



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



**Fifth Session**

**Tuesday, 17<sup>th</sup> March, 2026 at 2.30 p.m.**

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Tuesday, 17<sup>th</sup> March, 2026

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 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)*

*(Loud consultations)*

Order, hon. Senators, we now have quorum. Senator for Nandi and your friend from Kilifi---

Clerk, you may call the first Order.

#### MESSAGE FROM THE NATIONAL ASSEMBLY

**The Speaker** (Hon. Kingi): Sen. (Dr.) Lelegwe, kindly take your seat. Sen. Seki, settle down.

Thank you.

PASSAGE OF THE DIVISION OF REVENUE BILL  
(NATIONAL ASSEMBLY BILL NO.2 OF 2026)

Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.46(3), I have received a Message from the Speaker of the National Assembly

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

regarding the passage by the National Assembly of the Division of Revenue Bill (National Assembly Bills No.2 of 2026).

The Message, dated Thursday, 12<sup>th</sup> March, 2026, was received in the Office of the Clerk of the Senate on the same date. Pursuant to Standing Order No.46(4), I now report the Message.

Pursuant to the provisions of Standing Order Nos.41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly-

WHEREAS the Division of Revenue Bill (National Assembly Bills No.2 of 2026) was published via Kenya Gazette Supplement No.14 of 19<sup>th</sup> February, 2026, as a Bill to provide for the equitable division of revenue raised nationally between the national Government and county governments in the Financial Year (FY) 2026/2027 and for connected purposes; and

WHEREAS the National Assembly considered the Bill and passed it with amendments on Tuesday, 10<sup>th</sup> March, 2026 in the form attached hereto;

NOW, THEREFORE, in accordance with the provisions of Article 110 of the Constitution and Standing Order Nos.41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.

Now, 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 Division of Revenue Bill, (National Assembly Bills No.2 of 2026) be listed in the Order Paper for First Reading, tomorrow, Wednesday, 18<sup>th</sup> March, 2026, at 2.30 p.m.

Thank you.

Next Order.

## NOTICES OF MOTIONS

### INCLUSION OF TEACHER TRAINING COLLEGE STUDENTS IN HELB FUNDING MODEL

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion-

AWARE THAT, the Constitution of Kenya under Article 43(1)(f) guarantees every citizen the right to education, and Article 53(1)(b) provides that basic education is free and compulsory;

FURTHER AWARE THAT, the Government of Kenya launched the New Education Funding (NHEF) model in 2023, primarily targeting University and Tertiary and Vocational Education and Training (TVET) students, leaving a significant gap in the financial support for students in Diploma and Certificate Teacher Training Colleges (TTCs);

CONCERNED THAT, students enrolled in Public Teacher Training Colleges are discriminated against and not expressly and fully provided for under the prevailing higher education financing framework, thereby limiting or excluding their access to structured government support for tuition and accommodation;

COGNIZANT THAT, the transition to the Competency-Based Curriculum (CBC) requires a highly skilled teaching workforce, and that the financial burden on teacher trainees, many of whom come from marginalised backgrounds, threatens the sustainability of the teacher supply chain;

NOW THEREFORE, the Senate urges the Ministry of Education, in conjunction with the Higher Education Loans Board (HELB) and the Universities Fund (UF), to-

(1) Formally integrate Teacher Training College students into the New Funding Model to ensure equity, quality and inclusivity in the education sector; and

(2) Develops regulations and guidelines to define the eligibility criteria for Teacher Training College students covering tuition and reasonable accommodation and upkeep costs.

**The Speaker** (Sen. Kingi): The Chairperson, Standing Committee on Delegated Legislation, you have a notice to give.

EXTENSION OF TIME FOR CONSIDERATION OF  
THE SUGAR (GENERAL REGULATIONS, 2025)

**Sen. Gatya Mo Fire:** Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion-

AWARE THAT, the Sugar General Regulations, 2025 (Legal Notice No.167 of 2025) and the Sugar (Imports and Exports) Regulations, 2025 (Legal Notice No.168 of 2025) were tabled in the Senate on 6<sup>th</sup> November, 2025 and referred to the Select Committee on Delegated Legislation for consideration pursuant to Section 12(1) of the Statutory Instruments Act;

COGNIZANT THAT the Committee is required to make a report within 28 sitting days after the date of referral of the instruments by the Senate pursuant to Section 15(2) of the Statutory Instruments Act which will lapse on Tuesday, 17<sup>th</sup> March, 2026;

AWARE THAT Section 15(3) of the Statutory Instruments Act provides that, by a resolution, Parliament may extend the time for consideration of a Statutory Instrument by a period not exceeding 21 calendar days;

NOTING THAT the Committee requires additional time to consider issues arising from stakeholder consultations and to allow for further engagement on the Regulations;

NOW THEREFORE, the Senate, pursuant to Section 15(3) of the Statutory Instruments Act, resolves to extend the timeline for the consideration of the Sugar (General) Regulations, 2025 (Legal Notice No.167 of 2025) and the Sugar (Imports and Exports) Regulations, 2025 (Legal Notice No.168 of 2025) for a further 21 calendar days to enable the Committee to conclude its consideration and table its report on or before, Tuesday, 31<sup>st</sup> March, 2026.

I give notice of Motion. Thank you.

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

## QUESTIONS AND STATEMENTS

### STATEMENTS

**The Speaker** (Hon. Kingi): Statements pursuant to Standing Order No.53(1).  
Senator for Murang'a County, Hon. Joe Nyutu.

#### REVIEW AND ALTERATION OF WATER SERVICE BOUNDARIES IN MURANG'A COUNTY

**Sen. Joe Nyutu:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on a matter of county-wide concern regarding the ongoing review of water service boundaries and the management of water infrastructure in Murang'a County, particularly the reported restructuring involving Murang'a South Water and Sanitation Company and Muranga Water and Sanitation Company, including the status and control of key infrastructure such as Maragua Dam.

In the statement, the committee should address the following-

(1) The basis upon which the County Government of Murang'a initiated the review and alteration of water service boundaries between Murang'a South Water and Sanitation Company and Murang'a Water and Sanitation Company.

(2) Whether public participation has been undertaken in the affected areas, including the modalities, timelines and venues for such engagements.

(3) The status of the loans acquired by Murang'a South Water and Sanitation Company and the infrastructure developed therefrom, including the application of those loans, the status of the proposed transfer and control of key water infrastructure such as Maragua Dam and the measures in place to ensure continued servicing of financial obligations and the sustainability of the affected water service providers.

(4) The impact of the proposed boundary changes on consumers in the affected areas, including any changes in connection fees, water tariffs, penalty charges and other costs that residents may incur under the new service arrangements.

(5) The measures being taken to safeguard the economic and social interests of residents of Murang'a South, including equitable management of water infrastructure

developed within their localities, protection of community interests arising from the restructuring and fair access to employment opportunities.

Mr. Speaker, Sir, if you may allow me, I have a second statement.

UTILISATION OF FUNDS ALLOCATED FOR YOUTH AND  
SPORTS DEVELOPMENT IN MURANG'A COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Labour and Social Welfare on a matter of county-wide concern regarding the utilisation of funds allocated for youth and sports development in Murang'a County.

Mr. Speaker, Sir, the Department of Youth, Culture, Gender and Social Services, Murang'a County, allocated approximately Kshs39 million for recurrent expenditure and Kshs60 million for development expenditure for the Financial Year 2023/2024. In the Financial Year 2025/2026, the Department's budget increased to approximately Kshs92.8 million for recurrent expenditure and Kshs167 million for development. Despite these significant allocations, sports facilities across the county remain largely dilapidated, under-developed and in some cases, unusable.

In the statement, the committee should address the following-

(1) The budgetary allocations earmarked for sports development in Murang'a County for the financial years 2023/2024 and 2025/2026, including funds allocated for the construction, rehabilitation, modernisation and maintenance of sports facilities and the breakdown of the actual expenditures.

(2) The number of sports infrastructure projects that were planned, ongoing or completed during the two financial years including, the project location, allocated budget, contractor where applicable and the current status of each project.

(3) The number, location and current status of all public sports facilities in the county including, stadiums, playgrounds and training grounds where the funds have been allocated for their maintenance, upgrade or expansion and the plans the county government has put in place to urgently rehabilitate and modernise these facilities, including the timelines within which residents can expect tangible improvements.

(4) The reasons why the county government has failed to rehabilitate, construct or modernise sports facilities across Murang'a County despite significant development allocations to the department, noting that many existing facilities remain in deplorable conditions.

(5) The specific programmes, initiatives and investments undertaken by the county government to support youth sports development, nurture sporting talent and promote organized sporting activities within the county, including the measures put in place to support youth teams, local leagues and sports associations through equipment provision, training, sponsorship and facilitation for participation in competition.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Senator for Kilifi County, the Hon. Justice (Rtd.) Steward Madzayo.

UHIFADHI WA MIILI YA WAATHIRIWA  
WA JANGA LA SHAKAHOLA

**The Senate Minority Leader** (Sen. Madzayo): Asante, Bw. Spika. niko na Kauli ninayoleta mbele ya Bunge la Seneti.

Nasimama kwa mujibu wa Kanuni za Kudumu za Seneti Nambari 53(1) kuomba kauli kutoka kwa Kamati ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kimataifa, kuhusu jambo la muhimu kwa taifa kuhusu uhifadhi wa miili ya waathiriwa wa janga la Shakahola.

Ni jambo la kusikitisha kwamba licha ya ufukuaji wa miili na tafiti za Deoxyribonucleic Acid (DNA) zilizofanywa na serikali, miili ya waathiriwa imeendelea kuhifadhiwa kwenye makonteina ya muda katika hospitali ya kata ndogo ya Malindi. Familia za waathiriwa hao bado hazijapata nafasi ya kupumzisha wapendwa wao katika miaka mitatu baada ya janga la Shakahola. Hali hii imekuwa chanzo cha taharuki na hatari za kiafya kwa wakaazi na wahudumu wa hospitali hiyo.

Katika kauli hiyo, kamati inapaswa kuangazia masuala yafuatayo-

(1) Idadi ya miili ya waathiriwa iliyobaki ya wale wa Shakahola ambayo bado inahifadhiwa katika makonteina ya muda hospitali ya kata ndogo ya Malindi.

(2) Sababu ya kucheleweshwa kwa michakato ya utambuzi ya miili, hali ambayo imezuia familia kupata hitimisho na kuandaa mazishi ya wapendwa wao.

(3) Ni hatua gani ambayo serikali imechukua kuharakisha utambuzi huu, ikiwemo matumizi ya upimaji wa DNA na msaada wa familia za wale walioathirika.

(4) Ratiba ya muda kwa kumalisha utambuzi wa miili ili kuruhusu mazishi ya waathiriwa wa janga la Shakahola.

**The Speaker** (Hon. Kingi): You, had a second statement. Proceed with it.

UHARIBIFU WA MAZINGIRA KUTOKANA NA  
UCHIMBAJI WA MADINI YA TITANI

**The Senate Minority Leader** (Sen. Madzayo): Asante kwa kunipa fursa hii.

Nimesimama kwa mujibu wa Kanuni za Kudumu za Seneti, Nambari 53(1). Ninataka kuomba kauli kutoka kwa Kamati ya Kudumu ya Ardhi, Mazingira na Maliasili kuhusu uharibifu ama uchafuzi wa mazingira kutokana na uchimbaji wa madini ya titani yaani titanium, lililoko kata ndogo ya Ganze, Kaunti ya Kilifi, ambayo inatekelezwa na kampuni inaitwa Shanich Jialin Mining East Africa Limited.

Katika kauli hiyo, kamati hii izingatie yafuatayo-

(1) Dadisi iwepo leseni iliyotolewa kwa kampuni ya Shanich Jialin Mining East Africa ilifuata taratibu zote za kisheria na za kimazingira.

(2) Kuchunguza uharibifu na uchafuzi wa mazingira na athari za afya, zikiwemo kifua kikuu, uvimbe wa ngozi, saratani ya mapafu na ngozi zinazotokana na uchimbaji wa madini ya titani na pia kwa uzazi, kwanza kwa wanaume wanaotekeleza kuona kwamba wananchi watapatikana ama wazee watakuwa na watoto au watoto watapatikana kwa hali ya kisawawa.

(3) Kuchunguza madai ya unyanyasaji, ubaguzi na kudhalilishwa kwa wakaazi wa eneo la Nyari wanaofanya kazi katika kampuni ya Jialin.

(4) Kueleza ni hatua gani Waziri wa Madini na Masuala ya Bahari na mamlaka ya Kitaifa ya Usimamizi wa Mazingira, NEMA, imechukua kuhakikisha usimamizi na matumizi sahihi katika uchimbaji madini, eneo la Nyari, kwa lengo la kuboresha maisha na mazingira ya wakaazi wa eneo hilo.

(5) Ibainishe ni hatua gani kampuni ya Shanich Jialin Mining East Africa Limited, chini ya wajibu wake wa kijamii na kampuni, imechukua katika jitihada za kupunguza hathari mbaya zinazotokana na uchimbaji wa madini ya titani katika eneo la Nyari.

**The Speaker** (Hon. Kingi): Senator for Nandi County, Hon. Cherarkey, please, proceed.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. Allow me to read my two Statements.

#### ROLE OF COG IN APPOINTMENTS TO BOARDS, TASK FORCES AND COMMITTEES

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Devolution and Intergovernmental Relations, regarding the role of Council of Governors (CoG) in appointments and nominations to various boards, task forces and committees.

Mr. Speaker, Sir, the CoG is established under the Intergovernmental Relations Act, 2012. It has developed guidelines for appointing representatives to national boards and committees to safeguard the county interests. These appointments are guided by Muongozo and the Salaries and Remuneration Commission (SRC) guidelines, emphasizing transparency, merits, accountability and financial prudence. Concerns, however, persist regarding mandate clarity, nomination criteria and mechanisms ensuring accountability of appointed county representatives, nationally.

In the statement, the committee should address the following-

(1) The specific boards, task forces and committees in which the CoG currently hold representation, the total number of appointments made to date and whether the legal and regulatory framework underpinning these nominations is adequate to ensure transparency, accountability and equitable representation.

(2) The criteria, procedures and guiding principles applied in nominating individuals, particularly in alignment with Muongozo and the SRC guidelines, and the measures in place to guarantee fair regional representation so that no county or region inappropriately benefits.

(3) The safeguards instituted to prevent conflict of interest, double remuneration or abuse of allowances in accordance with the SRC regulations, and whether these appointments are subjected to independent audit or parliamentary oversight, including the frequency of such reviews.

(4) The mechanisms established to ensure transparency, accountability and equitable representation across all 47 counties, and the reporting requirements imposed on nominees to demonstrate effective representation of county interest.

(5) The measures used to evaluate the performance and effectiveness of nominees, and the project impact of the Council's representation on strengthening the devolution, particularly in key sectors such as health, water, education, agriculture, finance, and infrastructure.

CONCERN OVER POLICE OFFICER FILMED  
SHOOTING AT STUDENTS' HOSTELS AT UON

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 nationwide concern regarding the incident in which an individual purported to be a police officer was captured on video firing shots into a students' house during a night party at the University of Nairobi (UoN), Kikuyu Campus.

Mr. Speaker, Sir, the individual, armed with a rifle, was recorded attempting to force entry into the students' residences, issuing threats and subsequently discharging his weapon inside the premises.

This act has sparked outrage among students, the public and parents, raising serious questions about law enforcement, conduct, accountability and safety of students in secured educational environment. This incident is not isolated, but appears to be part of a recent string of police abuse of power and brutality witnessed across the country, undermining the public trust in law enforcement and threatening constitutional rights of security to citizens.

Mr. Speaker, Sir, the committee should address the following-

(1) Whether the individual involved in the University of Nairobi, Kikuyu Campus, incident has been identified, suspended or placed under investigation, and the immediate actions taken by the relevant authorities following the incident.

(2) The circumstances under which police officers are authorised to discharge firearms in civilian settings, including accountability frameworks, in a place to prevent the misuse of firearms, intimidation of civilians, and violations of human rights.

(3) Whether the Independent Policing Oversight Authority (IPOA), has taken up the matter, the scope, and the progress of the investigation.

(4) The nationwide reforms, policies and oversight mechanisms being implemented to prevent the recurrence of similar incidents in universities, learning institutions, other civilian environments, and the measures being undertaken to guarantee the safety and security of our students and members of the public across the country.

(5) How the National Police Service (NPS) is addressing the broader and nationwide concern of police abuse of power and brutality to prevent excessive use of force, protect the public and restore confidence in law enforcement institutions.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): The statement by the Senator for Nakuru County is hereby deferred.

DELAYED ALLOCATION OF KISIMA LAND TO  
CIVIL SERVANTS IN NAKURU COUNTY

*(Statement deferred)*

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

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir, for giving me the opportunity to read my statements.

FREQUENT POWER OUTAGES IN BURA TOWN, BANGALE,  
MADOGO, AND MORORO IN TANA RIVER COUNTY

Mr. Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a statement from the Standing Committee on Energy on a matter of countywide concern regarding the continuous power blackouts affecting Bura Town, Bangale, Madogo, and Mororo in Tana River County.

Mr. Speaker, Sir, Tana River County experiences high temperatures, making it essential to ensure the proper preservation of food, water, medicines and other health-related supplies. The ongoing power outages have significantly undermined residents' essential needs, exposing them to health risks and economic hardship.

Further, a considerable portion of economic and social activities in the county takes place after breaking of the fast during this Holy Month of Ramadan. The frequent and prolonged power blackouts have adversely affected these activities, disrupted livelihoods and diminished business productivity.

In the statement, the committee should address the following-

(1) Whether the reliance on a single feeder power line is contributing to the persistent power outages in the affected areas, and if so, what plans there are in place to expand or establish additional distribution lines, including the timelines for implementation.

(2) Whether flooding and other natural disasters have damaged or continue to affect power infrastructure, particularly cables in the region, and if so, when comprehensive repairs or replacements will be undertaken to ensure a stable electricity supply.

(3) Whether the inadequate number of substations has resulted in high voltage fluctuations, frequent system tripping, and transformer overloads, and if so, what measures and timelines have been put in place to establish additional sub stations.

(4) What new electrification projects are currently being implemented in the affected areas and whether these projects include installation of new transformers and low voltage distribution lines to improve power reliability and access.

(5) Why the last mile electricity connectivity project excluded villages one, two and three within the Bura Irrigation Settlement Scheme and the measures the State Department for Energy is taking to ensure that these villages are connected to the national grid in the same manner as other neighbouring villages.

Mr. Speaker, Sir, allow me to read the second statement.

SOCIO-ECONOMIC AND ENVIRONMENTAL IMPACT OF  
UKASI-GARISSA-MODIKA ROAD PROJECT

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 countywide concern regarding the socio-economic and environmental impact of the project for construction of the new Tana River Bridge and access roads along the Ukasi-Garissa-Modika Road.

The project for construction of the new Tana River Bridge and its access roads along the Ukasi-Garissa-Modika Road was launched in February, 2025. Land owners whose parcels of land were compulsorily acquired for the project were displaced and have never been compensated to date. Residents have also expressed concern about the project on their livelihood, noting that the bridge design and culverts could divert flood waters to farmlands and destroy traditional animals' paths. Further, the contractor is yet to undertake any corporate social responsibility (CSR) programmes for the local community.

In the statement, the committee should address the following-

(1) Whether an Environmental Impact Assessment (EIA), including public participation component, was conducted prior to commencement of the project, and if so, obtain the findings.

(2) Whether an assessment could be done to ascertain that the bridge design and culverts will not divert flood waters to nearby settlements and farmlands.

(3) Reasons for the delay in compensating land owners whose parcels were acquired for the project and the timelines for effecting the said compensation.

(4) Reasons for failure by the contractor to undertake any CSR programme on the side of Tana River County for the local community.

The statements have been read by Sen. (Dr.) Danson Mungatana, Senator for Tana River County.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): The next statement pursuant to Standing Order No.56(1)(a) is by the Chairperson of the Standing Committee on Land, Environment and Natural Resources.

EFFECTS OF RECENT FLASHFLOODS IN  
VARIOUS PARTS OF THE COUNTRY

**Sen. Faki:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.56(1)(a) of the Senate Standing Orders to make a statement on a matter within the mandate of the Standing Committee on Land, Environment and Natural Resources on flashfloods that struck Nairobi and other counties on Friday, 6<sup>th</sup> March, and Saturday, 14<sup>th</sup> March, 2026, and the systemic environmental governance failures that continue to amplify such disasters.

Flashfloods of 6<sup>th</sup> March, 2026 claimed a total of 42 lives nationally, with 26 fatalities recorded in Nairobi alone, displaced up to 50,000 residents across multiple counties and resulted in destruction of property, livestock, agricultural land and critical public infrastructure. The committee extends its deepest condolences to all the bereaved families and to those whose livelihoods have been devastated.

The committee notes that the events were a predictable consequence of decades of accumulated failures in environmental governance, land use, regulation and poor urban planning, matters that this House can scrutinise and give proposals. The committee is of the firm view that Kenya has reached an affliction point.

The country experienced catastrophic flooding in 2023, 2024, 2025 and again in 2026. The state has spent an estimated Kshs35 billion on flood control, water storage and mitigation interventions over the past four years, yet with such successive rainy seasons, the death toll, displacement figures and economic damage escalate. This pattern of recurrent disaster, reactive expenditure and the absence of structural reform is no longer acceptable. The committee intends to provide oversight analysis and legislative directive necessary to break this cycle.

The constitutional framework is unambiguous in its obligations. Article 42 guarantees every citizen the right to a clean and healthy environment. Article 69 imposes a duty on the state to ensure sustainable exploitation, utilisation and management and conservation of the environment and natural resources and to take measures to address adverse effects of climate change.

Article 70 provides for enforcement of environmental rights, read together with Article 62, which vests natural resources, including rivers, lakes, water resources and public land in the people of Kenya and places them under the stewardship of the national and county governments. These provisions establish an unambiguous constitutional duty to protect the environment and land use conditions that when violated produce the disasters that this country has repeatedly suffered.

The legislative architecture reinforces this framework. The Environmental Management and Co-ordination Act (EMCA) Cap. 387, establishes the National Environment Management Authority (NEMA) and vests it with authority over EIA, enforcement of environmental standards and oversight of riparian zones protection. The Water Act, 2016 vests the Water Resources Authority (WRA) with the mandate to manage, protect and regulate use of water resources, including riparian land and catchment areas.

The Physical and Land Use Planning Act, 2019 establishes the regulatory framework governing preparation and implementation of land use plans at both national and county levels, including restrictions and development within flood-prone zones. The Forestry Conservation and Management Act 2016 governs protection of Kenya's gazetted forests and water catchment areas including the five principal water towers. Despite this comprehensive legal architecture, environmental degradation has accelerated. This is a failure not of law but of governance.

Based on the committee's engagements, observations and analysis of available data and expert literature, the Committee notes the following concerns on the structural drivers of Kenya's escalating flood disaster-

(1) Degradation of catchment areas and water towers: The committee found that degradation of water towers is a direct and primary driver of the increased frequency and severity of flooding in downstream urban and rural areas including Nairobi.

(2) Systemic encroachment on riparian land: Under the EMCA and the Water Act, 2016, riparian reserves of not less than six metres on either side of a river or stream and greater distances of larger water courses are protected zones within which no development is permissible.

The committee found that this legal requirement is routinely and pervasively violated across Kenya and most acutely in Nairobi where formal and informal structures have been constructed directly within river channels or on river banks and in designated flood points.

Encroachment eliminates the natural flow storage capacity of riparian zones, constraints river channels and exposes human settlements to catastrophic and predictable flood risks. Modern flood mitigation engineering depends on retention basins and buffer zones within riparian corridor. In Nairobi, these areas have instead been developed, making mitigation structurally impossible in many localities.

The committee further finds that encroachment actions against riparian encroachments have been hampered by legal challenges, inadequate institutional capacity and in documented cases, political interference.

(3) Failure of the urban planning and development control: The Physical and Land Use Planning Act, 2019 requires that development permissions account for environmental impact, including drainage and flood assessments.

The committee finds that this requirement has been systematically disregarded and progressively replaced permeable green surfaces with impermeable concrete and tarmac, dramatically increasing stormwater runoff volumes and velocities.

The County Government of Nairobi has acknowledged that despite improved Own-Source Revenue (OSR), the city's drainage infrastructure has not kept pace with the scale and pace of urban expansion. The committee finds that the National Construction Authority (NCA) and county governments have failed to enforce building and planning regulations that prevent the preparation of developments in flood-prone areas and that corruption in the planning approval process continues to enable inappropriate and illegal construction.

(4) Chronic under-investment in and neglect of drainage infrastructure: Drainage infrastructure in Nairobi was largely designed and built to serve a city over a fraction of its current population and density. The committee finds that despite the expenditure of Kshs35 billion on flood control and mitigation over the last four years, the allocation specifically for drainage infrastructure maintenance, rehabilitation and expansion has been grossly inadequate.

In the current financial year, flood control works received Kshs200 million nationally, a figure that is manifestly insufficient for a country with Nairobi's drainage needs alone. Drainage channels across the city and other urban centres are clogged with solid waste, including plastic, silt and illegal *kiosks*, which has greatly reduced their capacity.

The committee finds that there is no systematic, adequately funded and regularly audited programme for the maintenance of urban drainage networks at either the national or county level.

(5) Inadequate solid waste management and its impact on drainage: The committee finds a direct and causative link between the failure of solid waste management and the blockage of drainage systems. The Environment and Land Court and National Environmental Management Authority (NEMA) have both noted the pervasive practise of disposing solid waste in drainage channels and riparian zones.

In the absence of adequate water collection infrastructure in informal settlements, rivers and drainage channels become the default disposal routes. The resulting blockages do not merely reduce drainage efficiency, they cause localised flooding even in rainfall events of relatively moderate intensity. This renders the solid waste management crisis inseparable from the flood disaster crisis;

(6) Over-obstruction of groundwater and ground subsidence: The committee notes that expert findings that Nairobi chronic water supply shortages have driven proliferation of boreholes across the city, leading to the over-obstruction of groundwater at rates that have dramatically lowered the underground water table levels. The resulting aquifer compression, compounded by the weight of structures built above, have produced measurable ground level subsidence in multiple parts of the city. This creates artificial topographic depressions where stormwater accumulates and cannot drain, significantly amplifying the impact of flooding in those areas;

(7) Inadequate early warning and disaster preparedness mechanisms: The Kenya Meteorological Regional Department (KMRD) issued a Heavy Rainfall Advisory No.2 of 2026 and provided advance notice of the intense rainfall events of 4<sup>th</sup> to 9<sup>th</sup> March, 2026.

The committee finds that while the technical capacity of weather forecasting exists, the institutional framework mechanism for translating early warnings into timely and effective community-level preparedness and evacuation actions remains severely deficient. There is no functioning national framework that operationalises the link between meteorological advisory and coordinated and pre-emptive action by NEMA, county government and the emergency response agencies to protect communities known to be at an elevated risk.

Mr. Speaker, Sir, flooding which arises from degraded catchments, encroached riparian zones, collapsed drainage systems and absent enforcement is preventable. This committee will pursue this matter and report back to the House in due course.

I thank you.

**The Speaker** (Hon. Kingi): Now, statements pursuant to Standing Order No. 57(1), the Senate Majority Leader.

OVERSIGHT MECHANISMS BY THE SENATE  
OVER COUNTY GOVERNMENTS

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, sir, I rise pursuant to Standing Order No.57(1) to make a statement regarding the oversight mechanisms by the Senate under Article 96 of the Constitution.

The Senate, through its committees, exercises its oversight mandate over county governments in accordance with the Constitution, the Public Finance Management (PFM) Act, the Public Audit Act (PAA), the Public Procurement and Asset Disposal Act (PPADA), the County Governments Act and the Senate Standing Orders.

Article 96(3), in particular, provides that the Senate shall exercise oversight over the nationally raised revenue allocated to county governments, including ensuring accountability in the management of public resources. Further, Article 125(1) grants Parliament and its committees powers to summon any person to appear before it for the purpose of giving evidence or providing information. Further, Article 125(2) provides that such committees have the same powers as the high court to enforce the attendance of witnesses, examine them under oath, compel the production of documents and issue commissions or requests to examine witnesses abroad.

These powers were reiterated by the Supreme Court in the Petition 24 and 27 of 2019 and 2022; the Senate *versus* the Council of Governors and six others, where the Supreme Court held that Article 96(1)(2) and (3) of the Constitution as read together with Articles 110 to 112, leave no doubt that the Senate is established to perform fundamental roles of governance concerning counties through legislative, budgetary and oversight actions.

The court stated that the Senate has been granted considerable latitude in ensuring that county governments operate at optimal and within accountability standards if the objectives of devolution were to be realised.

The Supreme Court emphasised that there was no way the Senate could perform such an important role without having the powers to summon a governor and to require him or her to provide answers and offer explanations regarding the management of the county finances and related affairs. It stated that without such power, the Senate would not be able to protect the interests of the counties nor would it be able to exercise effective oversight over national revenue allocated to counties. The court further stated that the office that is ultimately answerable to the Senate is that of the governor.

In its analysis, the Supreme Court determined that the Senate is constitutionally empowered to summon governors to appear before it or any of its committees for purposes of answering questions and providing requisite information.

Mr. Speaker, Sir, in the recent past, certain county governors have repeatedly failed to honour invitations and summons issued by the County Public Accounts Committee (CPAC) to appear before it to respond to matters relating to financial management, accountability and the use of public resources allocated to their respective county governments.

Their actions contravene the Constitution and the statutory duty to account for funds allocated to their respective county governments and undermine the constitutional

oversight mandate of the Senate. It weakens accountability in the management of public resources, contrary to the national values and principles of governance under Article 10 of the Constitution and principles of public finance under Article 201(A) of the Constitution, which requires openness and accountability.

This disregard of the Senate invitations and summons sets a bad precedent and threatens to erode the principles of transparency, accountability and respect for our constitutional institutions. The Senate will continue to discharge its oversight mandate as enshrined in the Constitution and will proceed to confirm audit reports even when governors fail to appear and forward their findings to the relevant government agencies for appropriate action.

Mr. Speaker, Sir, just to provide context to this statement is that I am deeply concerned following what is happening at our County Public Accounts Committee. As a leader in the House, I felt compelled to issue this statement just to reaffirm that this position of the Senate is not only provided for constitutionally, but has been affirmed by none other than the highest court in the land of the powers of the Senate, to call on to governors to appear before our committees and give account of how they have utilised the resources that have been sent to them.

This afternoon, you have just informed the House of the passage of the Division of Revenue Bill. You know how hard this House works to ensure that we equitably resource our counties to perform their functions. It cannot be that at the whims of governors, they can sit purportedly at an illegal gathering in Kilifi and decide not to appear before the County Public Accounts Committee.

Mr. Speaker, Sir, I beg for your attention because this is extremely important.

**The Speaker** (Hon. Kingi): You have it, Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): You gave a reply to the county governments on the legal instructions that they tried to give to the Senate while in Kilifi - of their failure to appear until certain matters that they hold against the committee are resolved.

We made it abundantly clear in this House that appearance before this House is not a buffet that you cherry-pick, that I want to take this one, I will leave this other committee, that governors must appear before this particular House. Now that certain governors have chosen - because we must set it on record - that there are governors who have gone ahead and appeared before the County Public and Accounts Committee. However, there are those that have seen the perfect opportunity to dodge responsibility of responding to how they have utilised resources. I request, and this be the position of all of us collectively--- I am aware, because I have consulted with the Chairperson of the County Public Accounts Committee and their membership, that the CPAC will proceed and confirm the findings of the Auditor-General on those counties.

*(Applause)*

This is because if you have failed to come to respond, then it means you are guilty, you have accepted the verdict. All that is left for us, because on Tuesday, 31<sup>st</sup> March, 2026, God willing, shall be a special day in this House. We shall be passing the

findings of the CPAC on the utilisation of resources for the last financial year by county governors. Those that have come before the CPAC and presented their responses will get a fair hearing. If you choose to waive the right to appear, then it means you agree with the Auditor-General. Therefore, what will be left of us is to follow the findings of the CPAC, which is to direct that the Ethics and Anti-Corruption Commission (EACC) recovers the money and the Directorate of Criminal Investigations (DCI) arrests those that have disappeared with public resources and we move on to the next financial year. That is the import of this statement. I hope every governor in the Republic of Kenya understands that position.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Hon. Senators, I will allow comments for not more than 15 minutes, including the statement by the Majority Leader, in which case, then I will allow comments for not more than half-an-hour. Therefore, if you get an opportunity to speak, kindly, do so for not more than three minutes.

Sen. Eddy Oketch, you have the Floor.

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, I just wanted to follow up very quickly on the Majority Leader that the moment we accept--

**The Speaker** (Hon. Kingi): Sen. Eddy, just take your seat.

I will allow you to make your comments. We have guests that have been seated for quite some time. Let me acknowledge their presence, and then we can proceed with the comments.

*(Interruption of Statements)*

## COMMUNICATIONS FROM THE CHAIR

### VISITING DELEGATION FROM THE COUNTY ASSEMBLY OF SAMBURU

**The Speaker** (Hon. Kingi): Hon. Senators, I would like to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation from the County Assembly of Samburu, comprising members of the House Business Committee (HBC), the Speaker's Panel and its secretariat. The delegation is undertaking a training programme at the Centre for Parliamentary Studies and Training (CPST).

Hon. Senators, I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition –

- |                                     |   |                        |
|-------------------------------------|---|------------------------|
| 1. Hon. Stephen Lenamarle           | - | Speaker                |
| 2. Hon. Lelenkeju Jackson Layan     | - | Deputy Speaker         |
| 3. Hon. Leleruk James Koileken      | - | Minority Leader        |
| 4. Hon. Lorunyei Lawrence Sebastian | - | Minority Whip          |
| 5. Hon. Lemoosa Maura Lekuram       | - | Member Speaker's Panel |
| 6. Hon. Eunice Serah Lekirenyei     | - | Member HBC             |
| 7. Hon. Lpesina Kelvin Lemantaan    | - | Member HBC             |
| 8. Hon. Jane Nakinyi                | - | Member HBC             |

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

- |                          |   |                   |
|--------------------------|---|-------------------|
| 9. Mr. Fred Lenapeer     | - | Clerk             |
| 10. Mr. Simon Lekupe     | - | Deputy Clerk      |
| 11. Mr. Timothy Leshoomo | - | Sergeant -At-Arms |
| 12. Ms. Agnes Learat     | - | Hansard Editor    |

Hon. Senators, on behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful visit.

*(Applause)*

VISITING DELEGATION OF MCAS FROM UASIN GISHU  
AND MAKUENI COUNTY ASSEMBLIES

I would also wish to acknowledge the presence in the Speaker's Gallery this afternoon of a visiting delegation of members of the County Assemblies from Uasin Gishu and Makueni. The delegation is on a benchmarking engagement on best practises at the Senate.

I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition-

- (1) Hon. Julia San
- (2) Hon. Reuben Tobose
- (3) Hon. Esther Mwongeli

On behalf of the Senate and on my own behalf, I extend a warm welcome to you and wish you a fruitful visit.

*(Applause)*

I will request the Senator for Samburu, Sen. (Dr.) Lelegwe, in under one minute, to extend a word of welcome to the delegation from Samburu County. Thereafter, the Senate Deputy Minority Leader to extend a word of welcome to the second delegation.

You may proceed.

**Sen. (Dr.) Lelegwe Ltumbesi:** Mr. Speaker, Sir, let me join you in welcoming, on behalf of the Senate, the members of the County Assembly of Samburu, members of the House Business Committee and the Speaker's Panel to the Senate. I know there is a lot to learn here from the Senate by the county assembly members and their staff. Some of the members who are here today have served in the last three assemblies. They have served since devolution started. Hon. Lorunyei and Hon. Lemoso have served in the county assembly for the last three assemblies. They have a wealth of experience.

*(Applause)*

My hope is that they take what they learn here to serve the people of Samburu better. I am sure today, they have seen the Majority Leader tabling a statement under Standing Order No.57(1), which touches on the reports of this House and the

responsibility of governors to appear before the Senate to come and account for the resources that they allocated by this House.

To note that, the Governor of Samburu has never appeared and he does not want to appear before the County Public Accounts Committee (CPAC) to account for these resources. In the last two sittings with the County Public Investments and Special Funds Committee (CPISFC), they have received very bad opinions. There was a disclaimer, an adverse opinion and a qualified opinion out of four reports that he appeared to give feedback at the CPAC. I request that these Members of County Assembly (MCAs) and their staff learn what brought them here and take back their experience of the Senate, to go and serve the people and do well in their committees.

Also, it is upon them to table the Auditor-General's report before the 31<sup>st</sup> March this year. I am not sure whether the Public Accounts Committee (PAC) has tabled their report in the County Assembly.

**Sen. Wambua:** Mr. Speaker, Sir, I am grateful for this opportunity. I wish the Senator of Uasin Gishu was here to see how peacefully the county assembly members from his county are seated with the representatives from the County Assembly of Makueni.

That is how things used to happen before Sen. Cheruiyot became the Majority Leader and I joined the Minority Leadership, but I hope that going forward the relationships will normalise.

Mr. Speaker, Sir, I join you, again, and my colleagues in welcoming the delegation and just make a point. The Chairperson of the County Public Accounts Committee (CPAC) is in the House and a statement has been tabled by the Majority Leader on appearances of governors before the CPAC.

Makueni County is the only county in the Financial Year 2024/2025---

**The Speaker** (Hon. Kingi): Sen. Wambua, you will have an opportunity to say all that.

**Sen. Wambua:** Mr. Speaker, Sir, I just wanted to say that for the benefit of the representative from the County Assembly of Makueni because their county government has done extremely well. The Assembly even appeared last week and they did extremely well.

What I do not know is whether I can say the same thing for the Governor of Uasin Gishu. Since you have assured me that I will have an opportunity to say those things, I will apply myself fully to that invitation and will do it.

With those remarks, I say welcome.

**Sen. Lemaletian:** Thank you, Mr. Speaker, Sir. I just wanted to raise a point of information, but I did not want to shout because my governor has not refused to appear before the committees. Indeed, the last time he appeared before the County Public Investments and Special Funds Committee (CPISFC), I was there. He had mentioned that there is a need to have different---

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. Order, Sen. Hezena, you belong to the Samburu County delegation, which is why I gave you one minute to extend a word of welcome. That is it.

**Sen. Lemaletian:** Thank you, Mr. Speaker, Sir. I appreciate the opportunity to welcome our members of the County Assembly.

At the same time, I request the Senate Business Committee (SBC) to ensure that there is harmony in the allocation of time in which the governors or the Cabinet Secretaries are invited to answer questions in their respective committees. This is because in the last time we had a conflict, where the governor was supposed to appear in two committees concurrently and he mentioned it.

Otherwise, I welcome my county assembly. I hope you learn a lot from this House. I know one day that you will have the privilege to serve here and understand how the business of the day is carried out.

**The Speaker** (Hon. Kingi): Hon. Senators, before I allow comments on the statements that have been sought, allow me to make this Communication.

### COMMUNICATION FROM THE CHAIR

#### OPERATION OF THE TAIDEN CONGRESS SYSTEM

Further to the communication I issued in the afternoon sitting on Wednesday, 25th of February, 2026 regarding the basic operation of the Taiden Congress System, I wish to inform you that the biometric authentication module has now been operationalised.

We will, therefore, discontinue the use of key cards and transition to the biometric for sign-in and attendance recording in plenary proceedings from Tuesday, 24<sup>th</sup> March, 2026. Kindly note that after the transition, you will be required to sign in with your biometrics whenever you are present for your attendance to be recorded. For the avoidance of doubt, any Senator who will attend the sitting and not sign into the system will be marked absent.

For that reason, hon. Senators, an Information Technology (IT) desk has been set up right outside the Chamber to facilitate the registration of your biometrics ahead of the transition. Kindly ensure you pass by the IT desk and have your biometrics registered before the sitting on Tuesday, 24<sup>th</sup> March, 2026.

I thank you.

Senator Eddy, you may now proceed with your comments.

*(Resumption of Statements)*

**Sen. Oketch Gicheru:** Mr. Speaker, Sir, within these three minutes, let me, first of all, make a rejoinder or a comment on what Sen. Cherarkey talked about in the police intervention, where issues have been raised and then they end up mishandling people.

I had attempted to bring a serious statement in this House on the status of insecurity in Migori County. Before my statement could be accepted as valid, last

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

weekend, we had a confrontation between the police and the population, where three lives were lost from gunshots and the police station in Macalder was burnt down by people who were angry at the police.

This is because, constantly, there has been laxity by the police to deal with the issue of insecurity in that area to the extent that the people there now are being terrorised by General Service Unit (GSU) officers who have gone now to Macalder to try and restore order.

The statement by Sen. Cherarkey should be treated with the urgency it deserves. I know that Sen. Cherarkey also asked a question to the Ministry of Interior and National Administration on the general state of insecurity in Migori, Nandi and other places.

These issues are an emergency because if we do not take care, the population will start fighting with the police and that will be the highest height of insecurity. It is happening in Nyatike, and I stand with my people that they should not be harassed by the police in Nyatike. There must be a proper understanding between the police and the people in the locality.

Mr. Speaker, Sir, that said, because I do not have much time, the country is going to a serious crisis where a jamboree of a group of a corporate organisation that calls itself the County Governors' Council, is deciding that it is not going to come to this House to account for critical issues of audit tantamount to serious crime against humanity on financial irregularities in this country.

If we do not rise to this issue, we are not going to manage it. On Migori County I have taken time and checked on the auditors' report for the Financial Year 2024/2025. You will find critical irregularities starting with, you know, Kshs58 million that has been transferred from the County Revenue Fund (CRF) without any trace. We have got Kshs72 million that is unsupported. It was transferred from the same county coffers for the Early Childhood Education Centres (ECDEs) that were not built. We have Kshs826 million that cannot be accounted for in terms of pending bills. I can go on and on. I think it is very important---

**The Speaker** (Hon. Kingi): You have just one minute.

**Sen. Oketch Gicheru:** I just have a proposal and request. Why can the Chairperson of CPAC not just do a basic consideration of these reports, because we have given these governors a chance to be heard, and then bring this report for us here in the House, so that we tell the country what is happening in these audit reports?

If we do not intervene, these governors are developing a habit of looking us in the eye and telling us that corruption is acceptable, so long as they can buy their way out and influence Senators. Let us deal with them in this House because committees meet as a subset of the entire House. Bring them into this House. Bring those reports here, so that we discuss them as a House for each governor who does not appear.

Thank you.

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

**Sen. Chute:** Asante, Mheshimiwa Spika. Nitachangia kwa lugha ya Kiswahili ingawa sitaweza kuongea Kiswahili sanifu kama Sen. Madzayo. Taarifa aliyoileta ni muhimu sana. Ni miaka mitatu sasa tangu maafa yatokee Shakahola na hadi sasa maiti zimewekwa kwa magunia na kufungwa kwa container. Kamati inayohusika inafaa

kufika kule ili kuona yanayoendelea ili waje Bungeni kutueleza walichoona na hatua itakayochukuliwa.

Kwa kawaida, mila za kiafrika zinaheshimu maiti ingawaje Shakahola wameacha kuheshimu maiti. Polisi wa Kenya wameacha kuheshimu maiti. Hospitali za Kenya pia zimeacha kuheshimu maiti. Wakati mtu amefariki hospitalini na ana deni, hospitali inaweka maiti kama rehani mpaka deni ilipwe yote hadi ndururu ya mwisho. La sivyo, maiti haitatolewa hapo. Kama deni halitalipwa, maiti inatolewa mahali imehifadhiwa na kuekwa kwa sakafu.

Polisi wanauwa mtu na badala ya kupeleka mochari, wanapeleka mwili wake kwa visiwa na kutupa kama takataka. Hivi majuzi, kuna kijana mdogo kutoka Moyale aliuwawa na badala ya polisi kuhifadhi mwili wake vizuri, waliotupa msituni na wakachomwa.

Mheshimiwa Spika, kamati inayohusika na masuala hayo wasiende Shakahola peke yake. Naomba wachunguze mambo ya polisi pia. Unakumbuka kuna vijana wetu wengi waliotupwa ndani ya maji. Visa hivyo vifanyiwe uchunguzi pia.

Kwa hayo machache, asante.

**The Speaker** (Hon. Kingi): Senator for Nairobi City County, Sen. Edwin Sifuna.

**Sen. Sifuna:** Mr. Speaker, Sir, I wish to comment on the statement sought by the Senator for Nandi County.

It is disturbing that weeks after the incident at the University of Nairobi (UoN), Kikuyu Campus, the officer involved has not been identified by the National Police Service (NPS). No arrest has been announced and no charges have been preferred against him. There has been no briefing by the NPS. All the concerns expressed by the public that what happened was unacceptable has been met with silence.

At least, in the case of Nandi Hills, where children playing pool were attacked by police, we were told that some administrative action had been taken. Later, however, we were told that those officers had not been transferred as it had been widely circulated. Even in the case of Nandi Hills, no charges have been brought against the officers who openly violated the peace of these young people.

Hon. Speaker, there are very few officers in the police force who give the entire service a bad name. I do not believe that anyone who has undergone police training can fire into a house knowing there are people inside, without seeing where the bullet is going. That officer must be brought to book.

Secondly, I thank the Senate Majority Leader and the leadership of this House, including the Speaker, for the confidence shown towards the County Public Accounts Committee (CPAC) in our quest to hold governors accountable. I also wish to make it clear that not all county governors are refusing to appear before the committee. There are only a few notorious ones. In fact, I will be challenging my Chair to name the top five most notorious governors, as they are inciting others.

Last week, a governor who chose to attend kept us waiting because she was on the phone with the chairperson of the Council of Governors (CoG), who threatened undisclosed consequences if the meeting proceeded. It is shameful that the Chair of CoG, elected on the Orange Democratic Movement (ODM) party ticket, for which I am the Secretary General, would champion such impunity. I am extremely embarrassed because

ODM is known for supporting devolution and transparency in the use of public resources. How can a member of ODM champion such impunity?

Mr. Speaker, Sir, just as four names of notorious governors were given to the country, we will prepare a top five list. Chair, *usitishwe na mtu*. I want the Chair to bring the Motion we agreed upon, so that funds to some counties are stopped until their governors appear.

Yesterday, my own county governor, Hon. Johnson Sakaja, was scheduled to appear before the committee and---

**The Speaker** (Hon. Kingi): Sen. Sifuna, conclude in a minute.

**Sen. Sifuna:** He failed to appear. The most unfortunate part is that when I returned from Meru on Sunday evening, I found businessmen from Road A in the Industrial Area waiting for me at my house because their premises were flooded. I had assured them that they need not worry. The governor would appear before the committee the next day and I would ask those questions on their behalf. He did not show up, so I did not get to ask them.

At this rate, I wish there was a way for the committee to be informed where these governors live. We want to go to their homes, just as the businessmen are coming to ours. We must take our committee sittings into the governors' houses because this is becoming too much.

I confirm that the Governor of Samburu County is one of those. In fact, there is an arrest warrant pending for him. Nobody should tell this House that he has other things to do or that he has not refused to come. We want the Inspector General (IG) of NPS to make good his promise to this House to bring that governor before the Senate, followed by the Governor of Nairobi, Hon. Sakaja.

**The Speaker** (Hon. Kingi): Senator for Nandi County.

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. Sen. Sifuna has spoken very well today on behalf of most of us and we are proud. If he continues on this trajectory, things look promising.

Mr. Speaker, Sir, I want to comment on the statement on your county. It is unfortunate that three-and-a-half years later, 286 bodies are lying in Malindi Sub-County Hospital, yet to be released to their families for decent burial. DNA tests have been conducted. What is happening? Is someone using them for sorcery or witchcraft? Why are the bodies not being released to their families? When one visits Malindi Sub-County Hospital, which you are familiar with, the smell is so strong that sick people in the hospital smell death. Patients recovering in the hospital are psychologically affected by the smell.

I challenge the Ministry of Interior and National Administration and the relevant ministry, now that DNA samples have been taken, can the families be allowed to bury their loved ones? Even the case involving the infamous Pastor Mackenzie is almost concluded. It is public knowledge. Is it in order that the Government continues to detain 286 bodies for three-and-a-half years? These bodies were excavated from shallow graves and they are decomposing.

Mr. Speaker, Sir, can you direct the Committee on National Security, Defence and Foreign Relations to ensure that the bodies are released? You have the power and this is

your county. I beg you to stand with these families and we will stand with you because you lead this House as number three. I know somebody has claimed that they are number three in Government, but I want to confirm that you are number three. The others are jokers.

Mr. Speaker, Sir, the final question is on the issue of mining. This Chinese company called Shanichi Jialin Mining is taking advantage of your people. It is next to your Constituency of Magarini. They have bypassed all the laws that exist. They also do not follow the National Environment Management Authority (NEMA). Who are these people? You cannot go and do this nonsense in China. I am sorry for using that word.

What happened in Ikolomani and Karebe in Tinderet Sub-county is what will happen to your people if this thing is not stopped now. NEMA must tell us what they have eaten. Even men from your area can no longer sire. They can no longer execute their things in the evening because the environment is not conducive. Before you give birth, you need a peaceful environment.

**The Speaker** (Hon. Kingi): You have used your time very well. So, have a seat.

**The Senate Majority Leader** (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): It is already concluded.

*(Loud consultations)*

Proceed, Senator for Kericho.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, you must give me time because this also concerns you; you are equally from Kilifi. You have heard the Senator for Nandi make very grave allegations against men from Kilifi. To confirm the worst, the Senate Minority Leader, who is the Senator for Kilifi, was cheering and stamping his feet when the Senator for Nandi said men from Kilifi can no longer perform their duties.

*(Laughter)*

Mr. Speaker, Sir, is it in order for the Senator for Nandi to confirm, yet we know, first, he does not come from Kilifi?

Secondly, he is not a woman to confirm what men from Kilifi can do. Can he set the record straight on behalf of your constituents?

**The Speaker** (Hon. Kingi): Hon. Senator---  
Proceed, Senator for Kilifi.

**The Senate Minority Leader** (Sen. Madzayo): Asante, Mstahiki Spika. Kiongozi wa Waliowengi amekosea kabisa. Ile *statement* ambayo mimi nimesema ni kwamba kuna mambo ya vumbi na TB. Utakuwa aje mgonjwa alafu utake kuzaa? Utazaa namna gani kama huna nguvu kwa mwili? Kwa hivyo, wale Wachina ambao wako kule wanafanya kazi mbaya ya kuchimba mashimo kutoa raslimali zetu na hatimaye watu wetu wanaumia na kuathirika kwa sababu ya vumbi wanayotoa kwa kufanya ile shughuli halafu wanashindwa kufanya kazi.

**The Speaker** (Hon. Kingi): Order, hon. Senators. Let us rest that matter there. It is only a medical doctor who can confirm those statements.

**Sen. (Dr.) Oburu:** Mr. Speaker, Sir, I stand to contribute to the issue of governors not appearing before the Senate.

*(Applause)*

This is a very serious matter because how can governors claim that our Senators are receiving bribes from them without proof? If they gave the bribes to cover their crimes, are they not equally guilty before the law? The receiver and the giver are guilty. So, how can they claim innocence and then now use that claim, which is unsubstantiated, to fail to appear before the committees of Parliament? I condemn this.

If governors do not want to come, Parliament has a way of forcing them to come. We have laws which will force them to come. We must ensure that those governors who fail to appear before the Senate committees, particularly the County Public Accounts Committee (CPAC), will go through the whole hog of the law to make sure that they appear before committees. If it is the police, let them be forced to bring them because that is the law. There is no way the police are going to exonerate themselves. They cannot sit back, watch and wait for Parliament to keep on demanding.

It is a waste of public resources for the CPAC to invite them and then sit and get sitting allowance yet governors do not appear. We also have other ways. We can also refuse to pass the budgets, particularly those of governors who refuse to appear before the committee.

Mr. Speaker, Sir, I know that the Senate is not completely---

**The Speaker** (Hon. Kingi): One more minute for Sen. Oburu to conclude.

**Sen. (Dr.) Oburu:** Mr. Speaker, Sir, I know that the Senate is not completely helpless in this matter. Therefore, the law must be followed to the letter. I hope that sense will come to some of these governors who feel that they are next to God. We are all human and they must obey the law as it is. If they feel that there is any injustice, they also have a recourse. They can go and seek it elsewhere, but not to refuse to come to the Senate.

Thank you, Mr. Speaker, Sir.

**Sen. Abass:** Thank you, Mr. Speaker, Sir. First, I want to contribute to Sen. Mungatana's statement. Actually, it is very unfortunate for that part of the country to complain about blackouts. My own county, for the last three months, has been experiencing serious blackouts. Despite being in the month of Ramadhan where people require the utility of electricity, it is very unfortunate that Wajir County is still having the same problems. This is even after H.E, the President went there and promised that the blackouts would end soon. However, up to now, for the last one month, the blackouts have not ended.

Two, is on the statement made by the Majority Leader. It is very unfortunate that my governor is the Chairman of the Council of Governors (CoG) and also a FCPA holder. Instead of leading people from the front, he is going backwards and saying that he is not going to appear.

It is not the Senators who want them to appear. It is the Constitution. We do not need them to appear. They do not come for us. It is the Constitution that requires them to appear. Therefore, there is no reason to say somebody has done this or that. If they want to look for excuses, then this is the right time for the Senate to have teeth to bite so that we can take action against them. Not only under police escort. I think we need also to pursue them financially. Fiscal management is a very important thing in this country.

Every day you open the papers, even today, you have seen Members of Parliament (MPs) have questions about the National Government-Constituencies Development Fund (NG-CDF). There is the issue of Kshs2.1 billion appearing on the papers today. This is a constitutional requirement. It is not the Senate or the House of Parliament that is asking. It is the Constitution that is asking. Therefore, that must be obeyed. I would like to tell my governor to lead his flock to the right position and place so that we can avoid this kind of confrontation.

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir. Let me comment on the statement by the Minority Leader on exploitation of minerals in Kilifi.

This is a very serious issue. I know a number of us have brought Statements in this House on the same topic, but maybe on different minerals.

Mr. Speaker, Sir, Sen. (Dr.) Khalwale, Sen. Mumma, Sen. Okiya Omtatah and I have brought statements here regarding the mineral exploitation of gold in western Kenya. This is a very serious issue. I hope the committee that handles minerals will provide answers to this House because this issue is nationwide and our people are being exploited unnecessarily.

On the issue of governors not appearing before us, we have the powers. I have read the statement by the Senate Majority Leader. How I wish we had taken a very serious step.

The County Public Accounts Committee (CPAC) and the County Public Investments and Special Funds (CPIC) Committee are committees of this House. Why do we not consider that, next Wednesday, we summon all the governors who have not appeared before us to appear before the committee of the whole House and explain why they have not appeared before the two committees?

I think that would be a serious step. After that, we stop disbursing funds to these counties. If we state it and leave it at that, none of these governors will appear before us. The contempt and rudeness we have seen in our committees should not continue.

Last week, during my committee meeting, the Governor of Samburu County appeared and openly displayed a poor attitude and rudeness towards the committee. This is not the way to go. These people should appear before the committee of the whole House and explain why they have not been appearing before the two important oversight committees.

I thank you, Mr. Speaker, Sir.

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

**Sen. Mungatana, MGH:** Thank you, Mr. Speaker, Sir. I wanted to comment on the statements by the Senate Majority Leader. The Governor of Tana River County should join the list of notorious governors who have failed to respond to and attend the Senate County Public Accounts Committee and there is a reason.

In the year ending June, 2025, 199 transactions totalling Kshs573 million were raised, but there were no corresponding purchase explanations. There were difficulties in matching invoices against the LPOs in the IFMIS. That is almost Kshs600 million that was utilised and cannot be properly accounted for.

Aside from that, some payments were made outside the IFMIS. The internet banking system of Tana River County in that year says that Kshs1,132,329 were payments made outside the IFMIS system. There is a reason why this Governor is dodging coming to account for about Kshs9 billion he is receiving. If you are making payments of more than a billion shillings without using the IFMIS system, something is really wrong with this Governor.

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

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

My Temporary Speaker, Sir, I propose that we strengthen the penalties further against rogue governors. Instead of just a Kshs500,000 fine, we should amend the Powers and Privileges Act to enhance it to Kshs5 million. They should pay personally from their funds, not the county government.

Also, we should have the power to order the immediate arrest of rogue governors. We have a Parliament Police Station that has a cell so that we can restrain these people. They have a real feeling of what stealing means, so that they stay there and---

**The Temporary Speaker** (Sen. Wakili Sigei): Please, give Sen. Mungatana one minute to just conclude on his sentiments.

**Sen. Mungatana, MGH:** Thank you, Mr. Temporary Speaker, Sir. These governors who are rogue should stay in the Parliament Police Cells until they pay the fine of Kshs5 million. If we can make this pain be felt directly by these governors, then we will stop the drainage of funds.

Mr. Temporary Speaker, Sir, this cannot go on. We cannot have governors who think this money belongs to them. We have never asked about how they use their salaries. We ask about how they are spending the county funds that belong to the people of Tana River County.

Shame on you, Mr. Governor, for the way you are misusing those funds. Shame on you for the lack of medicines in the hospital. Shame on you for the lack of---

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up, Sen. Mungatana. Sen. Wambua Enoch, you may proceed.

**Sen. Wambua:** Thank you, Mr. Temporary Speaker, Sir. Two quick comments.

One on the issue of the bodies lying at the Malindi Level 4 Hospital from Shakahola. There is dignity, but there is also indignity. Honestly, this is hardly a way of dealing with the dead in the African context and in the Kenyan context. It does not matter what explanations are available for this. You cannot have bodies lying inside a container, outside a public hospital and the relatives and the kin of those bodies are crying out to be given the bodies, to go and give them a dignified send-off. We leave it to the conscience

of the people responsible to handle that matter, but it is the biggest shame, a collective shame of our nation.

It shall be remembered that the collective decision by the governors not to appear before the CPAC of the Senate was made in Kilifi. While there, these governors would have used their time better to even address themselves to that issue of the bodies lying outside the hospital. The bodies in there do not just belong to Kilifi County. They are bodies of Kenyans across the country.

Perhaps, the governors who were making the loudest noise about not appearing are the ones who have their people's bodies lying in those containers. That would have been a better use of their time in Kilifi but that is not important. I want to say this and say it very clearly. These governors may collectively decide not to appear, but they must always be reminded that responsibility is personal, it is not collective.

The notorious governors, including your own governor, Mr. Temporary Speaker, Sir, the Governor of Bomet County, is one of those notorious governors who last week, or earlier this week, wrote a letter explaining why they could not appear before the CPAC. The reason why they could not appear, according to the letter, is that the governor had prior important and official engagements.

Now, I ask myself, this House and the governors, what more important official engagement would a governor have than to account for public resources given to them to serve their people?

**The Temporary Speaker** (Sen. Wakili Sigei): Give him one minute to conclude.

**Sen. Wambua:** Mr. Temporary Speaker, Sir, these governors, I am happy that we had a meeting today. I want to report to this House that because of the last appearance that the Inspector General (IG) had before the committee, he committed that he will be bringing governors that we order him to arrest and bring to us. We have decided that on Thursday next week, the Governor of Samburu County be brought before the committee in chains to answer to audit queries.

The IG should know that this is not a request; this is a directive. It is an agreement that we had with him, and committees of Parliament do not pronounce themselves in vain. Once the IG receives that official communication, I expect that the Governor of Samburu County will appear in chains on Thursday to answer to audit queries for---

**The Temporary Speaker** (Sen. Wakili Sigei): The one-minute debt to Sen. Wambua is over. Indeed, just to confirm what you said, the Governor of Bomet County declined to appear before the Senate committee. Besides that, there are other contempt proceedings of not only the committees but other courts out of corruption allegations. Sen. Khalwale, please proceed.

**Sen. (Dr) Khalwale:** Mr. Temporary Speaker, Sir, we made a mistake - I am saying this in contribution to the statement by the Leader of the Majority - when we gave governors a Bill that allowed them to be called His Excellency, to fly the national flag, their wives to be called First Lady, to drive around in sirens and allowed them a retinue of police officers as escorts, we created the African man syndrome in them.

Therefore, this proposal by the Leader of the Majority should be accompanied by exercising Article 225 of the Constitution on financial control that allows us to stop 50 per cent of the funds due to the defiant governors. I was surprised that the person reading

that statement was the Governor of Kakamega County; a man for whom the people of Kakamega are waiting to hear what he has to say about the Kshs240 million that he found allocated on the Butali-Malekha Road. Instead, he is today in a rally asking the President of Kenya to help him build the same road for which we want him to account for the Kshs240 million that was put in that account when he reported in office.

We want him to tell us what happened to the Kshs120 million that was meant to do the bridge and gap the road from Bushiangala all the way to Eregi that has got a crossover, and the budget and the money was in the account. We would like the Governor of Kakamega to tell the people of Kakamega, and I am glad that the party leader of Orange Democratic Movement (ODM) is here, what happened to the Kshs400 million that he put to the road from Mwiboma in Mumias all the way to Indangalasia. Three years down the road, he has not done anything.

We would like to know what happened to the Kshs600 million that was intended to do the road from Bulimbo Market in Harambee all the way to Khaunga. Instead, the guy has done only two-and-a-half kilometers, and the money is gone. These are the things his coming before the committee will clarify.

Finally, may I congratulate young Sen. Kajwang' and his team. Stay put when you are asking questions of why, why not and what not---

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Senator Boni. Had you asked for a minute, I would probably have given you, but you did not. In the circumstances, I will proceed to allow the next speaker, Sen. Faki, to proceed.

**Sen. Faki:** Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kuchangia kauli zilizoletwa Bungeni. Kwanza naanza na Sen. Madzayo kuhusiana na miili iliyobaki katika hifadhi ya maiti Malindi. Bunge hili lilichagua kamati maalum ya kuangalia mambo ya Shakahola. Moja ya mapendekezo yalikuwa ni kwamba ile miili iweze kupewa wenyewe mapema na waweze kuzika ili waweze kusahau masuala hayo. Lakini, ni masikitiko leo karibu miaka mitatu, bado tunazungumzia mambo haya ya Shakahola.

Baadhi ya mapendekezo ilikuwa ni kubadilisha sheria ambayo inaangalia taasisi za kidini. Sen. Mungatana alikuwa na shauku kubwa ya kuweza kupitisha sheria hii. Lakini nasikitika kuwa sheria hiyo pia iliweza kuondolewa baada ya kuchapishwa. Hivyo, katika masuala ya Shakahola, hatukuweza kupata chochote ambacho tutaweza kusema ilifanyika kwa sababu ya kamati hiyo na kwamba wananchi wataweza kufurahia.

Hii inamaanisha kwamba zile fedha ambazo Bunge hili lilitoa kwa masuala ya Shakahola ni pesa ambazo zilikwenda bure. Hata leo, bado watu wanalalamika miili haijazikwa. Ile container ya mortuary ambayo iko pale hata sio ya hospitali ya Kilifi; ni ya watu binafsi, Kenya Red cross; na labda wangeweza kuitumia pahali pengine vizuri zaidi kuliko kukaa pale na miili ikiendelea kuharibika. Hususan hivi sasa ambapo umeme unakuwa ni shida, Wabunge kadhaa hapa wameleta matatizo ya umeme katika kaunti zao, hata hapa Mombasa. Ipo haja suala hili kutatuliwa kwa haraka kwa sababu tayari kuna harufu inaudhi watu wako pale na ni kinyume cha maadili ya kiafya katika sehemu ile.

Mwisho ni kuhusu magavana ambao hawawezi kuja kujibu maswali katika Bunge hili. Mmoja wa Magavana hao ni Gavana wa Kaunti ya Mombasa ambaye pia ametoa sababu nyingi kukosa kuja katika Bunge hili kuweza kujibu maswali. Hivi nimeona

barua tayari kwamba tarehe 23, anatakikana hapa siku ya Jumatatu. Nina hakika hiyo tarehe 23 atakuwa na hafla nyingine ambayo itamwezesha asiweze kufika katika Bunge hili kujibu maswali mazuri ambayo yameandaliwa na Kamati ya uhasibu ili kuhakikisha kwamba fedha zetu zinatumika vizuri.

Ningeunga mkono pendekezo la Sen. Osotsi kwamba badala ya kuita Mawaziri jumatanu wiki ijayo, tuite wale Magavana ambao ni sugu kukataa kuja na---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Faki, I give you 30 seconds to conclude.

**Sen. Faki:** Waitwe hapa jumatanu wiki ijayo ili waweze kujitetea ni kwa sababu gani wanakiuka Katiba. Kukiuka Katiba ni moja ya---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Faki, you asked for 30 seconds.

**Sen. Faki:** They have not ended.

**The Temporary Speaker** (Sen. Wakili Sigei): Conclude, Sen. Faki, you are still on the Floor.

**Sen. Faki:** Moja ya sababu za kubanduliwa mamlakani ni kukataa kutii sheria na sheria inasema kwamba lazima waje katika Bunge la Seneti wajitetea kwa hesabu na ripoti zao ambazo zimetoka kwa mhasibu mkuu wa Serikali.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Wamatinga, please proceed.

**Sen. Wamatinga:** Thank you, Mr. Temporary Speaker, Sir. Although you have not made the communication, I would request upfront you add me a minute because the people sitting in the gallery are from my county. Since we might not be able to make the communication on time, I would want to request you to add me a minute to have the opportunity to welcome them.

**The Temporary Speaker** (Sen. Wakili Sigei): Now that you have brought that to my attention, resume your seat so that I can make that communication.

*(Interruption of Statements)*

## COMMUNICATION FROM THE CHAIR

### VISITING TEACHERS AND STUDENTS FROM SCHOOLS IN NYERI COUNTY

I would like to acknowledge the presence in the public gallery this afternoon of visiting teachers and students from Ndiani Comprehensive school, Kiaruthi Comprehensive School and St. Thomas Gatura Secondary School in Nyeri County. The delegation comprises 13 teachers and 89 students who are visiting the Senate for an academic exposition.

Hon. Senators, on behalf of the Senate and on my own behalf, I extend a warm welcome to the delegation and wish them a fruitful learning. Thank you.

In your contribution, Sen. Wamatinga, you also have an opportunity to welcome them under the timeline that is available to you, three minutes for the comments and one minute to welcome the delegation.

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

**Sen. Wamatinga:** Thank you Mr. Temporary Speaker, Sir. That is kind of you.

I take this opportunity to welcome the learners from Nyeri County. We go to the length of inviting learners to come to the Parliament because we want to show them what we do here. However, most importantly, we want to inspire them so that after we are gone, we will have people we will leave this country to.

Nyeri was known to be one of the best performers in Kenya academically. We know that the performance has declined over time and it is time we, as the leadership of Nyeri, take up our responsibility and guide them back to where we were those days.

*(Resumption of Statements)*

Mr. Temporary Speaker, Sir, having said that, I also take this opportunity to speak about the exploitative mining activities that are going on around the country. It is the responsibility of the leadership today to ensure that we do not only exploit the minerals that we have been bestowed with, but we also do it in a sustainable way, so that we do not leave a country behind depleted of all the raw materials for the future generation. We should also give our children the opportunity to find a country that is habitable.

That is why I take this opportunity to praise the President, His Excellency, President William Samoei Ruto, for his ability to see things differently, to create a vertical fund that does not require us to dig into our budget so that we can have alternative infrastructure development. Had we done this, the creation of a sovereign fund or an infrastructure development fund, we would be having a country that is far ahead and we also know that we have a journey to walk through Canaan to Singapore. We cannot do that unless we do things differently.

Mr. Temporary Speaker, Sir, allow me to add my voice to the statement that has been made by the Senate Majority Leader. The Senate and the governors are a creation of the Constitution. It is imperative that we honour this Constitution. It is also imperative that governors, as we, the legislators, also answer to the Constitution.

Therefore, it is important that we turn this House into a Committee of the Whole and summon all those governors who have been summoned by committees so that they can come and answer questions because it is our oversight mandate. This is to ensure that we represent our people, ensure that the resources allocated to the governors are getting to their rightful use and most importantly, they are able to account for it.

It is unacceptable, that we will have a governor who will say that he is not available or that he has other commitments. If they feel that they have other commitments, let them leave their positions to their deputies and go back to their usual life because it is their duty to appear before this House and explain how they have spent the public money allocated to them.

Mr. Temporary Speaker, Sir, I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Wamatinga.

Hon. Senators, it has just been brought to my attention that today is the last day for consideration of the Motion on extension of time for consideration of the Sugar General Regulations, 2025. Sen. Olekina, you will be the next person to speak after we transact the business that I am trying to guide the House on. I immediately suspend

comments on these statements, so that we transact on these regulations while we still have quorum. I plead with Members not to leave the Chamber, so that we take a vote on these regulations and immediately thereafter, we will resume to comment on the statements.

I will rearrange the Order Paper and ask the Clerk to call Order No. 8. Hon. Senators, please, do not leave the Chamber.

*(Interruption of Statements)*

## MOTION

### EXTENSION OF TIME FOR CONSIDERATION OF THE SUGAR (GENERAL REGULATIONS, 2025)

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Gataya, the Chairperson, Delegated Legislation, proceed to move the Motion.

**Sen. Gataya Mo Fire:** Thank you, Mr. Temporary Speaker, Sir. I beg to move-

THAT AWARE THAT the Sugar (General Regulations, 2025) Legal Notice No. 167 of 2025) and the Sugar (Imports and Exports) Regulations, 2025 (Legal Notice No.168 of 2025) were tabled in the Senate on 6<sup>th</sup> November, 2025, and referred to the Select Committee on Delegated Legislation for consideration pursuant to Section 12(1) of the Statutory Instruments Act;

COGNIZANT THAT the Committee is required to make a report within 28 sitting days after the date of referral of the instruments by the Senate pursuant to Section 15(2) of the Statutory Instruments Act which will lapse on Tuesday, 17<sup>th</sup> March, 2026;

AWARE THAT Section 15(3) of the Statutory Instruments Act provides that, by a resolution, Parliament may extend the time for consideration of a Statutory Instrument by a period not exceeding 21 calendar days;

NOTING THAT the Committee requires additional time to consider issues arising from stakeholder consultations and to allow for further engagement on the Regulations;

NOW THEREFORE, the Senate, pursuant to Section 15(3) of the Statutory Instruments Act, resolves to extend the timeline for the consideration of the Sugar (General) Regulations, 2025 (Legal Notice No. 167 of 2025) and the Sugar (Imports and Exports) Regulations, 2025 (Legal Notice No. 168 of 2025) for a further 21 calendar days to enable the Committee to conclude its consideration and table its report on or before, Tuesday, 31<sup>st</sup> March, 2026.

Mr. Temporary Speaker, Sir, I request Sen. Dr. Danson Buya Mungatana to second.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Mungatana.

**Sen. Mungatana, MGH:** I thank you for giving me the opportunity to second this Motion.

This is a very simple Motion that seeks to give time to the committee, so that we can look at these Sugar Regulations, 2025 (Legal Notice No. 167 and Legal Notice No. 168 of 2025).

When the committee engaged with the Tea Board of Kenya (TBK) and the leadership, they explained to us the need for restructuring how tea leaves can be delivered in a more effective manner than the way it is being done now. They also said that there are practices that need to be codified. What is happening on the ground is not what the regulations that the RMA, the Regulating Meting Body, was reflecting in what was given to us. They needed time to also look at what is practically happening on the ground and what needs to be codified in the regulations.

For us sitting at the committee, we want to make sure that in this period, the tea sector will have regulations that will help the farmer. Where does the small-scale farmer sell his leaf? Who is the person who will buy? What kind of contractual arrangements are going to be there? For the transportation, who is going to bear the costs? All these things need to be done in such a way that this Senate will have a reason to say that during our time, we made sure that the tea sector has been regulated in a manner that helps the small farmer to gain maximum benefits.

Mr. Temporary Speaker, Sir, I urge the colleagues who are seated here to allow us to finish this work. This is a request that came from the Tea Board of Kenya and we acquiesced to it. We said we will come back to the Senate and ask for extension of time because according to the rules as moved by the Chair, the time was going to lapse. This would have meant that the regulations would not go on as envisaged. So, I urge colleagues to allow us the time.

With those few remarks, I beg to second this Motion.

Thank you.

*(Sen. Lemaletian stood in her place)*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Lemaletian, take the next seat to you.

Thank you.

*(Question proposed)*

*(Several Senators stood in their place)*

Sen. Cherarkey, Sen. Murgor, and the Senate Minority Leader, please take your seats.

Hon. Members, having proposed the question, this Motion is available for your comments. However, it being a Procedural Motion with your concurrence, I propose that I proceed to put the question.

*(Loud consultations)*

Hon. Senators, I take note of Sen. Cherarkey's concern, but the majority are in concurrence that we proceed to put the question. Therefore, I will proceed.

Pursuant to Standing Order No.84(1), I make a determination that the matter does not affect counties and therefore proceed to put the question.

*(Question put and agreed to)*

Thank you, Hon. Members.

*(Resumption of Statements)*

We will now go back to the Statements, for purposes of continuation of the comments by Members.

Sen. Olekina Ledama, please, proceed

**Sen. Olekina:** Thank you, Mr. Temporary Speaker, Sir. I rise to make some brief comments on the statement by the Senate Majority Leader on the absconding of accountability by the governors. Accountability cannot be boycotted. This afternoon, I would like to speak directly to the Senators in this House, particularly the Senators both in the County Public Investments and Special Funds Committee (CPISFC) and Senate County Public Accounts Committee (CPAC)

There is no need for us to throw jabs at each other, insult the governors or speak harshly to them. The only thing we need to do is for us to use the legal mechanism, which is available. Their accountability is entrenched in the Constitution. When it comes to the issue of oversight---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Olekina, there is a point of order from Sen. Cherarkey. I will allow him to raise the order. Give him the microphone.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, I rise on accuracy of facts as stated on Standing Order No.105. Is it in order for the distinguished Senator of Narok County, whom I have tremendous respect for and whose Governor has appeared before Senate the CPAC, to say Senators are insulting governors? In fact, the governors are worse because they name and shame some of us without even going through any procedure. Is it in order to say we are insulting governors? Can he withdraw and apologise? Article 96, is clear. We do oversight. We do not insult anybody. Is he in order?

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Olekina, you have heard the point of order by Sen. Cherarkey.

**Sen. Olekina:** Mr. Temporary Speaker, Sir, there is a reason why people become number one or last in class. If the distinguished Senator would be patient and listen to my submissions, then he would understand that I said, there is no need for us to throw jabs at each other. I never, at any point, made a statement that Senators are insulting governors. If we could pay attention, it would really help us a lot.

Mr. Temporary Speaker, Sir, I would like to go back to my submissions.

Senate oversight is entrenched in the Constitution. Articles 96, 125, 226, all the way to 228, demand for accountability. So, when governors choose to ignore the summons, we must come back and ask ourselves, why are these governors ignoring the summonses? Were the summonses worded clearly? What are the intended and unintended consequences of those summonses?

Mr. Temporary Speaker, Sir, I would like to persuade Sen. Moses Kajwang', who is the Chairperson of CPAC, and Sen. Osotsi, the Chairperson of CPISFC to use the legal mechanism which is already laid out clearly, to call governors to account. Accountability is personal and not collective. That is one thing that governors must be reminded.

*(The amber light at the Clerk's Table was switched on)*

Mr. Temporary Speaker, Sir, I request for three minutes because my time was interrupted.

**The Temporary Speaker** (Sen. Wakili Sigei): Finish your time first because you still have got 53 seconds. After that, we will consider your request.

**Sen. Olekina:** Mr. Temporary Speaker, Sir, it is time we started issuing summonses. I am not of the opinion that we should start calling governors to come to plenary because we have able committees that can carry out the work that they have been given. Calling them here either indicates that we do not have powers to ensure that governors appear here.

Article 125 of the Constitution is very clear. The Senate has the power to summon a witness from anywhere in the world to appear before a committee to respond. Article 226(5) of the Constitution is also quite clear---

**The Temporary Speaker** (Sen. Wakili Sigei): Give Sen. Olekina 90 seconds. Please proceed.

**Sen. Olekina:** Thank you, Mr. Temporary Speaker, Sir. Article 226(5) states that if a holder of a public office misappropriates funds, that person is liable; whether in office or outside office. Therefore, there is no point of us beating ourselves because governors have decided not to appear.

What is important is that we must ask ourselves simple questions. When we summoned, were those summonses worded clearly and did they indicate the consequences? We have Section 19 of the Parliamentary Powers and Privileges Act which is quite clear. It has got penalties. The last time I checked, it was about Kshs500,000 but we wanted to amend it to Kshs5 million and also five years in prison---

**Sen. Cherarkey:** On a point of information!

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Olekina, Sen. Samson Cherarkey wants to inform you. Do you want to be informed?

**Sen. Olekina:** Absolutely.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Senator for Nandi.

**Sen. Cherarkey:** By the way, my brother Sen. Ledama, you spoke very well when we were in the funeral. Thank you for that.

Mr. Temporary Speaker, Sir, I wanted to inform Sen. Ledama that we have issued summonses to about 10 governors and it is well worded that they must appear. I am

happy that the Governor of Narok, Hon. Ole Ntutu, appeared. We have about 10 governors who were issued with summonses. Yesterday they were issued to governors of Nairobi, Kericho and Kisii. I thought my brother should benefit from that because that is under the Parliamentary Powers and Privileges Act.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Senator.

**Sen. Olekina:** How much time do I have?

**The Temporary Speaker** (Sen. Wakili Sigei): You have got 45 seconds.

**Sen. Olekina:** Mr. Temporary Speaker, Sir, for me to conclude my submissions, let me just reiterate that accountability cannot be boycotted. You may run away from it today, but tomorrow when you are sitting down in your manicured mansion compound under a beautiful umbrella tree, the law will catch up with you. If you look at the Public Finance Management (PFM) Act---

This is what I normally say. Governors do not sign any cheques. The people who sign cheques are Chief Officers (COs) and County Executive Committee Members (CECMs). In fact, the CECM for Finance is the head of treasury. Sen. M. Kajwang', the Chairperson of County Public Accounts Committee (CPAC), it is time you came up with a proper legal framework to ensure that you call these people to account.

Mr. Temporary Speaker, Sir, I do not know if I can conclude---

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up, Sen. Olekina.

Senate Minority Leader, Sen. Madzayo, the Chair has acceded to your request. I want to give you the opportunity to proceed to comment.

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika wa Muda, kwanza, ningependa kuunga mkono kauli iliyoletwa na Kiongozi wa Wengi katika Seneti, Sen. Cheruiyot. La muhimu ni kwamba lazima kuwe na uhusiano bora baina ya Maseneta hususan walio katika kamati yetu ya kuchunguza matumizi ya pesa katika---

*(Sen. Cherarkey consulted loudly)*

Bw. Spika wa Muda, nitetee kidogo.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, be a good student of discipline in class.

*(Sen. Cherarkey spoke off record)*

Get assisted, then resume your seat. Proceed, Sen. Madzayo.

**The Senate Minority Leader** (Sen. Madzayo): Shukrani, Bw. Spika wa Muda. Vile vile ningependa kusema kuwa serikali zetu za kaunti zinazoongozwa na magavana zinatakiwa kuwa na majukumu na kila mtu anajukumika kisheria na kikatiba. Ni jambo la kusikitisha kwamba hivi sasa hatuelewani na ndio sababu kumekuwa na mushkil. Sisi kama viongozi wa Seneti tutafanya bidii. Ningependa kuwahakikishia kwamba tutafanya bidii kuona kwamba tunaketi chini ili kuondoa tofauti zetu. Sioni jinsi gavana anaweza kuja hapa na kuuliza swali ambalo tutakosa kujibu.

Ukipata mwaliko wa kuja katika Seneti ili kueleza mambo fulani yanayotokea katika utendakazi wako na matumizi ya pesa, sioni kama hilo ni jambo mbaya. Gavana

anafaa kufika hapa na kujieleza. Akishafanya hivyo, inakuwa ndio hivyo na kuwachia Seneti kuandika ripoti yake. Kwa hivyo, tusichukulie kama ni jambo ambalo tunataka hatua kali ichukuliwe.

Katika utendakazi wetu, tunaweza kuketi na kuongea. Nina uhakika kwamba tunaweza kufaulu na hatimaye tukawa na mwelekeo mwema sote pamoja. Kila mtu akikunja ngumi, hasara inakuwa kwa kaunti zetu.

*(The amber light at the Clerk's Table was switched on)*

Bw. Spika wa Muda, niruhusu dakika mbili ama moja ili kumalizia.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Madzayo, I will add you one minute.

**The Senate Minority Leader** (Sen. Madzayo): Bw. Spika wa Muda, yote tisa, kumi ni kwamba ni sharti magavana waje mbele ya kamati za Seneti ili kujibu maswali yanayohusika na matumizi ya pesa. Hawafai kusema kwamba hawatakuja kwa sababu hivyo sivyo Katiba inavyosema. Katiba inasema kuwa ni lazima magavana waje mbele ya kamati za Bunge ili kujibu maswali na hatimaye ripoti kuandikwa kuhusiana na masuala hayo.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Mundigi.

**Sen. Munyi Mundigi:** Asante, Bw. Spika wa Muda, kwa kunipa nafasi ya kuchangia mjadala unaoendelea kuhusu magavana kuitwa katika kamati za Seneti. Naunga mkono kuwa magavana wote ambao wamekataa kuja waandikiwe barua ili waje kujibu maswali kwa sababu wakati tunapitisha kuwa pesa ziende katika kaunti 47, huwa wanatulilia tuongeze pesa ili mahitaji ya kaunti yashughulikiwe kwa njia nzuri.

Namshukuru Gavana wa Kaunti ya Embu, Mheshimiwa Cecily Mbarire. Wakati mambo haya yamekuwa yakiendelea, amehudhuria mara mbili. Amekuja na kujibu maswali bila kujali mambo ya awali. Aliona ni vizuri kuja kujibu maswali hata kama yeye ni Mwenyekiti wa chama cha United Democratic Alliance (UDA).

Mimi kama Seneta wa Kaunti ya Embu, nasema kuwa gavana yeyote ambaye amekataa ni vizuri aje na kujibu maswali ili watu wajue kazi inafanyika namna gani. Ningependa Gavana wa Nairobi aje kwa sababu kuna mambo mengi sana ambayo yamefanyika.

Tunakumbuka kioja kilochofanyika katika ofisi za Kenya Power. Alienda akachukua takataka na kufunga njia. Haikujulikana kilichotokea kabla ya kuamua kuwe na dialogue.

Bw. Spika wa Muda, Mungu ameleta mvua, lakini, wakati mvua imenyeshwa, wafanyikazi wa kaunti kama vile gavana, wanafaa kujua kama drainage iko sawa. Tumeona magari mengi yamebebwa na maji na watu wengi wameaga dunia. Hata kuna watu wa Kaunti ya Embu ambao walikuwa pale; kuna kijana mmoja alikuwa anazikwa jana. Kwa hivyo, magavana kama vile Gavana wa Kaunti la Jiji la Nairobi, lazima waje wajibu maswali kuhusu mambo ya drainage.

Kaunti ya Jiji la Nairobi inaendelea vizuri ijapokuwa watu ni wengi na magari ni mengi. Lakini, Gavana yafaa aje ajibu maswali vile ambavyo barabara zitatengenezwa; kama zitakuwa dual carriage au bypass.

Nikimalizia, Kaunti yaa Jiji la Nairobi ni kama mama ama baba wetu. Na tunajua kwamba hii kaunti ndio ina deni kubwa ya Shilingi bilioni 100. Contractors wengi wamefariki dunia na wengine mali yao kuchukuliwa wakabaki wakiteseka. Kwa hivyo, naunga mkono kauli ya kwamba, magavana waitwe na wa kwanza awe Gavana wa Jiji la Nairobi. Pia, Vice-Chairperson wa magavana, Gavana wa Kaunti ya Tharaka Nithi, kujipiga kifua, ni picha mbaya sana katika Mount Kenya. Yeye pia anafaa aitwe na Kamati.

Asante, Bw. Spika wa Muda.

**Temporary Speaker** (Sen. Wakili Sigei): Sen. Maanzo Daniel Kitonga, proceed.

**Sen. Maanzo:** Thank you, Mr. Temporary Speaker, Sir. I would like to comment on the statement on the killings by police.

As you have heard from the statement requested by Hon. Cherarkey, the incident was at the University of Nairobi (UoN), Kikuyu campus. Recently, we saw what happened in Sen. Eddy Oketch's county and many other incidents including attacks on politicians and nothing happens at all.

There must be a way the Constitution is fulfilled in this. It is not just about compensation to young people who get killed by police either intentionally or accidentally. Under the law, there can only be a misadventure or somebody with intention, carelessly or negligently kills another person. There is no case of misadventure in the current situation.

Clearly, the police have been errant such as in the case of Nandi County where young people were beaten up. Up to today, no report or an update has been filed by the police department or whether, the Independent Police Oversight Authority (IPOA) has done anything.

I am aware that there are quite a number of prosecution cases that they have done. For example, the one that happened in Makueni where a young child was killed in a place called Kambu. The police officer has now been arrested and in fact, has been denied bail by the High Court in Makueni, for having threatened witnesses, just before he was arrested by IPOA.

I think that particular case is commendable. I personally pushed for it when this lady had been arrested and her child beaten to death by a police officer in Kambu Police Post. I am happy some justice is happening. However, there are more than 100 other cases where we need to see action especially, where maandamano was involved.

Whether maandamano or no maandamano, life is very important. It is very important that everybody lives and their life should not to be taken away illegally. Even in a case where somebody is sentenced to murder, nowadays, under the new Constitution, it is commuted into a life sentence. This shows how important the life of young Kenyans is, especially. Some leave their homes without knowing that they will accidentally die just like Rex Masai, who was on his way to work and found riots in town. Some out of excitement, just came to this House and lost their lives through police. The promise to compensate their families is not sufficient, you cannot---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Maanzo, thank you.

Sen. Mandago, proceed.

**Sen. Mandago:** Thank you very much, Mr. Temporary Speaker. I rise to comment on the statement by the Senate Majority Leader on appearance of governors in the two oversight committees of the Senate. I speak here as a two-term governor who faithfully and dutifully attended all the summons in the Senate to account for the resources that were given to my responsibility as the governor of Uasin Gishu County.

I urge the current governors that; you cannot run away from accountability, whether now or in the future. In fact, my advice to the governors is that, you are better off sorting your audit queries when you are still in office because you still have access to documents and records for the activities or services you rendered to the people with the money that we appropriated to your counties.

It is quite unfortunate when you hear some governors saying that they cannot appear, yet, every other financial year before revenue is shared between the national and county governments, they are always at the doors of the Chairperson of the Committee on Finance and Budget and the entire Senate asking that we support them to get additional resources.

Mr. Temporary Speaker, Sir, from when devolution started in this country in 2013, a county such as Uasin Ngishu started with an allocation of Kshs3.5 billion. Today as we speak, courtesy of the Senate of the Republic of Kenya, Uasin Gishu County receives over Kshs10 billion every financial year. It would therefore be callous of governors to imagine that they can receive such enormous amount of resources and fail to account for them.

I agree with Sen. Ledama that those governors must receive summons and appear before those committees. If they fail, there are options for them to be frogmarched by the police to forcefully appear.

We also ask the other sister institutions responsible for accountability that when a governor refuses to appear and answer to those audit queries before the Senate, then the Ethics and Anti-Corruption Commission (EACC) must kick in and straightaway, take that matter to court. I remind governors that the opportunity to appear before the committees is to enable them explain how the funds were used in what has been queried and avail documents where the documents have not been availed. Failure to do that, the EACC must kick in immediately. You are being given a bridge between being taken to court for those audit queries and to respond and explain before the two accountability committees of the Senate and the entire Senate.

We remind governors that the Senators that sit in those committees do not sit there on their own behalf. They sit on behalf of the Senate---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Lemaletian Hezena, proceed.

**Sen. Lemaletian:** Thank you, Mr. Temporary Speaker, Sir. I rise to contribute to the statement by Sen. Cherarkey of Nandi County on the role of the Council of Governors (CoG) in appointments to various boards, task forces and committees.

The whole purpose of devolution was to ensure that each county has a representation at the national level and that there was equitable distribution of the national cake across the whole country especially, in the most marginalised parts of this country such as Samburu and Turkana counties.

In my view, there was need to also refer this statement to the Committee on National Cohesion, Equal Opportunity and Regional Integration, so as to ensure that there is equal representation taking into consideration very important factors such as religion, ethnicity and regional diversity.

There is also the case of double remuneration where people are employed twice, which we have been hearing a lot about it in the mainstream media. It is very sad to know that this is happening in our country when majority of our youth are jobless and deserve these positions.

When I was working for one of the State Departments before I joined this honourable House, I was very disappointed that there were people there who had already surpassed the retirement age; people who were supposed to be back at home taking care of their great-grandchildren. They were there trying to beep computers yet we have so many unemployed people and youth across the country. There is need to also right size and ensure that the people who are employed are fit for the job.

Last but not least, when it comes to marginalisation, those of us who come from marginalised parts of this country understand the pain of not being included in the sharing of the national revenue and national cake. It is even more crippled by the fact that we do not have sufficient representation in offices that matter. The work and role of these national boards is very critical. This is where they make very key decisions that influence how much resources are being pumped or distributed across the whole country. Therefore, it is very imperative that this matter is taken into serious consideration. I am happy that it is coming before my Committee on Devolution and Intergovernmental Relations.

Thank you, Mr. Speaker, Sir.

**Sen. Gatya Mo Fire:** Thank you very much, honourable Temporary Speaker. I rise to support the statement made by the Majority Leader to the effect that accountability is not the creation of any committee of this House. It is a constitutional obligation. I do not want to mention names, but I do not know where those people have got those powers to avoid accounting for the resources that are being given to them by this House.

Remember that we have been very instrumental in making sure that we devolve resources to the counties. Actually, we work in unison across the board, all the Senators, to make sure that all the counties have their money. The last few weeks, we had equitable share where some 11 counties benefited from some millions of money for those counties that are marginalised.

When a governor fails to appear before a committee to account for the resources, that act borders on criminality and abuse of law. I agree with the sentiments of quite a number of Senators who have expressed some dismay. It is important that we summon those governors before the committee of the Whole House so that those governors that have been wrong, can come and explain to the House why they have not been able to appear before the committees that are supposed to oversight them.

This is important. It is not something that we can negotiate. We are not the creators of the Constitution. The Constitution is a Kenyan document. It is not the creation of any committee of this House. So, when a governor fails to appear before the committee to account for the resources that have been given to them by the Constitution or a committee

of this House, that borders on criminality, abuse of law and we must compel those governors to appear before those relevant committees to say what they have been able to do with that money on behalf of the people that they represent in their respective counties.

I support, honourable Temporary Speaker.

**Sen. Methu:** Thank you very much, Mr. Temporary Speaker, Sir. I want to comment on this statement that has been sought by the Leader of Majority.

Thank you very much, Mr. Temporary Speaker, Sir, for indulging us to make comments on this. It has never and it shall never be a favour or a privilege for a governor to appear before the Senate to answer questions that have been raised by the Auditor-General. Sometimes many people confuse many things. We are not the first and we are not the primary. We do not hold the primary responsibility on audit of counties. This is audit that has already been carried out by the office of the Auditor-General. There are documents that have been requested by the Auditor-General and you are not able to provide them. That is why it is raised as an audit query.

Mr. Temporary Speaker, Sir, if governors were really as clean as they purport to be, they would have provided the documents at the first point of audit. This is because once you provide those documents at the point of audit, you get unqualified audit opinions and it is not a feat that has not been achieved. I think the Governor for Makueni has already achieved this particular feat. Therefore, it should not even be disturbing the Senate that you are appearing or not. Why do you not first provide these documents because they have been sought for?

It cannot be and we must compel governors to appear before the Senate. We have to use every available tool to ensure that governors appear before the Senate. As it has been aptly put by some of my colleagues - in fact, why I find this statement a bit defective is because we are speaking of them appearing before CPAC. This is a chronic disease across all committees, both the CPISFC and the other committees that you people threw me to - into the Committee on Education, we were expecting to have the Governor for Isiolo yesterday, but he did not appear.

The governors are refusing to appear before the Senate through its committees. I had to scan through the Constitution. If there is one word that has been repeated consistently, including Chapter 13 on public service, in terms of values and principles of public service, one of them is efficient, effective and economic use of resources. Another one is accountability for administrative acts. Another one is transparency and provision to the public, of timely and accurate information.

Mr. Temporary Speaker, Sir, what the Senate is asking for are the documents of expenditure that have happened in our county governments. As I wind up my thoughts on this particular matter, it cannot be that the governors are our friends. They---

**The Temporary Speaker** (Sen. Wakili Sigei): Give Sen. Methu 30 seconds.

**Sen. Methu:** Thank you very much, Mr. Temporary Speaker, Sir. It cannot be that governors are foaming in the mouth when they are telling us to push the equitable allocation from the national Government to Kshs450 billion or Kshs500 billion and when they get the money, they do not want to account for it. We must ensure that we force them and the word is "force". We must force them to appear before the Senate, so that

they come and say; what have you been doing with all this money that we are sending to the counties.

Thank you, Mr. Speaker, Sir.

**The Temporary Speaker** (Sen. Wakili Sigei): Lastly, I will allow the Chairperson of CPAC, Sen. M. Kajwang', to comment on this statement or any other statement for that matter that was earlier on raised.

Sen. Kajwang', proceed.

**Sen. M. Kajwang'**: Thank you, Mr. Temporary Speaker, Sir. I deliberately chose to speak last because I wanted to get the advice and counsel of my colleagues. I have taken a lot of points from Senators on how we should proceed with this matter.

I thank the Majority Leader for seeing it fit to issue that statement. When this matter first came up, I made it very clear that it is not a personal matter. It is not about certain individuals that sit in certain committees. It is an institutional matter where another institution sits down and looks for loopholes and backdoors that they can use to avoid being held accountable.

Mr. Temporary Speaker, Sir, I thank your office and the leadership of this House for, never at any point, making this an issue about the personalities in various committees, but an issue about the institution of the Senate. As a chair of the CPAC, I am aware that I hold that position in trust. It is this House that has mandated me to be the chair of that committee. I will take the advice. I will take the proposal made by the Majority Leader, that if a governor refuses to come and you send the police to arrest them and bring them here, that will prove that we are not powerless. We have power as a House that makes laws, divides revenue, allocates revenue and determines the formula. The laws we make cannot be powerless in the face of a small group of governors who have decided to exercise impunity.

I assure the House that we shall take proper legal advice. The Minority Whip has asked us to ensure that everything we do is lawful and we shall ensure that everything we do is within the confines of the law. We shall look at jurisprudence, if there have been any court decisions in the past that can guide our actions and subsequent recommendations to the House.

Mr. Temporary Speaker, Sir, on behalf of the committee I lead, and I see some of the members are here, Senior Counsel Omogeni, Sen. Wambua, several others and many other members - Sen. Methu has been a member of that committee including, Sen. Ledama Olekina, the author of the first fiduciary risk report, that we shall remain firm, we shall be steadfast, we shall stand with this House, we shall stand with the people. Ultimately, the money that goes to counties does not go to the pockets of governors. It goes to provide medication, seeds, fertiliser and all those other public goods that our people deserve.

We shall never at any point encourage this House to reduce allocations to county governments. That must be made clear. County governments should continue to get more and more because governors come, governors go, but counties and the Senate will always remain.

I thank the Majority Leader for bringing that statement.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, that brings us to the end of comments to the statements. For purposes of further processing the business of the House, I will rearrange the Order Paper and call Order No. 20.

## BILL

### *Second Reading*

#### THE HEALTH (AMENDMENT) BILL (SENATE BILLS NO.12 OF 2025)

**Sen. Omogeni:** Thank you, Mr. Temporary Speaker, I am moving the Health (Amendment) Bill, 2025. The gist of the amendment is that I propose to amend the Health Act by inserting a new Section 7.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Omogeni, you know you are senior to quite a number of us in the House. Kindly proceed to move the Bill appropriately.

**Sen. Omogeni:** Sorry, Mr. Temporary Speaker, Sir. I beg to move that, the Health Amendment Bill, Senate Bill No.12 of 2025, be read a Second Time.

**The Temporary Speaker** (Sen. Wakili Sigei): You may now proceed.

**Sen. Omogeni:** The amendment proposes to amend the Health Act 2025, by inserting a new Section 7A to address a number of issues affecting those who are not able to pay medical bills that are incurred in our public hospitals and in some cases, private hospitals.

I am sure that all of us, Senators from our respective counties, have had instances where those we refer to as hustlers, who are not well-endowed financially, get attended to in hospitals and incur medical bills, but because they do not have the economic means, they end up not paying their medical bills, either in public or private hospitals. What has been happening, which is very unfortunate, is that hospitals have resorted to recovering their debts by either detaining patients in some instances, detaining mothers and their babies in hospitals as a way of holding them in *lien* until their debt is paid.

The proposal on the table, through this amendment, is to outlaw any detention of a patient or a corpse due to an outstanding fee incurred in relation to any treatment offered in a health facility. To make that proposed amendment effective, Section 7A(2), proposes that anybody who is in charge of a health facility who contravenes that section that outlaws detention, commits an offence.

Thirdly, so that we have a buy-in from the Government, I have proposed in Clause 3 that the Cabinet Secretary responsible for Health will make regulations on the enforcement of this proposed amendment. I emphasise, before the honourable Senators here, that this amendment is anchored on a number of constitutional rights that are guaranteed in our Constitution of Kenya, 2010. We all know that when that Constitution was enacted, it created a very vibrant Bill of Rights. Some of the rights that were guaranteed to Kenya is what is found in Article 43 of the Constitution. I do not want to read the entire of Article 43, but in a nutshell Article 43 states that-

---

**Disclaimer:** *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

“Every Kenyan is entitled to a right to the highest attainable standard of health, including the right to access health services.”

This right belongs to the rich, the mighty and the less privileged within our society. I am sure that when Kenyans enacted Article 43, they knew that amongst us there were those who are not well-endowed financially to meet their bills the way me and other honourable Senators are able to. Therefore, the fact that a Kenyan does not have the financial means to meet certain financial obligations, especially when that Kenyan is in need of health care services does not mean that they lose their dignity. Worse still is the fact that there are some fundamental articles in our Constitution that are breached any time you detain a patient because of inability to pay their medical bills.

Mr. Temporary Speaker, Sir, being a lawyer, you know what is provided for in Article 29 of our Constitution, which states that nobody should be deprived of their liberty arbitrarily. By detaining a patient who has walked into a health facility, received medical attention until they settle their bills, that is tantamount to arbitrary depriving that citizen of their liberty.

Second, Article 28 of our Constitution obligates all of us, Kenyans, to ensure that any treatment that we vest on any Kenyan incorporates human dignity so that anything that is inherently degrading to any Kenyan is a clear violation of Article 28 of our Constitution.

As a person from the great county of Nyamira, I have had personal experiences where mothers have given birth in hospitals and have been detained for more than a month with their babies because of inability to pay their medical bills. In one instance, and that is what has moved me to come with this amendment, a poor mother was detained. I do not want to give her name because I want to respect the dignity of that Kenyan. She was detained in a hospital and because she was not able to pay her bills, she was forced to sleep on the floor with her child. The hospital said that only those patients that would pay their bills would be allowed to enjoy the facilities of a bed and a mattress. Just imagine that kind of degrading treatment.

In another instance, I had to intervene when our national referral hospital detained a patient who was knocked down by a vehicle and was rushed by police to Kenyatta National Hospital (KNH) for emergency treatment. After staying in that hospital for a record 58 days, that poor Kenyan incurred a bill of Kshs1.7 million. When he passed on, the hospital refused to release the body insisting that they were detaining it as *lien* for recovery of the debt.

Mr. Temporary Speaker, Sir, you are a lawyer and know that in law, one cannot claim property in a dead body. We all know that there is no property in a dead body. Therefore, to end this degrading treatment, we propose legislation to make it criminal for any health facility to detain a person solely due to inability to pay medical expenses incurred in a hospital.

As a country, we are moving towards Universal Health Coverage (UHC). We contribute significantly to the Social Health Authority (SHA) fund to support those unable to pay for the insurance. Every Senator contributes Kshs43,000 monthly, while some Kenyans pay as little as Kshs800. We pay more to ensure that the less privileged in

society benefit from our contributions. There is no justification for Parliament to continue witnessing the suffering of Kenyans.

What I have stated this afternoon is incorporated in our Constitution and backed by international standards and conventions. Under Article 2(6) of Constitution of Kenya, 2010, any treaty or convention ratified by Kenya shall form part of our laws. The International Covenant on Civil and Political Rights (ICCPR), ratified by Kenya, in Article 11 states that; no one shall be imprisoned merely for inability to pay a debt or discharge a controversial obligation. If international conventions acknowledge that it is unlawful to detain someone for inability to pay a debt, on what basis would a hospital detain a patient or a corpse?

Near home, the African Charter on Human and Peoples' Rights (ACHPR) also ratified by Kenya states that no one may be deprived of freedom except for reasons and conditions laid down by law. In particular, no one may be arbitrarily detained. By allowing our health facilities to detain Kenyans due to inability to pay medical expenses, we are contravening our Constitution and international conventions. Every act done by those hospitals is unconstitutional.

Further, there is no law that allows anybody to detain another person as a means of debt recovery. Hospitals can sue for a civil debt. If the person refusing to pay is in a well-paying job, you could garnish their salary. You have all those options.

In fact, the issues I am raising this afternoon, as I move this amendment have been tested in our courts of law. On numerous occasions, courts have been faced with cases on detention of patients in hospitals or detention of corpses for non-payment of bills and have ruled that detention of such patients is unlawful, arbitrary and unconstitutional. There is no doubt that what is provided for in the Constitution has received favour from our courts through judicial pronouncements.

I have also looked at prevailing international standards. In the United Kingdom (UK), under the National Health Service, patients cannot be detained in hospitals simply because they are unable to pay hospital bills. The emphasis, just like in Article 43 of our Constitution, is that the obligation is to ensure that if a patient is brought to a hospital, failure to give medical attention can be criminalised but not inability to pay medical bills. In the U.K., hospitals do not have the legal power to detain a patient for unpaid medical bills. You will not find any instance where a hospital has detained a patient for inability to pay their medical bills.

In the United States of America (USA), the Emergency Medical Treatment and Labour Act places emphasis on the obligation to attend to an emergency and treat a patient first before dealing with debt recovery. Detention due to non-payment of bills is illegal. Hospitals may file lawsuits or affect credit ratings, which we do in Kenya, but they cannot detain patients or corpses. If, for instance, I took a member of my family to a hospital and I run away from paying my debts, you could list me under the credit rating to damage my reputation or file a lawsuit. If you get the court orders, you could garnish my salary or if I have any asset, come after me.

In Rwanda, there is a strong public health approach to ensure that the poor access healthcare services. Looking at many jurisdictions, we do not find places where this bad practice of detaining patients is encouraged or tolerated.

Therefore, in moving this Bill, we want to send a message that we value the less privileged in our society and acknowledge their right to access medical services. They must be treated in a dignified manner, not undignified. Detention of patients for non-payment of bills or holding them hostage is a practice that this Senate should condemn by enacting this particular Bill so that we ensure that Article 43 has rights that can be enjoyed by all Kenyans.

I am sure, if I asked Sen. Wambua or Sen. Mungatana or my good friend, Chair of the Committee on Labour and Social Welfare, Sen. Murgor, these are instances that have affected one or two or even many of their residents from their respective counties. I seek the support of hon. Senators so that this Bill can see the light of day. This way, the great people of the Counties of Kitui, Nyamira, West Pokot and Tana River, can enjoy the rights that are enshrined in Article 43 of the Constitution.

Mr. Temporary Speaker, Sir, I do not want to take a lot of time. I want to donate time to my friend, Sen. Wambua, to second this Bill. I urge Senators to back this Bill that will bring smiles and dignity to those who are underprivileged in our society.

I beg to move and ask Sen. Wambua to second.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Senior Counsel Sen. Omogeni. In fact, as a matter of precedence, the pronouncements the courts have made on this have used some specific quotes, including the fact that you cannot punish poverty to the extent that if---

Sorry, there is a problem with the microphone. Try it now. It is up on my end. You are now on, Sen. Wambua. The system has picked up. You may need to use the Dispatch Box.

**Sen. Wambua:** I thank you, Mr. Temporary Speaker, Sir. I am not sure about many things, but I am sure that this is not sabotage in any way.

I rise to second the Health (Amendment) Bill, 2025, as ably moved by Senior Counsel, Senator for Nyamira, Sen. Omogeni, who is also our Commissioner. In seconding this Bill, I want to begin by thanking the Senator for Nyamira for taking time to think through the issue of detention or confinement of patients and worse still, corpses in hospitals and hospital morgues.

I fully support the proposed New Section 7A(1), which seeks to outlaw the detention of patients or corpses on account of non-payment of fees. Further, it moves the next step to propose a penalty for breach. It does not stop there. It also provides solutions for hospitals to recover their monies where patients are unable to promptly pay up.

Mr. Temporary Speaker, Sir, because you have made reference to the courts, I want to draw the attention of this House to what I would personally, as a layman, consider a landmark ruling in this respect. It is the case between Emma Muthoni and the Nairobi Women's Hospital. Emma was admitted to the facility on 23<sup>rd</sup> March, 2018, discharged on May 14<sup>th</sup> of the same year, but detained at the facility for five months until October 19<sup>th</sup> on account of non-payment of the hospital bill. The court pronounced itself in a manner that I thought perhaps then would set the stage for other hospitals and health facilities, in determining how to deal with patients under their care.

The court found that detention of Emma and by extension, the detention of any patient in any hospital, infringes on the constitutional rights and fundamental freedoms of

a person under Article 28 on human dignity, Article 29 on the freedom and security of the person, Article 39 on the freedom of movement, and of course, specifically Article 43 on the right to access the highest attainable standards of health.

Most of the facilities that detain patients or corpses argue that they have no mechanism of getting their bills paid at a later date. One of the things that we must do and this law will help us to do, is to strike a healthy balance between the right to access the highest attainable standards of health for the patient and also the right for hospitals and health facilities to do clean, profitable business.

I must appreciate that the rise of legitimate private facilities, in itself, is a statement on the inability of public health institutions to adequately take care of the health needs of our citizens. Going further down, the mushrooming of fake health facilities is also a statement on the ability or inability of both private and public health institutions to sufficiently address the health needs of our citizens.

Mr. Temporary Speaker, Sir, that is the reason that the Speaker of the Senate led all of us, while sitting in Lodwar, Turkana County, between 25<sup>th</sup> and 29<sup>th</sup> September, 2023, during the Senate Mashinani. It shall be remembered that it was during that sitting in Turkana County that the Senate passed an enabling legislation towards the attainment of universal healthcare. We had a very robust engagement and both sides of the aisle of the Senate came up with legislation that we thought would now make some of these practices a thing of the past.

Mr. Temporary Speaker, Sir, as a consequence of the legislation that we passed, as the Senator for Nyamira County has reminded us, you and all of us in the Senate and all the Members of the National Assembly are paying every month Kshs43,000, every month, towards the attainment of universal health coverage. Ideally, all of us who are privileged to be in formal employment or in big businesses should ensure that Kenyans who are at the bottom of the economic pyramid can access the same healthcare both in private and in public institutions.

The expectations of Kenyans and those of us in leadership were that, after passing these very critical pieces of legislation, the talk about mothers and children being detained for months without end in hospitals for lack of payment of hospital bills that have fallen due would clearly become a thing of the past. Unfortunately, we are still there.

I hope that on the strength of this amendment by the Senator of Nyamira County, added to the other pieces of legislation on UHC, we shall ultimately bury this bad behaviour and bad manners on the part of hospitals to detain patients in hospitals and corpses in mortuaries. We all live in this country. We have heard the vigour with which the President of the Republic has spoken on the need to actualise universal health coverage. We have heard the President of the Republic--- I am very sure the Senator of Tana River County has heard this and will confirm if he gets a chance to contribute to this Bill. The President has actually told Kenyans that if you go to a health facility and people are asking you to pay for treatment, call the police because you should not be paying for treatment. I will say that Kenyans are not just being asked to pay for treatment, they are being detained on account of hospital bills and mortuary fees.

As I move towards the conclusion of my seconding of this Bill, I want to go back to what you said as you called on me to second this Bill. You cannot criminalise poverty. Nobody chooses to be at the bottom of the pyramid economically. Everybody would want to live well. It is almost obvious that as long as we are here, as long as we are among the privileged Kenyans, others should not suffer the indignity of being detained in a hospital for lack of payment of hospital bills. What is good for us is good for every Kenyan in terms of healthcare. I do hope and pray that even as we debate this proposed amendment, we remember that it is a matter of great national interest across the country. For Kenyans living in areas that consider themselves to be on the Government side, and those who live in areas that are on the opposition side, health does not discriminate against economic status.

It should be incumbent upon all of us in the Senate, to pass this proposed amendment and make sure that the passing of this amendment will be the last piece of legislation that we will pass before Kenyans begin to enjoy the real fruits of the UHC.

Those of us who subscribe to the Christian faith--- I know the Senator for Nyamira is a very strong Seventh Day Adventist (SDA), he subscribes to the Christian faith, he reads the Bible and he told me that at some point he was a member of the Pathfinders. I do not know whether he is still there or he has outgrown it.

*(Sen. Omogeni spoke off the record)*

He says he is old; he is past that, but those of us who read the Bible, and a lot of us in this House do--- I am very sure the secretariat also reads the Bible. At some point, a woman in the Bible anointed the feet of Jesus with very expensive oil. Some people, including some of the disciples, amongst them, Judas, who later betrayed Jesus and was the carrier of the purse, complained. They said; “that oil could have been sold and the proceeds distributed among the poor.” Jesus said; “the less privileged would be with you all the time but I am with you for a while.”

Mr. Temporary Speaker, Sir, that testimony by the Son of God, which was captured in the Synoptic Gospels of Matthew 26, Mark 14, and John 12, is a reminder to all of us that we must be prepared to take care of the less privileged members of our society all the time. It is not an emergency. Having people who are less privileged in our society is not an emergency. It is a constant, something that we must prepare for, afford and accord them the dignity that is due to humanity.

With those remarks, Mr. Temporary Speaker, Sir, I second.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Sen. Wambua.

*(Question proposed)*

The Bill is now available for contribution by Members, and I will invite Sen. Mungatana to contribute to the Bill.

**Sen. Mungatana, MGH:** Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to make my contribution in support of this amendment. I start by

congratulating the honourable Okong'o Omogeni, who worked on this Bill for it to reach this stage.

I am very proud because the honourable Senator was my classmate at the university. I am so glad that he has continued to maintain these high standards of work. I fully agree with the statements in seconding this Bill by my neighbor, Sen. Wambua, for saying what really has been happening. Sen. Wambua has said that Kenyans are suffering and we have the responsibility to make sure that the lives of our people who brought us here, will be better by the time we leave this place.

The courts in Kenya have been very consistent on this matter. In the case of *Kenyatta National Hospital vs Harun Mwau*, the court stated very clearly, in its holding, that a corpse cannot constitute a collateral. You cannot hold a corpse as a collateral for debt. You have the option of civil recovery. In the case of *JMV vs the Attorney General*, the High Court held that detaining a body violates human dignity and also their right to family. In this case, the court gave an outright order that, that body must be released forthwith.

The High Court, in the case of *Ochieng and others vs the Kenyatta National Hospital*, stated again, restating the principle that medical bills are civil debts, and civil debts have a procedure for recovery under civil law. The court said if the hospitals want to enforce their rights to the debt that has occurred, they have a right to institute civil proceedings and recover the money, but they cannot detain the body of a person who has left us.

In Tana River County, we hold people who have passed away in very high regard. I have no known case in Tana River where the public or even private hospitals have been able to detain a body because our customs on all the tribes, be it the Pokomo, the Orma, the Wardei, the Monyoyaya, the Wailuana, the Wata and all the tribes that are in our county, hold the deceased person in very high regard. We cannot, under any circumstances, allow a hospital to hold a body because they want to enforce a debt. This has never happened in our county. At least, I can report something good. It is against the African customs and it goes everywhere.

In South Africa, the courts there have said that holding a body to enforce payment by a hospital is not only against human dignity and illegal, but is also against cultural rights which rhymes with what we do in Tana River County. The courts have said it many times, but we need to codify this law. That is why I congratulate the honourable Senator. Amending the law to bring in Section 7(a) now makes it a criminal offense for any hospital or any official to withhold that dead body.

As we pass this law today, I want to announce to all Kenyans and to the private hospitals because they are the biggest crooks and offenders in this area, that if they think that you can hold a body of a person while people are grieving, you are looking for money even in a dead body. We are saying that we will not wait for the courts to make a ruling. We will not wait for an order of the courts; we will arrest you. We will file a formal complaint in a police station. Your case is criminal. You will be taken to court and from your nice hospital gown, we shall change that into a nice prison gown.

We want this to go to everyone. As we process this law today, you must stop this evil habit that is coming from the bottom of hell. This country needs to treat every citizen

equally. Whether you are broke, you have money or you are in the middle, you must be treated fairly, especially where you are dealing with very strong emotions when your beloved person leaves the world.

Mr. Temporary Speaker, Sir, I will be personal here. I remember when I lost my first wife. I was in that hospital watching a person that I had spent a number of years with and got beautiful children with, losing life as their organs failed one after another and there is nothing I could do. Even in a privileged position where I could call a brain surgeon, a heart surgeon, a kidney specialist, or any specialist, I knew that if they tried using too much medicine, it would interfere with the blood. So, this specialist was arguing with the other specialist not to put in too much. Finally, we could see that it was multiple organ failure. I came out of that theatre and my kids were looking at me.

Mr. Temporary Speaker, Sir, imagine if in that situation I was not able to raise the money for the body, I was struggling with the children and all the emotions and I could not get the body. That would have been the worst punishment you can give a person who has lost a loved one. This is what Kenyans are going through. We needed this law like yesterday. I would like to urge every Senator who will speak to this Bill to enforce the fact that you cannot punish poverty. Let people lay their beloved ones in dignity.

What is so important with this money that people do anything for it, including holding a dead body? We are going to leave it all here. We will never carry it outside this place. Every person who has narrated a near-death experience or those who have gone and said they went and came back, never say that what they saw were visions of money. There is no money there. There is no American dollar nor the Kenyan shilling there. There are no banks or central banks there.

Mr. Temporary Speaker, Sir, they say they have seen angels. They say they have seen their grandmothers or their fathers who went before them. Life is superior to these things that we hold so dearly to. I will go back to the hospitals again. Those who are still in this backward practice of holding people's bodies; shame on you for putting money ahead of people's lives.

My honourable colleague, Sen. Okong'o Omogeni, gave the international experience and spoke about the UK correctly. I will add that in the United States of America (USA), even though the law varies between states, the general principle is that you cannot hold a dead body. What you need to do is to recover from the estate of the deceased person. Alternatively, the insurance company can pay for you.

In India, the Supreme Court has outlawed that practice. What we are doing today is what is the standard practice out there. In the Philippines, it was normal to hold bodies as *lien* so that the owners of the body can pay that debt. However, even in the Philippines, they have now passed a law to say that is never going to happen again.

Mr. Temporary Speaker, Sir, I would like to say that the message must go out there. Let us not commercialise death. Let us not hold bodies of the departed. Let us even start now, before this law is signed by the President. Let us practice it. Those who are not doing it must know that the courts are ahead in this one and it is wrong for you to do that. However, if you insist, once this law is codified and is signed by the President, then all we will do is to arrest you, people, and put you with the worst criminals.

I urge the officers in charge of prisons that when they see a doctor, an owner of a hospital or an official who has been brought because he was detaining a body of a departed one, they should be put in the worst cells. He should be put with the worst gangsters, the ones who can squeeze his head so that he is squeezed at night. When he goes to court in the morning, he should be denied bail, returned back and squeezed again because he is a worse criminal than any other type of criminal we know.

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

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Samson Cherarkey, please proceed.

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity.

From the onset, I support The Health (Amendment) Bill (Senate Bills No.12 of 2025). For the first time, I would like to congratulate my successor, the Chairperson of the Senate Standing Committee on Justice, Legal Affairs and Human Rights (JLAHRC), Commissioner Okong’o Omogeni. Senior Counsel. If you are going to churn brilliant and Solomonic Bills like this on the Floor of the House, then we will surely be proud of what you are doing.

Mr. Temporary Speaker, Sir, this Bill will be revolutionary. I am happy that the courts have gone ahead of us by making serious and decisional precedence on matters to do with detention of dead bodies. Sen. Okong’o Omogeni will agree that whenever we are on recess or away for the weekends in Bomet, Nyamira, Nandi and Tana River counties, most of the harambees are due to dead bodies which are detained or unpaid medical bills which have been justified.

Mr. Temporary Speaker, Sir, this is very unfortunate. You have been in this game of politics and leadership for some time, so you know that this is very costly. Most families have lost their property and lives.

I would like to empathise and sympathise with my brother, Sen. Danson Mungatana. Many people are treating depression, sugar and pressure, because either their sick people are detained over unpaid bills or the dead bodies are detained. I wish Sen. Okong’o Omogeni would have also included the detention of people who have recovered but still are detained. As Sen. Mungatana has said, the courts have also decided that detaining people who have fully recovered in wards without releasing them is unconstitutional, abuse and violation to human rights. I hope that at the Committee Stage, we will add that in terms of introduction of Section 7(a) to the Health Act of 2017, which our brother has aptly put. These matters need to be addressed.

Mr. Temporary Speaker, Sir, as I made my opening remarks before going to the substratum, there is a small matter of Nairobi Hospital. There are many hospitals which are done privately, either run by religious organisations or the Kenya Association of Medical Doctors in the country. What is happening in Nairobi Hospital is very unfortunate.

I thank the President for trying to intervene on this matter. As much as we have these health facilities across the country, they must be run professionally. What is happening at the Moi Teaching and Referral Hospital, Eldoret is a sorry state. Outright

theft, complacency and corruption is thriving in our hospitals, even in referral hospitals. That is why the President tried to intervene.

Mr. Temporary Speaker, Sir, the Commissioner, who is our employer, is the Mover of this Bill. He knows that Nairobi Hospital used to be listed as one of the hospitals providing medical services to the employees under Parliamentary Service Commission (PSC). Recently, it went down and out of the wisdom of the Parliamentary Service Commission, it was removed from the list because it was no longer providing services that Members needed.

Mr. Temporary Speaker, Sir, since these are health matters, we must be fair to this country. I see people asking why the President is involved but they are not telling the nation that all the Presidents of the Republic have been patrons of the Nairobi Hospital, starting with Mzee Jomo Kenyatta, Daniel Toroitich Arap Moi, Mwai Kibaki, Uhuru Kenyatta and now William Ruto. It is provided that the president is the custodian of the hospital. I think colleagues want to score political *bonga* points, which is very unfortunate. We want our hospitals to function; from Kipsamoite Dispensary in Mosop to KNH and other private hospitals.

The Moi Teaching and Referral Hospital (MTRH) is being underfunded. There is also the issue of corruption. There is money that was lost through mismanagement of the e-Citizen platform and bad governance. I am talking about public referral hospitals because they detain patients over unpaid medical bills. They also detain dead bodies, which is very unfortunate.

*(Sen. Omogeni spoke off record)*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, the senior counsel, Sen. Omogeni, knows how to attract the eye of the Chair, but he has not done so. You may proceed until such a time that he will appreciate the process of seeking the intervention of the Chair.

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, what I was trying to put across is that---

*(Sen. Methu walked into the Chamber)*

It is good that Sen. Methu has just walked in when I am driving the point hot and dry---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, please hold on. The Senior Counsel is attempting to catch the eye of the Chair. Are you willing to be informed by Sen. Okong'o Omogeni?

**Sen. Cherarkey:** Mr. Temporary Speaker, Sir, senior counsel can always inform me on these matters only.

**The Temporary Speaker** (Sen. Wakili Sigei): All right. Proceed, Sen. Omogeni.

**Sen. Omogeni:** Mr. Temporary Speaker, Sir, I just wanted to inform Sen. Cherarkey. He has made some pronouncement to the effect that the Parliamentary Service Commission (PSC) has removed the Nairobi Hospital from facilities that are

enlisted to provide medical services. I wanted to inform him that statement may send a wrong message that the Nairobi Hospital is no longer enlisted with Parliament. That is not the case because it is still enlisted by the PSC. There was some misunderstanding, but it is still empaneled. Therefore, you can seek medical attention from the Nairobi Hospital.

**The Temporary Speaker** (Sen. Wakili Sigei): Fair enough. Proceed, Sen. Cherarkey.

**Sen. Cherarkey:** Thank you for that information. As the crisis happens, I hope services will also improve because it is one of the premium hospitals in the country. I hope the PSC will also do due diligence because the last time I went there, services were not good. I hope they will rectify. I had to stay over two hours before receiving medical attention. Therefore, the President's intervention was very timely in terms of ensuring good governance and corporate responsibility.

I would like to send Sen. Methu to his new-found political soul mate, the former Deputy President, to advise him to keep off matters to do with health. They can do politics with anything else but not health. Let us allow the health sector to thrive. If you look at the number of people registered with SHA, Nyeri County, which is the home county of the former Deputy President is leading.

Yesterday I was happy when I listened to *Sauti ya Mwananchi* on *Citizen Television*. There is a woman who said that she was owed Kshs165,000 and SHA paid Kshs145,000. That means that SHA is working. Let us look for other things that we can do politics with and not with the lives of Kenyans.

Mr. Temporary Speaker, Sir, let me continue driving my points hot and hard. I am happy that Sen. Methu has been writing notes as I speak so that he can convey it verbatim.

Under Article 43(2) of the Constitution, seeking of medical emergency is a constitutional right. I agree with Sen. Mungatana that these private hospitals must tell the country what law they are using to detain dead bodies and the people who have recovered. The Senior Counsel is familiar with the small claims court where they pursue debt recovery during civil proceedings.

Mr. Temporary Speaker, Sir, the other day, I was shocked with Mr. Tuju's case because, equally, a bank loan is a civil matter which should be pursued in a civil manner. If, for example, Sen. Methu fails to pay a civil debt, you commit him to civil jail and do recovery.

Mr. Temporary Speaker, Sir, you are one of the senior lawyers of the United Democratic Alliance (UDA) and my former attorney in other matters when I was fighting the other regime. I also thank Senior Counsel, Sen. Okong'o Omogeni, whom within two minutes, had completed two charges. In fact, I am wondering why he is still a Senator, he should be the Chief Justice or the Governor of Nyamira County. You remember that because he was on record.

This is a civil matter. Even Mr. Tuju's case with the bank is a civil matter and the police should not be involved. We must tell ourselves that we need to obey the rule of law under Article 10 on national values and principles of good governance.

Doctors took what we call a hippocratical oath to protect lives, not to get money. I am not against doctors. They are my good friends. I know a number of my friends who

own private hospitals. We value what they do for this country but there is no justification to detain a dead body over an unpaid bills. The courts have ruled debt recovery as a civil case.

I am proud of my lecturer of law, Prof. Nixon Sifuna, who taught me civil litigation for the landmark ruling last year, 2025. A *boda boda* rider called Moses Mutua moved to court because the wife had passed on. He had paid Kshs250,000 and Kshs650,000 and yet, the bill had escalated from Kshs2.6 million to Kshs3.3 million in Mater Hospital. I will give the House the full citation for the purposes of the HANSARD. The citation of that case was *Moses Mutua and another, versus registered trustees of Masi Kenya and Mater Hospital*. On 29<sup>th</sup> September, 2025, my distinguished lecturer of law, Prof. Nixon Sifuna, delivered a ruling that set precedence.

He declared the following: That, it is immoral, unafican, illegal, unconstitutional and abuse of dignity of humans to detain a dead body, yet, the debt can be recovered through civil proceedings. I advise our private and even public hospitals to hire lawyers if they do not have them yet.

I am proud that when the history of this House will be written, Sen. Cherarkey will stand among the leaders who stood for the downtrodden, and this law which is very important. There are other cases that have set precedence such as, the famous case of *Kinoru versus Abib Hospital* in Petition 512 over unlawful confinement.

During Christmas or Ramadhan Kareem, you will find governors, such as the Governor for Nairobi City County, walking into Mbagathi Hospital and saying that he has waived hospital bills for the patients who had been detained as if it is a favour. It is a constitutional right. When will we stop my colleague politicians from walking to hospitals and telling people that they have released them? They are not Jesus Christ, it is the---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, when the House resumes, you will have eight minutes remaining to conclude on your contribution to this Bill.

## ADJOURNMENT

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, it is now 6.30 p.m. time to adjourn the Senate. The Senate, therefore, stands adjourned until tomorrow, Wednesday, 18<sup>th</sup> March, 2026, at 9.30 a.m.

The Senate rose at 6.30 p.m.