it is just another thing we are doing.

I have a practical example. Many years ago, when we were under the Kibaki Administration, I personally pushed for the establishment of the Coconut Board. The

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Coconut Board was set up through a presidential proclamation and gazetted. However, without a proper law to anchor that institution, with time administrations that followed were not given a proper budget line. As a result, the Coconut Board died a natural death.

Mr. Temporary Speaker, when we say that we want to anchor this Council of Population in law, we are not doing something that is in the air, we are doing something that will ensure that this organisation will continue to subsist even beyond the current administration and future administration. It will only be possible to remove it if another law is passed to remove it from existence.

I, therefore, start by saying that is a good move and it will help anchor the functions of this council. If you look at the draft bill that we are debating today, there is a passage that I think the clause needs to be looked into afresh. This type of drafting has been criticised before but I want to put it again on record that it is wrong for someone to sit here in Nairobi and decide that the only county of the 47 counties in Kenya that needs to host a headquarter of any important institution is Nairobi. Why put it in the law that the headquarters of this organisation will be Nairobi? What should stop in future for this organisation to be headquartered in Tana River County?

We should discourage this kind of centralised thinking as if we have only one county in the rest of Kenya. The drafters in the office of the Attorney General, maybe are old people. They need to go on retirement. They need to know that this country now has 47 counties. You do not draft a Bill that subscribes the headquarters of an important organisation such as this in Nairobi and make it very difficult for future counties to inherit that facility. As we sit here today, there is no national headquarters in Tana River County. No building, no structure from the national headquarters. Here in Nairobi County, there are so many headquarters, there are so many institutions that are headquartered here. Why should we pass this law that says that even the National Council for Population and Development (NCPD) should be headed in Nairobi? Why? New thinking needs to be injected.

I represent this Senate in the Pan-African Parliament where we sit in Johannesburg on behalf of this country. When you look at the South African setup, you have the Parliament sitting in Cape Town, many miles away. You have the Judiciary in Johannesburg. You have the Executive in Pretoria. This is the kind of thinking that we should have.

Why should the NCPD be put here? If you do not want to bring it to Tana River, why not bring it here to Machakos? Why are you congesting Nairobi yet you are a population council? One of your functions is to make sure that there is balanced development. Why not take it to Mombasa? Why not take it to Nakuru? Why not take it to Kisumu? We have to have more creative thinking within the cadres of the drafters. Do not just copy-paste old legislation that has been passed by time.

I appeal to the Committee on Labour and Social Welfare in the Senate to have a clean at this and make an amendment. If you do not, I will propose that amendment. We should remove that kind of old legislative drafting.

Mr. Temporary Speaker, Sir, coming to the importance of this law. This law is so critical. It is so critical that we should have a proper population council. It should be funded adequately. We were in Uganda for the East African Inter-Parliamentary Games.

Those like me, who would go out to jog outside, you would see a very nice big building that is the centre of population statistics in Kampala.

In Kenya, we do not have that yet this is a smaller economy by far. However, we have started doing things that are even surprising us that we should have done. We should have passed this law a long time ago. We should give adequate facilitation and funding to this organisation regardless of where it is anchored in law. Why? This is because its functions are very important. When you come to youth and employment, many of us in our age, have children who are graduating or are in postgraduate in university. These children are all coming out in their thousands every year into the job market.

We need a strong population council that is anchored in law that will be able to do planning. For example, we will need to have a plan on industrialisation. Where are these industries supposed to be? How should we locate them? When the potential investors come to Kenya, where should they be encouraged to go? What are the demographic trends that will guide location of factories amongst other factors? We can use the data, accurate population data, to enable proper planning for the youth population that is coming up.

Mr. Temporary Speaker, Sir, on health facilities, many times, we have had huge campaigns. We say we want to eradicate polio and we have polio campaigns. We want to give mosquito nets, on anti-malaria campaigns. Most times, what we have seen is very unscientific and very discriminatory practises coming from the Ministry of Health Headquarters. This is because they say they are distributing mosquito nets on a pilot scheme. Thereafter, the bosses there ensure that the pilot project goes to their counties.

After six counties are done, you are told that the pilot project ended. You will find counties where malaria is actually a threat, such as Tana River County, are not on that pilot project. With a strong population council, grounded and anchored in law, and supported financially, we will have proper statistics that will inform government and health planning.

Mr. Temporary Speaker, Sir, even in education, how many times have we said that there are places or counties in this country where within a radius of 50 kilometres, you have – we have this university, another university college, another university, another university, yet some other counties do not have a single university campus? Tana River County just has a plan from the Great Lakes University, that this year, now they will establish a campus; the first one. However, government planning is skewed politically. It is not informed by scientific statistics. This takes place because we do not have a strong population council.

Mr. Temporary Speaker, Sir, we shall support this Bill and we want it to be a reality. I have been to counties that will tell you that they will build a new city next year in this direction of town, because we need more schools and hospitals on that side, and they base it on accurate population data.

This is an opportunity for us to make sure that our data is very well supported. The beauty of this Bill is that it is now creating an institution that is transparent. They are going to make everything public. If you want the statistics; they will be available. We are going to fund them to give better information to all of us.

Even for county planning, if we are to get accurate data, most of our counties will rely on this information to do proper county-integrated planning. These plans inform

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development within our counties, which we defend and protect in this Senate. Without accurate population data, we cannot do long-term planning like Vision 2030, mid-term plans and county-integrated planning.

We need to have this Bill passed like yesterday. I support that this Bill be passed with the necessary amendments that I have proposed. When the committee sits down to look at it, they should look at those I have proposed, so that the Bill also caters for the interests of counties. Counties should also benefit from the facility that we are creating now and anchoring in law.

Mr. Temporary Speaker, Sir, with those very many remarks, I beg to support.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Osotsi, you may proceed.

**Sen. Osotsi.** Thank you, Mr. Temporary Speaker, for the opportunity to contribute to this Bill, the Kenyan National Council for Population and Development Bill (National Assembly Bills No.72 of 2023).

I understand that this Bill is supposed to enact into law an existing body called the NCPD which is existing based on the state corporation, the NCPD Order, 2004. This means that this body has actually been in existence. However, this Bill aims at putting this as a statutory body in law.

I appreciate the need to do this, because population data is very important for this country. Population is central to our planning and development. Basically, every aspect of our development is based on population. For example, when we talk about sharing revenues in our counties, the formula that we passed a few months back, population was a very important variable in that formula. So, population helps us to determine how much each county should get.

Population is also key in the delimitation of our electoral areas in this country, and is provided for in the Constitution. Population is also key in our budgeting to determine how resources will be shared across the country. So, population is a very important variable in this country. However, as has been said by the Senate Majority Leader, the population data that we are relying on is incorrect, and this was confirmed via the court ruling that; the population census data that this country is relying on is inaccurate.

Mr. Temporary Speaker, Sir, you know that a lot of government resources were used to come up with that census, and the census is done every 10 years. It is quite surprising that a country can spend billions of monies to carry out a census only for the results of that census to be declared incorrect and invalid. I think someone should have been responsible for that mess. However, this being Kenya that we know, everything that is done in this country is never taken seriously and people go scot-free, even where mistakes and violations of the law are clearly evident.

I was reading through this Bill and I thought I was actually in those earlier ages of life, many hundreds or thousands of years ago. In the modern world of data and technology, we should not be struggling to know what our population is. You can imagine that this country takes 10 years to conduct a survey called a census, which does not give good results, and then 20 years later, they discover that they have been relying on wrong data for their population.

In the modern world, it is very easy to determine what your population is at the click of a button. How do countries with huge populations like India and China determine their population? They do not do a census. It is very easy to know how many Kenyans there are, because when a child is born, he is given a birth certificate. When someone dies, they are given a death certificate or a burial permit. Where does this data go? When kids go to school, they are registered in schools. Where does this data go?

We would not be wasting a lot of money conducting a census to determine our population when we sit on this data every day. I believe it would be very easy to know, almost to perfection, the population of this country if this country invested in data management.

Countries that are succeeding globally are those that have invested in data management. The United States of America (USA) will continue to be a superpower in this world because it has invested in data. That is why they are even paying to get our health data, because they understand the importance of data.

We are in this confusion because we do not know how to tap into our data and manage it. Why would you have a body composed of 13 people in the council and yet they cannot determine the population of the country, when you can determine this by a click of a button? When we talk about the road to Singapore, how are we going to reach Singapore when we cannot do simple things like determining our population?

If I had a way of advising this government, I would advise them to maybe invest in a national data center where all the data that is collected is harmonised and used to determine a number of things, including population.

I know there was an initiative, during President Kibaki's time, when we started something called Integrated Population Registration Service (IPRS), which was linking the departments of Birth and Death and Independent Electoral and Boundaries Commission (IEBC), the national identity card registration and the others. What happened to that exercise? Had that exercise been done very well, then we would not be struggling with the population, to know how many we are in this country, and where every Kenyan is. It would be by click of a button.

I advise this government for free that they need to take seriously the issue of data because data is the next oil for this world. Without that, we will be engaging in pointless and expensive exercise such as what we are doing. For instance, right now, we are struggling with our voter register. We do not know who is alive and who is dead and yet we are sitting on that data. The Office of the Registrar of Births and Deaths knows who has died in this country. The office that registers birth knows who has been born in this country. Our Minister for Education has a system, the National Educational Management Information System (NEMIS) or something, that knows who has registered in a school, at what age, who is going to secondary and all that data.

Why is it that we cannot analyze that data to determine important variables such population or to determine, even with a click of a button, who is supposed to be a voter?

The IEBC is now asking for billions of Kenya Shillings to conduct voter registration when all they need is to invest in technology and get this data by a click of a button. As someone who has vast knowledge in information technology, I advise this government, which promises to go to Singapore, I do not know by foot or how, that if we cannot do these simple things. I believe that Sen. Mungatana's going to Singapore is not

just by brick and mortar. Some of these simple things can aid our going to Singapore very easily if we have the right data in place. That would help us do a lot of saving.

What is really the function of this Board, when the same work they are doing can be done by other government departments? For example, when I look through this Bill, it reads like another one we passed here, the National Bureau of Statistics Bill. The Ministry of State for Planning and National Development conducts some of these things. This can as well be a department within the same ministry.

Why should it be an independent statutory body? Why do we keep on contradicting ourselves as a country? A few months back, we were told that they were going to merge various parastatals to reduce on the wage bill and also to reduce on government expenditure. Instead of implementing that report we are now seeing, they created additional statutory bodies and parastatals. When you look at it, you wonder if we are serious as a country? This is probably a function that can be done through a meeting. When I look at the list of people who are on the council, half of them are government officers who can sit in their offices and make decisions on these things, without wanting us to spend exchequer to run a body that ideally should not exist.

Mr. Temporary Speaker, Sir, I am expressing my frustrations because sometimes you look at the kind of wastage in our government and wonder why we should spend. I am sure this body will be given, maybe to be modest, at least half a billion shillings every year. That money could go to construct classrooms in Tana River or Bungoma. However, we are paying people to do the job that they ought to be doing.

When I look at the list of the council members, I see the Principal Secretary (PS) for Health, the PS for basic education and the Attorney General. Why can they not just sit in their offices and do a meeting to have these things done without occasioning the need to set up a parastatal or a body that is going to consume money?

As I support this Bill, I have to voice my concerns on the plunder of resources in our government through establishing some of the bodies which ideally duplicate the work of other bodies within government.

Coming to the issues of population in our counties, I think one of the most important innovative things that the Senate should do is to give capability to our counties to also participate in determining population of their own counties because the current population data that we have is wrong. For example, in my own county, we are told our population is around 600,000 people, but ideally, we are over 1 million. Counties must have a strong say in determining population for their respective counties.

As we talk about counties, allow me, because we are talking about population that goes with resources and resources with accountability. Accountability must now become a very important factor in appropriating money to our counties.

Mr. Temporary Speaker, Sir, I think the Finance and Budget Committee should lead the way. We must find a way of incorporating an element of accountability in the formula for division of revenue to our counties. There are counties that receive a lot of resources that are passed by this Senate and they are not accountable. They spend all that money through corruption and when this House questions their corruption, they come out fighting.

I am surprised that the governors have issued a statement saying that they are not going to appear before this House. They made it loud but some of them have been

approaching our committees and telling us, “Please, Chair, give me a good date when I should be coming. Give me a good time when I should come.” When they go to the public, they want to play to the gallery and say; Senators are harassing them.

The Chair of Council of Governors, who is very notorious in terms of appearance before Senate, has written to County Public Account Committee (CPAC) asking for an earlier date but outside there, he is getting his other governors to boycott coming to the Senate.

What I am discussing is not out of tune with what we are discussing, because population is part of the shareable revenue. We have said that any governor who refuses to come to the Senate’s County Public Investments and Special Funds Committee and the CPAC is going to pay for the expenses of the meeting. He is going to pay for the allowances of the support staff who come from the Controller of Budget (CoB), Office of the Auditor-General, Ethics and Anti-Corruption Commission (EACC) and the National Treasury, as well as our allowances for sitting in those meetings.

Secondly, Mr. Temporary Speaker, Sir, we are going to recommend to this House that those particular counties which are notorious and will not appear before these two committees, be left out from the disbursement schedules that we are going to pass, be it shareable revenue or additional allocation that we are going to pass.

Lastly, we must find a way of incorporating accountability component in our formula, so that the counties which are notorious in plundering of resources or which are not appearing in the Senate or have bad audit reports face the pinch of not being accountable. Those governors must be ashamed for their action. This House has to be firm.

In fact, I was just discussing with my colleague of CPAC, Sen. Kajwang’, that it is high time that this House came up with a list of shame, to shame those governors who have bad audit reports and have a bad record of appearing before the Senate to respond to issues. If we do this, we will be instilling discipline in our counties.

Before I end, where is the EACC? If you look at our reports, in nearly all of them, we have recommended that the EACC investigates...

*(Sen. Osotsi’s microphone was switched off)*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Osotsi, unfortunately, your time is up and the Chair will not allow you to extend. You have made your point. Take your seat.

Sen. Wafula Wakoli, please proceed.

**Sen. Wafula:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity, and Members for your contribution.

I would like to pick up from what my brother from Vihiga County has said. That, whenever we are discussing issues of revenue allocation, and all of us senators are up in arms that our population is rising, the pressure on the exchequer is rising, and many other parameters that we apply to distribute the resources, that is the time our good friends, the Council of Governors, will be nice, gentlemen and ladies, courteous, religious, African in nature, just because the coin is dangling and the coin must be delivered to them.

However, when it arrives, our good friends become vultures and vagabonds. I want to pick it there and say that it is not only CPIC and CPAC that are sharpening their legislative knives. Mhe. Mungatana, you know this; that, any other Committee in the Senate is not ceremonial. All committees have the legal tools and ammunition to deal with the truant governors hiding under the Council of Governors.

So, as the former Chairperson of the Senate Standing Committee on Agriculture, Livestock and Fisheries, we will now even go deeper into the details, matrix and logistics that are put in those committees that we lead. So that as much as Osotsi and Sen. Kajwang' are squeezing them, we are also going to milk them and ensure that the taxpayers' money is protected. For example, somebody will say they have 6,000 peasant farmers in a county, but when you ask them to give you data of the farmers, they fake the identity card numbers and the names and with dry eyes, table those documents to Senate. This Bill is going to give us the legal apparatus to manage this situation.

Mr. Temporary Speaker, Sir, we have a programme of governors feeding Early Childhood Development Education (ECDE) learners. When you ask them for the data they are relying on to feed these young children, they do not have any. Some of the county governments do not even facilitate these young children to get birth certificates, but they are busy running with packets of flour and milk and sacks of rice. However, when you go to the real figures on the ground, some of those children have never seen a cup of porridge. So, we are saying this Bill is good, we support it, there is room for improvement, but it is also going to allow the Senate to oversight county governments based on figures, not emotions and titles.

Therefore, I support this and ask Hon. Senators in all our committees, figures not to lie. Populations do not lie, numbers do not lie, and therefore, we must be able to dispense our duties properly.

Mr. Temporary Speaker, Sir, we have heard the Ministry of Education saying they are losing billions to ghost schools. It again shows that the population matrix in Kenya has a problem. We do not even know how many foreigners are in the country because the immigration system probably has a problem. So, this institution is key in running government ministries, ensuring that the vital national security installations are well catered for. The planning for this country as we move to the trajectory that the President wants us to go is well tailored and this country will not regret.

Finally, in regards to where I come from, I will be keenly following. They are soon going to give free fertilizer, seedlings and inputs to farmers. I will want to see the population index data and the parameters, that they will be benevolently using to give farmers these things. Will it be anchored in law or anchored in a good heart disguised? - a good heart, but more of an appetite for a tender of supplying fertilizer and seedlings, and not for the interest of the poor person at the grassroots. So, I call upon the people of Bungoma County and the people of Kenya to be keen on figures, statistics and population because there is no allocation of funds that is not directly proportional to the populations that we are talking about.

Thank you, Mr. Temporary Speaker, Sir.

I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Wakoli. I have no other Member requesting to contribute to this Bill. In the absence of the Senate Leader of

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the Majority, who is supposed to reply, we will defer the reply to this Bill to the next sitting of the House, so that we progress.

*(Reply to the Bill deferred)*

Clerk, please call the next Order.

### **BILL**

#### *Second Reading*

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT)  
BILL (SENATE BILLS NO. 46 OF 2023)

**The Temporary Speaker** (Sen. Wakili Sigei): This is a Bill by Sen. Johnes Mwaruma, MP, who is also not in the House. Therefore, that Order is deferred.

*(Bill deferred)*

Let us proceed to the next Order.

### **BILL**

#### *Second Reading*

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT)  
BILL (SENATE BILLS NO. 49 OF 2023)

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Seki is not present in the Chamber. Therefore, that Bill is also deferred to the next Sitting.

*(Bill deferred)*

Next Order.

### **BILL**

#### *Second Reading*

THE NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (CONTROL)  
(AMENDMENT) BILL (SENATE BILLS NO.1 OF 2024)

**The Temporary Speaker** (Sen. Wakili Sigei): Equally, Sen. Kathuri is not present in the Chamber. The Order is, therefore, deferred to the next Sitting.

We call the next Order.

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*(Bill deferred)*

**BILL**

*Second Reading*

THE CULTURE BILL (NATIONAL ASSEMBLY  
BILLS NO.12 OF 2024)

**The Temporary Speaker** (Sen. Wakili Sigei): The Senate Leader of the Majority, who is supposed to move this is not present. Therefore, the Bill is deferred. Let us proceed to the next Order.

*(Bill deferred)*

**BILL**

*Second Reading*

THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL  
(SENATE BILLS NO.20 OF 2024)

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Karungo Thang'wa was here but has just moved out of the Chamber. In his absence, the Bill is deferred from today's business.

*(Bill deferred)*

Next Order, please.

**BILL**

*Second Reading*

THE LIVESTOCK PROTECTION AND SUSTAINABILITY BILL  
(SENATE BILLS NO.32 OF 2024)

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. (Dr.) Lelegwe is absent. That Order is deferred.

*(Bill deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Sen. Wakili Sigei): Now, Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until tomorrow, Thursday, 12<sup>th</sup> February, 2026, at 2.30 p.m.

The Senate rose at 5.46 p.m.